Access to justice in environmental matters

Grécia

I.Constitutional Foundations

Article 24 of the Constitution of Greece underlines that “the protection of natural and cultural environment is an obligation of the State and everyone's right”. The content of the right is to maintain those conditions that will ensure life, health, quality of life and the environment itself as an independent right. For its preservation, the State has an obligation to adopt special preventive or repressive measures under the principle of sustainability. Article 20 of the Constitution stipulates that “Everyone is entitled to receive legal protection by the courts and can develop his views on rights or interests, as provided by law. The right of prior hearing also applies to any administrative action or measure taken against his/her rights or interests”. Citizens can invoke the constitutional right to environment directly in administrative or judicial procedures. The State -directly from the constitutional text- has been responsible for keeping the environment both natural and cultural intact. According to the Article 28 of the Greek Constitution “The generally recognised rules of international law, as well as international conventions become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law”. Consequently, any procedure can rely directly on international agreements. The Supreme Administrative Court recognises the direct application of Conventions and Directives. Administrative bodies or courts can invoke the Aarhus Convention or the domestic law or community law adopted in application of the Convention. The Aarhus Convention has been ratified by law 3422/2005 and constitutes integral part of domestic law.

II. Judiciary

There are administrative, civil and criminal courts, and they are organized by special statutes.

The sittings of all courts shall be public, except when the court decides for instance that special reasons call for the protection of the private or family life of the litigants. Every court judgment must be specifically and thoroughly justified and must be pronounced in a public sitting. Publication of the dissenting opinion is compulsory. Justice is administered by courts composed of regular judges who are independent. The substantive administrative disputes belong to the jurisdiction of existing ordinary administrative courts (first instance and appeal).Civil courts have jurisdiction on all private disputes. The jurisdiction of the Supreme Administrative Court (Council of State) pertains mainly to:

a) The annulment of enforceable acts of administrative authorities for excess of power or violation of the law.

b) The reversal of final judgments of administrative courts for excess of power or violation of the law.

c) The trial of substantive administrative disputes submitted thereto as provided by the Constitution and the statutes.

d) The elaboration of all decrees of a general regulatory nature.

The administration is bound to comply with the annulling judgments of the Supreme Administrative Court. Criminal courts have jurisdiction on criminal offences.The courts are bound not to apply a law whose content is contrary to the Constitution. The Greek law provides the following remedies against the administration before the administrative courts:

A request for judicial review against an act or omission of the administration due to abuse of power or violation of the law (Council of State or exceptionally Court of Appeal or First Instance Court).

Appeal against an act or omission of the administration before the first instance administrative Court or exceptionally before the Administrative Court of Appeal and the Council of State.

A lawsuit against the government for harm caused by illegal administrative organs in the performance of their duties (First Instance Administrative Court) or in case of an administrative contract before the three-member appeal Court at a first and last level.

An action for the recognition of the existence or absence of a pecuniary claim.

An objection against an administrative execution (First Instance administrative Court).

The suspension of the enforcement of an administrative act under the condition that a cancellation request or appeal has been already initiated.

An injunctive relief.

An appeal is allowed only against judgments at first instance. If the appellant lives in Greece, the deadline for the appeal is 30 days; if not then it is 60 days. The decision of the court cannot be executed until the expiration date. Extraordinary remedies are determined in special proceedings and granted only where absolutely necessary to protect the legal rights of a party in a particular case. They can also be requested during the trial of the case. The petition for judicial review is brought before the Council of State except for certain categories of cases which the legislature has delegated to the Ordinary Administrative Courts

(three-member Administrative Court, first instance Court) while the Council of State retains the competence to second degree. Extraordinary remedies are ordered by first instance courts. If the case is pending in another court, then they can be ordered by that court. The decision for the extraordinary remedies is provisional and does not affect the main case. The administrative courts have only cassation rights against administrative decisions. The court can annul the act and send back the case to the administration in order to obtain its conformity. However, the court has the possibility to interpret the law with binding power.

There are no special judicial procedures for environmental matters.

The civil courts examine and recognize the right to the environment. The recourse to civil courts is intended to safeguard the environment of the affected individual from the harmful effects.In the framework of public law, an annulment request can be submitted before the Council of State or before the administrative courts in order to annul an administrative act. After that, a suspension request can be submitted asking the stay of execution of the offended administrative act. Only the Prosecutor can act ex officio (on its own motion) in case of criminal offense relating to environmental violations, similarly to his competences in general covering also other areas of law. The Greek courts act only upon request, there is no action based on own motion.

III. Access to Information Cases

According to Article 5 of the law 1943/91, public services, public entities, the local government and other public sector bodies are required to definitively answer the demands of citizens (natural or legal persons, domestic or foreign) and to handle their own affairs within a period of sixty days. Information, certificates, documents and certificates are given immediately and in any case not delay more than 10 days. The 11764/2006 sets out a 20 days deadline for disclosing or refusing environmental information and 30 days for a remedy from the day that the claimant took notice of the public service answer. This period starts from the request to the department. If the request is submitted to an incompetent service, that service is required within three days for all kind of information to forward it to the appropriate service and notify the party concerned. In this case the provisions of this paragraph shall begin from the time the request was received by the department. If more public services are responsible for the case, the time shall be extended for another 15 days. In case of failure to meet deadlines set out in the law, full compensation is to be paid to the claimant. If environmental information is refused the refusal has to be reasoned. In case of refusal or an inadequate answer the citizen can proceed to

an action for damages before the competent court or

an administrative appeal before a Special Committee

an appeal before the administrative courts.

The citizen can submit a complaint to the Greek Ombudsman Institutions (Quality of Life Department). A complaint may be submitted by any individual, legal entity, or association that has a dispute with the Greek public sector, whether inside or outside the borders of the state. Refusal of request for information has to be duly reasoned and available remedies have to be mentioned. Information can be given after a prosecutor's mandate for that refusal. A lawsuit can be based on article 57 of the Civil code (offence against the personality). Urgent measure/injunction can also be issued (civil court procedures) requesting information. Courts do not have access to the disputed information before making a decision. However, Courts may order information to be disclosed.

IV. Access to Justice in Public Participation

11764/2006 on access to environmental information (according to the EU directive 2003/4) and law 4014/2011 provide specific procedures on Public Participation before an Environmental Impact Assessment (EIA) is approved, but they do not provide any special administrative procedure. General administrative rules are applicable in these cases. The Citizens in cases of disputed public administration decisions may appeal before the competent administration under specific terms and conditions. They may appeal competently and ask for remedy in order to restore an injustice or an illegal situation. With this application grounds of legality of the act or substantive grounds can be invoked. If the annulment of an administrative act is requested, the head administrative authority is competent to annul the act. Special administrative appeal is provided by specific provisions. An appeal before the administrative courts is also possible. Individuals who had their legitimate interests harmed by an individual administrative act must file the simple administrative appeal. The appeal may be submitted to the authority of the act or the hierarchically superior authority. The objective is the withdrawal or amendment of the act. For the submission of this kind of appeal there is no specified deadline. The administrative authority receiving the appeal must notify its decision to the person concerned within 30 days unless special provisions are provided for differing deadlines. The simple pursuit of administrative remedies stops the deadline for exercising the cancellation request and the appeal, provided of course that it is done within the deadline. The exercise of the special administrative appeal stops the same deadline, provided however, it was exercised within the period prescribed by the provisions governing each appeal.

The quasi-judicial redress is provided by special provisions which establish certain deadlines and other conditions. The case can be essentially reopened while the special administrative appeal checks only the legality of the contested act in the quasi-judicial redress. Acts adopted on the appeal are always enforceable. If a quasi-judicial appeal is provided, its submission is a prerequisite for the admissibility of the cancellation request or appeal. The appeal may be brought only against the act issued on the appeal directly within the deadline provided or, if there is no time limit, within three months of its submission. After these periods of inactivity a request for cancellation that is brought against the rejection of the quasi-judicial appeal is presumed implied. Types of administrative actions for appeal against administrative decisions:

Remedy's request: submitted to the same administrative body which issued it.

Special appeal: provided by a special legal provision setting a deadline within which should be exercised. The competent administrative body examines only the legality of the case and of the dispute.

Quasi-judicial action: This action examines not only the legitimacy, but also the substance of the case.

Special Administrative appeal: It examines the legitimacy of the decision.

There is also the body of Public Administration Inspectors – Auditors, an institution for the internal control of the entire Public Administration. Its objective is to ensure the smooth and effective functioning of public administration by identifying cases of corruption, maladministration, intransparency, inefficiency or low quality services.

First instance administrative decisions can be taken to court directly. Administrative remedies are not necessary to be exhausted before taking a case to court, except if a quasi-judicial appeal is provided, its submission is a prerequisite for the admissibility of the cancelation request or appeal. Courts examine the legitimacy of the administrative decisions. But courts cannot look beyond the administrative decision, verify and deal with technical findings and calculations of the administration.

Land use plans, zoning plans, and other normative types of environmentally relevant decisions may be reviewed by the court, especially at the Supreme Administrative Court (= Council of State). If it is the case of a Presidential Decree (this is the legal form for land use plans etc.), the Supreme Court will examine it as a draft and then the President of the Republic can sign it. In this very case the Council of State plays an important role. Sometimes, the administration - in order to avoid the Supreme Court's control - adopts a law instead of a Presidential Decree. However, the Council of State has recently decided that it controls some matters and laws, even if an administrative practice lies behind them. There are no special rules for environmental matters. The courts can review both EIA screening and scoping decisions but neither can be annulled because these acts are not enforceable administrative acts. Consequently the court annuls only the enforceable administrative acts on which the EIA scoping decisions are based (for instance Ministerial Decisions etc.). There are no special standing rules, forum rules or rules of evidence and hearing etc. General rules are applicable. The same procedure applies to final

EIA decisions. Courts do not examine the administration technical assessments. However, courts can find deficiencies of EIA or if EIA decisions are obviously contrary to the law. Courts may also do negative appreciations. Concerning procedural and substantive legality, courts can examine them, but there are no special rules; general provisions are applicable. It is not necessary to participate in the public consultation phase etc. in order to have standing before the courts. Public consultation is a phase of the EIA procedure. Citizens can invoke their constitutional right to environment directly in judicial procedures independently of their participation in consultation etc. Injunctive relief is also available in EIA procedures without any special provisions.
Courts can review final IPPC (Integrated Pollution Prevention and Control) decisions or authorizations, and can annul the enforceable administrative acts on which the final IPPC decisions or authorizations are based (for instance Ministerial Decisions etc.). Courts can also review the procedural and substantive legality of IPPC decisions according to the general provisions. Courts do not look beyond the decisions, however. Material or technical findings, calculations, and technical assessments are outside the court's competence. It is not necessary to participate in the public consultation phase etc. in order to have standing before the courts. Public consultation is a phase of the IPPC procedure. Citizens can invoke their constitutional right to environment directly in judicial procedures independently of their participation in consultation etc. Injunctive relief is also available in IPPC procedures. There are no special provisions.

V. Access to Justice against Acts or Omissions

Claims may be submitted to the court directly against private individuals or legal entities. In such procedures the claim is the *recourse*, with which the annulment of an administrative act is pursued. The court judges only the legal aspects of the case and not the true facts. Its decision includes a judgment about legality and not a control upon the merits. There are also legal protection proceedings through the Civil Code. The protection of the personality concerns the breach of the physical and mental objects it comprises. There is also responsibility for remedying environmental damage. Whoever causes pollution or environmental degradation is responsible for damages unless s/he proves that the damage is due to a force majeure or a fraudulent behavior of third persons. The criminal offences relating to an environmental damage can be normally prosecuted ex officio by the competent prosecutor, but also after a private lawsuit. Claims can be submitted to the court directly against State bodies for the following claims:
claim for damages before the competent court or
appeal before the Special Committee
appeal before the administrative courts
an offence against the personality according Article 57 of the Civil Code.
The Competent Authority for the implementation of the Environmental Liability Directive (ELD) at national level is the Ministry of the Environment and specifically the Coordination Office for the Remediation of Environmental Damage under the Special Secretary of Environment and Energy Inspectorate, which has been established by a Presidential Decree. At a regional level, the Presidential Decree provides the establishment of Regional Advisory Committees on Environmental Damage. NGOs or physical/legal entities can submit a request for implementing the environmental liability on concrete cases. The request is filed at the Coordination Office for the Remediation of Environmental Damage in the Ministry of Environment or at a regional level at the Regional Advisory Committees. The conditions for court review in case such a request is not followed by an action from the Competent Authority are the same as for any other case. The interested party can challenge the decision of the Competent Authority at the administrative courts. Someone can go to the court to enforce environmental liability only if it concerns a concrete act of an individual or legal entity or an administrative act.

VI. Other Means of Access to Justice

The Greek Ombudsman Institution, the Public Administration Inspectors-Auditors Body, the Environmental Inspectors Body and the Administration Inspector General are other means to remedy environmental matters. **The Hellenic Environmental Inspectorate (HEI) founded in 2010 is yet another mean.** Its main responsibility is to undertake inspections in order to monitor compliance with the environmental permits for projects of the private and public sectors. Systematic environmental compliance controls are conducted by the Special Inspectorate of Environment which is a national Environmental Inspection Authority covering the entire Greek territory. The Environmental Inspectors may perform on-site investigations on all public or private projects or activities covered by the provisions on environmental protection and carry out measurements. The Inspector General of Public Administration has the mission to ensure the smooth and effective functioning of public administration, monitoring and evaluating the work of Inspector-Auditor of Public Administration and all corps and special inspection and control services of public administration, and identify phenomena of corruption and maladministration. The team of senior investigators of the Greek Ombudsman deals with cases of violations of environmental and urban planning legislation, and more generally with cases of degradation of the natural, cultural and residential environment. The investigators handle cases of illegal interventions in environmentally protected areas, environmental licensing of enterprises and industries, the process of characterising forest land, determination of sea shore and beach line, environmental licensing, installation and operation of infrastructure, illegal constructions, placement and operation of mobile phone antennas, problematic operation of food premises (including clubs, restaurants, cafés etc.), long term liens on private property, protection of cultural heritage, access denial to environmental information. When actions or lack of action by the public administration infringe upon an individual's rights or harm his or her legal interests, the individual may file a complaint with the ombudsman. Before submitting a complaint, however, applicants should first seek redress from the public administration unit involved. On completion of the investigation, if required by the nature of the case, the Ombudsman shall draw up a report on the findings, to be communicated to the relevant Minister and authorities, and shall mediate in every expedient way to resolve the citizen's problem. As a mediator, the Greek Ombudsman makes recommendations and proposals to the public administration. The Ombudsman does not impose sanctions or annul illegal actions by the public administration. The criminal offenses related to attacks on the environment are normally prosecuted ex officio by the competent public prosecutor. Citizens can terminate the commission of such offense before the competent authorities, submitting a complaint to the competent public prosecutor or police. In addition, private criminal prosecution is available in environmental matters. The Prosecutor can act in cases of criminal offences relating to environmental insults based on the general rules of the Penal Code or on special penal laws provisions. A private lawsuit (by citizens) can also be submitted. Another body dealing with inspections, audits and investigations is the Inspectors-Auditors. The body's main task involves preliminary tests or investigations after public prosecutor's request. The audit process is activated by command of the Special Secretary ex officio, or upon order of the Minister or the General Secretary of the Region. Investigations may also be requested by the General Inspector of Public Administration, the Ombudsman, or the head of an Independent Administrative Authority.

VII. Legal Standing

Legal Standing	Administrative Procedure	Judicial Procedure
Individuals	Any individual in case of disagreement with administrative authorities' decisions may appeal competently and apply remedies' request or special administrative appeal.	**Administrative:** any person who has, against the State or other public entity, monetary claim by a legal relationship governed by public law (Article 71 Administrative Procedure Code). **Civil:** Whoever has the capacity to be the subject of rights and obligations and has ability to be a party (Article 62 Civil Procedure Code).

		Criminal: The civil action for damages and recovery from the crime and the compensation for moral damage or mental anguish can be brought to criminal court by the beneficiaries in accordance with the Civil Code.
NGOs	NGOs may appeal before the administrative authorities.	The Greek Constitution, after its revision in 2001, gives NGOs legal standing right in environmental cases. In most cases the Greek courts considered that the protection of the environment has to be generally described in the statutory objective of the legal entities without being the sole or predominant.
Other legal entities	Corporations, associations, trade unions and groups and entities affected may also appeal.	Corporations, associations, trade unions and groups and entities affected or which are legally able to defend legitimate collective rights and interests. Criminal Judicial Procedure: Any legal person since action is public. Legal persons can intervene as private prosecution in a strict sense.
Ad hoc groups	They may also appeal before the administrative authorities.	Associations seeking a purpose without being unions and companies having no legal personality may be parties (Article 62.2 Civil Procedure Code).
foreign NGOs	According to the law 3422/2005, they can apply for environmental information.	
Any other		

There are no different rules applicable in sectoral or procedural legislation for any of the above actors. Article 24 of the Constitution (after the 2001 Constitutional revision) underlines that “the protection of natural and cultural environment is an obligation of the State and everyone's right”. That means that everyone or a group of people together have the right to appeal before the courts in order to protect the environment proving a particular legitimate interest regarding their case. This collective/class action has the features of actio popularis.

Collective action is the action that may be filed by a consumers’ association on behalf of all consumers in case of a breach of their statutory rights. All consumers benefit from the measures taken under the judgment. The Greek Ombudsman institution cannot have legal standing. If, during the course of an investigation, the Competent Authority refuses to collaborate with the Ombudsman or if there are sufficient indications of criminal acts, the Ombudsman may initiate disciplinary proceedings or refer the case to the public prosecutor. The Prosecutor can act ex officio in case of a criminal offence.

VIII. Legal Representation

The role of a lawyer hired by an individual or by a company or by the state is to be the trusted advisor and representative of the client, the professional who is appreciated by others and the necessary participant in the fair administration of justice. Bringing together all these elements, the lawyer, who faithfully serves the interests of his client and protects their rights, also responds to the duties of lawyers in society, namely the prevention and avoidance of conflict, to ensure that conflicts are resolved according to the recognized principles of civil, public or criminal law and taking fully into account the rights and interests, development of law and defense of freedom, justice and the rule of law. Lawyers are part of the justice system. In administrative procedures the presence of a lawyer is not obligatory. Lawyers are compulsory for the cases before the Supreme Court, but not in the lower level courts, i.e. in the courts for small scale criminal offences. In the criminal procedure the legal counsel is compulsory for the accused. There are law offices and known lawyers specialized in environmental cases and matters. There are also NGOs dealing with environmental protection, but no NGO has a permanent legal service.

IX. Evidence

In Greece, there are no special rules for provision of evidence in judicial cases in environmental matters. Standard court procedures rules apply. The court acts only on the application of a party and decides on the basis of the factual claims made and demonstrated by parties and of the applications that they submit. Procedural steps are taken at the investigation of the party, unless the law provides otherwise. Each party is required to demonstrate only the facts that have a bearing on the merits of the case and that are necessary to support his independent claim or counter-claim. A claim from a party that is not demonstrated is rejected. In civil procedures, each party must prove the facts required for the support of his application. Subjective burden of proof is the risk of the party to lose its ability of proof if the relevant evidence procedure is not completed within the prescribed deadline. Objective burden of proof is the risk of the party of losing the trial if the judge after exhausting all legitimate evidence still doubts as to whether the facts giving rise to critical legal consequences occurred. Criminal procedures in environmental matters are handled by the state prosecutor, who also has to provide all the evidence. In procedures of the Administrative Court (procedure against a negative administrative decision) the parties can provide evidence. All evidence derived either from the administration or from the private litigants is collected in the file of the case. In the proceedings before the Council of State and before the Administrative Courts the evidence before the issue of the ordinary decision for evidence has entirely a means of evidence: the documents, which are presented in principle with the initiative of the parties. Parties can introduce new evidence. The court can also ask for an expert opinion if it considers that there are issues for the understanding of which an expertise is required. The court can appoint an expert if this is requested by any of the parties and the case requires a specific knowledge (Article 368 Civil Procedure Code). Parties can get expert opinions in the procedures if they find experts addressed to specialized bureaus and pay them. The experts exercise public functions in the framework of their expertise. This has practical importance as to the evidentiary strength of their objective findings (binding strength of evidence of public documents, Articles 438, 440 Civil Procedure Code) in comparison with their appreciative judgments that are estimated freely (Article 387 Civil Procedure Code).

X. Injunctive Relief

When challenging an administrative decision, the appeal has no suspensive effect on the challenged decision. However, a special action for suspension can be submitted jointly with the main action. The president of the court or the president of the special chamber of the Council of State has the right to proceed immediately to the suspension by his own individual act. The execution of an administrative act can be suspended if it has been appealed. However, the suspension is potential and is ordered by the Administration or the Court. The majority of environmental cases that have been discussed by the civil courts have been tried in the context of injunctive relief. The inability to fully restore the ecological damage and the fact that the repaired damage compensation covers only private legal goods makes the injunctive relief the only available means to prevent or at least to limit the environmental damages or charges. According to Article 681 of the Civil Procedure Code “the courts in case of emergency or in order to prevent imminent danger may order an injunction relief for the preservation or extinction of a right or to regulate a situation and to reform or to withdraw it”. The need for an interim relief should be treated as rebuttable evidence and arises in all cases of serious threat of environmental damage. The injunction relief ordered by the court in environmental cases intends to prohibit attacks in the future. It is so even if the injunction has been preceded by an unlawful infringement and the injunction does not intend to satisfy the original claim for cessation of the infringement. Civil courts are competent to hear the relief only if they are competent to hear the main case. During the special procedure of injunctive relief, courts in urgent cases or in order to prevent imminent danger, can order interim measures to secure or preserve a right or to regulate a situation and to reform, or to withdraw. The right may be subject to a condition or deadline. The injunction may also be ordered during the trial concerning the main case. If the provisional measures have been ordered before filing the claim for the main case, the applicant shall,

within thirty days from the decision that ordered the provisional measure, sue for the main action, unless the court defined a longer period for filing the claim. If the deadline expires, the interim measure shall be lifted automatically, unless the applicant within this period achieved the summary judgment. If the request for injunctive relief is accepted, the opposing party can ask for its repeal based on data that are not brought to the court. If the request for injunctive relief is rejected the applicant may come back with new arguments.

XI. Costs

Costs depend on the level of the judiciary addressed. For instance in the Council of State the submission of an annulment request costs 150 Euros, while the submission of a suspension request costs 100 Euros. The submission of a statement/memorandum prior the trial costs 100 Euros, while the notification service costs 50 Euros for the Attica region (150 Euros out of Athens). For important environmental problems, decisions are made by several Ministries. That means that the involved citizens, companies etc. are many and consequently notifications are more than one. The representation in the Council of State costs 1300 Euros. Minimum costs vary as follows:

The minimum of costs at the lower judiciary is approximately 500 Euros.

For the Supreme Administrative Court it is 2000 Euros.

Recently judicial costs have been doubled due to the economic crisis and for the decongestion of the courts. Expert fees depend on the case and the specification one may need. For more complex cases it can be 40000 Euros. For less difficult cases, fees are lower. Lawyer fees depend on the specification of the case. Because fees are high, cases are addressed within cooperation between NGOs and citizens in order to share costs. This is the standard practice for lawyers specialized in environmental protection. The cost of an injunctive relief/interim measure is about 400 Euros. The submission of a request for injunction costs 50 Euros, while the notification costs 50 Euros each within the Attica region. If it is out of the capital region, it will cost approximately 150 Euros. Lastly, the ‘loser pays principle’ prevails and is applied by the courts. The meaning is that the loser pays all court expenses. There is an exception when the loser acted in good faith.

XII. Financial Assistance Mechanisms

There are no specific provisions relating to exemptions from procedural costs in environmental matters. There is a general mechanism of legal aid and not a special one for environmental matters. Legal aid beneficiaries are low-income citizens of any Member State of the European Union. Beneficiaries are also low-income citizens and with a stateless third state, where they are legally domiciled in the European Union. Low-income citizens, beneficiaries of legal aid, are those whose annual family income does not exceed two thirds of the minimum individual annual salaries provided by the National General Collective Labour Agreement. There is another program called "Legal Help for the Young” (Youth Legal Aid). Its purpose is to serve free legal assistance to juveniles and socially vulnerable groups of young people (target groups, beneficiaries), covering their representation at court. Cases of people who can benefit from the Program are normally assumed by young lawyers up to 35 years of age. The objective of this program is twofold. First, it focuses on combating social exclusion often experienced by the target groups. Secondly, it encourages and supports young lawyers to take cases involving vulnerable social groups and young children. There is no special legal aid mechanism available in environmental matters. The conditions are the general ones.

The legal assistance is provided at the request of the beneficiary. The application shall indicate briefly the subject of the proceedings or the operation and data certifying that the conditions for aid delivery are present.

The application shall be accompanied by the necessary supporting evidence of economic situation (the copy of tax return or a certification that the inspector is not required to submit a statement, a copy of the statement on the financial situation, tax return, certificates of welfare services, affidavits) and proof of domicile or residence, if it is a citizen of a third State.

The application and supporting documents should be submitted at least fifteen days before the trial where legal assistance is sought. The deadline may be shortened to a subsequent summons. The proceedings are free and there is no mandatory representation by a lawyer.

There is typically no pro bono legal assistance provided by law firms. The only case of pro bono court representation is provided by certain human rights NGOs in particular cases concerning migrants and refugees. Neither are there legal clinics dealing with environmental cases nor are there public interest environmental law organizations or lawyers available to the public in Greece.

XIII. Timeliness

The appeal is submitted to the competent authority or to the supervising authority and its object is the withdrawal or the amendment of an administrative act. The administration must consider the appeal and notify the person concerned of the decision within 30 days unless there are special provisions. In cases where a Minister exercises control after a submission of a special administrative appeal, the deadline is 60 days. Sanctions against administrative organs delivering actions in delay are applied according to the Public Servants Code (law 3528/2007). For judicial procedures in environmental matters, both for the court and for the parties, there are no time limits provided by law. There is no deadline set for the court to deliver its judgment. There are long delays in judicial decisions. However, there is the means of temporary suspension where the Council of State immediately stops the harmful actions against the environment until the court’s final decision. Until now, Greek citizens were addressed the European Court of Human Rights at Strasbourg .According to Articles 53-60 of the law 4055/2012 on fair trial, any party other than the State and public legal entities, which are governmental agencies within the meaning of Article 34 of the European Convention on Human Rights, who participated in administrative proceedings may apply for equitable relief under the condition that the procedure for the trial was delayed unreasonably namely that lasted beyond the reasonable time required to diagnose the factual and legal issues raised in the trial. The application is directed against the Greek government legally represented by the Minister of Finance.

XIV. Other Issues

It is not necessary to go to the courts, this is only an option. The environmental decisions are usually challenged in the administrative procedure or with legal remedies against the administrative decision. Citizens and NGOs are quite active on environmental protection issues acting either during the administrative procedure or before the courts. The Greek judicial system corresponds sufficiently to the principles of the Aarhus Convention. People are quite aware although information on access to justice is very poor and it is not given in a systematic way. There is the official site of the Ministry of Environment, but it does not provide enough information (http://www.ypeka.gr/Default.aspx?tabid=467&language=el-GR). There is no specific ADR mechanism in environmental matters; the out-of-court practice is almost unknown in this field. Mediation is used only in the framework of the Greek Ombudsman Institution. The environmental issues submitted for mediation mainly concern illegal construction, compensation for expropriation, urban issues or waste management etc. However, lastly the law 4055/2012 added an Article 214B to the Civil Procedure Code according to which civil law disputes can be resolved by resorting to judicial intervention. Recourse to judicial mediation, which is optional, can be done before filing the claim or during the proceedings.

XV. Being a Foreigner

There are no anti-discrimination clauses regarding language or country of origin in the Greek procedural laws. There is no reason for such rules as according to the law all foreigners are equal before the law. No other languages are allowed in court procedures. Greek is the official language. Foreigners have to have a translator who is not paid by the government except if the accused is beneficiary of legal aid. There is one more case where the translator is paid by the government: when the court appoints ex officio a translator. If a witness, expert or someone from the attending parties or their legal representatives or the accused does not speak the Greek language, an interpreter is hired. If it is a little known language, an interpreter can be hired. Interpreters are appointed by the judge or by the President of the court.

XVI. Transboundary Cases

The notion of the public concerned in the transboundary context is applied according to the generally accepted rules of international law. In a trial conducted in Greece, legal standing of a foreigner person is judged according to the law of his nationality and of the foreign company under the laws of the country where it is located. But if it concerns an association without legal personality standing is based on Article 62.2 Civil Procedure Code (associations seeking a purpose without being unions and companies having no legal personality, may be parties). In environmental cases, there are no special provisions. International conventions' and treaties' provisions are applicable. In choosing between courts of different countries, it depends on what is the most favorable for individuals or NGOs from the countries' laws.

Related Links

http://www.ypeka.gr/
http://www.et.gr/
http://et.diavgeia.gov.gr/f/ypeka
http://nomosphysis.org.gr/?lang=en
https://www.synigoros.gr/?i=stp.en
http://www.hellenicaid.gr/

Last update: 31/05/2018