

Legal framework for waste management in Greece

Main legislative texts

The major legislative document regulating generally all aspects of environmental protection is **Law 1650/1986**, which includes, among others, some specific provisions on waste management. These provisions set the basic principles of waste management, define the persons to be held as responsible for it and foresee the issuance of several ministerial decisions with a view to a more detailed regulation of all particular aspects.

The most important decisions issued in execution of Law 1650/1986 with respect to solid waste management are **Ministerial Decisions 114218/1997** and **50910/2727/2003**. While the first one is mainly of practical nature regulating in detail the technical requirements for the materials, means and facilities connected with the collection, transfer, disposal and recovery of solid waste, the second decision regulates in general the waste management procedure and, thus, all issues related to the persons and entities empowered to carry out the waste management. Moreover, specific stipulations regarding the competent waste management operators are also foreseen in **article 30 of Law 3536/2007** and in **Ministerial Decision 2527/2009**.

Implementation of EU waste management law in Greek legislation

Since waste management is an issue which is intended to be uniformly regulated in the European Union territory, the respective Greek legislation comprises mainly provisions implementing Community Directives. It is a fact, however, that this implementation process takes place quite slower than it should be according to European Law, as well as that the administrative measures required for the application of the national legislative acts adopting the Directives are not always effected in time. As a result, the Ministerial Decision 50910/2727/2003, currently regulating waste management in Greece, implements **Directive 1975/442/EEC** (as amended by Directive **1991/156/EEC**), which however has already been repealed by Directive **2006/12/EC**, not yet incorporated in Greek law. Considering the fact that also Directive 2006/12/EC has meanwhile been

repealed by **Directive 2008/98/EC**, there are certainly a lot of changes due to take place soon in the Greek waste management legislation.

Competent waste management operators

Solid waste producers/holders are obligated to hand it over to a competent waste management operator, unless they are able to recover or dispose of it on their own in accordance with the existing law standards. While the **municipalities** are competent for the **collection and transport** of waste, for all further duties including **temporary storage, disposal and recovery** of waste as well as **maintenance of waste management facilities** responsible are certain entities which are officially designated as **“Solid Waste Management Operators”**. Solid Waste Management Operators need to be organized under the legal form of a "Société Anonyme" established by the respective municipalities of each region or, alternatively, as an association of different municipalities. Solid Waste Management Operators are by law allowed to assign private persons and legal entities with the execution of waste management services.

Licensing procedure for waste management

Both the tasks of collection and transport as well as the tasks of storage, disposal and recovery can only be performed after obtaining a **license issued by the competent prefecture**. Such licenses can only be granted after submission of a **study** presenting the exact terms of organization and operation in view of the accomplishment of the respective task. Especially in case of storage, disposal and recovery, one must additionally submit some further studies in order to also obtain an **environmental permit**.

Establishments or undertakings carrying out their own waste disposal at the place of production or carrying out recovery of their own waste may be exempted from the above mentioned permit requirements. Such **exemptions** can only be granted on the basis of a declaratory act issued by the **Secretary General of the Region**.

Penalties and sanctions on law-breakers

All legal texts in the field of waste management stipulate penalties in case of violations. In most cases, the particular ministerial decisions simply refer to the detailed respective stipulations included in the general **Law 1650/1986 (articles 28-30)**, which foresee a full series of penal sanctions, civil liability consequences and administrative penalties applying to all kinds of environmental violations. As regards civil liability in particular, a more detailed legal framework emerges from the recently issued **Presidential Decree 148/2009** implementing **Directive 2004/35/EC** on environmental liability.

Particular regulations on specific aspects of waste management

Several specific aspects of waste management are regulated by some particular, specialized provisions. Thus, **hazardous waste management** is mainly regulated by **Ministerial Decision 13588/725/2006**, which provides for a different, more severe licensing procedure, as well as by **Ministerial Decision 8668/2007**, including the National Hazardous Waste Management Plan, and **Ministerial Decision 24944/1159/2006**, setting the technical standards for hazardous waste management.

Shipments of waste are regulated in Greece - just like everywhere in the EU - by **Regulation 1013/2006** (as amended by several more recent Regulations), which establishes procedures and control regimes for the shipment of waste between member states as well as between member states and third countries.

Moreover, there are several specific regulations regarding the sustainable management and recovery of specific waste categories. The main legal document in this respect is **Law 2939/2001** setting the general principles for the **sustainable management of packaging in general as well as of all other products which can be in any way recovered**. Additionally, many **specific ministerial decisions and presidential decrees** have been issued, regulating specifically the waste management with regard to particular products such as used tyres and oils, batteries and accumulators, electrical and electronic equipment etc.

Worth mentioning in this respect is the general obligation set by law for all persons performing the production, packaging or distribution of packages and other products which can be recovered, to either organize a system for waste management on their own or participate to an existing collective system for waste management. Such systems have to undergo a certain procedure and meet some specific requirements set by law. Consequently, in Greece several systems of sustainable waste management with respect to either packaging or other specific products have already been established.

One should finally stress out that issues related to **management of water** and **waste water treatment** are regulated by a completely different legal framework than the one regulating solid waste management.

Future perspectives

The **National Plan for Solid Waste Management**, as included in Ministerial Decision 50910/2727/2003 (Article 5 and Annex II to Article 17), presents an evaluation of the current situation and sets respectively some goals for the future, including the creation of a national network of waste management facilities. Accordingly, the **National Strategic Reference Framework (NSRF)**, establishing the broad priorities for Structural Funds Programmes in Greece for the time period 2007 -2013, focuses, among others, on environmental issues as a main target area. Consequently, in the course of implementation of the **Operational Programme** of NSRF designated as “**Environment & Sustainable Development 2007-2013**”, several projects of waste management facilities construction are expected to be carried out in the future, some of them already being in bidding process.