

Key Changes by the New Law on Environmental Policy of the Greek State

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The new environmental law 4685/2020 was published on May 2020 (Gov. Gazette A' 92/07.05.2020), introducing a series of amendments regarding the environmental licensing procedure, RES licensing procedure and the regime of the protected areas, which are summarized as follows:

A. Environmental Licensing Procedure

The duration of the Decision on Approval of Environmental Terms (AEPO) **is now set at 15 years** (before L. 4685/2020 10 years). The abovementioned duration may be further extended depending on the environmental management system used, i.e. for projects using EMAS the AEPO duration may be extended for 6 more years (before L. 4685/2020 4 years) and for projects using ISO 14001 or equivalent, for 4 more years (before L. 4685/2020 2 years). The above provisions also apply to AEPOs which were in force at the time of the publication of L. 4685/2020 (i.e. on 07.05.2020).

Moreover, the deadlines that should be observed by the competent public environmental authorities regarding the individual administrative steps for the issuance, amendment and renewal of AEPOs **have been**

significantly shortened, while, in order to safeguard compliance with such deadlines, specific consequences have been provided if public authorities miss the deadlines.

Furthermore, the role of the Certified Evaluators has been upgraded, for the benefit of speed and efficiency; they may also be appointed by the public environmental authorities (by drawing lots), following project company's request, to perform environmental authorities' duties. The Certified Evaluator submits finally a draft AEPO to the competent environmental authority for evaluation. The Registry of Certified Evaluators shall be activated by virtue of a presidential decree, expected to be issued.

B. RES Licensing

The Electricity Production License ("EPL") provided for by art. 3 of L. 3468/2006 is replaced by (a) the Certificate of RES and CHP Electricity Producer and (b) the Certificate of Special RES and CHP Projects Electricity Producer (as these Special Projects are defined in art. 10 of L. 4685/2020) ("Certificate" and together the "Certificates"). The new law provides for specific steps and deadlines for the

issuance and the amendment of the Certificates and the overall procedure (submission of requests and accompanying data, update of data, notifications etc.) shall take place through an Electronic Registry (the full operation of which shall be certified by virtue of a ministerial decision expected to be issued), thus making the issuance procedure more flexible and less time-consuming. The licensing authority shall be determined by the same above ministerial decision and until its issuance Regulatory Authority for Energy (RAE) undertakes the relevant duties.

The holder may request the amendment of the Certificate only within the time cycle (i.e. from 1 to 10 February/June/October of each year), with the exception of the following cases, where the request for amendment may be submitted off cycle: (a) reduction of the polygone limits, (b) reduction of the installed or maximum production capacity and (c) increase of the installed/maximum production capacity up to 10% (subject to certain conditions). It is noted that amendment of the Certificates is not required if the name and /or the legal form of the Certificate holder is changed and in case any other data not included in the Certificate is changed.

The Certificate regarding photovoltaic, land wind farms and hybrid RES stations ceases automatically to be in force if: (a) within 6 months from the Certificate's issuance the holder has not applied for the issuance of AEPO

and b) within 36 months from the Certificate's issuance the holder has not applied for Final Connection Offer. The above deadlines may be extended for a period up to 24 months, provided that the Certificate holder shall pay the required fee for every month of extension (150€/MW of maximum production capacity).

It is noted that the EPLs which were in force at the time of publication of L. 4685/2020 are governed by its provisions and the abovementioned deadlines are calculated starting from 01.09.2020. Furthermore, EPL holders regarding land wind farms must adjust the land wind farms' polygones in accordance with the provisions of art. 13 of L. 4685/2020 by 31.12.2021, otherwise the relevant EPLs shall be revoked.

Finally the fee for retaining an EPL provided for in L. 4152/2013 is abolished starting from 01.01.2020.

C. Zones in Protected Areas

L. 4685/2020 has also introduced significant changes to the Presidential Decree 59/2018 and L. 1650/1986 with regard to protected areas, allowing – among others – the execution of projects within NATURA and other protected areas under certain conditions and procedures which are intended to safeguard the sensitive environments of such areas.

More specifically, four (4) new zones have been added to the general categories of uses (case I, art. 1 of Presidential Decree 59/2018):

1. zone of absolute nature protection;
2. zone of nature protection;
3. zone of habitat and species management;
and
4. zone of natural resources sustainable management.

In all the above zones, specific categories of uses are allowed following a special environmental study to be prepared by the project company. It should be noted that the special categories of uses which are permitted in zones nr. 3 and 4 above include the installation of RES projects, touristic accommodation of up to 150 beds and special touristic infrastructure of L. 4276/2014.

The above 4 zones may also be established in NATURA areas, National Parks, Wildlife Refuges, Protected Landscapes etc. by virtue of a presidential decree, which shall also determine the permitted uses within each zone following the preparation of special environmental studies.

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