

2 Environmental governance and management

Greece has a decentralised system of environmental governance. The government has made significant efforts to increase transparency and accountability and to streamline environmental legislation so as to reduce the regulatory burden on enterprises. However, institutional capacity issues and resource constraints limit effective implementation of environmental law and use of good regulatory practices, particularly in compliance assurance. This chapter analyses the institutional and regulatory framework for environmental management, the setting and enforcement of environmental requirements, and mechanisms of public participation in decision making, access to environmental information, education and justice.

2.1. Introduction

Greece was deeply affected by the 2010-13 financial and economic crisis, and the recession did not end until 2017. Financial austerity measures imposed as a condition of the European Union (EU) bailout led to drastic cost reductions for government agencies as well as a drive to reduce the regulatory burden on businesses. The World Bank's Worldwide Governance Indicators suggest that the rule of law in Greece receded significantly between 2007 and 2017. The indicator of government effectiveness (quality of public services) also deteriorated; it started to improve in 2012 but by 2017 had still not reached its 2007 level (World Bank, 2019) due to the government downsizing and partial deregulation.

Environmental governance was also affected. Human resources at the national and subnational levels have been strained by the massive regulatory changes since 2011 and efforts to stay abreast of EU directives. Efforts to modernise environmental regulations while protecting businesses often came at the expense of compliance assurance.

2.2. Institutional framework for environmental governance

Greece is a unitary state with a decentralised system of environmental governance. Territorial reform in 2011 resulted in seven decentralised administrations exercising devolved state powers in one or more regions and enjoying administrative and financial autonomy. Local self-government has two levels, regional and municipal, with no hierarchical relationship between them. The 13 regions and 332 municipalities are administratively and financially independent. Decentralised administrations supervise local governments only with regard to the legality of their actions, not the substance of their policies.

2.2.1. Central government and horizontal co-ordination

Key environment-related functions of the central government are concentrated in the Ministry of Environment and Energy (MoEE). The 2009 merger of the environment and energy ministries increased the influence of environmental administration and raised the profile of climate change policies. This was in line with a recommendation of the 2009 Environmental Performance Review (EPR).

The MoEE has general secretariats for natural environment and water, spatial planning and urban development, energy and raw materials, and waste management co-ordination. The decentralised administrations have general directorates for spatial and environmental policy and for forestry and agriculture.

Other ministries develop and implement policies affecting the environment. The powerful Ministry of Development and Investments is responsible for industrial policy as well as general regulation of business activities. It has led the deregulation effort of recent years. Other key government stakeholders are the Ministry of Rural Development and Food (fisheries, aquaculture and environmental policies for agriculture), Ministry of Maritime Affairs and Insular Policy (sustainable development of islands, coastal and marine protection), Ministry of Interior (oversight of local governments), Ministry of Infrastructure and Transport, and Ministry of Tourism.

There are a number of horizontal co-ordination mechanisms on environmental matters. Protection and sustainable management of natural capital and transition to a low-carbon economy constitute one of the government's eight national priorities related to implementation of Sustainable Development Goals (SDGs). The former General Secretariat of the Government, now merged in the Presidency of the Government, played a key role in ensuring a whole-of-government approach to implementing SDGs. An Inter-ministerial Co-ordination Network for the SDGs, established in 2016, brings together focal points of all line ministries responsible for mainstreaming SDG-related issues into sectoral legislation, policies and

programmes (Government of Greece, 2018a). In addition, the General Secretariat for Co-ordination is responsible for planning and monitoring implementation of the government's work across ministries.

An environment ministry decision in 2012 set up the Greek Environmental Network (GEN) to ensure exchange of environment-related information and experience among 10 central government authorities, the 13 regional General Secretariats of Development Planning and other organisations involved in programmes and projects financed by European structural and investment funds. The GEN monitors achievement of EU and national environmental targets. It is a member of the European Network of Environmental Authorities and Managing Authorities (MoEE, 2017).

Issue-specific co-ordination and stakeholder consultation mechanisms at the national level include the Inter-ministerial Committee on Energy and Climate, National Climate Change Adaptation Committee, National Council on Water (chaired by the minister of environment and energy), National Council on Circular Economy and National Council for Spatial Planning. These bodies include representatives of relevant ministries as well as other stakeholders.

2.2.2. Local governments

Every regional authority has a directorate for development planning, environment and infrastructure. Regions sometimes produce strategies and plans on key environmental issues. They are also responsible for issuing permits for certain types of activities (mainly those covered by “standard environmental obligations”, Section 2.3.2) and ensuring compliance with them.

Municipalities are responsible for environmental services (water supply, wastewater and waste management) and planning and maintenance of green spaces. They collaborate within 15 solid waste management bodies created as part of regional waste management plans, in line with good practice followed by many OECD countries (e.g. Sweden, Hungary, Luxembourg).

Although central, regional and local government responsibilities are defined legislatively, their practical division is not always clear, leading to implementation gaps or overlap (IEEP, 2019). To address this issue, in 2018 the MoEE and Ministry of Interior established five Inter-ministerial Committees for Redefinition of Responsibilities and Procedures to review the jurisdictions of decentralised administrations and local governments in the area of environment. They are looking at general policy, spatial planning, energy and raw material policy, water policy and inspections.

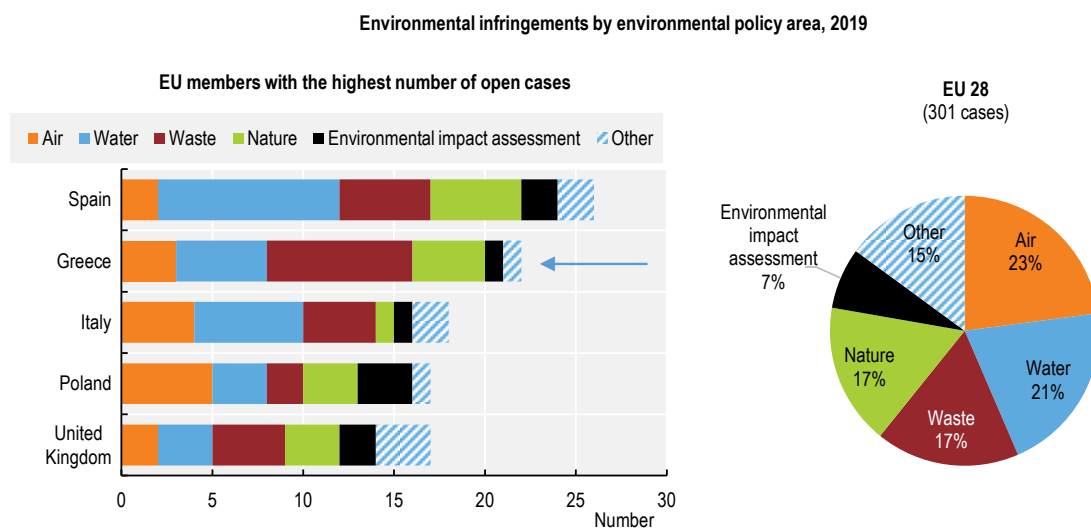
2.3. Setting of regulatory requirements

Since the financial and economic crisis, Greece has updated and streamlined core environmental legislation to meet EU and wider international obligations and enhance coherence. The main driver of this process was a desire to facilitate investment and create a business-friendly environment by simplifying planning and licensing procedures to reduce the administrative burden on the regulated community (Giannakourou, 2016). Key environmental legislation adopted over the last decade includes Law 3937/2011 on biodiversity protection, Law 4014/2011 on environmental permitting, Law 4042/2012 on environmental protection through criminal law and Law 4269/2014 (amended in 2016) on regional and urban planning. Frequent changes to environmental regulation have led nonetheless to legal uncertainty for businesses.

In 2018, Greece had 23 open cases of EU environmental law infringement, second only to Spain (32). More than a third related to waste: between 2014 and March 2019, Greece paid EUR 85 million in fines for non-compliance with EU waste legislation. Water- and biodiversity-related non-compliance accounted for about a quarter of infringements each (Figure 2.1). Greece also had 11 cases of ongoing non-compliance with environment-related rulings of the EU Court of Justice, more than any other member state

(EC, 2019a). This may be explained by a shortage of human resources to deal with the EU environmental acquis and by the lengthy and complicated procedures of the Greek public administration (EC, 2019b).

Figure 2.1. Greece has many infringements of EU environmental law, especially on waste



Note: Pending infringements as of 6 June 2019.
Source: EC (2019), *Infringement decisions* (database).

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2.3.1. Regulatory and policy evaluation

According to the 2019 Law on the Executive State, regulatory impact assessment (RIA), including public consultation, is obligatory for all primary laws as well as for subordinate regulations, such as presidential decrees and ministerial decisions, of major social or economic importance. It is overseen and evaluated by the Better Regulation Office of the Presidency of the Government. RIA includes analysis of impact on natural, urban and cultural environment. Results are published on the parliament's website.

However, RIA quality is poor due to the short period in which drafts are developed. Greece ranks among the bottom five OECD countries for quality of RIA of primary laws and subordinate regulations (OECD, 2018). Cost-effectiveness analysis is most often used instead of cost-benefit analysis in the assessment process.

Ex post evaluation of legislation must be conducted within five years of a law's entry into force. Several ministries, including the MoEE, have carried out such evaluation in updating plans and programmes. It is envisaged in a 2019 law on government operations. However, such evaluation is not yet part of established management tools in Greece. One reason is a lack of systematic information on policy and law implementation.

Strategic environmental assessment (SEA), introduced in 2006, is conducted for large-scale environment-related plans and programmes, sectoral strategies, all spatial plans, and all programmes financed by EU structural and investment funds, as envisaged by the OECD Council Recommendation on the Assessment of Projects, Plans and Programmes with Significant Impact on the Environment. SEA includes online public consultation organised by the competent authority. In recent years, SEA has been conducted on the National Hazardous Waste Management Plan; the National Strategic Plan for Transport; the Operational Programme on Transport Infrastructure, Environment and Sustainable Development; regional waste management plans; and river basin management plans. SEA reports are available to the public.

2.3.2. Environmental impact assessment and permitting

The 2011 Law on Environmental Permitting and over 25 related regulations combined the EIA and permitting processes and significantly modified EIA requirements. The reform also incorporated hazardous and non-hazardous waste management and wastewater discharges, which previously were permitted separately, into the Approval of Environmental Terms, an integrated environmental permit issued according to a uniform process.

Activities are classified as A1 for strong potential environmental impact, A2 for less significant impact or B for low impact. In Natura 2000 areas, a special ecological assessment is required (Chapter 5). The reform made EIA and a permit required only for category A activities, with the MoEE issuing permits to A1 operators and the decentralised administrations to A2. Category B activities are subject to standard environmental obligations (SEOs, often referred to internationally as general binding rules) and do not undergo EIA. SEOs are usually attached to construction or operating permits issued by the local authority. The MoEE so far has developed more than 25 SEOs for different activity types (e.g. petrol stations, hotels, hospitals, olive oil mills). They include operational as well as environmental impact standards (Stoumpidi and Adam, 2018). The use of SEOs is consistent with good international practice: general binding rules have been successfully applied in the Netherlands, the UK, Latvia and several other OECD countries.

The introduction of SEOs for low-impact facilities that previously required a permit was part of the administrative simplification reform; such facilities account for about 70% of regulated installations. This, together with the simultaneous quasi-elimination of preliminary environmental assessment for large projects, significantly reduced the number of EIA cases and the average time to complete the permitting procedure. The law sets strict time limits on the EIA and permitting process: six months for A1 projects, four months for A2. The number of EIAs for A1 and A2 activities dropped by almost 60% in 2012-13 compared to the 2005-09 average.¹ Permit applications are now submitted electronically. These changes were in line with OECD recommendations to reduce the administrative burden of environmental regulation (OECD, 2014) and the 2009 EPR recommendation to streamline the EIA process. However, the low quality of environmental impact studies is a concern.

Environmental permits are valid for 10 years. The term is extended to 12 years if the facility is certified to the ISO 14001 environmental management system (EMS) standard or 14 years if certified to the EU Eco-Management and Audit Scheme (EMAS, Section 2.4.4). However, permits are sometimes extended through special regulations, without appropriate EIA. For example, in 2018 the practice was applied to existing hotels, power plants on islands not connected to the continental grid, and quarries (WWF, 2018; 2017).

The MoEE recently created a web-based Digital Environmental Registry allowing project proponents, government stakeholders and the public to monitor the process of issuance, amendment or renewal of integrated permits and SEOs. Environmental impact studies are uploaded on the website for public comment. The registry covers A1 and A2 activities. A separate MoEE website contains a database of all approved environmental permits.

2.3.3. Land-use planning

Greece does not have a land cadastre, despite attempts to develop one since 1994. The authorities have committed to complete the cadastre and an associated land register by mid-2021. The work is supported by the European Commission and the World Bank. As intermediate steps, Greece completed draft forest mapping for most of the country in 2019 and intends to fully establish the cadastral agency and complete 45% of the cadastral mapping by mid-2020 (EC, 2019c).

The 2014 Law on Regional and Urban Planning, amended by the 2016 Law on Spatial Planning and Sustainable Development, reorganised and reduced the number of planning levels. It also revised the

content of framework and regulatory plans and introduced a new land-use classification, in line with good international practice.

Greece has five levels of spatial planning and several types under each, by far the most of any OECD country. Some have been legally abolished but remain in effect because they have not yet been replaced. There are many special plans for different types of urban development, some of which overlap: the same area may be covered by four types of zoning plans (OECD, 2017).

The national government has by far the most important land-use planning responsibilities. It approves almost all spatial plans, including 12 Regional Spatial Planning Frameworks and the master plan for Athens, which also covers the Attica region. Of the 25 of spatial plans, 22 are approved by the national government. Regions have only an advisory role in the elaboration of some spatial plans (OECD, 2017). A National Spatial Strategy required by the 2016 law has not yet been developed; the General Framework for Spatial Planning, issued in 2008 under the previous (1999) planning law, is still in force.

Greek planning laws also provide for sector-specific national planning frameworks for a range of sectors (e.g. for industry, promotion of industrial and business parks, and aquaculture). In 2017, the Council of State invalidated the national Spatial Planning Framework for Tourism without reverting to the previous one, leaving tourism development to be regulated only by regional and local plans (WWF, 2017). A new spatial planning framework for tourism was planned for 2019 but has been delayed. Other sectoral spatial plans in the pipeline are expected for industry (2020), mining (2020) and renewable energy sources (2020).

The MoEE approves Regional Spatial Planning Frameworks in consultation with regional councils. The planning frameworks were recently revised for 8 of the 13 regions. Environmental non-government organisations (NGOs) have criticised some of these. It was claimed that that of Crete, for instance, disfavoured wind and solar power development and overlooked the potential impact of new oil and gas extraction programmes off the island's west coast (WWF, 2018) (Chapter 5).

Special planning regimes with associated building rules and licensing procedures have been introduced to enable development of public and private land. In 2013-15, presidential decrees established two Special Spatial Development Plans of Strategic Investments and five Special Spatial Development Plans of Public Estates. They are approved by the Inter-ministerial Committee for Strategic Investments, which has the authority to fast-track strategic investment projects. Such plans may override regular plans and expedite environmental permitting (OECD, 2017). Special treatment of this type increases the risk of environmental degradation.

Local spatial plans, introduced in the current form in 2014, are approved by presidential decree. They must take into account environmental protection rules for sensitive areas, biodiversity considerations and sector-specific restrictions, such as limits on proximity to residential areas. SEA of local spatial plans must be approved by the MoEE if the area includes a Natura 2000 site; otherwise the decentralised administration is responsible. However, as of mid-2019 none of the envisaged 355 new local spatial plans had been completed. Their elaboration is expected to be financed by a European Investment Bank loan (EC, 2019c).

Illegal construction, including in coastal and forest areas, is a particular environmental concern in Greece despite measures (such as electronic identity of buildings) designed to limit it. In most cases, the owners face low fines: the older the construction, the lower the fine. Illegally built structures are rarely demolished but instead are legalised retroactively. For example, it has been proposed that "housing agglomerations" (mostly illegally constructed buildings) be retroactively exempted from a ban on housing development on forest land (WWF, 2017). There is no administrative permitting procedure to validate the compliance of a new structure with existing land-use plans (OECD, 2017).

To address this issue, the 2009 EPR recommended reducing building and housing construction without prior planning, ensuring adequate control and strictly enforcing the legal framework regarding construction without a building permit. However, this recommendation has not been fully implemented. A new spatial planning framework for marine and coastal areas was adopted in 2018, a National Maritime Spatial

Strategy is under preparation for 2020, and maritime spatial plans are expected to be completed by 2021. However, Law 4495/2017 on the built environment preserved exemptions and opportunities for retroactive legalisation for illegal housing development (WWF, 2018). Greece has not ratified the 2008 Protocol on Integrated Coastal Zone Management to the 1976 Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean.

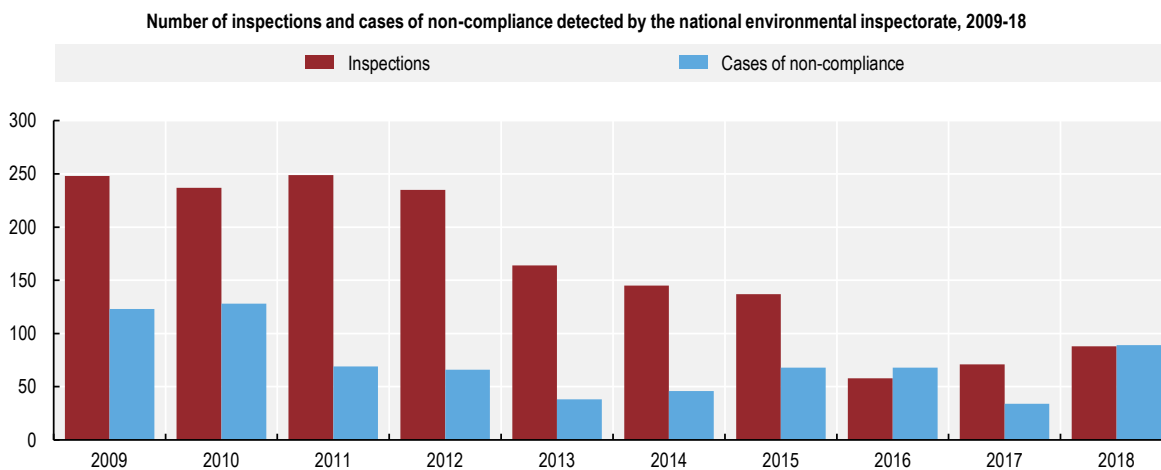
2.4. Compliance assurance

The detection rate for environmental non-compliance is high by international comparison: most inspections in recent years have discovered violations (Figure 2.2). Despite the widespread non-compliance, the 2018 Law on Supervision of Economic Activities calls for “ensuring a more effective balance” between environmental protection and business interests. Environmental protection is one of seven domains of the supervision law. It requires inspectorates to revise their methods and procedures by using such tools as risk assessment, inspection checklists and complaint management, all of which are good practice. The law also creates an opportunity to enhance the use of compliance promotion instruments. However, de-emphasising sanctions presents a risk of further weakening of environmental enforcement.

2.4.1. Environmental inspections

The Hellenic Environmental Inspectorate (EI), initially a separate service, joined the MoEE’s other inspection services (for mining, energy, and building activities) in 2014 as a single body with various thematic departments. It became part of the ministry in 2017. The EI has the power to inspect any activity in the country, but the number of inspectors fell from 35 in 2011 to 15 in 2018. The number of inspections at the national level declined from 313 in 2008 to 88 in 2018 (Figure 2.2). This is contrary to the 2009 EPR recommendation to strengthen the financial and human resources devoted to the Environmental Inspectorate.

Figure 2.2. The number of national-level inspections has dropped despite high non-compliance



Note: Some non-compliance cases registered in a certain year may correspond to a prior year’s inspection.

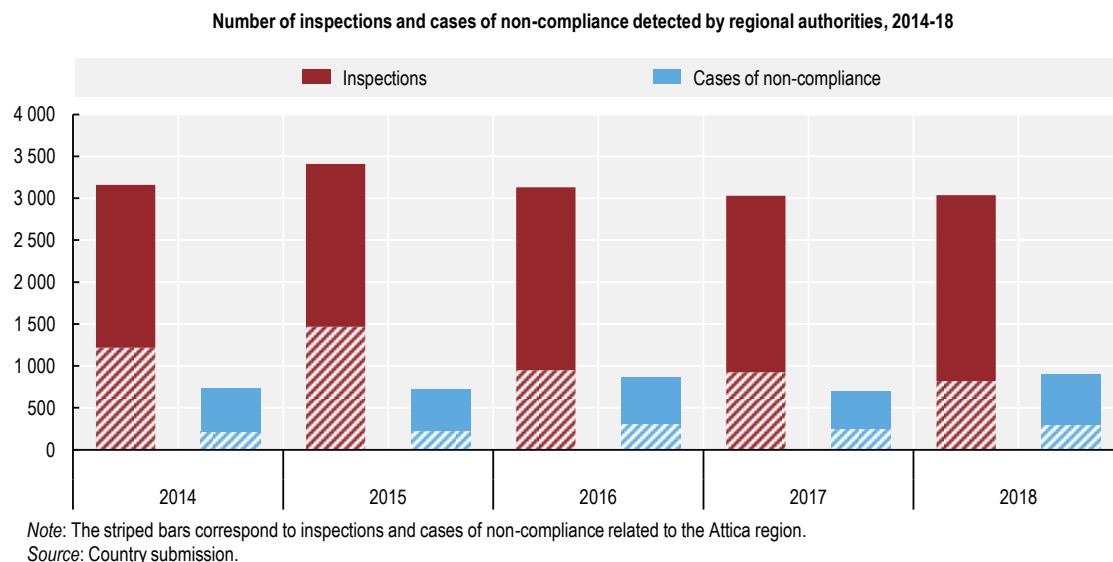
Source: Country submission.

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The majority of inspections are carried out by regional authorities, which had a total of 210 inspectors in 2018. In 2014-18, regional authorities conducted about 3 000 inspections per year, primarily of A2 and B activities. The Attica region, with 27 inspectors, accounts for roughly a third of the inspections performed

by regional authorities (Figure 2.3). Some 25-30% of Attica inspections identify violations – a high non-compliance rate. Decentralised administrations have the authority to conduct inspections but rarely do so despite having 88 relevant staff across the country (who predominantly deal with EIA and permitting). Criminal investigations are conducted by the EI or by the police under supervision of the public prosecutor.

Figure 2.3. Regional authorities maintain a stable inspection presence, with Attica playing a major role



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The 2011 laws on environmental licensing and on building permits provide for outsourcing of certain compliance monitoring functions to private environmental inspectors (auditors), certified and operating under environment ministry supervision. This practice is expected to be put into effect in 2020.

The publication in 2017 of the country's first five-year national environmental inspection plan (2018-22) is a positive development. Covering all 21 national and regional environmental inspection authorities (the EI, 7 decentralised administrations and 13 regional authorities), it aims to organise and prioritise inspections across Greece. It assigns 5% of the inspection load to the EI, 68% to regional authorities and 27% to decentralised administrations. However, in 2018 the EI carried out only 43% of its target inspection load and the regional authorities 24%. The EI acknowledges the need for a midterm evaluation of the plan to reflect lessons learned from the first years of its implementation.

The national plan prescribes inspection frequency varying from one to ten years depending on type and size of activity, sensitivity of the local environment and the operator's compliance record and environmental management certification. A digital registry contains over 6 000 projects and activities subject to environmental inspection. Prioritised based on risk assessment, 46% of them are supposed to be inspected once every ten years and 28% once every five years (IEEP, 2019). Routine inspections of business parks are limited to once in two years. This is part of the government's policy of promoting and protecting business parks (through spatial planning, permitting and other legislation), often at the expense of environmental considerations.

In practice, the vast majority of inspections are unplanned. Inspections ordered by the minister, public prosecutor or another government authority, or conducted at the inspectorate's initiative, accounted for 72% of EI compliance monitoring in 2017. Still, the share of planned inspections that year (28%) was much

higher than in 2016 (13%). In the Attica region, 90% of inspections responded to complaints. Compliance monitoring thus does not follow risk-based planning.

2.4.2. Enforcement tools

When inspectors identify non-compliance, they may impose administrative sanctions. They also forward their report to the public prosecutor, who may decide to open criminal proceedings. Environmental inspectors have preliminary investigative powers for environmental crimes, as do the police. A 2017 presidential decree established environmental protection departments within the Attica and Thessaloniki police security divisions. In exceptional cases (e.g. dealing with organised crime) the departments' jurisdiction may extend over southern and northern Greece, respectively.

Administrative fines range from EUR 500 to EUR 2 million, depending on the type, seriousness and frequency of the violation. Fines for environmental non-compliance are paid into the general budget. The EI has developed an algorithm to calculate administrative fines, taking various factors into account. A fine can be halved if the violator returns to compliance before it is imposed, or increased for a recurrent offence.

In 2017, the average fine imposed by the EI in 23 cases was more than EUR 29 000, much higher than in most OECD countries. Collection of fines, however, is a significant problem, with just 65% of imposed fines collected in 2017. A collection procedure introduced in 2019 envisages a link between the enforcement authority and the Ministry of Finance collection service to facilitate monitoring of penalty payments. Revenue from fines for illegal construction (which also have a poor collection rate) is channelled to the Green Fund (WWF, 2017).

Criminal penalties range from three months to two years of imprisonment (ten years for crimes that cause serious injury or death), in addition to judicial fines of up to EUR 500 000. Greece does not have specialised courts for environmental cases. There are no nationwide statistics on environmental crime, but waste-related crimes appear to account for the largest share. More generally, no information is collected on the effectiveness of compliance assurance interventions: outcome indicators are not part of the EI annual reports (EC, 2017). In 2020, an EU-supported project began to develop a national plan on environmental crime.

2.4.3. Environmental liability

Liability for damage to the environment

The 1986 Framework Law on the Environment establishes strict liability for environmental damage (fault-based for damage to biodiversity). Responsible parties must cover all expenses incurred by the government to remediate environmental damage. Presidential decree PD148/2009 transposed the EU Environmental Liability Directive (ELD, 2004/35/EU) into Greek law and specified criteria for assessing and remediating environmental damage. Over 2011-18, Greece reported 120 cases of damage to land, water or biodiversity.

The EI's Co-ordination Office for Mitigation of Environmental Damage (SYGAPEZ) is the authority responsible for ELD implementation in Greece. It is supported by 13 regional committees on environmental damage. The public prosecutor, an individual or NGO, or another legal entity may report a contamination incident to SYGAPEZ so that it can order remediation measures. SYGAPEZ maintains a register of environmental liability cases but it is not available to the public.

Financial security is mandatory for operators with high environmental risk but has so far been implemented only for hazardous waste management activities. For other high-risk activities, limits and conditions for insurance or other financial guarantees to cover liability risk are being elaborated. The limited implementation to date places a significant burden on the state for environmental remediation if the responsible party is insolvent.

Contaminated sites

Illegal waste landfills account for a large share of contaminated sites. Rehabilitation of many illegal landfill sites, primarily on small islands, is starting only now. Recording and initial assessment of industrial and hazardous waste contaminated sites in several regions were completed in 2017. Decentralised administrations are required to develop and publish action plans on closing illegal landfills, but more systematic work is needed. Greece has been fined by the EU Court of Justice for illegal landfills. As of June 2018, 14 illegal landfills were still in use, 24 were not in use but not remediated, and 19 were remediated but not properly closed. Full remediation and closure are planned by the end of 2020 but are likely to be delayed.

Normally, once SYGAPEZ determines that remediation is needed, its cost is initially covered by the Green Fund (an MoEE entity funded mostly by fines for environmental offences), then recovered from the responsible party if it can be identified. However, there is no coherent legal framework that would lay out a process and standards for soil remediation. SYGAPEZ, in collaboration with the Green Fund and decentralised administrations, puts together an annual funding programme for remediation of abandoned hazardous waste sites (those for which a responsible party cannot be found) in environmentally sensitive areas. Some remediation work on hazardous waste contaminated sites has been financed by the EU as part of the Operational Programme on Transport Infrastructure, Environment and Sustainable Development. The programme to close illegal landfills is supported entirely by EU funds.

2.4.4. Promotion of compliance and green practices

Compliance promotion is encouraged by the 2018 supervision law and is starting to get attention from the MoEE. Guidance on good environmental practice, particularly for small and medium-sized enterprises (SMEs), is largely lacking.

Voluntary business initiatives

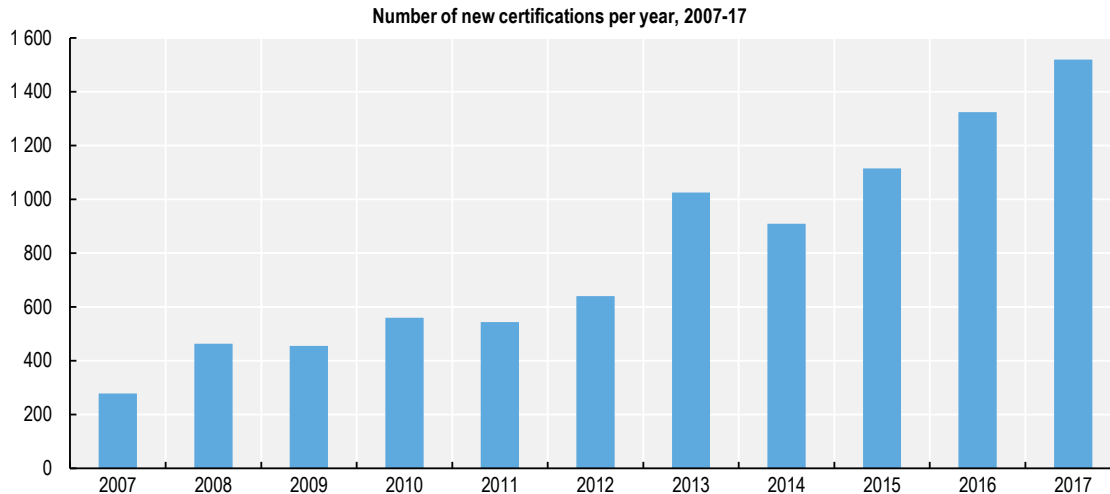
There is no systematic use of voluntary agreements. The only one concluded so far is the 2012 agreement between the MoEE and the cement industry on the use of alternative raw materials and fuels to promote resource efficiency. It was renewed in July 2019 for 4.5 years.

Since 2000, CSR Hellas, a non-profit business association, has promoted corporate social responsibility. Its current emphasis is on advancing the concept of circular economy and integrating it into legislation. In 2017, the Ministry of Development and Investments drew up a National Strategy on Corporate Social Responsibility and Responsible Entrepreneurship and put it forward for public consultation, but it was not adopted. The ministry is developing a new draft strategy, which would emphasise promoting corporate social responsibility among SMEs.

Environmental management system certification

The MoEE promotes the adoption by businesses of EMAS and certification to the ISO 14001 EMS standard. Validity of environmental permits is extended by two years for ISO 14001-certified operators and by four years for EMAS-certified ones. There is a 50% reduction in licensing fees for EMAS-certified waste management companies and a 50% reduction in environmental liability insurance premiums for EMAS holders. At the end of 2017, the national EMAS registry covered 36 companies and organisations with 1 333 sites across Greece. The number of ISO 14001-certified operators more than quintupled over 2007-17, largely due to growing market demand for green certification (Figure 2.4).

Figure 2.4. ISO 14001 certification has been steadily increasing



Source: ISO (2018), ISO Survey 2017.

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Greening public procurement

Environmental non-compliance of suppliers excludes them from public procurement tenders, which is good international practice. An inter-ministerial committee for green public procurement (GPP) was established in 2010 under MoEE auspices to develop a national strategy and an action plan. A national action plan for GPP was drafted in 2012, defining environmental criteria for 18 product categories. However, it was never adopted. After GPP was highlighted in the 2016 National Strategy on Public Procurement, a new national committee on GPP was established in 2017, this time under the General Secretariat of Commerce and Consumer Protection of the Ministry of Development and Investments. A new national action plan, which is to undergo public consultation in 2020, envisages mandatory environmental criteria for five product categories (paper, cleaning products, IT equipment, air conditioning and lighting) and optional ones for five other product categories. In addition, there are GPP initiatives at the regional and municipal levels.

2.5. Promoting environmental democracy

The government has made significant efforts to increase transparency and accountability. This work is supported by public administration inspector-auditors who identify cases of corruption, maladministration, inefficiency and low-quality services across the government. Greece has been a party to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters since 2005. It has made progress in implementing the 2009 EPR recommendation to enhance the effectiveness of public consultation and environmental information dissemination via online platforms, but there is significant room for improvement.

2.5.1. Public participation in environmental decision making

Public participation in EIA and environmental permitting for category A1 and A2 activities, in SEA and in river basin management and other planning is mandated by law. Relevant documents are posted for comment on websites of competent authorities and/or the open government portal (www.opengov.gr).

The law requires government authorities to consult the public on draft laws before their submission to the parliament. Public consultation on draft legislation takes place through exchanges with selected groups and, more recently, through the open government portal. Consultation on presidential decrees and ministerial decisions can also take place but is not mandatory. Thus many important implementing regulations, such as the one defining categories of activities for environmental permitting, have not been subjected to public comment.

When public consultation is organised, it is often too short to be meaningful, and supporting and explanatory materials on the draft may not be available (IEEP, 2019). Still, public participation at the national level is on the rise: 8 consultations conducted by the MoEE in 2015 attracted 589 public comments (about 75 per consultation), but in 2017, 2 085 comments were submitted in 13 consultations (about 160 comments per consultation) (IEEP, 2019).

The 2010 law on local government and decentralised management requires every regional and municipal administration to set up a stakeholder consultation committee that includes representatives of local business associations, trade unions, NGOs and the public. The committees express opinions on the local government's development and technical programmes and regulatory decisions.

2.5.2. Access to environmental information

The 2005 law ratifying the Aarhus Convention and a 2006 Joint Ministerial Decree provided access to environmental information for all. A dedicated 2011 law promotes e-governance in public administration, which facilitates online access to information. A 2015 presidential decree codified regulations on access to public documents and data, including environmental information. All public authorities are required to upload every administrative act on the Diavgeia (Clarity) website as a result of a major initiative by the Ministry of Interior. Refusal to comply or incomplete provision of information can be addressed in an administrative court (a special administrative committee for first-instance appeals was abolished in 2013).

The MoEE supervises the collection and publication of core environmental data, in collaboration with the Hellenic Statistical Authority. The MoEE Citizens Service Centre directs the public to the departments best able to respond to information requests. The latest State of the Environment Report was published in 2018 by the National Centre for the Environment and Sustainable Development. However, the report lacks an analysis of the main factors behind environmental trends.

Facility operators must report pollution release data annually to the MoEE Directorate of Environmental Permitting, which sends the data to the European Environment Agency for compilation and dissemination in the European Pollutant Release and Transfer Register. The MoEE has also launched a national geoportal which provides access to geospatial data.

The key barrier to accessibility and adequate interpretation of environmental information is the absence of a coherent framework for data collection, classification and maintenance. Multiple websites, some abandoned due to a lack of resources for their maintenance, offer partial, outdated or fragmented information (IEEP, 2019). Certain departments refuse public access to environmental information, claiming its publication could harm the country's economic interests (WWF, 2018).

Despite progress, such as the establishment of registries on waste generation and water abstraction, there is room to strengthen the analytical basis for policy making, as recommended in the 2009 EPR. For example, available data do not allow inference of trends in water abstraction or assessment of hazardous waste generation (Chapter 1). Progress on environmental accounts is slow (Chapter 3). In addition, Greece is often late submitting national data required by its EU obligations (EC, 2019b).

2.5.3. Access to justice

Every administrative decision is subject to appeal to the authority that issued the decision and to a higher administrative body, as well as an annulment suit in an administrative court. The Supreme Administrative Court (Council of State) is the body of final instance (after administrative courts and the Administrative Court of Appeal) for annulment of enforceable acts of public authorities on grounds of excessive power and violation of the law.

Greece guarantees broad access to justice on environmental matters for individuals and NGOs. Citizens can invoke the right to a clean environment, provided in Article 24 of the Constitution, as the basis for suits in administrative or regular courts. However, there are no special judicial procedures for environmental matters, and court procedures are very long. The cost of bringing a lawsuit is not prohibitively high, although it was recently doubled due to the financial crisis (European e-Justice Portal, 2019). There are no exemptions from procedural costs in environmental matters, but legal aid is available to low-income citizens.

The Greek Ombudsman works on “quality of life” issues (among others), which covers the environment. Its investigators work on cases of poor administrative practice at the national, regional and local levels, with a dedicated team on the environment and urban planning (Box 2.1). Another institution, the Regional and Municipal Mediator (not connected to the Greek Ombudsman’s office), handles complaints against regional authorities. Both offices have audit powers and can make recommendations to the public administration, initiate disciplinary proceedings or refer the case to a public prosecutor, but cannot impose sanctions. These powers and their use regarding the environment are greater than those of ombudsman offices in some other OECD countries, such as Hungary.

Box 2.1. The Greek Ombudsman

The Greek Ombudsman is an independent authority whose office is provided for in the Constitution. It has been in operation since 1998 and provides its services free of charge. Its Quality of Life department deals with violations of environmental and land-use planning legislation, including wrongful permitting, illegal construction, illegal intervention in protected areas or the coastal zone, environmental damage and lack of access to environmental information.

In recent years, the top four areas of citizen complaints have involved licensing and monitoring of construction works, use and maintenance of public spaces, protection of natural habitats, and waste management. About 85% of public complaints addressed to the office end up being resolved by the public administration.

The Greek Ombudsman publishes annual reports and special reports on key issues, such as a 2013 report on coastal zone management, a 2016 report on entrepreneurship and environmental protection and a 2017 report on implementation of provisions legalising illegal construction. Such reports contain recommendations to the government. In addition, the office draws on specific cases to submit written proposals to competent authorities on legislative or implementation measures.

Source: Greek Ombudsman (2019).

2.5.4. Environmental education

A recent opinion poll showed that the public is concerned about the environment: nine out ten respondents said damage to the natural environment and extinction of species were a serious risk, whereas only 7% said the concerns were exaggerated. The vast majority of the public (around 80%) supports adopting stricter environmental laws (WWF, 2018).

As the 2009 EPR recommended, Greece has integrated environmental aspects in education at all levels. The Institute of Educational Policy developed a curriculum on environment and sustainable development, which was approved by the Ministry of Education and Religious Affairs (MERA) in 2015. About 80% of primary and secondary schools participate in sustainability initiatives. In 2015-16, about 440 training seminars, based on the Guidebook on Environmental Education, were organised for teachers and school officials in over 200 schools. Educational materials on environmental issues are uploaded on the Photodentro (Tree Light) platform, which is part of a digital infrastructure for educational content in schools run by the Institute of Educational Policy. Photodentro is open to students, teachers, parents and the general public.

Fifty-three Environmental Education Centres support schools in designing and using sustainability curricula that go beyond the purely environmental dimension; they also provide teachers with training and promote sustainability initiatives in collaboration with local communities (Box 2.2). In 2018, MERA established a directorate to support sustainability education in schools. At the regional level, decentralised support units of MERA promote educational programmes and projects related to the environment, health and culture.

Box 2.2. Sustainable schools

The Sustainable School label, administered by an environmental NGO, Aeiforum, is a certificate that rewards schools for sustainable practices. Introduced in 2015, it involves 40 criteria covering pedagogical, social and environmental activities and functions. Schools enrol in the programme at the beginning of a school year and submit a “sustainable school calendar” to report on a set of indicators at the end of the year. Among other requirements, the school has to create a sustainable school management plan and related activity programme. Almost 400 schools have registered in the programme, but not all have received the label.

Similar initiatives include the international Eco-Schools programme (700 participating schools in Greece) and the Greek Sustainable School, run by the Hellenic Society for the Protection of Nature (200 participating schools).

Source: Government of Greece (2018b).

The majority of Greek universities have introduced environment-related subjects in their curricula. There are five master’s degree programmes on environmental education and education for sustainable development (Government of Greece, 2018b).

As a result of collaboration between MERA and the MoEE, the 36 management bodies of Greece’s Natura 2000 sites (Chapter 5) have environmental education centres that conduct training and other educational activities for school students of all ages. However, there is limited financial support for environmental education, leading to a lack of technical infrastructure and specialised staff (MoEE, 2017).

Recommendations on environmental governance and management

Strengthening the institutional and regulatory framework

- Enhance collaboration on environmental matters between the national, regional and municipal governments through, among other measures, co-ordination of compliance assurance activities and information exchange.
- Expand the use of *ex ante* cost-benefit analysis and *ex post* evaluation of regulations, policies and programmes.
- Avoid special provisions in environmental permitting.
- Increase substantially the share of the territory covered by local spatial plans so as to limit the use of special land-use planning regimes for strategic investments and public estates; end retroactive legalisation of illegal construction; adopt and implement spatial plans for marine and coastal areas in the framework of integrated coastal zone management.

Improving enforcement and compliance

- Increase the share of planned inspections based on risk assessment at the national and subnational levels; strengthen the capacity of all environmental inspection authorities.
- Enforce payment of fines through administrative and judicial measures; better monitor and measure effectiveness of enforcement actions.
- Expand GPP and the use of voluntary agreements with industry to promote green business practices.
- Develop standards and procedures for soil remediation.

Enhancing environmental democracy

- Improve the quality and usability of publicly accessible environmental information by dedicating more resources to its collection and management; support more active public participation in environmental decision making.

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Notes

¹ EIA numbers were also affected by a decline in investment due to the economic crisis. However, this impact is difficult to quantify



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