



Greek National Commission for Human Rights (GNCHR)

GNCHR contribution

**to the Special Rapporteur on the human right to a healthy environment
on Environmental impact assessments, strategic environmental impact
assessments and the right to a clean, healthy and sustainable environment**

April 2025



The Greek National Commission for Human Rights (GNCHR) is the independent advisory body to the Greek State on matters pertaining to human rights protection and the National Human Rights Institution (NHRI). It was established with Law 2667/1998 in accordance with the UN Paris Principles and is governed by Law 4780/2021. Its members are persons appointed by twenty institutions (independent Authorities, third level trade unions, NGOs, universities and research institutions)

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GNCHR contribution
to the Special Rapporteur on the human right to a healthy environment on
Environmental impact assessments, strategic environmental impact assessments
and the right to a clean, healthy and sustainable environment

I. Introduction

The Greek National Commission for Human Rights (GNCHR), responding to the [call for input](#) issues by the Special Rapporteur on the human right to a healthy environment on Environmental impact assessments, strategic environmental impact assessments and the right to a clean, healthy and sustainable environment.

II. The Greek National Commission for Human Rights (GNCHR) and its work on the protection of the environment

The Greek National Commission for Human Rights (GNCHR) was established by Law 2667/1998 as the independent advisory body to the Greek State in accordance with Paris Principles (General Assembly Resolution A/RES/48/134, 20.12.1993) and is the NHRI in Greece. The founding legislation of the GNCHR was amended by Law 4780/2021, the provisions of which now govern the operation of the Greek National Commission. Under these provisions, the GNCHR has acquired legal personality, functional, administrative and financial independence. Since 2001, the GNCHR, was accredited as an A' status NHRI (full compliance, in accordance with the UN Paris Principles) by the competent GANHRI Sub – Committee on Accreditation, in recognition of its substantial independence and effective fulfillment of its role. The last re-accreditation took place in November 2024. The work of the GNCHR on the protection of the environment can be found in its [website](#).

III. The GNCHR input on EIA, SEA and the right to a clean, healthy and sustainable environment

The GNCHR recalls the crucial importance of the EIA, SEA and the right to a clean, healthy sustainable environment and closely monitors developments at the level of international, European and national legislation, as well as the practical implementation.

1. Information regarding existing regulation of environmental impact assessments and strategic environmental assessments:

Apart from the article 24 of the Constitution, the main legal framework is the [Law 4014/2011](#) (Government Gazette 209/A' 21.9.2011) as currently in force. The fragmented and scattered legal framework, not always codified, could have an impact on the protection of the right to a healthy environment.

1) Regarding the EIAs the following existing framework could be noted:

- [Ministerial Decision \(MD\) YPEN/DIPA/143898/9866/2024](#) (Government Gazette 7322/B' 31.12.2024)

Amendment of the contents of the environmental licensing studies for projects and activities of category A of [Law 4014/2011](#) for alignment with article 18 of the National Climate Law ([Law 4936/2022](#))

- [Joint Ministerial Decision \(JMD\) No. YPEN/DIPA/76515/5170/22](#) (Government Gazette 3999 B/29-7-2022)

Amendment of the JMD no. 107017/2006 "Assessment of the environmental impacts of certain plans and programmes, in compliance with the provisions of Directive 2001/42/EC, as amended by the JMDs no. 40238/2017 (B' 3759) and YPEN/DIPA/38181/2695/2022 (B' 1923).

- [Presidential Decree \(PD\) 50/2021](#) (Government Gazette 126/A' 19.7.2021)

Establishment and maintenance of a Register of Certified Evaluators of EIAs

- [MD 5688/2018](#) (Government Gazette 988/B' 21.3.2018)

Amendment of the annexes of law 4014/2011 in compliance with Directive 2014/52/EU

- [Law 4519/2018](#) (Government Gazette 25/A' 20.2.2018) on the Protected Area Management Bodies and other provisions as it was modified by [Law 5037/2023](#) (Government Gazette 58/A' 28.3.2023)

Renaming the Energy Regulatory Authority to the Waste, Energy and Water Regulatory Authority and expanding its scope with responsibilities over water services and urban waste management, strengthening water policy - Modernization of the legislation on the use and production of electricity from renewable sources through the integration of EU Directives 2018/2001 and 2019/944 - More specific provisions on renewable energy sources and environmental protection

As the latter was modified by:

- [Law 5106/2024](#) (Government Gazette 63/A' 1.5.2024)

Arrangements to address the multi-level impacts of climate change in the areas of: a) water management, b) forest management and protection, c) urban resilience and

policy, d) combating unauthorized construction, e) energy security and other urgent provisions (Article 19: amendment of Article 23)

- [Law 5069/2023 \(Government Gazette 193/A' 28.11.2023\)](#)
- [Law 5043/2023 \(Government Gazette 91/A' 13.4.2023\)](#)
- [MD 1915/2018 \(Government Gazette 304/B` 2.2.2018\)](#)

Amendment of JMD no. 48963/2012 (B' 2703), no. 167563/2013 (B' 964) of JMD and no. 170225/2014 (B' 135) of MD, issued under the authority of law 4014/2011, in compliance with Directive 2014/52/EU

- [Ministry of Environment and Public Works Decision No. 40238/2017 \(Government Gazette 3759/B` 25.10.2017\)](#)

Amendment of JMD no. 107017/2006 "Assessment of the effects of certain plans and programmes on the environment, in accordance with the provisions of Directive 2001/42/EC"

2) Regarding the SEAs the following existing framework could be noted:

- [MD Ministry of Environment and Public Works/DIPA/38181/2695/2022 \(Government Gazette 1923/B` 18.4.2022\)](#)

Amendment of the JMD under reference YPEHODE/EYPE/oik.107017/28.8.2006 "Assessment of the environmental impacts of certain plans and programmes, in compliance with the provisions of Directive 2001/42/EC, as amended by the JMD no. 40238/28.9.2017 (B' 3759)

The decision amends the SEA procedure, especially the obligations of the competent "planning authority" and regulates more specific details of the procedure.

- [MD Ministry of Environment and Public Works/40238/2017 \(Government Gazette 3759/B` 25.10.2017\)](#)

Amendment of the JMD no. YPEHODE/EYPE/oik. 107017/2006 "Assessment of the environmental impacts of certain plans and programmes, in compliance with the provisions of Directive 2001/42/EC

- [MD Ministry of Environment and Public Works/EYPE/oik. 107017/2006 \(Government Gazette 1225/B` 5.9.2006\)](#)

Assessment of the environmental effects of certain plans and programmes, in compliance with the provisions of Directive 2001/42/EC.

It was modified by the mentioned above decisions.

Public participation in the context of the SEIA process is provided by JMD 107017 (OJG 1225/B/2006), which incorporated the Directive 2001/42/EC into National Law. Public participation is provided for the preparation of all plans and programmes, in the context

of sectoral policies (e.g. the River Basin Management Plans, spatial plans, protected areas and Natura 2000 Management Plans, etc.).

More specifically, we shall refer to [Law 5132/2024 \(Government Gazette 141/A' 5.9.2024\)](#) on the Ratification of the Protocol on Strategic Environmental Assessment to the UN Economic Commission for Europe Convention "on EIA in a Transboundary Context", ratified by Law 2540/1997.

Article 8 on Public participation and article 9 on Consultations with environmental and health authorities are relevant to the question. Article 7 disposes that for plans and programmes subject to SEA, each Party shall ensure that an environmental report is prepared. The Annex IV on the information related to article 7 par. 2 mentions that the likely significant environmental, including health, effects should include secondary, cumulative, synergistic, short-, medium- and long-term, permanent and temporary, positive and negative effects.

The **issues of the climate change** are considered also through the [Law 4936/2022](#). According to article 20 **on measures to reduce emissions from businesses**, emissions are calculated according to the "**2006 IPCC Guidelines for National Greenhouse Gas Inventories**", as amended, and include direct greenhouse gas emissions and indirect greenhouse gas emissions from energy consumption, as defined in the "**GHG Protocol - WORLD RESOURCES INSTITUTE**" **standard or alternatively, according to the "ISO 14064 - 1:2018" standard, categories 1 and 2**. The factors referred to in the most recent national emissions inventory are used as conversion factors for final energy consumption into equivalent tonnes of carbon dioxide (CO₂) emissions.

According to article 19 on the **measures to reduce emissions from buildings**, from 1 January 2023, the Building Energy Performance Plan of paragraph 12 of article 7 of Law 4342/2015 (A' 143) **includes the calculation of the carbon footprint of buildings, according to the standard "ISO 14064-1:2018", category 1 and 2** or another equivalent method.

Article 3 par. 10 on the definitions refers to an **ecosystem-based approach**, the Law notes the "green infrastructure", as a strategically designed network of natural and semi-natural areas with high-quality environmental characteristics, **which is designed and managed to provide a wide range of ecosystem services, as defined in paragraph 6 of Article 3 of Regulation (EU) 1143/2014**. The ecosystem-based approach is apparent in other articles of the Law (articles 5 on National Strategy for Adaptation to Climate Change, 10 on general policy measures, and 29 on the Scientific Committee on Climate Change).

One of the main relevant legal documents is the [Law 3422/2005 \(Government Gazette 303/A' 13.12.2005\)](#) **on the Ratification of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters**.

The paragraphs 127-131 of the [Excerpts from National Implementation Reports prepared as a draft report by the Ministry of Environment and Energy on the implementation of the Aarhus Convention \(Aarhus Convention Implementation Report 2025 and Public Consultation announcement in Greek, 4 December 2024\)](#) are relevant to the EIAs and SEAs. For **the disclosure of information** see paragraphs 54, 66, 71, 90 and 150.

2. Information regarding the State entity responsible for preparing or reviewing EIAs, and SEAs in cases where these are also requested.

The p.d. 50/2021 referred above disposes that the Register of EIA Assessors provided for in Law 4014/2011 is maintained by the Ministry of Environment and Energy in an electronic database. The Register includes all natural persons holding a Certified EIA Assessor license, as well as legal entities through which EIA Assessors can provide their services.

According to article 3 of p.d. 50/2021, EIA Assessors exercise their responsibilities after certification of their qualifications, granting of a license and registration in the Register. In order to be certified and licensed as a Certified EIA Assessor, a natural person must possess the following qualifications and not be subject to the following impediments:

- a) to have a degree from a Higher Educational Institution of the country or an equivalent institution abroad, recognized in accordance with national legislation and to be the holder of a third-level study degree
- b) to have the required professional experience for the Certification Field for which he/she requests to be licensed.
- c) not to be subject to the obstacles to appointment provided for in articles 8 and 9 of the Code of Status of Public Civil Servants and Employees of Public Law Entities.
- d) not to have the status of an employee with a public or private law relationship in the State or in a body of the General Government.

Possession of qualifications and the absence of impediments is assessed during the licensing stage, but also throughout the duration of maintaining the status of Certified EIA Assessor. There are several other safeguards within the Law.

The Registry Committee of article 6 is responsible for maintaining the Registry. The Environmental Licensing Directorate of the Ministry of Environment and Energy is responsible for the electronic registration of entries.

According to article 4, **the EIA Evaluator's license is issued by the competent body of the Ministry of Environment and Energy, following a recommendation from the**

Committee of article 6. The competent body is the Head of the General Directorate, under whose jurisdiction environmental licensing falls.

Regarding the mechanisms to identify and prevent conflicts of interests in the evaluation process:

- Article 7 mentions the order assignment process and the definition of the conflict of interests: A conflict of interest exists in any case in which, due to the relationship between the EIA Evaluator and the project or activity entity, his impartiality and objectivity may be questioned. There are four indicative cases of conflict of interests mentioned in the Law (article 7 par. 4)
- Article 8 refers to the work of the Audit and Monitoring Committee of Certified EIA Evaluators and
- Article 9 refers to violations and administrative sanctions.

3. Information concerning the existing national standards related to EIAs that are applicable to projects, including the ones applicable to projects financed by international finance institutions, conservation organizations, and other major funders. In case SEAs are requested, include existing standards for these.

Based on the legal framework (question 1), the standards are transparency, participation of every stakeholder involved, including archaeological and local authorities, foreseeability, compliance with the hierarchical superior parts of legislation, especially referring to zoning, urban planning and land uses law. The environmental license procedure is distinct from the operational license procedure (e.g. [Law 3982/2011 Simplification of licensing of technical professional and manufacturing activities and business parks and other provisions](#), [Law 4982/2022 Establishment, development, management and operation of Business Parks](#)).

The [Ministerial Decision 143898/9866/2024](#) is also crucial for the amendment of the contents of the environmental licensing studies for projects and activities of category A of [Law 4014/2011](#) for alignment with article 18 of the National Climate Law ([Law 4936/2022](#)). Annex 7 includes the projects or stages of their life cycle for which, in principle, a carbon footprint determination is not required (e.g. telecommunications, research and development activities, pharmaceuticals and biotechnology).

Apart from the answer of question 1 the following must be taken into consideration: [On 15 July 2022 the European Commission has decided](#) to refer Greece (INFR(2019)2217) to the CJEU for its failure to correctly transpose the EIA Directive (2011/92/EU as amended by Directive 2014/52/EU), which obliges Member States to carry out an environmental impact assessment for certain large infrastructure projects. Since this date there were two more developments of the legal framework with the [Law 4964/2022 \(Government Gazette 150/A' 30.7.2022\)](#) on the "Provisions for the simplification of environmental licensing, establishment of a framework for the development of Offshore Wind Farms, addressing the energy crisis, environmental protection and other provisions" and the [Joint Ministerial Decision 84932/5821](#).

4. Main challenges experienced by States, businesses and rightsholders concerning the adequate request, evaluation and implementation of EIAs, including: a) challenges to communicating assessment findings and conclusions with potentially impacted rightsholders and other interested members of the public, and b) challenges experiences by rightsholders in influencing assessment design, participating in assessments, and accessing assessment findings and conclusions. The Rapporteur especially welcomes data or studies illustrating the application of State exceptions that reduce assessment requirements, and practical consequences for environmental protection and violations of the right to a healthy environment.

The principal challenges by States, businesses and rightsholders can be found in the [Excerpts from National Implementation Reports prepared as a draft report by the Ministry of Environment and Energy on the implementation of the Aarhus Convention \(Aarhus Convention Implementation Report 2025 and Public Consultation announcement in Greek, 4 December 2024\)](#).

The paragraphs 52, 62, 67, 124, 132, 141, 145 on the obstacles encountered in the implementation of the articles are related. The access to documents and to justice principles, as noted in the report, need to be taken into consideration.

5. Examples of “best” practices of the implementation of assessments:

A main source of information on the best practices is the [Greek Climate Change Adaptation Hub](#), the information Hub for Greece's Adaptation to Climate Change under the LIFE-IP AdaptInGR project. The best practices can be found [here](#) (in English) and [here](#) (in Greek). The second link includes more practices. For the public participation framework see also above. A report on the selection criteria for the good practices can be found in the Hub (e.g. clear relevance of the good practice to climate change adaptation) ([in Greek](#)).

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