

Format for the Aarhus Convention implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

The following report is submitted on behalf of CYPRUS in accordance with decisions I/8, II/10 and IV/4.

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Signature:

Date: **30.3.2017**

Implementation report

Please provide the following details on the origin of this report

Party: CYPRUS

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I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer:

The report has been prepared by the Department of Environment, which is the competent authority for the implementation of the Aarhus Convention. The report has been uploaded on the Department's webpage for public consultation, inviting comments from the public, NGOs and other bodies. The results will be used to evaluate the implementation of the Aarhus Convention provisions and will provide insights for the future strategy to be followed regarding access to information and public participation.

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II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

Cyprus has a central decision-making structure and any laws and policies are applicable to the whole country, as well as a central authority responsible for implementation. The provisions of the Convention have been applicable since its ratification in 2003.

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III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

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(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

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Answer:

Paragraph 1: A Clear, transparent and consistent framework to implement the Convention

The legislation has been gradually enacted over the years, has increasingly facilitated the establishment of a clear and consistent framework which enables access to information and enhanced participation in decision-making processes, in accordance with the provisions of the Convention, while recent amendments and planned revisions of existing laws will further strengthen the existing provisions. The national law on public access to environmental information governs the provision of environmental information, while the rights of the public to participate in decision-making processes affecting the environment are provided for under all relevant environmental legislation and through increasingly uniform legal provisions relating to the availability of information and the participation of the public prior to the final decision. Access to justice to challenge government decisions, acts or omissions is provided for under the Constitution.

Paragraph 2: Assistance and guidance to the public in public participation matters

General administrative law: The Constitution provides that any person has the right, individually or jointly with others, to address written requests or complaints to any competent public authority, which must be examined within a period not exceeding 30 days. This supports the right of the public to request access to information in general, including environmental information. This was further reinforced through the law on access to environmental information.

Environmental law and practice: According to the provisions of the Law on Public Access to Environmental Information (No. 119(I)/2004), which implements the provisions of Articles 4 and 5 of the Convention, public authorities are required to make available the environmental information held by or for them to any applicant at his/her request and without his/her having to state an interest. In implementing this, it is expressly stated that public authorities must ensure that its officials support the public in seeking access to information.

With respect to public participation, both the EIA and SEA Laws include detailed requirements for the provision of information relating to every environmental assessment report submitted for examination, the project/plan/~~programme~~program in question and the practical arrangements for the submission of comments and opinions. Currently information is disseminated through the website of the Department of Environment and includes the EIA reports, the opinions issued by the Environmental Authority and any other information relevant to the assessment process. With a view to further strengthening participation, the Department of Environment has over the past year initiated the development of two tools that will significantly improve public access to the information relating to the environmental assessment process, the means available for the submission of comments, and the guidance given both with respect to the process itself and the rights of the public and stakeholders for effective participation;

1. An EIA/SEA platform. The platform ~~will disseminate~~includes information on projects that have been submitted to the Environmental Authority based on the assessment of the effects of certain projects on the environment Law N127(I)/2018. It provides all relevant information on the ~~assessment~~evaluation process ~~with the purpose of informing~~to inform the public concerned,

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~~facilitating facilitates~~ a more active and ~~effective efficient~~ participation in decision-making ~~procedures, including by enabling processes, includes~~ access to documents ~~and the submission of opinions via the~~ website. ~~It will provide the necessary submissions, updating of the Environmental Impact Commission's agenda, the Opinions / Reasoned Findings of the Environmental Authority as well as the projects that are in the process of Public Consultation. It is an essential tool for the timely involvement participation of the public in the planning and decision-making process, enabling their allowing the environmental authority to take the views to be more effectively taken into account of the public before making decisions. A website for the provision of information and guidance on the EIA/SEA process.~~

2. A website for the provision of information and guidance on the EIA/SEA process.

3. NGOs participating in environmental assessment of projects through a Committee.

4. New provision in the EIA legislation for public presentation of the project before finalization and new provision for public hearings.

Significant progress has been made over the last few years in the development of online databases on environmental information and the provision of data and spatial information to the public through easily accessible and user-friendly portals, such as the INSPIRE Geoportal (covering environmental spatial data), the environmental impact assessment database (which includes environmental impact assessment reports and the opinions of the environmental authority), and the air quality portal (providing real-time information on the air quality and the concentrations of air pollutants).

Paragraph 3: Environmental education and awareness raising

The Department of Environment actively supports environmental awareness campaigns and educational programmes, on topics such as waste management, green products and resource efficiency, circular economy (including through targeted campaigns aimed at industry, businesses, the services sector and the general public on the EU Eco-management and Audit Scheme and the EU Ecolabel), climate change, pollution control, nature conservation, and environmental impact assessment.

~~In 2016~~ 2018-2020, according to the new law 127(I)/2018, a series of seminars was carried out ~~in collaboration with Frederick University (as part of a wider education programme targeted at the personnel of the Department of Environment, competent public authorities and stakeholders)~~ on the environmental assessment process (addressing the key stages of the process, including screening, scoping, the evaluation of the environmental assessment report, mitigation measures and subsequent monitoring), for public authorities participating in the assessment process, environmental NGOs and local authorities.

At the same time, the Department of Environment actively supports, through financial assistance, a number of environmental awareness campaigns organized by non-governmental organizations, local authorities and schools.

The Department of Environment actively supports, through financial assistance, a number of environmental awareness campaigns organized by non-governmental organizations, local authorities and schools.

Environmental education: The environment has long been introduced in the

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curriculum of lower education. A dedicated programme has been implemented over the past few years in primary schools on Education for Sustainable Development. The programme focuses on the consideration of environmental issues in a holistic and interconnected approach in light of the social, economic, political and cultural factors which influence them. The purpose is to gradually change the school area and the local community based on the principles of sustainable development and to shape environmentally conscious citizens, having the necessary knowledge and skills to actively protect their environment and quality of life. A network of Environmental Education ~~Centres~~**Centers** has also been established, which provide education programmes, including field work, on a number of key environmental topics.

Environmental awareness campaigns by NGOs: A number of NGOs actively participate in environmental awareness raising through targeted campaigns and seminars. Over the past few years NGOs, like Birdlife Cyprus, Terra Cypria, Friends of the Earth Cyprus and CYMEPA, have been organizing information campaigns and educational seminars on key environmental issues like nature protection, species conservation, GMOs, marine and coastal protection, climate change, resource efficiency, etc. Government has been supporting such activities through joint events and funding programmes.

Paragraph 4: Support for environmental NGOs

The importance and role of NGOs has long been recognized and their participation in the decision-making process has been ensured through the relevant environmental legislation. The Federation of Environmental Organizations of Cyprus, which represents several NGOs, is a permanent member of all major committees formed under environmental law, including the Scientific Committee for the Protection of Nature and Wildlife, the Committee for Genetically Modified Organisms, the Committee for Waste Management, the Committees for the Evaluation of Environmental Impact Assessment, and the Committee for the Evaluation of Strategic Environmental Assessments.

NGOs are registered under the law on the establishment, operation and dissolution of societies and institutions by the appointed Registrar, either as societies and institutions. Although it is not mandatory for an NGO to be registered, it is necessary if it is to acquire corporate personality. For the registration legal assistance is required for the preparation of the articles of association or act of incorporation, depending on the case and no charges are made for the actual registration.

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IV. Obstacles encountered in the implementation of article 3

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

Answer:

V. Further information on the practical application of the general provisions of article 3

Provide further information on the practical application of the general provisions of article 3.

Answer:

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VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

www.moa.gov.cy/environment

<http://infoeia-sea.environment.moa.gov.cy/>

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

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Answer:

Implementation of Article 4

The Law on Public Access to Environmental Information (119(I)/2004) implements the requirements of Article 4 of the Convention (and transposes the relevant EU Directive 2003/4/EC).

Definitions – definitions are detailed in Article 2 of the Law, as follows:

Public Authority: In accordance with Article 2 of the Convention, public authority is defined to include

- Any government or other public administration (including municipalities and community councils, public utilities, public bodies and public advisory bodies, at national, regional or local level)
- Any person performing public administrative functions under national legislation (including specific duties, activities or services relating to the environment)
- Any person exercising public responsibilities or functions or providing public services relating to the environment under the control of a body or person falling under the above.

Public: Public has been defined to include one or more persons, and their associations, organizations and unions.

Environmental information has been defined to include any information in written, visual, aural, electronic or other form, concerning:

- The state of the elements of the environment, such as the air and atmosphere, water, soil, landscape and natural sites, including wetlands, coastal and marine areas, biodiversity and its components, including genetically modified organisms, and the interaction among these elements;
- Factors, such as substances, energy, noise, radiation or waste, discharges and emissions into the environment, affecting or likely to affect the elements of the environment;
- Measures, including legislation and administrative measures, such as policies, plans, programmes, environmental agreements and activities affecting or likely to affect the elements and factors, as well as measures or activities designed to protect these elements;
- Reports on the implementation of environmental legislation;
- Economic analyses and assumptions used within the framework of the measures and activities referred to above; and
- The state of human health and safety, including the contamination of the food chain, living conditions, sites and built structures, in as much as they are or may be affected by the state of the elements or through the factors or measures mentioned above.
- **Applicant**: has been defined as any natural or legal person requesting environmental information,
- **Information held by a public authority**: environmental information which has been produced or received by that authority; and
- **Information held for a public authority**: environmental information which is held by a natural or legal person on behalf of a public authority.

Public access to environmental information (Article 3): Public authorities are obliged to provide environmental information held by or for them to any applicant, without his having to state an interest. The information must be provided to the

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applicant within one month after receipt of the application by the public authority, or within two months, in cases when the volume and complexity of the information requested is such that the one month period cannot be complied with. The applicant must be informed as soon as possible and before the end of the one month period of any such extension and the reasons for it.

Clarifications (Article 4): When the request is formulated in too general a manner, the public authority asks the applicant, within the one month time period, to specify the request and offers assistance, for example by providing information on the use of registers or lists of the environmental information held.

Requests for information of a specific form or format (Article 5): Where an applicant requests environmental information in a specific form or format, the public authority satisfies the request unless the information is already publicly available in another form or format which is easily accessible to the applicant, or it is reasonable for the public authority to provide this information in another form or format, whilst stating the reasons. Public authorities must endeavour to ensure that the environmental information held by or on their behalf is available in formats that are readily reproducible and accessible by computer telecommunications and other electronic means. In cases a request for the provision of information in a particular format (in whole or in part) is refused, the reasons for the refusal must be communicated to the applicant within one month from the date the request was made.

Assistance provided by public authorities (Article 6): Public authorities must ensure that officials support the public in seeking access to information and that their lists are publicly accessible. For this purpose, public authorities must define practical measures to ensure that access to environmental information is exercised effectively. This may include the designation of information officers, the establishment and maintenance of facilities for the examination of information, and the maintenance of registers or lists of environmental information held by public authorities with clear references to where such information is to be found. In practice, public authorities list the information available and points of contact on their websites, and are increasingly making databases available online.

Informing the public (Article 7): The public must be informed of their rights under the Law and provide, to the extent appropriate, information, guidance and advice to this end.

Exceptions (Article 8): Public authorities may refuse a request for environmental information if:

- The information requested is not held by or for the public authority to which the request is addressed. In this case, where the public authority is aware that the information is held by or for another public authority, it shall forward the request to that authority and inform the applicant accordingly or notify the applicant where to apply to receive the requested information.
- The request is manifestly unreasonable, formulated in too general a manner, concerns material in the course of completion or unfinished documents and data, or internal communications.

A public authority may also refuse requests for information if the disclosure of such information could adversely affect:

- The confidentiality of the proceedings of public authorities where such confidentiality is provided for by law.

- International relations, public security and national defence.
- The course of justice, the right of any person to a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature.
- The confidentiality of commercial or industrial information, where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy.
- Intellectual property rights.
- The confidentiality of personal data or records relating to a natural person, where that person has not consented to the disclosure of the information.
- The interests or protection of any person who supplied the information requested voluntarily, unless that person has consented to the disclosure of the information.
- The protection of the environment to which the information relates, such as the site of rare species.

Public authorities may not refuse a request for access to information on emissions into the environment. A refusal for the provision of information must be communicated to the applicant in writing, if the request was in writing or if the applicant so requests, within the time frames mentioned above, stating the reasons for the refusal and providing information on the appeals procedure. Where possible, the information may be made available in part, if the confidential information can be separated. The grounds for refusal are interpreted in a restrictive manner, taking into account the public interests served by the disclosure or refusal.

In the case of a refusal, the law provides that if the public authority is aware that the information requested is held by or for another public authority, it shall, as soon as possible, forward the request to the authority concerned or inform the applicant of the public authority holding the information. Furthermore, where the request is refused on the basis that it concerns material in the course of completion, the public authority must inform the applicant of the name of the authority preparing the material and the estimated time of completion.

In the case of registers kept under specific laws, such as the environmental impact assessment legislation, waste management legislation etc., information considered as confidential under the law, is withheld.

Charges (Article 9): Access to public registers and lists compiled and maintained in accordance with this law is free. Public authorities may apply a charge for providing environmental information provided that charges do not exceed the reasonable costs of providing the information. When charges are made, public authorities must publish a schedule of charges and information regarding the circumstances under which charges may be levied or waived. Most public authorities holding environmental data do not apply charges for supplying environmental information. Charges are made by certain departments only when supplying copies of planning permits, maps, including digital maps, and statistical publications which relate to the environment. Detailed schedules of charges are always posted in the offices of the competent authorities and their websites, and applicants are informed when making an application if a charge needs to be made and where detailed schedules can be found.

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VIII. VIII. Obstacles encountered in the implementation of article 4

Describe any *obstacles encountered* in the implementation of any of the paragraphs of article 4.

Answer:

IX. IX. Further information on the practical application of the provisions of article 4

Provide further information on the *practical application of the provisions on access to information in article 4*, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?

Answer:

Provision of information: All public authorities keep official records of all correspondence and other documents, including information requests and the responses provided. Only the basic correspondence data are officially required to enable the public authority to respond to information requests. Original providers of information may contact the competent authority in cases of misuse of information. Authorities will respond to such claims accordingly on a case-by-case basis.

Timeliness of information: Article 3 of the law specifically states that public authorities must provide the information requested as soon as possible and at the latest within one month after receipt of the request by an applicant. In the case of refusals, the applicant must be notified within the one month timeframe, which is applicable in all cases. The timeframe is only extended to two months in cases when the volume and complexity of the information requested is such that the one month period cannot be complied with and the applicant is informed accordingly. An applicant has the right to an appeals procedure before the Minister or the Supreme Court if a public authority fails to respond to an information request within the established timeframes.

Information not in the public authority's possession, unreasonable or overly general requests, and confidentiality of administration: In cases when the information requested is not held by the public authority, the applicant is informed where the requested information may be obtained if held by another public authority or if available through accessible databases. When a request is formulated in too general a manner, the public authority is obligated to assist the applicant in clarifying the request, for example by providing information on the use of registers or lists of environmental information or by explaining the fields and types of information available. Regarding materials that directly or indirectly serve as a basis for an administrative decision, these may be regarded as confidential if they concern internal communications or if they concern material in the course of completion. In each case the public interest served by disclosure will be taken into account accordingly.

Commercial confidentiality, personal data and other confidential information: Personal data is defined under the Law on the Processing of Personal Data (Protection of Individuals) (No. 138(I)/2001 including the amendments made) as any

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information relating to a living data subject. Under the same law, person means any natural person or any public or private corporate body whether or not it has legal personality, therefore both natural and legal persons may have personal data protection. Regarding commercial confidentiality, a number of laws relate to the various categories of commercial or industrial information, including:

- The Trade Marks (Amendment) Law of 2000, 176(I)/2000.
- The Patents (Amendment) Law of 2000, 153(I)/2000.
- The Patents (Amendment) Law of 2002, 163(I)/2002.
- The Copyright and Related Rights (Amendment) Law of 2002, 128(I)/2002.
- The Industrial Designs and Models Law of 2002, 4(I)/2002.
- The Legal Protection of Semiconductor of topographies Law 2002, 5(I)/2002.
- The Appellations of Origin and Geographical Indications of Agricultural Products and Foodstuffs Law of 2006, 139(I)/2006.
- The Copyright and Related Rights (Amendment) Law of 2004, 128(I)/2004.
- The Legal Protection of New Varieties of Plants Law of 2004, 21(I)/2004.
- The Copyright and Related Rights (Amendment) Law of 2006, 123(I)/2006.
- The Legal Protection of Industrial designs and Models (Amendment) Law of 2006, 119(I)/2006.
- The Legal Protection of Semiconductor of Topographies (Amendment) Law of 2006, 120(I)/2006.
- The Trade Marks (Amendment) Law of 2006, 121(I)/2006.
- The Patents (Amendment) Law of 2006, 122(I)/2006.

Forwarding requests submitted to the wrong authority: In cases when the information requested is not held by or for the public authority to which the request is addressed, it forwards the request to the authority holding the information and informs the applicant accordingly or notifies the applicant where to apply to receive the requested information. In either case, the applicant must be notified within the one-month timeframe established by the law. The public authority holding the information is obliged to provide the information within one month from the day it receives the request.

Charges: Most public authorities do not impose charges for the provision of environmental information, with the exception of some departments which charge for the provision of certain GIS data and the reproduction of maps. Each public authority determines the charges to be applied for the provision of particular information based on the costs incurred for reproducing the information. No preferential rates are applicable. Additional charges may be imposed for the compilation of data.

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X.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

www.moa.gov.cy/environment

<http://infoeia-sea.environment.moa.gov.cy/>

~~XI.~~

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;

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(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

(g) Measures taken to publish and provide information as required in **paragraph 7**;

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

With respect to Article 5 of the Convention, according to the Law on Public Access to Environmental Information (119(I)/2004), public authorities must organize the environmental information which is relevant to their function and which is held by or for them, with a view to its active and systematic dissemination to the public (Article 12), in particular by means of computer telecommunications and/or electronic technology where available. Public authorities must endeavour to ensure that environmental information held by or on their behalf is available in a form or formats that are readily reproducible and accessible by computer telecommunications and other electronic means. Specifically, it implements the following provisions:

Informing the public (Article 12): All public authorities must organize the environmental information relevant to their functions which is held by or for them, for its active and systematic dissemination. According to the law, environmental information must progressively become available in electronic databases which are easily accessible to the public through public telecommunication networks. The information to be made available and disseminated includes the texts of international treaties, conventions, agreements, and environmental legislation; policies, plans and programs relating to the environment; progress reports on the implementation of laws and policies; reports on the state of the environment; data or summaries of data from the monitoring of activities affecting or likely to affect the environment; permits that have a significant impact on the environment; environmental impact studies and risk assessments. In the event of an imminent threat on human health or the environment as a result of human activities or natural causes, public authorities must without delay disseminate all information which could enable the public likely to be affected to take measures to prevent or mitigate harm arising from the threat.

In practice, all public authorities holding environmental information are progressively making such information available in electronic format which is more easily accessible by the public and uploading it on their websites, including: national environmental legislation, policies, plans and programmes relating to the environment, links to international treaties and other agreements, state of the environment reports, spatial data (through the INSPIRE Geoportal where all available spatial data may be accessed and downloaded), and monitoring data (e.g. air quality data, water monitoring data) etc. The environmental impact assessment reports which have been submitted and evaluated since 2007 are available on the website of the Department of Environment, as well as the decisions issued by the environmental authority on development projects, plans or programmes falling under the scope of the EIA and SEA laws since their entry into force.

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State of the Environment Report (Article 12): A National State of the Environment Report must be published and disseminated to the public every two years, providing information on the quality of and pressures on the environment. The last State of the Environment Report was prepared in 2016. The next National State of the Environment Report is under preparation.

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Quality of environmental information (Article 13): According to the law, public authorities must ensure, to the extent possible, that the information collected by or their behalf is up to date, accurate and comparable. Upon request, public authorities must respond to requests for environmental information, indicating to the applicant where information (if available) can be found on the monitoring and assessment methods, including methods of analysis and standards used, sampling and pre-treatment of samples used in compiling the information, etc. The information held by public authorities is collected and compiled based on the reporting and monitoring requirements of the relevant European Directives and the related national legislation, on the basis of well-defined procedures and formats, which ensures that they are up to date, accurate and comparable. There has been no request so far about the method used, although in the case of monitoring data, the methods of sampling and analysis is usually explained when reporting on the data.

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Flow of information to public authorities about proposed and existing activities which may significantly affect the environment: Proposed projects, as well as plans and programmes, which may significantly harm the environment are covered by the Law on the Assessment of the Impacts on the Environment from Certain Projects (No. ~~140127(I)/2005~~2018) and the Law on the Assessment of the Impacts on the Environment from Plans and Programmes (No. 102(I)/2005), respectively. They are therefore subject to the preparation and submission to the Environmental Authority of an environmental impact assessment report, prior to their approval, thereby ensuring that the competent public authorities are adequately informed about development activities which may harm the environment, and able to impose measures for the mitigation of impacts.

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In addition, the Law on the Assessment of the Impacts on the Environment from Certain Projects (~~140127(I)/2005~~2018), also provides that every government or public administrative body that holds information that could be considered relevant or necessary for the preparation or evaluation of an environmental impact assessment study or the preliminary environmental impacts assessment report has to make such information available to the developer, if it is requested, unless the information is considered to be of a confidential nature or it cannot be made available in accordance with the provisions of Law 119(I)/2004. The Law on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (102(I)/2005) also provides that, in accordance with the provisions of Law 119(I)/2004, every public business, local authority or government service which holds information that could be considered relevant or necessary for the preparation or evaluation of an impact study is obliged to make such information available to the relevant authority, if this information is requested, unless it is considered to be of a confidential nature according to legislation. According to these Laws, the competent authorities must keep in the public registers information on how the opinions of the public were taken into account in the decisions over the projects, plans and programmes examined under these Laws, as well as the reasons and assessments on which the final decisions were based. Similarly, the registers maintained under other environmental legislation are

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publicly accessible.

Reporting requirements for operators: In the case of waste management, information is provided through (a) the obligation of the Waste Management Permit holders to submit to the competent authority a yearly report on quantities, type and final destination of the waste received, (b) the producers' responsibility to submit a yearly report on the quantities of packaging, electrical and electronic equipment, batteries and accumulators and vehicle tyres they put on the market, (c) the individual and collective take back systems formed under the producers responsibility principle, (d) independent studies carried out by the competent authority and (e) surveys carried out by the Statistical Service. An electronic data base is under preparation in order to facilitate this procedure.

The Department of Environment actively promotes the voluntary EU Eco-management and Audit Scheme, which requires the preparation and annual update of a validated environmental statement which includes the environmental policy of the organisation and a description of the environmental aspects and impacts of the organisation, and which must be made available to the public.

~~XII.~~ **XII. Obstacles encountered in the implementation of article 5**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

Answer:

~~XIII.~~ **XIII. Further information on the practical application of the provisions of article 5**

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g., are there any statistics available on the information published?***

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Answer:

Existence and quality of environmental data: Parallel data-processing systems are in operation by a number of public authorities, depending on their environmental responsibilities. Over the past few years significant efforts have been made to harmonize and link spatial data under a single geoportal, in accordance with the EU Inspire Directive. The Geoportal was launched in 2016 and is accessible to the public. Air quality data are reported in real-time mode through a central portal. The national PRTR portal was launched in 2011, providing public access to key environmental data from industrial facilities operating in Cyprus, including information on the annual amounts of pollutant releases to air, water and land as well as off-site transfers of waste and pollutants in waste water from industrial facilities that fall within the scope of the Regulation (EC) No. 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register (E-PRTR). Other databases are also in operation, including databases on the monitoring of pollutants within the framework of the National Emission Ceilings Directive (NECD) and the LRTAP Convention, the quality and status of water bodies, greenhouse gas emissions etc, which are also available to the public. Databases are compiled in accordance with the requirements of the relevant EU Directives and international treaties with respect to format and methods of collection and analysis.

Environmental emergency information: Law 119(I)/2004 provides that in the event of an imminent threat on human health or the environment as a result of human activities or natural causes, public authorities must without delay disseminate all information that will enable the public likely to be affected to take measures to prevent or mitigate harm arising from the threat (Article 12(6)). Industrial establishments where dangerous substances are present fall under the scope of the Regulations on the control of major-accident hazards involving dangerous substances and, apart from the preparation of emergency plans, operators are obliged to provide all the information necessary for the competent authority to draw up external emergency plans. The objectives of the emergency plans are to contain and control accidents, to implement the measures necessary to protect human health and the environment, and to communicate the necessary information to the public and the public authorities concerned. For all establishments where significant quantities of dangerous substances are present, operators must ensure that all relevant information is made available to the public, including information relating to the nature of major-accident hazards, including their potential effects on human health and the environment, control measures to address them and emergency plans, while all persons likely to be affected by a major accident receive regularly and in the most appropriate form clear information on safety measures and requisite behaviour in the event of a major accident. In the event of a major accident, the competent authorities must inform the persons likely to be affected, of the accident which has occurred and, where relevant, of the measures undertaken to mitigate its consequences.

In accordance with the Law on the Management of the waste from the extractive industries the competent Authority ensures that the public is informed on all measures taken in case of an accident. The external emergency plans for facilities in Category A extractive industries have special provisions to coordinate emergency information dissemination efforts by the competent authority and the police.

Environmental meta-database: Metadata are available for all the spatial data provided through the INSPIRE Geoportal.

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Pollutant release and transfer registers (PRTRs): Cyprus has ratified the Kiev Protocol and has fully adopted the provisions of the European Regulation No. 166/2006/EC for the establishment of a European Pollutant Release and Transfer Register (E-PRTR Regulation). To this end, Cyprus has developed a national inventory containing all the information required on releases of pollutants to air, water and land, as well as the required information for the off-site transfers of waste (hazardous and non-hazardous) and pollutants in waste waters. Furthermore, in order to achieve the basic objective of the PRTR Protocol for improving and enhancing public access to environmental information, an online database has been created which includes all required information on pollutant releases and transfers. The database is available online in the website: www.prtr.dli.mlsi.gov.cy

The unique feature of Cyprus PRTR is the online system, which has been developed in order to facilitate reporting processes for both operators and competent authorities, as well as to enhance public access to environmental information and participation in the permitting process. It consists of a website dynamically linked with the database mentioned above. The operators within the provisions of the PRTR Protocol and the relevant European Regulation have the ability to submit electronically, via the Internet, the environmental data which are then reviewed and approved by the responsible officers. Furthermore, through the online system, a geographical map of Cyprus is provided where facilities within the Protocol and information on pollutant releases and transfers are geographically displayed.

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~~XIV.~~ **XIV. Website addresses relevant to the implementation of article 5**

Give relevant website addresses, if available:

www.moa.gov.cy/environment

<http://infoeia-sea.environment.moa.gov.cy/>

www.moa.gov.cy/environment

<http://infoeia-sea.environment.moa.gov.cy/>

~~XV.~~

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

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(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

Decisions on whether to ~~permit~~allow specific activities are subject to the provisions of the Law on ~~the Environmental Impact Assessment of the Impacts on the Environment from~~ Certain Projects (~~N. 140~~Law 127(I)/2005~~2018~~). According to the Law, ~~the~~ projects listed in Annex I (~~in line with~~according to Annex I of the Aarhus Convention), are subject to ~~an~~ environmental impact assessment. ~~Projects~~The projects listed in Annex II are subject to a preliminary environmental ~~impact assessment~~ASSESSMENT and SCREENING to decide whether to ~~permit~~approve the project or whether ~~a full study~~an EIA report is required ~~prior to taking~~before a decision ~~is made~~. Law ~~140~~127(I)/2005 ~~implements~~2018 applies the provisions of Article 6 of the Convention regarding ~~public~~the participation ~~of the public~~ in decisions on whether to ~~permit~~allow specific activities. ~~According to~~By law, the Law "public" is defined as one or more ~~natural~~physical or legal persons-- ~~and their associations, organizations or groups~~.

In ~~the~~ light of the new Directive 2014/52/EU and ~~following~~after an assessment of the problems and shortcomings of ~~the current assessment~~evaluation procedures, ~~a new legislation has been prepared that will be~~ drafted (Law 127(I)/2018) to ~~replace~~ Law 140(~~I~~)/2005. ~~It is envisaged that~~ (I)/2005. This Law ~~entered into force on 31/7/2018~~. Specifically, Article 38 ~~of this will be adopted by the House of Representatives by May 2017~~ Law sets the provisions for informing of the public ~~through several means (website, public announcements, radio, etc)~~. Article 39 ~~sets the provisions for a public hearing of certain projects~~. Article 40 sets the provisions for an archive that is available to the public. Article 48 sets the provisions for ~~access to justice and clarifies the procedure to follow. A more detailed analysis is follow~~.

Paragraph 1: Activities falling under Article 6

Law ~~140~~127(I)/2005~~2018~~ applies to ~~the~~ projects listed in Annex I or Annex II ~~and~~, which are expected to have significant ~~impacts~~effects on the environment, including ~~on~~ the use of natural resources. ~~Projects~~The projects listed in Annex I are those ~~which~~that are expected to have ~~a~~ significant ~~impacts~~impact on the environment and are subject to a full environmental impact assessment study. ~~Projects~~The projects listed in Annex II are ~~of a~~ smaller ~~in~~-scale and are subject to a preliminary environmental ~~impact assessment~~ASSESSMENT and SCREENING to determine whether a full environmental impact assessment is ~~needed~~required or whether the project ~~may~~can be ~~authorized~~ subject ~~to~~approved under the ~~terms~~conditions and measures proposed by the Environmental Authority to minimize or eliminate ~~impacts~~.

For other projects ~~outside that do not fall within the scope of~~ Law ~~140~~127(I)/2005~~2018~~, the planning authority ~~may require the opinion of~~consult the Environmental Authority as part of the consultation process carried out with all ~~the competent departments prior to the authorization of relevant services before approving a project~~. In such cases, the Environmental Authority ~~suggests terms~~ ~~proposes to be included~~include them in the ~~planning~~terms of the design permit to avoid ~~any~~ adverse environmental ~~impacts~~effects during the construction and operation of the project.

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Projects located or plans projects within a Natura 2000 site, which that are not directly related to the site management of the site, but are likely to may have a significant effect thereon impact on it, are subject to an appropriate impact assessment of their impacts in view of the site's conservation light of the site maintenance objectives. The appropriate assessment report is examined by an ad-hoc committee composed of departments with environmental competencies and NGOs. The EIA process follows after completion of the appropriate assessment procedure, and takes in due account its results. The under the new EIA legislation will introduce joint procedures in the case of projects which are also subject to an Appropriate Assessment. (127(I)/2018) the data are included in environmental impact assessment study for project listed in Annex I or Annex II. According to the article 16 for the Protection and Management of Nature and Wildlife Law (153(I)/2003).

Public participation as part of the EIA process is carried out prior to takes place before the planning design decision, or in the case of projects not subject to planning permission, prior to a design permit, before the final environmental permit. Similar provisions are applicable for apply to the SEACMO of plans and programmes programs, as well as for to the preparation of other plans, programmes programs, and integrated permits which are provided for under the by applicable environmental legislation, such as the Waste Law waste legislation and the Integrated Industrial Emissions Directive. Public participation, although not obligatory, forms mandatory, is part of the process for the preparation of of preparing legally binding instruments.

Article 39 sets the provisions for a public hearing of certain projects. The competent public authorities provide to the public all information related to the decision-making.

Paragraph 2: Notification of the public concerned

Before submitting an EIA report, the developer should conduct a public consultation and at least a public presentation, in order for the local authority and public to give their views and submit comments and suggestions on the impact of the project. These views are incorporated in the EIA report along with comments on the extent to which they have been taken into account. This information must be covered by the EIA report, which is publicly accessible.

According to Article 2427 of Law 140127(I)/20052018, every person or public authority submitting an EIA report has to issue, at the same time, a public notice in at least two daily newspapers of the Republic, announcing the following:

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|---|--|
| <ol style="list-style-type: none"> 1. application for a planning permit. 2. 3. 4. decisions or the decision plan. 5. | <ol style="list-style-type: none"> 1. The submission of the 2. That the project is subject to 3. The date of submission and 4. The nature of the possible 5. The nature of the proposed |
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project and the area where it will be executed.

~~6.~~ 6. That the report can be examined during working days and hours at the offices of the Environmental Authority, the relevant local authority and the competent town planning authority or, where a public project is concerned, the offices of the public authority which has submitted it.

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~~7.~~ 7. That any person may submit comments and opinions to the Environmental Authority regarding the content of the report or the possible environmental impacts that could result from the project.

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The examination of the EIA report by the Environmental Authority does not begin until the public notice has been issued. Within 30 days from the date of the notification, any person may submit to the Environmental Authority comments or opinions regarding the content of the report or the possible environmental impacts that could result from the project. These will be taken into account by the EIA Committee (established under the EIA law for the assessment of the EIA reports submitted) when evaluating the study and subsequently by the Environmental Authority when preparing its opinion.

~~Article 22 of the Law provides that once a decision is taken by the competent authority on whether to authorize the project, it informs the Environmental Authority on:~~

~~the~~ The study is posted on the website of the Environmental Authority and is sent to any person who requests it. Excluded from the above are the studies concerning projects related to essential interests of the Republic of Cyprus such as hydrocarbon activities within the exclusive Economic Zone of the Republic of Cyprus.

Article 32 of the Law provides that, within fifteen (15) days after receiving the information the Environmental Authority informs the interested authorities that participated in the process, as well as any state with which any consultations were held and publishes the decision through Environmental Authority website, notifying that the following information is entered in the EIA Registry:

- ~~1. (a) the content of the decision and any terms~~ (a) the content of the decision and any terms ~~the conditions and other documents that may accompany it;~~
- ~~2. the way in which the concerns and opinions expressed by the public were taken into account in the decision making process, the main reasons and assessments on which the decision was based, including the provision of (b) information regarding~~ the public participation process, and
- ~~3. where necessary, a description of the main measures necessary to avoid, reduce and, if possible, compensate major adverse impacts.~~

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~~The Environmental Authority then informs the members of the EIA Committee and the public of the decision (through a public notice on the Internet, also specifying that the relevant has taken place, including a summary of the results of the consultation and the information is kept in the EIA Register, together with the time and place where it can be obtained).~~ gathered during the process.

Article 38 of the Law provides that, to ensure the effective participation of the public in the decision-making processes for a project, is informed through:

(1) the website, through public announcements or other appropriate means, such as publications or announcements in newspapers or television and radio stations of Cyprus and / or local, wall-painting in the area of the planned execution of a

project, use of e-mail, posts on the Environmental Authority website, copies to the local authorities and posts on social media.

(2) Information and Studies must be available for inspection at least thirty (30) days from the date the documents are made available for examination.

(3) A copy of the Study is available to the local authority for public inspection.

According to Article 2340, the Environmental Authority maintains an EIA Register Registry in printed and electronic form, made available to the public in which the following information is listed:

1. All the environmental impact assessment reports, Studies and preliminary environmental impact reports information submitted,
2. all project drawings and maps and photographs of the project location and the geographical area affected by the project
- 2-3. Any document submitted by another state in the case of transboundary impacts,
4. All the opinions any public announcement issued by the Environmental Authority requesting public participation in the environmental impact assessment process
- 3-5. the views and Opinions submitted by the environmental authority Environmental Authority, to planning the Planning Authority, or other public authority responsible for the project, to the developer or to any government agency in accordance with this Law,
- 4-6. The opinions submitted by any organization, body or person to the Environmental Authority,
7. the Environmental Approval granted
- 5-8. The decision of the planning or other public authority responsible for the project,
- 6-9. The minutes of the meetings of the EIA Committee, and
7. Information on any projects which were exempted from the provisions copies of the Law.
10. The EIA Register is available information referred to the public in Article 32
11. copies of review and / or monitoring reports and inspectors' reports and references to enforcement measures taken and
12. any other information that the Environmental Authority deems relevant and useful.

Relating to the Environment Law, the Environmental Authority ensures the convenience access of the public to printed form, which can be inspected during working days and hours. The Environmental Authority issues all information contains confidential information relating to commercial and industrial secrecy, including intellectual property, as well as national security and public notice on the internet with respect to the following interest, which may not be available to the public, the Environmental Authority acts accordingly to ensure the confidentiality of such information. Excluded from the above are the studies concerning projects related to essential interests of the Republic of Cyprus such as hydrocarbon activities within the exclusive Economic Zone of the Republic of Cyprus.

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1. ~~The submission of an Environmental Impact Assessment report~~
The submission of any document by another state in
2. ~~According the ease of transboundary consultations~~
3. ~~Its opinion to the planning or other public authority responsible for the project, following the assessment process~~
4. ~~The opinions submitted by any organization, body or person during the assessment process.~~

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~~“Public” is defined by the Law to include one or more natural or legal persons. Although no definition is provided for the public concerned since the participation process is open to all members of the public, the new law which has been prepared to replace Law 140(II)/2005 and transpose the provisions of Directive 2014/52/EU and the new Law 127(II)/2018, defines the “public concerned” as the public affected or likely to be affected by or having an interest in the environmental decision-making procedures, whereby for the purposes of this definition, non-governmental organizations promoting environmental protection are deemed to have an interest. The definition has been added for the purposes of access to justice.~~

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~~The~~Under the new EIA law ~~foresees strengthened provisions for~~ public participation ~~during the assessment process. Public participation will become obligatory~~is mandatory during the ~~assessment~~evaluation process and preparation of the EIA report and the developer will be ~~obliged~~required to ~~carry out~~hold a public consultation and at least one public ~~hearing prior to presentation before~~ the completion of the ~~report~~exhibition, which ~~will have to~~should include the results of the consultation and how the ~~opinions~~views expressed were taken into account. ~~Furthermore~~In addition, the new law ~~will allow~~allows the Environmental Authority to determine whether to ~~carry out~~hold another public ~~hearing~~presentation for Annex I projects depending on the ~~characteristics of the project~~ features and the ~~possible~~potential impacts, and sets ~~outs out~~ practical provisions for the hearing process.

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Paragraphs 3 and 4: Sufficient timeframes and effective public participation

Any person or public authority submitting an environmental impact assessment report has to issue, at the same time, a public notice, notifying the public of the practical arrangements for obtaining the relevant information and submitting opinions. Any person may submit opinions to the Environmental Authority within 30 days from the date of the notification, which are taken into account by the EIA Committee examining the report and subsequently by the Environmental Authority when preparing its opinion. The EIA process, including public participation, takes place prior to development consent when all options are still open with respect to the characteristics, siting and final approval of the project, whereby appropriate measures may be imposed to avoid or minimize adverse environmental impacts, whilst also taking into account public opinion. Furthermore, the EIA report must include an analysis of the main alternatives considered by the developer and an indication of the main reasons for selecting the chosen option with respect to the resulting environmental impacts, which are accessible to the public to comment on.

With respect to public hearings, the new law will provide a timeframe of 15 days for notifying the public and an additional 7 days, following the hearing, for the submission of additional written comments.

Paragraph 5: Encouraging prospective applicants to enhance public participation

~~According to Decree N. 420/2008 on Under the preparation and contents of an EIA report, issued under Law 140(I)/2005, during new EIA legislation 127(I)/2018, it is the assessment responsibility of the developer (consultants) to conduct a public consultation and at least one public presentation before the end of the report, which should include the results of the consultation and how the views have been taken into account. expressed. During the evaluation process, the opinions views of all local authorities affected by the proposed project, affected members of the public, NGOs and competent public authorities must should be obtained taken into account and taken seriously taken into account by the consultants during in the assessment evaluation process. The opinions submitted must should be included in the EIA report, together with the conclusions and recommendations made with respect to on these opinions views and how they were have been taken into account. In the case of public projects works, the preliminary results of the EIA report must be presented in at a public hearings presentation.~~

~~The new EIA legislation will oblige the developer (consultants) to carry out a public consultation and at least one public hearing prior to the completion of the report, which will have to include the results of the consultation and how the opinions expressed were taken into account.~~

Paragraph 6: Ensuring access to information relevant to decision-making

As mentioned above, once the EIA report is submitted, the public is notified of the submission and of the times and place where the study can be examined. According to Law ~~140127(I)/20052018~~, the report must contain the following information:

~~1-~~ **1.** A description of the project

and in particular:

- a description of the physical characteristics of the project and its land use requirements during the construction and operational phases,
- a description of the main characteristics of the production processes,
- an estimate of the type and quantity of expected residues and emissions resulting from the operation of the proposed project.

~~2-~~ **2.** An outline of the main alternatives studied by the developer and an indication of the main reasons for the chosen option, taking into account environmental impacts.

~~3-~~ **3.** A description of the aspects of the environment likely to be significantly affected by the proposed project and its alternatives, including in particular, population, fauna, flora, soil, water, air, climate, material assets, including the architectural and archaeological heritage, landscape, and the interrelationship between these factors.

~~4-~~ **4.** A description of the possible significant impacts of the proposed project on the environment resulting from the siting, construction and operation of the project, the use of natural resources, the emission of pollutants, creation of nuisances and disposal of waste, and a description of the forecasting methods

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used to assess the impacts on the environment.

5. A description of the measures proposed to prevent, reduce and, where possible, mitigate, or compensate for, any significant adverse impacts on the environment.
6. A non-technical summary of the information listed above, including a visual presentation with maps, drawings, diagrams, tables, photographs, etc., where necessary.
7. A description of the prediction methods used to assess impacts on the environment and the basic assumptions and hypothesis that have been adopted, as well as the data and measurements used, the models, and the calculations followed. An indication of any difficulties encountered in compiling the required information.
8. Where relevant, a detailed monitoring and management programme, particularly addressing the serious or long-term environmental and social impacts that will be identified.
9. Before submitting a study, the developer should conduct a public consultation and at least a public presentation, in order for the local authority and public to give their views and submit comments and suggestions on the impact of the project. These views will be part of the EIA Report along with comments on the extent to which they have been taken into account.

This information must be covered by the EIA report, which is publicly accessible.

So far there have not been any cases where a complete set of EIA documentation was classified on the basis of commercial confidentiality or intellectual property rights. In some cases, part of the documentation was classified as confidential and only part of the information was made publicly available.

Paragraph 7: Public comments

Within 30 days from the date of the notification of the submission of the EIA report, any person may submit comments and opinions to the Environmental Authority regarding the content of the EIA report or the possible environmental impacts that could result from the project. These will be taken into account by the EIA Committee when evaluating the study and the Environmental Authority when preparing its opinion.

Paragraph 8: Taking due account of the results of public participation

According to Law 140127(I)/20052018, the comments and opinions expressed by the public during the consultation period are taken into account by the EIA Committee when evaluating the EIA report and subsequently by the Environmental Authority when preparing its opinion. Moreover, the opinions expressed by the local communities where the project will be executed and the Federation of Environmental Organizations, as the representative of environmental NGOs in the EIA Committee, are taken into account by the Environmental Authority and have an important weight in the decision-making process.

~~The~~Furthermore, the new EIA legislation ~~will include~~includes provisions for public hearings to be held by the Environmental Authority in cases when it is deemed useful or appropriate given the characteristics of a project, the magnitude of its potential environmental impacts and the extent of the public interest shown for

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the project. The public hearing will allow the public to present their opinions and concerns, and an exchange of views. The opinions expressed will be recorded, summarized and forwarded to the developer, allowing his consultants to respond to the issues raised. The results of the public hearing will be taken into account during the decision-making.

Any opinions submitted are kept in the EIA ~~register~~registry which is accessible to the public, ~~as well as an EIA platform.~~ The ~~new EIA legislation to be adopted provides for the creation of an online register, where all the platform includes information relevant to the EIA process will be kept, including any comments and opinion on projects that have been submitted during the public consultation period. The comments will be uploaded once received by to~~ the Environmental Authority and will be publicly accessible. ~~The online information (register) will be available through the EIA platform which will be launched in 2017. based on the Environmental Impact Assessment of some projects Law N127(I)/2018.~~

Paragraph 9: Information about the decision

The opinion prepared by the Environmental Authority is made available to the public through the internet. The opinion outlines the main reasons and assessments on which it was based, including information on the public participation process. The final decision taken by the planning authority is kept in the EIA ~~Register~~Registry which is accessible to the public and includes the terms accompanying the decision and the main reasons and assessments on which the decision was based, including information on the public participation process.

The new EIA legislation ~~that will be adopted~~ provides that the opinion of the Environmental Authority will be accompanied by a summary about the way and the degree to which the results of the public participation were taken into account and the relevant information that was received as a result of the participation process. The final decision ~~must include~~includes the opinion of the Environmental Authority, together with a description of the measures taken to minimize impacts, the main reasons and assessments on which the decision was based, and the way in which the ~~summary~~summary accompanying the environmental opinion was taken into account.

Paragraph 10: Public participation in reconsidering or updating the decision

Any change to or extension of projects listed in Annex I, where such a change or extension in itself meets the thresholds set out in the Annex is subject to an EIA and the provisions outlined above regarding public participation will apply. Furthermore, any change or extension of projects listed in Annex I or Annex II, already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I) is subject to a preliminary assessment to determine whether a full EIA is required.

The provision of information and ~~the~~ public participation procedures ~~will behave been~~ significantly ~~strengthened~~strengthen through the new EIA legislation and the EIA platform that ~~will be~~was launched in ~~2017~~September 2019.

Paragraph 11: Public participation with respect to decisions over GMOs

Projects involving installations where genetically modified organisms are produced or used, or are planned to be produced or used, are included in Annex I of Law

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~~140127(I)/20052018~~ and are therefore subject to an EIA and the provisions outlined above regarding public participation. Where the project will involve the storage or use of genetically modified organisms the EIA report must include a scientific description of the organisms and an assessment of their origin and the necessary means and measures for their containment.

An amendment to the Aarhus Convention was adopted in 2009 which provides that the notification introduced to obtain an authorization for the deliberate release into the environment or the placing on the market of a GMO on its territory, as well as the assessment report where available and in accordance with its national biosafety framework must be available to the public in an adequate, timely and effective manner. It furthermore provides that all the relevant information relating to the decision making process must be made available, including the nature of the possible decision, and the practical arrangements for participation. Account must be taken in the final decision making of the outcome of the public participation procedure and the decision must be made available to the public, together with the reasons and considerations on which it was based.

The Law on the deliberate release of GMOs into the environment (N. 160(I)2003) also includes provisions on public participation, according to which the Scientific Committee evaluating applications submitted for the deliberate release of GMOs must inform the public, including through the internet, of the application and the possibility of issuing a permit. The applicant must notify the public through at least two daily newspapers of the application, inviting the public to submit comments within 30 days from the date of the notification. Furthermore, the Scientific Committee must ensure that the public is appropriately informed through a public hearing process. A register is maintained which includes the applications submitted for the deliberate release of GMOs, the opinions of the Scientific Committee, any permits issued and all additional information submitted in relation to an application or permit.

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~~XVI.~~ **XVI. Obstacles encountered in the implementation of article 6**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Answer:

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~~XVII.~~ **XVII. Further information on the practical application of the provisions of article 6**

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

Answer:

Public authorities may, inter alia, refuse a request for environmental information if:

- The information requested is not held by or for the public authority to which the request is addressed. In this case, where the public authority is aware that the information is held by or for another public authority, it shall forward the request to that authority and inform the applicant accordingly or notify the applicant where to apply to receive the requested information.
- The request is manifestly unreasonable, formulated in too general a manner, concerns material in the course of completion or unfinished documents and data, or internal communications.

A public authority may also refuse requests for information if the disclosure of such information could adversely affect:

- The confidentiality of the proceedings of public authorities where such confidentiality is provided for by law.
- International relations, public security and national defence.
- The course of justice, the right of any person to a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature.
- The confidentiality of commercial or industrial information, where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy.

~~XVIII.~~ XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

www.moa.gov.cy/environment

~~www.moa.gov.cy/environment~~

<http://infoeia-sea.environment.moa.gov.cy/>

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~~XIX.~~

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

The Law on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (N. ~~102127(I)/2005~~2018) introduces environmental considerations in the preparation and approval of plans and programmes, ensuring the assessment of the impacts on the environment from those plans and programmes which could potentially result in significant adverse impacts on the environment. According to the Law, an assessment of the impacts on the environment is required for every plan and programme:

- prepared in the fields of agriculture and animal husbandry, forestry, fishing, mining and quarrying, energy, industry, transport, waste management, water resource management, telecommunications, tourism, land planning and land use; or
- which results in impacts in specially protected areas.

The Law ensures public participation in the decision-making process, whereby "public" is defined as one or more natural or legal persons, as well as their associations, organizations or groups.

As with the EIA Law, it ensures the participation of NGOs active in the field of environmental protection, as the Federation of Environmental Organizations of Cyprus is a permanent member of the SEA Committee, which examines the SEA reports submitted and advises the Environmental Authority in preparing its opinion on a proposed plan or project. Regarding public participation, according to Article ~~1328~~ of the Law, when a competent authority submits an SEA report for a proposed plan or programme, it has to issue, at the same time, a public notice in the Official Gazette of the Republic, two daily newspapers and through the Internet with which to announce:

- the submission date of the study and the name of the competent authority which has submitted it,
- the nature of the proposed plan or programme and the area it concerns,
- that the report can be examined during the working days and hours at the offices of the Environmental Authority and the authority competent for the plan/project,
- that any person may submit comments or opinions to the Environmental Authority regarding the content of the report or the environmental impacts likely to result from the approval of the plan or programme, within 35 days from the date of the notification.

During the evaluation of the report, consultations are carried out with the public. The public with which the Environmental Authority carries out consultations

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includes the public that is affected or likely to be affected, or whose interests are at stake from the decision-making process regarding a plan or programme and includes NGOs promoting environmental protection.

During the evaluation of the study by the Committee the opinions and representations submitted to the Environmental Authority by any person, or the information and comments submitted during a public hearing procedure, if one was carried out, are taken into account by the SEA Committee in its evaluation of the SEA report and subsequently by the Environmental Authority when preparing its opinion.

The opinion of the Environmental Authority is filed in the Register kept in accordance with Article 234Q of the Law and made available to the public through the internet. Before taking a decision regarding a proposed plan or programme, the competent authority must take into account the opinion of the Environmental authority and the results of the public consultation. Once the decision is taken by the competent authority, the Environmental authority informs the public of the decision by issuing a public notice through the Internet, and that the following information is available, specifying the time and place where it can be obtained:

- i) A description of the plan or programme as this has been approved,
- ii) A summary statement regarding:
 - the way in which the environmental parameters were incorporated in the plan or programme,
 - the way in which the SEA report and the opinion of the Environmental Authority were taken into account,
 - any opinions expressed by the public,
 - the reasons why the particular plan or programme was chosen taking into account other alternative possibilities examined,
- iii) A description of the major adverse environmental impacts that will arise as a result of the plan or programme, and
- iv) A description of the measures to monitor and control the adverse impacts that may result from the implementation of the plan or programme.

The Environmental Authority keeps a Register of the following information:

- all the studies submitted,
- the opinions and comments expressed by the public,
- the opinions of the environmental authority,
- the information mentioned above, and
- the results from the monitoring of the environmental impacts that may result from the approval of the plan and/or programme.

The Register is available to the public and can be examined during working days and hours.

All the relevant documentation is also made available ~~through the internet and will be incorporated in the EIA platform that will come into operation by the end of 2017 at EIA platform.~~

Participation under the Law on the Control of Water and Soil Pollution

The provisions on access to information and public participation under the Law on the Control of Water and Soil Pollution (No. 406160(I)/20022005, as amended by Law No. 460181(I)/20052013) ensure that early and effective opportunities are given to the public concerned to participate in the following procedures:

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- a) The preparation and modification or review of the plans or programmes, concerning the protection of waters against the pollution caused by nitrates from agriculture sources,
- b) The granting of a Waste Discharge Permit.

In the above cases, the competent authority must inform the public through notifications in the Gazette, two widely circulated newspapers and on the internet, about:

- a) Any proposal for such plans or programmes or for their modification or review
- b) Any application for a permit,
- c) Details regarding either the proposal for a plan or program, or the application for a permit,
- d) Details of the competent authority responsible for taking the decision, from which relevant information can be obtained and to which comments or questions may be submitted,
- e) An indication that the relevant information is available at the offices of competent authority during working hours,
- f) An indication that any opinions or comments from the public concerned may be submitted within 35 days from the date of the notification.

The competent authority takes into account the comments and opinions expressed by the public before the final decision and makes available to the public, including through the internet, the following information:

- a) The content of the decision, including a copy of the permit,
- b) The reasons on which the decision was based,
- c) The results of the public consultation and how these were taken into account in the decision.

Access to information and participation under the Industrial Emissions Law

The provisions for access to information and public participation under the Industrial Emissions Law (N. ~~184131(I)/2013~~2016) ensure that early and effective opportunities are given to the public concerned to participate in the following procedures:

- a) The granting of a permit for new installations,
- b) The granting of a permit for any substantial ~~changes~~change to existing installations,
- c) The granting or updating of a permit for an installation where a derogation on emission limit values may apply,
- d) The updating of a permit or permit conditions for an installation, when the pollution caused by the installation is of such significance that the existing emission limit values of the permit need to be revised or new values must be included in the permit.

In the above cases, the competent authorities inform the public through a notification in the Official Gazette, in two widely circulated newspapers and ~~on~~via the internet, at the beginning of the decision making process or at the latest as soon as the information can reasonably be provided, about:

- a) The application for ~~the review of~~granting or updating a permit or, as the case may be, the proposal for ~~reconsidering~~a permit or permit conditions, including a description of the elements contained,
- b) Where applicable, the fact that a decision is subject to a national or

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- transboundary EIA or to consultations between Member States,
- c) Details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions may be submitted, and details of the time schedule for transmitting comments or questions,
 - d) The nature of the possible decision or, where available, the draft decision,
 - e) Where applicable, the details relating to a proposal for ~~the review~~ ~~of~~ ~~reconsidering~~ a permit or permit conditions,
 - f) An indication that the relevant information is available at the offices of the competent authorities during working hours,
 - g) An indication that any opinions or representations from the public concerned may be submitted within 35 days from the date of the notification,
 - h) Details of the practical arrangements for public participation and consultation, focusing mainly on the following: date and place of the public hearing, the deadline for submitting written views and positions, issues identified as essential by the competent authorities, etc.
 - i) The main reports and advice issued by or submitted to the competent authorities at the time when the public concerned is informed,
 - j) Other information relevant to the decision, which only becomes available after the time the public concerned was informed.

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The competent authorities evaluate and take into account the results of the public participation when making a decision. When a decision has been taken, the competent authorities make available to the public, including ~~through~~ ~~via~~ the internet, the following information:

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- a) The content of the decision, including a copy of the permit and any subsequent updates,
- b) The reasons on which the decision was based,
- c) The results of the consultations and an explanation of how they were taken into account in the final decision,
- d) The title of the Best Available Techniques (BAT) reference documents relevant to the installation or activity concerned,
- e) How the permit conditions, including the emission limit values, were determined in relation to the best available techniques and emission levels associated with the best available techniques,
- f) Where derogation is granted, the specific ~~reasons~~ ~~reason~~ for that derogation, based on the criteria laid down in Article 15(4) of the Industrial Emissions Directive,
- ~~a)g)~~ Where applicable, relevant information on the measures taken by the operator regarding the cessation of activities,
- ~~b)h)~~ Where applicable, the emission monitoring results, if required under the permit conditions.

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Participation under the Waste Management Laws

The provisions on access to information and public participation, under the Waste Law, No. 185(I)/2011, ~~(2011 to 2016)~~, ensure that early and effective opportunities are given to the public concerned to participate in preparation and modification or review of the plans and/or programmes. According to Article 38 of the Waste Law of 2011 (185(I)/2011), the Environmental Authority ensures that stakeholders, the competent authorities and the general public have the opportunity to participate in the elaboration, amendment or review of waste management plans and waste

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prevention programmes. Specifically, the public is informed through a notification published in the Official Gazette, two widely circulated daily newspapers and the internet, about:

- (a) Any proposal for waste management plan or waste prevention programme or for their modification or review,
- (b) That details regarding the proposed plan or program can be examined during the working days and hours at the offices of the Environmental Authority,
- (c) That any person may submit comments or opinions to the Environmental Authority regarding the content of the proposal, within 35 days from the date of the notification.

The Environmental Authority informs the public through the internet of any proposals for plans or programmes or for their modification or review, as well as of any opinions and comments submitted by the public during the consultation period. During the evaluation of proposals, consultations are carried out with the public, including public hearings. The public with which the Environmental Authority carries out consultations includes the public that is affected or likely to be affected, or whose interests are at stake from the decision-making regarding a plan or programme and includes NGOs promoting environmental protection. The results of the public participation and consultation are taken into account of a decision.

The approval of the plan and/or programme, by the Council of Ministers is published through a notification in the Official Gazette of the Republic, two daily newspapers and through the Internet. The Environmental Authority keeps a Register of the following information:

- All the proposals submitted,
- The opinions and comments expressed by the public,
- Information on how the various opinions and suggestions were taken into consideration by the Council of Ministers in the final decision and the reasoning on which it was based.

The Register is available to the public and can be examined during working days and hours.

Participation under the Packaging and Packaging Waste Law

In accordance with Article 16A of the packaging and packaging waste law (~~Law 159(I)/2005~~), ~~the Environmental Authority must ensure that the relevant stakeholders, competent authorities and the general public have the opportunity to participate in the elaboration of plans and programmes for the management of packaging and packaging waste. The public must be informed through a notification published in the Official Gazette of the Republic, two widely circulated daily newspapers and the internet about: Law 159(I)/2005 to 2019), the Environmental Authority must ensure that the relevant stakeholders, competent authorities and the general public have the~~

- The proposed waste management plan or waste prevention programme,
- The fact that the proposed plan or programme may be examined by the public during the working days and hours at the offices of the Environmental Authority,
- That any person can submit comments or opinions to the Environmental Authority regarding the content of the plans/programmes from the approval of the plan and/or programme, within 35 days from the date of the notification.

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Participation under the Law on the Management of Waste from the Extractive Industries

The provisions for access to information and public participation under the management of waste from extractive industries Law, ensure that early and effective opportunities are given to the public concerned to participate in the following procedures:

- (a) The granting of a mining waste management permit,
- (b) The granting of a permit for any substantial changes,
- (c) The review of a mining waste management permit,
- (d) The granting of an approval for a mining waste management plan
- (e) The granting of an approval for any substantial changes to the management plan
- (f) The review of a mining waste management plan

In these cases, the competent authorities must inform the public through a notification published in the Official Gazette, two widely circulated newspapers and the internet, at the beginning of the decision-making process or, at the latest, as soon as the information can reasonably be provided, about:

- (a) The application for a permit or, as the case may be, the proposal for the review of a permit or -permit conditions, including the description of the elements contained,
- (b) Where applicable, the fact that a decision is subject to a national or transboundary EIA or to consultations between Member States,
- (c) Details of the competent authorities responsible for taking the decision, those from which relevant information can be obtained, those to which comments or questions may be submitted, and details of the time schedule for transmitting comments or questions,
- (d) The nature of the possible decisions or, where there is one, the draft decision,
- (e) Where applicable, the details relating to a proposal for the review of a permit or permit conditions,
- (f) An indication that the relevant information is available at the offices of competent authorities during working hours,
- (g) An indication that any opinions or representations may be submitted within 35 days from the date of the notification,
- (h) Details of the arrangements for public participation and consultation, and particularly on the date and place of the public consultation, the deadline for submitting written views and positions, the issues identified as essential by the competent authorities, etc.
- (i) The main reports and advice issued to the competent authorities at the time when the public concerned are informed,
- (j) Other information relevant to the decision, which only becomes available after the time the public concerned was informed.

The competent authorities evaluate and take into account the results of the public participation and consultation in reaching a decision. When a decision is taken, the competent authority must make available to the public, including through the Internet, the following information:

- (a) The content of the decision, including a copy of the permit and any subsequent reviews,
- (b) The reasons on which the decision was based,
- (c) The results of the consultations and an explanation of how they were taken

into account in the decision-making.

Furthermore, in accordance with Article 16 of the law, for facilities in Category A, the competent authority must draw up an external emergency plan specifying the measures to be taken off-site in the event of an accident. The emergency external plan is intended to reduce the potential impacts of major accidents on health and the environment and ensure the restoration of the environment following an accident. The competent authority must provide for the participation of the public in the decision-making process. It must inform a public through a notice in the Official Gazette of the Republic, two widely circulated daily newspapers and through the Internet on:

- The proposed external emergency plans,
- That the proposals may be examined during the working days and hours at the offices of the Environmental Authority,
- That any person may submit comments or opinions to the Environmental Authority regarding the content of the plans from the approval of the plans, within 35 days from the date of the notification.

The Competent Authority keeps a Register of the following information:

- All the external emergency plans and their revisions,
- The opinions and comments expressed by the public,
- The final external emergency plans.

The Register is available to the public and can be examined during the working days and hours. The competent authority must also ensure that the public is effectively informed about all the measures taken in the case of an accident.

Participation under the Nature Protection Laws

According to Article 9(4) of the Law for the Protection and Management of Nature and Wildlife (N. 153(I)/2003 to 2015), the Environmental Authority maintains a publicly accessible database on Special Areas of Conservation, Sites of Community Importance, Special Protected Areas and areas that include priority habitats and species. Furthermore, according to Article 15(3), before the adoption of a Decree on the management and protection of a Special Area of Conservation, the public must be informed through a notification in the daily press of the proposed Decree and that comments may be submitted within 30 days from the date of the notification.

Participation under the Environmental Noise Law

The Department of Environment in Cyprus is the responsible authority for the implementation of the Environmental Noise Directive. Since 2007, and every five years, it has developed the 1st, 2nd and 2rd round of strategic noise maps and action plans for agglomerations, roads, airports and industrial activities. Action plans address the priorities in those agglomerations and drawn up in consultation with the public. The information channels selected for these consultations are public presentation on a specific day and public consultation through a written procedure.

According to Article 9 of the Law on Environmental Noise, the Environmental Authority must ensure that the public is consulted on any proposals for the adoption of action plans and given early and effective opportunities to participate in their preparation and review. The results of the participation must be taken into account and the public informed of final decisions.

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According to Article 10 of the Law, the competent authority must ensure that the strategic noise maps and action plans adopted are made available and disseminated to the public. The information must be clear, comprehensible and accessible.

The strategic noise maps and actions plans developed for the 1st, 2nd and 2rd rounds are available on the official website of the Department of Environment and can be found below (in Greek):
http://www.moa.gov.cy/moa/environment/environmentnew.nsf/page10_gr/pag e10_gr?OpenDocument

Access to information and participation under the Department of Forest Law

The Department of Forests in the context of information and education of the public for nature and forest protection organizes events and lectures on radio and television programs and publishes informative material.

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XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

XXI. Obstacles encountered in the implementation of article 7

Describe any obstacles encountered in the implementation of article 7.

Answer:

XXII. Further information on the practical application of the provisions of article 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Answer:

The provisions relating to Articles 6 and 7 of the Convention have introduced uniform procedures for public participation in the decision-making process over plans, programmes and projects relating to the environment. The practical arrangements which are now in place have provided the public with the opportunity to be informed in a timely manner regarding a possible decision and have enabled concerned citizens to participate in the decision-making process more effectively. Through these arrangements, all information relevant to a proposed decision is now accessible and the public, including NGOs and other stakeholders, can express opinions which must then be taken into account when the final decision is taken. This has also enabled public authorities to evaluate and take into consideration public opinion on a specific project, plan or programme at a stage when it is still possible to introduce changes and measures to minimize any potential impacts. As a result, the decision-making process has become more efficient, the decisions taken meet the needs and concerns of the public concerned, and are more transparent and with added validity. In many instances, public participation has also increased public awareness on specific issues, such as waste management and energy production.

The major advantage is the involvement of the public from an early stage in the decision-making process. This allows the public the opportunity to express their opinions and concerns regarding a possible decision, and the public authority to assess those opinions at a stage when it is still possible to change the parameters of a project, plan or programme to reduce impacts and increase public acceptance. Additionally, implementation has ensured a uniform approach to public participation by incorporating procedures already found in other legislation (EIA and SEA Laws) in the decision-making process.

Differences between plans, programmes and policies according to national legislation: According to the SEA legislation, plans and programmes include those subject to preparation and / or adoption by an authority at national, regional or local level or which are prepared by a competent authority for adoption through the legislative procedure, or which are required by any legislative provisions, including environmental and community legislation. Policies are not within the scope of the SEA legislation.

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

www.moa.gov.cy/environment

www.moa.gov.cy/environment

<http://infoeia-sea.environment.moa.gov.cy/>

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~~XXIV.~~ **XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8**

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

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Answer:

In ~~2009~~2011, the Ministry of Finance, in cooperation with the Legal Service, published a Consultation Guide for public authorities providing guidance over the public participation procedures to be followed during the preparation of legislative and regulatory acts. The Guide forms part of the Impact Assessment Questionnaire that must accompany a draft bill when submitted to the Legal Service for legal vetting and, following this, the Council of Ministers and the House of Representatives for adoption. One of the central aspects of the questionnaire is the public dialogue conducted with interested parties, and the Guide provides assistance to public authorities in this respect. The Guide covers the types of consultations that need to be carried out when preparing a new legislative act or amending an existing one, ways to identify and engage interested stakeholders in the participation process, the preparation of the information necessary for the participation process, and ways of evaluating the contributions made, while setting timeframes for the participation process.

The Guide covers two types of participation procedures which may be followed, informal and formal participation. During the informal procedure there is a preliminary exchange of opinions with affected parties and an initial evaluation of responses to the proposed legislation. Based on this it is then decided whether it is necessary to conduct a formal participation procedure, which involves the notification of information material to interested parties, the submission of written comments and, where necessary, public hearings, meetings campaigns, public enquiries and expert committees. Stakeholders are informed as to how their opinions have been utilised.

An informal participation procedure must be concluded within a 4 ~~week~~weeks' period. In the case of formal participation procedures, the consultation period must take at least 4 weeks and be concluded at a maximum of 8 weeks. The precise timeframes for informing stakeholders and the public and for the submission of opinions is determined by the competent body preparing the legislation and depends on the precise methods chosen for participation. Invitations to participate in public consultations must be sent to interested parties at least 2 weeks prior to the onset of the consultation period. To ease access to relevant information, consultation documents must be made available through the Internet.

The participation procedure is carried out at the initial stages of the legislative procedure, when a draft legislative proposal is prepared, allowing for a first exchange of views between interested parties and a first evaluation of responses to the proposed legislation. The contributions received and the analyses made must be made available through the internet within 2 weeks after the consultation period. The results of the public consultation are submitted as part of the Impact Assessment Questionnaire which accompanies the proposed legislation.

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~~XXV.~~ **XXV.** Obstacles encountered in the implementation of article 8

Describe any *obstacles encountered* in the implementation of article 8.

Answer:

~~XXVI.~~ **XXVI. Further information on the practical application of the provisions of article 8**

*Provide further information on the **practical application of the provisions on public participation in the field covered by article 8.***

Answer:

~~XXVII.~~ **XXVII. Website addresses relevant to the implementation of article 8**

Give relevant website addresses, if available:

www.moa.gov.cy/environment

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~~xxviii.~~ **XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9**

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;
- (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;
- (d) With respect to **paragraph 4**, measures taken to ensure that:
 - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
 - (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

Access to justice against decisions, acts or omissions of public authorities is provided for under Article 146 of the Constitution. Article 146 provides that:

1. The Supreme Constitutional Court has exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority is contrary to any of the provisions of the Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person.

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2. Such a recourse may be made by a person whose any existing legitimate interest is adversely and directly affected by such decision or act or omission.
3. A recourse may be made within seventy-five days of the date when the decision or act was published or, if not published and in the case of an omission, when it came to the knowledge of the person making the recourse.
4. Upon such a recourse the Court may, by its decision –
 - (a) confirm, either in whole or in part, such decision or act or omission; or
 - (b) declare, either in whole or in part, such decision or act to be null and void and of no effect whatsoever, or
 - (c) declare that such omission, either in whole or in part, ought not to have been made and that whatever has been omitted should have been performed.
5. Any decision given under paragraph 4 of this Article shall be binding on all courts and all organs or authorities in the Republic and shall be given effect to and acted upon by the organ or authority or person concerned.
6. Any person aggrieved by any decision or act declared to be void under paragraph 4 of this Article or by any omission declared thereunder that it ought not to have been made shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings in a court for the recovery of damages or for being granted other remedy and to recover just and equitable damages to be assessed by the court or to be granted such other just and equitable remedy as such court is empowered to grant.

Access to justice with respect to the provision of Article 4

The Law on Public Access to Environmental Information (119(I)/2004) includes provisions on access to justice. According to Article 10 of the Law, any person who thinks that his request for environmental information was:

- unjustifiably ignored or wrongfully refused, whether in full or in part,
- was answered inadequately, or
- was not dealt with in accordance with the provisions of the Law,

has the right within 30 days from the notification of the decision or the end of the one-month (or two-month when warranted) period to appeal to the Minister to review the actions or omissions of the public authority in question. The Minister examines the matter and makes a decision, which is then notified to the interested person and the public authority.

Independently of the provisions of Article 10, Article 11 gives the applicant the right to a review procedure before the Supreme Court, in accordance with Article 146 of the Constitution.

Access to justice with respect to the provision of Article 6

Law ~~140127(I)/2005~~2018 on the assessment of the impacts on the environment from certain projects, provides that any legal entity created with the purpose of promoting environmental protection, is considered to have sufficient interests that may be affected by a decision taken under the law and has the right to appeal before the court against the decision, in accordance with Article 146 of the Constitution.

According to Article 146 of the Constitution, the decision of the Supreme Court is

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binding. In cases of an annulment of a decision the public authority must ensure the environment is restored to its prior condition.

Information to the public on access to administrative and judicial review procedures

1. Law 119(I)/2004 on access to information: When a refusal for the provision of information is communicated to the applicant the competent authority must state the reasons for the refusal and provide information on the appeals procedure.
2. Law ~~140127(I)/2005~~2018 on the assessment of the impacts on the environment from certain projects: According to Article ~~25~~(248(1)) the environmental authority must ensure that practical information on the procedures for administrative and judicial review communicated to the public through notices in the daily press and the internet.

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~~XXIX.~~ **XXIX. Obstacles encountered in the implementation of article 9**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

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~~XXX.~~ **XXX. Further information on the practical application of the provisions of article 9**

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer:

~~XXXI.~~ **XXXI. Website addresses relevant to the implementation of article 9**

Give relevant website addresses, if available:

www.moa.gov.cy/environment
www.moa.gov.cy/environment

Articles 10-22 are not for national implementation.

~~XXXII.~~ **XXXII. General comments on the Convention's objective**

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

~~xxxiii.~~ **XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis**

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

- (a) With respect to **paragraph 1 of article 6 bis** and:
 - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
 - (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;
 - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
 - (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
 - (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
 - (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

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(b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer:

~~Law 10(III)/2009~~ ~~has been passed amending Law 33(III)/2003~~, which ratifies the Aarhus Convention, to incorporate Articles 6 bis and Annex I bis.

The national legislation regarding the deliberate release into the environment and placing on the market of genetically modified organisms, Law 160(I)/2003, has an established procedure for providing the public with adequate information. Specifically, the Scientific Committee established by Law 160(I)/2003 to review and evaluate the applications for the release or placing on the market of GMOs, is comprised of both government departments and public organizations, including the Cyprus Consumers Association, the Cyprus National Bioethics Committee and the Federation of Environmental Organizations of Cyprus. Furthermore, Part IV of the Law includes provisions for record Keeping and public notification, laying down the practical procedures for public participation. When the Scientific Committee receives an application for the authorization of the release or placement on the market of GMOs, the applicant has to publish a relevant notification in two daily newspapers and the public is given 30 days to provide written comments on the application. Regardless of this provision, the law also states that the Scientific Committee is obligated to carry out a public consultation, in the form of a public hearing. The records kept by the competent authority are available for inspection and include all applications submitted, all authorizations given, the Opinions of the Scientific Committee, the location where the GMOs were released and other relevant information. Cyprus has so far not authorized the release of any GMOs and has kept a firm negative stance on the matter of GMO authorization.

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~~XXXIV.~~ **XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

Answer:

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~~XXXV.~~ **XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis**

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such*

decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Answer:

~~XXXVI.~~ **XXXVI. Website addresses relevant to the implementation of article 6 bis**

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer:

www.moa.gov.cy/environment,

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

Answer:

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