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CCS Prinos – News

Who has the legitimate interest to submit an objection or request for annulment to the Council of State for the "CCS Prinos" project?

A simple and brief introduction and clarification of basic concepts surrounding the Environmental Conditions Approval Decision (AEPO)

Summary:
Recently, there has been a discussion about the CO2 storage project as a necessary political/social preparation to substantiate the legitimate interest. The cancellation request must be accompanied by complete legal and technical documentation. The legal and technical team created by the Municipality for the expected costly appeal to the Council of State must work effectively. This discussion paper analyzes the basic principles of the problem of appeal to make the issue understandable to all residents and attempts to provide answers to questions such as:

- Who has the legitimate interest to go to the Council of State and request suspension or cancellation of the project? Does every citizen have it or only specific organizations or institutions?
- What is the time frame for submitting objections and appeals?
- Why is the AEPO (Environmental Conditions Approval Decision) the crucial, central legal key in the game of legality of CCS Prinos?

I think this encyclopedic knowledge is essential to understanding the next steps.

Legitimate Interest

Legitimate interest means that someone has a real and direct reason to seek the protection of the law. It is not enough to be interested "in general" in CCS Prinos, the decision or act must concern them personally, be able to harm or benefit them. In simple words: anyone who is directly affected by a decision has a legitimate interest and is therefore entitled to speak out or go to court. Legitimate interest is not explicitly defined in a single law. It is a general principle of law, arising from the Constitution and specified in various laws and in the case law of the Council of Europe. In summary, it is covered by the Constitution (article 20), the Code of Administrative Procedure (article 47 of Law 2717/1999) and the case law of the Council of Europe, while in environmental matters it is also reinforced by the Aarhus Convention[i]For an interest to be considered legitimate, it must be:

1. **Staff**– it should concern the person who invokes it, not the public in general.

2. **Direct**– have a direct relationship with the act or decision.
3. **Present**– to exist now, not indefinitely or in the future.
4. **Lawfulness**– be based on legal rules (illegal interests are not protected).

In other words, the legitimate interest in Prinos is not held by "any citizen of Greece" but by those who prove that they are directly and specifically affected by the approval of the project. Who are they?

Potential subjects of legitimate interest in CCS Prinos

Subject	Legitimate interest argument
Residents of Kavala / Thassos	They live near the facilities. Their health, safety and property may be affected by a potential accident or CO_2 leak.
Fishermen / Tourism professionals	They depend on the sea and the environment. There is a potential risk to fishing, water quality, the image of the area and tourism activity.
Environmental associations	Their purpose is to protect the environment. Their statutory role gives them a legitimate interest in checking the legality of the EIA. EIA (Environmental Impact Assessment)
Local Government Organizations (Municipality, Region)	They represent the local community. Their obligation is to protect the environment and local development. They can argue that the project affects the area and activities.
Professional / Industry bodies (e.g. Chamber of Commerce)	They can claim that the project affects the local economy and business activity, especially if there are restrictions or negative reputation.
Other energy/industrial companies	If they operate in the same area, they can say that the project affects their competition, permits, or investment opportunities.

Suspension vs. Cancellation (CCS Prinos)

What is the difference between suspension and cancellation? The concepts of suspension and cancellation are different.

Suspension / **temporary measure, emergency, until the final decision.**

- Suspension is a temporary measure and is ordered by the court to "freeze" the execution of an administrative act.[ii]until the case is decided on the merits. Example: The Council of State may order a suspension of execution of the Prinos CCS permit, if it deems that there is a risk of immediate harm to the environment or the health of residents until a final decision is issued.
- **Suspension is like "freezing time" for the action.**

Annulment

A final judicial decision eliminates the act from the legal system.

- It is a final decision of the court. If the request for annulment is accepted, the administrative act is considered non-existent from the beginning (ex tunc), that is, it is as if it had never been issued. Example: If the Council of Staate annuls the Joint Ministerial Decision[iii] which approves the EIA of the Prinos CCS, then the act disappears from the legal order and the project cannot continue with this legal basis.
- Cancellation is the "erasure" of the act, not just a temporary freeze.

If the EIA is approved, how much time do we have to initiate the necessary procedures?

In the case of the Prinos CCS, if the Environmental Impact Study (EIS) is approved, there are the following deadlines:

- **Administrative procedure**: Usually, a period of 30 days is provided from the posting or notification of the decision to approve the EIA for submitting objections to the administration (e.g. Ministry of Environment and Energy).
- **Judicial appeal (Council of State)**: The time for the cancellation request is usually 60 days from the publication or notification of the act (article 46 of Law 3900/2010, Administrative Procedure Code).
- It is important to note that submitting objections or an appeal does not automatically freeze the project. For a temporary suspension of execution, a special suspension must be requested from the Council of State.

Method

- **Objection to the administration**(YPEN - Ministry of Environment and Energy or competent Region) – submitted in writing, attaching evidence of legitimate interest.
- **Application for annulment to the Council of State**– with full documentation of legal and environmental reasons.

Administrative procedure (30 days)

- This process takes place within the Administration and before we reach the court. For example, if the EIA of the Prinos CCS is approved, we can submit an objection / request for review to the Ministry of Environment and Energy. The deadline is usually 1 month (30 days) from the notification or posting of the decision. The purpose is to give the Administration the opportunity to correct or review its decision without going to court.

Judicial appeal (Council of State – 60 days)

- Judicial appeal is the procedure in court to annul the decision if we consider it to be illegal, e.g. the application for annulment of the EIA CCS Prinos to the Council of State. The deadline here is usually 60 days from the publication or notification of the act (article 46 of law 3900/2010). The purpose is for the court to check the legality of the decision and decide whether to annul it or not.

Timeline for Submitting Objections/Appeals

Step	Action	Term	Comments
1	**EIA/AEPO/ approval**	–	The decision is published in the Government Gazette or posted on the YPEN(Ministry of Environment and Energy)/Region website.
2	**Submitting an objection to the administratio n**	**1 month**from post/share	Submitted in writing, legitimate interest must be proven
3	**Management response**	Usually 30–60 days	The administration can accept or reject the objection.
4	**Judicial appeal (Council of State)** **Request for annulment at the Council of State**	**60 days**from notification/public ation of the approval decision	Important: the cancellation request is accompanied by full legal and technical documentation
5	**Request for suspension at the Council of State (optional)**	Together with the cancellation request or after	A temporary "freeze" of the implementation of the EIA is requested until the decision is made.
6	**6 Final decision of the Council of State**	After months or 1–2 years, depending on the case	If the cancellation is accepted, the EIA is considered non-existent from the beginning.

Environmental Conditions Approval Decision (AEPO)

The importance of AEPO(Environmental Terms and Conditions Approval) for the Prinos CCS project

The Environmental Conditions Approval Decision (AEPO) is the administrative act of the Ministry of Environment and Rural Development (YPEN) that determines whether and under what environmental conditions a project can proceed. The AEPO is based on the Environmental Impact Study (EIS) and contains conditions, measures and restrictions for the protection of the environment. Without an Environmental Impact Assessment (EIA),, the project cannot be implemented. For Prinos, the EIA is the "critical point" because it environmentally legitimizes the project, sets the safety measures (leaks, marine ecosystem, seismicity) and binds both the company and the state to comply with the conditions.

The Environmental Impact Assessment (EIA) is the act that creates a legitimate interest for citizens, local bodies and environmental organizations. Without the EIA, the project cannot proceed. With the EIA, the Administration assumes responsibility that the project is legal and compliant with environmental legislation. As we saw in the timeline for submitting objections and appeals, the EIA is the administrative act that is challenged:

- either by an objection within 30 days to the Ministry of Education and Culture (administrative level),
- or by filing a request for annulment within 60 days at the Council of State (judicial level).

The AEPO/EIA is the central "legal key": It is where the game of legality of the Prinos CCS is played out and where the right of objection or cancellation is focused. If approved, it paves the way for the project, if successfully challenged, the project cannot proceed.

That is why the discussion about CCS is not only technical or economic, it is mainly a question of legality and environmental protection, which is judged in the AEPO/EIA.

For the island of Thassos, this function of cancellation of the project has been undertaken by a law firm and an external technical team of scientists who works on behalf of the Municipality. The Municipality's goal is for the cancellation request must be accompanied by complete legal and technical documentation. The cost of providing consulting services by the legal and technical offices is expected to be around 80,000 euros plus VAT. There is no official announcement on how much this will cost, it is an estimate reported in the market. Any parallel activities of other groups against CCS Prinos can contribute to this, provided that the required financial means for technical and legal support are available.

[i]The Aarhus Convention (1998, Denmark) is an international environmental agreement signed within the framework of UNECE (United Nations Economic Commission for

Europe). Greece has ratified it with Law 3422/2005. It provides for access to information (e.g. EIA, pollution measurements), public participation in decision-making concerning projects or plans with environmental impacts (such as the EIA for the Prinos CCS) and legal recourse if environmental information was not provided or participation procedures were not followed.

[ii] *It is an act of the Administration (minister, municipality, region, etc.) based on the law. The purpose is to implement the law in practice and directly binds citizens or entities. Example: The approval of the EIA for the Prinos CCS by the Ministry of Environment and Natural Resources would be an administrative decision. In simple words: the administrative decision is the tool of the Administration to do something legally.*

[iii] ***JMD = Joint Ministerial Decision***
It is an administrative act issued jointly by two or more ministers. It is used when a matter falls under the jurisdiction of more than one ministry at the same time.