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Greek Report
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Introductory Remarks-The general framework for the simplification of the authorization procedures

Even before the economic crisis, it was recognized that the authorization procedures for the industrial installations were too slow and cumbersome mainly due to the involvement of many authorities and the extended deadlines for the expression of the relevant opinions **(**Koutoupa, 1995, p.20; Ministry of Environment, Energy and Climate Change, 2014, p. 2 et.seq). The deep economic crisis that emerged in late 2008 signalized a "paradigm shift" concerning the regulatory approaches and the content of the relevant legislation concerning the authorization of the various economic activities. In this context, certain legislative initiatives have been introduced aiming at simplifying and speeding up the authorization procedures for various kind investments, including the authorization of industrial installations. Moreover, Law 4014/2011 and the relevant Ministerial Decisions specifying the Law set the framework for the simplification and the acceleration of the environmental authorization procedures (Gogos, 2015, p. 2 et.seq, OECD, 2012, p. 28). In this context, one of the basic characteristics of the Law 4014/2011 is that it reduced the categories of projects subject to EIA procedure from 4 to 3 (Article 1), so that an environmental authorization is required only for projects classified in the Category A, which is divided in 2 subcategories (A1 and A2). Furthermore, for projects classified in the Category B, namely those that are regarded as having local environmental consequences, Article 8 of the Law 4014/2011 provides a simplified notification procedure concerning the compliance with certain standardized requirements ("Standard Environmental Commitments') determined for each specific group of projects.

A. Baseline Information

1. Industrial Installations

1.1 Form and scope of the permits

Departing from the above observations, it should be noted that the current legislative framework in this field is quite diverse. It is mainly comprised of the Law 3892/2011, as it is in force and certain Joint Ministerial Decisions (e.g. 3137/191/2012), which set the framework for the authorization of the vast majority of the industrial activities[1]. Moreover, the Law 4014/2011 and the relevant JMDs set the framework for the environmental authorization. A significant element of the relevant legislative framework is

[1] The activities relating to the extraction and procession of metals, the operation of quarries and the installations for the electricity production, also by Renewable Energy Sources do not fall in the scope of application of the Law 3892/2011 (Article 18 para. 3 lit. g and h), but are subject to specific legislation. The same applies for waste treatment and disposal facilities.

that the authorization requirements for industrial installations are determined on the basis of both their classification in accordance with the level of their expected disturbance (high, medium, low), which is defined in terms of their expected effects on the safety of the workers, the public health and the environment (JMD 3137/191/2012), and of their classification in accordance with the environmental legislation.

In this context, industrial installations with very significant environmental effects, which are classified in subcategory A1 in accordance with the EIA Legislation and simultaneously as of high disturbance, are subject to the following permits: a) an environmental permit, which is a prerequisite for obtaining the installation permit b) an installation[2] and the operation permit (Article 19 of the Law 3892/2011) c) a building permit in the case that the installation will operate in a new building (Laws 4030/2011 and 4067/2012) and d) a water permit in accordance with the Law 3199/2013, if necessary.

The authorization procedures for the industrial installations of medium disturbance, which constitutes the vast majority of the Greek industrial installations, are rather simplified and are underpinned by strong notification elements (Article 19 para. 4 of the Law 3892/2011)[3]. Moreover, the environmental authorization of these installations depends on their categorization in accordance with the EIA Legislation (Law 4014/2011), so that an environmental permit is required only when the installation is classified in the Subcategory A2. In the case that the installation falls in category B, a notification procedure, which is integrated in the operation permit, is provided.

Furthermore, industrial installations classified as of low disturbance, which most probably are classified in the Category B in accordance with the EIA Legislation (Law 4014/2011), are either subject to simplified authorization procedures (especially for the installation permit) or only to notification procedures. It should also be noted that the Law 4262/2014 simplified further the authorization procedures for a wide range of economic activities, including industrial installations, so that in accordance with a JMD specifying the Law certain industrial installations (and especially those of low or even of medium disturbance) are exempted from the operation license, which is substituted by a declaration.

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[2] A certification of the competent planning authority, according to which the area where the installation is to be located is suitable in terms of the planning law, is among the necessary documents to be submitted (Article 3 para. 1 lit. c' of the Ministerial Decision 483/35/2012). Furthermore, an installation permit is not required in the case that the installation will be located in a designated industrial area (Article 20 para. 1 of the Law 3982/2011).

[3] In particular, while the installation permit is granted in an ordinary administrative procedure, the operation license can be granted in a simplified notification procedure which presupposes, though, the submission of a letter of guarantee to the competent authority. Only in the case that the operator does not wish to submit a letter of guarantee is the ordinary authorization procedure applied.

A first conclusion is therefore that only industrial installations with significant environmental effects and high level of disturbance are subject to authorization procedures, while industrial installations of medium or low risk are mainly subject to notification procedures.

Under the prism of promoting acceleration of the relevant authorization procedures, the new legislative framework for the authorization of industrial activities (Article 19 of the Law 3982/2011) provides some form of coordination among different authorities involved, as the authorities responsible for granting the installation and operation permit have to submit the relevant documents to the other competent authorities for expressing an opinion or granting an approval, for the observance of the relevant deadline and for the monitoring of the whole process. The same applies for the authority responsible for the environmental authorization and the other authorities involved. It is worth noting that the JMD 30651/2014 set the modalities for the functioning of the electronic environmental registry foreseen in Article 18 of the Law 4014/2011, which constitutes a web platform encompassing in electronic form all the relevant information documents and administrative responses within the framework of the environmental authorization. Moreover, certified users, among which are also the authorities involved and the "public concerned", can have access to the platform[4].

Public participation procedures are foreseen only within the framework of the environmental authorization process.

The current legislative framework for environmental authorization (Law 4014/2011) is also characterized by the effort to integrate, to the largest extent possible, the plurality of the relevant environmental permits. In this context, the environmental permit for projects of Category A (subcategories A1 and A2) integrates also all the waste-related permits (namely those for the treatment and disposal of solid waste and waste-water) and the approval for intervention in a forest area by the authorities responsible for the protection and management of forests, if required (Article 12 of the Law 4014/2011, as modified). Furthermore, the requirements of the IED Directive (emission limit values on the basis of the BAT concept, strict monitoring mechanisms) are also integrated in the environmental permit of those installations which fall in its scope of application[5]. The same applies to the permission required under the Habitats Directive for projects falling in its scope of application, as the Appropriate Impact Assessment (named as Specific Ecological Assessment) constitutes an integral part of the EIA Study and the approval on the basis of

[4] The registration to this web platform became mandatory since July 2015 and constitutes a welcome reform towards increasing transparency within the framework of the environmental authorization procedures. Moreover, it is provided that for the next two years after the beginning of the platform the competent authority has to submit the necessary documents to the other authorities involved in electronic form (Articles 4 and 5 of the MD 1649/45/2014).

[5] The IED Directive was transposed into the Greek Legal Order through the issuance of the JMD 36060/155/E.103/2013.

the conclusion of this assessment is integrated in the environmental permit (Articles 10 paras. 1 and 3 and 11 paras. 8,9 and 10 of the Law 4014/2011)[6].

From a general point of view, it should be noted that, although the integration of the vast majority of the environmental-related permits into one permit contributes to the acceleration of the relevant procedures, it cannot always be ensured that it can provide a sufficient framework for an integrated assessment of the relevant impacts. This can be attributed to the fact that the information required as regards the effects of the project on certain elements of the environment (e.g forests) is much less demanding and extensive than those required under the previous legislative framework (MD 15277/2012), while also information required concerning the effects of the project is limited through certain criteria (JMD 170225/2014, Annex II, 8.1-Area Study). The same applies concerning the extent and the comprehensiveness of the information required for the Specific Ecological Assessment, if necessary. In any case, after certain improvements concerning the required information material, the relevant framework can provide the basis for an integrated assessment.

2. **Procedures**

2.1 Short Case Study

Waste disposal installations for incineration or physico-chemical treatment require two licenses, namely the operation license and the environmental permit (Article 36 of the Law 4042/2012). The environmental permit of these waste disposal installations incorporates also the additional requirements of the IED Directive, as transposed in Greek legal order, as they fall in its scope of application. Moreover, the time frames for the licensing procedures are differentiated due to their different categorization in accordance with the EIA Legislation (Law 4014/2011).

aa. The waste disposal facilities for incineration are classified in the subcategory A1, namely those with the most significant effects (MD 1958/2012) and the environmental authorization procedure can be completed within 110 days approximately, <u>without considering the time for the preparation of the EIA study by the operator and under the condition that the file includes all the necessary information material</u> (Article 4 part B of MD 167563/2013)[7]. This time frame can be extended to 200 days approximately

[6] Article 6 of the Habitats Directive was not transposed correctly into the Greek legal order from the beginning, as only an EIA Study with no distinctive content in relation to other EIA Studies was required for projects likely to have significant impacts on protected sites. Furthermore, although the relevant provisions of the Law 4014/2011 complement the previous provisions, certain incompatibility issues can still be raised, because the specific requirements concerning the content of the Specific Ecological Assessment (e.g. the term for the Appropriate Impact Assessment in the Greek Legislation) vary in accordance with the project classification in the EIA Legislation and moreover its scope of application is somehow limited (e.g. projects in the vicinity of protected sites are subject to the Specific Ecological Assessment only after a reasoned opinion of the competent authority). See *Balias*, 2014, p. 591-592.

[7] The time frame can be described as follows: 10 days for the examination of the comprehensiveness of the file + 2 days for its submission in an electronic form to the authorities involved, if it is complete + 45 days for the submission of the opinions of the

for the whole procedure in the case that the developer chooses to submit a file for the Preliminary Determination of the Environmental Requirements, a procedure which has some scoping elements (Article 4 part A of MD 167563/2013)[8] or even more than that when the deadlines for the expression of opinion of the authorities involved or for the arrangement of public consultation are extended for reasons relating to the complexity of the project. In the second phase, the procedure for the operation permit, which is granted mainly by the Regional Authority for the Environment or the relevant Authority of the Decentralized Administration can be completed approximately within 100 days (Article 36 of the Law and 8 of the JMD 50910/2727/2003). Finally, the time frame for granting a building permit by the municipal authority is approximately 45 days under the condition that the file is complete (Laws 4030/2001 and 4067/2012 respectively). The total time required is thus 255-260 days or 345- 350 days approximately in the case that the procedure for the Preliminary Determination of the Environmental Requirements is followed.

bb) The waste disposal facilities for physico-chemical treatment are classified in the subcategory A2 (MD 1958/2012) and the environmental authorization procedure can be completed within 80-85 days approximately (Article 5 of MD 167563/2013). Furthermore, this time frame can be extended to 150 days approximately for the whole procedure in the case that the developer chooses to submit a file for the Preliminary Determination of the Environmental Requirements, as the latter procedure can completed in about 65 days. Departing from the fact that the timelines for the operation and the building license are identical with those for the waste disposal installations for incineration, it can be assumed that the total time frame for the authorization of the waste disposal installations for physico-chemical treatment is 230 days or 295 days approximately in the case that the procedure for the Preliminary Determination of the Environmental Requirements is followed.

2.2. The main characteristics of the applicable permit procedures

a) **Competent Authorities**: The classification of each industrial installation in terms of the severity of its environmental effects and the level of disturbance is critical for the determination of the competent authority granting the relevant permit. Subsequently, the installation and operation permit of industrial installations of high disturbance is granted either by the

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authorities involved and for the arrangement of the public consultation procedures +20 days for the assessment of the file and the opinions submitted +25 days for the issuance of the permit (Article 4 of MD 167563/2013).

[8] This preliminary procedure is completed in 85-90 days approximately and the time-frame is the following: 10 days for the examination of the file + 2 days for its submission in an electronic form to the authorities involved, if it is complete + 30 days for the expression of the opinions by the competent authorities + 20 days for the assessment of the file and the relevant opinions + 20 days for reaching either a preliminary positive opinion, which specifies the elements of the EIA Study or a negative one, which can be subject to judicial review. In the case of a positive opinion, the environmental authorization procedure is completed in approximately 110 days, as already mentioned.

Ministry for Development or by the Ministry for Environment and Energy, while the relevant permits for installations of medium risk, if required, are granted by the Directorate for Development established at sub-regional level (e.g. the former prefectural level) of each respective region. Moreover, the environmental permit for the industrial installations of Subcategory A1, namely those with the most significant environmental effects, is granted by the Specific Environmental Authority of the Ministry for Environment and Energy in the form of a Ministerial Decision, while the environmental permit for installations of Subcategory A2 is granted by the competent environmental authority of the Decentralized "State" Administrations[9]. Furthermore, the building permit is mainly granted by the competent municipal authorities and the water permit is granted by the Directorate for Water Management and Protection established at regional level.

b) The EIA procedure is an autonomous procedure and the environmental permit is a precondition for granting the installation permit. This applies only to projects or activities of the subcategories A1 and A2 in accordance with the EIA Legislation (Law 4014/2011), as projects classified in Category B are subject only to a simplified notification procedure. The EIA procedure is carried out only once within the framework of the environmental authorization process.

c) As already indicated, the industrial installations are classified in three categories on the basis of the level of their disturbance (high, medium, low) and in two categories and three subcategories (A1, A2, B) in accordance with their expected environmental effects. Furthermore, the vast majority of industrial installations of medium and low disturbance, which are simultaneously classified in the Category B in accordance with the EIA Legislation (Law 4014/2011), are subject only to notification procedures. In this context, a discussion was initiated concerning the sufficiency of these procedures to provide a comprehensive assessment of the relevant effects of the projects at an individual level both from an environmental and a safety perspective due to the standardization of the relevant requirements (WWF Hellas, 2013, p. 11). In this context, the Decision 277/2014 of the Council of State, by which the Court suspended a permit for the installation of a base station for mobile telecommunications based on a declaration of compliance with the "Standard Environmental Commitments" instead of an environmental permit, opened the floor for a discussion of whether these notification procedures introduced for projects of Category B constitute the appropriate framework for a comprehensive assessment of their

[9] The seven Decentralized ('State") Administrations were established by Law 3852/2010 ("Kallikratis Reform") which introduced significant modifications in the organization of the territorial self-government (e.g. the municipalities and the regions) in Greece. The above mentioned Administrative Units ("Decentralized Administrations) exercise the competences that the State decided to maintain under its jurisdiction at decentralized level. See Moustakas, 2014, p. 273 et.seq.

environmental impacts[10]. Finally, an exclusion of certain installations even from the notification procedure is not foreseen.

d) Within the framework of the environmental authorization procedures, the authorities which have competence on issues relating to certain aspects of the project[11] (e.g the authorities responsible for the protection of archeological heritage in the case that an installation will be located in the vicinity of an archeological site) or granted specific approvals under the previous regime (e.g forest authorities) have to express a reasoned opinion concerning the EIA Study within a set deadline (45 days for projects of subcategory A1 and 35 days for projects of subcategory A2). Furthermore, under the prism of pursuing acceleration of the relevant processes, it is stipulated that if the authorities involved do not express their opinion within the set deadline, the process continues without further complications[12]. (Articles 4 Part B para. 4 and 5 Part B para. 4 of the MD 167563/2013). These opinions are not legally binding except for very limited cases ("simple opinions" under the term of the Greek administrative law), so that the permitting authority can abstain from them with reasoned justification. It is provided, though, that in the case of the absence of opinions of the authorities involved which could be critical for the authorization of the concrete project or when contradictory results come out of the relevant opinions, the permitting authority can request an opinion from the Central Council for the Environmental Authorization established by law 4014/2011. Finally, in practical terms these opinions exert influence on the content of the final decision, although also significant divergences can be observed.

e) **Pubic participation procedures** are foreseen only for the projects of the Category A (subcategories A1 and A2), which are subject to the environmental authorization procedures. The public consultation procedures commence when the EIA Study is submitted to the Council of the Region which has territorial competence concerning the project, after having been cross-checked in terms of completeness by the competent permitting

[10] Departing from the scientific uncertainty concerning the consequences of those stations on the human health and the environment and the application of the precautionary principle, the Court ruled that it remains questionable whether the substitution of the environmental permit with a notification procedure can ensure that the relevant effects can be assessed in the concrete case in an appropriate manner (Decision 277/2014).

[11] Under the previous legislative regime in the case that certain aspects of the project related to the competence of the authorities of other Ministries except for the Ministry for the Environment, the environmental permit for projects of the Category A was signed by all the competent Ministers as a form of guarantee in the sense that the relevant aspects had been thoroughly reviewed. Pursuing the goal of acceleration, Law 4014/2011 abolished the co-signature by the other Ministers involved by providing that the relevant permit for projects of Subcategory A1 is signed only by the Minister for Environment. The Council of State held that the relevant provision abolishing the co-signature by the other Ministers involved does not raise any issues of incompatibility with the Constitution (Decision 2814/2013).

[12] The Council of State ruled that such a legislative choice is acceptable also in the field of the environmental authorization procedures on the grounds that it is acknowledged that the competent authority can legally ignore opinions expressed after the expiry of the relevant deadline (Decision 739/2011). The decision referred to an environmental permit issued under the previous regime.

authority. The Regional Council has the competence to inform the public through publications on websites and in newspapers of national and local coverage about the content of the EIA Study, the public consultation that will take place, the authorities that can provide information and the deadlines for the submission of written comments by the public concerned (Article 5 of MD 1649/45/2014). In recent years, mainly the "public concerned" defined in accordance with the Aarhus Convention is getting sufficiently informed mainly through national and local websites about the arranged public consultation procedures concerning the EIA Study and the possibilities to express views for the project. As already indicated, the relevant deadlines for the public consultation procedures, which also encompass the time needed for access to the informational material as well as the preparation and submission of a written opinion by the public concerned, are 45 days for projects of subcategory A1 and 35 days for projects of subcategory A2[13]. In this context, the issue of whether these deadlines are sufficient to ensure the effective public participation required by Article 6 para. 4 of the EIA Directive could be raised. A significant criterion for such an assessment is the *complexity* of the project in the sense that these deadlines, if not extended, could be proven insufficient for ensuring effective public participation. Furthermore, the relevant deadlines should be assessed under the prism of the recent jurisprudence of the Council of State according to which the pleas concerning the permissibility of the project and especially those concerning the examination of alternatives which have not been put forward in the public consultation procedures cannot be claimed admissibly in the judicial proceedings (Decisions 1169/2011, 1943/2012, 4940/2013, 384/2014, 551/2015). Besides the issues of compatibility of this jurisprudential tendency with the relevant CJEU jurisprudence (CJEU Ruling on Case 137/14, Commission v. Germany, para.78), it cannot be ensured in certain cases (large-scale and complex projects) that these deadlines are sufficient for the public concerned to elaborate well-grounded pleas mainly as regards the proposed alternatives (K.Gogos, 2015, p. 518). In this context, it is also relevant that the Council of State does not require complete scientific justification of the pleas concerning the possible alternatives, but only a basic documentation (Decisions 1169/2011, 395/2014). Furthermore, in accordance with the constant jurisprudence of the Council of State, the publication of the EIA Study constitutes an essential procedural element, so that the non-

[13] The relevant deadlines for the public consultation procedures can be extended by a Decision of the Secretary General for the Environment for reasons relating to the complexity of the project (Article 4 Part C of MD 167563/2013) or when the Central Council for Environmental Authorization is requested to give an opinion in the certain determined constellations (e.g. in the case of the non-submission of opinions by the authorities involved or of opinions with contradicting results**)** **[**Articles 3 para. 5 and 4 para. 5 of the Law 4014/2011 for projects of the Subcategories A1 and A2 respectively**].** It should also be mentioned that the relevant deadlines are reduced by half in the case of the environmental authorization of Renewable Energy Installations (Article 4 Part C para. 2 of the MD 167563/2013).

fulfilment of the relevant requirement exerts influence of the validity of the relevant environmental permit (Decisions 970/2007, 4243/2014, 1552/2015).
f) For projects of the Subcategory A1, the timeframe for the completion of the environmental authorization procedure is 110 days and for the projects of Subcategory A2 is 80-85 days approximately. The relevant timeframe can be extended to 200 days for projects of Subcategory A1 and to 150 days for projects of Subcategory A2 in the case that the operator follows the procedure of the Preliminary Determination of the Environmental Requirements. For the vast majority of industrial installations falling into the scope of application of the Laws 3892/2011 and 4262/2014 respectively, the procedure for the installation license can be completed within 60 days. The same applies to the operation license in the case that it is not substituted by a notification procedure. The building permit can be granted within 45 days provided that the file is complete.
g) No "quasi jurisdictional" or specific administrative appeals against the decision of the permitting authority to grant the environmental permit or not are foreseen in the relevant legislative framework (Law 4014/2011 and MDs). In any case, in accordance with the Rules of the Code of Administrative Procedure, simple administrative appeals can be lodged. In particular, an application for redress can be lodged to the Minister for Environment for projects of Subcategory A1, while a hierarchical appeal can be lodged to the Minister for Environment for projects of Subcategory A2. These appeals can be lodged by any natural or legal person having legal interest. The Minister has to decide within 30 days since the appeal was lodged. *The most common practice though is to challenge either the environmental permit or more exceptionally the relevant refusal before the Council of State by submitting a petition for annulment by any natural or legal person claiming legal interest*. Furthermore, special administrative appeals against the decisions granting installation or operation licenses or not can be lodged to the Decentralized Administrations by any natural or legal person having legal interest within 15 days after the decision was made known. The appeals have to be decided within two months (Article 30 para. 1 of the Law 3892/2011). Finally, in the case that an installation permit was not granted and the estimated value of the mechanical equipment exceeds the amount of 1.000.000 euro, the project developer can lodge a "quasi jurisdictional" appeal before a specific Committee established within the Ministry of Development. The decision concerning the appeal is made in 30 days since its submission (Article 30 para.2 of the Law 3892/2011).

II. Infrastructural Projects

1. If the Spatial Planning Framework for the critical region or regions (Law 4269/2014) foresees the construction of a highway, there is no need to conduct a SEA and only an environmental permit is necessary. In the case that the highway is not foreseen in the relevant Regional Framework/s for Spatial Planning, then the plan/s have to be revised. Such a revision presupposes also the elaboration of a SEA Study. Under the previous legislative regime (Law 2742/1999), the relevant procedures for the revision of the Regional Planning Regimes were rather time-consuming (3 years approximately). Law

4269/2014 introduced a relatively new framework aiming at accelerating the procedures for the adoption, revision or substantial modification[14] of the Regional Frameworks for Spatial Planning. In particular, this procedure consists of the following steps:

a. Notification by the Directorate of Spatial Planning of the Ministry for Environment and Energy, which is the responsible authority, to the relevant Region, about its intention to introduce or revise the relevant regional plan

b. Drafting of both the Regional Plan and the accompanying SEA Study without determining deadlines

c. Expression of opinions: 1. Concerning **the Draft Plan**: Opinion of the Regional Council within 2 months and by the other authorities involved within a month after its submission. Moreover, the Executive Committee of the National Council for Spatial Planning can express an opinion about the content of the Plan within 1 month after the relevant request of the Minister for the Environment (Article 6 para.4). 2. Concerning **the SEA Study**: Opinion of the Regional Council and the other authorities involved within 45 days after its submission (JMD 107017/2006). The relevant procedural steps can be coordinated.

d. Common Public Consultation Procedures for both the draft Regional Plan and the accompanying SEA Study to be completed within 45 days. The "public concerned" can submit written comments or objections within 30 days after the SEA Study is making publicly known. Procedural steps **c** and **d** can be synchronized.

e. Approval of the new or revised Regional Spatial Plan and the accompanying SEA Study by a Decision of the Minister for Environment.

The relevant decision of the Minister for Environment can be challenged before the Council of State within 60 days after its publication in the Official Government Gazette.

In practical terms, the procedures set in Law 4269/2014 are currently applying within the framework of the revision of the existing Regional Spatial Planning Frameworks. Furthermore, the relevant plans for the construction of highways which were part of the trans-European transport network and had, thus, to be subject to a SEA (Decision 1692/1996 of the European Parliament and the Council, as it is in force), had been elaborated and approved either before the entry into force of the SEA Directive or before the deadline set in the JMD transposing the Directive into the Greek legal system. In this context, the Council of State ruled that the decision concerning the design of the concrete routes for the construction of highways being part of the trans-European transport network did not have to be subject to a SEA, because the first preparatory act for the relevant plan took place before the relevant deadline (21.07.2004) set in the relevant Joint Ministerial Decision transposing the SEA Directive (Decisions 3043/2011, 3047/2011, 383/2014).

[14] Article 6 para.7 of the Law 4269/2014 stipulates that ad-hoc and non-substantial modifications of the Regional Spatial Plans can be approved only by Decision of the Minister for the Environment and are subject to SEA only if they are expected to have significant effects on the environment

2.In accordance with the Ministerial Decision 1958/2012, the construction of a highway is classified as a project of Subcategory A1 which is subject to a mandatory EIA[15]. The relevant procedural steps are analyzed under Point I. It is worth noting that certain accompanying works for the construction of highways (e.g. construction sites, station services for motor-drivers, station tolls) are not subject to an EIA. Instead of that, they can be authorized in a simplified procedure through the submission of a Technical Environmental Study with simple information requirements and the subsequent evaluation of this Study by the Specific Environmental Authority of the Ministry for Environment, while no public consultation procedures take place (Article 7 para. 2 and 11 para.11 of the Law 4014/2011).

B. Describing and evaluating integration and speed up legislation

The so called "Fast-track" Legislation, which was first introduced by Law 3894/2010 and was modified four subsequent times (Laws 4072/2012, 4146/2013, 4242/2014 and 4262/2014), aims to create a business friendly environment by facilitating the operationalization of the project proposals that are characterized as "Strategic Investments[16]". To this end, the Fast-track Legislation provides the possibility for the introduction of Special Planning Regimes that set specific location sites for the reception of Strategic Investments and introduce land use regulations and building conditions for these specific areas (Article 24), while also deviation from the applicable building terms and restrictions is foreseen in the cases where the Strategic Investment will take place in an area of an approved City Plan (Article 7). Furthermore, all the relevant permitting procedures are, to a significant extent, simplified and accelerated. This is mainly achieved by shortening the relevant deadlines for the issuance of the relevant permits to 45 days after the submission of the relevant application from the Agency responsible for the procedures (Enterprise Greece) to the competent authority of the Ministry for Development and by the designation of the competence for issuing the relevant permits to the Ministers that have the general competence in the field to which the permit relates (Article 22 paras. 1 and 5). Moreover, the simplification extends also to the authorization procedures for the auxiliary and accompanying infrastructure works that are necessary for the operationalization of the Strategic Investments, to the procedures for the

[15] Within the framework of the judicial review of the environmental permits for the construction of highways issued under the previous legislative framework (Law 1650/1986, as modified by Law 3010/2002), the Council of State ruled that in the case that the highway or its upgrading was foreseen in the relevant Regional Spatial Plan, the preliminary approval concerning the location of the project within the environmental authorization was not necessary (Decisions 3043/2011, 3047/2011, 3048/2011).

[16] Large scale private or public project proposals can be characterized as "Strategic Investments", only when they relate to the construction, reconstruction or expansion of infrastructure or networks in certain key sectors of the economy, such as industry, energy, tourism and transport and meet the quantitative or quality criteria set in Article 1 of the Law 3894/2010, as it is in force. In particular, the quantitative criteria relate mainly to the height of the investment (for example 100.000.000 € total investment cost irrespective of the sector), while the qualitative criteria relate to the specific sector on the development of which is placed emphasis (e.g. manufacturing). See Karageorgou, 2014, p. 74 et.seq.

concession of the use of certain natural resources, such as the foreshore, the backshore and the seabed (Article 8), as well as to the procedures for the expropriation of properties for the realization of both the Strategic Investments and the accompanying works (Article 10).

From the analysis above, it becomes apparent that the relevant deadlines for public consultation procedures both in the case of the adoption of special planning regimes for the reception of the strategic investment[17] and in the case of the environmental authorization procedures are significantly reduced. Subsequently, issues of compatibility of the relevant provisions with both Article 6 of the Aarhus Convention and Article 6 of the EIA Directive can be raised (Karageorgou, 2014, p. 79).

So far, 13 large-scale projects mainly from the touristic and the energy sector (e.g complex tourism accommodation facilities and wind parks, photovoltaic installations and solar power plans with increased installation capacity) have been classified as "strategic investments". The decisions of the Inter-Ministerial Committee, by which three large-scale RES Projects to be implemented in the island of Crete[18] were classified as "Strategic Investments", were challenged before the Council of State[19]. The Council of State rejected the relevant plea of the petitioners concerning the incompatibility of the fast track legislation with the constitutional provision for the environmental protection (Article 24) on the grounds that the relevant decision for the classification of a project as "Strategic Investment" constitutes a first assessment concerning the viability of the project and its capacity to contribute to the development of the national economy and to the strengthening of the entrepreneurship and innovation. Furthermore, the Court held that the relevant aspects concerning the compatibility of the project with the relevant planning and environmental legislation are not reviewed within the framework of the classification decision but at later stages of the project implementation, namely in the elaboration of a special

[17] The only public consultation procedures which take place during the elaboration of these special planning regimes are those that have to take place before the approval of the SEA Study, which is a precondition for their adoption due to the application of the Articles 12, 13, 14 and 15 of the Law 3986/2011. This Law introduced the Special Planning Regimes for Public Land under Privatization**.** In deviation from the ordinary procedure for the approval of a SEA Study, very short deadlines for public consultation procedures (approximately 10 days) are foreseen in this specific case (Article 12 para. 2 lit b'). In any case, a significant guarantee concerning the content of these special planning regimes is that they are subject to the preventive control of the Council of State, because they are issued in a form of a Presidential Decree.

[18] The characterization of the projects as "Strategic Investments" initiated the formation of the pan-Cretan network against industrial RES, which constitutes a quite organized movement consisting of local movements and professional and cultural associations opposing the projects. More information is available at:https://sites.google.com/site/pankretiodiktyoagonakatavape/home.

[19] It is also worth noting that while the cases were pending before the Court, the two projects concerning the construction and installation of wind turbines in certain parts of the island of Crete were declassified from their characterization as "Strategic Investments" on the grounds that the investors did not come up with their financial obligations set in the "fast-track" legislation.

planning regime, if necessary and in the procedure of the environmental authorization, as the environmental permit constitutes a precondition for the project implementation [Decisions 528/2015 para. 12, 529/2015 para. 12, 530/2015 para. 12). Furthermore, the Court rejected the plea of the petitioners concerning the violation of the SEA Directive, which was based on the assumption that the approved projects should be classified as "plans or programmes" and be subject to a SEA instead of an EIA. In particular, the Court held that in harmony with the basic legislator's aim to attract significant investments, the fast –track legislation refers to investment proposals and more specifically to plans or programmes which incorporate certain projects subjecting to an EIA procedure [Decisions 528/2015 para. 15, Decisions 529/2015 para. 15]. Such a justification does not seem persuasive, as it does not take sufficiently into consideration the purpose of the SEA Directive to provide an assessment of the impacts of plans or programmes at an early stage of the planning process and its scope of application. Other issues concerning the compatibility of the fast-track procedure with the environmental legislation (e.g public participation) are going to be judged when the Court will rule on the legality of the environmental permits issued for projects which are classified as ''strategic investments".

C. Locus Standi

The Code for Administrative Judicial Proceedings does not contain any specific provision concerning this issue. The Council of State, however, developed broad legal standing criteria by recognizing the right to take legal action not only to a wide circle of persons, but also to NGOs, legal entities and even groups of persons not possessing legal personality but are interested in the protection of the environment (Menoudakos, 1997). In this context, the Council of State has recognized in its constant jurisprudence that territorial self-government organizations (municipalities and regions) have legal interest to initiate legal action for challenging acts, decisions or omissions in the field of environment in the case that these acts or decisions adopt plans or authorize projects and activities that are going to be implemented in their territory or even when their implementation can affect citizens in their territory (Decisions 2414/2011, 4243/2014, 3561/2014, 3562/2014).

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