

National Report of Greece on Directive 2003/4/EC on Public access to environmental information .

(According to the E.C. Guidance Document on Reporting about the experience gained in the application of Directive 2003/4/EC concerning on public access to environmental information.)

1.GENERAL DESCRIPTION

Directive 2003/4/EC on public access to environmental information was transposed through Joint Ministerial Decision(JMD) 11764/653/2006 (Official Journal of the Government (OJG)327B/17-3-2006).

Besides Convention on access to information ,public participation in decision-making and access to justice in environmental matters(Aarhus Convention) of the United Nations Economic Commission for Europe (UNECE), was ratified by the Greek Parliament in December 2005 through Law 3422/12-12-2005 (OJG A 303 /2005) .

According to the reports received by administration at national and regional level concerning implementation of Directive 2003/4/EC, public authorities make available environmental information held by or for them to any applicant at his request at a satisfactory degree and in most cases within the deadlines set by law .Officials are generally supporting the public in seeking access to information and only a few quasi-judicial recourses at administration level before the Special Committee provided by Law 1943/99(art.5 para 13)have been submitted for the modification or reconsideration of the acts or omissions of a Public Authority regarding public access to environmental information. As a main problem and obstacle is reported lack of human and other resources (staff and funding)

Citizens Service Centers (CSCs) have been established in Regions, Prefectures and Local Authorities all over Greece , by law 3013/2002,which are assisting effectively the public in dealing with Public Administration, and in accessing information ,documents and lists of Public Authorities.

Environmental information can be accessed on the official site of the Ministry of Environment Energy and Climate Change www.minenv.gr (YPECA) and the establishment of the Aarhus Clearing House Mechanism is on going.

Ministry of the Environment, Energy and Climate Change operates monitoring systems to assure the production and update of environmental data for several environmental sectors: Air Quality, Air emissions, Water Quality and Quantity, Industry, Emissions etc (see under 8).

The National Network of Environmental Information (NNEI) is a horizontal mechanism for the collection and dissemination of data, through intranet or internet, in relation to the main environmental sectors (air, water, nature, waste, emissions, 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. The project for the modernization and extension of the network is being completed today under the E.C. Structural Funds.

Additional Information on the legal framework :

In Greece there is a complete legal framework on accessing to environmental or other information.

Convention on access to information ,public participation in decision- making and access to justice in environmental matters(Aarhus Convention) of the United Nations Economic Commission for Europe (UNECE), was ratified by the Greek Parliament in December 2005 through Law 3422/12-12-2005 (Official Journal of the Government A 303 /2005) .

The right of access to information is not limited only to environmental issues.

*This right has been increasing in significance since, according to the **Hellenic Constitution the competent service or authority is obliged to reply to requests for information and for issuing documents**, especially certificates, supporting documents and attestations within a set deadline not exceeding 60 days, as specified by law. In case this deadline elapses without action or in case of unlawful refusal, in addition to any other sanctions and consequences at law, **special compensation is also paid to the applicant**, as specified by law. (article 10, para.3 of the Hellenic Constitution 1975/1986/2001).*

*The right of access to information and to electronically handled information is also provided in Article 5 A of the Hellenic Constitution where it is stated that **facilitation of access to electronically handled information, as well as of the production, exchange and diffusion thereof constitutes an obligation of the State. It is generally considered that according to the above Constitution provisions' a general civil right of access to information is established.**The right to access to official documents is also ensured by Law 1599/86(art.16)as well as by Law 2690/1999 regarding “**Administrative Procedure Code**.*

2.Experience gained

The impacts of the implementation of Directive 2003/4/EC so far are positive.

Due to an increased environmental awareness of the civil society and the public in general there is an increased number of applications on accessing to environmental information. This contributes to transparency and builds a trust of citizens towards Public Authorities, ameliorating public consultations and facilitating public participation in decision making process.

Of course in Greece there was already a legal framework on accessing to information long ago and for that reason there was already some experience on this issue. Hellenic Constitution (1975/1986/2001) as well as the Administrative Procedure Code (Law 2690/1999) contributed to public accessing to information and documents .Besides repealed Directive 90/313 also focused on public accessing to environmental information.

Concerning problems and obstacles in accessing to environmental information problems may occur by:

- Lack of resources (staff, funds for copies e.t.c.)

- Administrative burden due to lack of staff and because in some cases request is general and officials ask the applicant to specify the request, assisting him also in doing so .
- In many cases due to the complexity of requested information , a collaboration with other authorities is required which is time consuming.
- A possible excess by the Public Authorities of the provided time limits – which are generally respected - due to lack of staff and consequently heavy workload is reported as a possible obstacle in the implementation of Directive.

Concerning problems and obstacles in the dissemination of environmental information possible problems may occur by :

- A possible delayed flow of information to the Central Administration
- A possible delay in rendering in public of Reports and data
- Lack of staff .

As a conclusion the implementation of the first pillar of Aarhus Convention through Directive 2003/4/EC constitutes an important step forward to ensuring a sustainable environment for future generations and the experience gained so far, despite identified problems is positive. Greece believes that the possibility for governments to work together with civil society provides the foundations for effective environmental protection.

3.Definitions (Article 2)

3.1 In general no particular difficulties concerning the interpretation and management of the definition “environmental information” were met. Limited difficulties identified in some cases such as the required annual balance sheet of a legal person performing public administrative functions under national law and some difficulties raised concerning the exceptions and in particular the identification of confidentiality of industrial information.

3.2 According to JMD 11764/653/2006 (OJG 327B/17-3-2006)Article 2 para 2 through which Article 2 para 2 of the Directive 2003/4 was transposed:

As “Public Authority is considered :a.) Government and Government institutions, Public Administration ,Local Authorities, legal persons of public law , including public advisory bodies, at national ,regional or local level.

b.)any natural or legal person performing public administration functions, (duties) under national law(Legal persons of Private law) including specific duties, activities or services in relation to the environment;

c.) Any natural or legal person having public responsibilities or functions or providing public services, relating to the environment under the control of a body or person falling within a or b. ,excluding bodies(institutions),when acting in a judicial or legislative capacity.

Some examples of the types of the above mentioned bodies under Article 2 para 2 letter b are the so called legal persons of private law eg : National Center for the Environment and Sustainable Development,(NCESD-EKPAA), The Athens Water Supply and Sewerage Company SA(EYDAP SA), Public Power Corporation SA (PPC S.A.),Public Power Corporation Renewable SA (PPC Renewable SA)etc and some examples under letter c : Organisation for Planning and Environmental Protection of Athens , Organisation for Planning and Environmental Protection of Thessaloniki, Special Fund for implementation of urban plans (ETERPS) etc.

3.3 No other observation relating to the practical application of Article 2.

4. Access to environmental information (Article 3)

4.1 In Greece, access to environmental information of any person without having to state an interest, is provided under Law 3422/12-12-2005 (OJG A 303/2005) through which Aarhus Convention was ratified, as well as the Joint Ministerial Decision 11764/653/2006 (OJG B 327/17-3-2006) through which Directive 2003/4/EC was transposed.

According to Article 3 para 9 letter a of the above JMD officials are required to support the public in seeking access to information.

A circular issued by the Ministry of Environment, Energy and Climate Change recently was sent to Environmental Administration at national and at regional level, giving guidance concerning the above JMD on public access to environmental information and asking the officials to support the public in seeking access to information.

Lists of public Authorities are publicly accessible in the Citizens Service Centers (CSCs) as well as in the CSCs' Web site. CSCs have been established by the "Ministry of Interior, Decentralization and Electronic Government," in Regions, Prefectures and Local Authorities all over Greece by law 3013/2002. The CSCs are assisting citizens effectively in dealing with Public Administration, and in accessing information and documents. The website of CSCs has been designed and developed for the citizens' efficient electronic information and service where a "Guide for the Citizen" is displayed.

In addition it now gives citizens the possibility to submit comments and electronic applications regarding a wide series of administrative documents, thus implementing a substantial step towards e-governance in Greece. The Citizen Service Call Centre (1500) is also an important step towards citizens' information.

A Citizens' Service Bureau operates within the Ministry of the Environment, Energy and Climate Change assisting and informing citizens about the competent departments of the Ministry where they can find the required information and if possible, bringing them in contact with the competent officials. A Citizen's Service Bureau and /or a Public Relations Department operates also in other Ministries to assist citizens, dealing with Public Administration. Besides, a Press Department operates in every Ministry, competent for diffusing press releases regarding each Ministry's activities.

It should be also mentioned that a **special helpdesk**, which consists of officers especially appointed for public information and assistance on relevant issues, has been established by the Managing Unit of the "Operational 'Environment' Programme" (EPPER) under the Ministry for the Environment. Access to environmental information concerning the EPPER, is also acquired through the respective website (www.epper.gr).

Environmental information is accessed through the Ministry's official website (www.minenv.gr).

Information on environmental issues from other Ministries is assessed through their official websites.

Citizens have also the possibility to **submit, through the established web line of communication with the citizens, their questions, comments etc on**

the issues of the Ministry of the Environment Energy and Climate Change. (YPECA).

Besides in the Ministry of Environment as well as in regional administration, almost every competent official-and not only one or two- is required to inform the public on the certain issues of his responsibility because due to the large scope of environmental information and the complexity and difficulty of the issues, expertise is needed. Another reason is the lack of sufficient staff. The examination of the information is taking place in the premises of the Public Authority where the information is held and can be accessed and photocopied.

The National Network for Environmental Information (NNEI) established in the MoE is an important action towards disseminating of environmental information as well as the construction of Aarhus Clearing House Mechanism which is on going.(see under 8)

- All provisions of Directive 2003/4/EC were transposed through the above JMD 11764/653/2006 (OJG B 327/17-3-2006).According to Article 3 par 1 of the above JMD ,every natural or legal person is entitled to access to environmental information by submitting a relevant written request without having to state an interest .The written request according to the above JMD enters the Public Authority’s register(protocol)under a certain number and a registration receipt is given to the applicant mentioning a deadline as well as any reviews provided under article 6. Article 3 para 2 of the Directive 2003/4/EC stipulating time limits (1 month at the latest) was transposed **(to the stricter -20 days)**through Article 3 par 3 of the JMD 11764/653/2006. According to the JMD Public Authorities, having regard to any timescale specified by the applicant ,make available environmental information held by or for them to any applicant at his request , at the latest within 20 days after the receipt of the request by the public Authority or within 2 months after the receipt of the request, if the volume and the complexity of the information is such that the 20 days period cannot be complied with.

- 4.2** According to Article 4 para 5 of the JMD a refusal to make available all or part of the information requested is notified to the applicant in writing or electronically. The notification states the reasons for the refusal and include information on the review procedure provided for in accordance with Article 6. (see under 7)

Press releases of the Ministry of Environment , Energy and Climate Change displayed also on the official Website of the Ministry , concerning a.) the ratification of Aarhus Convention through the relevant Law as well as its main provisions and b). the transposition of Directive 2003/4/EC through the relevant JMD on public access to environmental information and also its main provisions. Besides on the official website of the Ministry and in particular under “public consultations” public can have access to Aarhus Convention text and ratification law displayed together with an explanatory note and the Draft of First National Report of Greece for public consultation. A certain e-mail box aarhus@tmeok.minenv.gr was used for receiving any comments from the public on the draft of first national report of Greece on Aarhus Convention already submitted to Aarhus Secretariat.

- 4.3** Procedure of publicizing and public information of environmental impact assessment studies as well as of decisions for approval of environmental

terms is also applied during the EIA/SEA procedures (environmental permitting of projects/plans and programs) according to JMDs which transposed Directive 2003/35 providing for public participation regarding the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.

Additional Information

- *Law 2690/1999 “Administrative Procedure Code” (OJG A45/9-3-1999) stipulates in Article 4 relevant time limits for Public Authorities (60 days at the latest) and in Article 5 -one month- time limit after the receipt of the request for informing the applicant of any rejection of his request. Additionally, according to the Hellenic Constitution the competent authority is obliged to reply to requests for information and for issuing documents, especially certificates, supporting documents and attestations within a set deadline not exceeding 60 days, as specified by law.*
- *In case this deadline elapses without action or in case of unlawful refusal, in addition to any other sanctions and consequences at law, special compensation is also paid to the applicant, as specified by law. (article 10, par.3 of the Hellenic Constitution 1975/1986/2001).*
- *According to Article 5A of the Hellenic Constitution 1. 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 and 2. All persons are entitled to participate in the Information Society. Facilitation of access to electronically handled information, as well as of the production, exchange and diffusion thereof constitutes an obligation of the State, always in observance of the guarantees of articles 9, 9A and 19. It is generally considered that according to the above Constitution provisions’ a general civil right of access to information is established*

5.Exceptions

51.5.2 The reasons of refusal of the request under EU Directive 2003/4 are fully met in the JMD 11764/653/2006 which transposed Directive 2003/4 and all possible exceptions listed in Article 4 have all been retained in the above JMD. Consequently public authorities may refuse the request for accessing to environmental information for the reasons and exceptions provided under Article 4 of the above JMD, as well as under Article 4 par 3 and 4 of the Convention ratified by Law 3422/2005.

Additionally Administrative Procedure Code (Law 2690/1999 (art.5) and law 1599/86 art.16 stipulate certain cases in which Public Authorities may refuse the request to accessing to administrative documents.

Circulars issued from the Ministry of Interior, Decentralisation and Electronic Government and addressed to all public Authorities give guidance on issues concerning Administrative Procedure Code and the relations of Public Administration with the citizens.

A circular issued recently by the Ministry of Environment (YPECA) that was sent to all competent environmental authorities at national and at regional

level gives guidance on JMD and the implementation of the Directive 2003/4/EC.

Public Authorities may not provide for a request to be refused if the request relates to information on emissions into the environment. Concerning the confidentiality of personal data Public Authorities take into consideration the requirements of the provisions of law 2472/1997(A 50) through which Directive 95/46/EC, on the protection of individuals with regard to the processing of personal data and the free movement of such data, has been transposed.

According to Article 4 par 2 of the above JMD 11764/653/2006, the grounds for refusal mentioned in paragraphs 1 and 2 of the same Article are interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure. In every particular case, the public interest served by disclosure shall be weighed against the interest served by the refusal. Further details on the above issue are regulated by the same article of the above JMD.

Data that are submitted by a company when applying for a permit may contain detailed information on internal organization and collaborators and possible objections may be raised by the companies on the confidentiality of these data. Therefore, requests for the supply of these specific data to third parties, may be refused on the basis of confidentiality of commercial and industrial information (article 2d). Requests for the supply of studies that are commissioned by third parties, submitted by individuals or private companies, may raise objections and may be subject to copy write (article 2 e)

A request for the supply of every available information from the file of a specific company, in the field of waste management, by a competitor company, has been refused, on the basis of article 4.1.c, as the request was formulated in too general a manner and as too vague and the applicant company was asked by the public authority to specify its request. Requests for environmental information not held by or for the public authority to which the request was addressed, were transferred to the competent authority and applicants were informed accordingly. Environmental information falling in part within the scope of provided exceptions was made available in part where it was possible to separate out any information from the rest of the information requested. Requests concerning material in the course of completion or unfinished documents or data may be refused according to 1d and 1e.

5.3. According to Article 4 para 3 of Directive 2003/4/EC “where a Member State provides for exceptions, it “may” draw up a publicly accessible list of criteria on the basis of which the authority concerned may decide how to handle requests” According to Article 4 para 4 of the relevant JMD “Ministry of Interior, Decentralisation and Electronic Government as well as Ministry of Environment, Energy and Climate Change “may” draw up a publicly accessible list of criteria on the basis of which the authority concerned may decide how to handle requests.” This list, as not mandatory, is not drawn up so far.

5.4 No other observation relating to the practical application of Article 4.

Additional Information

- *According to Article 5A of the Hellenic Constitution 1. 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 7 of the Joint Ministerial Decision 11764/653/2006 also ensures that Public Authorities provide for copies of the actual documentation upon request **and** some exceptions are provided concerning the form or format of the required information. The Article 5 of “**Administrative Procedure Code**” referring to access to documents (OJG A45/9-3-1999) provides and regulates similar issues.*
- *According to article 3 par 4 of the JMD 11764/653/2006, if the information requested is not held by or for the public authority to which the request is addressed, the public authority transfers the request to the competent authority within 3 days and informs the applicant accordingly. Besides according to Article 4 par. 1 of Law 2690/1999 “**Administrative Procedure Code**” (OJG A45/9-3-1999) if the request is addressed to a Public Authority which is not responsible for a response, the public Authority transfers the request to the competent authority within 5 days and also informs the applicant accordingly.*
- *According to Law 2690/1999 “**Administrative Procedure Code**” the refusal to access to administrative documents should also state the reason for the refusal and be notified to the applicant at the latest within 1 month from the receipt of the request.*

6. Charges (Article 5)

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

In conclusion there are no fees imposed so far and information is available to the applicants at no cost. Applicant may require to pay for photocopying. (due to the volume of the requested documentation)

6.2. Not applicable

6.3. No other observation relating to the practical application of Article 5.

7. Access to justice (Article 6)

7.1 7.2 7.3 The enactment of the JMD 11764/653/2006 on access to environmental information through which Directive 2003/4 was transposed, has contributed a lot in facilitating public seeking access to justice in environmental matters. According to Article 6 of the above Joint Ministerial Decision (JMD), the citizen has the following possibilities **for administration and for judicial review**:

1. File an action for compensation before the Special Committee provided by Law 1943/1991 (Article 5, par 13)

2. File an action for compensation before the Competent Court according to the civil liability provisions
3. File a Quasi-judicial recourse before the Special Committee provided by Law 1943/1991(Article 5 par.13)for the modification or reconsideration of the acts or omissions of the Public Authority. **The interested natural or legal person has the right to file an administrative recourse before the Administrative Court ,against the decision of the above Special Committee.**

7.3 The JMD 11764/653/2006 which transposed 2003/4 directive repealed the JMD 77921/1440/6-9-95 on access to environmental information. By the repealed JMD a Committee on Access to Environmental Information had been established , competent for the administrative review of the applicant's request rejection by the Public Authority. Today according to the new JMD 11764/653/2006 this Committee has been replaced by a Special Committee established by Law 1943/1991(Article 13 par 5)as it was amended, which is competent today for the above administrative review of the applicant's request rejection

Additional Information

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

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

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

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

Additionally the enactment of the JMD 9269/470/2007(OG 286B/2-3-2007) that defines measures of judicial protection of the public against acts or omissions of

the Public Administration regarding access to information and public participation during environmental impact assessment , has also contributed essentially in facilitating access to justice in environmental matters.

- Regarding enforcement, the Special Service of Environmental Inspectors (SSEI) has been established under Presidential Decree 165 on the “administrative organization of SSEI” (OJG A137/ in June 2003, covering with its 2 Divisions for Northern and Southern Greece the whole country, thus, contributing to the effective enforcement of environmental legislation and increasing the overall credibility of environmental policy in the country. Hellenic Environmental Inspectorate is responsible for environmental infringements concerning breach of environmental law , monitoring and compliance with environmental legislation

-Additionally the Hellenic Ombudsman has jurisdiction over cases concerning disputes between citizens and public administration units, such as: Government services, Local and regional government (communities, municipalities, prefectures), other Public institutions and Private law entities of the public sector, corporations and organizations that are under control either by the state or by legal entities of the public sector. The Ombudsman can intervene when, in dealing with the public administration, an individual or legal entity encounters: Refusal to supply information or insufficient provision of information. Unreasonable delay in processing applications. Infringement of laws or violation of procedure. Administrative irregularities or omissions Discrimination against individuals.

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

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

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

8. Dissemination of Environmental Information (Article 7)

8.1 -8.2 Article 7 of JMD 11764/653/2006 (OJG B 327/17-3-2006) which transposed Directive 2003/4/EC, regulates also dissemination of environmental information through electronic databases and public telecommunication networks.

The Ministry of the Environment, Energy and Climate Change operates the following monitoring systems to assure the production and update of environmental data for the following environmental sectors: Air Quality, Air emissions, Water Quality and Quantity, Industry, Emissions from Stationary combustion sources installations and Vehicles, Fuel, Waste, Noise, Ozone Depleting Substances.

Main Monitoring and Inventory activities
Air Quality monitoring
Water Quality, Water Quantity and Ecological Status monitoring
Air emissions monitoring (main industrial installations emissions)
Combustion and fuel monitoring programs
Inventory of Local and Waste Management Authorities reporting on waste quantities, treatment and management
Noise monitoring
Environmental Inspectorate monitoring
Air Emissions Trade Registry
Ozone Depleting Substances

Datasets
Water Quality, Water Quantity and Ecological Status <ul style="list-style-type: none"> • River Basins • Waste Water Treatment Plants
Air Quality
Air Emissions
Industries and other installations
Combustion <ul style="list-style-type: none"> • Stationary combustion sources installations • Vehicles
Nature and Biodiversity NATURA 2000 network. Habitat types within Natura 2000
Noise <ul style="list-style-type: none"> Noise measurements from motorcycles In situ measurements of noise from installations Measurements from noise control stations Noise barriers and implementation bodies
Environmental Impact Assessments
Waste <ul style="list-style-type: none"> Waste generation sources Waste treatment and final disposal installations Hazardous waste Municipal waste Register of waste management bodies
CORINE LAND COVER

The **National Environmental Information Network (NNEI)** is a horizontal mechanism for the collection and dissemination of data, through intranet or internet, in relation to the main environmental sectors (air, water, nature, waste, emissions, 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.

The project for the modernization and extension of the network is being completed today under the E.C. Structural Funds. The system is now Web based involving more environmental organizations as active users and more external interested people and organisations as viewers. Most of the data of the system will be 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 Ministry collects data (air, water, natural environment, wastes, Combustion, Fuels, Industry, Noise, environmental impact assessment studies and areas like waste recycling, Ozon Depleting Substances, Physical Planning, etc.). A new functionality is being 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.

Other dissemination actions include the following:

Air pollution episode

In case of air pollution episode: Information on the evolution on hourly basis through INTERNET - Radio and TV messages – implementation of relevant measures (directions to people affected etc)

Flood Protection and Prevention

According to the new law on water (3199/2003), transposition into national law of the Water Framework Directive (2000/60/EC), the Regional Water Directorates (total: 13) are the competent authorities for taking the appropriate measures for flood mitigation on a river basin basis.

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 in our country include:

- Traditional measuring instruments, radar and numerical weather forecasts.
- Identification and mapping of high-risk areas through the "National Bank of Hydrological and Meteorological Information",
- Development of an effective and reliable early-warning and forecasting system, supported by meteorological information, to inform, at respective level, flood authorities and citizens in threatened areas.
- National emergency plan for Civil Protection (XENOKRATIS), covering the emergency management before, during and after the flood events.
- Measures linked to public information and awareness raising: information for the general public through the media (TV, leaflets, posters, internet, etc.) on possible flooding events because of forecasted heavy rains and thunderstorms and on self-protection instructions.

- Concerning **Air Quality in the city of Athens**, an online system is providing regularly information on the measurement values of a series of pollutants as well as exceedances against basic standards and potential announced measures.

Public Information

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

Through INTERNET (www.minenv.gr) (in Greek and English) on daily basis:

- Analytical description of air quality situation, max. and average pollutant values for the present day and the previous one,
- Extended presentation of ozone exceedances

Monthly and yearly reports

In case of air pollution episode: Information on the evolution on hourly basis through INTERNET - Radio and TV messages – implementation of relevant measures (directions to people affected etc).

National Reports on the state of the water environment (Art. 5 and Annexes II & III of the WFD) as well as any information related to the implementation of water related EU legislation are or will be available for public information. A related web site is under development by the Central Water Agency, which will serve as an active information and discussion forum. It will include national reports and any other related documentation or information (data, maps, etc.). Furthermore, several workshops are or will be organised at regional or national level.

On the above environmental areas the Ministry for the Environment has established relevant databases with data from the respective monitoring systems and registers as well as information on relevant activities, plans, measures, institutional structure etc. Part of the above is being displayed on the Ministry's Web Site. Furthermore, concerning the monitoring of the implementation of the legislation, a positive step taken by the Ministry for the Environment has been the regular posting of all related information (on both transpositions and implementation enactments being issued) on the Ministry's website, thus, ensuring a wide public diffusion of information, data and knowledge as well as more participatory process.

-National Data Bank of Hydrological and Meteorological Information: it is a distributed data base 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. A project is ongoing today under the E.C. Cohesion Funds which will upgrade and update the database with more recent information and relevant analysis and assessments. The system also will provide information to the INTERNET.

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

-Specific web site, in the framework of the implementation of alternative management of packaging and other waste (Law N. 2939/2001), linked directly with the internet home page of Hellenic Ministry for the Environment, which provides environmental information in respect to alternative management (recovery and recycling) of packaging waste, ELVs, used tires, waste oil, WEEE, batteries & accumulators and construction & demolition waste

-Preparation of a Web Site for establishing the Clearing House Mechanism for the Aarhus Convention, in the framework of the implementation of the National Environmental Information Network (ongoing).

-In the framework of supporting actions regarding WFD implementation, establishment and operation of a related web site, translation of the EC WFD guidance documents, preparation of “legislative texts” for the harmonization of the existing national legislative framework to the WFD and education of the personnel of the competent authorities, public information and awareness (ongoing).

-Participation to the EEA OZONE WEB site with data from Athens City.

-Presentation on the INTERNET, of various Reports submitted to E.C. following relevant legal obligations, as well as of relevant environmental legislation.(EC Directives transposed in the Greek legislation, ratified international environmental Conventions and multilateral agreements) .

-Development of an electronic tool to facilitate the application of the European Waste Catalogue. The tool will be accessible on the Web site of the Ministry of Environment (ongoing).

-Function of Clearing House Mechanism on Biodiversity, bringing together seekers and providers of environmental information and contributing to making environmental information and data flows available to the public.

- A related web site is under development by the Central Water Agency, which will serve as an active information and discussion forum, in the framework of supporting actions regarding WFD implementation. It will include national reports and any other related documentation or information (data maps, etc.).

-Registry of emissions’ trading allowances (*Greenhouse Gas Emission Allowances*)National Center for Environment and Sustainable Development (NCESD) was assigned as responsible for the operation of the Registry according to Joint Ministerial Decision (JMD)54409/2632/27-12-2004 (OJG 1931 B 2004)which transposed into the Greek legislation Directive 2003/87/EC as amended by Directive 2004/101/EC.The institutional framework for the management and updating of the electronic Registry of emissions’ trading allowances has been concluded with the setting up of the *Bureau for GHG Emissions Trading* within the Ministry and the assignment of the Registry’s management to the above mentioned *National Centre for the Environment and Sustainable Development (NCESD)*. Greek Registry has started to operate since 27/4/2006. All EU Directives pertinent to the Registry have been transposed into the Greek Law

8.3 Concerning the report on public access to environmental information, Article 9 of the JMD which transposed Directive 2003/4/EC stipulates that Directorates of Environment of the Regions and other Competent Authorities of the Administration are required to send every year to the General Directorate of Environment of the Ministry of Environment ,Energy and Climate Change a report concerning the implementation of the Articles 6 and 7 of the above JMD. These reports are used for compiling the National Report on Directive 2003/4/EC on public access to environmental information.

8.4 Reports are displayed in the official website of the Ministry of Environment. Last national report on the State of Environment, is displayed in the official website of the National Center for the Environment and Sustainable Development,(NCESD-EKPAA).www.ekpaa.gr.

As already mentioned national Reports on the state of the water environment (Art. 5 and Annexes II & III of the WFD) as well as any information related to the implementation of water related EU legislation are or will be available for public

information. A related web site is under development by the Central Water Agency, which will serve as an active information and discussion forum. It will include national reports and any other related documentation or information (data, maps, etc.). Furthermore, several workshops are or will be organised at regional or national level. On the above environmental areas mentioned in para 8.1 and 8.2 the Ministry for the Environment has established relevant databases with data from the respective monitoring systems and registers as well as information on relevant activities, plans, measures, institutional structure etc. Part of the above is being displayed on the Ministry's Web Site.

In the framework of Directive 96/61/EC concerning integrated pollution prevention and control (IPPC), and the European Pollutant Emission Register (EPER), two reports were drafted and rendered in public (Reports EPER 1 and 2) in the years 2004 and 2006 with statistical and inventory data from the implementation of the Directive. Most important industries in Greece monitor continuously the main pollutant emissions aiming at enhancing the relevant inventories of the country. European Pollutant Release and Transfer Register (E-PRTR) that replaced EPER from 2007 reporting period onwards.

8.5 A special office for the collection and classification of the Ministry's of Environment legislation has been established recently and an official journal of the Ministry including the relevant legislation is planned to be issued.

Additional information.

According to Article 5A of the Hellenic Constitution 1. 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 and 2. All persons are entitled to participate in the Information Society. Facilitation of access to electronically handled information, as well as of the production, exchange and diffusion thereof constitutes an obligation of the State, always in observance of the guarantees of articles 9, 9A and 19. It is generally considered that according to the above Constitution provisions' a general civil right of access to information is established

9. Quality of environmental information

9.1 – 9.2 According to Article 8 of the above JMD Public Authorities must ensure that any information that is compiled by the them or on their behalf is up to date accurate and comparable.

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. International standards Schemes for quality may also be used.

9.3 National Bank of Hydrological and Meteorological Information bank includes data measured during the last 100 years that have been collected and elaborated, using the most updated computer science and telecommunications.

10. Statistics

- Most of the departments do not have available statistical data. A few departments can provide such statistical information upon request. Information is provided to Universities, and Scientific institutions etc. As reported by administration at national and regional level several requests are

submitted orally and not in a written form, by coming to the office or by telephone, or electronically and officials assist and provide, where possible, requested environmental information.

- Requests for environmental information almost relate to every area of environmental issues such as: Environmental Permits, sites of Natura, maps of Natura, Environmental impact assessment Studies, decisions for approval of environmental terms, environmental statements of companies that are Emas registered (Environmental management and Audit Scheme), contamination of areas e.g. Maliakos, results of the measured data on the quality of sea water (for swimming,) and the project Bleu Flags., data from the database of the National Bank of Hydrological and Meteorological information, legislation and maps of protected area,
- According to the report from the Ministry of Interior, Decentralisation and Electronic Government where the Special Committee provided by Law 1943/1991(Article 5 par.13)seats, so far five (5) quasi-judicial recourses have been submitted before the above Special Committee for the modification or reconsideration of the acts or omissions of the Public Authority and two (2) actions for compensation. Recourses concerned several issues and in particular :

Quasi-judicial recourses submitted for:

- refusal of documents in the framework of Alternative Management of Packages
(Request was satisfied by the competent Public Authority)
- inadequately and wrongfully answered request on accessing to environmental information by the Special Environmental Service.
(Recourse Rejected for not being examined within the time limits of 45 days by the above Special Committee according to Article 6 para 3.3 kai 3.5 of the JMD .Applicant has the right to file an administrative recourse before the Administrative Court ,against the decision of the above Special Committee).
- 3 refusals of requests on accessing to environmental information by Directorate of Environmental Planning and directorate of Air Pollution and Noise Control .
(One request finally answered by the Competent Public Authority within 2 months according to the extension of the deadline provided by the JMD)
- (2 Recourses rejected for not being examined within the 45 days time limit by the above Special Committee according to Article 6 para 3.3 kai 3.5 of the JMD.Applicant has the right to file an administrative recourse before the Administrative Court ,against the decision of the above Special Committee.)

Actions for compensation :

- Request not answered within the time limits provided by the JMD. (Delayed)
(Action rejected by the Special Committee that considered that no moral or material damage was caused to the applicant by the delayed answer of the Authority.)
- Refusal of request on accessing to environmental information.
(Action rejected because it was submitted to the Special Committee after the deadline of 60 days provided by law.)
- Concerning costs for administrative procedure (special administrative recourse, and quasi –judicial recourse),there is no special cost

- For administrative act before a Court applicant must pay the standard stamp fees (normally not exceeding an amount of 10-30 Euros depending on the degree(instance) of the Court and a special trial deposit fee set at the amount of 10-20 Euros for general annulment disputes, depending also on the degree(instance) of the Court. As for the legal counselling, the lowest mandatory costs are provided by law but generally in practice they are formulated and depend on the expertise of the appointed advocate and on Court degree(instance). The president of the Court may at the applicant's request, exempt poor litigants from the duty to pay stamp fees and the deposit for the submission of an application if it is deemed that the applicant is in poor financial condition.
- Besides law 3226/2004 (OJG A24/2004) provides for legal aid for poor litigants concerning cases of civil, commercial and criminal law

Additional information

- *Establishment in the framework of Environmental Accounts –Statistics and Sustainable Development Index, of a particular estimation system according to the proposed methodology of EUROSTAT (General Secretarial of National Statistical Service,).*
- *Establishment in cooperation with Eurostat of the accounts NAMEA for Air Emissions and Energy. (General Secretarial of National Statistical Service, Annual data for five years,).*
- *Implementation of a Project for producing Estimations on forest accounts, according to the EUROSTAT methodology, in the framework of Environmental Accounts program (General Secretarial of National Statistical Service Annual data for five years).*