

Environmental issues

BY ELIA ICONOMIDOU | NOVEMBER, 2019

The Invest in Greece Law introduces a number of provisions, which aim to facilitate the environmental licensing process or address loopholes of the existing legislation.

By virtue of a joint ministerial decision to be issued until 30.06.2020, re-classification of processing and similar activities into three categories will occur. More particularly, reference to activities of high, medium or small nuisance will have the meaning ascribed to environmental categories A1, A2 and B, respectively. This classification may affect the land use regime of the area where the processing activity is installed.

According to the grandfathering provision of the law, activities that upon the issuance of this ministerial decision are already in lawful operation or whose (environmental or operations') licensing is still pending on the basis of the previous legislation, may continue their operation for a thirty (30) years' period, irrespective of whether the specific land use of the plot, over which they are installed, is affected by the new regime introduced by the aforesaid expected Ministerial Decision.

Furthermore, the Invest in Greece Law expands the field of application of the exemption from the issuance of an operation license for the manufacturing activities, introduced by law 4442/2016, in the following two (2) areas:

- Processing activities that upon the enactment of the law are already in lawful operation may extend their installation site or broaden their scope of business and/or enrich their equipment, even if such extended land use is not permitted in the area where they are located, provided that their initial environmental category (classification under three categories, A1, A2 or B) remains unaffected by such extension.
- no installation license is required for activities installed in land use zones designated as of "industry and manufacture" irrespective of the regional or urban zoning instrument used in the case at hand [whether town plan, spatial planning of open cities, SCHOAPP as per its Greek initials, Specific directions of specially regulated planning areas (ERPO, as per its Greek initials), housing control zones, ZOE as per its Greek initials, etc.].

In respect of the issuance of the Environmental Terms approval, in the event where the competent authorities issue conflicting opinions, then the case is referred to the Central Environmental Licensing Committee (KESPO, as per its Greek initials) which should provide its opinion following a substantiated report elaborated by the competent

environmental body. In that case, the law now clarifies that the ETA is issued by the Minister of Environment (for the A1 sub-category activities) or by the Decentralized Administration Coordinator of the Ministry of Environment (for the A2 sub-category activities).

The Invest in Greece Law further facilitates the environmental licensing in case of an extension, enhancement or modification of a licensed activity. Namely, the project owner is required only to submit before the environmental authority a technical report describing the intended terms of extension, modification or enhancement.

The Environmental Authority shall decide within one (1) month as of the above submission whether an amendment of the ETA is required. If the above time term lapses inactive, then the environmental authority is deemed to have ruled that no amendment to the ETA is required.

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