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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

19 November 2012

Case No. 4

International Federation for Human Rights (FIDH) v. Greece
Complaint No 72/2011

**FURTHER SUBMISSIONS OF THE GOVERNMENT
ON THE MERITS**

Registered at the Secretariat on 8 November 2011

Collective complaint 72/2011***International Federation for Human Rights v. Greece*****Further Observations of the Greek Government on the merits****General Observations**

Over 1100 both heavy and light industry units operate in the greater area of Asopos River and yet the area is not designated – established as “industrial zone” by law. These units are mainly large metallurgical industries, aluminium industries, food production industries and also medium sized industries such as tanneries, dyeing factories, textile fabric finishing industries, etc, as well as a number of medium and light industries. The area is among those with the highest industrial activity in Greece and operates as an “informal” industrial park with several shortages in infrastructure.

The issue of environmental pollution of Asopos River was publicized in August 2007, when high levels of heavy metals as well as of hexavalent chromium present in the aquifer of the region were detected through measurements conducted by the General Chemical State Laboratory and other accredited laboratories.

The pollution of groundwater and surface water is caused by the presence of heavy metals (total chromium, hexavalent chromium, nickel, arsenic, lead and others) as well as nitrates, whose concentrations are several times higher than the parametric values provided for by the EU legislation on the quality of water intended for human consumption (Directive 98/83/EC Joint Ministerial Decision Y2/2600/2001 O.G. 892 B' 11701).

The Ministry of Environment Energy and Climate Change has declared the issue “Asopos” as a case requiring “Special National Intervention” and the Special Environmental Inspectors’ Office (EYEP) has been given the mandate to conduct supervision and inspection.

The Ministry of Environment Energy and Climate Change (YPEKA), which was established in the early 2010, publicly acknowledged the environmental damage occurred in the greater area of Asopos River (Oinofyta – Schimatari) and its consequences on Public Health. Moreover, tackling this problem by taking serious measures has been considered as key priority by the Ministry’s political leadership.

More specifically, on February the 8th, 2010, the then Minister of Environment Energy and Climate Change presented a “Project for the Integrated Management

of the Environmental Crisis of Asopos” at Oinofyta. This project meets long-standing demands by the local community and industries and has been developed in close and systematic cooperation with all the bodies involved. Its main objectives are the following:

- safeguarding public health,
- reduction and elimination of pollution,
- spatial planning of the informal, until today, industrial areas of Oinofyta and Schimatari,
- ensuring the implementation of measures.

This project consists of and focuses on measures of immediate implementation and measures of medium- and long- term outcome.

It has been noted that the establishment of clear rules, guidelines and procedures, upon which pollution sources will be monitored and industries will be bound to operate, is the main precondition. Moreover, the clear determination of competences of services and the ongoing information of citizens and all the bodies involved will facilitate the implementation of the project, without gaps that provide fertile ground for patronage.

All the competent Secretariats of the YPEKA have cooperated and are still cooperating closely with the then prefectural and the now regional services, the Local Self-Government Authorities and the Civil Society with the aim of elaborating and implementing the said project.

Answers to the additional questions of the European Committee of Social Rights

1. Status of implementation of the relevant provisions of Joint Ministerial Decision No.20488/2010

During the last years the following legislative reforms have been made:

I) Joint Ministerial Decision No.20488/19-5-2010 (O.G. 749, B/31-5-2010) on the “Establishment of environmental quality standards for the River Asopos and threshold values for the emission of liquid industrial waste into the Asopos catchment basin” has been adopted, by virtue of which strict quality limits are established both regarding Asopos River and the emission of liquid industrial waste in the area. Through this regulation:

- Outdated provisions according to which the industries of that area could discharge their liquid industrial waste into the Asopos River have been repealed
- The Joint Prefectural Decision 19649/1979 (O.G. 1136/B) by virtue of which Asopos River was defined as industrial waste disposal duct towards the Gulf of Evia has been repealed

- The cost for the sampling and the laboratory analysis of samples in order to determine compliance with statutory obligations was born by the monitored business activity.

The Explanatory Circular No.106072/23-8-2010 of the Minister of YPEKA entitled "Clarifications on the proper implementation of Joint Ministerial Decision No.20488/19-5-2010" has been issued for the effective and proper implementation of the above Joint Ministerial Decision.

II) By virtue of Decision No.106116/7-9-2010 of the Minister of YPEKA, a Committee consisting of Ministry officials has been established. This Committee cooperates with the Hellenic Federation of Enterprises (SEB) with the aim to monitoring the essential activities and actions so that the necessary decontamination measures be implemented and the compliance of the area's industries with the requirements of Joint Decision No.20488/19-5-2010 be achieved.

III) A Joint Ministerial Decision, which is Supplement of the Joint Ministerial Decision No.19652/1906/1999 entitled "Determination of waters that are polluted by nitrates from agricultural sources – List of affected zones, according to paras.1 and 2 respectively of article 4 of Joint Ministerial Decision No.16190/1335/1997, as amended and in force" has been issued. By virtue of this decision the Asopos River basin is designated as nitrate vulnerable area and an appropriate program of agri-environmental measures is established, in implementation of the EU Directive on pollution by nitrates from agricultural sources.

IV) The Directive on the environmental liability, which was incorporated in the national law through Presidential Decree 148/2009, fully supports the implementation of the principle of "whoever pollutes, pays" as well as the principles of prevention and protection, aiming to a more effective protection of the environment and public health. **It also involves the immediate adoption of measures to prevent and remediate the environmental damage, the cost of which will now be borne by the polluters.**

V) Finally, Act No.4042/2010 on the "Protection of the environment through criminal law – Harmonization to Directive 2008/99/EC - Framework of waste generation and management – Harmonization to Directive 2008/98/EC - Regulation of issues falling under the Ministry of Environment, Energy and Climate Change" (O.G. A' 24/13-02-2012) has been passed. This Act further enhances the concept and the implementation of criminal liability.

More specifically, with regard to the status of implementation of the relevant provisions of Joint Ministerial Decision No.20488/2010, we would like to note the following:

(a) As far as the Decentralized Administration¹ is concerned after the adoption of the Joint Ministerial Decision 20488/2010, the Directorate of Environment and Spatial Planning of the Decentralized Administration of Thessaly – Sterea Ellada called the enterprises, which are located within the limits of Asopos catchment basin and the activities of which are subject to environmental licensing by the said Directorate, to submit technical reports concerning the modification of their environmental terms, in order for them to comply with the above Joint Decision. The number of business activities that come under the above category amounts to thirty two (32). Nineteen (19) of the thirty two (32) activities have responded and submitted Technical Report or Environmental Impact Assessment Study for the modification/renewal of their environmental terms. Until today, the abovementioned Service has issued nine (9) Decisions of Environmental Terms Approval (AEPO) and the remaining ten (10) cases are under consideration (supplementary documents, opinion giving, inspections, etc). The remaining thirteen (13) activities that have not responded to the call, have received a reminder of their obligation for modification of their environmental terms and compliance with the provisions of the Joint Ministerial Decision. The documents have been communicated to the Special Environmental Inspectors' Office (EYEP) of the Ministry of Environment, Energy and Climate Change (YPEKA) so that they might take the necessary actions within their competencies.

It has to be noted that the Directorate of Environment and Spatial Planning had already prohibited from 2008 the subsurface and surface disposal of treated industrial wastewater, through modifications of the respective terms of the AEPO, as these wastes before being treated were hazardous substances, irrespective of concentration, and therefore, a large number of business activities had opted full recycling of treated industrial wastewater before the adoption of the Joint Decision.

As far as the Ministry of Environment, Energy and Climate Change (YPEKA) is concerned, pursuant to Joint Ministerial Decision No. 20488/2010, fifteen (15) industries located within the limits of the area in question, which discharged their wastewater in the ground or into surface water, submitted to the competent Directorate for Air and Noise Pollution Control (EART) of the YPEKA applications together with dossiers concerning the revision of Environmental Terms Approval Decisions (AEPO). The granting of environmental licenses to the said industries fell within the competence of the EART Directorate of the YPEKA, pursuant to the legal framework in force. The procedure of the AEPOs' revision has been completed regarding eleven (11) industries and the issuance of licenses for the remaining four (4) industries is under way.

¹ It has to be noted that with regard the procedure for environmental licensing, depending on the group and the category of activities, the competent authorities are the Ministry of Environment, Energy and Climate Change, the Decentralized Administration and the relevant Regional Unit.

With regard to the conduct of inspections, from 2004 to 2011, the Special Environmental Inspectors' Office (EYEP) has carried out more than 260 inspections and re-inspections mainly in industries located in the greater area of the Asopos River. More than 150 certifications of violations have been issued while the total amount of proposed fines exceeds 6,5 million euros. Every single case, for which violation has been confirmed, was forwarded to the relevant Prosecutor's Office for investigation of possible criminal offences. Moreover, the necessary recommendations and guidelines are given during inspections, on the one hand, to the bodies responsible for the operation of such industries and, on the other, to all the services involved (licensing and inspection authorities) with the aim of monitoring and promoting the compliance of these industries with the requirements of the legislation in force.

The table below presents the inspections conducted in the greater area of the Asopos River from the establishment of the EYEP (2004) up to and including 2011.

It has to be noted that during the current year a series of inspections and re-inspections are under way, mainly in metallurgical industries in the region.

INSPECTIONS CARRIED OUT BY THE SPECIAL ENVIRONMENTAL INSPECTORS' OFFICE IN THE GREATER AREA OF THE ASOPOS RIVER				
	Inspections	Re-inspections	Certificates of violations	Amount of proposed fines
2004	13	-	10	207.500 €
2005	4	-	3	71.100 €
2006	19	1	14	332.480 €
2007	52	10	49	2.374.000 €
2008	43	19	41	1.151.415 €
2009	32	6	12	124.450 €
2010	31	-	17	906.300 €
2011	30	15	27	1.100.000
TOTAL	224	36	146	6.267.245 €

As far as the Region of Beotia is concerned, the following actions have been taken: after the adoption of Joint Ministerial Decision No.20488/19.05.2010 (O.G. 749/B/31.5.2010), the companies, whose wastewater after being treated are discharged in the Asopos River, were invited in writing to submit technical reports on the modification of their environmental terms, in compliance with the above mentioned Joint Ministerial Decision. Till today, the Licensing Department for Development, Energy and Natural Resources of the Region of Beotia has

approved one Environmental Impact Study while two companies have submitted dossiers concerning Standard Environmental Commitments.

(b) With regard to the staffing of the Oinofyta Environmental Inspectors' Office (Section of Sterea Ellada) we would like to inform you of the following: The secondment procedures for the staffing of the Office have already begun. The delay is due to bureaucratic entanglements. The Special Environmental Inspectors' Office made significant efforts with the aim of staffing the Section of Sterea Ellada immediately. Moreover, the Special Environmental Inspectors' Office has ensured that the Municipality of Tanagra is going to offer a space that will house the offices of the Section of Sterea Ellada. It has also ensured the necessary appropriations to cover the initial setup and operating costs. Recently, both the Administration as well as the leadership of the Ministry of Environment made intensive efforts and the transfer of three experienced technicians to the Section of Sterea Ellada is underway. These three technicians will serve as the core of the EYEP in the area while the ultimate goal is the permanent presence of inspectors and the intensification of inspections.

2. Administrative acts in force and related to spatial planning or/and sustainable development of the industrial area of Oinofyta

When locating new industries in the Asopos catchment basin, the Directorate of Environment and Spatial Planning of the Decentralized Administration of Thessaly – Sterea Ellada applies the provisions of Joint Ministerial Decision No.11508/2009 on the “Approval of a special framework for spatial planning and sustainable development of the industry and its strategic environmental assessment” as well as the guidelines presented in the Schimatari General Urban Plan (No 105787/12588/2010, O.G. 60/ΑΑΠ/31-12-2010).

In particular, in the area of Oinofyta, the management of industrial activities is regulated, in the short run, in accordance with the framework of Oinofyta Urban Control Zone which is to be established by law, until the Special Spatial Intervention is concluded, which will reorganize the greater area, according to Joint Ministerial Decision No.26298/2003 on “Regional Framework approval of Spatial Planning and Sustainable Development for the Region of Sterea Ellada” (O.G. 1469/2003).

By virtue of Decision No. 728/21.03.2008 of the Under-Secretary of State for the Ministry of Environment, Energy and Climate Change, a working group has been set up “for the establishment of protection zones for the Asopos River». This group drafted a proposal on the “Determination of special conditions and restrictions in the greater catchment basin of Asopos River”, on which no further elaboration was made.

More specifically, with regard to the Oinofyta area, due to the particular and critical spatial development problems, a regulation for the greater Asopos area was deemed necessary, under the provisions of Act No.3982/11 on the “simplification of licensing procedure for technical professions, manufacturing activities and business parks and other provisions».

It has to be noted that the Special Framework for Spatial Planning and Sustainable Development of Industry, approved in 2009 (O.G. 151/AAP/2009) presented the

general guidelines on the organization of industry in the Beotia Prefecture and Oinofita area. In order to address problems in areas where industrial units were concentrated in a non-formal way, a new type of industrial activities' reception area, in particular, the "reception area for remediation" has been introduced inter alia.

In implementing the guidelines set by the Special Framework, Act N.3982/11 introduced the Remediation Industrial Parks (EPE) that organize the existing industrial units concentrated in a non-formal way, with the aim of providing remediation solutions. The existence of environmental problems is a precondition for the creation of EPEs (for example, negative reports made by the Environmental Inspectors, fines imposed, problems in the aquifer, traffic congestion etc). The minimum area is set at 100 acres and the total surface of structured land must exceed 20% of the total delimited area.

Finally, it has to be noted that the urban planning of the municipalities affecting the Asopos River has been completed following the cooperation of the Region of Sterea Ellada with the Directorate for Urban Planning. To this end, an informal team has been set up, under the direction of the Special Secretariat for the Environment and Energy Inspectorate (EGEPE), dealing with issues related to spatial planning in the greater area of Oinofyta-Schimatari. More specifically, the General Urban Plans of Schimatari, Avlida and Thebes have already been approved.

3. Adoption of a «river basin management plan» also referring to the Asopos River

The River Basin Management Plan of Eastern Sterea Ellada Water District (GR07), which includes the Asopos River basin (GR25), is drawn up by the Special Secretariat for Water (EGY) of the Ministry of Environment, Energy and Climate Change (YPEKA), in accordance with article 7, para. 2, sec. b' of Act N. 3199/2003.

The drawing up and the implementation of the River Basin Management Plan constitute an obligation of the State in compliance with Directive 2000/60/EC, which came into force on 22 December 2000. The country's institutional framework has been harmonized with Directive 2000/60/EC, through the following legislative acts:

- Act N. 3199/2003 (O.G. A' 280) on the "water protection and management - harmonization with Directive 2000/60/EC of the European Parliament and of the Council, of 23rd of October 2000", as amended by Acts N. 3481/2006, N. 3587/2007, N. 3621/2007 and N. 3734/2009.

- Presidential Decree 51/2007 (O.G. A' 54) "Specifying measures and procedures with respect to the integrated protection and management of water, in compliance with the provisions of Directive 2000/60/EC "establishing a framework for Community action in the field of water policy" of the European Parliament and of the Council of 23rd of October 2000", mandated by the provisions of article 15, para. 1 of Act N. 3199/2003.

The contents of the Management Plan are described in article 13 and in Annex VII of Directive 2000/60/EC. The Management Plan is a strategic planning document, containing the necessary information and operating instructions and guidance for the integrated water management at river basin level. The implementation of these instructions serves the main objective of Directive 2000/60/EC, which is the achievement of "good" water status and the protection of waters (surface and underground) and ecosystems.

The proposed River Basin Management Plan of Eastern Sterea Ellada Water District has been put to public consultation in order to be finalized and subsequently approved, in accordance with the provisions of as well as the procedure provided for by articles 6 and 7 of Act N.3199/2003.

Public consultation began on 13 of January 2012, when the report on the measures to be taken after consultation, the list of social partners and the review of major water management issues were published at the Management Plans website (<http://wfd.opengov.gr>).

The documentation texts of the Management Plan of Eastern Sterea Ellada Water District, including the measures (basic and supplementary), in accordance with article 11 of Directive 2000/60/EC have been posted at the above website since 3/5/2012.

Furthermore, the presentation of the Programme of measures and of the Strategic Environmental Assessment, which assesses the impact of the measures proposed to be taken on the environment, was made in open and public one day workshops and working meetings held in Lamia, Levadia and Volos.

The Management plan under consultation includes the actions on the protection of waters related to Joint Ministerial Decision No.20488/2010 (O.G. B' 749).

4. Adoption of a "hazardous waste management plan"

The Ministry of Environment, Energy and Climate Change has taken a series of actions aiming at the adoption of a hazardous waste management plan. More specifically, in February 2010 a feasible compliance program was sent to the European Commission on how to address the main problems identified and reflected in the EU Court ruling, namely:

- Poor inventory of the quantities and types of hazardous waste produced.
- Lack of mapping of suitable sites where hazardous waste management facilities could be established and non-usage of all the necessary criteria to determine these sites.

- Substantial lack of waste management infrastructure and more specifically of landfills for hazardous waste (XYTEA) as well as the fact that the temporary storage of waste inside the production facilities, which is the common practice as regards hazardous waste management, becomes permanent due to the repeated renewals of the relevant licenses.

In order to achieve compliance, progress has been made by the Greek authorities in the following fields:

- Inventory of quantities and types of hazardous waste produced that was communicated to the EU by sending the relevant data. The systematic recording to quantities is carried out through the Annual Report of Waste Producer (EPPA), pursuant to Directive 2150/2002 on waste statistics. The Annual Report of Waste Producer is submitted by every environmentally licensed facility in February of the following year.
- Mapping of suitable sites where hazardous waste management facilities could be established and use of all the necessary criteria to determine these sites. The relevant data have been communicated to the EU.
- Construction of hazardous waste final disposal facilities as follows: The YPEKA has finalized the framework that will facilitate the necessary infrastructure planning. The cost for the creation of the said infrastructure will be borne by the producers of hazardous waste, in application of the principle of “whoever pollutes, pays”. In this context, the YPEKA has invited investors/waste producers to submit proposals for the construction of hazardous industrial waste final disposal units, so that the latter may elaborate the necessary Environmental Licensing Studies taking into account the criteria mentioned in circular 18/2011 as well as the conclusions of the “Study to determine suitable sites for the construction of hazardous waste treatment and final disposal facilities”.

In addition to the above, in May 2012, the Environmental Pre-monitoring Dossier of the “Updated National Hazardous Waste Management Plan” was submitted to the competent authority (EYPE), in accordance with the procedures provided for by article 5 of Joint Ministerial Decision No.107017/2006 (O.G. 1225/B/5-9-2006), in compliance with Directive 2001/42/EC, with the aim to assessing whether the proposed updated national plan may have significant impact on the environment and, subsequently, whether a Strategic Environmental Assessment is needed. The said decision is expected to be issued after the relevant consultations.

With regard to the estimated final compliance schedule, the Greek authorities estimate that compliance has been achieved to a large extent and that the deficiencies which led to the country’s conviction have been mostly addressed. More specifically:

- The systematic recording of hazardous waste quantities is carried out annually, pursuant to Directive (EC) 2150/2002 on waste statistics and in the context of informing the YPEKA and the environmental offices of the Regional and Decentralized Administrations of the country, as imposed by the existing law. Data is sent to the Hellenic Statistical Authority and subsequently to EUROSTAT.

- The mapping of suitable sites where hazardous waste final disposal facilities could be established has been completed and all the necessary criteria for the determination of these sites have been established.
- Although the relevant procedures are underway, until now no proposal for licensing the installation of a hazardous waste final disposal facility has been submitted by any of the investors who had expressed interest in July 2010, apparently due to the negative economic conditions in the country.

5. Establishment of a specific limit on hexavalent chromium levels in drinking water

With regard to the establishment of the highest parametric value for hexavalent chromium in water intended for human consumption, we would like to mention the following: the national legislation in force on the quality of water intended for human consumption has been adopted in full compliance with the Community Directive 98/83/EC, which sets the highest parametric values including the one for total chromium at 0,05mg/l or 50 µg/l. The said value is in compliance with the guidelines of the World Health Organization for drinking water quality (guidelines for drinking water quality).

According to the guidelines of the World Health Organization (Guidelines for drinking water quality), “hexavalent chromium has been classified as carcinogenic when inhaled, yet there are technical difficulties in making analytical measurements and insufficient toxicological data on its effects when swallowed”, does not propose a limit for hexavalent chromium but for (total) chromium. It has to be noted that even in its most recent issue (4th issue 2011) entitled “Guidelines for drinking water quality” the World Health Organization does not propose a limit for hexavalent chromium but for (total) chromium.

According to the national legislation (Joint Ministerial Decision No. 2600/2001) compliance with the parametric value of 50 µg/l for (total) chromium is compulsory and any excess over that value should be announced to the public by the competent water supply authorities (Local Self-Government Authorities, Water and Sewage Public Enterprises. etc.), water supply should be interrupted and remedial action should be taken as soon as possible to restore the quality of the water.

The Ministry of Health, in order to better address both the issues of drinking water quality at the Municipality of Oinofyta and of setting a limit for hexavalent chromium, has taken the following actions:

-Since 2007, it has been informing and sending Guidelines to the Department of Health of South East Viotia so that health and sample checks might be conducted and all the necessary measures for ensuring drinking water quality and Public Health might be taken.

-Issued circulars on the systematic recording of hexavalent chromium concentrations in drinking water for a period of one year within the country with the aim of assessing the presence and the levels of hexavalent chromium in drinking water in various regions of Greece.

-Addressed a relevant question regarding a) the setting of a limit for hexavalent chromium in water intended for human consumption and b) the setting of parametric value for hexavalent chromium for which the supreme health authority (Main Health Council) is expected to give opinion.

- Through the Hellenic Center for Disease Control and Prevention, it assigned the Medical School of Athens University to conduct an epidemiological study on any health effects from the consumption of water on the residents of the greater area of Oinofyta.

-Took part in meetings of the Special Environmental Inspectors' Office of the YPEKA, during which it stated that the key elements of ensuring Public Health and solving the problem is the remediation of polluted areas and the immediate and systematic taking of all appropriate measures for the protection of water resources, by implementing the legislation on hazardous waste disposal with the aim to avoid pollution effects on underground aquifers and safeguard their quality.

-Organized along with the YPEKA (in January 2011) an international conference, held in Athens, on the examination of all aspects of the presence of hexavalent chromium in drinking water. The main conclusions of this conference have been presented in a press release issued by the YPEKA.

- In 2012, it convened a meeting with the participation of the bodies with shared competence in order to set a limit for hexavalent chromium in water intended for human consumption. The participants agreed that the country's legislation is based on existing international standards, follows the requirements of the community legislation in force and is in full compliance with the guidelines of the World Health Organisation.

It has to be noted that the establishment of new quality limits at national level – in addition to the ones provided for by Directive 98/83/EC - implies a series of documented data that correlate the hazard rating of quality parameters with the route of exposure (inhalation, ingestion, occupational exposure, etc), the use (irrigation, water supply, etc) and the impacts on Public Health.

The evaluation of the said data (reliability, degree of correlation), also by taking into account the lack of toxicological data regarding ingestion at international level – as mentioned by the World Health Organization - will show whether there is a need to establish new parameters and/or new parametric values.

The competent authority of the Ministry of Health monitors international developments and if, based on the above, adequate and documented scientific and toxicological evidence is found concerning the setting of hexavalent

chromium limit in water intended for human consumption, it will draw up a special legislative regulation.

Also it has to be noted that as regards the monitoring of the quality of waters (surface and underground), the National Monitoring Network for the quality and the quantity of waters has been established. The sampling stations as well as the bodies responsible for their functioning have been established, in accordance with article 4, para.4 of Act N. 3199/2003 (A' 280) by virtue of Joint Ministerial Decision No.140384/2011, (O.G. 2017 B 09.09.2011).

This Network aims at monitoring the Quantitative and Qualitative characteristics of inland, transitional, coastal and underground waters of the country, in accordance with the requirements of Directive 2000/60/EC on Waters. It includes more than 2000 locations for sampling and measurement of both chemical and biological parameters.

Regarding the Asopos River catchment basin, there are almost 100 locations for sampling and measurement, where, in addition to other parameters, the concentration of total chromium in groundwater systems within the boundaries of the Asopos basin, has also been planned to be monitored.

6. Measures already implemented in order to provide a) clean drinking water to the people living in the Oinofyta area b) quality water for other uses (notably agricultural)

In accordance with the provisions of the national legislation on the quality of water intended for human consumption, the Municipal Authority or the equivalent local Organization or Enterprise or Association of Municipalities and Communities is responsible for the water supply to the Municipalities.

Those who are responsible for the water supply are (inter alia) responsible for the conduct of sanitary identifications, laboratory tests and the taking of measures with the aim of providing drinking water in quantities sufficient for the needs of the population without interruptions. They are also responsible for the water supply system which should be free from any health risk.

We would like to remind you that the bodies of the Ministry of Environment (Special Secretariat for Water) or the bodies of the Ministry of Rural Development are responsible for the monitoring of the quality of water intended for use other than human consumption.

Joint Ministerial Decision No.Y2/2600/2001 (O.G. 892B/11-7-2001) on the "quality of water for human consumption" as amended by Joint Ministerial Decision No.DYG2/G.P.38295/22.3.07 (O.G. 630/B/26.4.2007) constitutes the national legislation on the monitoring of the quality of water intended for human consumption and is in full compliance with Council Directive 98/83/EC of 3rd of November 1998 on the quality of water intended for human consumption.

In close cooperation with the Athens Water Supply and Sewerage Company (EYDAP), the Region, the local Municipal Water Supply and Sewerage Companies, and the Local Self-Government Authorities, the necessary actions have been initiated for a safe supply of clean drinking water to the residents of the area while the required resources have been secured. More specifically:

- The EYDAP is now responsible for the water supply to the Municipality of Oinofyta. The parametric values for chromium do not exceed the limits and the quality of water intended for human consumption meets the requirements of EU and national legislation.
- The EYDAP has concluded studies and tender dossiers for the required upgrade projects for the Oinofyta refinery and the water transfer from Mornos to the communities of the region (Neohoraki, Eleonas), through the city of Thebes refinery.
- The water supply to the community of Dilesi comes from an existing borehole at the location called "Loutsa" and from portable water tanks located in the area, since the construction of the water supply pipe has not been completed.
- With regard to the Municipality of Agios Thomas of Oinofyta, the construction of the refinery has been completed since 2006, thus, the area's water supply comes from the EYDAP and not from boreholes. The measurements conducted show that the chemical parametric values, as defined by Joint Ministerial Decision No.2600/2001 for the Schimatari area, do not exceed the limits. Only the microbiological indicators occasionally exceeded the quality guideline which was remedied by systematic chlorination, cleaning of tanks etc.
- The Region of Sterea Ellada has included the relevant projects for funding. The implementation body is the Municipal Water Supply and Sewerage Company of the city of Thebes and the funding was ensured by the YPEKA (Operational Program "Environment and Sustainable Development"). The appropriations have already been allocated to the Region. The contractor has already been appointed and the projects are being implemented by the Region.

Additionally, the municipality of Tanagra being the provider of drinking water has launched the following actions:

- Monitors on a monthly basis all the parameters (chemical and microbiological) that determine the quality and informs the public of the measurements' results (posting on the website of the Municipality, posting on a board at the offices of the municipality, informing the local press),
- Periodically checks the quality of water from public and private boreholes located in the Asopos basin,
- Conducts inspections on rejected wastes either independently or in cooperation with the Special Environmental Inspectors' Office of the YPEKA.

- Conducted a feasibility study to supply water to the Municipality from Mornos and in cooperation with EYDAP requested the funding of the project to be included in the operational program "Environment and Sustainable Development

Moreover, the competent services of the Regional Unit of Beotia (Region of Sterea Ellada):

- Systematically and consistently have been monitoring the quality of drinking water since 2004, within their capacity, in the whole Beotia Prefecture and more particularly in the regions close to the Asopos River. They have intervened in all cases where such action was required, in cooperation with the Local Self-Government Agencies responsible for the water supply, in order to deal with sanitary risks with the aim of protecting and safeguarding Public Health.
- Implement circular No YG2/ 64340, monitor and record concentrations of hexavalent chromium in drinking water.
- Participate in the research activities of the National Technical University of Athens entitled "Chromium in Asopos groundwater system» of 4 years duration. The aim is to assess its impact on soil quality, research for chromium of geogenic origin (indigenous pollution, high concentrations of natural background), identify sources of anthropogenic origin and set threshold values for chromium in groundwater systems of the Asopos River basin.

During sampling conducted by the Municipality of Oinofyta on 24/7/2007, for the first time it was found that the parametric value of total chromium exceeded the set limits in the water supply network of the Administrative Division of Oinofyta. The concentration of total chromium was found to be 50,3 mg/l, showing a deviation of $\pm 2,9$, in a single sample (which is not representative of the average weekly amount consumed according to the national law). The Department of Health issued instructions for immediate discontinuation of water use for human consumption and measures to be taken concerning alternative ways of water supply, mainly for preventive purposes, since the sample was a single one and not representative.

Subsequently, the Municipality of Oinofyta immediately took the following actions:

- Issued a resolution on the unsuitability of water,
- Informed the consumers (by means of notices to the residents of the municipality characterizing the water as undrinkable, press releases to the media, interviews)
- Informed the foreigners who worked or lived in the area, in the presence of the Ambassador of Pakistan,
- Installed water coolers in all the schools,

- Installed portable water tanks with water from the EYDAP,
- Immediately started searching for alternative sources of water supply and leased a private well which was added to the network and thus due to the combined use of boreholes, the values of the critical parameters remained within the limits set by the current legislation.
- Took actions so that the supply of water to Oinofyta and Dilesi might come from the EYDAP and on 13-9-2007 signed a new water supply contract with the EYDAP.

Moreover, we would like to inform you that within the framework of the Local Self-Government Development Program “THISEAS” (2005-2009), the following projects concerning the improvement of the municipal water supply have been included following a proposal submitted by the former Municipality of Oinofyta:

- construction of water refinery and water supply pipe for the Administrative Division of Oinofyta by the EYDAP, with a budget of 858.310,00 Euros
- construction of a water supply pipe that will transfer the treated water from the water tank to the community of Dilesi of the Oinofyta Municipality, with a budget of 1.000.000,00 euros
- construction of water supply pipe that will transfer treated water from the Agios Thomas refinery to the Administrative Division Klidi, with a budget of 150.000,00 euros.

7. Initiatives already taken to assess, through epidemiological monitoring, the health risks for the population concerned by the water pollution

Oinofyta and the greater area of the Asopos River are facing a serious problem of environmental damage caused by pollution. The establishment and the operation of the **Health Observatory** in the greater area of Oinofyta is the response to the urgent need for solutions created by the problems of the region.

The project has been assigned by the Center for Disease Control and Prevention (KE.EL.P.NO) within its responsibility for the epidemiological surveillance of the country and is implemented by the Institute of Preventive Medicine, Environmental and Occupational Health, “Prolepsis”, and the Athens University in cooperation with scientists from Harvard and Dartmouth University of the USA. The project was launched in late 2009 with a projected duration of 7 years.

The Health Observatory aims at recording, analyzing and monitoring the health of all people living and/or working in the area. With regard to Oinofyta, special emphasis is given to the recording of chronic diseases,

such as respiratory problems, skin diseases, cancers and their relationship with the quality of the environment.

Within the framework of the Health Observatory, an epidemiological study has been elaborated and implemented in the area, in response to the long-standing demand of the residents for a study on the impact of environmental and industrial factors on health. Data have been collected at the Diaconal Center of Oinofyta as well as at the health center and IKA local offices for a short period of time.

Furthermore, morbidity studies of the population are underway. Currently, 1811 replies of adults to questionnaires have been collected which are being entered in special databases and gradually analyzed. Moreover, lung function tests have already been conducted on all the children of the 5th and 6th grade of Oinofyta Elementary School, following the written consent of their parents (62 children). The results of the said respiratory morbidity study show high incidence of asthma symptoms, even after comparing the results with data from a similar population of school children (42 children from the Elementary School of Makrakomi in Lamia) not exposed to industrial pollutants.

Also it has to be noted that from the beginning of the epidemiological study until now 11 informative events/presentations have been made to representatives of the Local Self-Government Agencies and the State, in schools, parents associations, elderly care units as well as to scientific, health and social institutions of the Oinofyta greater area.

The detailed recording of the health status of the population, which is successfully carried out by the Health Observatory and the epidemiological study, constitutes a valuable scientific knowledge which shows the need for measures that will protect public health and will upgrade the environment. Both this project as well as similar ones, which should be implemented in areas suffering by atmospheric pollution, aims at reducing population morbidity by reducing exposure to risk factors while improving the therapeutic effect through early diagnosis.

8. Status of the judicial procedures relating to the pollution of the Asopos River (in particular, on the procedures still pending when the complaint was initially lodged)

The Ministry of Environment, Energy and Climate Change has no exact data on the number of cases for which action is pending and related either to administrative sanctions (fines), proposed and imposed by the Special Environmental Inspectors' Office (EYEP), or to prosecutions for violations confirmed by the EYEP, since court decisions are not communicated to the later. The EYEP is indirectly informed on the judicial handling of these cases either when it is notified of the exercise of legal remedies against administrative

sanctions (suspension requests, appeals against decisions imposing a fine), or when the inspectors are required to attend as witnesses in criminal trials for cases handled by and forwarded to the Prosecutor's Office for investigation of possible criminal offenses.

It has to be noted that normally requests for suspension or appeal are filed for almost all decisions imposing a fine on the recommendation of the EYEP, and despite the fact that the EYEP refutes these requests, it is rarely and indirectly notified of the administrative courts' decisions.

With regard to criminal proceedings, it has to be noted that currently a case involving fifteen industries of the region for which violations had been confirmed by the EYEP, mainly for the period 2006-2008, is heard in the courts.

9. National bodies responsible for the protection of the Asopos River

The shared competence between multiple services at central and regional level in relation to Asopos River and the greater area, as well as between multiple Ministries (YPEKA, Ministry of Health, Ministry of Rural Development and Food, Ministry of Infrastructure, Transport and Networks) creates difficulties in addressing the problems immediately and effectively and causes delays in the implementation of measures that fall under the shared competence of these bodies. It has to be noted that the issue of drinking water quality falls under the exclusive competence of the Ministry of Health, while food safety issues fall under the exclusive competence of the Ministry of Rural Development and Food.

Despite the delays in the above issues, both the intention of the competent bodies to take action as well as their efforts are now obvious.

More specifically, the Special Secretariat for the Environment and Energy Inspectorate, which has a coordinating role and is responsible for the supervision and monitoring of the implementation of environmental legislation, has invited the competent bodies to intensify their efforts.

Moreover, the Coordination Office for the Implementation of Environmental Liability, the competent authority at central administration level established by Presidential Decree 148/29-9-2009, promotes the establishment of Regional Committees at decentralized administration level, the priority of which will be the prevention and remediation of environmental damage caused in Asopos River area, in close cooperation with the Decentralized Administration of Thessaly – Sterea Ellada and the competent Regional Committee for the Management of Environmental Damage, and has already identified several environmentally liable enterprises.

10 - 11. Concrete initiatives taken by the Beotia Prefecture and the Tanagra Municipality with respect to the pollution of the Asopos River

Actions and initiatives with respect to the pollution of the Asopos River taken both by the Beotia Prefecture and the Tanagra Municipality were presented in the response to the other additional questions of the European Committee on Social Rights.

In particular, for the Tanagra Municipality the following should also be mentioned:

The Municipality of Tanagra, after the merging of Municipalities and Communities in accordance with the “Kallikratis” plan, now consists of the former Municipalities of Schimatari, Oinofyta, Tanagra and Dervenochoria. The Asopos River runs within the administrative boundaries of the Municipal Unit of Oinofyta.

Since 01/01/2011 the newly established Municipality of Tanagra has taken various actions with the aim of decontaminating the Asopos River which has also polluted the aquifer of the greater area. More specifically, the Asopos River catchment basin is one of the most polluted areas in the country due to the unregulated and uncontrolled operation of businesses in the informal industrial area of Oinofyta – Schimatari for years. The aquifer of the area has been contaminated by heavy metals, including hexavalent chromium.

In particular, the Municipality of Tanagra:

- Has requested the approval of the General Urban Plan for the greater area of the Municipality, since the land use planning has been completed only for the Municipal Unit of Schimatari. Yet, a study on the land use planning for the whole Municipality under the “Kallikratis” plan is necessary, since after the merging of municipalities the following have been noted: (a) proximity of the Municipality to the urban area of the Capital City, (b) high concentration of industrial units of national dimension and importance located outside the urban area, but not in organised reception areas. They are mainly located in the polluted area of Oinofyta contributing to the significant pollution of the aquifer and of the Asopos River and (c) increased mixing of land use types (b’ residential – industrial – light industrial – agricultural – forest land – commercial – recreational). The General Urban Plan will create the strategic and institutional framework which will include all the subsequent urban planning interventions, such as urban renewals, urban studies, implementation acts, etc. The Municipality can support the elaboration of a single General Urban Plan for the whole Municipality, on condition that sufficient funding is provided for the required studies. The Municipality of Tanagra claims the sum of 500.000,00 € by the Ministry of Environment, Energy and Climate Change.

- For the effective protection of the Asopos River, the Municipality has requested the Ministry of Environment, Energy and Climate Change as well as the Ministry of Transport, Communication and Networks to demarcate the river boundaries and determine protection zones by means of appropriate flood protection works. This is deemed necessary and it should be done prior to the establishment of industrial parks. The need for demarcation of industrial zones and other zones suitable for production activities through urban planning is imperative in order to provide integrated services by means of infrastructure networks and to reduce the environmental degradation.
- Although it has no competence to conduct environmental inspections, it has periodically carried out inspections at liquid waste disposal sites with a view to protecting citizens' health. In this context the establishment and the functioning of the Environmental Inspectors' Office is deemed necessary in order to perform daily inspections. The intensification of inspections by the Environmental Inspectors and the competent services of the Region will contribute to the gradual compliance of the companies with the requirements and to the reduction of serious pollution incidents.
- The Municipality has already reached an agreement with the EYDAP and a study is being carried out on the irrigation and, in general, the supply of clean water to the area from Lake Yliki, given the proven deficient hydrological balance of the Asopos basin. This can be achieved by draining off large quantities of water (10.000 cubic meters daily) towards the Tanagra airport area, in order to grow hydrophilic plants on large surfaces in and around the airport area but also by draining large quantities of water (20.000 cubic meters daily) for irrigation. The study on the implementation of the said proposal is being carried out by the EYDAP and the estimated cost amounts to 10 million euros.
- Moreover, actions have been taken regarding the elaboration of an initial study with a budget of approximately 24 million euros, on the construction of a Central Water Refinery through which water from Mornos will be supplied to the entire basin in order to meet the needs of the area (residential and industrial). The Municipality of Tanagra has submitted a comprehensive proposal on water supply utilizing natural flow water towards the entire basin, with an estimated cost of 25 million euros. According to the proposal the construction of such a unit is not only technically feasible but also cheaper than the existing facility (operation of three small refineries).
- By means of one day workshops that has already conducted and continues to conduct in the greater area, the Municipality tries to inform and raise the awareness of the citizens of the area with regard to saving and rational use of water.
- The Mayor of Tanagra actively participates in five (5) committees set up by the Ministry of Environment, Energy and Climate Change on problems related to the Asopos River catchment basin.

In addition to the above mentioned actions taken by the Regional Unit of Beotia in order to deal with the Asopos River pollution, the former Beotia Prefecture has taken the following actions:

- The subsurface disposal of wastewater was discontinued and the companies were obliged to invest in new methods of waste management and to hold a waste management license.
- The Team for Environmental Quality Inspections (KEPPE) started conducting inspections and continues to conduct them till today.
- The environmental register was created and the units operating in the area were recorded.

12 - 13. Specific initiatives taken in the area of Oinofyta by local, regional and/or national authorities to inform and educate the population on the environmental pollution problems and to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health

Within the framework of the consultations for the Water Resources Management Plan of Sterea Ellada (which also includes the Asopos Basin), the Special Secretariat for Water and the Decentralized Administration of Thessaly-Sterea Ellada have taken the following actions:

-All the bodies concerned have been invited to participate in a public and transparent dialogue through an interactive website (wfd.ypeka.gr). The parties interested can comment on and be informed of already submitted comments and present their views accompanied by any supporting documentation.

-The Special Secretariat for Waters organized seminars and one-day meetings in all the water districts of the country, which are open to all the bodies concerned and to the public for information and exchange of opinions (all the competent regional bodies have been invited to organize additional events, targeted on special management issues concerning the districts or the regions, where user groups may participate).

-The YPEKA regularly gives information on the progress made in the implementation of measures related to Asopos River.

-Visit of the then Minister, Mr G.Papaconstantinos, in October 2011, in the Municipality of Tanagra where he discussed all the issues with the representatives of the Local Self-Government and other bodies of the area as well as with officials of the YPEKA, and issued a relevant communication on the progress of implementation of the measures taken for Asopos River.

-On the 19th and the 20th of January 2012, the Special Secretariat for the Environment and Energy Inspectorate organised a two day workshop on the implementation of the Directive on environmental liability and the Asopos area, with the participation of representatives of the Decentralised Administration services, of enterprises established in the region of Sterea Ellada, and of NGOs operating in the area.

-The Special Secretariat for the Environment and Energy Inspectorate is conducting an open consultation on February 10, 2012, (two years after the first announcement in Oinofyta) on the progress made regarding the implementation

of the Project for the Integrated Management of the Environmental Crisis of Asopos.

14. Other possible initiatives taken by public authorities to face the environmental crisis of the Asopos River

A. Setting up of a Committee by the Special Secretariat for the Environment and Energy Inspectorate that will monitor the implementation of the measures for the Asopos River (February 2012)

With the aim of activating the bodies with shared competence, the Special Secretariat for the Environment and Energy Inspectorate (EGEPE), after a meeting of the bodies organized in February 2012 to evaluate the results obtained until then, set up a Committee that would intensify the coordination of actions for the implementation of Joint Ministerial Decision No. 20488/2010 and monitor the implementation of the Integrated Program for the Management of the Environmental Crisis at Asopos at central and regional level. All the parties concerned (such as services at central, regional and local level, the Municipality of Tanagra, the Ombudsman, the EYDAP, representatives of the industries and of local associations, etc) participated in the Monitoring Committee, assigned initially with the elaboration of proposals and taking initiatives and actions towards the following:

- Compliance of industrial and other activities with Joint Ministerial Decision No. 20488/2010 on Asopos
- Disposal of water for urban and industrial use and irrigation
- Considering the construction of a Central Industrial Waste Treatment Unit while finding temporary solutions for the treatment and the management of industrial waste (hazardous and non-hazardous),
- Accelerating the implementation of an integrated program for the Management of the Environmental Crisis at Asopos
- Spatial planning of the informal industrial zone (Oinofyta – Schimatari),
- Considering practices followed by other EU Member States,
- Issues relating to the implementation of environmental liability directive

The Conclusions of the Committee that need immediate resolution are the following:

- The water supply to the area comes from boreholes and the water is considered to be unsuitable for industrial use, a fact that does not facilitate the implementation of the relevant Joint Ministerial Decision and makes the construction of a Central industrial liquid waste treatment unit a topical issue. There are serious difficulties in finding investors due to the current economic crisis. The construction of a Central industrial liquid waste treatment unit with the cooperation of major industries and liquid waste producers of the region, the Central, Decentralized and Regional Administration and the Municipality of Tanagra and with the

participation/contribution of the EYDAP, because of its reliability and know how, constitutes the integrated and comprehensive solution to the issue of contaminated surface and ground water as well as soil of the region, due to the disposal of untreated or partly treated liquid industrial waste.

- High quality water supply for urban and industrial use and irrigation because, on the one hand, the use of suitable water for irrigation may contribute to the gradual reduction of pollution in a natural way and to the remediation of contaminated soil, safeguarding thus the quality of agricultural products, and on the other hand, facilitates the industries to achieve water quality limits and parameters set by virtue of the Joint Ministerial Decision on Asopos. The comprehensive and definitive solution to the problem can be achieved through the supply of water from Mornos both for urban-industrial and for agricultural use, since data from the EYDAP show that there are adequate quantities of clean water and central water supply networks.
- The temporary disposal of pre-treated industrial liquid waste, with strictly defined pollution load limits, to the Industrial Waste Well of the EYDAP at the Sewage Treatment Center in Metamorfosi. Subsequent transfer to the Sewage Treatment Center at Psitalia island by means of road tankers, for final treatment, ensuring thus a reliable transport, disposal and treatment system (accreditation of the procedure) as well as cost control.
- Intensification of inspections by the Environmental Inspectors and the competent Services of the Region.
- Demarcation and protection of the Asopos River boundaries by means of appropriate flood protection works.
- Financing the spatial planning of the informal industrial zone.
- Elaboration of the General Urban Plan of the Municipality of Tanagra.

The Committee's proposals are being assessed and integrated into the final Water Management Plan with regard to water and wastewater treatment issues.

B. Program LIFE

Moreover, the YPEKA, through the Special Secretariat for Waters, participates in the research activity of the National Technical University of Athens, which is funded by the European Program LIFE+2010, entitled "Chromium in Asopos groundwater system: remediation technologies and measures" (LIFE10 ENV/GR/000601). The project is of a total budget of 2,7 million euros and will last for 4 years (2011-2015). The Region of Sterea Ellada as well as the Technical University of Crete participate in it.

The objective is the determination of maximum allowable values for chromium in the groundwater system of Asopos River basin pursuant to the provisions of the Directive on the protection of groundwater. Within the framework of this project appropriate treatment technologies to monitor the high concentrations of total and hexavalent chromium in groundwater will be implemented.

The objective is the determination of maximum allowable values for chromium in the groundwater system of the Asopos River basin pursuant to the provisions of the Directive on the protection of groundwater. Within the framework of this project appropriate treatment technologies to monitor the high concentrations of total and hexavalent chromium in groundwater will be implemented. The EGEPE and the EYEP are in close cooperation for the exchange of information and expertise with the research team of the National Technical University of Athens in order to better achieve the objectives of the program.

15. Status of the implementation of relevant CE/EU directives

As regards the implementation of directives on the environmental licensing for projects and activities and the environmental impact assessment of certain projects and programs, it has to be noted that to date no problem has arisen concerning the application of the EU Law. In particular Directive 85/337/EEC and its amendments have been fully integrated into the Greek Law. Recently, Act No 4014/2011 (O.G. A209/21.09.2011) has been adopted according to which the environmental licensing procedures are simplified without deviation from the spirit of the law.

More specifically, by virtue of article 1 of Act No. 4014/2011 the type of environmental licenses depends on the classification of projects and activities of the public and the private sector in two categories (A and B) based on their environmental impact. Category A includes projects and activities that are likely to cause significant adverse impact on the environment. An Environmental Impact Assessment (EIA) is, therefore, required in order to determine the environmental impact of a project or activity and to impose conditions and restrictions towards effective environmental protection. The subcategory A1 includes the projects and activities that are likely to cause very significant adverse impact on the environment while subcategory A2 includes those that are likely to cause significant adverse impact on the environment. As regards category B, it includes projects and activities that cause, locally or not, just significant impact on environment and, therefore, they are subject to general requirements, conditions and restrictions concerning environmental protection.

In practice, the following procedure, in brief, is applicable to environmental licensing of projects and activities of category A:

The promoter of the project or activity may ask the competent environmental authority to give opinion on the Preliminary Determination of Environmental Requirements (PPPA).

Subsequently and on condition that a positive opinion is given on the PPPA or if the project promoter has not taken advantage of this possibility, a dossier of the Environmental Impact Assessment (EIA) is submitted. The EIA is made public and the consultation process on the study begins. Once this stage is completed, the competent environmental authority, after assessing and weighing the

relevant opinions and views, issues a Decision of Approval of Environmental Conditions (AEPO) or a decision rejecting the project or activity.

The procedure of environmental licensing of category “B” projects and activities does not include the submission and assessment of an EIA dossier. Instead these projects have to comply with standardized Model Environmental Commitments (PPD) which constitute integral part of the required licenses for construction, installation or operation of such projects, as appropriate.

It has to be noted that until the total of regulatory acts provided for by Act No 4014/2011 are issued, the transitional provisions of article 30 of the said Act remain in force.

With regard to the Strategic environmental assessment of plans and programs and the incorporation of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the “assessment of the effects of certain plans and programs on the environment”, the Joint Ministerial Decision of the Ministry of Environment and of the Special Environmental Service No 107017/28.08.2006 (O.G. B 1225/2006) has been issued.

It follows from the above that there is full compliance of the Greek Environmental Legislation with the International and European Community Law on issues relating to procedure of environmental licensing of projects and activities and strategic environmental assessment of plans and programs.

With regard to access to environmental information, we would like to inform you of the following:

-Directive 2003/4/EC on public access to environmental information and repealing Council Directive 90/313/EEC, has been incorporated by virtue of Joint Ministerial Decision No 11764/653 (O.G. B' 327/17-3-2006) on public access to environmental information.

-Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, has been incorporated by virtue of Joint Ministerial Decision No 9269/470 (O.G. B' 286/2-8-2007).

-Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, has been incorporated by virtue of Joint Ministerial Decision H.P.37111/2021 (O.G. B' 1391/29-9-2003) on “Means of informing the public during the approval process of environmental conditions for projects and activities in accordance with article 5§2 of Act No1650/1986 as amended by article 3§2,3 of Act No 3010/2002” .

Furthermore, as regards the integrated management, the Department of Environment and Spatial Planning of the Decentralized Administration of Thessaly – Central Greece informs the competent services of the Ministry on its

activities covered by IPPC Directive and any violations observed and forwards the relevant data on a regular basis or whenever requested.

Moreover, with regard to publicity, the Department of Environment and Spatial Planning of the Decentralized Administration of Thessaly – Central Greece since November 2010, posts on the portal of the “Diavgia” program the environmental conditions’ approval/renewal/amendment decisions, the decisions concerning the collection and transport of solid waste as well as the decisions concerning the decontamination of sites or the conduct of relevant tendering concerning the removal of hazardous waste and the remediation of contaminated sites. Moreover, it posts the environmental conditions’ approval/renewal/amendment decisions on the special AEPO website (<http://aepo.yeka.gr>) providing, thus, all interested individuals with unhindered access to as well as full and detailed information of decisions concerning category “A” projects. In this manner the interested individuals will be able to request an annulment or have recourse to other legal remedies.

Finally, the Department of Environment and Spatial Planning, implementing Directive 2003/4/EC on environmental information, provides everyone who submits a relevant request with the environmental information held by itself or on its behalf, without the applicant having to state any interest.

16. Status of the implementation of judgments by the European Court of Justice (C-297/11, C-534/09, C-286/08, C-264/07)

With regard to cases C-264/07 (2005/2317) and C-297/11 (2010/2074), the competent authority, the Special Secretariat for Water of the Ministry of Environment, Energy and Climate Change, within the framework of the country’s compliance with the above decisions, has scheduled for completion by November 2012 the procedures for the drawing up, approval and submission of final River Basin Management Plans for 10 regions in the whole country (i.e. Water District of Thessaly, Epirus, Western part of Continental Greece, Eastern Macedonia, Thrace, Western Peloponese, Northern Peloponese, Eastern Peloponese, Attica, Eastern part of Continental Greece).

The procedures for the drawing up, approval and submission of final River Basin Management Plans for the Districts of Western and Central Macedonia are planned to be completed by the Special Secretariat for Water in May 2013. Finally, as regards the Regions of Crete and the Aegean Islands, the Management Plans will be drawn up by the Secretariat itself, given the experience acquire to date, so that they might be completed, approved and submitted in May 2013.

With regard to case C-264/07 (2005/2317), it has to be noted that proceedings initiated on 18/10/2005. This case is related to the improper implementation of the water framework directive (2000/60) and more specifically the reports/analyses on river basins (articles 5 and 15). The EU Court issued its first sentence on 31/1/2008. The European Commission closed the case following a decision of the College of Commissioners on 26/6/2008.

With regard to case C-29), proceedings initiated on 4/6/2010. The case is related to the drawing up and forwarding of river basin management plans to the European Commission, for river basins located entirely within our own territory and international river basins, under articles 13, 14 and 15 of the water framework directive 2000/60. The EU Court issued its first sentence on 19/4/2012. As regards the current status of the case, the Commission has sent a letter of formal notice.

With regard to case C-534/09 (2008/2069), proceedings initiated on 13/5/2008. The case is related to the application of Directive 2008/1/EC (IPPC) on the pollution prevention and control. The issue was that the Hellenic Republic failed to fulfill its obligations under Directive 2008/1/EC (IPPC), since it still allowed the operation of a large number of IPPC facilities without granting them any license.

The EU Court issued its first sentence on 2/12/2010. Currently a letter of formal notice has been sent under article 260 of the EC Treaty, yet, after the provision of complete information to the European Commission, the Greek Authorities believe that compliance with the relevant EU Court ruling has been achieved. At this stage, the case is expected to be closed without further action.

With regard to case C-286/08 (2187/2003), proceedings initiated on 15/10/2003. The case is related to the National Hazardous –waste Management Plan. The EU Court issued its first sentence on 10/9/09. Currently a letter of formal notice has been sent while the Ministry of Environment, Energy and Climate Change informs the European Commission authorities every six months on the completion of compliance measures. The next information is scheduled on December 2012. The above case is of universal character and is related to the management of hazardous waste at national level. The Greek authorities continue to inform the European Commission on the progress of their actions with regard to the effective compliance with the Court ruling. Complaint No. 2007/2370 regarding Asopos river pollution is included in the said case for which proceedings initiated on 22/10/2007 and in 2011 it was included in the above mentioned universal case. Since then (2011) there is no correspondence between the Greek Authorities and the European Commission, exclusively on Asopos River. It has to be noted that the said previous complaint was related to a possible violation of a) Directive 2006/11/EC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, b) Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, c) Directive 91/689/EEC on hazardous waste and d) Directive 98/83/EC on the quality of water intended for human consumption.

Following all the above information on the measures, actions and initiatives taken by the Greek Administration – at central, regional and decentralized level - it is evident that serious efforts are made so that the issue concerning the Asopos River and the environmental pollution of the area, as well as any impact that this might have both on the environment and the health of the residents, might be addressed effectively.

Special attention and emphasis is given to measures aiming at the source of the problem which are related to the safe management of hazardous waste of the area with a view to eliminating the risk of transferring pollution to the aquifers and protecting drinking water and public health in general. The competent authorities are actively sensitized on this issue and work towards combating the problem.

Based on the aforementioned information in the present greek memo and taking into account the activation of the competent authorities and all the efforts made to tackle this complex issue, the Greek administration requests the Council of Europe and in particular the European Committee for Social Rights to declare that there is no violation of Article 11 of the European Social Charter by Greece.