

**REPORT OF CYPRUS FOR 2003-2005
ON THE IMPLEMENTATION OF THE ESPOO
CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**
for the period mid-2003 to end of 2005

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PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

- Ratification Law on the Environmental Impact Assessment in a Transboundary Context (No.24(III)/1999)
- Law on the Assessment of the Environmental Impacts of certain Projects (No. 140(I)/2005). This Law has replaced and repealed the Law No. 57(I)/2001 that existed since 2001.

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*
 - a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

The Law on EIA, which has transposed the provisions of the relevant EU Directive (85/337/ECC), is implemented since 2001 (Law 57(I)/2001). In December 2005, this Law was replaced by a new one (No. 140(I)/2005) in order to comply with the new requirements of the European Union on public participation and access to justice and also to incorporate some necessary changes for the better implementation of the Law.

Some important provisions of the Law No. 140(I)/2005, are the following:

It includes two Annexes with the projects subject to the provisions of the Law. During the procedure for granting a permit for the construction of a new project, the EIA Law is being enforced in order to ensure that the protection of the environment is taken into serious consideration during decision - making.

Annex I refers to the projects that most certainly will have a negative impact on the environment and for which an EIA study must be conducted, whereas Annex II covers the projects that might cause an impact on the environment and for which a preliminary EIA study must be prepared. The Law refers to projects from both the private and the public sector.

An EIA Committee was established, chaired by the Environment Service of the Ministry of Agriculture, Natural Resources and Environment. The rest of the members of the Committee are:

1. Town Planning and Housing Department
2. Department of Labour Inspection
3. Ministry of Commerce, Industry and Tourism
4. Ministry of Communication and Works
5. Federation of Environmental and Ecological Organisations
6. Scientific and Technical Chamber of Cyprus
7. Two members appointed by the Minister of Agriculture, Natural Resources and Environment

The Law provides for the public to be informed in all the stages of the procedure as well as of the decision taken. The public is informed as soon as an EIA report is submitted to the Environment Service. A period of 30 days is allowed for every person to raise comments on the specific project. All the opinions or objections raised by the public are taken into consideration during decision making. The public is also informed about the decision taken.

The role of the Committee is to advise the Environment Authority (EA), which is the Environment Service, on the terms that should be included in the Environmental Opinion that the latter has to prepare. This Opinion may ask for an EIA study to be conducted (in case of an Annex II project), or specify terms or conditions to be included in the Planning Permit or the Approval granted by an Authority in the case of public projects. The EA may also decide that a project should not proceed due to the serious environmental problems that it will cause. In case of a disagreement between the EA and the Authority (Planning, or other), the issue is discussed at a Ministerial level and if an agreement cannot be reached, in the Council of Ministers.

An important issue concerning the role of the public in the whole procedure is the new provision that was included in the Law concerning the right of access to justice. This provision gives the right to any interested person or organisation that is not satisfied with the whole procedure undertaken, to take the issue to the Court.

Since 2001, more than 300 projects of both Annexes were examined.

- b. Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

According to the EIA Law (art. 24), in the case where another State (MS of the EU, or any other State which has ratified the Espoo Convention) might be affected by the proposed project, the EIA report or the preliminary EIA report is sent to the State for consultation. The State takes part in the whole procedure, as described above and it is informed of the decision taken.

- c. List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

As Cyprus is an island, no transboundary EIA procedures took place so far. The responsible authorities are the Environmental Authority, the Planning Authorities, or

any other Authority with responsibilities of granting permission for the construction of projects covered by the EIA Law.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

Yes. Environment Service, MANRE

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

The provisions are the ones provided in the relevant EU Directive.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

Yes

5. *Please describe:*

- a. *The procedures and, where appropriate, the legislation you would apply to determine that an "activity", or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

Any modifications or extensions of the projects listed in Annex I (within the thresholds set) are covered by the provisions of the Law.

- b. *How a change to an activity is considered as a "major" change;*

Case by case examination

- c. *How such an activity, or such a change to an activity, is considered likely to have a "significant" adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

Case by case examination

- d. *How you would decide whether it is "likely" to have such an impact. (Art. 2.3)*

Case by case examination

PUBLIC PARTICIPATION

6. *Do you have your own definition of "the public" in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

The Law includes a definition of "public" (art. 2), as provided in the relevant EU Directive. The Law provides for the public of the other State to be given all the necessary information on the project and the procedure followed and its opinion must be taken into consideration before granting a permit for the construction of the project.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

The affected Party has to be informed about the proposed project as early as possible and certainly not after the time that the public in Cyprus is informed.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

The provisional information to be sent to the other State includes: a) description of the project and the possible environmental effects it might cause, b) information on the possible decision that might be taken.

If the State wishes to take part in the whole procedure, then the EIA report is sent, together with any other information available. Detailed information on the provisions of the Law is also given to the other State.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

Article 24(6) of the Law provides that the time limits mentioned in the Law do not count in the case where the transboundary procedures according the art. 24 take place.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

The Environment Authority gives a description of the project and the possible impacts that it might cause to the environment. If the State wishes to take part in the EIA procedure, then the report and any other relevant information is made available to the State and its public. The procedure to be followed should be decided in cooperation with the affected State.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

As above.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

As above.

13. Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?

N/A

14. Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?

N/A

QUESTIONS TO AFFECTED PARTY

15. Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?

N/A

16. When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)

N/A

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. What is the legal requirement for the content of the EIA documentation (Art. 4.1)?

Annex III of the EIA Law (No. 140(I/2005) covers all the information that has to be covered in the EIA report.

18. Describe your country’s procedures for determining the content of the EIA documentation (Art. 4.1).

As above.

19. How do you identify “reasonable alternatives” in accordance with Appendix II, alinea (b)?

According Annex III, par. 2, the EIA report must include information on the alternatives examined by the developer and provide information on the reasons that the specific type of project was chosen.

20. How do you identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to Appendix II, alinea (c), and the definition of “impact” in Article 1(vii)?

Identical with the EU Directive.

21. Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?

All the information available is given to the affected Party.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

The Law covers the provisions of the relevant EU Directive. No practical experience exists.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “within a reasonable time before the final decision” (Art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

As above.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

As above.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

The Law does not oblige the developer to organise a public hearing.

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

The Law covers the provisions of the relevant EU Directive. No practical experience exists. Reasonable time could be a period of 30 days.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

The Law covers the provisions of the relevant EU Directive. No practical experience exists.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

The public is informed as soon as the EIA report is submitted to the EA. A period of 30 days is given to the public to raise any concerns or give its opinion on the proposed project. These concerns are taken into consideration during the preparation of the Opinion of the EA.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By*

what means do you usually communicate in consultations, for example by meeting, exchange of written communications?

National. Every person concerned may participate in the procedure as described in the Law.

QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

As above.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

The final decision is taken by the Planning Authorities or the Authority responsible for the specific project, after the assessment of the EIA report and the preparation of the Opinion of the EA. The terms and conditions of the Opinion should be taken into consideration during decision making.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

As above.

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

Yes.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

According the Law, the affected party should be informed of the final decision together with any other information related with the project.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

The affected party is informed in all the stages of EIA.

Article 7

Post-Project Analysis

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

There is a provision for monitoring in the Law.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

The other Party should be informed on the results of the monitoring.

Article 8

Bilateral and multilateral agreements

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

No

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No

Article 9

Research programmes

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

N/A

Ratification of the amendments to the Convention and of the Protocol on SEA

41. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

No. The Amendment will be ratified as soon as a decision for ratification is taken by the EU.

42. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

As above.

43. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

No. The Protocol will be ratified as soon as a decision for ratification is taken by the EU.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

NO. PLEASE NOTE THAT CYPRUS BEING AN ISLAND COUNTRY INEVITABLY LIMITS THE CASES WHERE EXPERIENCE ON PRACTICAL APPLICATION CAN BE GAINED.

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

N/A

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

N/A

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

N/A

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

No practical experience.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

N/A

50. Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of 'lessons learned' in order to help others.

- a. How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?

N/A

- b. Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?

N/A

- c. What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?

N/A

- d. Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?

N/A

- e. How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)

N/A

- f. Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.

N/A

- g. Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.

N/A

- h. Have you carried out post-project analyses and, if so, on what kinds of projects?

N/A

- i. Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).

N/A

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?*

N/A

CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

N/A

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context;*

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- b. *Guidance on subregional cooperation; and*

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- c. *Guidelines on good practice and on bilateral and multilateral agreements.*

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CLARITY OF THE CONVENTION

53. *Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

The procedure is clear. No practical case exists.

AWARENESS OF THE CONVENTION

54. *Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Many seminars, leaflets, etc were prepared for informing all stakeholders on the EIA system and the relevant Law. As the Law covers the provisions of the Convention, these are also covered in the seminars and leaflets mentioned above.

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

The current situation is considered adequate.

SUGGESTED IMPROVEMENTS TO THE REPORT

56. *Please provide suggestions for how the report may be improved.*

The report is too large and some questions are repeated.