

# GREEN DEAL QUESTIONNAIRE



**Greece**  
**Justice and Environment 2021**

## Introduction

The European Green Deal is an EU initiative named after the American New Deal of 1933. Like its namesake, the Green Deal intends to spark a full economic transition, this time in the interest of promoting economic growth while reducing net emissions to zero. It was presented by the European Commission President Ursula von der Leyen in December of 2019 and since then its goals have been expressed into the proposed European Climate Law, which aims to make Europe's economy carbon-neutral by 2050. Although the Green Deal proposal itself is nonbinding, all European Council members save Poland backed the plan when it was first introduced. The European Parliament also voted to support the Green Deal in January 2020.

## Text Analysis

Rule of law and public participation are discussed in the following portions of the EU Green Deal proposal and EU Climate Law proposal.

From the "Communication from the Commission to the European Parliament, The European Council, The Council, The European Council and Social Committee and the Committee of the Regions on The European Green Deal," we found:

- page 2, paragraph 3: "Since it will bring substantial change, active public participation and confidence in the transition is paramount if policies are to work and be accepted. A new pact is needed to bring together citizens in all their diversity, with national, regional, local authorities, civil society and industry working closely with the EU's institutions and consultative bodies."
- page 19 paragraph 5: "To support its work to identify and remedy inconsistencies in current legislation, the Commission invites stakeholders to use the available platforms to simplify legislation and identify problematic cases. The Commission will consider these suggestions when preparing evaluations, impact assessments and legislative proposals for the European Green Deal."
- page 22 paragraph 5: " The Commission will launch a European Climate Pact by March 2020 to focus on three ways to engage with the public on climate action. First, it will encourage information sharing, inspiration, and foster public understanding of the threat and the challenge of climate change and environmental degradation and on how to counter it... Second, there should be both real and virtual spaces for people to express their ideas and creativity and work together on ambitious action, both at individual and collective level. ... Third, the Commission will work on building capacity to facilitate grassroots initiatives on climate change and environmental protection."

- page 23, paragraph 6: "The Commission will consider revising the Aarhus Regulation to improve access to administrative and judicial review at EU level for citizens and NGOs who have concerns about the legality of decisions with effects on the environment. The Commission will also take action to improve their access to justice before national courts in all Member States. The Commission will also promote action by the EU, its Member States and the international community to step up efforts against environmental crime."

From the Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law'), these are relevant sections:

- page 13 paragraph 3: "The Commission should therefore engage with all parts of society to enable and empower them to take action towards a climate-neutral and climate-resilient society, including through launching a European Climate Pact."
- page 17 article 8: "The Commission shall engage with all parts of society to enable and empower them to take action towards a climate-neutral and climate-resilient society. The Commission shall facilitate an inclusive and accessible process at all levels, including at national, regional and local level and with social partners, citizens and civil society, for the exchange of best practice and to identify actions to contribute to the achievement of the objectives of this Regulation. In addition, the Commission may also draw on the multilevel climate and energy dialogues as set up by Member States in accordance with Article 11 of Regulation (EU) 2018/1999."
- page 19, article 11: "Each Member State shall establish a multilevel climate and energy dialogue pursuant to national rules, in which local authorities, civil society organisations, business community, investors and other relevant stakeholders and the general public are able actively to engage and discuss the achievement of the Union's climate-neutrality objective set out in Article 2 of the Regulation."

## Status of Implementation

Following the presentation of the EU Green Deal, the European Commission presented its Green Deal Investment Plan and Just Transition mechanisms in January of 2020, with the aim of mobilising funding for the economic transition. In March of the same year, the European Commission also proposed the European Climate Law, which aimed for a climate neutral EU by 2050, a target which was adopted by the EU Parliament and the Council of the EU in June of 2021.

In the summer of 2020, EU ministers discussed and welcomed Green Deal strategies focusing on innovative energy, farm to fork agriculture and biodiversity. In May of 2021, the aforementioned Just Transition mechanism was approved, with an increased budget, by

Council and Parliament. In July of 2021, the European Commission unveiled a 'Fit for 55' package aiming to cut EU carbon emissions by 55% by 2030.

## Template

When monitoring the progress of the Green Deal, we would like input from across Europe as to how successful the goals of the Green Deal have been in the service of transparency, participation, justice and accountability. To that end, we would like to hear your expert opinion on the following questions:

1. Have EU Green Deal projects made it easier for citizens to access administrative or judicial review of environmental decisions? Are there projects in your Member State that are labelled as Green Deal project? Is there a coverage of the Green Deal in the Government's communication? Has your country launched special schemes/tenders (e.g., solar) and/or renewable energy initiatives?

- a) We do not see anything tangible / concrete in the Green Deal that would have a particular bearing on access to administrative / judicial review of environmental decisions.
- b) There does not appear to be an official domestic list of such projects; nevertheless, various authorities have submitted relevant projects that they are implementing as examples of Green Deal / Green Deal Going Local best practices<sup>1</sup> while recently the Governor of Thessaly labelled the (hotly contested) diversion of the Acheloos river as the "top Green Deal project."<sup>2</sup>
- c) Yes but mostly when presenting related projects / initiatives (e.g. when presenting the new climate law).
- d) Yes, since 2019 the Government is launching, almost on a yearly basis, the so-called "Saving Up" project which includes subsidies for the installations of photovoltaic panels and the improvement of the buildings' energy efficiency.

2. Has there been an increase in the number of administrative and judicial proceedings fighting potentially illegal environmental decisions in the national courts? Has the promise of the Green Deal ("The Commission will also take action to improve their access to justice before national courts in all Member States.") resulted in any tangible change? Are there any administrative or legal rules introduced to enable such changes?

<sup>1</sup> EU Committee of Regions website, <https://cor.europa.eu/EN/regions/Pages/eir-map.aspx?view=stories&type=greendeal>

<sup>2</sup> Ypodomes.com article, 6 May 2021, available in Greek at: <https://ypodomes.com/to-green-deal-toy-achelooysto-epikentro-tis-synantisis-sakellaropoyloy-agorastoy/>

Statistical data on such cases is hard to come by; nevertheless, and on the basis of media monitoring, it would appear that there is no increase in the number of such cases being brought before the courts, nor that the relevant rules have been amended with a view to making the filing of such cases easier. On the other hand, it should be noted that in general the various procedural requirements for filing an environmental case are not particularly strict or onerous; it is therefore difficult to see how any measure under the Green Deal could make them less so.

3. Have citizens been consulted to assess or provide feedback for the EU Green Deal? Have NGOs been consulted for this purpose?

While consultations regarding the various initiatives falling under the Green Deal do take place, the assessment of their quality varies; thus according to the EC, the consultations on the draft and then the final NECP that were held appear to have been adequate.<sup>3</sup> On the other hand, national NGOs have complained that the consultation regarding the National Recovery and Resilience Plan was not meaningful,<sup>4</sup> and that that no consultation or awareness raising activities took place *before* the drafting of the climate law. According to the NGOs, such activities were necessary in order to impress upon the public the importance and urgency of the issue and the need to take part in the consultation process.<sup>5</sup>

4. Have virtual and non-virtual spaces been set up to facilitate public feedback for the EU Green Deal and EU Climate Law? Have these spaces been effective in facilitating dialogue? Have these spaces had an influence on the text of new proposals and revisions?

With the exception of an online event organised by the EC Representation in Greece<sup>6</sup> and some similar events organised by think tanks, in general it appears that no extensive awareness-raising or information-promotion activities took place. This is borne out among other by the limited number (1% of the total respondents) of individuals / NGOs from Greece that took part in the EC public consultation regarding the European Climate Pact.<sup>7</sup> Moreover, as noted above, environmental NGOs were highly critical of the authorities' failure to conduct awareness-raising

<sup>3</sup> Commission Staff Working Document, *Assessment of the final national energy and climate plan for Greece*, SWD(2020) 907 final, 14 October 2020, [https://ec.europa.eu/energy/sites/ener/files/documents/staff\\_working\\_document\\_assessment\\_necp\\_greece.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/staff_working_document_assessment_necp_greece.pdf) page 4.

<sup>4</sup> NGOs open letter to the deputy minister for finance, 23 March 2021, <https://thegreentank.gr/2021/03/23/epistoliki-mko-tameio-anakampsis/> (in Greek).

<sup>5</sup> Greenpeace Greece, *Letter to the (Greek) Prime Minister in view of the UN Climate Change Conference (COP 26)*, 27 October 2021, <https://www.greenpeace.org/greece/issues/klima/45586/cop26-glasgow-greek-pm/> ) It should be noted that the draft law is currently under consultation until 24/12/2021.

<sup>6</sup> Thus on 5/11/2021 it held an online event with on Energy and the implementation of the European Green Deal a view to encouraging a dialogue among the stakeholders: [https://ec.europa.eu/greece/news/20211109\\_1\\_e/](https://ec.europa.eu/greece/news/20211109_1_e/)

<sup>7</sup> EC public consultation page available at: [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12219-European-Climate-Pact/public-consultation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12219-European-Climate-Pact/public-consultation_en)

activities before the drafting of the climate law. Nevertheless, environmental NGOs not only conducted their own public consultation but also prepared a draft climate law<sup>8</sup> that will be submitted to the authorities in the context of the official consultation process that was launched on 24 November 2021 and will be concluded on 24 December 2021.<sup>9</sup> It should be noted here that the consultation period is usually not longer than two weeks; that the consultation period for the climate law was set at one month is probably due to the lobbying by environmental and other NGOs which requested a consultation period of at least one month.<sup>10</sup>

5. Has information sharing inspired and fostered public understanding of the threat and the challenge of climate change and environmental degradation (e.g., via multiple channels and tools, including national/regional-level events by the model of the Commission's on-going citizens' dialogues)?

As noted above, domestic NGOs were highly critical of the failure on the part of the authorities to devise and implement an information campaign aimed at promoting public understanding of the necessity for the adoption of an ambitious climate law.

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<sup>8</sup> <https://klimatikosnomos.gr/> (in Greek).

<sup>9</sup> The draft law is available in Greek at: <http://www.opengov.gr/minenv/?p=12285>

<sup>10</sup> Joint NGO press release, 18 November 2021, <https://www.greenpeace.org/greece/issues/klima/45659/anakoinosi-sxedio-ethnikou-klimatikou-nomou-ypen-gov-gr/> (in Greek). It is noted that under Art 61 of Law 4622/2019, in principle public consultations should last two weeks. Nevertheless, the competent Minister, by means of a reasoned proposal, can extend it by one additional week.