

APPLICATION AND EFFECTIVENESS OF THE SEA DIRECTIVE (DIRECTIVE 2001/42/EC)

GREECE

LEGAL AND ORGANISATIONAL ARRANGEMENTS¹

This summary provides basic information on the legal, administrative and policy context regarding the SEA system in a Member State. It describes the legal and administrative framework supporting the implementation, including the organisational arrangements as well as a description of the SEA procedural obligations in place.

Legal and organisational arrangements
1. Legal framework
The SEA Directive has been transposed in the Greek legislation via the Joint Ministerial Decision 107017/2006 “on the assessment of the effects of certain plans and programmes on the environment” (Gov. Gazette B 1225), abbreviated as SEA-JMD hereafter.
2. Organisational arrangements in place. Authorities participating in the SEA
SEA is conducted for plans/programmes on both national and regional level. For this reason, there are two types of authorities depending on the governance level where the SEA takes place. The authority responsible for coordinating the SEA process and evaluating the results (SEA report and consultation data) for plans and programmes at national level is the Directorate of Environmental Licensing of the Ministry of Environment and Energy. For plans and programmes at regional level, the authority responsible for the SEA process is the Directorate of Environment and Spatial Planning of the Decentralized Administration. A varying series of authorities are involved in the SEA processes, depending on the type of plan or programme under consideration. The main authorities of advisory power are the Regional Councils, the Directorate of Regional Planning of the Ministry of Environment and Energy, and, for plans/programmes that may affect Natura 2000 sites, the Department of Biodiversity and Protected Areas of the same Ministry.

¹ The information in this summary fiche should be read in conjunction with the national transposition measures that the Member State communicated to the European Commission: <http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32001L0042&qid=1487172800769>

SEA PROCEDURE - STAGES

This part describes how a Member State handles the key stages of SEA (screening, scoping, baseline reporting, alternatives, impacts and preparation of the environmental report, consultation and public participation, and monitoring).

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3. Screening	
3.1. Plans and programmes subject to the SEA Directive and exceptions	<p>The types of plans and programmes subject to the Directive are listed in the SEA-JMD. Plans/programmes (required by the standing legislation and prepared or adopted by an authority at national, regional or local level, or prepared for a legislative adoption) concerning the sectors named in Article 3(2) of the Directive, are listed in Annex I of the SEA-JMD. This Annex, extendable if necessary, goes beyond the lists of Article 3(2) of the SEA Directive as it includes the following types of plans/programmes: Sectoral Spatial Plans (i.e. for renewables, industry, tourism, energy, transport, town networks etc.), Regional Spatial Plans, all the types of plans that Greek legislation provides for town-level planning or for developing country areas for tourism or productive activities, Water Management Plans, Regional Waste Management Plans, National Plan for Dangerous Waste Management, Plans of Land Reclamation and Development of Water-Land Resources, Programme for Development of Tourist Ports.</p> <p>The notion of "setting the framework for future development consent of projects" (Art.3 (2) (a)) is interpreted in the Greek Ministerial Decision on SEA as "setting the framework for future permits for projects or activities requiring obligatory Environmental Licensing". The latter term (obligatory Environmental Licensing) corresponds to the projects listed in annexes I and II of the EIA Directive, as transposed in relevant Greek legislation.</p> <p>There is no further specification on the definition of the term "small areas at local level" or "minor modifications to plans and programmes" as per Article 3(3) of the Directive. The terms are used as is, along with a practical example referring to local town plans.</p> <p>With regards to modifications to plans and programmes, there has not been any modification case in Greece up to now that has triggered a full SEA. The screening procedure mentioned above ("Strategic Preliminary Assessment") is applied on any modification, regardless of its extent, size nature, and until now no modification has found to be of such scale to require a new full SEA.</p>
3.2 Screening approach and criteria (Annex II of the SEA Directive)	SEA-JMD lists certain types of plan and programmes for which SEA is mandatory and also includes provisions when case-by-case approach is followed to determine whether an SEA is needed.

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In order to determine whether a plan or programme will have significant negative environmental impact according to Article 3(5) of the Directive, case-by-case approaches are followed in Greece. This approach is used in the following circumstances:

- For plans/programmes to be applied on areas that include Natura 2000 sites. In this case, a full SEA is necessary only when the impacts are expected to be significant. This determination of the significance of impacts on the protected site is carried out via a procedure called Strategic Preliminary Assessment (screening procedure).
- For minor modifications of the above plans/programmes or when these types of plans/programmes will cover only a small area, or for other types of plans/programmes that set the framework for future development consent of projects subject to EIA. In these cases, the aforementioned Strategic Preliminary Assessment is applied to determine if the likely environmental impacts in each particular case are expected to be significant or not.

The criteria for the likely significant effects defined in Annex II of the Directive have been taken into account during the one-off determination of those plans/programmes subject to obligatory SEA. These plans/programmes are listed in Annex I of the relevant Ministerial Decision (107017/2006). Moreover, the significance criteria in Annex II of the Directive are also used as a basis to define the content of the report to be submitted at the start of the above mentioned Strategic Preliminary Assessment (screening procedure). These content requirements are defined in a separate annex of the same Ministerial Decision, based on the criteria.

4. Scoping

4.1 Scoping approach

The transposing legislation in Greece does not include provisions on obligatory scoping. The contents of the SEA report have been defined as a fixed set of requirements, listed in an annex of SEA-JMD and every SEA report must meet these requirements as a minimum. However, the planning authority has the option to consult the competent authority on the extent and the level of detail of the information to be included in the SEA report.

The fact that plans and programmes are different and might require specific elements to be looked at during the assessment is taken into account via the extensive list of requirements for the content of the SEA report, prescribed in Annex III of the SEA-JMD, which covers almost all the variety of different cases. Each SEA report provides more detailed information for the environmental aspects that the particular plan/programme will affect while omits or goes into little details for the environmental aspects that are (obviously or proven) not relevant with the plan/programme. In other words, there is a fix list of requirements for the contents of the

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	SEA report, but the way that these requirements are fulfilled depends at first on the authors of each specific SEA and finally on the environmental authority, as well as on the consulted authorities and organizations which will evaluate the report.
5. Alternatives and baseline reporting	
5.1 Definition of alternatives and assessment of alternatives in practice/types of alternatives	The requirement of Directive for "reasonable alternatives, taking into account the objectives and the geographical scope of the plan or programme" has been transposed identically in the Greek legislation, without further elaboration. Requirements on the number of alternatives have not been set, but there are specific requirements on the outline of the reasons for selecting the alternatives dealt with, as well as on the environmental evaluation that led to the selection of the proposed plan/programme over the other alternatives. Also, there is a specific requirement to include the "zero alternative" ("do nothing" scenario) in the alternatives dealt with. In most cases, a second type of zero alternative is also evaluated, based on "business as usual" scenario.
5.2 Baseline reporting	The requirements for the contents of the SEA report (as defined in Annex III of the SEA-JMD) set the scope of the description of the current environmental situation, as well as the contents. The level of detail of the description of the current environmental situation (baseline study) in the Environmental report depends on the availability of information on each environmental theme, but the governing factor is the extent of the plan/programme: If it refers to the national level, the current environmental situation is described in more general terms but often there is focus on specific issues or areas (i.e, Natura 2000 sites, large cities etc.), while for local or regional programmes the information on the current environmental situation is more detailed.
6. Preparation of the environmental report and non-technical summary	
6.1 Content of the environmental report and the non-technical summary	The SEA-JMD provides for the same extent of information as the Annex I of the SEA Directive, but elaborates more on the details. For example, Annex III of SEA-JMD requires more detailed information on the plan/programme compared to Annex I of the SEA Directive (i.e. possible projects that the plan/program will include), as well as documentation on how the reference area of the environment report is selected. The requirements on the content of the Non-Technical Summary in the Greek transposing legislation are the same as in the Directive, asking for a non-technical summary of the whole extent of the SEA report.

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7. Consultation and public participation

7.1 Designation and identification of the concerned authorities and the public

The transposing legislation in Greece identifies a series of specific authorities with responsibilities on certain aspects of the environment. These authorities are the Ministries for Cultural Heritage, for Agricultural Development and for Marine Transport, as well as the competent authorities of the Ministry for the Environment. Each of these authorities must be asked for its views only when the plan/programme is likely to affect issues relevant to its responsibility. In addition, the transposing legislation provides for asking any other authority relevant to specific environmental effects that the plan/programme is likely to have.

The SEA-JMD in Greece identifies “the public” by using a definition identical to the one in the Directive, without further specification. The same applies to the term “the public affected or likely to be affected by, or having an interest in”, which has been adopted without change. The term “relevant non-governmental organisations” has been transposed as “non-governmental organisations that promote environmental protection”.

7.2 Consultation and public participation at different stages of SEA

All the requirements of the SEA Directive regarding informing the public and consultation of environmental authorities are fully adopted in the national legislation via the SEA-JMD.

In most cases the SEA process starts when a first draft of the plan/programme is available, although a parallel approach has also been used and the environmental report is available to public at the same time as the plan or programme. An example of parallel run of the planning activity and the SEA procedure is the adoption of the new Regional Physical Plans, where consultation on the draft plan and on the SEA run at the same time and the necessary changes (proposed either by the public or by authorities) are made in both the programme and the SEA report.

During scoping and preparation of the environmental report the relevant authorities can be consulted via official letters, without involvement of the competent environmental authority (the one that will evaluate the report and public consultation results to prepare the final decision). During screening, which is a formal procedure, a preliminary report is submitted by the plan’s authority to the competent environmental authority. The latter transmits the report to the environmental authorities that shall express their views in a 40-days' time

With regards to Article 3(7), the conclusion of the screening procedure (“Strategic Preliminary Assessment”) is published in two newspapers, when the assessed plan/programme extends to national or interregional scale. For plans/programmes of regional or local scale the conclusion is published in one newspaper. The authority that publishes the decision is the one that is responsible for the plan/programme.

With regards to Article 9, the decision is made available to the public via both an announcement in the press

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	(that calls the public to be informed on the decision) and the internet, by posting the decision on the authority's web site.
7.3 Methods and duration of public consultation	<p>The authority responsible for the plan/programme publishes an announcement in the press, invites the public to be informed on the SEA report (including the draft plan/programme) by accessing the relevant printouts at either the authority's or the Regional Council's offices. At the same time, the SEA report is published via the internet, in a format (usually pdf) that everyone can easily read. The minimum duration of the public consultation is set to 30 days, but in practice the consultation remains open for a much longer period, rarely shorter than two months.</p> <p>The views of the public and authorities are gathered at the competent authority via official correspondence and are taken into account in full detail. If there is critique to the plan/programme or proposals for changes, a copy is transmitted to the authority which is responsible for the plan/programme, asking for proper examination and possible actions. If a comment points out shortcomings of the SEA report, the competent environmental authority asks the authors for proper corrective or supplemental information.</p>
7.4 Transboundary consultation	<p>The requirements of Art. 7 of the SEA Directive for transboundary consultations have been transposed to the Art. 8 of the SEA-JMD without any significant change.</p> <p>Until now, there were some cross-border cooperation programmes between Greece and Italy, Bulgaria, Cyprus, etc., where transboundary consultations on significant effects on the environment have been conducted, and there is an ongoing such process initiated for the programme of hydrocarbon exploration and exploitation at the Ionian Sea.</p>
8. Monitoring	
8.1 Monitoring arrangements	<p>The transposing legislation (JMD 107017/2006) includes requirements for monitoring.</p> <p>Monitor requirements are embedded as measures in the SEA approval decision. In most cases, these measures refer to monitoring of various aspects of the plan/programme and of the environment (i.e. number of users and employees, energy consumption, waste and water management, new green areas etc.) and the calculation of appropriate indicators to signal the direction and intensity of possible environmental changes linked to the plan/programme. The environmental indicators are usually proposed by the SEA report and their calculation evolves while the programme is applied. For example, an indicator may refer to "Population of the urban areas for which sewage treatment is applied" and when the programme leads to some new sewage</p>

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treatment plants or networks that connect new areas to existing plants, the indicator is increased by the population of the new areas.