



Required measures to simplify the process for the modification of issued EIA approvals (Environmental Impact Assessment approvals)

The new environmental law 4685/2020 strives among others, for the modernization, the simplification and the acceleration of the environmental licensing procedures. Its success depends on the rapid application of the relevant provisions.

Especially the acceleration of the EIA approval modifications is of crucial importance. The RES projects which have EIA approvals and have not been implemented, are mature projects - which may have already been selected through auctions - and their realization requires the adaptation of the issued EIA approvals to incorporate a more modern design (e.g. fewer, larger and more efficient wind turbines).

However, the relevant wording of the new law 4685/2020 may be misinterpreted. If so, EIA amendments which, before the new law, were processed relatively quickly may face more delays due to a possible need to submit a complete new EIA study and to repeat almost the entire process.

In order to avoid that risk, the issuance of a circular or a Ministerial Decree is needed.

Specifically, with the last paragraph of par. 2 of art. 6 of law 4014/2011, as set by the new environmental law 4685/2020, it is foreseen that the Minister of Environment and Energy may determine which type of requested modifications are substantial or non-substantial. In case of non-substantial EIA's modification, the sub-case aa' (of case b' of paragraph 2 of article 6 of law 4014/2011, as set by paragraph 1 of article 4 of the new law 4685/2020), is applied. Although the spirit of the new law is clear, it is necessary to clarify that in case of a non-substantial modification, the sub-case aa' is applied even if the environmental authority considers that it should obtain new opinions from other public authorities. The clarification is needed because the current wording of the law may be misinterpreted as follows: if the opinion of another authority is required, then the requested EIA's modification should be examined by applying the sub-case bb' (instead of aa') even if the modification is not substantial. Sub-case bb' requires to submit a complete new EIA study and to repeat almost the entire process.

