



PERMANENT MISSION OF GREECE  
GENEVA

Ref. No. 6171.2/12/420

### NOTE VERBALE

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's Note Verbale, dated 4 February 2015, has the honour to attach herewith the responses of the Ministry of Reconstruction of Production, Environment and Energy to the questionnaire of the Special Rapporteur on human rights and hazardous substances and wastes.

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 16 March 2015

To: The Office of the High Commissioner for Human Rights  
Special Rapporteur on human rights and hazardous substances and wastes  
Special Procedures Branch  
Palais des Nations  
CH 1211 Geneva 10

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Att.: 4 pages

## Greece:

- *What obligations does your Government have to ensure the right of access to information under international, regional and national laws? Please provide, in detail, the relevant legislation that guarantees the right of access to information on hazardous substances and wastes, as well as the mechanisms, including grievance mechanisms, which may be used by individuals and groups.*

The right of access to information is provided and guaranteed by the Constitution as well as by the Administrative Procedure Code.

Additionally, the Aarhus Convention was ratified in 2005 (Law 3422/12-12-05, OJG 303/A/2005) and implemented through transposition in national law of the EU Directive 2003/4/EC on public access to environmental information (Joint Ministerial Decision 11764/653/2006, OJG 327/B/17-3-06). According to the above JMD, public authorities must facilitate the access of citizens to environmental information and disclosure environmental information to interested parties upon request within specific time-frames set by law.

Additionally, the "Clarity" Program was initiated in 2010 (Law 3861/2010), according to which, all Ministries are obliged to upload their decisions on the internet, with the exception of decisions containing sensitive personal data and/or information on national security. This program constitutes a major transparency tool, since the decisions of public administration cannot be implemented prior to their upload on the Clarity website. The full implementation of the Clarity program (on all public institutions, regulatory authorities and local government) will contribute substantially to the creation of a more transparent citizens-state relationship. At the same time, the compulsory uploading of all decisions by all institutions exercising public authority on the Internet would lead to the reinforcement of responsibility and accountability. (Relevant websites: [www.e-per.gr](http://www.e-per.gr), [www.opengov.gr](http://www.opengov.gr), <http://diavgeia.gov.gr> )

Furthermore, since 2009, almost every piece of draft legislation, or even policy initiative by the government, is posted in [opengov.gr](http://www.opengov.gr), open to public consultation. Citizens and organisations can post their comments and suggestions article-by-article. All submitted comments are gathered and assessed by competent authorities and in many cases are incorporated in the final regulations. As of October 2009, when the first deliberation took place, hundreds of acts (draft laws, executive technical regulations, JMD and policy initiatives) of all Ministries have been uploaded on the "opengov" site for public consultation, and more than 80,000 number of citizens' comments have been received.

Finally, following the issued of Law 4014/2011 - which aims at accelerating environmental permitting and licensing procedures, decentralizing competencies for environmental licencing, reducing bureaucratic and administrative burdens, enhancing transparency and promoting stakeholder participation in decision making- the Digital Environmental Registry is established and for the time being it is running a pilot phase.

The Digital Environmental Registry will enable the online submission of Environmental Impact Studies for activities that belong to the A1 and A2 categories, as well as the monitoring of the process of issuing, renewal or amendment of the Environmental Conditions Approving Decisions and the Standard Environmental Commitments. Among the users of DER will be the studier that uses the platform to submit the Environmental Impact Study and monitor the whole procedure, the competent authorities that contact the environmental permit, citizens & environmental organizations that are offered the ability to be informed and to keep track of any environmental permitting procedure and its results.

Finally, it is worth noting that since May 2012 a special website is in operation (<http://aepo.ypeka.gr>) for the posting of all environmental licenses (DAEC) for category A projects and activities. A Joint Ministerial Decision was issued for its operation (Government Gazette Issue 1470/B/03-04-2012).

## GREECE

### Questions 2 and 3:

**2. Please provide, in detail, the scope and characteristics of hazardous substances and wastes-related information that is or may be accessible to the public? More specifically, please explain what type(s) of information is produced, by whom, based on what criteria, and the time frame/frequency of data production including whether data collected is disaggregated by gender, age, disability status, etc.**

**3. Please explain, in detail, how the information on hazardous substances and wastes is made available to the general public. In addition, what actions does the Government take to disseminate this information and to raise awareness about the adverse impacts of hazardous substances and wastes on human rights? How is this information tailored to the different constituencies?**

- **Type of information:** "Waste management plans" and "waste prevention programmes".

According to article 32 of Law 4042/2012 (OJG 24/A), concerning - inter alia - the waste production and management framework, the public participates to the elaboration of the abovementioned plans/programmes and has access to them after their elaboration, in line with the provisions of the Joint Ministerial Decision (JMD) 107017/2006 (OJG 1225/B) "on the assessment of the effects of certain plans and programmes on the environment".

The plans/programmes and all actions necessary for their implementation are uploaded to the Internet (official website of the Ministry of Reconstruction of Production, Environment and Energy (MRPEE):

<http://www.ypeka.gr/Default.aspx?tabid=238&language=el-GR> ).

- **Type of information:** Information on the establishments that undertake waste management activities, such as: collection and shipment, recovery and disposal operations.

The MRPEE keeps a register of all the establishments that undertake waste management activities, according to article 13 of JMD 50910/2727/2003 (OJG 1909/B) and article 7 of JMD 13588/725/2006 (OJG 383/B), referring to non-hazardous and hazardous waste, respectively.

All useful information regarding the above mentioned establishments (contact details, kind of permit etc.) is uploaded to the Internet and regularly updated (official website of the MRPEE):

<http://www.ypeka.gr/Default.aspx?tabid=438&language=el-GR> (for non-hazardous waste) and

<http://www.ypeka.gr/Default.aspx?tabid=439&language=el-GR> (for hazardous waste).

Moreover, the Extended Producer Responsibility (EPR) Schemes that operate in Greece provide the public with information on waste management operations and involved, authorized undertakings, as far as waste streams that are subject to EPR provision (Law 2939/2001, OJG 179/A). That information is uploaded to the official websites of the EPR Schemes.

- *Type of information:* Information on notifications of waste transboundary shipments.

According to article 21 of Regulation (EC) No 1013/2006 on shipments of waste ("Public access to notifications") the MRPEE uploads to its official website (<http://www.ypeka.gr/Default.aspx?tabid=439&language=el-GR>) information on notifications of shipments they have consented to, on annual basis.

**5. Which businesses are required to provide information on hazardous substances and wastes (e.g., size, sector, operational context, ownership and structure)? Please explain, in detail, the obligations of these businesses, have with regard to the type of information they are obliged to provide, to whom the information is made available, and what measures may be taken if businesses fail to meet these obligations.**

*Type of information:* Annual Report on hazardous and non-hazardous waste, provided by the establishments that produce / collect and transport / treat waste and are subject to environmental permit.

According to articles 12 par. 2 of JMD 50910/2727/2003 (OJG 1909/B) on "solid waste management" and 11 par. 4.g of JMD 13588/725/2006 (OJG 383/B) on "hazardous waste management", as amended by article 3 par. 2 of JMD 8668/2007 (OJG 287/B) regarding the "National Hazardous Waste Plan", all the above mentioned establishments are obliged to submit an annual report of all types of waste produced / managed by them during the reference year, to the MRPEE and the competent authority for granting their environmental permit.

In case of failing to meet the above obligation (as well as other obligations set in the national legislation on waste), penalties are imposed according to basic environmental Law.

Moreover, article 42 of Law 4042/2012 (OJG 24/A) refers to the creation of an "Electronic System of systematic waste data collection and treatment", where those data entry will take place via Internet. The data will derive from the Annual Waste Reports. There will be public access possibility to selected content of the System.