



HELLENIC REPUBLIC
MINISTRY OF THE ENVIRONMENT,
PHYSICAL PLANNING AND PUBLIC WORKS
SECRETARIAT GENERAL OF ENVIRONMENT
SPECIAL ENVIRONMENT SERVICE

Ref. No. 1726

RE: Procedure for approval of preliminary environmental impact appraisals, environmental terms and conditions, transfer of property or of the right of use of forests and scrublands, in the context of the issue of installation permits for power plants using renewable energy sources

**THE MINISTERS OF NATIONAL DEFENSE-DEVELOPMENT-ENVIRONMENT,
PHYSICAL PLANNING AND PUBLIC WORKS- AGRICULTURE-CULTURE-
TRANSPORT AND COMMUNICATIONS**

Having regard to:

- a) Law 1558/1985 *“Government and Governmental Bodies”* (Government Gazette Part A, No. 137 as it is currently in force, in combination with Presidential Decree 381/1989 *“Internal rules of the Ministry of Industry, Energy and Technology”* (Government Gazette Part A, No. 168) and Presidential Decree 27/1996 *“Merging of the Ministries of Tourism, Industry, Energy and Technology and Commerce into the Ministry of Development”* (Government Gazette Part A, No. 19).
- b) Law 2244/1994 *“Regulation of issues pertinent to the generation of electrical energy from renewable energy sources and fossil fuels and other provisions”* (Government Gazette Part A, No. 168)
- c) Law 2773/1999 *“Deregulation of the Electricity Market – Regulation of Matters Pertaining to Energy Policy and Other Provisions”* (Government Gazette Part A, No. 286)
- d) Law 3010/2002 *“Harmonisation of Law 1650/1986 with Directives 97/11/EC and 96/61/EC, procedure of delination and other issues pertinent t watercourses and other provisions”* (Government Gazette Part A, No. 91) and in particular article 2, paragraph 10b thereof,
- e) Law 2941/2001 *“Simplification of the procedures for the establishment of companies, licensing of plants using renewable energy sources, regulation of matters pertinent to Hellenic Shipbuilding S.A. and other provisions”* (Government Gazette Part A, No. 201) and in particular article 2, paragraphs 7 and 10b thereof,
- f) Law 3017/2002 *“Ratification of the Kyoto Protocol to the United Nations Framework Convention on Climate Change”*.
- g) Law 3028/2002 *“For the Protection of Antiquities and Cultural Heritage in General”* (Government Gazette Part A, No. 153)

- h) Law 1127/1981 *“On the ratification of the European Convention on the protection of archaeological heritage signed in London on May 6, 1969”*
- i) Joint Ministerial Decision No. 15393/2332/2002 (Government Gazette Part B, No. 1022),
- j) Legislative Decree 86/1969 *“Forestry Code”* (Government Gazette Part A, No. 7),
- k) Law 998/1979 *“For the Protection of Forests and Scrublands in General in Greece” as modified and in force* (Government Gazette Part A, No. 289),
- l) Joint Ministerial Decision 11014/703/F104/14.3.2003 (Government Gazette Part B, No. 332),
- m) The commitments of Greece resulting from Directive 2001/77/EC *“On the Promotion of Electricity from Renewable Energy Sources in the Internal Electricity Market”* (L 28.10.2001)
- n) The necessity of promoting renewable energy sources in Greece,
- o) The fact that the application of this decision does not entail any financial burden on the Greek State,

Have decided as follows:

CHAPTER 1 - GENERAL PROVISIONS

Article 1 - Scope of Application

1. The provisions of this decision will be applied for the issue of the administrative acts by virtue of which a preliminary environmental impact appraisal will be approved, as well as the environmental terms and conditions, and also the acquisition of the right of use or the concession [of forests or scrublands], in the context of the issue of installation permits for power plants using renewable energy sources (RES) as they are defined in Article 2 of Law 2773/1999 as it is currently in force and especially those power plants using wind and hydro energy in the case of small-scale hydroelectric projects.
2. Through the provisions of this decision the licensing authorities, the advisory bodies, the precise and explicitly determined subject of every body’s advisory scope, and the deadlines for the issue of permits are explicitly defined, and the exclusive deadlines for the delivery of advisory responses are set.

CHAPTER 2 - COMPETENT AUTHORITIES AND BODIES

Article 2 - Licensing Authorities

1. All applications will be examined and permits will be issued in a uniform manner by a single licensing authority, which is:

a) For the approval of the preliminary environmental impact appraisal and the approval of the environmental terms and conditions:

A1) The Special Environment Service of the Ministry of the Environment, Physical Planning and Public Works for all RES projects, irrespective of category established by Law 3010/2002, which are proposed to be built in protected areas (Ramsar, Natura 2000, national parks, forests with scenic beauty and natural heritage sites) as well as for all RES projects, irrespective of the area where they are installed, which come under the 1st subcategory of the first (A) category of Law 3010/2002 and were further defined by

ministerial decision No. 15393/2332/2002 (Government Gazette, part B, No. 1022) with the exception of small hydro projects, as defined by Paragraph 4, Article 2 of Law 2773/1999, having a power/diversion conduit with a length smaller than three (3) kilometers.

A2) The Directorate of Environment and Physical Planning of the relevant Region in the case of RES projects which come under the 2nd subcategory of the 1st category of Law 3010/02 as they were further defined in ministerial decision 15393/2332/2002. The foregoing applies also to small hydroelectric projects, as defined in par. 4 of article 2 of Law 2773/1999, having a power/diversion conduit with a length larger than one (1) and smaller than three (3) kilometers as well as for projects coming under the 3rd subcategory of the second (b) category for which no jurisdiction has been established of the relevant Environmental Service of the prefecture-level local government according to the following specific exceptions (A3).

A3) The competent Environmental Service of the prefecture-level local government for RES projects which come under the 4th subcategory of the second (B) category of Law 3010/2002, as further defined by Ministerial Decision 15393/2332/2002 as well as for RES projects which come under the 3rd subcategory of the second (B) category, after these projects, having been evaluated by the responsible Environmental Service of the relevant Region, are judged as falling under the jurisdiction of the relevant prefecture-level local government pursuant to article 9, paragraphs 1 and 2 of Joint Ministerial Decision 11014/703/F104/ 14.3.2003 (Government Gazette part B, No. 332). It is noted that this category of projects does not require a preliminary environmental impact appraisal.

b. For the issue of an administrative act establishing the right of use of a forest or a scrubland:

The General Secretary of the Region.

Article 3 - Authorities in charge of granting installation permits

The Authority having jurisdiction over matters of issuing installation, extension and operation permits for plants using RES is the Region according to the provisions of article 1, par. 1b, case 1 of Law 2647/1998 "*Transfer of competencies to the Regions and local-government bodies and other provisions*" (Government Gazette Part A, No. 237). The Authority in charge of issuing installation, extension and operation permits for large-scale hydroelectric plants is the Ministry of Development.

Article 4 - Advisory Authorities and Bodies

1. The required advisory opinions for the delivery of the above approvals, are exclusively provided by the following authorities and bodies:

a) For the Preliminary Environmental Impact Appraisal:

- The competent Chief Forester's Office or the Forestry Directorate of the relevant prefecture-level local government if a Chief Forester's Office does not exist.
- The General Directorate of Forestry, only for approvals of environmental terms and conditions which are issued by the Special Environmental Service of the Ministry of the Environment, Physical Planning and Public Works.

- The City Planning Service having jurisdiction over the project area.
- The Curators of Prehistoric and Classical Antiquities, the Curators of Byzantine Antiquities and the Curators of Modern Monuments having jurisdiction over the project area.
- The Hellenic Telecommunications Organization
- The Civil Aviation Authority
- The General Staff of the Ministry of National Defense
- The Greek National Tourism Organization
- The Organisations for Zoning and Protection of the Environment of Athens or Thessaloniki exclusively for RES projects which are to be implemented within the areas of jurisdiction of these organizations and the relevant Organizations in the Regions provided for in article 3 of Law 2508/1997 (Government Gazette Part A, No. 124), in the event that such organizations have been set up.

b) For the Approval of Environmental Terms and Conditions:

- The council of the prefecture-level local government.
- The Organisations for Zoning and Protection of the Environment of Athens or Thessaloniki, exclusively for RES projects which are to be installed in the areas of jurisdiction of these Organisations and the responsible Organisations in the Regions by order of Law 2508/1997 (Government Gazette Part A, No. 124), if such Organisations have been set up.

c) For the issue of an administrative act establishing a right of use of a fores or a scrubland:

- The Chief Forester's Office

All necessary advisory responses should be fully detailed and documented.

Article 5 – Scope of Advisory Responses

The advisory responses which will be provided for each case by the competent authorities or bodies must contain the following:

a) Chief Forester's Office

- Classification of the area as forest, scrubland etc. and description of the existing vegetation on the location in question, on the basis of articles 3 and 4 of Law 998/1979.
- Checking as to whether the area has or has not been classified as barren according to the provisions of article 13 paragraph 2Ac, of Law 1734/1987.
- Checking as to whether there is an existing and currently valid classification of the area as being under a reforestation regime, or not.
- Checking as to whether the area has been designated as a national park, scenic forest, natural heritage monument or protected area.

- Checking as to whether the area is part of a forest or scrubland where a change in land use has been allowed for the purpose of concession, resettlement or agricultural exploitation.
- Checking as to the existence of reforestation or other programs for putting the area into beneficial use.

Based on the foregoing classification and status of the area in question, the Chief Forester's Office will provide a advisory response as to whether within the existing institutional framework the proposed land use may be allowed or not and under which terms and procedure. Specifically, based on the indicated projects and in the event that the land use is permitted, the Chief Forester's Office may impose terms and conditions, based on which it will be possible for these projects to be implemented with the least possible disturbance so that these terms will be taken into consideration during the drafting of the environmental terms and conditions. This survey will concern the whole of the area indicated by the applicant within its boundaries given in a polygon from whose apexes are determined by means of rectangular coordinates using either of the projection systems HATT or ΕΣΧΑ87. In every case, it must be explicitly stated that within the said area, actions will take place for approved works only (foundations, roads, control building, grid etc). The aforementioned advisory response will be served to the authorities involved in the environmental licensing procedure, such as the Special Environment Service or the Environment and Physical Planning Directorate of the Region.

b) City Planning Service

1. Checking as to whether the area is within or out of a Controlled Settlement Zone.
2. Checking as to whether the area is within or out of a General City Planning Scheme.
3. Verification as to whether the requirements laid down in article 7 par. 3 of the Presidential Decree dated 24.4.1985 (Government Gazette Part D, No. 181) are met, as amended by the Presidential Decree dated 16.5.1989 (Government Gazette Part D, No. 293) regarding the installation of RES facilities at a distance greater than 500 metres from the boundaries of neighboring settlements.

c) Curators of Prehistoric and Classical Antiquities, Curators of Byzantine Antiquities and Curators of Modern Monuments.

1. Conduct of a survey to establish whether the area is within an archaeological site or near such a site or monument in its area of jurisdiction, in accordance with the laws in force.
2. Imposition of terms and conditions for the supervision by a representative of the Archaeological Service of the excavation works to handle any antiquities which may be discovered, in accordance with Law 3028/2002 *"For the Protection of Antiquities and Cultural Heritage in General"* (Government Gazette Part A, No. 153/27.6.2002).

d) Civil Aviation Authority

Investigation of the possibility of installing the RES plant on the proposed site, based on the Civil Aviation Authority Governor's decision no. 35694/6190/2000 re: *"Protection of Aviation Facilities from the Development of Construction-Hindrances in their Proximity and Air Traffic from Ultra High Structures"* (Government Gazette Part B, No. 1133) and the terms of the Chicago Convention on the Organization of International Civil Aviation which was ratified by virtue of Law 211/1947 *"Ratification of the Chicago Convention on International Civil Aviation (ICAO) and specifically Appendices 14 and 10, etc. of the Convention"* (Government Gazette part, A, No. 35), as well as the regulations of the Civil Aviation Authority.

e) Ministry of National Defense General Staff

1. Investigation into whether the installation and operation of the facilities of the RES power generation plant will affect a military installation run by any of the three branches of the military from the point of view of military security.

2. In the event that from the above investigation arises the eventuality of a negative impact, the possibility of the coexistence of the facilities in parallel with a partial or total relocation of the RES plant will be examined. In the course of this procedure, the applicant may submit further details directly to the military formation having jurisdiction over the installation area, as well as to the competent Service of the Ministry of Defense General Staff.

3. Any general or specific terms and conditions for the construction of the project at the indicated site will be set.

f) Hellenic Telecommunications Organization

1. Investigation as to whether within or at a specific distance from the indicated area, there is a facility belonging to the Organization. In the event that such a facility exists, it will be checked whether its operation will be affected by the presence of the RES power generation plant.

2. In the event that facilities exist for which there are indications that they will be affected by the operation of the RES power generation plant, details of the said facilities must be provided as well as the extent of the RES plant which affects them, with emphasis placed on the detailed documentation of the influence by means of providing relevant specifications applicable to the said facilities.

3. In no instance will plans for the erection of new facilities be taken into consideration for which licensing has not begun.

g) Greek National Tourism Organization

Investigation as to whether tourist facilities exist, as well as approved or existing plans for tourism development at the construction site of the RES plant or at a distance of less than 500 metres from the site.

Article 6 - Procedure for establishing the right of use of a forest or scrubland

1. For the issue of an approval granting the right of use of a forest or scrubland, after the production authorization has been issued, an application will be submitted to the competent General Secretary of the Region along with all the necessary supporting documents specified in article 8, par. 1.3 of this Decision. For granting the right of use of a forest or scrubland, the advisory response of the Chief Forester's Office (article 4, par. 1c hereof) will be co-assessed, and also the Environmental Impact Study.

2. The final extent of the forest or the scrubland for which a right of use will be granted, will be determined by the minimum distances of the works from other land uses, based on Ministerial Decision 2000/2002 (Government Gazette Part B, No. 158), taking into consideration the minimum area required for the issue of a building permit in tracts lying outside city-planning limits. The site will be staked out during the drafting phase of the installation log for the establishment of the investor at the jobsite by the competent Forestry Service.

Article 7 - Deadlines

1. The deadlines for the transfer of the application by the licensing Authority to the Services or bodies which are responsible for issuing advisory responses are as follows, in working days:

Within ten (10) working days from the submission of the application and the complete permit file for a RES project, the licensing Authority as above is obliged to transfer the complete file to all the bodies in charge of delivering an advisory response, who, within the fixed and exclusive deadlines, as laid down below, must send their advisory response to the licensing Authority.

a) For the Preliminary Environmental Impact Appraisal: Within fifteen (15) working days of the date the file is received by the relevant advisory bodies.

b) For the Environmental Terms and Conditions: Within thirty five (35) working days from the receipt of the Environmental Impact Study by the relevant advisory bodies.

c) For approval of the granting of the right of use or the concession of a forested area or scrubland: Within fifteen (15) working days from the date the Chief Forester's Office takes delivery of the file.

In the event that the above deadlines lapse without a response, it will be considered that the responses of the consultant bodies are affirmative and the permit application will proceed to the next stage.

4. The decision enacting the environmental authorization is granted, for the preliminary environmental impact study, within five (5) working days from the receipt of the advisory responses as above, or otherwise from the date the deadline lapses without a response for their submission to the competent licensing authority, for the environmental terms and conditions, within fifteen (15) working days from the receipt of the advisory responses, or otherwise from the date the deadline passes without a response, for their submission.

5. The approval of the granting of the right of use of a forest or scrubland is granted by the General Secretary of the Region within forty (40) working days from the date the application and file are submitted to him. A prerequisite for the approval of the granting of the right of use is the approval of the environmental terms and conditions for the specific RES project.

6. For the purpose of speeding up the licensing process through reduction of the slack times, the applicant at his discretion may submit the permit file directly to the competent advisory bodies for the required advisory response with the simultaneous submission of an exact copy of the application to the licensing Authority.

Article 8 - Content of Files

1. The contents of the files for all the project categories as defined by Joint Ministerial Decision No. 15393/2332//2002 (Government Gazette Part B, No. 1022) are set forth below:

1.1 File of the Preliminary Environmental Impact Study

That file shall contain the following documents:

- *TECHNICAL DESCRIPTION OF THE PROJECT*
- *PRELIMINARY ENVIRONMENTAL IMPACT STUDY*
- *MAPS AND PHOTOGRAPHS*

Specifically, each of the above documents must contain the following:

- a) TECHNICAL DESCRIPTION OF THE PROJECT
 - Name and type of project (size, technology)
 - Geographical location, existing state of the environment
 - Short description of the project (area, type of construction and preventative measures and means of dealing with the impacts)
- b) PRELIMINARY ENVIRONMENTAL IMPACT STUDY
 - General description of the project (site, type, extent)
 - Type, technology applied, general technical features of the project or activity
 - Conditions in the area where the project or activity will be implemented
 - Topographic conditions
 - Reference to approved master plans and zoning, town planning schemes and land uses, if any, applicable to the proposed installation area of the work or activity
 - Geological, hydrological and soil conditions
 - Climatic conditions
 - Vegetation - fauna - biotopes
 - Landscape - aesthetic appraisal
 - Existing management, if any, of forest expanses
 - Exploitation schemes for natural resources
 - Synergetic impact with other projects or activities
 - Waste matter produced
 - Pollution and annoyance caused
 - Changes in geomorphology and impact on the landscape
 - Impact on vegetation - biotopes

- Impact on fauna
- Impact on the hydrological cycle and existing uses of water
- Dangers (fire, drying) to the installation area and the wider forests and scrublands
- Impact due to sewage
- Special noise study
- Photorealistic model of the installation
- Impact on the social and development physiognomy of the area
- Impact on the cultural and man-made environment
- Prevention of accidents, especially due to the use of substances or technology
- Description of measures foreseen to be taken in order to avoid, abate and, if possible, restore significant negative impact
 - Restoration of geomorphology
 - Measures for the preservation of types of biotope habitats
 - Preservation – restoration of landscape features – aesthetic improvement
 - Measures for the preventative and corrective protection of vegetation
- Summary description of the main alternative solutions being studied by the owner of the project or activity with indications of the main reasons they were chosen by himself, taking into consideration their impact on the environment
- Benefits accrued to the national economy, national security, public health, and the serving of other matters of public interest
- Positive impact on the natural and man-made environment in an area broader than that directly affected by the project or activity
- Measures necessary after the final cessation of operations

c) MAPS AND PHOTOGRAPHS

- Survey maps at a suitable scale (1:50.000 and 1:5.000) which will show the site and extent of the project as well as the existing infrastructure and land uses in the area. Also, on these maps, at the level of preliminary design-basic engineering, according to par. 1 of article 9 hereof, the routing of the grid connecting the power generation plant to the existing energy transmission grid, if any, will be shown.
- Photographs of the installation site, taken both from its interior, as well as from typical vantage points in the wider area.

Especially, for projects of the Second (2nd) category of Law 3010/2002, as they are specified in Ministerial Decision 15393/2332/2002, in case the competent licensing authority, in the course of the consideration of the preliminary environmental impact study, judges that the specific project or activity does not cause significant impacts on the environment, then the preliminary environmental impact study constitutes the environmental impact study for the required approval of the environmental terms and conditions.

1.2 FILE FOR APPROVAL OF ENVIRONMENTAL TERMS AND CONDITIONS

That file includes the complete Environmental Impact Study of the project which analyses fully and in greater detail all the data contained in the Preliminary Environmental Impact Study.

1.3 FILE FOR TRANSFER OF RIGHT OF USE OF A FOREST OR SCRUBLAND

This file includes the following documentation:

- TECHNICAL DESCRIPTION OF THE PROJECT
- MAPS AND PHOTOGRAPHS

As these are defined above in paragraph 1.1.

CHAPTER 3 - Miscellaneous Provisions

Article 9 - Other Provisions

1. In both the Preliminary Environmental Impact Study and the Environmental Impact Study, a separate chapter must be included which will refer to the projects having relevance to the connection grid at the level of a preliminary study – basic engineering. The licensing of the above connection works will be made according to the laws in force.

2. Especially, for wind farm projects, a change in power output of the wind turbines and the total output of the wind farm will be allowed up to $\pm 15\%$ included, as well as changes in the relevant siting of the wind turbines within the approved installation site of the wind farm, according to Article 5, par. (a) hereof without a revision of the environmental terms and conditions or its installation permit being necessary, on the condition that the total number of wind turbines is not changed. In this instance, the licensing Authority must be notified in writing by the applicant of changes to be made and the installation permit will be modified accordingly without licensing anew being necessary.

3. Also, especially for wind farms and in case the wind turbines are slightly relocated within the context of the final planning stage of the project, albeit within the approved boundaries plan submitted by the applicant, then the licensing authority must only be notified, without a new delivery of advisory opinion or licensing of the project being necessary.

4. If two or more RES projects which belong to the same applicant are at a small distance from each other rendering necessary the unique appraisal of their impact, then it is possible, upon the applicant's petition, for these projects to be examined by the licensing authority in a subsequent and cumulative mode, i.e. the first project will be considered in itself, the second in connection to the first one, the third in connection to the first and second ones etc. In assessing as above the cumulative action of the projects, those projects, also, (RES or other) in the broader area for which an installation or operating permit has been granted, will also be taken into consideration.

After the decommissioning of the power generation plant, the company in charge of its operation is under obligation to remove the facilities and restore the landscape to its initial form.

5. Upon the publication of this decision, all ministerial decisions and circulars which regulate the procedure of issuing the aforementioned permits in a manner contrary to this decision are abolished.

Article 10 - Date this Decision Comes into Force

1.. This Decision shall enter into effect as from the date of its publication in the Government Gazette.

2.. We order the publication of this decision in the Government Gazette.

Athens, April 18, 2003

THE MINISTERS OF

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