Access to justice in environmental matters

Greece

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Access to justice at Member State level

1.1. Legal order – sources of environmental law

1) General introduction to the system of protection of environment and procedural rights of persons (natural, legal, NGOs) in the specific national order

The Constitution of 1975, in Article 24, included for the first time in a constitutional text a provision for environmental protection. The Constitution is followed by the international treaties ratified by Greece and then the laws. The laws are followed by the Presidential Decrees and the Ministerial Decisions. Finally, in the context of addressing environmental problems, jurisprudence also plays a crucial role, mainly the E' Chamber of the Council of State, which has ruled on very important environmental issues. Framework law 1650/1986, as amended and in force, constitutes the key piece of legislation in the Greek legal system in introducing fundamental rules and establishing environmental protection mechanisms to ensure a high quality of human life.

Concerning access to justice, the judicial system in Greece conforms to the principles of the Aarhus Convention. As such, it ensures judicial protection in environmental cases, whether the dispute concerns acts or omissions by private persons or public authorities, and whether it concerns averting environmental damage or restoring harm already done or claiming compensation.

2) Constitution – main (content of + including references) provisions on environment and access to justice in the national constitution (if applicable) including procedural rights

Article 24 of the Constitution underlines that “the protection of the natural and cultural environment is an obligation of the State and everyone's right” The content of the right is to maintain the conditions that will safeguard life, health, quality of life and the environment itself as an independent legal right.

The protection of natural and cultural environment is an obligation of the State and everyone's right. For its preservation, the State has an obligation to adopt special preventive or repressive measures on the principle of sustainability.

Law 998/1979 governs issues relating to the protection of forests and woodlands. The creation of a forest register is an obligation of the State. Changes to the use of forests and forest land are forbidden unless they are important for the national economy in terms of rural development or otherwise imposed in the public interest.

Article 20 of the Constitution stipulates that “Everyone is entitled to receive legal protection by the courts and can develop his views on rights or interests, as provided by law. The right of prior hearing also applies to any administrative action or measure taken against his rights or interests”.

3) Acts, Codes, Decrees, etc. - main provisions on environment and access to justice, national codes, acts

Framework law 1650/1986 “for the protection of the environment” constitutes the main legislative instrument which establishes administrative, criminal and civil liability and enforcement tools for to guard against pollution and degradation of the environment, ensure public health, and maintain ecological balance and a high quality of life. In addition to the provisions on environmental protection from activities, measures against pollution, natural ecosystem protection etc., the law covers civil and criminal liability issues and administrative and penal sanctions. L 1650/1986 has been amended by L 3010/02 in order to comply with Directives 97/11/EU and 96/61/EU, L 3937/2011, known as the Biodiversity Law, and L 4042/2012 on the protection of the environment through criminal law, on waste management and other provisions, in compliance with EU Directives.

Law 4042/12 aims at harmonising the Greek legislative framework with Directives 2008/99/EC and 2008/98/EC as regards the protection of the environment through criminal law and waste management. The law is divided into four parts. Part I incorporates into the national legislative framework the provisions made under EU Directive 2008/99/EC. Articles 2 to 9 (Part I) establish penalties for environmentally harmful activities, which typically cause or are likely to cause substantial harm to the environment.

The protection of wildlife and nature reserves is further supplemented by additional legislative acts, such as Law 4519/2018 for Protected Areas Management Bodies, the Forest Code and Law 743/1977 for the protection of the marine environment and Law 4685/2020 for the modernisation of environmental legislation.

Law 1650/1986 includes a set of criminal civil and administrative sanctions but does not require the adoption of remedial measures for the restoration of the environment by the polluter. In other words, its scope remains limited to the establishment of liability to punish the damage and pollution rather than to remedy the environmental damage and/or impose measures to prevent or compensate for the loss of environment caused by the damage. Those aspects are covered by Presidential Decree 148/2009 transposing the Environmental Liability Directive 2004/35/EC into Greek law and introducing an environmental liability based on the “polluter pays” principle focused on the prevention and remediation of environmental damage.

4) Examples of national case-law, role of the Supreme Court in environmental cases

In the context of resolving and addressing environmental problems, the decisions of the Supreme Administrative Court (Council of State) play a very important role.

Examples of national cases:

The Acheloos case: This of historically important decision relates to an ecological struggle over more than 20 years for the protection of the Acheloos River. Decision 26/2014 decisively establishes protection of the environment both in our country and in Europe, highlighting the essential substance that the principle of sustainable development must have today.

Plenary Decision 26/2014 accepts all the grounds put forward by the organisations and bodies opposing the diversion: violation of Art. 24 of the Constitution for the protection of the environment, infringement of the Water Framework Directive 2000/60/EC, violation of Directive 85/337/EEC on environmental impact assessment, violation of Directive 92/43/EC on habitats and species, and violation of the Granada Convention on the Protection of Cultural Heritage.

The Ymittos case: The 1992 study and mapping of the Ymittos Regional Road in the Attica region raised serious problems for the local ecosystem and the surrounding municipalities, as it envisaged the construction of an avenue cutting through the middle the Ymittos mountain. Following appeals to the Council of State, the Court annulled the Environmental Team's decision and all related approvals resulting in a new study of the road in 1994.

5) Can the parties to the administrative procedure directly rely on international environmental agreements, or can only the national and EU transposing legislation be referred to?

According to Article 28 of the Greek Constitution, the generally recognised rules of international law and international conventions constitute an integral part of Greek law and prevail over any contrary provision in this law.

The international agreements do not need to be translated into domestic law as, under Article 28 section 1 of the Constitution, ratification of international conventions makes them directly applicable. They become an integral part of domestic Greek law and prevail over any contrary provision in that law. Greece has ratified most international conventions regarding environmental protection and implements EU law on the protection of the environment. The Supreme Administrative Court, in its jurisdiction, recognises the direct application of ratified international conventions and EU Directives.

1.2. Jurisdiction of the courts

1) Number of levels in the court system

Courts are divided into administrative, civil and criminal courts, and they are organised by special statutes. The sessions of all courts shall be public, except when the court decides that publicity would be detrimental to good usage or special reasons call for the protection of the private or family life of the litigants. Every court judgment must be specifically and thoroughly reasoned and must be pronounced in a public session. Publication of the dissenting opinion is compulsory. Justice is administered by courts composed of regular judges who enjoy functional and personal independence.

The substantive administrative disputes fall under the jurisdiction of the existing **ordinary administrative courts** (first instance courts, courts of appeal, Council of State).

Civil courts have jurisdiction on all private disputes (first instance courts, courts of appeal, Areios Pagos - the Supreme Civil and Criminal Court of Greece).

Criminal courts have jurisdiction on criminal offences (first instance courts, courts of appeal, Areios Pagos – the Supreme Civil and Criminal Court of Greece).

2) Rules of competence and jurisdiction – how is it determined if there is jurisdiction of the court, cases of conflict between different national tribunals (in different Member States)?

According to the Code of Administrative Procedure (Art. 7), jurisdiction in the first and last instance rests with the court in whose district the authority is established, by an act, omission or material act on which the dispute was founded. This jurisdiction is maintained even in cases where an administrative appeal is filed against these acts or omissions.

According to public law, an annulment request can be brought before the Council of State or the administrative courts in order to annul an administrative act. After that, a suspension request can be submitted asking for a stay of execution of the offended administrative act.

The Council of State is at the top of the hierarchy of ordinary administrative courts (administrative courts of first instance and administrative courts of appeal). The Council of State and the ordinary administrative courts decide on all administrative law disputes: money claims, the function of the civil service, social security claims, procurement of public works and supplies, compensation claims against the State, and challenges to the legality of administrative acts in general. The judgments of the Council of State constitute the highest authority on legal precedent for the lower administrative courts and set the standards for the interpretation of the Constitution and the laws and for the advancement of legal theory and practice. Like all judicial decisions, the judgments of the Council of State carry the authority of "res judicata" and are subject to compulsory enforcement against the public sector, local government agencies and legal persons under public law.

The jurisdiction of the Supreme Administrative Court (Council of State) pertains mainly to:

The annulment of enforceable acts of administrative authorities for excess of power or violation of the law.

The reversal of final judgements of administrative courts for excess of power or violation of the law.

The trial of substantive administrative disputes submitted to them as provided by the Constitution and the statutes.

The elaboration of all decrees of a general regulatory nature.

The administration is bound to comply with the annulling judgments of the Supreme Administrative Court. The courts are bound not to apply a law whose content is contrary to the Constitution.

3) Specialities as regards court rules in the environmental sector (special environmental tribunals), laymen contributing, expert judges

There are no special judicial procedures for environmental matters. The civil courts examine and recognise right relating to the environment. The recourse to civil courts is intended to safeguard the living space of the affected individual from harmful effects on the environment.

4) Level of control of judges in case of administrative appeals, concept of own motion, what are its limits? Rules on court action on its own motion.

Only the Prosecutor can act ex officio in case of criminal offences relating to environmental insults, as he can do so for any other non environmental offence.

The Greek Ombudsman can also act ex officio in case of environmental damage.

The Greek courts act only upon appeal, there is no action on their own motion.

According to Article 35 of the Administrative Procedural Law, the court reviews the procedural issues on its own motion.

The scope of the case and the completion of the trial depend, in principle, on the will of the parties and not on the ex-officio action of the court. Concerning the subject-matter of the proceedings: procedural conditions, procedural obstacles and, in particular, the admissibility of the remedy, define the procedural scope of the proceedings, which is reviewed ex officio by the court in order to proceed to the substantive content of the proceedings.

According to Article 79 of the Administrative Procedure Law, the court examines the contested act or omission in accordance with law and substance, within the limits of the appeal determined by its reasons and request. Exceptionally, statutory control of the contested act or omission may also be ex officio in its entirety, in order to verify: whether the act has been issued by an incompetent body or by a collective body that does not have a legal composition b) whether the act is defective on its legal basis, or c) whether there is a violation of a court ruling.

1.3. Organisation of justice at administrative and judicial level

1) System of the administrative procedure (ministries and/or specific state authorities)

The Ministry of Environment and Energy (MoEE) is mainly responsible for a wide range of governmental policy areas in environmental matters, including preparing legislation and transposing directives of the European Union into national law, as well as issuing presidential decrees, laws and administrative regulations. The Ministry of Environment has general Secretariats for the 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, forestry and agriculture. Other Ministries (Ministry of Health, Ministry of Development, Ministry of Rural Development and Food, Ministry of Tourism, Ministry of Maritime Affairs and Insular Policy, Ministry of Interior, Ministry of Infrastructure and Transport) develop and implement policies affecting the environment.

There are also a number of horizontal co-ordination mechanisms on environmental matters. 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 and ensuring compliance with them.
In the case of disputed public administration decisions, citizens may appeal before the competent administration under specific terms and conditions. They may appeal to the relevant authority which issued the act and ask for remedy in order to rectify an injustice or an illegal situation. With this application, the grounds of legality of the act or substantive grounds can be invoked.
An administrative appeal is addressed to the administrative authority that issued the act or to the authority above the one that issued the act. It requests revocation or amendment of the administrative act.
Types of administrative actions for appeal against administrative decisions:
Remedy request: submitted to the same administrative body which issued the act. Rectification of an injustice or lifting of an illegal situation caused by the administrative act. The administrative authority receiving the appeal must notify its decision to the person concerned within 30 days. If the person concerned asks for the annulment of the administrative act, the decision is taken by the supervising (hierarchically superior) authority (**hierarchical appeal**). Individuals whose legitimate interests were harmed by an individual administrative act must file this kind of administrative appeal. The appeal may be submitted to the authority which issued the act or the authority above it. The objective is the withdrawal or amendment of the act. For the submission of this kind of appeals there is no specified deadline.
Special administrative appeal: provided by a special legal provision setting a deadline within which the appeal must be filed. According to Art. 227 of L 3852 /2010 on the function of local authorities – *Kallikratis* (as amended by 4555/2018 - *Kleisthenis*), anyone who has a legal interest may challenge the decisions of the collective or single-member bodies of municipalities, regions and their associations, for reasons of legality, before the Local Authority Supervisor, within a period of fifteen (15) days from publication of the decision or its posting on the internet or from its notification or after it has become fully aware of it. The competent administrative body reviews only the legality of the case (see related decisions of the Council of State 3642/1999, 1669/2012, 1974/2016).
Quasi-judicial action: This action is reviews not only the legitimacy, but also the substance of the case. It is provided for by a special legal provision, submitted to the same administrative body which issued the act and filed within a certain time-limit set by law. The decision on the action is delivered by the administration within a time limit set by law or otherwise within three months (see related decisions of the Council of State 1038/88, 1171/97, 4064/2012, 2829 /2012, 4304/2010) An example of a quasi-judicial action is the appeal by the owner of an illegal construction against the inspection report of the Town Planning Administrative Service before the Town Planning and Disputes Council (SYPOTHA- ΣΥΜΒΟΥΛΙΟ ΠΟΛΕΟΔΟΜΙΚΩΝ ΘΕΜΑΤΩΝ & ΑΜΦΙΣΒΗΤΗΣΕΩΝ ΣΥ.ΠΟ.Θ.Α. Art. 30 of L 4030/2011 as amended).
An administrative remedy suspends the deadline for filing the cancellation request and the appeal to the court, provided of course that it is filed within the deadline. A special administrative appeal also suspends the deadline, provided that it was filed within the period prescribed by the provisions in force.
The case can be essentially reopened, while the special administrative appeal checks only the legality of the contested act in the quasi-judicial redress. Acts adopted on the basis of the appeal are always enforceable.
If a quasi-judicial appeal is allowed, its submission is a prerequisite for the admissibility of the cancellation request or appeal to the court. The appeal may be brought only against the act issued directly within the deadline provided or, if there is no time limit, within three months of its submission.. The appeal gives rise to the issuance of a new administrative act and leads to a new judgment on the case,. The appeal shall be deemed to have been rejected after the expiry of the specified time limit, otherwise after the lapse of three months (Article 25 of the Code of Civil Procedure).
2) How can one appeal an administrative environmental decision before court? When can one expect the final ruling?
Greek law provides the following remedies against the administration before the administrative courts:
A cancellation request against an act or omission of the administration due to abuse of power or violation of the law (Council of State or exceptionally Court of Appeal or First Instance Court)
Appeal against an act or omission by the administration before the first instance administrative court or exceptionally before the Administrative Court of Appeal and the Council of State
Action against the government for harm caused by illegal administrative organs in the performance of their duties (first instance administrative court) or in case of an administrative contract before the three-member appeal court at a first and last level
An action for recognition of the existence or absence of a pecuniary claim
Objection against administrative execution (first instance administrative court)
Suspension of enforcement of an administrative act where a cancellation request or appeal has been already initiated
Request for injunctive relief
An appeal is allowed only against judgments at first instance. If the appellant lives in Greece the deadline for appeal is 30 days, if not it is 60 days. The decision of the court cannot be executed until the expiration date.
Pursuant to Article 94 of the Greek Constitution, as in force after its revision in 2001, administrative disputes fall under the sole jurisdiction of the Council of State and the administrative courts, while the division of responsibilities has been entrusted to the common legislator, without prejudice to the powers of the Court of Auditors. The Council of State adjudicates on cases that reach it:
directly, by an application for annulment against an executable administrative act filed by someone who has a legal interest, in which case it can either annul the act or reject the application for annulment; or
after an appeal against a decision of a regular administrative court (administrative court of first instance or administrative court of appeal), where a citizen has appealed against an administrative act or other act of the State.
The interim injunctive relief is determined in special proceedings and granted only where it is absolutely necessary to protect the legal rights of a party in a particular case. It can also be requested during the trial of the case.
The ordinary administrative courts are responsible for:

I. Substantive administrative disputes, the adjudication of which is governed by the provisions of the Administrative Procedure Code,
II. Annulment disputes transferred to these courts by law by the Council of State, that means that cancellation requests are brought before the Council of State except for certain categories of cases which the legislature has delegated to the ordinary administrative courts (three-member administrative court, first instance court), while the Council of State retains competence in the second degree. Environmental annulment disputes are adjudicated by the Council of State.

The jurisdiction of the Supreme Administrative Court (Council of State) pertains mainly to:
Annulment of enforceable acts of administrative authorities for excess of power or violation of the law.
Reversal of final judgements of administrative courts for excess of power or violation of the law.
Hearing of substantive administrative disputes submitted thereto as provided by the Constitution and the statutes.
Elaboration of all decrees of a general regulatory nature.

The administration is bound to comply with the annulling judgments of the Supreme Administrative Court

3) Existence of special environmental courts, main role, competence

There are no special courts to decide in environmental matters. There is only a Prosecutor responsible for environmental matters, but he has been appointed with no further structure or service.

Following the adoption of Law 4042/12 on criminal environmental protection, a network of administrative bodies and the prosecutor was formed, assisted by the police, working to reduce environmental crime. Indicatively, it is stated that simple cases that do not require specialised knowledge are usually handled by general pre-investigators. The Environmental Protection Department of the Greek Police also plays an important role. The most complex cases are handled by the Environmental Inspectors either by conducting an audit to ascertain infringements, by obliging the relevant Public Prosecutor to investigate any criminal offenses, or by conducting a preliminary investigation. In the same direction, the environmental inspection of projects and activities in their territorial jurisdiction is carried out by the Environmental and Quality Control Bodies of the competent Region as well as by the competent services of the Decentralised Administrations and Regions.

4) Appeal against environmental administrative decisions delivered by competent authorities and appeal against Court orders and decisions (levels)

There are no special means of appeal in environmental cases.

There are no special judicial procedures for environmental matters.

Hierarchical appeal is considered as an appeal to a superior administrative body against an administrative decision. This appeal can be brought before the superior administrative authority which issued the act. This authority may be the Minister of the Environment for environmental cases, and the appeal requests the annulment of the administrative act. The lodging of a hierarchical appeal will interrupt the time limit for the court appeal if it is lodged within 60 days. After 30 days, a new time period (60 days) for recourse to the administrative courts is set.

The civil courts examine and recognise rights relating to the environment. The recourse to civil courts is intended to safeguard the living space of the affected individual and goods from harmful effects on the environment.

In the framework of public law, an annulment request can be brought before the Council of State or before the administrative courts to annul an administrative act. After that, a suspension request can be submitted asking for a stay of execution of the offending administrative act.

An appeal is allowed only against judgments at first instance. If the appellant lives in Greece the deadline for the appeal is 30 days, if not it is 60 days.

An injunction is granted only where it is absolutely necessary to protect the legal rights of a party in a particular case. It can also be requested during the trial of the case and is ordered by first instance courts. The decision is provisional and does not affect the main case.

The cancellation request is brought before the Council of State except for certain categories of cases which the legislature has delegated to the ordinary administrative courts (three-member administrative court, first instance court) while the Council of State retains competence in the second degree.

The administrative courts have only cassation rights against administrative decisions. The court can annul the act and send the case back to the administration in order to achieve conformity. However, the court has the possibility to interpret the law with binding power.

5) Extraordinary ways of appeal. Rules in the environmental area. Rules for introducing preliminary references.

When a court is uncertain as to the interpretation or validity of an act adopted by the European Union it will refer the issue to the European Court of Justice to request a preliminary ruling according to Art. 267 TFEU. Following the decision of the European Court of Justice on the interpretation or the validity of the provisions in question, the national court will continue its own proceedings. Although the national court retains jurisdiction to take interim measures, when the question referred relates to the validity of an act, the reference for a preliminary ruling entails a suspension of the national proceedings pending a decision by the Court.

6) Are there out of court solutions in the environmental area as regards solving conflicts (mediation, etc.)?

7) How can other actors help (ombudsperson (if applicable), public prosecutor), accessible link to the sites?

The Greek Ombudsman mediates between the public administration and citizens in order to help citizens to exercise their rights effectively. The Quality of Life Department is concerned with violations of environmental and urban planning legislation affecting the natural and cultural environment and public health, in the following fields: illegal interventions in environmentally protected areas; licensing and operation of industries; licensing and operation of food and leisure premises; protection of forest and coastal areas; construction and operation of infrastructure projects; illegal construction; installation and operation of mobile phone base stations; access to environmental information; delays in compensation for expropriated private property; protection of cultural heritage and archaeological sites.

When actions or missions by the public administration infringe upon an individual's rights or harm his/her legal interests, the individual may file a complaint to the Ombudsman. Before submitting a complaint, however, applicants should first seek redress from the public administration unit involved. On completion of the investigation, if required by the nature of the case, the Ombudsman shall draw up a report on the findings, to be communicated to the relevant Minister and authorities, and shall mediate in every expedient way to resolve the citizen's problem.

As a mediator, the Greek Ombudsman makes recommendations and proposals to the public administration. The Ombudsman does not impose sanctions or annul illegal actions by the public administration.

The Ombudsman may proceed ex officio to the investigation of cases which have aroused particular public interest (i.e. landslides at the Amyntaio brown coal mines). The Ombudsman's decision defines the case to be investigated, as well as the reasons that have led to that decision. The decision may also include a timetable for the investigation. The Ombudsman's decision is communicated to the involved services and is published in at least one daily newspaper. The Ombudsman, if he considers it necessary, may make public the relevant decision. Upon completion of the investigation, the relevant findings and recommendations from the Ombudsman are made public through all possible means.

The criminal offences related to attacks on the environment are normally prosecuted ex officio by the competent public prosecutor. Citizens can apply to the competent authorities to terminate the commission of such offences by submitting a complaint to the competent public prosecutor or the police.

The Greek Ombudsman investigates individual administrative actions or omissions or material actions taken by government departments or public services that infringe upon the personal rights or violate the legal interests of individuals or legal entities.

Before submitting a complaint to the Greek Ombudsman, the complainant should first contact with the public service involved in his or her case. Only if the problem is not resolved by the service concerned should a complaint be submitted to the Ombudsman.

Another body contains the Inspector-Auditors dealing with inspections, audits and investigations. The body’s main task involves preliminary tests or investigations at the public prosecutor's request. The audit process is activated by command of the Special Secretary ex officio, or on the orders of the Minister or the General Secretary for the Region. Investigations may also be requested by the General Inspector of Public Administration, the Ombudsman, or the head of an independent administrative authority.

1.4. How can one bring a case to court?

1) Who can challenge an environmental administrative decision (relevance of the concept of concerned public and NGOs)?

Article 24 of the Constitution (after the 2001 Constitutional revision) underlines that “the protection of the natural and cultural environment is an obligation of the State and everyone's right”. That means that anyone, or a group of people acting together or an NGO has the right to appeal before the courts in order to protect the environment by proving a particular legitimate interest regarding their case.

2) Are there different rules applicable in sectoral legislation (nature conservation, water management, waste, EIA, IPPC/IED, etc.)?

There are no different rules applicable in sectoral or procedural legislation for any of the actors.

3) Standing rules applicable for NGOs and individuals (in administrative procedure and at the judicial level, for organisations with legal personality, ad hoc groups of representatives of the public, standing for foreign NGOs, etc.).

Administrative procedure: in case of disagreement with the administrative decisions, any individual has the right to appeal and file a request for remedy or a special administrative appeal.

NGOs may appeal before the administrative authorities.

Corporations, associations, trade unions and groups and entities affected may also appeal.

Ad hoc groups may also appeal before the administrative authorities.

According to Law 3422/2005 (Aarhus Convention ratification), foreign NGOs can apply for environmental information.

Judicial procedure:

Administrative: any person who has a monetary claim against the State or other public entity by virtue of a legal relationship governed by public law (Art. 71 Administrative Procedure Code).

The claim may be in any form (direct, compensatory, unjust enrichment) that may be brought against the State for the purpose of satisfying a pecuniary claim in a public law relationship. A pecuniary claim of an individual against the State due to delinquency, failure to act, misconduct, detrimental action by the authority, unilateral change of the terms of an administrative contract or unexpected change of circumstances can be satisfied through a legal remedy before the administrative courts.

Civil: Whoever has the capacity to be the subject of rights and obligations and has ability to be a party (art. 62 Civil Procedure Code)

Criminal: The civil action for damages and recovery from the crime and the compensation for moral damage or mental anguish can be brought before the criminal courts by the beneficiaries in accordance with the Civil Code. According to the new Penal Code (Article 588 par. 1), civil action is allowed only to support accusation and not for monetary satisfaction due to moral injury.

The Greek Constitution, after its revision in 2001, gives NGOs the right to legal standing in environmental cases.

Concerning NGOs, in most cases the Greek courts have considered that the protection of the environment must be generally described in the statutory objective of the legal entities without being their sole or predominant purpose.

Corporations, associations, trade unions and groups and entities affected, or which are legally able to defend legitimate collective rights and interests, have standing.

Criminal judicial procedure:

Any legal person since action is public. Legal persons can bring private prosecution *stricto sensu*.

Associations serving a specific purpose without being unions or companies having no legal personality, may be parties (Art. 62.2 CPC).

It is worth noting that according to article 28 par. 7 of Law 1650/1986 in cases of a crime (environmental pollution), public administration, the Local Authorities in the region in which the crime was committed, the Technical Chamber of Greece, the Geotechnical Chamber of Greece, universities or other scientific bodies, bar associations, the protected area management bodies, non-governmental organizations and natural persons may be the civil party to the proceedings, regardless of whether they have suffered a property damage, only in support of the accusation and asking for restoration.

4) What are the rules for translation and interpretation if foreign parties are involved?

According to the law all foreigners are equal before the law. No other languages are allowed in court procedures. Greek is the official language. Foreigners have to have a translator who is not paid by the government except if the accused is a beneficiary of legal aid. There is one other case where the translator is paid by the government: when the court appoints a translator ex officio.

If a witness, expert or someone from the attending parties or their legal representatives or the accused does not speak Greek, an interpreter is hired. Interpreters are appointed by the judge or by the President of the court.

1.5. Evidence and experts in the procedures

Overview of specific rules in administrative environmental matters, control of judge, calling for an expert in the procedure

1) Evaluation of evidence – are there any limits in obtaining or evaluating evidence, can the court request evidence on its own motion?

In Greece, there are no special rules for provision of evidence in judicial cases in environmental matters. Standard court procedures rules apply.

2) Can one introduce new evidence?

Parties can introduce new evidence. The court acts only on the application of a party and decides on the basis of the factual claims made and demonstrated by parties and of the applications that they submit. However, the court may of its own motion order the submission of any evidence allowed by law, even if it has not been adduced by a party. After the taking of evidence the court decides on the substance of the case, unless it finds that the evidence was insufficient, in which case it may order new, additional evidence to be submitted. If the court finds that the existing evidence is sufficient or if the party has not managed to submit it within the legal deadline, the court may reject a party's request for evidence.

3) How can one get expert opinions in the procedures? Publicly available lists and registries of experts.

Anyone can ask for an expert opinion. The court can also ask for an expert opinion if it considers that there are issues for the understanding of which special expertise is required. The court can appoint an expert if this is requested by any of the parties and it considers that specific knowledge of science or art is required (art 368 Civil Procedure Code).

One of the best known lists of expert is that of the Greek Technical Chamber.

The Inspection Bodies of Northern and Southern Greece are also considered as experts. The preliminary examination and investigation of criminal offences, provided for in Article 28 of L 1650/1986, is also performed by the Environmental Inspectors, assisted, if necessary by invitation, by the competent preliminary investigation officers, always under the supervision of the Public Prosecutor whose district is the place of performance. The Environmental Inspectors have responsibility for the whole country.

According to the Circular of the Prosecutor AP 8/2013: The simple cases that do not need specialised knowledge to investigate them have to be handled entirely by the preliminary investigation officers, possibly with the assistance and guidance of the Inspection Bodies, if necessary. The Greek Police Environmental Protection Department (established by Article 16 PD 42/2011) could take on an important role. The most complex cases that relate to very serious or widespread environmental problems and need specialised knowledge for their investigation have to be sent to the Inspection Bodies, either a) at the request of the investigator through audit, given the fact that if the audit confirms violations, the relevant Prosecutor for the investigation of any criminal acts must be informed, either b) at the request of a preliminary examiner.

3.1) Is the expert opinion binding on judges, is there a level of discretion?

The experts carry out public duties in their area of expertise. This has a practical bearing on the evidentiary strength of the public documents (Articles 438, 440 Civil Procedure Code) alongside the experts' opinions which are assessed freely by the judge (Art. 387).
Expert opinion does not constitute evidence, but it constitutes assistance for the judge.
According to case law, the expert opinion, even if ordered by the court, is for the court to assess and has no priority over other evidence which would oblige the court to accept the evidence it relates to. The court may reach a judicial conviction contrary to the expertise, and the relevant court judgment regarding the assessment of the expertise does not have to be justified, as it has no special probative force compared to the other means of proof (Decision 1020/2014 AP Areios Pagos).
As regards the binding nature of the expertise in the criminal courts, it should be noted that in case law (e.g. AP Areios Pagos Decisions 740/2012 and 1637 /2010) it is accepted that the opinion of the experts is not binding on the court, but when the court does not agree with the experts'' opinion, it "must justify the contrary to his belief, based on proven facts which exclude those raised by the experts as the basis of their opinion ".

3.2) Rules for experts being called upon by the court

A list of experts is maintained in each court. Decrees issued at the instigation of the Minister of Justice define the way that lists are drawn up and kept (Art. 371 CPC). The court shall appoint the experts from the list of experts, but if there is no list or if the court considers it appropriate, it shall appoint these experts that it deems appropriate for the case (art. 372).
Those who have been a) convicted of a felony or misdemeanour and deprived of their political rights under Articles 59 to 63 of the Criminal Code, as well as those who have been referred to parliament for such acts, b) convicted and deprived of the right to pursue their profession and for as long as this deprivation lasts; c) have been denied the right to freely dispose of their property (Art. 373), may not be registered in the list of experts nor be appointed as experts (Art. 373).
Those who are in the list of experts, as well as those practising the profession whose field of expertise is included, are required to perform the tasks assigned to them by the decision. Those who do not belong to these categories may refuse their appointment unless they have stated that they accept or have not taken the legal oath (Art. 374).
Regarding the expert's role in the penal procedure, Article 185 of the Penal Code defines the method of compiling a list of experts, while Article 360 refers to the reading of expert reports after examining the witnesses and the possibility of summoning them to the court, which is often exploited particularly in court practice. It is a common practice of the criminal courts for environmental officials from the Regional Environmental Departments to be summoned as witnesses in the hearing process. Their reports often are notified to the Public Prosecutor's Offices for the investigation of the environmental crimes and are read by the criminal court as documents (Art. 362 Penal Code).

3.3) Rules for experts called upon by the parties

Parties can get expert opinions in the procedures if they find experts in specialised offices and pay them.

3.4) What are the procedural fees to be paid and when in relation to expert opinions and expert witnessing?

Expert fees depend on the case and the specification you may need. For more complex cases they may be 10,000-30,000 euros. For less difficult cases, fees are lower.

1.6. Legal professions and possible actors, participants to the procedures

1) Role of lawyers, compulsory or not, how to contact, publicly accessible internet link to registry or website of the bar, perhaps of specialised lawyers in the environmental field

According to Law 4194/2013 (*Code of Lawyers*), the lawyer's role constitutes a cornerstone of the rule of law. His role is the representation and defence of his client before any court, authority or service or extra judicial institution, providing legal advice and service The role of the lawyer hired by an individual or a company or by the state is to be the trusted advisor and representative of the client: a professional who is appreciated by others and a necessary participant in the fair administration of justice. The lawyer, who faithfully serves the interests of his/her client and protects their rights, also discharges the duties of lawyers in society, namely the prevention and avoidance of conflict, ensuring that conflicts are resolved according to the recognised principles of civil, public or criminal law and taking full account of rights and interests, the development of law and defence of freedom, justice and the rule of law.
Lawyers are part of the judicial system. In administrative procedures, the presence of a lawyer is not obligatory. Lawyers are compulsory for cases before the supreme courts, but not in some lower level courts, i.e. in the courts for small scale criminal offences. In the criminal procedure, legal counsel is compulsory for the accused.
However, most environmental law cases are conducted with the assistance of a lawyer because environmental procedures are so complex that people cannot grasp all of the legal consequences. Specialised environmental lawyers give advice at all stages of the procedure. The Quality of Life Department of the Greek Ombudsman plays also a very important consultative and investigative role in crucial environmental cases.
The Bar associations guarantee enforcement of the Code and can impose disciplinary sanctions.
It should be noted that according to Article 28 par. 7 of L 1650/1986, in case of a criminal offence (environmental pollution), civil plaintiffs may be the State, as well as the local authorities in the district in which the crime was committed, the Technical Chamber of Greece, the Geotechnical Chamber of Greece, universities, other scientific bodies, Bar associations, management bodies of protected areas, non-governmental organisations and individuals, regardless of whether they have suffered property damage, in support of the charges and only with a view to restitution.

1.1 Existence or not of pro bono assistance

There is no pro bono legal assistance provided by law firms. The only case of pro bono court representation is provided by certain human rights NGOs in particular cases concerning migrants and refugees.
Nor are there any public interest environmental law organisations or lawyers available to the public in Greece.

1.2 If pro bono assistance does exist, what are the main elements of the procedure to receive it (perhaps links to forms, court or agency in charge, address, telephone, email, ways to contact, etc.)?

1.3 Who should be addressed by the applicant for pro bono assistance?

2) Expert registries or publicly available websites of bars or registries that include the contact details of experts

There are law offices and known lawyers specialised in environmental cases and matters. There are also NGOs dealing with environmental protection, but no NGO has a permanent legal service.
The Bar of Athens is the official association. There are also the regional bars at the big Greek cities (Thessaloniki, Patra, Ioannina, Iraklion Crete). Certain NGOs provide the public with legal guides to help them in the procedure to claim a clean environment (ex. WWF, Ecocity).

3) List of NGOs who are active in the field, links to sites where these NGOs are accessible

There is no official list of environmental NGOs. The most active are:
WWF
The Hellenic Ornithological Society
Arcturos

Ecocity
Ecorec
Society for the Environment and Cultural Heritage
The Hellenic Society for the Study and Protection of the Monk seal
The Sea Turtle Protection Society of Greece
http://www.eco-net.gr
ANIMA
See also this list of environmental organizations.

4) List of international NGOs, who are active in the Member State.

Some international NGOs are active in Greece, i.e. Greenpeace, WWF Hellas.

1.7. Guarantees for effective procedures

1.7.1. Procedural time limits

1) Time limit to challenge an administrative environmental decision (not judicial) by an administrative body (either superior or same level).

The appeal is submitted to the competent authority or to the supervisory authority and its object is the withdrawal or amendment of the administrative act. Generally, an administrative appeal must be brought within sixty (60) days. Filing of the appeal within the time-limit interrupts the time-limit for a judicial appeal.

2) Time limit to deliver decision by an administrative organ

The administration must consider the appeal and notify the person concerned of the decision within 30 days unless there are special provisions. In cases where a Minister exercises control after submission of a special administrative appeal, the deadline is 60 days. If the body competent to rule on the appeal is another administrative organ, the administrative body to which the appeal is lodged must forward it to the competent authority within 5 days. In the case of a quasi-judicial action, the decision shall be delivered within a time limit set by law or otherwise within three (3) months.

Sanctions against administrative organs delivering actions in delay are applied according to the Public Servants Code (Law 3528/2007). For judicial procedures in environmental matters, both for the court and for the parties, there are no time limits provided by law.

3) Is it possible to challenge the first level administrative decision directly before court?

In the case of a quasi-judicial action, its timely and lawful lodging is a prerequisite for a further admissible appeal to the administrative courts. The right to lodge a quasi-judicial action is specifically provided by law. It is a formal administrative appeal and its procedure is explicitly provided by law. It is obligatory to lodge it within a certain time period provided by law, otherwise it is inadmissible to lodge an appeal to the court.

4) Is there a deadline set for the national court to deliver its judgment?

There is no deadline set for the court to deliver its judgment. There are long delays in judicial decisions. However, there is the means of temporary suspension where the Council of State immediately stops the harmful actions against the environment until the court's final decision.

Greek citizens can addressed themselves to the Human Rights Court of Strasbourg .According to Articles 53-60 of Law 4055/2012 on fair trial, any party other than the State and public legal entities, which are governmental agencies within the meaning of Article 34 of the European Convention on Human Rights, who have participated in administrative proceedings may apply for equitable relief under the condition that the procedure for the trial was delayed unreasonably, namely that it lasted beyond the reasonable time required to analyse the factual and legal issues raised in the trial. The application is directed against the Greek government, legally represented by the Minister of Finance.

The first appeal was filed in the Supreme Administrative Court (under the abovementioned legislative framework), by which a Greek citizen had asked the Greek government to pay 30,000 euros in damages as the Council of State delayed delivering its judgment for 8 years, 6 months and 18 days. This first judicial decision imposing a sum of 4.800,00 euros for moral damage due to a long delay in the administration of Justice was issued by the Council of State.

5) Time limits applicable during the procedure (for parties, submitting evidence, other possible deadlines, etc.)

The deadline for the cancellation request is 60 days. If at the beginning of this period, the applicant is resident abroad, the period is extended by 30 days. The deadline starts from the publication, notification or knowledge of the administrative act. For the individual administrative acts, whether or not notification is required, the deadline starts from the absolute knowledge of the individual affected.

In the case of a quasi-judicial appeal, three months after the filing of the appeal, presuming its dismissal, an appeal to the court can be filed.

1.7.2. Interim and precautionary measures, enforcement of judgments

1) When does the appeal challenging an administrative decision have suspensive effect?

The execution of an administrative act can be suspended if it has been appealed against. However, the suspension is potential and has to be ordered by the administration or the court.

When challenging an administrative decision, the appeal has no suspensive effect on the challenged decision. However, a special action for suspension has to be submitted jointly with the main action. The president of the court or the president of the special chamber of the Council of State has the right to proceed immediately to the suspension by his own individual act.

2) Is there a possibility for an injunctive relief during the administrative appeal by the authority or the superior authority?

There is a possibility for an injunctive relief during the administrative appeal by the authority or the superior authority.

3) Is there a possibility to introduce a request for such a measure during the procedure and under what conditions? Possible deadline to submit this request?

Where the time-limit or the lodging of an appeal does not legally entail suspension of execution of the individual administrative act, and if no suspension has been granted by the competent administrative authority in that particular case, the administrative act, at the request of the person lodging the appeal, may be suspended in whole or in part, by a reasoned judgment of the court. The court before which the appeal is pending is competent to grant the suspension if it is competent to hear the main proceedings. The application for suspension must state the reasons justifying the suspension. The application must be lodged with the secretariat of the court and must be accompanied by three (3) simple copies.

4) Is there immediate execution of an administrative decision irrespective of the appeal introduced? Under what conditions?

The execution of an administrative act can be suspended if it has been appealed against. However, the suspension is potential and has to be ordered by the administration or the court.

5) Is the administrative decision suspended once challenged before court at the judicial phase?

The precautionary measures may also be ordered during the proceedings of the main trial.

The majority of environmental cases that have been discussed by the civil courts have been brough to trial in the context of injunctive relief. The inability to fully restore the ecological damage and the fact that the compensation to repair the damage covers only private legal goods makes the injunctive relief the only available means to prevent or at least to limit the environmental damages or charges.

According to Article 681 of the Civil Procedure Code "the courts in case of emergency or in order to prevent imminent danger may order injunctive relief for the preservation or extinction of a right or to regulate a situation and to reform or to withdraw it".

The need for interim relief should be treated as a precautionary judicial protection of the environment, so as to prevent an irreversible damage that would make the final judicial decision without substance.

6) Is there a possibility for the national tribunals to provide injunctive relief (conditional upon a financial deposit)? Is there separate appeal against this order on the injunctive relief or the financial deposit?

Civil courts are competent to rule on the relief only if they are competent to hear the main case.

During the special procedure for injunctive relief, courts in urgent cases or in order to prevent imminent danger can order interim measures to secure or preserve a right or to regulate a situation and to restore it. The right may be subject to a condition or deadline. The injunction may also be ordered during the trial concerning the main case.

If the provisional measures have been ordered before filing the claim for the main case, the applicant shall, within thirty days from the decision that ordered the provisional measure, sue for the main action, unless the court specified a longer period for filing the claim at its own discretion. If the deadline expires, the interim measure shall be lifted automatically, unless the applicant within this period obtained the summary judgment.

If the request for injunctive relief is accepted, the opposing party can ask for annulment based on data that are not brought to the court. If it is rejected, the applicant may lodge a new request based on new additional evidence.

1.7.3. Costs - Legal aid - Pro bono assistance, other financial assistance mechanisms

1) How can one calculate what costs will be involved when one intends to initiate a procedure - administrative costs, judicial costs, costs for filing a case, experts' fees, lawyers' fees, cost of appeal, etc.

Law 4194/2013 (JO 2013 A/27-9-2013) provides in its annex a table with the lawyers' fees for representation in courts. The costs depend on the level of the judiciary.

To file an annulment request in the Council of State costs at least 330 euros, while the submission of a suspension request costs at least 150 euros. The submission of a statement/memorandum prior the trial costs 100 euros, while the notification costs 50 euros for the Attica region (150 euros outside Athens). For important environmental problems, decisions are made by several Ministries. That means that the public involved, companies etc. are numerous and consequently notifications are more than one.

The representation by a lawyer in the Council of State costs at least 500 Euros.

Minimum costs vary: The minimum of costs at the lower judiciary is approximately 200 euros and for the Supreme Administrative Court, 500 euros.

Lawyers' fees depend on the specification of the case.

2) Cost of injunctive relief/interim measure, is a deposit necessary?

The cost of an injunctive relief/interim measure is about 400 euros. The submission of a request for injunction costs 50 Euros, while the notifications cost 50-70 euros each within the Attica region. If it is out of the capital region, it will cost approximately 150 euros.

3) Is there legal aid available for natural persons?

There is a general mechanism of legal aid, not a special one for environmental matters.

According to Law 3226/2004, as amended by Law 4596/2019, legal aid beneficiaries are low-income citizens. Any national of an EU Member State can apply for legal aid, as well as nationals of third countries who are legally domiciled in the EU. Low-income citizens qualifying for legal aid are those whose the annual family income does not exceed two-thirds of the minimum annual personal pay stipulated by the national general Collective Labour Agreement. When applying for legal aid, a person must submit supporting documentation showing their financial situation.

4) Is there legal aid available for associations, legal persons, NGOs with legal personality and without legal personality? If yes, how to request legal aid? Is there pro bono assistance?

Public interest corporate bodies, non-profit organisations, and groups of persons that have the right to take part in court proceedings may also get legal aid if the costs of the proceedings would make it impossible to accomplish the aims of the group.

Requests for legal aid are submitted at the competent court of first instance (or in criminal cases to the president of the court before which the case is pending).

There is no pro bono legal assistance provided by law firms. The only case of pro bono court representation is provided by certain human rights NGOs in cases concerning migrants and refugees. Nor are there any legal clinics dealing with environmental cases or public interest environmental law organisations or lawyers available to the public in Greece.

5) Are there other financial mechanisms available to provide financial assistance?

There is no special legal aid mechanism available in environmental matters. The conditions are the general ones.

The legal assistance is provided at the request of the beneficiary. The application shall indicate briefly the subject of the proceedings or the operation and data certifying the conditions for aid.

The application shall be accompanied by the necessary supporting evidence of economic situation (a copy of a tax return or a certification that the inspector is not required to submit a statement, a copy of a statement of financial situation, tax return, certificates from welfare services, affidavits) and proof pursuant to the first paragraph of Article 1 of domicile or residence, for a citizen of a third country.

The application and supporting documents should be submitted at least fifteen days before the trial or action for which legal assistance is sought. The deadline may be shortened for a subsequent summons. The proceedings are free and representation by a lawyer is not mandatory.

6) Does the 'loser party pays' principle apply? How is it applied by courts, are there exceptions?

The *loser party pays* principle prevails and is applied by the courts. The meaning is that the loser pays all court's expenses.

7) Can the court provide an exemption from procedural costs, duties, filing fees, taxation of costs, etc.? Any other national characteristics linked to this topic?

There are no specific provisions relating to such exemptions from procedural costs.

1.7.4. Access to information on access to justice - provisions related to Directive 2003/4/EC

1) Where are the national rules on environmental access to justice available? Internet link to be provided. Are there other forms of structured dissemination?

The Greek judicial system conforms to the principles of the Aarhus Convention. People are quite aware if this although information on access to justice is basic and it is not given in an active way.

The official site of the Ministry of Environment provides relevant information and includes hyperlinks to other relevant sites (http://www.ypeka.gr/Default.aspx?tabid=467&language=el-GR & https://ypen.gov.gr/perivallon/geniki-grammateia-fysikou-periva/). It provides mostly general information on the implementation of the Aarhus Convention in Greece. Additional information including case law may be found on the Council of State site.

Since 2009, citizens can be informed of the legislative initiatives of the Ministries – including the Ministry of Environment and Energy - and can participate in public consultation through the website 'Open Governance'.

In order to ensure the diffusion of information and to involve all citizens and stakeholders in the decision-making mechanism, a website has been created giving them the opportunity for participation in consultation on draft laws, ministerial decisions etc.

Opengov.gr (Diavgeia) has been designed to serve the principles of transparency, deliberation, collaboration and accountability. Since October 2009 almost every piece of draft legislation or even initiative by the government, has been posted on opengov.gr, open to public consultation.
Law 4727/2020 (OJ 184/A/23.09.2020) on Electronic Governance, transposing Directives 2016/2102 and 2019/1024, and on Electronic Communication, transposing Directive 2018/1972, according to the explanatory memorandum, aims at drawing up a single legislative text to regulate e-governance issues in the public sector, removing regulatory barriers to enable, efficient and remote access to public services and information, as well as establishing confidence and transparency by expanding digital applications.

2) During different environmental procedures how is this information provided? From whom should the applicant request information?

According to Article 3 of Joint Ministerial Decision 11764/653/2006 (OJ B 327 / 17-3-2006): *Public access to environmental information* in accordance with the provisions of Directive 2003/4/EC, any natural or legal person shall have the right, at his written request, to approach the public authorities to obtain information and/or to request information on the environment without invoking any legitimate interest. The authority addressed shall provide the applicant with a protocol number and indicate the time limit within which the obligation to provide information and the possibility of seeking remedies provided for in Article 6 of the Decision.

3) What are the sectoral rules (EIA, IPPC/IED, regarding plans and programmes, etc.)?

Article 24 of the Constitution underlines that the protection of the environment is an obligation of the State and everyone's right. That means that a citizens or group of people together have the right to appeal to the administration or the courts in order to protect the environment.
Regarding plans and programmes (EIA, IPPC/IED, SEA etc), the competent environmental authorities shall provide the public concerned with timely information and the possibility of participating in the related procedures.
The decision on whether or not to approve an SEA shall be made public in a manner consistent with the provisions of Article 5 par. 9 of the JMD in order to inform the public (Article 7 par.11 of the Joint Ministerial Decision (JMD) 107017/2006 (OJ 1225B) of Environmental Impact Assessments for plans and programmes amended by L 3894/10 and JMD 40238/17 (OJ 3759B), transposing Directive 2001/42/EC). The recitals to the SEA JMD, the JMD 11764/653 /2006 on public access to the environmental refer to information in accordance with the provisions of Directive 2003/4.
With regard to EIAs, according to Article 8 of the recent Law 4685/2020, from 1 January 2021, all documents related to the issuance, renewal or modification of Approval of Environmental Terms (AEPO) and Standard Environmental Commitments (SEC), including applications, environmental impact studies, opinions of management bodies, AEPO plans, and any relevant correspondence, are circulated exclusively through the Electronic Environmental Register (EER). Public consultation, where required, will be conducted through the EER.
Furthermore, JMD 1649/45/14 (OJ 45 B / 15-1-2014) defines the ways of informing the public and the participation of the public concerned in the public consultation during the environmental licensing of projects and activities of Category A of Ministerial Decision 1958/2012, in accordance with the provisions of Article 19 par.9 of L 4014/2011 on Environmental licensing.
Regarding IED, the procedure and the manner of information and public participation are defined in paragraphs 2,3,5,7 and 8 of Article 19 and Article 19a of L 4014 / 2011.

4) Is it obligatory to provide access to justice information in the administrative decision and in the judgment?

An administrative act may state whether an appeal is possible. Refusal of a request for information must be duly reasoned, but does not have to include information on the remedies available.
According to Art. 16 par. 1 of the Code of Administrative Procedure, the individual administrative act mentions whether a special administrative or quasi-judicial appeal is possible, the competent authority and time-limits, as well as the consequences of failure to exercise them. Failure to mention the provisions in force shall not lead to the invalidity of the act.
The duty to inform arises only when these are administrative acts are challenged by a quasi-judicial appeal, and not by other types of administrative appeals. Decision 2892/1993 of Council of State (plenary) was a breakthrough in the issue of the public administration obligation to inform citizens of the possibility and the conditions for bringing an appeal.

5) Is translation, interpretation provided to foreign participants? What are the rules applicable?

Greek is the official language. No other languages are allowed in court procedures. Foreigners must have a translator who is not paid by the government except if the accused receiving legal aid. There is one other case where the translator is paid by the government: when the court appoints a translator ex officio.
If a witness, expert or someone from the attending parties or their legal representatives or the accused does not speak Greek, an interpreter is hired. Interpreters are appointed by the judge or by the President of the court.

1.8. Special procedural rules

1.8.1. Environmental Impact Assessment (EIA) - provisions related to Directive 2003/35/EC

Country-specific EIA rules related to access to justice

1) Rules on standing and access to justice relating to screening (conditions, timeframe, public concerned)

The courts can review screening decisions, but they cannot be annulled because these acts are not enforceable administrative acts. Consequently, the court annuls only the enforceable administrative acts on which the EIA scoping decisions are based (i.e. Ministerial decisions etc.). There are no special rules on standing and access to justice. General rules are applicable. The same procedure applies to final decisions. Courts do not examine the administration's technical assessments. However, courts can check EIA deficiencies or whether EIA decisions are contrary to the law.

2) Rules on standing relating to scoping (conditions, timeframe, public concerned)

The same applies to scoping. The courts can review scoping decisions, but these decisions cannot be annulled because these acts are not enforceable administrative acts. Consequently, the court annuls only the enforceable administrative acts on which the EIA scoping decisions are based (i.e. Ministerial decisions etc.). There are no special rules on standing and access to justice. General rules are applicable.

3) At what stage(s) can the public challenge the administrative decisions on environmental projects? Deadline to challenge decisions?

The public can challenge the administrative decisions as to legality or on substantive grounds provided by law. The deadline is usually sixty (60) days from knowledge of the act.

4) Can one challenge the final authorisation? Under what conditions, if one is an individual, an NGO, a foreign NGO?

The same procedure applies to final authorisation. Courts do not examine the administration's technical assessments. However, courts can check EIA deficiencies or whether EIA decisions are contrary to the law. Citizens or NGOs can invoke their constitutional right to a good environment directly in the judicial procedure.

5) Scope of judicial review – control on substantive/procedural legality. Can the court act on its own motion?

Courts can check procedural and substantive legality. There are no special rules, and general provisions are applicable. Only the prosecutor can act ex officio in case of criminal environmental offences. The Greek courts act upon appeal, there is no act on own motion.

The court may of its own motion order the submission of any evidence allowed by law, even if it has not been adduced by a party (Art. 344 Civil Procedural Code). After the taking of evidence the court decides on the substance of the case, unless it finds that the evidence was insufficient, in which case it may order new, additional evidence to be submitted. If the court finds that the existing evidence is sufficient or if the party has not managed to submit it within the legal deadline, the court may reject the party's request for evidence.
The court may of its own motion order the examination of witnesses (Art. 179 Code of Administrative Procedure - APC).
The court may, in any case, assess the circumstances, and exempt the losing party in whole or in part from the costs (Art. 275 APC).

6) At what stage are decisions, acts or omissions challengeable?

The environmental decisions are usually challenged in the administrative procedure or using legal remedies against administrative decisions. The public can challenge administrative decisions for legality or on substantive grounds provided by law. The deadline is usually sixty (60) days from knowledge of the act.

7) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

No requirements of exhaustion of administrative review procedures prior to recourse to judicial review procedures exist for EIA.

8) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc., not meaning the requirement determined under point 12?

It is not necessary to participate in the public consultation phase in order to have standing before the courts. Citizens can invoke their constitutional right to the environment directly in the judicial procedure independently on their participation in the consultation phase or not.

9) Fair, equitable - what meaning is given to equality of arms in the national jurisdiction?

Article 4 (1) of the Greek Constitution underlines that Greek citizens are equal before the law, establishing the principle of equality of arms between the parties. The right to a fair trial, as provided by Article 6 (1) of the ECHR, ratified by the legislative decree 53/1974, reinforced by Article 47 of the Charter of Fundamental Rights of the European Union and Article 14 (1) of the International Covenant on Civil and Political Rights, ratified by Law 2467/1997, constitutes a fundamental right which has been incorporated into the Greek law, in accordance with Article 28 (1) of the Constitution.

10) How is the notion of "timely" implemented by the national legislation?

Sanctions against administrative organs for non-timely response are applied according to the Public Servants Code (Law 3528/2007). Concerning judicial procedures for environmental cases, both for the court and the parties, there are no time limits provided by law.

11) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to this sector apart from the general national provisions?

Injunctive relief is also available in EIA procedures without any special rules. General rules are applicable.

1.8.2. Integrated Pollution Prevention and Control (IPPC)/Industrial Emissions Directive (IED) - provisions related to Directive 2003/35/EC

1) Country-specific IPPC/IED rules related to access to justice

General rules are applied.

2) Standing rules, at what stages can one challenge decisions (if one is an NGO, a foreign NGO, a citizen)? Is the final decision challengeable?

Citizens or NGOs can challenge administrative decisions for legality or on substantive grounds provided by law. The deadline is usually sixty (60) days from knowledge of the act. The same procedure applies to final authorisation. Courts do not examine the administration's technical assessments. However, courts can check deficiencies or whether IPPC/IED decisions are contrary to the law. Citizens or NGOs can invoke their constitutional right to the environment directly in the judicial procedure.

3) Rules on standing and access to justice relating to screening (conditions, timeframe, public concerned)

4) Rules on standing relating to scoping (conditions, timeframe, public concerned)

(3,4) Courts can review final IPPC/IED decisions or authorisations, but the screening/scoping decisions cannot be annulled because these acts are not enforceable administrative acts. Consequently, the court annuls only the enforceable administrative acts on which the final IPPC/IED decisions or authorisations are based (for instance Ministerial Decisions etc).
Courts can also review the procedural and substantive legality of IPPC/IED decisions according to the general provisions.

5) At what stage(s) can the public challenge the administrative decisions on environmental projects? Is there a deadline to challenge decisions?

The public can challenge the administrative decisions (permits) for legality or on substantive grounds provided by law. The deadline is usually sixty (60) days from knowledge of the act.

6) Can the public challenge the final authorisation?

The public can challenge the final authorisation. The same rules are applied.

7) Scope of judicial review – control on substantive/procedural legality. Can the court act on its own motion? Is it possible to challenge decisions, acts or omissions?

Courts control the legitimacy of the administrative decisions. Courts have no control beyond the administrative decision and cannot review the technical findings of the administration. Only the prosecutor can act ex officio in case of criminal offences relating to environmental damage, as he can do for any other non-environmental offense.

8) At what stage are these challengeable?

Only the final environmental decisions can be challenged.

9) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

There is no requirement of exhaustion of administrative review procedures.

10) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc., not meaning the requirement determined under point 12?

It is not necessary to participate in the public consultation phase in order to have standing before the courts. Citizens can invoke their constitutional right to the environment directly in the judicial procedure independently of their participation or otherwise in the consultation phase.

11) Fair, equitable - what meaning is given to equality of arms in the national jurisdiction?

Article 4 (1) of the Greek Constitution underlines that Greek citizens are equal before the law, establishing the principle of equality of arms between the parties. The right to a fair trial, as provided by Article 6 (1) of the ECHR, ratified by the legislative decree 53/1974, reinforced by Article 47 of the Charter of Fundamental Rights of the European Union and Article 14 (1) of the International Covenant on Civil and Political Rights, ratified by Law 2467/1997, constitutes a fundamental right which has been incorporated into the Greek law, in accordance with Article 28 (1) of the Constitution.

12) How is the notion of "timely" implemented by the national legislation?

Sanctions against administrative organs for non-timely response in delivering acts are applied according to the Public Servants Code (Law 3528/2007). Concerning judicial procedures for environmental cases, both for the court and the parties, there are no time limits provided by law.

13) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to this sector apart from the general national provisions?

Injunctive relief is also available in IPPC/IED procedures. There are no special provisions.

14) Is information on access to justice provided to the public in a structured and accessible manner?

The Greek judicial system conforms to the principles of the Aarhus Convention. People are quite aware of this although information on access to justice is very poor and is not given in a systematic way.

There is the official site of the Ministry of Environment, but it does not provide enough information.

1.8.3. Environmental liability[1]

Country-specific legal rules relating to the application of the Environmental Liability Directive 2004/35/EC, Articles 12 and 13

1) Which requirements need to be fulfilled for natural or legal persons (including environmental NGOs) to have the decision taken on environmental remediation by the competent authority reviewed by a court or another independent and impartial body in accordance with Article 13(1) ELD?

According to Art. 13 par. 1 of Presidential Decree 148/09, which incorporated the EU ELD Directive, any natural or legal person who (a) is affected or may be affected by environmental damage; or (b) has a legitimate interest in deciding on environmental damage, is entitled to submit in writing to the competent Division of the Special Inspectorate of Environmental Inspection, the information available to him on the environmental damage perceived, as well as inviting the competent authority to take action under this decree.

Article 13 ensures that persons covered by par. 1 who have a legitimate interest can have access to a court or other independent and impartial review body, both as regards the procedure and the substance of the legality of the decisions, acts or omissions of the competent authority. There are no special requirements. General rules are applicable.

2) In what deadline does one need to introduce appeals?

There are no special provisions. General rules are applicable. The interested party can challenge the administrative decision before the administrative courts within sixty (60) days.

3) Are there requirements for observations accompanying the request for action pursuant to Article 12(2) ELD and if yes, which ones?

The request for action shall be accompanied by relevant information and evidence sufficient to substantiate claims made for environmental damage (Art. 13 par. 2 of PD 148/09).

4) Are there specific requirements regarding 'plausibility' for showing that environmental damage occurred, and if yes, which ones?

There are no specific requirements. However, the Environmental Inspectors examine the request for action and the accompanying information and if they find that the environmental damage is sufficiently proven, by decision of the General Inspector of the Environment the relevant request for action is accepted and the operator becomes liable for environmental damage. This decision shall be forwarded immediately to the competent authority for action to prevent and /or remedy the environmental damage, in accordance with the relevant provisions of this PD. If the environmental damage is not sufficiently proven, the decision of the General Inspector of Environment to reject the relevant request for action must be reasoned. This decision shall be notified immediately to the competent authority. (Art. 13 par 5 of PD 148/09).

5) Is a certain manner required and/or time limits set, and if yes, which ones, as regards the notification of the decision by the competent authority to the entitled natural or legal persons (including the entitled environmental NGOs)?

Presidential Decree 148/09 on ELD sets out the notion of a *reasonable time* as regards the notification of the decision to accept or reject an action concerning the environmental damage. Art. 13 par. 6 PD 148/09). The Special Service of Environmental Inspectors (E.Y.E.P.) informs, within a reasonable time, the persons referred to in par. 1 of the decision to accept or reject their application for action.

6) Does the MS apply an extension of the entitlement to request action by competent authority from damage to the environment in cases of imminent threat of such damage?

In case of imminent threat of environmental damage, the competent authority may at any time take precautionary measures itself and, in the event that the operator cannot be identified or is not required to do so under Article 11 (par. 4 and 5-Defences) of this Decree, bear the relevant costs, or may authorise or require third parties to carry out those precautionary measures (Art. 8 par. 3 of PD 148/09).

In case of particular seriousness or urgency, the Ministry of Environment may coordinate the action of the competent authorities and bodies at the central and locals level or take the necessary measures in cooperation with them in the implementation of this Decree, to prevent irreparable environmental damage and to protect human life (Art. 6 (1)).

7) Which are the competent authorities designated by the MS?

ELD was transposed into Greek law by Presidential Decree 148/2009. The competent authorities established at national and regional level are:

at national level: Ministry for Environment and Energy, Coordination Office for ELD, on cases of national importance, exceptional-particular significance or cases between regions

at regional level: decentralised authorities - Committees for ELD, for cases within their territorial competency (13 regional committees have been established).

8) Does the MS require that the administrative review procedure be exhausted prior to recourse to judicial proceedings?

The MS does not necessarily require that the administrative review procedure be exhausted prior to recourse to judicial proceedings.

1.8.4. Cross-border rules of procedures in environmental cases

1) Rules on involving other countries. At which stage of the procedure is there a possibility to challenge environmental decisions?

Greece operates under a monist legal system by which its international agreements do not need to be translated into domestic law as, under Article 28 section 1 of the Constitution, the ratification of International Agreements makes them directly applicable. Greece has ratified most international treaties regarding environmental protection and implements EU law on the protection of the environment. As the countries have signed the relevant treaties, the generally accepted rules of international law are applicable. Otherwise, the interested party should challenge the final decision in the polluting country.

2) Notion of public concerned

Concerning the notion of public concerned, generally accepted rules of international law are applied. The *public concerned* means the public affected or likely to be affected by or having an interest in environmental decision-making. Non-governmental organisations promoting environmental protection and meeting any conditions under national law shall be deemed to have an interest.

3) Do NGOs of the affected country have standing? When and to what court should they submit their appeals? What procedural assistance are they eligible for (legal aid, request for injunctive relief, interim measures, pro bono)?

4) Do individuals of the affected country have standing? What procedural assistance are they eligible for (legal aid, request for injunctive relief, interim measures, pro bono)?

(3,4) Greeks and foreigners fall under the jurisdiction of the Greek civil courts, provided that there is jurisdiction of a Greek court (Art. 3 of the Civil Procedural Code). In a trial conducted in Greece, legal standing of a foreign person is judged according to the law of his home country and of a foreign company under the law of the country where it is located. If it concerns an association without legal personality, Art. 62 of the civil procedural code (CPC) is applied to

standing. According to Art. 64 CPC, unions of persons pursuing a purpose without being associations, and companies without legal personality can be litigants. In environmental cases, there are no special provisions. International conventions and the provisions of treaties' are applicable. The request for injunctive relief follows the general rules.
According to Art. 276a of the Code of Administrative Procedure, at the request of a party who meets the criteria laid down in Article 276 (1), the competent body referred to in Article 276 (5) shall appoint a lawyer, a notary and a bailiff, either by his act of discharge or by another with the order to assist the needy party and to provide the necessary assistance in the execution of the necessary procedural acts. They have the obligation to accept the order and provide legal assistance, without claiming an advance.

5) At what stage is the information provided to the public concerned (including the above parties)?

According to Art. 3 (1) of Law 2540/97 (OJ 249A) on Ratification of the Espoo Convention, for a proposed activity which may cause significant adverse transboundary effects, the party of origin, in order to ensure adequate and effective consultation under Article 5, shall notify any party which it considers may be affected as soon as possible and no later than informing its own public of this proposed activity. Art. 5 stipulates that after drafting the Environmental Impact Assessment, the party of origin shall initiate, without undue delay, consultations with the party concerned on the transboundary effects of the proposed activity and appropriate measures to reduce or eliminate such effects. The responsible authority for implementation of the Convention is the Ministry of the Environment and Energy.

6) What are the timeframes for public involvement including access to justice?

The same timeframes as in section 1.7.

7) How is information on access to justice provided to the parties?

The Greek judicial system conforms to the principles of the Aarhus Convention. People are quite aware of this although information on access to justice is very poor and it is not given in a systematic way.
There is the official site of the Ministry of Environment, but it does not provide enough information.
In addition, the official website of the Ministry of Justice provides more information and hyperlinks to the websites of the respective courts.

8) Is translation, interpretation provided to foreign participants? What are the rules applicable?

Foreigners must have a translator who is not paid by the government except if the accused is receiving legal aid. There is one other case where the translator is paid by the government: when the court appoints a translator ex officio. If a witness, expert or someone from the attending parties or their legal representatives or the accused does not speak Greek, an interpreter is hired. If it is a little-known language, an interpreter can be hired. Interpreters are appointed by the judge or by the President of the court.

9) Any other relevant rules?

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[1] See also case C-529/15.

Access to justice falling outside of the scope of EIA, IPPC/IED, access to information and ELD

1.1. Decisions, acts or omissions concerning specific activities falling within the scope of EU environmental legislation outside the scope of the EIA and IED Directives[1]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the procedures for adopting the decision, act or omission and its content (in particular, the conditions to be fulfilled and any time-limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There are no different rules applicable in sectoral or procedural legislation for any actor (individuals and NGOs). Article 24 of the Constitution (after the 2001 revision) underlines that "the protection of natural and cultural environment is an obligation of the State and everyone's right". That means that any individual or group of people has the right to appeal before the administrative authorities and the courts in order to protect the environment, subject to a legitimate interest regarding their case.
Any individual who disagrees with the administrative decisions may file an appeal to the competent authority and file a request for remedy or a special administrative appeal. NGOs may appeal before the administrative authorities.
Concerning NGOs, in most cases the Greek courts have considered that the protection of the environment must be generally described in the statutory objective of the legal entities without being the sole or predominant purpose.
In Greece, the judicial system conforms to the principles of the Aarhus Convention, as it ensures judicial protection for environmental cases, whether the dispute concerns an act or omission challenged by individuals or NGOs and whether it concerns averting environmental harm or restoring damage or claiming compensation.

2) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

Concerning the administrative review, the remedy from the quasi-judicial action - provided by a special legal provision - reviewing not only the legality but also the substance of the case. Courts can check procedural and substantive legality according to the general provisions. Courts do not check beyond the administrative decisions. Material or technical findings, calculations and technical assessments are beyond the jurisdiction of the courts.

3) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

There is no such requirement, except if a quasi-judicial action is expected. In this case, the administrative review appeal has to be lodged before filing a court action.

4) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

It is not necessary to participate in the public consultation phase to make comments, participate in a hearing etc. in order to have standing before the courts. Citizens can invoke their constitutional right to the environment directly in the judicial procedures independently of their participation in the public consultation etc.

5) Are there some grounds/arguments precluded from the judicial review phase?

There are not.

6) Fair, equitable - what meaning is given to equality of arms in the national jurisdiction?

Article 4 (1) of the Greek Constitution underlines that Greek citizens are equal before the law, establishing the principle of equality of arms between the parties. The right to a fair trial, as provided by Article 6 (1) of the ECHR, ratified by the legislative decree 53/1974, reinforced by Article 47 of the Charter of Fundamental Rights of the European Union and Article 14 (1) of the International Covenant on Civil and Political Rights, ratified by Law 2467/1997, constitutes a fundamental right which has been incorporated into the Greek law, in accordance with Article 28 (1) of the Constitution.

7) How is the notion of "timely" implemented by the national legislation?

Sanctions against administrative organs for non-timely response are applied according to the Public Servants Code (Law 3528/2007). Concerning judicial procedures for environmental cases, both for the court and the parties, there are no time limits provided by law.

8) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

During the special procedure of injunctive relief, courts in urgent cases, or in order to prevent imminent danger, can order interim measures to secure or preserve a right or to regulate a situation and to reform, or to withdraw. The right may be subject to a condition or deadline (e.g. the issuance of a final decision, a compromise on the main case or a deadline of 30 days after the end of the trial or the termination of the trial in another way). The injunction may also be ordered during the trial concerning the main case. If the provisional measures have been ordered before filing the claim for the main case, the applicant shall, within thirty days from the decision that ordered the provisional measure, sue for the main action, unless the court specified a longer period for filing the claim at its own discretion. If the deadline expires, the interim measure shall be lifted automatically, unless the applicant within this period obtained the summary judgment.

The execution of an administrative act until a court decision is published on the appellant may cause significant and often irreparable effects on the environment. The interim measures are provided by the administrative judge either in the form of a suspension of execution of the administrative act or by any other means that the judge deems appropriate in that case in accordance with the conditions laid down in Article 52 of Presidential Decree 18/1989 on environmental disputes, which are generally annulled before the Council of State. General rules are applicable.

9) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive, and do these include express statutory reference to a requirement that costs should not be prohibitive?

The fees to the Council of State are 1300 euros. The minimum costs at the lower courts are approximately 500 euros and for the Supreme Administrative Court, 2000 euros.

According to Art. 58 of Law 4194/2013 (Lawyers' Code), the lawyer's fees shall be freely determined by a written agreement with his client or his representative. Expert fees depend on the case and the specification you may need. For more complex cases, they can be 10,000-30,000 euros. For less difficult cases, fees are lower. Lawyer's fees depend on the specification of the case. There are no safeguards against prohibitive costs.

1.2. Decisions, acts or omissions concerning the administrative procedures to be followed to comply with national implementing legislation for the Strategic Environmental Assessment (SEA) Directive 2001/42/EC[2]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the procedures for adopting the decision, act or omission (in particular, the conditions to be fulfilled and any time limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There are no different rules applicable in sectoral or procedural legislation for any actor (individual and NGOs). Article 24 of the Constitution (after the 2001 revision) underlines that "the protection of natural and cultural environment is an obligation of the State and everyone's right". That means that any individual or group of people has the right to appeal before the administrative authorities and the courts in order to protect the environment subject to a legitimate interest regarding their case.

Any individual who disagrees with the administrative decision has the right to appeal and file a request for remedy or a special administrative appeal. NGOs may appeal before the administrative authorities.

Concerning NGOs, in most cases the Greek courts have considered that the protection of the environment must be generally described in the statutory objective of the legal entities without being the sole or predominant purpose.

In Greece, the judicial system conforms to the principles of the Aarhus Convention, as it ensures judicial protection for environmental cases, whether the dispute concerns an act or omission challenged by individuals or NGOs and whether it concerns averting environmental harm or restoring damages or claiming compensation.

2) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

Concerning the administrative review, the remedy of the quasi-judicial action -provided by a special legal provision – reviews not only the legality but also the substance of the case. Courts can check procedural and substantive legality according to the general provisions. Courts do not check beyond the administrative decisions. Material or technical findings, calculations and technical assessments are beyond the jurisdiction of the courts.

3) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

There is no such requirement, except if a quasi-judicial action is expected. In this case, the administrative review appeal has to be lodged before filing a court action.

4) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

It is not necessary to participate in the public consultation phase, to make comments, participate at hearing etc. in order to have standing before the courts. Citizens can invoke their constitutional right to the environment directly in the judicial procedures independently of their participation in the public consultation etc.

5) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

During the special procedure of injunctive relief, courts in urgent cases, or in order to prevent imminent danger, can order interim measures to secure or preserve a right or to regulate a situation and to reform, or to withdraw. The right may be subject to a condition or deadline. The injunction may also be ordered during the trial concerning the main case.

If the provisional measures have been ordered before filing the claim for the main case, the applicant shall, within thirty days from the decision that ordered the provisional measure, sue for the main action, unless the court appointed specified a longer period for filing the claim at its own discretion. If the deadline expires the interim measure shall be lifted automatically, unless the applicant within this period obtained the summary judgment.

The execution of an administrative act until a court decision is published on the appellant may cause significant and often irreparable effects on the environment. The interim measures are provided by the administrative judge either in the form of a suspension of execution of the administrative act or by

any other means that the judge deems appropriate in that case in accordance with the conditions laid down in Article 52 of Presidential Decree 18/1989 on environmental disputes, which are generally annulled before the Council of State. General rules are applicable.

6) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive and do these include express statutory reference to a requirement that costs should not be prohibitive?

The fees at the Council of State are at least 331 euros. The minimum costs in the lower courts are approximately 200 euros and for the Supreme Administrative Court, 500 euros.

According to Art. 58 of the law 4194/2013 (Lawyers' Code), the lawyer's fees shall be freely determined by a written agreement with his client or his representative. Expert fees depend on the case and the specification you may need. For more complex cases, they may be 10,000-30,000 euros. For less difficult cases, fees are lower. Lawyer's fees depend on the specification of the case. There are no safeguards against prohibitive costs.

1.3. Decisions, acts or omissions concerning the administrative procedures to be followed to comply with the public participation requirements of Article 7 of the Aarhus Convention in respect of plans and programmes not submitted to the procedures set out in the Strategic Environmental Assessment (SEA) Directive 2001/42/EC[3]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the procedures for adopting the decision, act or omission (in particular, the conditions to be fulfilled and any time limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There are no different rules applicable in sectoral or procedural legislation for any actor (individual and NGOs). Article 24 of the Constitution (after the 2001 revision) underlines that "the protection of natural and cultural environment is an obligation of the State and everyone's right". That means that any individual or group of people has the right to appeal before the administrative authorities and the courts in order to protect the environment subject to a legitimate interest regarding their case.

Any individual who disagrees with the administrative decisions has the right to appeal and file a request for remedy or a special administrative appeal. NGOs may appeal before the administrative authorities.

Concerning NGOs, in most cases the Greek courts have considered that the protection of the environment must be generally described in the statutory objective of the legal entities without being the sole or predominant purpose.

In Greece, the judicial system conforms to the principles of the Aarhus Convention, as it ensures judicial protection for environmental cases, whether the dispute concerns an act or omission challenged by individuals or NGOs and whether it concerns averting environmental harm or restoring damages or claiming compensation.

2) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

Concerning administrative review, the remedy of quasi-judicial action - provided by a special legal provision – reviews not only the legality but also the substance of the case. Courts can check procedural and substantive legality according to the general provisions. Courts do not check beyond the administrative decisions. Material or technical findings, calculations and technical assessments are beyond the jurisdiction of the courts.

3) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

There is no such requirement, except if a quasi-judicial action is expected. In this case, the administrative review appeal has to be lodged before filing a court action.

4) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

It is not necessary to participate in the public consultation phase, to make comments, participate at hearing etc. in order to have standing before the courts. Citizens can invoke their constitutional right to the environment directly in the judicial procedures independently of their participation in the public consultation etc.

5) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

During the special procedure of injunctive relief, courts in urgent cases, or in order to prevent imminent danger, can order interim measures to secure or preserve a right or to regulate a situation and to reform, or to withdraw. The right may be subject to a condition or deadline. The injunction may also be ordered during the trial concerning the main case.

If the provisional measures have been ordered before filing the claim for the main case, the applicant shall, within thirty days from the decision that ordered the provisional measure, sue for the main action, unless the court specifies a longer period for filing the claim at its own discretion. If the deadline expires the interim measure shall be lifted automatically, unless the applicant within this period obtained the summary judgment.

The execution of an administrative act until a court decision is published on the appellant may cause significant and often irreparable effects on the environment. The interim measures are provided by the administrative judge either in the form of a suspension of execution of the administrative act or by any other means that the judge deems appropriate in that case in accordance with the conditions laid down in Article 52 of Presidential Decree 18/1989 on environmental disputes, which are generally annulled before the Council of State. General rules are applicable.

6) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive and do these include express statutory reference to a requirement that costs should not be prohibitive?

The fees at the Council of State are at least 331 euros. The minimum costs at the lower judiciary are approximately 200 euros and, for the Supreme Administrative Court, 500 euros.

According to Art. 58 of Law 4194/2013 (Lawyers' Code), the lawyer's fees shall be freely determined by a written agreement with his client or his representative. Expert fees depend on the case and the specification you may need. For more complex cases, they may be 10,000-30,000 euros. For less difficult cases, fees are lower. Lawyer's fees depend on the specification of the case. There are no safeguards against prohibitive costs.

1.4. Decisions, acts or omissions also concerning plans and programmes required to be prepared under EU environmental legislation[4]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the content of the plan (in particular, the conditions to be fulfilled and any time limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There are no different rules applicable in sectoral or procedural legislation for any actor (individual and NGOs). Article 24 of the Constitution (after the 2001 revision) underlines that "the protection of natural and cultural environment is an obligation of the State and everyone's right". That means that any individual or group of people has the right to appeal before the administrative authorities and the courts in order to protect the environment subject to a legitimate interest regarding their case.

Any individual who disagrees with the administrative decisions has the right to appeal and file a request for remedy or a special administrative appeal. NGOs may appeal before the administrative authorities.
Concerning NGOs, in most cases the Greek courts have considered that the protection of the environment must be generally described in the statutory objective of the legal entities without being the sole or predominant purpose.
In Greece, the judicial system conforms to the principles of the Aarhus Convention, as it ensures judicial protection for environmental cases, whether the dispute concerns act or omission challenged by individuals or NGOs and whether it concerns averting environmental harm or restoring damages or claiming compensation.

2) Does the form in which the plan or programme is adopted make a difference in terms of legal standing (see also Section 2.5 below)?

The form in which the plan or programme is adopted does not make a difference in terms of legal standing.

3) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

Concerning the administrative review, the remedy of quasi-judicial action - provided by a special legal provision – reviews not only the legality but also the substance of the case. Courts can check procedural and substantive legality according to the general provisions. Courts do not check beyond the administrative decisions. Material or technical findings, calculations and technical assessments are beyond the jurisdiction of the courts.

4) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

There is no such requirement, except if a quasi-judicial action is expected. In this case, the administrative review appeal has to be lodged before filing a court action.

5) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

It is not necessary to participate in the public consultation phase, to make comments, participate at hearing etc. in order to have standing before the courts. Citizens can invoke their constitutional right to the environment directly in the judicial procedures independently of their participation in the public consultation etc.

6) Are there some grounds/arguments precluded from the judicial review phase?

There are no arguments precluded.

7) Fair, equitable - what meaning is given to equality of arms in the national jurisdiction?

Article 4 (1) of the Greek Constitution underlines that Greek citizens are equal before the law, establishing the principle of equality of arms between the parties. The right to a fair trial, as provided by Article 6 (1) of the ECHR, ratified by the legislative decree 53/1974, reinforced by Article 47 of the Charter of Fundamental Rights of the European Union and Article 14 (1) of the International Covenant on Civil and Political Rights, ratified by Law 2467/1997, constitutes a fundamental right which has been incorporated into the Greek law, in accordance with Article 28 (1) of the Constitution.

8) How is the notion of "timely" implemented by the national legislation?

Sanctions against administrative organs for non-timely response are applied according to the Public Servants Code (Law 3528/2007). Concerning judicial procedures for environmental cases, both for the court and the parties, there are no time limits provided by law.

9) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

During the special procedure of injunctive relief, courts in urgent cases, or in order to prevent imminent danger, can order interim measures to secure or preserve a right or to regulate a situation and to reform, or to withdraw. The right may be subject to a condition or deadline. The injunction may also be ordered during the trial concerning the main case.
If the provisional measures have been ordered before filing the claim for the main case, the applicant shall, within thirty days from the decision that ordered the provisional measure, sue for the main action, unless the court specified a longer period for filing the claim at its own discretion. If the deadline expires the interim measure shall be lifted automatically, unless the applicant within this period achieved the summary judgment.
The execution of an administrative act until a court decision is published on the appellant may cause significant and often irreparable effects on the environment. The interim measures are provided by the administrative judge either in the form of a suspension of execution of the administrative act or by any other means that the judge deems appropriate in that case in accordance with the conditions laid down in Article 52 of Presidential Decree 18/1989 on environmental disputes, which are generally annulled before the Council of State. General rules are applicable.

10) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive and do these include express statutory reference to a requirement that costs should not be prohibitive?

The fees to the Council of State are at least 331 euros. The minimum of costs at the lower courts are approximately 200 euros and, for the Supreme Administrative Court, 500 euros.
According to Art. 58 of Law 4194/2013 (Lawyers' Code), the lawyer's fees shall be freely determined by a written agreement with his client or his representative. Expert fees depend on the case and the specification you may need. For more complex cases, they may be 10,000-30,000 euros. For less difficult cases, fees are lower. Lawyer's fees depend on the specification of the case. There are no safeguards against prohibitive costs

1.5. Executive regulations and/or generally applicable legally binding normative instruments used to implement EU environmental legislation and related EU regulatory acts[5]

1) What are the applicable national statutory rules on standing for both individuals and NGOs wishing to obtain a) an administrative review and b) a legal challenge before a national court in respect of the procedure for adopting or the content of the decision, act or omission of the national regulatory act (in particular, the conditions to be fulfilled and any time limits that apply to the submission of a challenge)? How effective is the level of access to national courts in light of the CJEU case law and any related national case law?

There are no different rules applicable in sectoral or procedural legislation for any actor (individual and NGOs). Article 24 of the Constitution (after the 2001 revision) underlines that "the protection of natural and cultural environment is an obligation of the State and everyone's right". That means that any individual or group of people has the right to appeal before the administrative authorities and the courts in order to protect the environment subject to a legitimate interest regarding their case.
Any individual who disagrees with the administrative decisions has the right to appeal and file a request for remedy or a special administrative appeal. NGOs may appeal before the administrative authorities.
Concerning NGOs, in most cases the Greek courts have considered that the protection of the environment must be generally described in the statutory objective of the legal entities without being the sole or predominant purpose.
In Greece, the judicial system conforms to the principles of the Aarhus Convention, as it ensures judicial protection for environmental cases, whether the dispute concerns act or omission challenged by individuals or NGOs and whether it concerns averting environmental harm or restoring damages or claiming compensation.

The right to judicial protection is based on article 20 par. 1 of the Constitution.
Effective judicial protection is provided:
in the field of public law, specifically of environmental law, in order to control its implementation by the judge and ensure environmental protection
in the field of private law, with the possibility to appeal to the civil courts for the protection of the affected person's living space and his personal property from harmful impacts on the environment.
An admissible remedy is one that meets all the procedural requirements of the trial, mainly, that is at the same time: substantial, addressed to the proper jurisdiction and to a competent Court, it is introduced on the basis of the required written pretrial. It is introduced by a party having legal standing and a direct legal interest, there is no pending trial and it is not in its entirety in conflict with a precedent ruling.
Generally, the deadline for filing a legal remedy is 60 days starting:
in the case of an explicit act: from its service or from a proven complete knowledge of its content
in case of omission: from its completion (Art. 66 of Administrative Procedure Code)
The deadlines within which the legal remedies are filed in accordance with the special provisions for them, are extended by sixty (60) days in the cases in which the legalized persons reside abroad.
Finally, Law 4727/2020 on Digital Governance (transposition into the Greek Legislation of Directive (EU) 2016/2102 and Directive (EU) 2019/1024) - Electronic Communications (transposition into the Greek Law of Directive (EU) 2018/1972) and other provisions, as well as the new strategy for digital justice, which aims to improve the efficiency and quality of services provided by the justiciar system, gradually enhances the efficiency of the system, the main manifestation of which is undoubtedly the speed of its delivery, judicial transparency through digital services, its independence and finally, quality. Particular goals set in the implementation of this strategy are the speed of completion of cases, the improvement of the quality of decisions with respect to the independence of the judiciary and transparency for all (businesses, citizens, professionals, etc.), the improvement of the conditions for the Justice officials, but also of the professionals and citizens involved, the consolidation, defence and diffusion of the "value" of human rights.

2) What is the scope of the administrative review (if applicable) and the judicial review (if applicable)? Does it cover both procedural and substantive legality?

Concerning the administrative review, the remedy of quasi-judicial action - provided by a special legal provision – reviews not only the legality but also the substance of the case. Courts can check procedural and substantive legality according to the general provisions. Courts do not check beyond the administrative decisions. Material or technical findings, calculations and technical assessments are beyond the jurisdiction of the courts.

3) Before filing a court action, is there a requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures?

There is no such requirement, except if a quasi-judicial action is expected. In this case, the administrative review appeal has to be lodged before filing a court action.

4) In order to have standing before the national courts is it necessary to participate in the public consultation phase of the administrative procedure – to make comments, participate at hearing, etc.?

It is not necessary to participate in the public consultation phase, to make comments, participate at hearing etc. in order to have standing before the courts. Citizens can invoke their constitutional right to the environment directly in the judicial procedures independently of their participation in the public consultation etc.

5) Is injunctive relief available? If yes what are the procedural requirements in order to be eligible for this? Are there special rules applicable to each sector apart from the general national provisions?

During the special procedure of injunctive relief, courts in urgent cases, or in order to prevent imminent danger, can order interim measures to secure or preserve a right or to regulate a situation and to reform, or to withdraw. The right may be subject to a condition or deadline. The injunction may also be ordered during the trial concerning the main case.
If the provisional measures have been ordered before filing the claim for the main case, the applicant shall, within thirty days from the decision that ordered the provisional measure, sue for the main action, unless the court specified a longer period for filing the claim at its own discretion. If the deadline expires the interim measure shall be lifted automatically, unless the applicant within this period achieved the summary judgment.
The execution of an administrative act until a court decision is published on the appellant may cause significant and often irreparable effects on the environment. The interim measures are provided by the administrative judge either in the form of a suspension of execution of the administrative act or by any other means that the judge deems appropriate in that case in accordance with the conditions laid down in Article 52 of Presidential Decree 18/1989 on environmental disputes, which are generally annulled before the Council of State. General rules are applicable.

6) What are the cost rules to bring a challenge on access to justice in these areas? What are the possible consequences if one loses a case before court? What are the safeguards against the costs being prohibitive and do these include express statutory reference to a requirement that costs should not be prohibitive?

The fees to the Council of State are at least 331 euros. The minimum costs at the lower courts are approximately 200 Euros and, for the Supreme Administrative Court, 500 euros.
According to Art. 58 of Law 4194/2013 (Lawyers' Code), the lawyer's fees shall be freely determined by a written agreement with his client or his representative. Expert fees depend on the case and the specification you may need. For more complex cases, they may be 10,000-30,000 euros. For less difficult cases, fees are lower. Lawyer's fees depend on the specification of the case. There are no safeguards against prohibitive costs.

7) Is it possible to bring a legal challenge before a national court concerning any related EU regulatory act with a view to a validity reference under Article 267 TFEU, and if so how[6]?

As Article 267 TFEU determines that the courts whose judgments are not subject to further legal remedies must apply to the European Court of Justice for a preliminary ruling, the Supreme Administrative Court, the Council of State, must apply for this if there is a question of interpretation of European law in the case (see e.g. Case C-81/15). The first instance courts may, if such an issue [interpretation of EU law] arises, if they deem that a decision on the matter is necessary for issuing their own decision, refer the matter to European Court of Justice to rule on it (see case C-689/18: Order of the Court (Sixth Chamber) of 7 March 2019 (request for a preliminary ruling from the Dioikitiko Protodikeio Patron the First Instance Administrative Court of Patras — Greece — XT v Elliniko Dimosio).

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[1] This category of case reflects recent case-law of the CJEU such as *Protect C-664/15, the Slovak brown bear case C-240/09, see as described under the Commission Notice C/2017/2616 on access to justice in environmental matters*

[2] The SEA Directive relates to plans and programmes. These are also covered by Article 7 and Article 9(3) of the Aarhus Convention.

[3] See findings under ACCC/C/2010/54 for an example of a plan not submitted to SEA but subject to the public participation requirements of Article 7 of the Aarhus Convention.

[4] These fall within the scope of both Article 7 and Article 9(3) of the Aarhus Convention. See also relevant case-law of the Court of Justice of the European Union such as Case C-237/97, Janecek and cases such as Boxus and Solvay C-128/09-C-131/09 and C-182/10, as referred to under the Commission Notice C/2017/2616 on access to justice in environmental matters.

[5] Such acts come within the scope of Article 8 and Article 9(3) of the Aarhus Convention. An example of such an act concerns the decision of the national administration that featured in Case C-281/16, *Vereniging Hoekschewaards Landschap*, ECLI:EU:C:2017:774

[6] For an example of such a preliminary reference see Case C-281/16, *Vereniging Hoekschewaards Landschap*, ECLI:EU:C:2017:774

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Other relevant rules on appeals, remedies and access to justice in environmental matters

The only way for an individual to seek enforcement of environmental protection rules against private entities is to file a request to the competent authority, according to the rules already prescribed. The administration is obliged to react within the time limits provided by the law.

Silence of the administration: According to Art. 10 par. 3 of the Constitution, the competent authority is obliged to respond to information requests and requests for the issuance of documents, particularly certificates and other supporting documents, within a specified time period not exceeding 60 days, as required by law. In case of non-compliance or illegal denial, in addition to any other sanctions and legal consequences, special monetary compensation is paid to the applicant, as required by law. Citizens may appeal to the administrative courts against the failure of the administrative bodies to respond within the deadlines set by the Administrative Procedure Law (Art. 66 of L 2717/99 as amended). The appeal is filed within a period of sixty (60) days. The deadline begins for those concerned from its legal service to them. In any other case, from the date they were shown to be fully aware of its content and for third parties, from its publication, unless the law provides for a more specific way of its notification, or in any other case, from the date when they were shown to be fully aware of its contents.[1].

However, on 21/11/2013, the Greek Ombudsman noted that the legal framework under which citizens were able to receive monetary compensation for non-response to their written requests, despite explicit constitutional requirement, had been abolished (Article 10 (3)). The Ombudsman submitted a report requesting the competent Minister of Administrative Reconstruction to restore the possibility of financial compensation to citizens when the deadlines set by the administration are not met (Law 2690/1999 - Code of Administrative Procedure), in accordance with the relevant constitutionally guaranteed right.

Non-compliance with court decisions: According to Article 95 par. 5 of the Constitution (as revised in 2001), the administration has an obligation to comply with court decisions. Violation of this obligation gives rise to liability for any competent body, as required by law.

According to Article 50 par. 4 of Presidential Decree 18/1989, the administrative authorities must, in compliance with the obligation arising from Article 95 par. 5 of the Constitution, comply - depending on the case - with positive action towards the content of the decision of the Council of State or to refrain from any action contrary to the judgement.

The offender, in addition to prosecution for breach of duty under Article 259 of the Penal Code, is personally liable for compensation.

Furthermore, Art. 1 of Law 3028/2002 stipulates that the public administration, the local authorities and other legal entities under public law have an obligation to comply without delay with court decisions. Article 2 of the law defines that the responsibility for taking the measures provided in Article 3 on the compliance of the administration with the judicial decisions shall be assigned to a three-member Council. Article 3 provides the measures to be taken by the competent three-member Council where, at the request of the person concerned, a delay, omission or refusal to comply with or failure to comply with the administration's decision is found to have occurred.

From the combination of Article 95 par. 5 of the Constitution and Article 3 par. 1 of Law 3068/2002, it is concluded that the administration, complying with the annulment decision of the Council of State, is obliged not only to consider the legislative act that was deemed contrary to the constitutional provisions or the annulled administrative act null and void, but also to take positive actions to reform the legal situation resulting directly or indirectly from these acts. The administration is required to revoke or amend the acts issued in the meantime or to issue others with retroactive effect, in order to restore things to the previous situation, as if the annulled administrative act had not been in force from the outset.

Despite these obligations, the public administration often refuses to comply. It is difficult to accept decisions that oblige the administration to change a specific policy. A typical example is Decision 2337/2016 of the Council of State concerning objective real estate values.

If the public administration does not comply with the decision within the set time limit, the three-member Council shall certify that the administration has not complied with the court decision and shall determine a sum of money to be paid to the person concerned as a sanction for non-compliance with the court decision.

Other institutional bodies: The Greek Ombudsman is called on to deal with a large proportion of the public's reactions/complaints against the silence of public services or any form of maladministration. The Law 3094/2003 on the Greek Ombudsman's operation states that the mission of the Greek Ombudsman is to mediate between the public sector and private individuals, in order to protect the latter's rights, to ensure the former's compliance with the rule of law, and to combat maladministration.

The Ombudsman intervenes in problems faced by citizens in their dealings with the public sector, such as insufficient provision of, or refusal to provide, information; excessive delay in the processing of requests; infringement of laws or use of illegal procedures; unfair discrimination against citizens.

The Ombudsman is responsible for citizens' issues with the services of a) the public administration; b) primary and secondary level local government authorities (communities – municipalities, prefectures); c) other public law legal entities; d) Private law corporate entities; the enterprises and organisations which are controlled by the state or by public law legal entities.

According to Art 3 par. 3 of the Law, "The Ombudsman shall investigate individual administrative acts or omissions or material actions of public officials, which violate rights or infringe upon the legal interests of physical or legal persons. In particular, the Ombudsman shall investigate cases in which an individual or collective public body: i) by an act or omission, infringes upon a right or interest protected by the Constitution and the legislation; ii) refuses to fulfil a specific obligation imposed by a final court decision; iii) refuses to fulfil a specific obligation imposed by a legal provision or by an individual administrative act; iv) commits or omits a due legal act, in violation of the principles of fair administration and transparency or in abuse of power.

The reluctance of the administration to comply with the court decisions constitutes a real and serious problem for the legislator who, in Art. 3 par. 3 iii) of Law 3094/2003, emphasises the need to monitor the administrative action against the court decisions and, despite the explicit reference of the constitution to this obligation, includes this obligation in the special cases controlled by the Greek Ombudsman.

The Greek Ombudsman institution is well respected by all citizens, as shown by the ever-increasing number of complaints filed to the institution (11,502 complaints in 2015 rising to 16,976 complaints in 2019; see annual report for 2019).

Finally, the Consumer Ombudsman - an independent state authority - has as his main role to mediate for a friendly settlement of disputes arising between private companies and consumers. It is an extrajudicial body for consensual resolution and regulation of consumer disputes against both the private and the public sector (e.g. green products, public services).

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[1] See also The Greek Ombudsman annual report 2006, p. 36-38.

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