

Positions & proposals for the simplification of environmental licensing and other waste management licensing

A. Introduction

The institutional initiatives that were introduced with Law 4014/2011 for environmental licensing and Law 3982/2011 for licensing of industrial activity, which were taken to simplify the licensing procedure, are considered to have a positive impact.

However, this law has not been completely enforced and it is estimated that a more substantial reform is required to simplify the licensing procedures for infrastructures and activities.

The key pillar in such a reform will need to be the formation of a welcoming environment and favorable conditions for the promotion of investments and business development with respect to the protection of the environment and public health.

B. Waste management licensing

Waste management comprises of infrastructures and/or operations for:

- Waste production
- Their collection and transfer
- Their storage
- Their disposal or processing and use

All of the aforementioned operations and related infrastructures are currently subject to environmental licensing.

The lack of ready fixed conditions of operation for each economic operation and consequently every operation that is associated with waste management and the array of prescribed authorizing provisions, results in extremely slow and rather impossible investments. It is estimated that the simplification of the operational licensing and environmental licensing will act as a lever for the improvement of the economic environment, the attraction of new investments and the increase in productivity.

The implementation of a reliable inspection system with the development of electronic inspection mechanisms that will be based on risk assessment, but also the implementation of institutional changes with the training of personnel

and the update of stakeholders may substantially contribute to the promotion of investments and development.

C. The European experience

In European countries, the environmental licensing procedure is applied to specific operations, while Greece is not fully harmonized since there is a significantly greater number of activities that fall under the environmental licensing umbrella, thus they are obligated to submit an Environmental Impact Study (EIS). The increased number of activities that are obligated to submit an EIS creates a bureaucratic load without there being a simultaneous advantage for environmental protection. Harmonization of the categorization of activities pursuant to the relevant European Directive and the formation of standardized environmental terms would expedite the licensing procedures while ensuring environmental protection and free competition.

The European Commission has published¹ guidelines on the best practice in licensing and inspection, which describe the procedures that are followed by European countries. Indicatively, two reports are published^{2,3} with detailed reference to the practices that are followed.

Belgium's example relating to the use of fixed conditions is enforceable for all waste management operators. Aimed at preventing decision on a case-by-case basis, the Authorities impose fixed conditions on the companies. The conditions consist of general principles that are enforceable by all and additional requirements for (a) the management stage (e.g. storage, recovery, etc.); (b) the type of waste; and (c) the type of facility (e.g. Recycling, re-use, disposal facility, etc.).

D. The SEPAN proposal framework

There may be two types of licensing and their differentiation may lie in the operation being subject to submitting an EIS or not. In the case of activities that do not fall under the environmental licensing regime with an EIS, the procedure should be simple and only include the fixed conditions in the form of Standard Environmental Commitments (SEC). The aim of the permit issuing procedure must include:

¹ <http://ec.europa.eu/environment/waste/framework/inspections.htm>

² Practical manual on permitting and inspection of waste management operations, 22/12/2011

³ Guidance on permitting and inspection, 19/01/2012

- The implementation of the existing waste legislation.
- The definition and implementation of the activities' substantial conditions of operation, towards protecting the environment and health & safety.
- The ability to effectively inspect that the conditions have been implemented.
- The minimization of the licensing completion time.
- The credible inspection and handling of investments aim at protecting the competition and preventing market distortion.

For the aforementioned to be simplified and operate efficiently (in terms of quality and time), two conditions are deemed imperative:

- The existence of general requirements for all the management stages, as well as specific requirements for specific waste and management operations.
- The efficient and substantial implementation inspection by the Competent Authorities.

The proposals by SEPAN are based on the following framework:

1. The adoption of general and specific waste management requirements.
2. The implementation of the submission/notification instead of the issuance of a permit on a cases-by-case basis.
3. The use of electronic media and web-based platform for all operations.
4. The activation of inspection mechanisms with the performance of substantial inspections.

D1. Requirements

- Adoption of general and specific waste management specifications and conditions (e.g. in accordance with the Belgium example).
 - Study and adoption of requirements and conditions that are already applied in other countries.
 - Enactment of specific requirements for specific management tasks and/or specific waste (e.g. pilot tasks)
 - Processing of requirements and condition proposed by relevant organizations and operations

- Modernization of JMD 24944 (OGG B 797, 30/6/2006) “approval of general technical specifications...”.
- Type of requirements
 - Legislative requirements and national strategy (e.g. waste management hierarchical support).
 - Procedural requirements and conditions (BATs, waste in/out, certified or non-certified management systems, available certificates, records, statements, etc.).
 - Technical specifications of productive procedures and means used (ADR, ATEX, etc.).
 - Operating conditions (mass and energy balances, minimum performance requirements, requirements of the quality of recycled materials, good practice indicators, activity-generated waste, emission limits, emission recipients, etc.).
 - Financial requirements and guarantees.
- Use of fixed requirements and conditions.
 - Use of enacted and clear conditions and requirements, regardless of the type of licensing.
 - Adoption of a questionnaire acting as a statutory declaration by the management body, which will constitute a requirements uniformity tool and an inspection guide for the Competent Authorities.

D2. Use of electronic licensing platform for all operations

- Use of electronic web-based platform for the application, for submitting supporting documents and for processing the procedure (possible use of Electronic Waste Registry (EWR) with an expansion of its functionality).
- Registration of investment body and widespread use of electronic questionnaires for completion. The questionnaires shall act as a statutory declaration (e.g. as does the Income Statement or the registration to the EWR).
- Recording of information and graded access at two levels: information that is only accessible by Competent Authorities and open information that is accessible by citizens and financial organizations.

- The Competent Authority's automatic notification for the submission of the application and other Authorities for their opinion.
- The investor's ability to follow the processing and two-way communication via the platform.
- Where a permit is required, a rigid processing deadline by the competent authorities. Where the processing deadline is exceeded, the licensing procedure to continue under the doctrine of implied consent.
- Authorizations to all the Authorities' officers for approval via the electronic platform.

D3. Inspections

- Resources
 - The operation of the Electronic Waste Registry and its results allows for effective and substantial inspections.
 - The body's maintenance of certified environmental management systems (e.g. EMAS, ISO 14001), decreased the need for inspections.
 - The Authorities' disengagement from time-consuming licensing procedures, will ensure the resources for substantial inspections.
 - In the absence of certified systems, the inspections may be conducted by independent Inspectors at the body's expense.
- Inspection tools
 - Fixed requirements and conditions.
 - The waste operators' declarations to the Electronic Waste Registry and/or other registries.
 - The cross-referencing of data from the registries (e.g. EWR).
 - The performance and good practice indicators.
- Inspection procedure
 - Scheduling pursuant to SEVESO, IED or other priorities (certified systems, etc.).
 - Preparation by the inspection mechanisms by using and cross-referencing information and data from the available registries.
 - Onsite visits and inspections. These may be scheduled and expected by the management body (e.g. to verify the implementation

progress of an investment) or unexpected (e.g. for implementation inspection).

- Actions as a result of the inspections
 - Aimed at improvement and conformity: Feasibility of corrective actions which will be followed by penalties in case of non-compliance within a set deadline.
 - Joint drafting and agreement of environmental performance improvement programs.
 - Joint drafting and agreement of corrective measures and deadline.
 - Review of implementation of programs and corrective measures.
 - Imposition of civil and penal penalties if not implemented.

E. Immediate intervention and improvement proposals of existing licensing procedure

Presented below are the immediate interventions that are proposed to improve the existing licensing procedure. Specifically:

- Removal of restrictions for the installation of new or the expansion of existing activities in the Attica region (see Law 3325/2005 as amended by subsequent regulations). The National level requirements should apply (land use, etc.). For example, in the Attica region where the majority of the country's waste is produced (according to population and the economic activity), it is not possible to install new activities, such as the reuse of waste and the waste must be transferred to neighboring Regions for their reuse, which is not feasible.
- Abolition of individual permits and approvals or once off issuance:
 - Confirmation of land use with validity period that is similar to the facility's approval (10 or 20 years), as provided in Article 158 of Law 4512/2018).
 - Council of Architects for handicraft/industrial facilities (there is no point for industrial facilities).
 - Approval from the Ephorate of Antiquities and Forestry Authority for existing lawful facilities (if approval has been granted in the past, there is no point in re-granting these approvals).

- Simplification of DAEC (Decision for Approval of Environmental Conditions) issuance procedure. For example, the DAEC can be restricted with reference to:
 - the EWC (European Waste Catalogue) for management,
 - the relevant BATs (if the facility falls under the IED),
 - the operation's mass balances (and the generated EWC)
 - and the emission limits depending on the recipient (if not covered by current legislation).
 - The organizations must be in a position to prove that they are able (have the procedures, technical means, etc.) and that they implement the above (records, etc.).
- Obligatory recording of the waste to be managed with clear indication of the EWC codes in the Standard Environmental Commitments (SECs) and the operating permits.
- Creation of incentives for activities that will be chosen to be set up within organized management reception areas (OYD) with respect to environmental licensing. More specifically, when the OYD environmental licensing is done by way of a Strategic Environmental Impact Assessment (SEIA), environmental licensing (or renewal thereof) facilitations can be created for the activities within the OYD, in particular:
 - For activities that are established or exist and operate within the OYD, their transition from category A1 to category A2 and from category A2 to category B should be automatic. More specifically: For a transitional period (e.g. 5 years) the licensing authority for category A2 activities resulting from a category A1 transition shall remain at the Ministry of the Environment and Climate Change, on condition that all the environmental licensing within the OYD are considered fast track.
 - The DAEC of category B activities that have transitioned from category A2 shall be replaced by Standard Environmental Commitments which will be integrated into their operating permit, with the responsible for the issuance of an operating permit lying with the competent authority and not the local Decentralized Administration. For category B activities, prior to the transition to a lower category, the licensing shall remain as is, namely, the competent authority shall issue the operating permit with the

corresponding Standard Environmental Commitments attached thereto. The above proposal shall be implemented by the existing competent authority (Region - Dec. Administration) with the issuance of Standard Environmental Commitments (SECs) for carrying out activities that are established within the OYD.

- Abolition of Non-Hazardous Waste collection-transportation licenses ⁴ with the substitution and simple registration to the EWR as in force today. For an undertaking to be registered in the EWR, it must submit or upload specific documents to its file (vehicle suitability -Road Worthy Certificate (KTEO), insurance policy in force, driver suitability, etc.) which must be kept updated and in force.

The following cases are exempt from the obligation of registry registration:

- when the organization holds a hazardous waste collection and transport license
 - when the organization collects and transport <20 t non-hazardous waster per year. In these cases, the authorities should be able to receive a simple notification per route with the payment of an administrative fee.
- Ability to implement a pilot program in the waste recycling and reuse industry, with the authorities receiving a simple notification/announcement regarding the implementation of the program within the facility, with a brief justification regarding the choice of program and the fixed implementation period. During the implementation of the pilot program, the competent authorities will be able to inspect that the implementation is carried out pursuant to the terms of the notification and that the environment is being protected.

⁴ Examples of corresponding licensing from European countries are provided in the Annex

Annex

Licensing examples of the collection & transport of non-hazardous waste in other European countries.

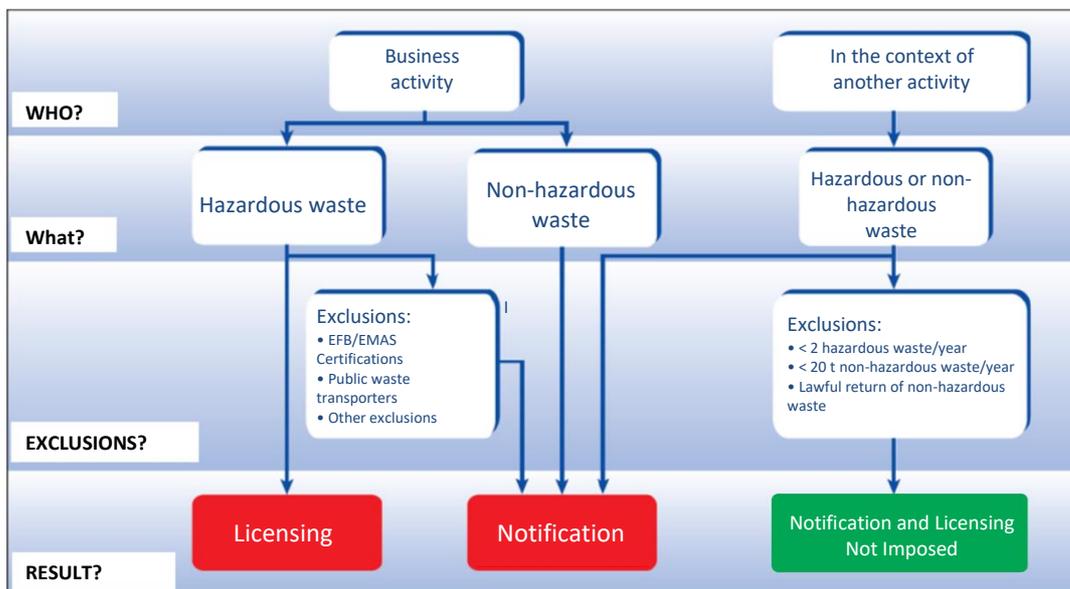
GERMANY

- The collection and transportation of non-hazardous waste does not require licensing, but the competent authority needs to be notified (§ 53 KrWG)
- Only the collection and transportation of hazardous waste requires licensing. (§ 54 KrWG)
- Notification of the collection and transportation of non-hazardous waste by holders of a license for the collection and transportation of hazardous waste is not required (§ 53 KrWG)

(Federal Ministry of Justice and Consumer Protection, 2012, Gesetz zur Förderung der Kreislaufwirtschaft und Sicherung der umweltverträglichen Bewirtschaftung von Abfällen (Kreislaufwirtschaftsgesetz - KrWG)

<https://www.gesetze-im-internet.de/krwg/53.html>

- Schematic Illustration:



SBB Sonderabfallgesellschaft Brandenburg/Berlin mbH, Information zur Anzeige/Erlaubnis gem. §§ 53/54 KrWG (Stand 01.01.2015)

- Electronic notification or licensing application.

<https://einreichen.eaev-formulare.de/intelliform/forms/AbfAEV/AbfAEV/index>

DENMARK

Collectors, waste carriers, brokers, and dealers must register to Denmark's waste data system (Affaldsdatasystem). An approved collector also has the opportunity to act as a carrier. The competent authority will decide if the registration meets with the requirements within 21 days from receiving the registration application (Executive Order on Waste Registry (Bekendtgørelse om Affaldsregistret og om godkendelse som indsamlingsvirksomhed) <https://www.retsinformation.dk/Forms/R0710.aspx?id=191916>. The registration is valid for five (5) years and must be re-applied before the existing registration expires.

Waste carriers, dealers and brokers of hazardous waste must keep record of the amount and type of waste they handle. The record must be stored for three (3) years.

(Kaitazis, N. 2016, National Implementation of Waste Permitting Obligations in Various European Countries, REPORTS OF THE MINISTRY OF THE ENVIRONMENT 29en, 2016, Ministry of the Environment)