

Resolution CM/ResChS(2013)15
Collective Complaint No. 72/2011
International Federation for Human Rights (FIDH) v. Greece

*(Adopted by the Committee of Ministers on 16 October 2013
at the 1181st meeting of the Ministers' Deputies)*

The Committee of Ministers,¹

Having regard to Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints;

Taking into consideration the complaint lodged on 8 July 2011 by the International Federation for Human Rights (FIDH) against Greece;

Having regard to the report transmitted by the European Committee of Social Rights containing its decision on the merits, in which it concluded:

- unanimously that there is a violation of Article 11§§1 and 3 of the Charter

The Greek State has failed to take appropriate measures to remove as far as possible the causes of ill-health and to prevent as far as possible diseases in the catchment area of the River Asopos and near the industrial region of Oinofyta ("the region of Oinofyta") on the basis of: the deficiencies in the implementation of existing regulations and programmes regarding the pollution of Asopos River and its negative effects on health; the difficulties encountered in the co-ordination of the relevant administrative activities by competent bodies at national, regional and local level; the shortcomings regarding spatial planning; the poor management of water resources and waste; the problems in the control of industrial emissions and the lack of appropriate initiatives with respect to the presence of hexavalent chromium in the water.

The delay with which the Greek authorities have acknowledged the seriousness of the above-mentioned pollution and its negative effects on the health of the population, and have started taking initiatives to remedy the problems at stake has exacerbated the causes of ill health and hampered the prevention of diseases in the region.

When a preliminary scientific evaluation indicates that there are reasonable grounds for concern regarding potentially dangerous effects of chemicals substances on human health, the State must take precautionary measures consistent with the high level of protection established by Article 11. Where required, these measures must be taken in accordance with relevant decisions adopted by national jurisdictions.

Such measures should have included regular analyses of the surface and ground water in the region of Oinofyta, scientific investigation of possible threats to human health linked to heavy metals (including hexavalent chromium) and comprehensive epidemiological studies.

In this framework, given the scientific uncertainty related to the health problems caused by the ingestion of hexavalent chromium, the Greek authorities should also have taken urgent measures, including – at least for the areas directly concerned by the pollution – the setting of maximum contaminant levels concerning hexavalent chromium in drinking water and water for agricultural use.

Therefore, there is a violation of Article 11§§1 and 3 of the Charter.

- unanimously that there is a violation of Article 11§2 of the Charter

The public information initiatives taken by the government were not only initiated too late, but also, in most cases, sporadic and insufficiently co-ordinated.

¹ In accordance with Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints, the following Contracting Parties to the European Social Charter or the revised European Social Charter participated in the vote: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom.

The scale of the pollution in region of Oinofyta and its effects on human health, as well as the fact that these problems have been known and acknowledged by the competent Greek authorities for a long time, should have required the design and implementation of a systematic information and awareness-raising programme for the promotion of health of the population concerned, with the active and regular contribution of all the administrative institutions concerned (at national, regional and local level).

Therefore, there is a violation of Article 11§2 of the Charter.

Having regard to the information communicated by the Greek delegation on 22 May and 9 July 2013,

1. takes note of the statement made by the respondent government and the information it has communicated in the framework of the follow-up to the decision of the European Committee of Social Rights (see Appendix to the resolution);
2. looks forward to Greece reporting, at the time of the submission of the next report concerning the relevant provisions of the revised European Social Charter, on any new developments regarding the implementation of the revised European Social Charter.

Appendix to Resolution CM/ResChS(2013)15

Information submitted by the Representative of Greece at the GR-SOC meetings of 22 May and 9 July 2013

Observations submitted by Greece at the GR-SOC meeting of 22 May 2013 (Document DD(2013)562)

The issue of the environmental pollution of the Asopos River was publicised in August 2007, when high levels of heavy metals (such as nitrates) 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 presence of heavy metals (total chromium, hexavalent chromium, nickel, arsenic, lead and others) as well as nitrates, whose concentrations were several times higher than the 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 (YPEKA) has declared the Asopos issue as a case requiring "Special National Intervention" and the Special Environmental Inspectors' Office (EYEP) has been given the mandate to conduct supervision and inspection. Until now, more than 280 controls and inspections have been made.

The 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 a key priority by the ministry's political leadership.

It has been recognised that the problem is caused by the uncontrollable dumping in the area of hazardous materials and solid waste by industries and the long-term illegal storage of the said materials and waste. Many industries did not indeed declare the exact amount of waste they produced, and consequently their "environmental licence" did not correspond to their actual activities and important amounts of waste were "lost" since it was not declared.

More specifically, in 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 met long-standing demands by the local community and industries and was developed in close and systematic co-operation with all the bodies involved. The co-ordination of all action was commonly assumed by the Special Secretariat for Inspection of Environment and Energy and the Special Secretariat for Water of the YPEKA. Its main objectives were 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.

YPEKA closely follows the progress of implementation of the project and periodically informs the public, through press releases or even interviews by the YPEKA Minister. The Committee of Environment of the Hellenic Parliament is also informed.

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. Also in the same JMD, it is stipulated that 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. Also, it was deemed necessary to revise the AEPO (Environmental Terms Approval Decisions) of the industrial units operating in the area, in order to comply with the JMD. To this day, 14 out of 15 units have received an updated AEPO. Finally, the Joint Prefectural Decision 19649/1979 (O.G. 1136/B) by virtue of which the Asopos River was defined as an industrial waste disposal duct towards the Gulf of Evia has been repealed.
- II. The Sterea Ellada Unit of the EYEP (Special Service of Environment Inspectors) has been established, staffed by a Head of Service and an Inspector, while there have been calls for secondment.
- III. The Special Secretariat for Inspection of Environment and Energy (EGEPE), under the authority of the YPEKA, is closely collaborating with Athens Water Supply and Sewerage Company (EYDAP), the Special Secretariat for Water and the Special Service for the Management of the Operational Programme for Environment and Sustainable Development in order to finance all necessary hydraulic works for the provision of drinking water and irrigation facilities in the area. Also in collaboration with EYDAP and local and regional authorities, action has been taken and necessary funding has been guaranteed in order to provide all inhabitants in the area with clean drinking water, namely:
 - in the Oinofyta area, water from the river Mornos is used;
 - 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 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 Programme “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;
 - the Municipality of Tanagra has taken various actions, namely controlling monthly – with chemical and microbiological checks – the quality of the water in the area and subsequently informing the inhabitants of the results, through the local press, information made available in the town hall or through the municipality’s website. The municipality also checks water quality in all local private and public bores for water.

- IV. The Directive on 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 (35 out of 96 cases are being examined by the Co-ordination Office for the Implementation of Environmental Liability and the Regional Committees Regional Committee for the Management of Environmental Damage). Act No. 4042/2010 on the “Protection of the environment through criminal law – Harmonisation to Directive 2008/99/EC, Framework of waste generation and management – Harmonisation 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.
- V. YPEKA organised in 2011 a workshop on hexavalent chromium and in 2012 two seminars-workshops on the issue, focusing on environmental liability.
- VI. YPEKA is collaborating with EYDAP in order to transfer, through a system of safe management of industrial liquid waste, the said waste from Asopos to the Sewage Treatment Centre of Metamorfoosi.
- VII. With the aim of activating the bodies with shared competence, the EGEPE set up a Monitoring Committee that would intensify the co-ordination of actions for the implementation of Joint Ministerial Decision No. 20488/2010 and monitor the implementation of the Integrated Programme for the Management of the Environmental Crisis at Asopos at central and regional level.

This Monitoring Committee is elaborating 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 programme 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.
- VIII. YPEKA is closely collaborating with the research team of the CHARM Programme financed by the LIFE Programme of DG XI of the European Commission.
 - IX. YPEKA is closely collaborating with all local and regional authorities in order to achieve co-ordination for action in local, regional and central authority level.
 - X. YPEKA is elaborating a plan for the management of hazardous waste, according to all the relevant provisions of EU legislation and has advanced significantly in the designing of specific areas for establishment of units of such management.

Sewage works and Units for Biological Treatment of Waste for 24 of the area’s communities and Water Works for 9 communities have been included in the planning of the Operational Programme “Environment and Sustainable Development”. These works will obviously help raise the quality level of the water used and reduce the hazards to public health, provoked by contamination.
 - XI. By virtue of Ministerial Decision No. 106116/7-9-2010 of the YPEKA, a committee consisting of ministry officials has been established. This committee co-operates with the SEB (Hellenic Federation of Enterprises) 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 Ministerial Decision No. 20488/19-5-2010 be achieved.

All above actions are developed with the aim to protect the environment and public health. It is obvious that more enhanced effort is needed. It must be noted that since 2010, due to financial situation in Greece, several, mainly administrative actions, have been delayed. Furthermore, it is obvious that the economic crisis is an extremely important factor for the implementation of all these projects.

Analytical information:

ENVIRONMENTAL LICENSES

All the enterprises, which are located within the limits of the Asopos catchment basin and the activities of which are subject to environmental licensing, are continuously controlled and requested to submit technical reports concerning the modification of their environmental terms, in order for them to comply with the above Joint Decision. Fifteen industries located within the limits of the area in question, which discharged their wastewater in the ground or into surface water, submitted applications to the EART (the competent Directorate for Air and Noise Pollution Control of the YPEKA), together with dossiers concerning the revision of AEPO (Environmental Terms Approval Decisions) which was deemed necessary. 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 fourteen of them.

It has to be noted that the Directorate of Environment and Spatial Planning from 2008 had already prohibited 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 for recycling of treated industrial wastewater before the adoption of the Joint Ministerial Decision. However, the recycling of waste from the olive presses in the area remains problematic, with the latter declaring the implementation of JMD impossible.

MANAGEMENT OF HAZARDOUS WASTE

The Ministry of Environment, Energy and Climate Change has taken a series of priority actions aiming at the adoption of a hazardous waste management plan, also a problem in the Asopos area. Progress has been made by the Greek authorities in the following fields:

- an inventory of quantities and types of hazardous waste was produced (including a "mapping" inventory). The systematic recording of quantities is carried out through the EEPA (Annual Report of Waste Producer), pursuant to Directive No. 2150/2002 on waste statistics;
- mapping of suitable sites where hazardous waste management facilities could be established and use of all the necessary criteria to determine these sites;
- issuing of Circular 18/2011 which contains all the specific criteria for evaluation of the suitability of the above-mentioned sites;
- construction of Hazardous Waste Final Disposal Facilities as follows: the YPEKA has already attributed licences for XYTEA (Hazardous Waste Disposal Facilities) for the areas of Kozani (HW from Northern Greece), Megalopoli (HW from Southern Greece) and Aspropyrgos (Waste Management and Recycling Unit).

MEASURES FOR THE IMPROVEMENT OF THE UNIT FOR WASTE TREATMENT OF THE TANAGRA MUNICIPALITY

The UWT (Unit for Waste Treatment) of the Tanagra Municipality is functioning under the (modified) Decision of Approval of Environmental Terms (39219/5446/22-9-2011). The provisions of the Decision are based on the JMD 20488/2010 and are extremely strict. In order to achieve them, the functioning of the UWT is about to be seriously updated and modernised, and it will also include changes in the sewage network (the relevant study is already completed).

The Tanagra Municipality regularly controls the UWT progress and the qualitative/quantitative characteristics of water in the area, while elaborating a report yearly on the results achieved. The report is forwarded to the YPEKA Special Secretariat for Waters and its results are included in the database of the latter. Similarly, the YPEKA Special Environment Inspectors who control local enterprises also address recommendations to the municipality.

SPECIFIC MEASURES TAKEN TO INFORM, SENSIBILISE AND EDUCATE THE LOCAL POPULATION, INCLUDING SCHOOLS

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 Decentralised 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 interested parties can comment on and be informed of already submitted comments and present their views, accompanied by any supporting documentation;
- the Special Secretariat for Waters organised 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 organise 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 the Asopos River;
- on 19 and 20 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 conducted an open consultation on 10 February 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;
- the Tanagra Municipality responds daily to oral or written questions by the citizens regarding the quality of water. All relative certificates of laboratory results are at the disposal of the citizens who request them. Recently, students of the Schimatari Lyceum had the opportunity to interview a municipality employee on the issue in the context of a school paper project. Also, students from Sweden and students from the Athens University recently visited the area, were informed and shown around the area of Oinofyta.

COMPLIANCE FOLLOW-UP

With the aim of activating the bodies with shared competence, the Special Secretariat for the Environment and Energy Inspectorate set up a Monitoring Committee that would intensify the co-ordination of actions for the implementation of Joint Ministerial Decision No. 20488/2010 and monitor the implementation of the Integrated Programme for the Management of the Environmental Crisis at Asopos at central and regional level. All the parties concerned 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 programme 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 the Directive on environmental liability.

MEASURES ADOPTED REGARDING WATER PROVISION IN THE AREA

In close co-operation 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 Tanagra Municipality and the former municipalities of Oinofyta (since 2003 and fully since 2008) and Schimatari (since 2008) have completely abolished the previous water supply system from local bores and now receive, through the EYDAP, water from the Mornos and Yliki lakes, which is qualitatively checked thoroughly and found to be fully suitable for human consumption. The water is treated by three local units of "rapid water treatment". Today only few communities (Kleidi and some in the Tanagra area) are being provisioned by local bores, and works are under way to include them too, in the EYDAP system, mainly through the refinery in the Agios Thomas area, while a new unit of "rapid water treatment" is currently under construction. All works are expected to have been completed within the next year.

A study is also currently under way, with the collaboration of YPEKA, EYDAP and the Tanagra Municipality to establish a central Refinery for the entire Asopos Basin area for the treatment and distribution of water. This project has an approximate budget of 24.7 million euros.

For the improvement of the entire water supply network, other works have been completed such as maintenance and modernising of pumping stations, the building of a new water tank in the Agios Thomas area, and maintenance and expansion of the current water supply system. A study is also under way for the irrigation project for the entire Agios Thomas plain with water from the Yliki lake (a draft of the technical study has been transmitted for approval to the Department of Hydro-Economy of the Region of Sterea Ellada).

The Municipality is also following closely, with regular inspections, the levels of the hexavalent chromium in the water supply system, levels which are extremely low, since the water no longer comes from the area but from the Mornos lake. However, as mentioned above, the municipality:

- 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 bores located in the Asopos basin;
- conducts inspections on rejected wastes either independently or in co-operation with the Special Environmental Inspectors' Office of the YPEKA.

Additionally, the Special Secretariat for Environment and Energy Inspection, the Special Secretariat for Water, EYDAP, the Special Service for the Management of the Operational Programme for Environment and Sustainable Development and the Municipality of Tanagra are currently examining all aspects of financing the necessary hydraulic works for the provision of drinking water and irrigation facilities in the area from the Lake Mornos. If this is achieved, all inhabitants will have access to clean drinking water, the quality of locally produced agricultural products will improve and local industries will be facilitated in achieving all necessary qualitative parameters, as stated in the JMD on the Asopos. According to EYDAP, water coming from Lakes Mornos and Yliki is largely sufficient for these purposes. This proposal is currently being studied (a draft proposal has been in principle agreed upon by the YPEKA, EYDAP and the Tanagra Municipality) and is included within the context of the Greek Water Management plan is also under way.

The Tanagra Municipality has initiated and concluded, between October 2012 and April 2013, actions for the clearance of the area of the Asopos River near Oinofyta. These actions included clearing waste/other materials from the river banks and river bed and clearing the areas near industrial conduits.

QUALITY OF WATER FOR HUMAN CONSUMPTION

The national legislation in force on the quality of water intended for human consumption has been adopted in full compliance with the EU Directive 98/83/EC, which sets the highest 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 Organisation for drinking water quality (guidelines for drinking water quality).²

² 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". 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.

It must be noted that an excess of the abovementioned limits of the values for total chromium was first established following tests in the municipality of Oinofyta on 24 July 2007 and the Ministry of Health was immediately notified. The chromium concentration was 50.3mg/l, that is 2.9> above the value of 50 µg/l. It must be noted that it was a unique and not a “representative” sample (as defined by EU legislation) and the issue was immediately addressed, according to the provisions of EU Directive 98/83/EC.

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 (or other types of) chromium limit in water intended for human consumption, it will draw up a special legislative regulation and re-evaluate the parameters which define the limits.

ENVIRONMENTAL CONTROLS AND INSPECTIONS

From 2004 to 2011, the Special Environmental Inspectors’ Office (EYEP) has carried out more than 280 inspections and re-inspections mainly in industries located in the greater area of the Asopos River. More than 180 certifications of violations have been issued while the total amount of proposed fines exceeds 6.5 million euros. 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 2012.

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
2012	25	6	12	€ 639 040
TOTAL	249	57	146	€ 6 267 245

Regarding the staffing of the Oinofyta Environmental Inspectors’ Office (Section of Sterea Ellada) we would like to inform you of the following:

In order to enhance inspections and controls in the Asopos Area and to implement the “Programme for the Integrated Management of the Asopos Environmental Crisis”, a Sterea Ellada Unit of the EYEP (Special Service of Environment Inspection) was established, based in Oinofyta, under the provisions of Law 4014/2011 and Presidential Decree 165/2003. Two experienced members of technical staff (one of which is Head of Section) have been seconded into the Unit who 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. Calls for secondment from other services have also been made.

ENVIRONMENTAL LIABILITY – REMEDYING ENVIRONMENTAL DAMAGE

The EU Directive 2004/35 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. The Presidential Decree includes a list of all possible activities (mainly relating to storing, transferring and management of industrial waste or other materials that cause pollution), which if exercised, can cause damage which in turn engages the enterprise in question on environmental liability, independent of fault. The authorities responsible for the inspection and control are the Co-ordination Office for the Implementation of Environmental Liability and the Regional Committees for the Management of Environmental Damage. In this context, until now, the Sterea Ellada Region authorities, in collaboration with the Co-ordination Office for the Implementation of Environmental Liability, have indicted 13 out of 96 cases, into the status of environmental liability obliging the enterprises to assume all costs for remedying the damage done to the environment due to their activities.

ACTION TAKEN BY THE YPEKA SPECIAL SECRETARIAT ON WATER

The Special Secretariat for Water of the Ministry of Environment, Energy and Climate Change, in implementing the EU Directive 2000/60 on Water is currently elaborating River Basin Management Plans for all Greek regions. Plans for Attica, Eastern Continental Greece, North/East/West Peloponnese are approved and published in the Greek Government Gazette (April 2013) while the issue is pending for the areas of Thessaly, Western Continental Greece, Epirus, Eastern Macedonia and Thrace. The River Basin Management Plans will include programmes for specific measures and programmes for the follow-up of these measures, based on specific data and information, with the aim of protecting and managing water resources and guaranteeing the quality of water for human consumption, through controls on all water resources (surface and underground).

The 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. 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.

A Joint Ministerial Decision 106253/2010 entitled “Determination of waters that are polluted by nitrates from agricultural sources – List of affected zones, according to paragraphs 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 a nitrate vulnerable area and an appropriate programme of agri-environmental measures is established, in implementation of the EU Directive on pollution by nitrates from agricultural sources.

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. 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 while depicting the status of these resources and highlighting the need, where necessary, of adopting protective measures.

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 Programme LIFE+2010, entitled “Chromium in Asopos groundwater system: remediation technologies and measures” (CHARM). The project aims at contributing to the resolving of the multiple aspects of problems related to water resources and not only in the Asopos area. Its main axes of research are: the analysis of the institutional framework of the chromium (all types) presence in water resources, the elaboration of a methodology for the evaluation of environmental damage caused by chromium (especially in the underground basin of the Asopos River), evaluation (on a pilot basis) of chemical and biological measures to be taken to remedy such damage and the elaboration of measures based on EU Directive 2000/60, applied in the Asopos area. All these measures, both main and complementary, will be published after their elaboration, while all relative information can be found on the webpage: www.charm-life.gr.

The programme is actively supported by the Special Secretariat for Waters and the Tanagra Municipality, with the latter aiding and facilitating the work of researchers by the Athens and Crete polytechnic schools in the area. The municipality provides researchers with access to all relevant sites and it has also established a Unit for Chromium Cleansing. Similarly, the municipality closely collaborates with the Patras Medical School, in the context of the research programme of the latter entitled: "Hexavalent Chromium and Water: Consequences on human health". This programme aims at establishing the levels of chromium concentration on water, land and agricultural produce in the Asopos region and conducting full epidemiological tests on the inhabitants for the detection of chromium traces. The municipality has made available all present and past data regarding chromium in the area to the researchers of the Medical School of Patras.

Finally, the following legislative measures have been adopted regarding toxic waste:

- a Joint Ministerial Decision No. 51354/2641/E103 on "Defining Standards for Environmental Protection for the concentration of impurities and other substances on water", in compliance with EU Directive 2008/105 regarding Standards for Environmental Protection in Water Policy and concentration of specific impurities on water (as amending previous EU Directives);

- a Joint Ministerial Decision No. 145116/2011 on "Defining measures, terms and procedures on the recycling/re-use of treated liquid waste".

Additional information submitted by Greece at the GR-SOC meeting of 9 July 2013 (Document DD(2013)773)

Following information provided to the GR-SOC at the meeting of 22 May 2013 and in order to clarify certain points raised by the Secretariat regarding the Collective Complaint No. 72/2011, we would like to inform you of the following:

I. CLARIFICATIONS

The UWT (Unit for Waste Treatment) is in the Oinofyta-Schimatari area (not in the Tanagra Municipality, as mentioned erroneously) and is functioning under the (modified) Decision of Approval of Environmental Terms (39219/5446/22-9-2011) and the 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".

ENVIRONMENTAL CONTROLS AND INSPECTIONS

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
2012	25	6	12	€ 639 040
TOTAL	249	57	185	€ 6 906 285

II. CONSEQUENCES OF THE FINANCIAL CRISIS

Financial constraints delayed the secondment of the necessary personnel to the Sterea Ellada Unit of the EYEP (Special Service of Environment Inspection of the Ministry of Environment Energy and Climate Change-YPEKA) established in Oinofyta since 2011. Furthermore, the process for establishing a new Organisational Scheme for YPEKA in order to create a smaller and more flexible framework, contributed to this delay, since an assessment of all YPEKA services, as to their effectiveness, was necessary. Until recently, adequate funding for the abovementioned secondments was not yet guaranteed.

Additionally, the project, put forward in December 2011, to establish a Central Unit of Industrial Waste Processing in the area, co-financed by the public and the private sector, could not be materialised due to financial constraints.

III. PUBLIC INFORMATION AND AWARENESS

Besides information provided in seminars with open participation organised by the Special Secretariat for the Environment and Energy Inspectorate, several events were organised by the Special Secretariat for Water between February and November 2012 in order to raise awareness among every interested person or association about the difficulties encountered and actions already taken and to be taken in the Asopos area. A "list of social partners" was drafted for that purpose in order to include all citizens and associations in the process.

Following these seminars, the Management Plan for the River Basins of Eastern Sterea Ellada as well the corresponding Report on the Strategic Assessment of Environmental Consequences were published on the internet (<http://wfd.opengov.gr>), in order to allow a large participation in the open consultation. Equally, seminars were held in June 2012 in cities of the area, namely Lamia and Livadia, where the aforementioned plan, as well as the report, were presented.

IV. INDUSTRIAL UNITS IN THE ASOPOS AREA

The responsibility of controlling the Industrial Units and granting the renewal of AEPO licences (Environmental Terms Approval Decisions) lies with regional as well as central authorities. Twenty-eight Industrial Units which operate in the Asopos area fall under the scope of JMD 20488/2010 and were granted a renewal of their AEPO. Out of them, 14 fall under the responsibility of the YPEKA, 12 of the Sterea Ellada Administration ("Apokentromeni Doiikisi Stereas Elladas") and 2 of the Sterea Ellada Region ("Perifereia Stereas Elladas").

IV. a. YPEKA

Fourteen units which fall under the responsibility of the YPEKA were granted a renewal of their AEPO. Officials from both YPEKA and EYDAP conducted in situ visits in three of these units in order to establish if they indeed operate under the terms of their renewed AEPOs. Samples were taken from all three units. It was established that all three operate under the terms of the renewed AEPOs, with the exception of an oil processing sub-unit in one of the three units.

Additionally, there are three more cases of industrial units for which an examination by the YPEKA officials is still pending: one unit has to re-submit its request for the renewal of its AEPO, one unit was just recently determined as falling under the scope of JMD 20488/2010, so it needs to submit a request for the renewal of its AEPO, and another one is currently under examination, to determine if it falls under this scope or not.

IV. b. Thessaly-Sterea Ellada Administration ("Apokentromeni Doiikisi Stereas Elladas")

Fourteen industrial units fall under the responsibility of the Thessaly-Sterea Ellada Administration, which has granted renewal of the AEPOs of twelve, while awaiting complementary information from the remaining two.

The Thessaly-Sterea Ellada Administration conducted controls on all these fourteen units. These controls were either regular ones for those units who were granted the renewal of their AEPO and aiming at monitoring compliance with the new AEPO, or "non-programmed" ones with the purpose of assessing the situation for those units which were not granted a renewal of their AEPO. Following these controls, six units were found to operate according to the terms of their renewed AEPO, one unit's compliance is not yet established pending the results of chemical controls (a waste management system, as required by law, is already functioning) and seven were sanctioned as they were found not to be in compliance with JMD 20488/2010.

Additionally, the Thessaly-Stereia Ellada Administration provided information for seven more units: four of them do not actually fall into the category of the “Asopos Basin Industrial Units” (as prescribed by Ministerial Decision 1958/2012), given that their waste does not flow into the basin of Asopos and for another three units who fall under the scope of JMD 20488/2010 but had not requested a renewal of their AEPO, it was found that they had ceased operations.

IV. c. Stereia Ellada Region (“Perifereia Stereias Elladas”)

Eleven industrial units fall under the responsibility of the Stereia Ellada Region which has granted renewal of the AEPOs for two of them since they have been controlled and found in compliance with the JMD provisions. Out of the remaining nine units: two have ceased operations, one has never submitted a request for the renewal of its AEPO and thus does not have a valid functioning license, one is currently under examination to determine if it falls under the scope of JMD 20488/2010, three units do not fall under the JMD scope given that they do not produce liquid waste, and two have been controlled, found not to be in compliance with the relevant provisions of the JMD and were sanctioned.

V. REGARDING WATER CONSUMPTION AND IRRIGATION

The Asopos Basin area includes also the municipalities of Tanagra, Schimatari and Oinofyta. All municipalities in the Basin area receive water via EYDAP, from the River Mornos, whose water is regularly controlled by the Authorities of the Ministry of Health and is currently found to be fit for consumption according to all EU standards. Additionally, water from the nearby Yliki Lake is used when needed. Currently 10 000-12 000 m³ of water, which complies with all the above standards, from the Yliki Lake are poured into the Asopos basin daily.

Local bores are used only by the Municipality of Tanagra which includes four smaller communities and by the small community of Kleidi which belongs to the Municipality of Oinofyta. With hydraulic works under way, it is calculated that within the next year these bores will no longer be used and the aforementioned communities will be included in the EYDAP network mentioned above. It should also be noted, that according to the results of continuous controls, the water from the bores used – some of them private – is of good quality and is found to be fit for consumption according to the standards set by the EU Directive 98/83.

Regarding water for human consumption used by the employees of the industrial units which operate in the Asopos Basin area, we note that water from the Oinofyta-Schimatari EYDAP network is used in most cases.

For **irrigation purposes** local bores use water from four “Underground Water System Networks” namely: Thiva-Asopos-Schimatari, Skourta-Agios Thomas, Antikyra-Kithaironas and North-Eastern Parnitha. Following controls, all of them, with the exception of the first, were found to be at a good level as far as chemical substances are concerned. Chemical controls were conducted and compared to those from previous years with samples dating as far back as 1996 and taking into account all data made available from various sources. These controls actually compare samples from specific areas with the corresponding high/low values for chemical substances in the water as established by the relevant Ministerial Decisions (with a vigilance limit of 75% of the high value). However, other factors also need to be taken into consideration; namely, that not all substances found in the water do not come from a human source and that samples are collected once or twice a year in certain sites but not in all of them. Furthermore, relevant provisions are incorporated in the renewed AEPOs and thus the situation is about to be improved.

A project is currently under consideration in order to use water from the Yliki Lake in certain areas of the Asopos basin (Agios Thomas, Kleidi, Oinofyta and Schimatari) covering about 30 square km and even more in the future, given that Yliki Lake’s water is of excellent quality and currently is used in the nearby agricultural area of Kopaida. As basic hydraulic works are already in place, the extra funding of about 8-10 million euros needed for the project is currently under scrutiny.

VI. WASTE TRANSFER AND PROCESSING

There is already an agreement between the YPEKA, EYDAP and other authorities to transfer pre-processed liquid industrial waste from the Asopos area units to the two centres for sewage treatment of Metamorfosis and Psytalleia. This waste will be strictly controlled and will abide with specific standards.

VII. SPECIFIC MEASURES INCLUDED IN THE ASOPOS RIVER BASIN MANAGEMENT PLAN

Besides the measures foreseen by national and international legislation, namely measures for the protection of humans and flora from pollution, for the safe management and processing of waste, for the establishment of Plans regarding Water Security and a Catalogue of Pollution sites, other measures are also included in the Asopos River Management Plan, aimed at:

- reinforcing the mechanisms for immediate action where needed in the Basin;
- establishing a Central Unit of Industrial Waste Processing;
- delimiting the Asopos' river bed;
- establishing a permanent system for monitoring all dumping ground and underground sites in the Asopos River area.