

Environmental litigation in Cyprus: from established protections to a strengthened legal framework

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Environmental protection in Cyprus has long been a matter of legal and constitutional interpretation, shaped by evolving case law, statutory regulations, and international commitments. While the Cypriot constitution historically lacked an explicit provision dedicated to environmental rights, legal protections were already present, albeit indirectly. Courts and legal practitioners argued for environmental safeguards based on existing constitutional rights, particularly those concerning life, private and family life, and public health.

The introduction of the Nineteenth Amendment to the Constitution Law of 2024 represents an important step in strengthening and formalising these protections. By explicitly enshrining the right to a safe and sustainable environment, the amendment provides a clearer constitutional foundation for environmental litigation. Though this development does not mark a complete departure from past legal approaches, it enhances access to

justice, broadens legal standing, and imposes more explicit obligations on the state. For those involved in environmental disputes—whether as businesses, individuals, or advocacy groups—understanding both the preexisting legal framework and the impact of the new constitutional provisions is essential.

Preexisting protections: a legal foundation for environmental rights

Before the adoption of the Nineteenth Amendment, environmental protection in Cyprus was largely derived from indirect constitutional provisions and statutory regulations, supported by the Aarhus Convention on access to information, public participation in decision-making, and access to justice in environmental matters, which Cyprus signed in 1998 and ratified in 2003. While the Constitution did not explicitly mention environmental rights, articles 7(1) and 15 provided a legal basis for environmental claims. Article 7(1), which guarantees the right to life, was interpreted to include the right to a healthy living environment, as environmental degradation could pose a direct threat to human life and well-being. Similarly, article 15, which protects private and family life, was linked to environmental quality, recognising that pollution and unchecked urban development could interfere with an individual's ability to enjoy their home and surroundings.

Beyond constitutional interpretation, statutory environmental laws imposed obligations on public authorities, private entities, and individuals. These laws regulated waste management, air and water pollution, biodiversity conservation, and urban planning. However, enforcing these protections often faced practical and procedural hurdles, particularly in terms of legal standing.

Under article 146(2) of the Constitution, individuals needed to demonstrate a direct, immediate, and present interest to challenge administrative decisions. This requirement often prevented environmental organisations and concerned citizens from bringing claims unless they could show direct harm. As a result, legal action was often limited to cases where environmental damage had already occurred, rather than allowing for proactive intervention.

Despite these limitations, case law gradually expanded the scope of environmental protection. In *Friends of Akamas v. Republic of Cyprus*, the court recognised the environment as a "complex, collective legal good," reinforcing its status as a matter of public interest. *Republic v. Pyrga Community* strengthened the link between environmental harm and the constitutional right to life, while *Symonis & Another v. Latsia Improvement Board* acknowledged the broader social impact of urban development on community well-being. These decisions signalled a shift toward recognising environmental protection as a legitimate legal concern, even in the absence of an explicit constitutional provision.

The Nineteenth Amendment: a clearer constitutional mandate

The recent adoption of the Nineteenth Amendment builds upon these preexisting legal principles by explicitly enshrining the right to a "safe, clean, healthy, and sustainable environment" in article 7A of the constitution. While this change does not introduce environmental protection as a completely new concept in Cypriot law, it eliminates the need to infer environmental rights from other constitutional provisions and strengthens the legal foundation for environmental litigation.

One of the most notable aspects of the amendment is its impact on legal standing. Under the previous legal framework, claimants had to prove direct personal harm to bring environmental cases before the courts. The new constitutional provision removes this barrier, allowing individuals, organisations, and advocacy groups to challenge environmentally harmful actions regardless of whether they are personally affected. This is a significant procedural shift that aligns Cyprus with international legal standards, particularly the Aarhus Convention.

Another important change is the reinforced right to access environmental information. Previously, obtaining environmental data from public authorities often required demonstrating a legal interest, making it difficult for advocacy groups and concerned citizens to scrutinise environmental decisions. The new constitutional provision guarantees access to such information as a matter of right, promoting transparency and enabling greater oversight of governmental and corporate environmental practices.

Additionally, the amendment imposes a clearer constitutional duty on the state to take preventive, repressive, and remedial measures to protect the environment. While previous laws already placed certain obligations on public authorities, these obligations can now be challenged directly on constitutional grounds, providing a stronger basis for legal action against government inaction or inadequate enforcement of environmental regulations.

Practical implications: new risks and opportunities in environmental litigation

For businesses, public authorities, and individuals engaged in environmental matters, the strengthened constitutional protections introduce both new risks and new opportunities.

On the regulatory side, compliance is now subject to greater scrutiny. Companies involved in large-scale developments, industrial activities, or infrastructure projects face an increased likelihood of legal challenges from environmental organisations and affected communities. The broadened legal standing provisions mean that litigation is no longer restricted to those with direct personal harm, increasing the likelihood of proactive environmental lawsuits.

At the same time, the new constitutional framework empowers stakeholders to play a more active role in environmental governance. Communities and advocacy groups now have stronger legal tools to challenge environmentally harmful projects before significant damage occurs. The guaranteed right to access environmental information ensures that potential violations can be identified and addressed more effectively. Additionally, the explicit constitutional obligation on the state means that failures in enforcement or policy implementation can now be challenged on constitutional grounds.

Balancing environmental rights with other interests

While the amendment strengthens environmental protections, it also introduces legal complexities. The right to a sustainable environment is not absolute and may be subject to limitations for reasons of national security, public safety, public health, or the protection of other constitutional rights. This means that courts will now be required to balance environmental rights against competing interests, a process that will likely shape future case law.

Legal disputes may arise over whether restrictions on environmental rights are justified or whether they disproportionately weaken constitutional protections. The judiciary will play a critical role in determining how these limitations are applied, particularly in cases where environmental concerns intersect with economic development, infrastructure projects, or national security considerations.

Conclusion: a strengthened legal landscape, not a radical break

The Nineteenth Amendment does not introduce environmental protection as a new concept in Cyprus, but it does mark an important step in strengthening and clarifying its legal basis. By explicitly recognising the right to a sustainable environment, broadening legal standing, and reinforcing transparency, the amendment enhances access to justice and strengthens accountability.

For businesses, this means heightened regulatory scrutiny and an increased risk of legal challenges. For environmental organisations and concerned citizens, it provides new avenues to hold both public and private actors accountable. While environmental protection in Cyprus was already evolving through judicial interpretation, this constitutional amendment provides a clearer, more structured framework for environmental litigation.

As the courts begin interpreting and applying these new provisions, environmental litigation is likely to become more frequent, complex, and impactful. Understanding the transition from the previous legal framework to the new constitutional regime is essential for those navigating this evolving legal landscape. While not a revolutionary departure, the Nineteenth Amendment marks a significant refinement of Cyprus's environmental legal framework, reinforcing the role of litigation as a key tool for environmental governance.