Integrated ESIA Greece
Section 3 - Legislative and Policy Framework
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3 LEGISLATIVE AND POLICY FRAMEWORK

3.1 Introduction

This Section discusses the legal framework under which the Project will be conducted and the environmental regulatory requirements that will apply to Project activities. The applicable international and European requirements and the Greek legal framework and the various international agreements to which Greece is a party are summarised below.

To enhance consistency and uniformity across the TAP Project, all potential impacts along the pipeline route will be assessed against the respective national legislation and the European Union (EU) regulatory impact assessment and environmental framework.

This ESIA has been prepared to comply with National Greek legislation, International environmental and socioeconomic requirements, with specific regard to those of the European Union Legislative Framework, and in alignment with performance requirements of the European Bank for Reconstruction and Development (EBRD). In addition, the importance of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context is acknowledged for the TAP Project.

Section 3.4.9 provides a description of the ESIA Approval Process in Greece, and a summary of the key regulations and standards applicable to the TAP Project in Greece.

Further, the importance of the implementation of the Project is reflected in the Inter-Governmental Agreement between the Republic of Albania, the Hellenic Republic and the Italian Republic relating to the TAP Project.

3.2 International Requirements

In its commitment to the environment and communities affected by the Project, TAP AG has adopted the EBRD Performance Requirements (PR) as the main international standards for compliance during the execution of Project activities. The EBRD PRs make inter-alia reference to other international best practice guidelines such as those of the International Finance Corporation (IFC) and World Bank¹.

Table 3-1 summarizes the EBRD Performance Requirements and the specific measures that TAP AG has adopted to address these.

**Table 3-1 Project Compliance of EBRD Performance Requirements**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Compliance measures adopted by TAP AG</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR 1: Environmental and Social Appraisal and Management</td>
<td>TAP AG has established a robust corporate governance to guide the development of the realisation of ESIsAs in a consistent and transparent manner and the development and implementation of Environmental and Social Management Plans (ESMPs) in each of the three countries, in alignment with the requirements of host country legislation, EU legislation, and EBRD PRs.</td>
</tr>
<tr>
<td>PR 2: Labour and Working Conditions</td>
<td>TAP AG has established clear governance, through a series of overarching guidance documents. It is recognised that detailed plans are to emerge, some of which are included in the ESMP (Section 12 of this ESIA Report) or which are recommended to be developed as stand-alone documents, to ensure consistency with the requirements of this PR 2. These plans are important in providing the detail of delivery and ensuring adherence to the stated TAP AG guidance and EBRD requirements. Additional documentation or measures are highlighted as being advisable on the topic of worker-relationship management and wages and benefit packages. Provisions are already made for many of these measures in particular as part of Social Compliance Monitoring.</td>
</tr>
<tr>
<td>PR 3: Pollution Prevention and Abatement</td>
<td>TAP AG has made a commitment to avoiding, wherever possible, adverse impacts to human health, communities and the environment. The ESIA has been prepared in accordance with this approach. The list of mitigation and enhancement measures (ESMP) will provide the mechanism through which such commitment can be fully realised. Measures will be recommended for consideration at the appropriate stage, to ensure there is consistency with the requirements of PR3.</td>
</tr>
<tr>
<td>PR 4: Community Health, Safety and Security</td>
<td>TAP AG has made a commitment to avoiding, where possible, or minimising and mitigating adverse impact on human health. The ESIA and ESMP outline specific mitigation and enhancement measures to ensure consistency of delivery against this commitment. Additional measures have been highlighted as providing a clear governance approach consistent with the requirements of PR4 but it is recognised such measures may already be forthcoming later in the development of the project, in particular, through the ESMP.</td>
</tr>
<tr>
<td>PR 5: Land Acquisition, Involuntary Resettlement and Economic Displacement</td>
<td>TAP AG has made a commitment to ensuring avoidance or minimisation and mitigation of displacement – economic and physical – arising from project construction and operation. It is anticipated that involuntary resettlement and has successfully managed to deliver upon this objective. Involuntary resettlement is not currently envisaged and detailed governance exists to guide land acquisition on the basis of free and informed consent.</td>
</tr>
<tr>
<td>PR 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</td>
<td>TAP AG has established governance to align with the requirements of PR6. It is critical that there is a determination of the overall impact on biodiversity within the respective country and local habitats, once mitigation measures have been drawn up, to assure ‘no net loss’ to biodiversity within each country and across the length of the pipeline, consistent with TAP AG’s commitment. This has been undertaken at the stage of ESIA ecological assessment. The Biodiversity Action Plan (BAP) and ESMP, provide a mechanism to ensure this occurs. Procurement Guidelines clearly stipulate that all contracted parties must adhere to TAP AG’s environmental governance; therefore, it is anticipated that any measures included within the BAPs or ESMP, will be fully adhered to by any contractor, as appropriate.</td>
</tr>
<tr>
<td>PR 7: Indigenous Peoples</td>
<td>PR10 details a robust governance approach to stakeholder engagement. Whilst there is a systematic process for engaging with stakeholders, of all derivation, no specific governance mechanisms or project specific measures have been identified as necessary to comply with PR 7. During an extensive stakeholder identification and mapping process at the scoping stage, it was determined that there were no indigenous peoples predicted to be impacted during the course of the construction or operation of the Project. No specific measures for addressing the needs of indigenous peoples were, therefore, necessary.</td>
</tr>
</tbody>
</table>

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2 EBRD Guidance Note - Indigenous Peoples (November 2010) defines the term “Indigenous Peoples” being used in a technical sense to refer to a socioeconomic and cultural minority group, distinct from dominant groups within national societies, possessing the specific characteristics in various degrees (as stated in the Guidance Note). [http://www.ebrd.com/downloads/research/guides/indp.pdf](http://www.ebrd.com/downloads/research/guides/indp.pdf) [accessed 23/03/12]
Requirement | Compliance measures adopted by TAP AG
--- | ---
PR 8: Cultural Heritage | Clear and robust governance exists to managing cultural heritage assets during the lifetime of the pipeline, consistent with the requirements of PR8. The 5 phase approach outlined by TAP AG, should ensure that foreseeable impacts are either avoided or minimised and mitigated, and provision is clearly made for chance or late finds, to ensure adequate and effective management of such asset findings. Further detail can be elaborated upon once the Cultural Heritage Management Plan (CHMP) is produced but it is envisaged that this will provide a robust management system and detailed measures, to ensure compliance with the requirements of PR 8 for the duration of the pipeline.

PR 9 Financial Intermediaries | PR9 is not considered applicable in the context of the TAP, as no Financial Intermediaries will be appointed or be operational in this project.

PR 10. Information Disclosure and Stakeholder Engagement | There is a clear and strong emphasis placed by TAP AG on open and inclusive stakeholder engagement throughout the duration of the project, its development, construction and operation. Strong governance mechanisms exist to guide such engagement and TAP AG has made explicit commitment to free, prior and informed engagement, consistent with PR10, and consistent with the approach to all PRs. The ESIA Scoping Reports and Stakeholder Engagement Reports, detail both the engagement process undertaken to date and forthcoming engagement scheduled for the duration of the ESIA and project.

3.3 European Union Legislation

3.3.1 EU Environmental Impact Assessment Legislation

The Environmental Impact Assessment (EIA) was introduced for the first time in Europe in 1985 by the EIA Directive (85/337/EEC) and represents a key instrument for European Union environmental policy. It is worth noting that the legal term EIA has the same meaning as ESIA used in the TAP project.

EIA involves a wide range of public and private projects, presented in Annexes I and II of the EIA Directive. While Annex I contains a list of projects for which an EIA is mandatory, Annex II defines those categories of projects where an EIA is optional and at the discretion of the community member states.

The EIA Directive of 1985 has been amended three times:

- Directive 97/11/EC brought the EIA Directive in line with the UNECE Espoo Convention on EIAs in a Transboundary Context. The 1997 Directive widened the scope of the EIA Directive by increasing the types of projects covered and the number of projects requiring mandatory environmental impact assessment (Annex I). It also provided for new screening arrangements, including new screening criteria (included in Annex III) for Annex II projects, and established minimum information requirements;

- Directive 2003/35/EC sought to align EIA Directive provisions with the Aarhus Convention on public participation in decision-making and access to justice in environmental matters; and

The initial Directive of 1985 and its three amendments have now been codified by Directive 2011/92/EU of 13 December 2011.

The scope of the Directives is to ensure that plans, programmes and projects likely to have significant effects on the environment undergo an Environmental Assessment, prior to their approval or authorisation.

The TAP Project falls under Annex I, clause 16 (pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km) of the EIA Directive and is therefore required to submit a Mandatory (in-depth) EIA. Therefore, also under EU Legislation, the Project must be evaluated by an EIA study prior to authorisation.

Although specific procedures may vary significantly among different Member States, the principal phases of the EIA Process are common to the European Community. Figure 3-1 presents a flow chart of the EIA process phases, distinguishing the compulsory phases (highlighted in yellow) from the optional EIA procedures (not highlighted).
Figure 3-1  EU Environmental Impact Assessment Process

1. Project Preparation
2. Notification to Competent Authority
3. Screening
4. Scoping
5. Environmental Studies
6. Submission of Environmental Information to Competent Authority
7. Review of the Adequacy of the Environmental Information
8. Consultation with Statutory Environmental Authorities, other interested Parties and the Public
9. Consideration of the Environmental Information by the Competent Authority before making Development Consent Decision
10. Announcement of Decision
11. Post Decision Monitoring if Project is Granted Consent

Compiled based on EU Legal Framework (2011)
3.4 National Greek Legislation

3.4.1 Introduction

The TAP Project in Greece is being developed in compliance with Greek laws and regulations as well as the EIA Directive of the EU and the EBRD Performance Requirements. This section provides a brief description of the Environmental Impact Assessment legislation in Greece. In addition, the significant ratification of the Inter-Governmental Agreement between the Republic of Albania, the Hellenic Republic and the Italian Republic, relating to Trans Adriatic Pipeline Project, is also included:

- **Law No. 1650/1986** – is the main legal provision for the Protection of the environment in Greece. Article 3 (classification of projects), Article 4 (defining the process for approval of environmental terms) and Article 5 (defining the contents and the disclosure of the EIA) are relevant to the EIA process. However, most of the articles of Law 1650/1986 have been replaced by the new Law on environmental permitting procedure Law 4014/2011. Specifically, the following amendments are applicable:

- **Law No 4014/2011** - this Law sets the new framework for the environmental permitting procedure. This Law amends many of the existing procedures and legislative documents governing the environmental permitting processes. These amendments include but are not limited to environmental permitting procedure, classification of projects, contents of ESIA related reports, including Scoping Report, public consultation and disclosure. Law 4014 authorises the issue of several new administrative Acts (JMD, MD, PD, etc) that shall dictate and describe the above mentioned amendments. Approval of the Environmental Terms also includes the Intervention to Forest Areas. The approval procedures are specified within the **Ministerial Decision 167563/2013**.

- **Ministerial Decision 1958/2012**. The MD categorises all the activities for public and private projects. This MD was modified by MD 20741/27-4-2012. According to this MD, the TAP project, as a whole in Greece is characterized as class A1 project (Group 11 ‘Transportation of energy, fuels and chemical substances’, s/n 1 ‘Fuel pipelines of national importance or under European or International networks and associating facilities’).

- **Joint Ministerial Decision 69269/5387/1990** – This decision was enacted in order to activate and implement the above mentioned articles 3, 4 and 5 of Law 1650/1986 and simultaneously to enforce EC Directives 84/360 (Directive of 28.6.1984 on the combating of air pollution from industrial plants) and 85/337 (Directive of 27.6.1985 on the assessment of the environmental impacts of certain public projects and private activities). This JMD describes the specific content of the environmental impact assessment studies, according to the category of the activity to be implemented. The JMD refers in particular to the
activities of the A and B categories and to the description and minimisation of the environmental impacts related to these activities. The chapters, that the environmental impact assessment study should contain, are also set out and explained. Also, the required papers, maps and documentations are described. Pending the issue of the administrative act dictated by Law 4014/2011, this JMD is still applicable.

- **Joint Ministerial Decision 11014/703/Φ104/2003** – This JMD sets out the environmental permitting procedures. More specifically, this JMD defines:
  - the specific EIA process until the acquisition of the permit;
  - the competent authorities;
  - the general content of the EIA studies for all installations (the specific chapters are described in the *JMD 69269/5387/90*);

Pending the issue of the administrative act dictated by Law 4014/2011, this JMD is still applicable.

- **Joint Ministerial Decision 37111/2021/2003** – The JMD sets out the procedure of the public information and the participation in the framework of the environmental permitting system. Pending the issue of the administrative act dictated by Law 4014/2011, this JMD is still applicable.

- **Ministerial Decision 15277/12 .(Gov. Gaz. 1077/B/09.04.12)** – This MD sets out specific procedures for the incorporation of the Intervention to Forest Areas Permit to the Approval of Environmental Terms

- **Directive 2010/75/EU** is not yet transposed into Greek law but considered applicable by Greek authorities. This Directive covers emissions from industrial activities such as combustion plants.

### Table 3-2  Greek Legal Framework on Environmental Impact Assessment

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>Year</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law</td>
<td>1650</td>
<td>1986</td>
<td>Environmental Protection</td>
</tr>
<tr>
<td>JMD</td>
<td>69269/5387</td>
<td>1990</td>
<td>Project Classification and EIS Content</td>
</tr>
<tr>
<td>Law</td>
<td>4014</td>
<td>2011</td>
<td>Environmental Permitting procedure</td>
</tr>
<tr>
<td>MD</td>
<td>1958</td>
<td>2012</td>
<td>Project Classification</td>
</tr>
<tr>
<td>MD</td>
<td>20741</td>
<td>2012</td>
<td>Project Classification</td>
</tr>
<tr>
<td>JMD</td>
<td>37111/2021</td>
<td>2003</td>
<td>Public Participation</td>
</tr>
<tr>
<td>MD</td>
<td>15277</td>
<td>2012</td>
<td>Procedure for the Approval of Environmental Terms</td>
</tr>
</tbody>
</table>

Compiled by ERM (2012)
• Law No 4145/2013 - Ratification of the Inter-Governmental Agreement between the Republic of Albania, the Hellenic Republic and the Italian Republic, relating to Trans Adriatic Pipeline Project. This Law sets out that all Parties shall facilitate, enable and support the implementation of TAP Project and to co-operate and co-ordinate with each other in that respect.

3.4.2 Environmental Permitting Framework

The procedure for the Environmental Impact Assessment in Greece, for projects like the proposed one, can be summarised in the following phases (according to the existing legislation):

• Environmental Impact Assessment: the applicant shall provide an EIA of the project to the Ministry of Environment, Energy and Climate Change (MEECC), Special Environmental Authority (SEA);

• Check for Completeness: MEECC/SEA will check the EIA for completeness and may request additional information, prior to distributing for consultation;

• Statutory Consultation: opinion/response from the Central Authorities or other co-competent Ministries, Regional Authorities and various organizations;

• Public Consultation: the project is presented to the Regional Council during an open hearing where people can express their views

• Decision on Approval of Environmental Conditions: MEECC/SEA will consider the results of the consultation (statutory and public) and will issue its decision, co-signed by other competent Ministries

• Publication of Decision: publication of the decision through the relative Regional Council.

The new Law 4014/2011 introduces a voluntary step of a ‘Preliminary Determination of Environmental Requirements’ (PDER). If produced, the PDER is submitted to the Special Environmental Authority of Ministry of Environment, Energy and Climate Change (MEECC/SEA) for consideration. Before issuing the Scoping Statement, the Competent Authority asks for the opinion of other national authorities such as Governmental Organisations (Ministry of Defence, Ministry of Culture, Ministry of Foreign Affairs, other departments within the Ministry of Environment etc.), Local Administration Organisations (Regions involved through the regional
councils and taking into consideration the engaged municipalities and third parties) and Public or Private entities (such as Management Bodies of Protected Areas).

TAP AG instead carried out scoping in accordance with EU legislation and EBRD PRs. The scoping report has been provided to the authorities for information and consultation took place with national, regional and municipal public authorities.

3.4.2.1 New Environmental Framework

The recent Environmental Law (L.4014/11 – published Gov. Gaz. 209/A/21.09.11), which is in force today, is changing the environmental permitting framework.

The key provisions of the new Greek EIA regulations are:

- PEIA is no longer foreseen to be in the Environmental Permitting Process.
- The Law introduces the optional Procedure for Preliminary Identification of Environmental Requirements (PDER) – however only if the project proponent requests it. In European and international EIA practice terms, this new optional step could be classified as "Scoping".
- ESIAs will be evaluated by a new body of Independent Auditors.
- New procedures for Stakeholder involvement and participation of the Public. In this context, all environmental information of the Project will be uploaded to the internet.
- New procedures for Renewal and Modifications of the Approval of Environmental Terms are defined.
- In case of modifications in the Technical Design of the Project after the issue of the Approval of Environmental Terms, the Owner has to submit a Dossier of Final Design Compliance and in some cases a Technical Environmental Study.
- Appropriate Assessment is mandatory for the crossing of Natura 2000 areas, as part of ESIA.
- Wastewater Treatment and Disposal Permit and Hazardous and Non-Hazardous Waste Management Permits will be part of the Approval of Environmental Terms and relevant Studies as part of the ESIA.
- Application for official characterization of forest areas.
Transitional Provisions: PEIA Studies that have been submitted prior to the entry of the new Law, which is in force, are evaluated according to the old legislation, except if the Owner asks the Competent Authority to fall under the new provisions.

3.4.3 Forestry and Agriculture Permitting Framework

During the Environmental Licensing process, Forest Authorities are being consulted and may provide their response to the Competent Environmental Authority. After the Approval of Environmental Terms, the main Permits to be issued are the following:

- Protocol of Installation to Forest Areas
- Logging Permit; and
- Reinstatement Permit.

Agricultural Authorities, during the Environmental Licensing process, will be consulted and may provide their response to the Competent Environmental Authority.

3.4.4 Cultural Heritage Legal Framework

The protection of Antiquities and Cultural Heritage is defined in the specific law number L.3028/02. During the Environmental License process the Archaeological Authorities are consulted and provide their response to the Competent Environmental Authority. More specific technical issues with respect to Monuments, Antiquities etc during construction and operation are covered by separate Permitting procedures, after the Decision of Approval of Environmental Terms.

3.4.5 Socioeconomic Legal Framework

There is no specific national socioeconomic legislation relating to EIA procedures in Greece, however, issues relating to human/community health and occupational HSE are partially covered by the Environmental Legislation.
Under the Greek legislative framework, Law 2882/01 (the so-called Code of Expropriations) guides the expropriating of land as well as the involuntary establishment of easement rights on private lands. To access these provisions a project would need to be granted the status of being of General Public Interest or of National Importance. This process is guided by Law 4001/11.

Beside of complying with these national requirements and legal obligations, TAP AG has committed itself to a number of environmental and social obligations including but not limited to the Performance Requirements of the European Bank for Reconstruction and Development (EBRD) that aim to assure that adverse impacts on people, their rights, livelihoods, culture and environment are avoided or, where avoidance is not possible, minimised, mitigated, offset and/or compensated. Amongst other issues, the EBRD Performance Requirements address land acquisition, involuntary resettlement, and economic displacement and require a comprehensive and detailed livelihood restoration plan that is presently under preparation and will be disclosed after being endorsed by the competent authorities under the Host Government Agreement which is currently under discussion between TAP and the Greek State.

Under this general agreement with the Hellenic Republic, TAP is in the process of establishing a project cadastre in line with national requirements and in close collaboration with the affected land owners and users and conducting a comprehensive and high quality valuation study. TAP requires ownership only for above ground facilities aims to obtain access to land and easement through negotiated settlement and has committed itself to use expropriation and forced easement only after good faith negotiations have failed.

3.4.6 Urban and Regional Planning Instruments

3.4.6.1 General Planning Instruments

The planned pipeline scheme must be compatible with all national, regional and local plans. Generally, regional and urban planning in Greece does not provide any specifications regarding the routing, design and construction of a pipeline. Whilst Regional Planning deals with the general directions regarding planning development, Urban Planning mainly defines land use designations.

A thorough analysis of the compatibility of the route and installations with spatial planning provisions and restrictions must take place in the national EIA process.
The main planning instruments are the following:

- The **National Plan for Sustainable Development** (JMD 6876/4871/2008 - Gov. Gaz. 128/A/03.07.08) notes the importance of Natural Gas networks and infrastructure for the strategic enhancement of Greece in the wider Southeast Europe. More specifically:
  - **Art. 6** (spatial conformation of strategic importance for infrastructure, transportation, communication and energy networks):
    - **Par. B.1(δ)**: Enhancement of the international role of Greece, as a centre for power, natural gas, oil transfer.
    - **Par. B.2(γ)**: Integration of High Pressure Natural Gas system and branches to Italy, FYROM, Albania etc. and other relevant infrastructure. This is a very important point in the Law, since the construction of new pipelines for interconnection is described as one of the country’s development objectives. The TAP is compatible with this target.

The Project will be developed in the Regions of Central Western Macedonia and Eastern Macedonia and Thrace. Although there are no specific considerations for the TAP Project in the Regional Plans, there are articles referring to energy connections and Natural Gas infrastructure:

- **Central Macedonia Regional Plan**, JMD 674/2004 (Gov. Gaz. 218/B/06.02.04): Reference to Natural Gas as a basic development infrastructure for the Thessaloniki area.
- **Western Macedonia Regional Plan**, JMD 26295/2003 (Gov. Gaz. 1472/B/09.10.03).
  - **Art. 3, par. 3.7.1 (energy)**: Directions for interconnection to international energy networks
  - **Art. 3, par. 2.2.1.2 (Energy) and par. 3.7.1**: Reference to Natural Gas as a basic development

3.4.6.2 Urban Planning for Compressor Stations

One compressor station with approximately 30 – 45 MW (2 operating and 1 spare compressor of 15 MW each) is planned for the 10 bcm/year capacity in the vicinity of Kipoi (GCS00). For the 20
bcm/year phase in Greece a second compressor station of approximately 100 – 125 MW (4 operating and 1 spare compressors of 25 MW each) will be located in the vicinity of Serres (GCS01). In addition, the GCS00 will be expanded from 30 MW to approximately 75 – 90 MW (5 operating and 1 spare compressors of 15 MW, each). Both the compressor stations (GCS) are located in areas outside designated land usage. Therefore both the GCS will be subject to special building regulation, according to the Greek legislation and in line with the spatial planning.

3.4.6.3 Urban Planning for the Pipeline

There is no need for setting up spatial plans for the pipeline route. The pipeline in general crosses outside of town planning areas, usually on private agricultural lands or public/private forest areas. The pipeline *Right of Way* (ROW) is being surveyed and the cadastres are approved by the Ministry of Environment Energy and Climate Change. The pipeline easement zone is being submitted to the Town Planning Offices, so that they will have knowledge of it when issuing Building Construction Permits to citizens, after construction and start of operation of the TAP.

3.4.7 Labour, Health and Safety Legislation in Greece

Health and Safety issues are licensed after the Decision of Approval of Environmental Terms during the next Permitting stages. Regarding the Labour Legislation, TAP AG will follow strictly the relative Greek and EU legislation. This will include, amongst others, the relevant articles of the Constitution of the Hellenic Republic, the Civil Code, transposed Greek law based on ILO conventions and EU sources as well as further national laws such as L.D. 3789/57 “Amendment and supplement of labour legislation.”

3.4.8 Main Legislation on the Natural Gas Sector

The recent law 4011/11 on Energy Issues defines the Regulatory Authority for Energy (RAE) as the Competent Authority for the independent Natural Gas System Permit. Certain new procedures are yet to be defined but the regulatory framework for this Permit is given under the
Natural Gas Licensing Regulation MD Δ1/A/5815/2010 (Gov. Gaz. 464/B/19.04.10). MD Δ1/A/5815/2010 defines the specific requirements and procedures for obtaining:

- Independent Natural Gas (NG) System Permit
- Independent NG System Management Permit

TAP is in the process of obtaining the independent NG System Permit from RAE.

3.4.9 EIA Approval Process – New Legal Framework

The current EIA legislation, Law 4014/21.09.2011, came into force on 13 January 2012 following the publication in the Government Gazette of the Ministerial Decision for the classification of projects according to their anticipated environmental impacts. However, since a number of Ministerial Decisions relevant to its full implementation are still missing, many elements of the old legal framework are still applicable.

The law, among other requirements, abolishes the requirement for a PEIA. Instead it provides that the project developer may request the opinion of the competent environmental authority with the submission of a Preliminary Identification of Environmental Requirements (PDER), before EIA submission. In the framework of PDER, the project developer may undertake public consultation with regard to the basic technical characteristics of the project and the likely environmental impacts.

The new EIA Approval Process is as follows:

a. A Preliminary Identification of Environmental Requirements (PDER) is optionally submitted by the proponent to the MEECC;

b. The MEECC examines the completeness of the submitted PDER Study (within 10 working days) and in the case of the Study complying with the legal requirements, then it forwards the Study to Authorities for Consultation (within 2 working days);

c. Competent authorities respond with their opinion on PDER within 30 working days from receipt;

d. MEECC reviews and assesses the opinions of competent authorities within 20 working days;

e. MEECC prepares its positive or negative decision on PDER within 20 working days. The decision is signed by the General Secretary of the Environment;

f. After the Approval of PDER (or at the start of the permitting process in the case that no PDER is submitted) an EIA Study is submitted to the MEECC;
g. The MEECC examines the completeness of the submitted ESIA Study (within 15 working days) and in the case that the Study complies with the legal requirements, then (within 2 working days) it forwards the Study to Authorities for Consultation (Authorities to be defined by forthcoming Ministerial Decisions);

h. A public disclosure procedure is also conducted (specific instructions pending);

i. Consultatory responses and public opinions are sent to the Ministry within 45 days;

j. The MEECC assesses and takes into consideration consultee responses and public views within 20 working days;

k. The Ministry prepares the Approval of Environmental Terms within 25 working days even if all competent authorities have not expressed opinions in time;

l. Consultation of the Environmental Permitting Council (within 15 working days), in case of contradictory responses during consultation, or if authorities whose views are considered significant have not replied.

3.5 International Conventions

The main conventions and agreements which Greece has signed and/or ratified, with reference to the scope of this ESIA, are summarised in Table 3-3

<table>
<thead>
<tr>
<th>Convention name</th>
<th>Ratified by Greece</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bern Convention (1976): Conservation of European Wildlife and Natural Habitats</td>
<td>L. 1335/83</td>
</tr>
<tr>
<td>Convention on Biodiversity (Biological Diversity) (1992)</td>
<td>L. 2204/94</td>
</tr>
<tr>
<td>Aarhus Convention (Convention on Access to Information (1998), Public Participation in Decision making and Access to Justice in Environmental Matters)</td>
<td>L. 3422/05</td>
</tr>
<tr>
<td>Bonn Convention or CMS (1979); Convention on the Conservation of Migratory Species of Wild Animals</td>
<td>L. 2719/99</td>
</tr>
<tr>
<td>UN Climate Change Convention</td>
<td>L. 2205/94</td>
</tr>
<tr>
<td>Convention on the Transboundary Impacts from Industrial Accidents</td>
<td>L. 2546/97</td>
</tr>
<tr>
<td>Kyoto Protocol on Climate Change</td>
<td>L. 3017/02</td>
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<tr>
<td>Pollutant Release and Transfer Register (PRTR) Protocol</td>
<td>Pending</td>
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<tr>
<td>Kiev Protocol on Strategic Assessment</td>
<td>Pending</td>
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3.5.1 Transboundary Notification and Consultation (Espoo Convention)

The UN Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention signed in 1991 and entered into force in 1997) stipulates the obligations of countries that ratified the Convention to assess the transboundary environmental impacts of a project at an early stage of planning.

The process of notification and consultation with the affected parties is driven by the competent authority. However, authorities can ask the developer to prepare notification and undertake public consultation above and beyond their normal EIA requirements. The developer may also be asked to undertake public consultation with affected parties.

The notification and consultation process according to the Espoo Convention comprises the following main elements:

- Screening (by the Party of Origin) to assess whether a transboundary EIA is mandatory under the convention; the Scoping document prepared by TAP AG is expected to provide all information needed for the screening process;
- Notification by the Party of Origin to Affected Parties of the start of the Espoo Process;
- Exchange of information between all parties;
- Preparation of EIA documentation;
- Distribution of EIA documentation; and
- Consultation among the Parties.

The Espoo Convention was ratified by Greece with Law 2540/97. Thus, the obligations of the Espoo Convention are directly binding for Greece.

Gas pipeline schemes planned are listed in Appendix I of the Convention, and accordingly it is upon the Greece government (as Party of Origin) to notify affected parties of the proposed activity if it is likely to cause significant adverse transboundary impacts.