

Recent Developments in Cyprus

A. Recognition of the Right to a Healthy Environment in the Constitution (Article 7A)

One of the most significant developments in environmental law in Cyprus has been the introduction of Article 7A through the 19th constitutional amendment in December 2024. It marks the first amendment since 1960 introducing a new fundamental right, namely the right to a safe, clean, healthy and sustainable environment. Beyond the recognition of a substantive environmental right, Article 7A explicitly constitutionalises key procedural guarantees, including access to information, access to justice and the right to an effective remedy.

Article 7A (Unofficial Translation)

(1) Every person has the right to a safe, clean, healthy and sustainable environment.

(2) For the purposes of ensuring the effective exercise of this right, every person shall have the right to:

(a) access relevant information held by the competent authorities of the Republic, without being subject to an obligation to demonstrate a direct and personal legitimate interest, as provided by law;

(b) access to justice in matters relating to the environment, subject to Article 146; and

(c) to an effective remedy for violations of the right provided in this Article and of legislation relating to the environment.

(3) The protection of the natural environment constitutes an obligation of the State, and for that purpose the State is required to take preventive, remedial or restorative measures within the framework of the principle of sustainability.

(4) No interference shall be permitted with the exercise of this right except in accordance with the law and only insofar as it is necessary in the interests of the security of the Republic, the constitutional order, territorial integrity, public safety, public order, public health, or the protection of the rights and freedoms guaranteed by the Constitution to every person.

Normative Significance and Innovation

The constitutionalisation of procedural environmental rights is noteworthy. While substantive environmental rights are widely recognised in constitutions around the world, the explicit recognition of procedural guarantees at constitutional level is less common. In this respect, Article 7A reflects the logic of environmental democracy, as developed internationally through Principle 10 of the Rio Declaration and institutionally through the Aarhus Convention. It confirms that environmental protection is not only a matter of substantive standards, but also of access to information, participation, and judicial control.

At the same time, Article 7A operates within an already dense normative framework shaped by EU law and the Aarhus Convention. Its practical contribution, therefore, depends on

whether it is interpreted in a way that reinforces, rather than reproduces, existing obligations, particularly in relation to effective judicial protection under Article 47 of the Charter and the principle of effectiveness.

A further issue arises from the formulation of the right of access to environmental information under Article 7A(2)(a), which does not fully replicate the terminology and structure of the EU and international framework. In particular, the reference to “relevant information” (συναφείς πληροφορίες), rather than “environmental information” as defined under Directive 2003/4/EC and the Aarhus Convention, introduces a degree of normative ambiguity that may affect the scope of the right. Moreover, Article 7A(4) provides for a broad catalogue of permissible restrictions, including public health and the protection of the rights of others, which do not correspond directly to the exhaustive and narrowly interpreted exceptions permitted under EU law. This raises a potential risk that the constitutional provision could be interpreted in a way that narrows access to information in practice, unless it is read consistently with the requirements of EU law, including the obligation to interpret exceptions restrictively and to favour disclosure.

Pre-existing Framework: Restrictive Standing under Article 146(2)

Before the introduction of Article 7A, access to justice in environmental matters was governed primarily by Article 146 of the Constitution, which provides for judicial review of administrative acts. Courts in Cyprus have consistently interpreted Article 146(2) as requiring an existing, direct and personal legitimate interest. This has led to a restrictive approach to standing, particularly in environmental matters,¹ where the protection of collective interests does not easily fit within the traditional model of individualised harm. This approach has had the effect of excluding members of the public and environmental NGOs from access to judicial review in most cases, unless they can demonstrate a specific and individualised impact.

This restrictive interpretation persisted despite the obligations arising under the Aarhus Convention, the requirements of EU law, as well as the possibility for a broader reading of standing within the existing constitutional framework. As a result, there is a structural gap in access to justice, particularly in relation to the enforcement of environmental law at national level.

Article 7A and Access to Justice: Potential and Limits

Against this background, Article 7A introduces an explicit constitutional basis for access to justice in environmental matters. At first sight, this could be seen as addressing the long-standing limitations of Article 146. However, the provision does not operate independently of the existing constitutional framework. Crucially, Article 7A(3) provides that the exercise of the rights it guarantees is “subject to Article 146 of the Constitution.”² This reference is of

¹ Ioanna Hadjiyianni, ‘Multi-Level Governance in Action: Access to Justice in Light of the Aarhus Convention and its Implementation in the EU Legal Order’ (2020) 26(4) European Public Law 889; Ioanna Hadjiyianni, ‘Access to Justice for environmental protection: Legitimate interest in Cyprus in light of the Aarhus Convention and its Implementation in the European Union,’ *Environment and the Law (Περιβάλλον και Δίκαιο)* 2/2020, 224.

² This phrasing was added after a recall of the draft legislation by the President of the Republic, and proposed by the legal service of the Republic.

central importance. On the one hand, Article 7A creates the potential for a reinterpretation of standing requirements, particularly if read in light of the Aarhus Convention, EU law requirements for effective judicial protection, stemming from CJEU case law, and the constitutional recognition of environmental rights as such. On the other hand, the explicit subordination to Article 146 creates a risk of continuity rather than transformation. If Article 146 continues to be interpreted in its traditional restrictive manner, the procedural guarantees of Article 7A may be absorbed into the existing framework without materially expanding access to justice.

Article 7A undoubtedly represents a shift in constitutional orientation, signalling a move towards stronger environmental protection and greater alignment with international and EU obligations. At the same time, its practical impact will depend on whether national courts are willing to interpret Article 146 consistently with the new constitutional framework and external legal obligations. It remains to be seen how courts will approach this as no environmental case has yet been decided following the introduction of the provision in the Constitution.

B. Pending climate litigation

Against this background, early cases testing the practical significance of Article 7A have already arisen in the context of pending climate/environmental litigation before the Administrative Court. The most prominent of these cases concerns the Kellia wind farm, involving three 4.5 MW wind turbines installed within the Kellia State Forest and within the Koshi-Pallourokampos Special Protection Area (SPA), designated for avian conservation.

Between May and December 2024, environmental organisations documented alleged violations of eight of the twelve legally binding conditions attached to the environmental approval and building permit. These included the continuation of construction in breach of the legally binding conditions of the Appropriate Assessment, allegedly resulting in irreversible ecological degradation. Despite the Forestry Department reporting breaches and the Department of Environment issuing a cessation order on 19 December 2024, construction allegedly continued until the project's completion in January 2025, at a time when the project was said to be operating without valid environmental approval and under an expired building permit.

Despite these documented violations, the Environmental Authority issued a new environmental approval for the project in mid-December 2024, which was published in early January 2025. A further issue concerns the unauthorised installation of a new overhead medium-voltage transmission line by the Electricity Authority of Cyprus within and adjacent to the SPA.

In response, Terra Cypria³ and BirdLife Cyprus jointly filed two separate recourses before the Administrative Court in 2025. Both are directed against the Republic, through the Director of the Department of Environment acting as Environmental Authority, and both invoke, inter

³ I would like to disclose that I am a member of the Foundation's Board of Trustees.

alia, Articles 7A, 30 and 146 of the Constitution, Article 47 of the EU Charter of Fundamental Rights, and the relevant pillars of the Aarhus Convention.

The first recourse concerns access to environmental information. It challenges, under Articles 7A(2)(a), 30 and 146 of the Constitution and Article 9(1) of the Aarhus Convention, the Environmental Authority's continued failure to provide the applicant NGOs with documents and information relating to the preparatory and preliminary decisions underlying the Supplementary Appropriate Assessment Report. The applicants seek a disclosure order against the Environmental Authority.

The second recourse concerns the legality of the Supplementary Appropriate Assessment Report and the failure of the authorities to take preventive and remedial measures. It invokes Articles 7A(2)(b), 7A(2)(c), 30 and 146 of the Constitution, together with Articles 9(2) and 9(3) of the Aarhus Convention. The applicants seek, in substance: a declaration that the Environmental Authority's failure to decide within thirty days on their formal request for action of 13 December 2024 is void; a declaration that the Supplementary Appropriate Assessment Report of December 2024 is void and unlawful; a declaration that the continuing failure to take preventive and remedial measures for breaches committed before and after the expiry of the planning permission on 31 December 2024 is void; and an order requiring the Environmental Authority to take all necessary measures to remedy the resulting environmental damage.

The applicant NGOs plead serious and systematic violations of eight of the twelve legally binding conditions of the April 2019 Appropriate Assessment Report, as well as numerous essential conditions of the Environmental Authority Opinion of 31 July 2019. Both cases remain pending.

The Republic has raised preliminary objections, including objections challenging whether the environmental NGOs have standing to bring the proceedings. The cases, therefore, provide an important early opportunity for the Administrative Court to interpret Article 146 in light of the newly introduced Article 7A, as well as Cyprus's obligations under the Aarhus Convention and EU law. The dispute is also legally significant because it arises against the background of an active EU infringement procedure against Cyprus, INFR(2019)2303, concerning the systemic incorrect application of Article 6(3) of the Habitats Directive across multiple projects.

An additional case regarding an interim decision by the Administrative Court is also worth mentioning. On 19 May 2026 in [Case no. 881/2025](#), the Administrative Court issued a "permanent" injunction on the suspension of a building permit for a 3.7 MW photovoltaic park pending the final determination of a judicial review challenge.

The Municipality's technical officer and municipal engineer alleged that works had already begun and that:

- Ground levels were being altered contrary to permit conditions.
- Fencing was being fixed in concrete contrary to permit conditions.
- Soil compaction was taking place using heavy machinery.
- Works were encroaching upon a protected watercourse buffer zone.

- The project would negatively affect flora and fauna, including bird species.
- The extensive fencing would obstruct wildlife movement.
- The scale of the development would create visual disturbance.
- Environmental damage resulting from these interventions would be irreversible.

The Court held that there was sufficient evidence of a real risk of irreparable environmental harm if construction continued before the judicial review was decided.

From an environmental-law perspective, the most significant aspects of the decision are that the Court:

- Treated alleged environmental degradation as capable of constituting irreparable harm.
- Relied heavily on technical and expert evidence from municipal officials.
- Linked interim protection to the principles of prevention and precaution.
- Was prepared to preserve the status quo pending judicial review, even before deciding difficult standing and admissibility questions.

This marks the first environmental case in Cypriot courts issuing an injunction, suspending activities to prevent irreparable damage to the environment. It is remarkable that counsel for the applicants cited EU environmental law scholarship to put forward arguments based on environmental principles. It is also remarkable that the interim decision was adopted against a large and economically strong company in Cyprus (Zorpas & Sons (Real Estate Enterprises) Ltd), which has developed multiple similar systems, sometimes in previously fertile/green areas, potentially raising concerns about sustainable land use change.