

**REPORT OF CYPRUS ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2010–2012

Information on the focal point for the Convention

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

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

Decision from the Council of Ministers ratifying the Convention (date 15.4.1999, No. 416/99)

Ratification Law on the Environmental Impact Assessment in a Transboundary Context (No.24(III)/1999)

Convention entered into force for Cyprus: 18.10.2000

Law on the Assessment of the Environmental Impacts of certain public and private projects (No.140(I)/2005 and its amendments (2012))

Indicate any further measures to implement the provisions of the Convention that are planned for the near future.

Ratification of the SEA Protocol is planned in the near future.

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

Department of Environment, Ministry of Agriculture, Natural Resources and Environment as focal point for the implementation of the provisions of the Convention
Ministry of Foreign Affairs for transboundary issues.

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

Department of Environment, Ministry of Agriculture, Natural Resources and Environment

5. *Does your country have special provisions for transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?*

No

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

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

The list of Activities in Appendix I is fully transposed into Cyprus national legislation (Law 140(I)/2005 Appendix I and II)

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

Yes.

PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country's public as required in article 2, paragraph 6?*

According to article 24(3) (b), the public of the affected Party is given all the necessary information through the competent authority of the affected Party and has the possibility, before the Environmental Permit is given, to submit their opinion and participate, through its competent authority in consultation procedures.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

There is a 30-day period in which the interested party publishes the submission of an EIA to the competent authority and the public uses these 30 days for accessing the related information, submitting opinions or having consultations. This has the same effect to the affected Party.

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

Article 24(1) of Law 140(I)/2005 states that the affected Party is informed no later than the date where the public of the party of origin is informed.

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

According to Article 24(I) of Law 140(I) 2005 the affected Party receives a description of the project with any other available information regarding any possible significant environmental impacts this project may cause to the affected Party, and complete information of the possible decision(s) that may be taken.

If the affected Party wishes to participate in the process of assessing the environmental impacts of the project, the party of Origin sends, additionally, the following information: the application and date of submission, the contact person / authority for the application, a copy of the EIA report, any other additional information submitted, a statement regarding the nature of the possible decisions to be taken, if available, information regarding the procedure to be followed for assessing the EIA and information regarding the publication of the notification.

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, "within the time specified in the notification"), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

There is no provision in the legislation for extending the deadline.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

No.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

The competent authority informs the affected Party that the public can submit their opinion before the final decision.

- f. *When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

There is a notification in two local newspapers regarding the submission of the EIA to the competent authority. The notification includes: the fact that the proposed project will be assessed according to the national legislation and that article 24 (transboundary effects) of Law 140(I)/2005 will be implemented, the date of submission of the EIA and the public service or private person responsible, the nature of the possible decisions and the nature and location of the proposed project.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?*

Same as above.

- h. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not.*

The same information is included in the notifications.

11. *Does your country make use of contact points for the purposes of notification, as decided at the first meeting of Parties (ECE/MP.EIA/2, annex III, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

There was no need up to date to use the contact points mentioned above.

QUESTIONS TO AFFECTED PARTY

12. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

The competent authority performs an initial assessment and indicates whether the proposed project will have any transboundary effects that will impact Cyprus. It is important to note that since Cyprus is an island, with no land borders, the possibility of a transboundary impact is limited to certain large projects located in neighbouring countries.

- b. *The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

There is no provision in the current national legislation.

- c. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

There is no provision in the current national legislation.

- d. *When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

There is no provision in the current national legislation.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

- a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

Annex III of the EIA Law (No. 140(I)/2005) includes all the necessary information that need to be included in a EIA report.

- b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

Annex I and Annex II include all proposed projects that a preliminary EIA report (projects in Annex II) or a full EIA report (Annex I) is needed.

- c. *The identification of “reasonable alternatives” in accordance with appendix II, paragraph (b);*

According to Annex III, paragraph 2, the EIA report must include information regarding the alternatives examined and provide reasoning (environmental impacts) on the selection of the specific type of project.

- d. *The procedures and format for providing the EIA documentation domestically;*

The EIA report and all related documents are available to the public through the EIA archive and through the competent authority’s website. Also, the EIA assessment is also available through the same means.

- e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

Same as above.

- f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

There is a 30-day deadline for the public to submit their opinion regarding the content of the EIA report or the impacts to the environment. The opinions are distributed to the members of the EIA Committee and are taken into consideration in the assessment process.

- g. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

Same as above.

- h. *The procedures for public hearings domestically;*

No such provision in the national legislation.

- i. *The procedures for public hearings held on the territory of the affected Party.*
Same as above.

QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

- a. *The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

The “reasonable time” mentioned in the national EIA Law for deadline regarding documentation to be submitted to the Party of origin is a 30-day period according to national case laws. The EIA documentation is submitted to the competent authority of the Party of origin. No practical experience exists.

- b. *The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

Same as 13(f). The authority responsible for the execution of the abovementioned procedure is the Department of Environment of the Ministry of Agriculture, Natural Resources and Environment.

- c. *The procedures for the examination of the EIA documentation domestically.*

According to the national EIA Law the EIA documentation is examined by the EIA Committee and an opinion is issued by the Environmental Authority.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for cooperation with the affected Party related to consultations;*

In case of a proposed project with transboundary effects, the competent authority informs the competent authority of the affected Party information regarding the proposed project (description and complete information regarding the possible decision) and provides the affected Party with reasonable time (30-day period) for informing the party of Origin whether they would like to participate at the consultation and assessment phase of the EIA report.

- b. *The stages, procedures and deadlines for consultations with the affected Party;*

If the Affected party decides to participate in the assessment process, then the following information is sent in a reasonable time: the application, date of submission, copy of the EIA report and any other additional information submitted, statement regarding the nature of the possible decisions, information regarding the EIA assessment process and information regarding the publication of the notification and any opinions submitted.

The competent authority of the Party of origin ensures that the affected Party and the public will have the opportunity, before the final decision, in reasonable time (30-days) to submit their opinion on the proposed project. The competent authority will also proceed with consultations with the affected Party regarding the possible major environmental impacts and potential mitigation measures. Both parties agree for a time-period of consultations before the final decision is taken.

- c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

The consultation process domestically is as follows: when an EIA report is submitted to the competent authority, a notification is published in two local newspapers and the EIA report and all additional information is available to the public through the EIA archive and the internet. There is a 30-day time period for submission of opinions, and the EIA Committee takes them into consideration in the final decision.

QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for interaction with the Party of origin related to consultations;*
No provision in the national legislation.
- b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*
No provision in the national legislation.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

Final decision is the opinion of the Environment Authority which is sent to the Town and Planning Department or the Public Authority who are responsible for issuing the final decision for the implementation of the activity. The terms and conditions of the opinion should be taken into consideration before the final decision.

- b. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

Same as above. The term used in the national legislation is "opinion" (γνωμάτευση) and all projects in appendix I require such a decision.

- c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

The opinion is sent to the Town and Planning Department or the Public Authority and the members of the EIA committee. It is also posted on the Environment Department's web site. The opinion is also sent to the competent authority of the affected party.

- d. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1)?*

Yes in the assessment process.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

If additional information becomes available that will likely have important environmental impacts, then a new/revised EIA report needs to be submitted and the same process follows.

Article 7

Post-Project Analysis

18. *Indicate the legal requirements in your country, if any, related to:*

- a. *Post-project analysis (art. 7, para. 1);*

According to article 22 of Law 140(I)/2005, after the permit is issued for the proposed project, the Town and Planning Department or the Public Authority who are responsible for issuing the final decision informs the Environment Authority of the content of the decision, the way the public opinion was taken into consideration in the final decision, and the mitigation measures included for avoiding or minimizing any negative impacts.

- b. *Procedures for informing of the results of post-project analysis.*

The Environment Authority informs the public and the members of the Committee, as well as the Affected Party in case of consultation, through the internet and two local newspapers of the final decision. Also, the information is available at the EIA archive.

Article 8

Bilateral and multilateral agreements

19. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

No.

20. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

21. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No.

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

22. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

No. No specific date can be given at this stage for ratification.

23. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

No. No specific date can be given at this stage for ratification.

24. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

No. No specific date can be given at this stage for ratification.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; and the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

No, there is no list of transboundary EIA procedures since Cyprus is an island and there were no consultations related to transboundary projects.

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

No.

27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

N/A

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD 2010–2012

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

N/A

29. Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others:

a. Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?

N/A since no transboundary cases yet.

b. Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions have your country applied?

N/A since no transboundary cases yet.

c. How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?

N/A since no transboundary cases yet.

d. Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?

N/A since no transboundary cases yet.

e. Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;

N/A since no transboundary cases yet.

f. Has your country carried out post-project analyses and, if so, on what kinds of project?

N/A since no transboundary cases yet.

g. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);

N/A since no transboundary cases yet.

h. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?

N/A since no transboundary cases yet.

- i. *Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

N/A since no transboundary cases yet.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

N/A since no transboundary cases yet.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

N/A since no transboundary cases yet.

- b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

N/A since no transboundary cases yet.

- c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

N/A since no transboundary cases yet.

CLARITY OF THE CONVENTION

32. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?*

N/A since no transboundary cases yet.

AWARENESS OF THE CONVENTION

33. *Have your country undertaken activities to promote awareness of the Convention among stakeholders (e.g., the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

No.

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

We have not studied extensively the improvement of the application of the Convention.

SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

N/A

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