



# ENVIRONMENTAL LAW IN GREECE

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11th annual review: Focus on nature and biodiversity

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# CONTENTS

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EXECUTIVE SUMMARY	4
FOCUS: NATURE AND BIODIVERSITY	6
1.1. National biodiversity strategy	6
1.2. Restructuring of the Ministry of Environment	7
1.3. Biodiversity Law 3937/2011	7
1.4. National system of protected areas	8
1.5. Threats to protected areas	11
1.7. Species conservation	12
1.8. Forests	15
1.6. Island wetlands	18
1.9. Sea and coasts	19
Acronyms	24

# EXECUTIVE SUMMARY

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WWF Greece's annual review of the status of environmental law and policy in Greece now runs in its 11<sup>th</sup> year: the first review was published in June 2005. Each annual review presents and discusses the developments in environmentally relevant a) laws and policies and their implementation at the national, EU and international levels, and b) case law by Greek courts and the EU's Court of Justice. The fields of environmentally relevant policy analysed in each annual review include access to information, environmental impact assessment, nature conservation, energy and climate change, waste treatment, air pollution, control of environmental crime, spatial planning, water resource management, and the operation of a national Green Fund.

Through each annual review, WWF Greece sheds light on the often incomprehensible institutional framework and court rulings dictating or undermining the protection of the environment in Greece. It also highlights the non-transparent and fragmented process by which environmental degradation is achieved, also demonstrating how vested interests are served by fast-tracking procedures and tailor-made regulations. Further to facilitating actual understanding of the legislative process, thus empowering citizens who more often than not stand powerless before the legislative maze.

Published only a few days before the programmatic statements by the new government, this year's review gains particular political significance as it tracks the successes, failures and lost opportunities of the political and legislative initiatives of two consecutive outgoing governments: the coalition government of Antonis Samaras (until December 2014) and the re-elected coalition government of Alexis Tsipras (until July 2015).

The findings of this year's review are the political compass for the incumbent government's policies on environment, energy and, ultimately, the development of a living economy that can sustainably lead Greece out of the economic crisis.

The reporting period was marked by the following milestones and developments:

1. Dramatic increase in the number of EU environmental law infringement cases: from 25 in 2013 to 36 in 2014.
2. New rulings by the EU Court of Justice against Greece on important cases: on landfills (subject to financial penalty), inadequate protection status of the sea turtle *Caretta caretta*, and water pollution by nitrates.
3. Paralysis of the national protected area system, due to lack of funding and political support.
4. Approval of the National Strategy on Biodiversity, with the challenge of its implementation remaining open and uncertain.
5. Approval by the Ramsar Convention on Wetlands of International Importance of a resolution on the conservation of small island wetlands in the Mediterranean; the resolution was officially submitted to the Ramsar Secretariat by Greece, and was supported by WWF Greece.
6. Further diminution of the system of environmental governance through the incorporation of the environment sector to agricultural production and industry under the new Ministry of Productive Reconstruction, Environment and Energy.
7. Downgrading of the Environmental Inspectorate, which is now staffed with no more than 17 inspectors covering the entire country, and representing the system of environmental crime control.
8. New round of legalisation of illegal constructions, which in many cases results in the abolition of imposed financial penalties, and the loss of substantial income (one single decision for example for an illegal construction may imply a fine up to half a million euros)).
9. New round of shoreline and beach concessions within Natura 2000 sites, for the establishment of canteens, bars and sunbeds despite the relevant decision of the supreme court (Council of the State), without prior appropriate assessment of their impact on the ecosystem.

10. Adoption and implementation of new anti-forest laws that allow for the development of settlements within ecologically sensitive forest areas and legalise confirmed law violations.
11. Constant contempt of environmental legality by the Public Power Corporation (PPC), through the inclusion of its own illegal constructions in the new permits signed by the former Minister for Productive Reconstruction, Environment and Energy for the new 660MW lignite power plant Ptolemaida V.
12. Approval of final construction permits for the financially and environmentally unsustainable new lignite power plant Prolemaida V.
13. Application to the European Commission for exclusion from the 2010/75/EU Industrial Emissions Directive of the old and polluting lignite plant Ptolemaida III, which will immerse Greece deeper into a fossil-fueled energy future.
14. Worrying data on the extent and economic impacts of environmental crime in all Europe, Greece included, issued by Europol and Interpol.
15. Increasing lack of transparency in the operation of the Green Fund.
16. Dramatic decline in the quality of legislation and the transparency of the law making process, primarily due to the immeasurable lot of uncoordinated clientelist and oftentimes cryptic provisions, which serve particular interest groups and 'settle' established infringements, at the expense of legal certainty and in mockery of law abiding citizens and businesses.
17. New bailout agreement, which includes provisions for the re-examination and possible repeal or improvement of environmentally catastrophic and clientelist legal provisions on forestry and spatial planning, which were voted in 2014.

WWF Greece's annual law review is published in Greek. Selected chapters are also published in English, focusing on a) nature and biodiversity, b) energy, and c) Greece's bailout programmes.

## FOCUS: NATURE AND BIODIVERSITY

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During the reporting period, and particularly in the second semester of 2014, the political and institutional framework for environmental protection suffered major blows, particularly with regards to forest law. The only significant positive development was the adoption of the National Strategy for Biodiversity, although how it will be implemented is yet to be seen.

### 1.1. National biodiversity strategy

Following many years of delays and preparations<sup>1</sup>, the 2014-2029 National Strategy for Biodiversity and an associated 5-year Action Plan were approved in autumn 2014<sup>2</sup>, in line with the United Nations Convention on Biological Diversity.

The completion, adoption and establishment of a national strategy, following a long period of preparation, is critical to the protection of Greek national resources and, hence, needs to be materialised, rather than simply stay on paper. Prior to its approval, the related provision of the biodiversity law<sup>3</sup> was amended<sup>4</sup> so as to allow for its adoption based solely on a ministerial decision by the Environment Ministry, rather than a Joint Ministerial Decision signed by the co-responsible ministries. In effect, this amendment wipes out the Strategy's horizontal character, and its potential to express central government policies.

The Strategy's targets comply with and can contribute to realising the joint global strategies and explicit targets included in the 2011-2020 Strategic Plan for Biodiversity, which was agreed at the tenth meeting of the Conference of the Parties (COP 10) on biodiversity held in Nagoya in 2010. In addition, they comply with and can contribute to achieving the targets of the 2011 European Strategy on Biodiversity.<sup>5</sup>

The National Biodiversity Strategy for Greece sets out its 2050 vision as follows: *"The biodiversity of Greece and the ecosystem services that it supports, are viewed as being of national importance. Natural capital is evaluated to facilitate the rational management, effective protection and restoration of its intrinsic value, due to the substantial contribution of biodiversity to the society's welfare and economic prosperity. By 2050, it is aimed to have prevented all destructive changes caused by the loss of biodiversity."*

The Strategy has a 15-year horizon of implementation and its wider aim is "Halting biodiversity loss - Promoting biodiversity as a national natural capital - Intensifying the contribution of Greece to preventing the loss of global biodiversity".

The competent body for implementing the strategy and coordinating the ministries involved is the MRPEE (MEECC). Along with the Strategy, a 5-year Action Plan for 2014-2018 has also been approved. The action plan determines the actions necessary in order to meet each individual target. Despite the fact that these actions are considered ambitious, their implementation is expected to be difficult, as no prioritisation or implementation timeframes are provided, and neither are estimates on costs nor possible sources of funding.

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<sup>1</sup> WWF Greece has contributed to the development of the National Strategy on Biodiversity since 2009, by taking part in public consultations, as part of a MEECC working group and as a member of the Nature 2000 Committee.

<sup>2</sup> Ministerial Decision 40332/26.8.2014 "Approval of the 2014-2029 National Strategy on Biodiversity and of a 5-year Action Plan" (Government Gazette B'2383/2014)

<sup>3</sup> Article 17 par. 3 of Law 3937/2011 on "Biodiversity conservation and other provisions" (A' 60)

<sup>4</sup> Article 58 Law 4277/2014 "New Master Plan for Athens - Attica and other provisions" (A' 1561)

<sup>5</sup> European Commission. (2015). Our life insurance, our natural capital: an EU biodiversity strategy to 2020. [COM (2011) 244 final].

## 1.2. Restructuring of the Ministry of Environment

The Ministry of Reconstruction of Production, Environment & Energy (MRPEE) was established in January 2015, and included the Ministry of Environment, Energy and Climate Change (MEECC), the Ministry of Rural Development and Food (MRDF) and the General Secretariat for Industry of the former Ministry of Development and Competitiveness.<sup>6</sup>

Before the MRPEE was set up, a new presidential decree had been issued in October 2014 for the reorganisation of the MEECC<sup>7</sup>. It brought together for the first time the general directorates dealing with forests and biodiversity under the jurisdiction of the Ministry's General Secretariat. Despite the significance of this development for the sustainable management at least of terrestrial ecosystems, one finds it hard to explain the decision to move the Directorate for Protected Area Planning, Maritime Space and Forest Maps from the MRPEE's General Secretariat to the General Secretariat for Regional Planning and Urban Development. Similarly inexplicable is the decision to retain the Special Secretariat for Water, rather than transfer its services to the General Secretariat for the Environment, despite the fact that water and marine policies are integral parts of environmental policy.

## 1.3. Biodiversity Law 3937/2011

The law on biodiversity<sup>8</sup>, particularly articles 1-22, constitutes the most important piece of legislation that Greece has adopted for the protection of the natural environment over the past five years.<sup>9</sup> In essence, it modernises and simplifies the procedures for biodiversity conservation. Its implementation is however undermined by the fact that the state, and the competent ministry that holds the central and main responsibility, have not yet taken the steps required to issue the necessary implementation and delegated acts, postponing indefinitely the actual implementation of the law. In addition, during this reporting period, some of the amendments made have altered its nature, contributing thus to the overall regression noted in the country's environmental legislation.

*The important amendments made to biodiversity legislation are the following:*

- One of the novelties of biodiversity legislation was the integration of wildlife refuges into the National System of Protected Areas, and more importantly the provision for the establishment of marine wildlife refuges in areas of high fish reproduction and juvenile fish concentrations<sup>10</sup>. An amendment that was voted during the consultation on the - particularly questionable - law 4280/2014 in December 2014<sup>11</sup>, brought changes to the list of activities forbidden in wildlife refuges, removing the provision that prohibited fishing in marine refuges<sup>12</sup>. In essence, it abolished one of the legislation's main novelties, i.e. the provision for establishing protected areas for the reinforcement of fish stocks and the conservation of the marine environment.
- The provision that was introduced in 2012<sup>13</sup> in the article on the protection and management of Natura 2000 sites<sup>14</sup>, related to the establishment of mountain refuges and ski resorts in forests and forest

<sup>6</sup> Presidential Decree 24/2-15 "Establishment and renaming of Ministries, transfer of General Secretariat for Social Security" (A'20).

<sup>7</sup> Presidential Decree 100/2014 "Environment, Energy and Climate Change Organization" (A' 167) as is in force following the review of article 40 Law 4305/2014 "Open distribution and further use of documents, information and data of the public sector, amendment of l. 3448/2006 (A' 57), adaptation of national legislation to the provisions of the 2013/37/EU Directive of the European Parliament and Council, further reinforcement of transparency, arrangement of Introductory Competition for the National School for Public Administration and other provisions" (A'237).

<sup>8</sup> Law 3937/2011 "Biodiversity conservation and other provisions" (A'60)

<sup>9</sup> WWF Greece. (2014). Commitments for implementation: The environmental legislation in Greece. Retrieved on 03.08.2015 from <http://goo.gl/gVW6e0>.

<sup>10</sup> Article 5 par. 4.3. of Law 3937/2011 "Biodiversity conservation and other provisions" (A'60)

<sup>11</sup> Article 59 Law 4315/2014 "Contributions in land and money - Planning expropriations and other provisions" (A' 269)

<sup>12</sup> Article 5 par. 4.3. of Law 3937/2011 "Biodiversity conservation and other provisions" (A'60)

<sup>13</sup> Article 53 par. 5 of Law 4042/2012 "Criminal Law Protection of the Environment - Harmonisation with Directive 2008/99/EU - Waste production and management framework - Harmonisation with Directive 2008/98/EU - Regulation of issues related to the Ministry of Environment, Energy and Climate Change" (A' 159)

<sup>14</sup> Article 9 of Law 3937/2011 "Biodiversity conservation and other provisions" (A'60)

lands in protected areas was abolished<sup>15</sup>. It is noted however that, following recent provisions, most - if not all - ski resorts in Greece are considered as "existing"<sup>16</sup>.

### *Outstanding implementation issues*

During the reporting period, the only implementation act that was issued based on the biodiversity law was the act approving the National Strategy on Biodiversity<sup>17</sup>. The following critical issues are still outstanding:

- 1) All acts related to the operation of the National System of Protected Areas.
- 2) Provisions related to the conservation of flora and fauna species.
- 3) Provisions related to the conservation of natural ecosystems and preventing their degradation.
- 4) Provisions related to scientific research, public awareness and participation and particularly the decision of the MRPEE General Directorate, in collaboration with other authorities that will designate the process and terms of reference of the monitoring plans of important habitats.
- 5) Other acts and specific actions that fall under the MRPEE's exclusive responsibility.

## 1.4. National system of protected areas

Designation of protected areas: During the reporting period there were few developments regarding the designation of protected areas. Most relate to Council of State decisions and opinions. It should be noted that no action has been taken to conclude the designation process of areas, not even of those that have been brought into public consultation.

Kotychi - Strofilia and Axios-Loudias-Aliakmonas Delta: Recent pre-judicial Council of State decisions in February 2015 verified previous case-law, according to which joint ministerial decisions (JMD) are not the proper legal instruments to designate protected areas as national parks; presidential decrees (PD) are required instead. These two recent decisions examined the JMDs for the designation of the "Kotychi-Strofilia"<sup>18</sup> and "Axios-Loudias-Aliakmonas Delta"<sup>19</sup> National Parks. Without examining the cases in detail, the Council of State (CoS) postponed its final decision by 6 months, and in its preliminary rulings noted that the administration can meet legal requirements by initialise the designation process through a PD within this period.

Vourkari-Megara: According to the opinion issued by the Council of State in January 2015, it seems that one more decree related to the designation of protected areas is nearing completion. According to the opinion on the draft Presidential Decree, the CoS calls for the administration to proceed urgently with the designation of the Vourkari-Megara wetland as a regional park.<sup>20</sup>

Hymettus: On examining the writ of annulment of the Presidential Decree<sup>21</sup>, the CoS<sup>22</sup> postponed its final decision, referring the case for a preliminary ruling to the Court of Justice of the European Union (CJEU). The issue that confounded the CoS and led to the referral to the CJEU was whether there should have been a Strategic Impact Assessment Report on the PD, based on the 2001/42/EU Directive or other environmental screenings, prior to the designation of Mt Hymettus as a regional park.

The CJEU with its decision (C-473/14, September 10<sup>th</sup> 2015), ruled that there is indeed a requirement for Strategic Environmental Assessments (SEAs) on any legislation that introduces regulations related to

<sup>15</sup> Article 52 par. 1 v. 13 Law 4280/2014 "Environmental upgrade and private urban development - Sustainable housing development Forest Law regulations and other provisions" (A' 159)

<sup>16</sup> Article 19 I.4276/2014 "Simplification of operating procedures in tourism businesses and tourism infrastructure, special types of tourism and other provisions" (A' 155)

<sup>17</sup> Ministerial Decision 40332/26.8.2014 "Approval of the 2014-2029 National Strategy on Biodiversity and of the 5-year Action Plan" (B'2383).

<sup>18</sup> CoS 534/2015.

<sup>19</sup> CoS 642/2015.

<sup>20</sup> DR 12/2015.

<sup>21</sup> Presidential Decree /2011 "Establishment of protection measures for Mount Hymettus and Goudi-Ilisia Metropolitan Parks" (D'187)

<sup>22</sup> CoS Pl. 2996/2014



planning, land use or building regulations<sup>23</sup>. While the final ruling of the CoS is still pending, this CJEU decision highlights the need to re-examine the specifications related to studies on the designation of protected areas, in order to ensure their compatibility with the requirements of the 2001/42/EC Directive.

- **Management and operation:** The extension of the operation of the management bodies of protected areas until December 2015, which was announced in December 2013<sup>24</sup>, provided the time necessary for the Greek government to establish a new administrative system that would ensure the effective protection of the most significant ecological treasures of Greece. In April 2014, at a workshop organized by the environmental ministry, it was announced that a public dialogue on the future of the National System of Protected Areas would be initiated. Following delays, the working groups were set up in June and completed their work in November 2014: the groups produced and submitted four separate reports on the architecture of a modernised and better coordinated system, its financing and overall sustainability, management and monitoring tools and on the introduction of guarding, monitoring, protection and management systems.

Since November 2014, when the working group coordinators presented the results of their work to the political leadership of the ministry, no other action has been taken. As a result, the future of the National System of Protected Areas remains uncertain, particularly given the fact that the deadline for extending the decision on abolishing or/and merging regional management bodies expires at the end of 2015.

Taking into account that to date the operation of the National System of Protected Areas relies almost exclusively on NSRF funds - whose flow is problematic and intermittent - and on other EU funding, omitting provisions for the operating costs of management bodies from the 2014-2020 programming period (Operational Programme for Infrastructure, Transport and the Environment), along with the long-lived policy of refusal to cover their basic expenses through the State Budget, create a suffocating dead-end situation that requires urgent resolution.

It is worth noting that in July 2015 an ad hoc committee on protected areas was established at the Ministry of Environment. The committee has been appointed in order to a) undertake an evaluation/amendment and enhancement of the existing legislative framework for the natural environment and b) propose a revised national system for the management and administration of the country's protected<sup>25</sup>. The composition of the committee fails to promote dialogue between environmental bodies and organizations, as it excludes NGOs, universities and protected areas management bodies. The rationale behind the MRPEE political leadership's decision to prioritise on forming yet another committee dealing with changing the legislation related to the natural environment, rather than urgently addressing the aforementioned crisis in protected areas, remains unclear.

Moreover, it is interesting to note that just hours prior to the government's resignation, MRPEE representatives publicly committed to addressing the financing needs of management bodies through the State Budget, and to upgrade them and revise their institutional framework, taking into account National Dialogue recommendations<sup>26</sup>.

Greece's Natura 2000 network: As has been repeatedly pointed out in WWF Greece's annual law reviews, Greece has yet to define conservation objectives for its Natura 2000 sites, and has not yet instituted nor implemented sufficient management measures. These requirements are included in article 6 of the 92/43/EEC Directive and constitute the essence of its implementation. The deadline for their implementation in the Mediterranean biogeographical zone expired in 2012, i.e. 6 years after the list of Sites of Community Importance (SCI) of the Mediterranean biogeographical zone had been approved<sup>27</sup>.

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<sup>23</sup> CJEU judgement on 10 September 2015 in case C-473/14. "(Referral for preliminary ruling — Directive 2001/42/EC — Assessment of the effects of certain plans and programmes on the environment — Protection regime in respect of the Mount Hymettus area — Modification procedure — Applicability of the directive — Master plan and environmental protection programme for the greater Athens area"

<sup>24</sup> Law 4219/2013 "Approval of the Amendment Agreements regarding concession contracts of major road projects and regulation of associated issues" (A'269)

<sup>25</sup> Ministerial Decision 29491/20.7.2015. "Introduction and establishment of an ad hoc committee for preparing draft bills related to a) the evaluation / amendment and enhancement of the legislative framework for the natural environment and b) the national management and administration system of protected areas and the natural environment". (ΑΔΑ: Ω43Β465ΦΘΗ-90Ρ).

<sup>26</sup> MRPEE. (2015, 27 August). Ensurance of the operation of Protected Areas Management Bodies [Press release]. Retrieved from: <http://www.ypeka.gr/Default.aspx?tabid=785&snf%5B524%5D=3934&language=el-GR>.

<sup>27</sup> European Commission. (2006). Adopting the list of sites of Community importance for the Mediterranean biogeographical region. [Decision 2006/613/EC].

These delays led the European Commission to send Greece a letter of formal notice for failing to complete its obligation to designate SCIs as Special Areas of Conservation (SAC). . It is interesting to note that one of the most important novelties of the biodiversity law was that it designated SCI as SAC, and specified the procedure for setting out conservation objectives - essentially leading to the implementation of the management measures. It thus simplified the former procedure, which until then required for each area to be designated under one of the categories of the National System of Protected Areas.

Funding of Natura 2000 sites: In December 2014, and while the planning of the new EU programming period had been completed, the Prioritized Action Framework (PAF) for Natura 2000 sites was approved<sup>28</sup>. The document, which is a requirement of article 8 of the Habitats Directive, aims at recording and prioritizing the conservation and management needs of Natura 2000 sites in EU countries, and to lead to more effective use of available funding, particularly European funds during the 2014-2020 programming period.

Implementation of the birds and habitats directives: The developments regarding Greece's obligation to implement the habitats<sup>29</sup> and birds<sup>30</sup> directives highlight the issues that - for yet another year - hinder the effective protection of biodiversity in the country.

Following long delays and bureaucratic bottlenecks, the monitoring and assessment programme for the conservation status of habitats and species of Community interest in Greece was finally launched. The directives require that all results and associated reports are submitted to the European Commission. To date, Greece has only submitted its report on habitats, in December 2014, while the report on wild birds has been delayed.

The report on the 2007-2012 period was submitted following not only long delays, but also the issue of a reasoned opinion on behalf of the European Commission to Greece in November 2014, related to its failure to send the data required by article 17 of the 92/43/EEC Directive; the country had also received a letter of formal notice in March 2014. Even if the case is eventually closed - once the competent Community authorities have completed the examination of the data - there is no guarantee that Greece will develop a monitoring system for the environmental and conservation status of protected areas, which is a requirement of article 3, Law 3937/2011 and has been set out as a strategic target in the recently adopted National Strategy on Biodiversity. The implementation of a programme that would form the basis for such a monitoring system is facing major obstacles, the more recent being the delays in receiving NSRF funding. Completion of this monitoring is linked to identification of conservation objectives, which, as mentioned above, have yet to be determined.

The overview report of the European Commission on the state of nature in the European Union, which was published in May 2015, did not include updated data on Greece, as was expected. Greece was the only country that failed to send its report.<sup>31</sup>

Developments at a EU level: The most important development at the EU level has been the announcement on the evaluation of the habitats and birds directives, as part of the fitness checks performed by the European Commission<sup>32</sup>. The evaluation examines the extent to which both directives contribute in an effective and coherent way to the conservation of Europe's most important species and habitats<sup>33</sup>.

The greatest concern arising from this evaluation is related to the wider political and economic circumstances in Europe, which are particularly unfavourable to the protection of the environment.

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<sup>28</sup> MEECC. Priority Action Plan for Natura 2000 sites for the 2014-2020 programming period. Retrieved on 19.06.2014 from <https://greeknationalpafs.wordpress.com/>.

<sup>29</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Official Journal L206, 22.7.1992)

<sup>30</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Official Journal of the European Union L20 on 26.1.2010, p. 7-25)

<sup>31</sup> European Commission. (2015). The State of Nature in the European Union: Report on the state of and trends for habitat types and species covered by the Birds and Habitats Directives for the 2007-2012 period as required under Article 17 of the Habitats Directive and Article 12 of the Birds Directive. [COM(2015) 219 final]. Retrieved on 20.5.2015 from <https://goo.gl/tQg2jH>.

<sup>32</sup> European Commission. Fitness Check of EU Nature Legislation (Birds and Habitats Directives). Retrieved on 03.08.2015 from <http://goo.gl/mkYihg>.

<sup>33</sup> WWF Greece. (2015). Responses of Greek environmental organisations to the technical consultation. Retrieved on 03.08.2015 from <http://goo.gl/ilnNdW> and: [http://www.wwf.gr/images/pdfs/2015Apr30\\_EvidenceGatheringQuestionnaire\\_NGOs\\_GR.pdf](http://www.wwf.gr/images/pdfs/2015Apr30_EvidenceGatheringQuestionnaire_NGOs_GR.pdf).

The evaluation began in January 2015 with an evidence-gathering exercise involving specific bodies in each Member State, based on an extensive questionnaire revolving around five topics: effectiveness, efficiency, coherence, relevance, and EU added value. Responses were collected from 107 organisations.

Three organisations took part in the consultation from Greece: the Biodiversity and Protected Areas Department of the Directorate of Biodiversity Protection, Soil and Waste Management (MRPEE), the Piraeus Bank Environmental Group and WWF Greece, which represented 12 Greek environmental NGOs. All responses and associated data were published in summer 2015 on a special website of the European Commission<sup>34</sup>.

In addition, extensive targeted consultation was organised in 10 Member States, followed by a public consultation that lasted 12 weeks, which gave EU citizens the unique opportunity to make their own opinion heard regarding the future of nature legislation. At the end of the consultation on 26<sup>th</sup> July 2015, 552,471 citizens and organisations submitted responses. This constitutes the greatest participation of citizens in a public consultation in the history of the EU. Out of the submissions, 520,325 resulted from a joint European campaign of more than 120 environmental NGOs, entitled #NatureAlert. The campaign was organised to stop any threats to current nature protection efforts and to obtain better implementation and enforcement of Europe's nature laws. The outcomes of the consultation will be announced in autumn 2015, while the final fitness check results are expected in early 2016.

Prespa Park: For yet another year, Greece failed to ratify the International Agreement for the Protection and Sustainable Development of Prespa Park, which the country itself had proposed to neighbouring countries and the EU. As a result, and despite the fact that the other partners have pushed forward the ratification process, the Agreement is still on hold, undermining many years of transnational cooperation on environmental issues in the region.

## 1.5. Threats to protected areas

Illegal landfill in sea turtle national park: In July 2014, the CJEU convicted Greece for keeping in operation the malfunctioning and overfull Zakynthos landfill<sup>35</sup>. More specifically, the court ruled that the landfill does not meet EU environmental legislation conditions and requirements, with regards to directives on waste (2008/98/EC), landfill (1999/31/EC) and habitats (92/43/EEC).

As the court points out, Greece failed to take the necessary measures in order to end the operation of landfill which is located within the boundaries of the National Marine Park of Zakynthos. On the contrary, it extended its operation, without meeting the conditions and requirements of EU environmental legislation. The landfill operated for a long period of time without any environmental conditions in place. Despite the fact that in 2011 the competent authorities committed to performing works for the support, restoration and improvement of the area, the operating terms of the landfill were renewed and the conservation provisions that apply to Natura sites were ignored. Greece failed to ensure that the landfill would cease to be a source of pollution for the surrounding valuable ecosystem and permitted the continuous leakage of leachate and waste to the surrounding area.

The decision to close the landfill was announced by the Ionian Islands Region<sup>36</sup> a few hours prior to the hearing of the case at the CJEU, in March 2014. In its decision, the CJEU rules that "overfull landfill site in question is detrimental to the habitat of the sea turtle". *"Consequently, the Court declares that by keeping in operation, on the Island of Zakynthos, an overfull landfill site which is not functioning*

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<sup>34</sup> European Commission. Fitness Check – Responses to the Evidence Gathering Questionnaire. Retrieved on 28.07.2015 from <http://goo.gl/4WSjt3>.

<sup>35</sup> Court of Justice of the European Union. Case C-600/12. European Commission v Hellenic Republic "Failure to fulfil obligations — Environment — Waste management — Directives 2008/98/EC, 1999/31/EC and 92/43/EEC — Discharge of waste on the island of Zakynthos — Zakynthos national marine park — Natura 2000 site — *Caretta caretta* sea turtle — Extension of the validity period of environmental clauses — Lack of conditioning plan — Operation of a landfill site — Faults — Saturation of the landfill site — Infiltration of leachate — Insufficient coverage and dispersion of waste — Extension of the landfill site". [17 July 2014 Decision].

<sup>36</sup> Decision of the Ionian Islands Governor 10917/2569/4.2.2014 on issuing administrative action according to the provisions of Law 1650/1986 "For the protection of the environment", as has been amended and is in force, against the Zakynthos Solid Waste Management Body, with regards to the landfill operation in Kalamaki, Zakynthos. (ΑΔΑ:ΒΙΡΤ7ΛΕ-4ΨΗ)

properly and which does not comply with EU environmental legislation, Greece has failed to fulfil its obligations under the Directive on waste and the Directive on the landfill of waste."<sup>37</sup>

Environmental NGOs Archelon, MEDASSET, MOM and WWF Greece issued a joint statement<sup>38</sup> stressing there has been no substantial provision for the protection of the most important nesting beach of the *Caretta caretta* in the Mediterranean. Despite the conviction, the landfill is still in operation, while the actions described in the statement of the Ionian Islands Region have yet to be implemented.

There is still a need for coherent waste management on the island. Despite the fact that the environmental terms for a new Integrated Waste Management Facility (IWMF) have been approved, its construction has been delayed by legal action at the Council of State led by the local MP Stavros Kontonis. In July 2014, the Council of State overruled the appeal on the grounds that "the construction of a new sanitary landfill is expected to contribute to the decontamination and development of the ecosystems of the wider area of the island", whereas such infrastructures do not pose threats to nature, when properly planned and constructed.<sup>39</sup>

Lesvos wetlands: Since 2004, local and national organisations have reported an increase in incidents that lead to the degradation of Natura sites on the island of Lesvos, along with the lack of conservation measures or a failure to implement them. In this respect, a joint complaint was made in 2011 by local environmental organisations, WWF Greece and the Hellenic Ornithological Society, which led to the initiation of an infringement procedure. In October 2014, the European Commission sent a letter of formal notice (no 2013/4208) to Greece, related to inadequate and uncontrolled protection of Natura 2000 sites on the island. The competent authorities of the General Directorate for the Environment will examine the evidence submitted along with Greece's reply to the letter, in order to decide on the next steps and whether the country will be referred to the European Court of Justice or not.

Kitros wetland: In November 2014, the environmental conditions for the construction of the "Olympiada" resort housing in the Kitros salina were approved<sup>40</sup>. The project includes the construction of a settlement of 6,500 inhabitants in the 2,041-acre area. If it proceeds, it will be the third largest settlement in the Pieria prefecture. In essence, it is a construction project within an environmentally protected zone that formed part of a wider wildlife refuge area. However, the boundaries of the latter were changed and the specific area was delisted from its previous protection status in July 2014, by decision of (former) Deputy Minister Nikos Tagaras<sup>41</sup>. More specifically, the built area of the planned settlement is part of a Special Protection Area (GR1220010 "Delta Axioθ-Loudia-Aliakmona –Alyki Kitrous"), and is adjacent to a Special Area of Conservation (GR1250004 "Alyki Kitrous"), as well as to the protected area of the 'Axios-Loudias-Aliakmonas Delta' National Park.

This project has been under way since the 1990s but hadn't been given a green light until 2014. This fact confirms the notion that the political leadership of the ministry gives priority to short-term options that threaten the country's natural capital. The planned construction investment in an area of national and European importance that hosts many protected and endangered species will have detrimental and irreversible effects. Environmental NGOs have taken legal action with the Council of State, calling for the annulment of the ministerial decision approving environmental conditions.

## 1.7. Species conservation

Sea turtle habitat in Kyparissia : The protection of Kyparissiakos Gulf remains inadequate, as no appropriate conservation measures have been established, despite the fact that the area constitutes the second most important nesting beach for the *Caretta caretta* in the Mediterranean.

<sup>37</sup> Court of Justice of the European Union. (2014, 17 July). By not prohibiting the uncontrolled management of a landfill site in the National Marine Park of Zakynthos (Zante), Greece has infringed European Union environmental legislation. [Press release]. <http://curia.europa.eu/jcms/upload/docs/application/pdf/2014-07/cp140104en.pdf>

<sup>38</sup> WWF Greece. (18.7.2014). A conviction for *Caretta caretta*, Zakynthos, tourism and the country's image. <http://wwf.gr/news/1297-2014-07-18-13-36-17>

<sup>39</sup> CoS 1394/2015.

<sup>40</sup> Ministerial decision 176098/12.11.2014 "Approval of Environmental Conditions (AEC) of the project: 'Development of resort housing in the shoreline of the Korinos Community, Municipality of Katerini, Pieria Prefecture, property of 'Korinos Coastline Housing Exploitation Joint Limited Regional and Local Authorities Company 'Olympiada'". (ΑΔΑ 7ΩΖΝ0-6ΑΚ)

<sup>41</sup> Ministerial decision 112001/1833/3.7.2014. "Amendment of the boundaries of the Shelter for Stray Animals 'Kitros Salt Pit' in the Katerini Municipality, Pieria". (ΑΔΑ: ΩΕ58-54Ω).

In August 2014, a consultation was organized on the Special Environmental Study (SES) and the draft Presidential Decree on the designation of the area as a regional park. It is important to note that the SES that was ultimately approved in October 2014<sup>42</sup>, covers the southern part of the Kyparissiakos Golf and is attached to the - already approved SES of the region between Kyparissia's northern areas and Ilia. It was a "closed type" and intransparent consultation, similar to many others organised through the ministry's website, thereby not allowing commenters to see other comments submitted on the same issue. The NGOs<sup>43</sup> that have been following closely the development in the Kyparissiakos Gulf argued that the definition of the area as a regional rather than a national park is insufficient, considering its size and ecological importance. At the same time, they pointed out that the measures and provisions suggested would lead to an uncontrollable situation: the insertion of a thin zone of this 47 summer house development plan between two nature reserve zones would legalise illegal interventions and ultimately turn a natural area into a touristic/built one.

According to the opinion of the CoS on the draft decree <sup>44</sup> (presented below) several modifications to the draft are required. As a result, without other progress having been noted, the ministry further extended the suspension of building permits and construction works for another 11 months, offering one last chance for the protection of the area<sup>45</sup>. Specifically, CoS considered the opinion of the Nature 2000 Committee as unacceptable, due to its unconventional *modus operandi*. Moreover, rather than sticking to formalities, it reckoned that there is "an urgent need for the [PD] to be issued as soon as possible", and it made certain legal recommendations, making it easier in this way for the Administration to carry out the necessary modifications. The court ruled that, among other reasons, the draft decree had not been brought forward legitimately for the following reasons: a) the designation of the area as a regional rather than national park, despite its ecological importance<sup>46</sup>, b) the designation of areas for built development and the promotion of building activity<sup>47</sup> and land subdivision<sup>48</sup>, and c) the attempt to legalise illegal roads and permit other activities<sup>49</sup>. The ministry should therefore take into account the recommendations of the CoS and the Nature 2000 Committee, and submit an amended document for review.

The issue of Kyparissiakos attracted international attention as well, as the Permanent Committee of the Bern Convention, during its December 2014 assembly, adopted unanimously a recommendation calling Greece to increase the protection of the southern Kyparissiakos and for the prevention of future degradation of the area<sup>50</sup>. In July 2014, an inspection team sent by the Convention visited the area to perform an on-site evaluation of its conservation issues and overall state. The resulting recommendation is in direct opposition to the Presidential Decree draft which the ministry submitted to the CoS.

Poisoned baits: During the reporting period, developments noted indicate that the issue is gradually receiving more attention. Despite the significant efforts made by certain authorities, a more integrated approach towards poisoned baits is still needed.

In July 2015, the provision on poisoned baits in the National Action Plan for the Rational Use of Pesticides<sup>51</sup> was amended<sup>52</sup>. As a result, the designated MRPEE website<sup>53</sup> for informing the public will

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<sup>42</sup> MEECC S.G. Decision 48730/2236. "Approval of the Special Environmental Study (SES), complementary to the approved SES "Thines and coastal forest of Zacharo, Kaifa Lake, Strofilia, Kakovatos" and "Kyparissia golf marine area", by the addition to the area of study of the remaining areas A) "Thines Kyparissias (Neochori - Kyparissia)" SES (GR2550005) and B) "Kyparissia Golf marine region: Katakolo Peninsula - Kyparissia" SES (GR2330008) and issue of a Presidential Decree draft that will set out, regulate and define the conservation terms and the measures required for a coherent management of the aforementioned adjacent SES".

<sup>43</sup> ARCHELON, MEDASSET and WWF Greece. (2015). Recommendations on the Presidential Decree draft. Retrieved on 16.06.2015 from [http://www.archelon.gr/contents/photos/File/ARCHELON\\_WWF\\_MEDASSET\\_7-9-2014.pdf](http://www.archelon.gr/contents/photos/File/ARCHELON_WWF_MEDASSET_7-9-2014.pdf)

<sup>44</sup> RP 32/2015

<sup>45</sup> Ministerial Decree 19422/25.6.2015 "Suspension of issuing building permissions and performing building and other works in 'Thines Kyparissias GR2550005' areas of the Trifyllia Municipality (Messinia Prefecture)." (ΑΑΠ' 130).

<sup>46</sup> Record of Preparation (RP) 32/2015, p. 10-13<sup>th</sup>

<sup>47</sup> (RP) 32/2015, p. 14<sup>th</sup>

<sup>48</sup> (RP) 32/2015, p. 15<sup>th</sup>

<sup>49</sup> (RP) 32/2015, p. 16<sup>th</sup>

<sup>50</sup> Bern Convention. (2014). Recommendation of the Standing Committee on the conservation of the loggerhead sea turtle (*Caretta caretta*) and of sand dunes and other coastal habitats in Southern Kyparissia bay (NATURA 2000 – GR 2550005 "Thines Kyparissias", Peloponnesos, Greece). [Recommendation No. 174 (2014)]. Retrieved on 03.08.2015 from <https://goo.gl/dLT4n3>

<sup>51</sup> Joint Ministerial Decision 8197/90920/22.7.2013. "Introduction of a National Action Plan aimed at implementing the 2009/128/EC Directive and at protecting people and the environment" (B' 1883)

<sup>52</sup> Joint Ministerial Decision 6669/79087/15.7.2014. "Amendment of the 8197/90920/22-7-2013 decision of the Rural Development and Food, Health and Environment, Energy and Climate Change Ministers 'Introduction of a National Action Plan aimed at implementing the 2009/128/EC Directive and at protecting people and the environment' (B' 1883/1-8-2013)." (B. 1582)

hereinafter include, in collaboration with the Benaki Phytopathological Institute, protocols for the collection and treatment of baits that have been poisoned using plant protection products, and will also record any incidents of associated wild animal poisoning. The amendment and the texts that were published on the website are the result of collaboration between the competent authorities and the National Team against Poisoned Baits, formed by environmental organisations and other bodies.

With regards to pesticides, particularly important was a recent decision that opens the way for their electronic prescription<sup>54</sup>. The decision calls for a transitional period for the setup of an electronic prescription system, which was launched as part of a pilot project in March 2015. According to the MRPEE circular, electronic prescriptions will become obligatory from 28.8.2015 onwards<sup>55</sup>. Given the fact that the illegal use of pesticides as baits poses an important threat to the country's wildlife fauna, the implementation of the requirement for prescriptions - at least for professionals - is an important step towards dealing with the issue, as it will allow for monitoring pesticide use.

An infringement procedure was initiated by the European Commission in September 2014 regarding the continuing use of baits in Greece and the limited response of the competent authorities towards such an important environmental problem. The indifference of competent authorities is demonstrated by two recent incidents in Meteora and Thrace, which resulted in the death of a *Neophron percnopterus* (critically endangered species)<sup>56</sup> and of 11 animals<sup>57</sup>, including one wolf. These incidents are only a few of many examples - some of which never become public<sup>58</sup> - recorded by scouting teams using specially trained dogs, operating in these two areas for the first time in Greece. Their occurrence prompted the reaction of the forestry service, which issued a new circular with guidelines on dealing with incidents of poisoning. The guidelines were published on the website of the Ministry of Agriculture, along with a reminder that the use of baits is illegal, making note to the associated responsibility of forestry authorities and the police<sup>59</sup>.

Wind parks and birds: In October 2014, the requirement to prepare a special ornithological report as part of the Special Environmental Assessment (SEA) for Important Bird Areas (IBAs) that have not been designated as Special Protection Areas (SPA) was established, based on the 2009/147/EC Directive. The decision followed an amendment to the Ministerial Decision on the Special Planning Framework for renewable energy sources<sup>60</sup> that was submitted by the MEECC during the parliament discussion on bill 4296/2014<sup>61</sup>. With this amendment and following months of delays, the administration complied with the CoS decision that had ruled that ornithological reports are required also for IBAs<sup>62</sup>.

As part of WWF Greece's efforts to underline the need for more rational planning of wind parks in Thrace - which is a Wind Priority Area (WPA) and has high avifauna value - the organisation made an appeal against the environmental permit of a new wind park in the area. The appeal was upheld<sup>63</sup>. This is the second time that a wind park environmental permit in the area is cancelled, following an older appeal made by WWF Greece against another wind park in the area<sup>64</sup>. These decisions recognise the important challenges in examining, evaluating and assessing wind park impacts through the environmental impact assessment process and in particular through the appropriate assessment process required by the EU nature directives.

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<sup>53</sup> Ministry of Agriculture. Poisoned bait using plant protection products. Retrieved on 03.08.2015 from <http://goo.gl/OrAx5h>.

<sup>54</sup> Ministerial Decision 9497/104760/20.8.2014. "Prescriptions for the use of pesticides" (B' 2310)

<sup>55</sup> Circular of the MRPEE Agricultural Protection Directorate 2044/24773 "Prescription of plant protection products". (ΑΔΑ ΩΗΙΝ465ΦΘΗ-ΡΑΗ).

<sup>56</sup> Hellenic Ornithological Society. (2015, 22 July). Serious incident of *Neophron percnopterus* poisoning in Meteora: two couples left. Retrieved on 03.08.2015 from <http://goo.gl/uScQAf>.

<sup>57</sup> WWF Greece. (2015, 17 July). Poisoned baits in the heart of Kompasatos. <https://wwfaction.wordpress.com/2015/07/17/foleskompasatos/>

<sup>58</sup> The activity of the scouting teams is part of the LIFE10 NAT/BG/000152 programme, entitled "Urgent measures for ensuring the survival of *Neophron percnopterus* in Bulgaria and in Greece" which is the result of a collaboration between: Bulgarian Society for the Protection of Birds-BSPB, Hellenic Ornithological Society, WWF Greece and Royal Society for the Protection of Birds-RSPB. It is funded by the European Union and the A. G. Leventis Foundation. Retrieved on 03.08.2015 from <http://www.lifeneophron.eu/gr/index.html>.

<sup>59</sup> Circular of the MRPEE Forest General Directorate 126034/2267/20.07.2015. "Dealing with cases of baits poisoned using Agricultural substances".

<sup>60</sup> Article 6 par. 3 JMD 49828/2008 "Special framework for the planning and sustainable development of renewable energy sources" (B' 2464)

<sup>61</sup> A.13 Law 4296/2014 "Approval of the 30.12.2013 Contract Agreement between the Greek State and KAVALA OIL SA, ENERGEAN OIL AND GAS and third party Hellenic Petroleum SA, regarding the amendment of the 23.11.1999 agreement for the exploitation of Hydrocarbon in the Thracian sea, between the Greek State and KAVALA OIL SA, which was approved by Law 2779/1999 (A'296)". (A'214)

<sup>62</sup> CoS 807/2014, CoS 1422/2013, r. 15th

<sup>63</sup> Ministerial Decision 18139. "Cancellation of the 5099/29-1-2015 decision of the Secretariat General of the Decentralised Macedonia-Thrace Administration"

<sup>64</sup> MEECC S.G. Decision 6248/3.2.2014 "Cancellation of the 4178/29-10-13 decision of the Secretariat General of the Decentralised Macedonia-Thrace Administration"

Although Thrace is not mentioned in the letter of formal notice sent to Greece by the European Commission regarding the planning of wind parks in Greece, it becomes clear that the issue has wider connotations. The infringement procedure initiated by the European Commission in July 2014 underlines the lack of compliance of the Special RES Planning Framework with the Habitats and SEA directives. The main issue highlighted in the EC letter is that the Special RES Planning Framework does not properly evaluate environmental impacts in Natura 2000 sites. There are also issues regarding the assessment of cumulative impacts, which is linked to the individual assessment of each installation, and a lack of appropriate cumulative impact assessments in Natura 2000 sites. The case is still open.

International trade in endangered species: Revised Annexes I, II and III of the CITES Convention came into force on February 5th 2015. These Annexes determine the species for which the relevant Joint Ministerial Decree on species trade should be implemented<sup>65</sup>. Most of these Annexes, along with notes on their interpretation, are available in Greek on a website dedicated to the implementation of the CITES Convention in Greece<sup>66</sup>.

There were 42 applications made to CITES Authorities from 1.7.2014 until 31.6.2015 regarding the import, export or transfer within the EU of animal or plant specimens (including living organisms), as well as for the collection of species included in the CITES Convention Annexes. Most of the applications concerned bird species.

## 1.8. Forests

Forest Law: The developments regarding Forest Law in Greece have once again been slow and targeted towards degrading the protective framework of the country's terrestrial ecosystem.

On July 17th 2014, Deputy EECC Minister Nikos Tagaras submitted to Parliament a draft bill entitled "Environmental upgrade and private construction - Building cooperatives - Abandoned settlements and sustainable development", related to urban development and building construction in forests. The main articles of the draft bill degraded the level of protection and conservation of natural ecosystems to an alarming extent, wiping out spatial planning in every sense: among others, the draft bill advocated the deforestation of some of Greece's most important forest lands for agricultural purposes, the use of forests and forest lands for building purposes (more specifically their allocation to building cooperatives that had received pre-1975 building permissions for less than 50% of the buildable land) and introduced a series of new interventions to reforestation lands. As was expected, the draft bill caused strong reactions, despite being submitted during the Parliament's summer term, in the midst of a vacation period.

The draft bill was eventually voted as law 4280/2014, on August 5<sup>th</sup>. However, following the harsh reaction<sup>67</sup> of various organisations, including WWF Greece<sup>68</sup> and MPs, a roll call vote was requested for article 36 of the draft bill, related to the interventions allowed in forests and forest lands. Among others, the article permits the deforestation of forest lands for agricultural purposes, including "forest lands of particular scientific, aesthetic, environmental or geomorphological interest" (e.g. national parks), "adjacent to archaeological sites", and "forest lands serving for entertainment purposes". It permits many activities in reforestation lands, such as road constructions, oil installations and major works, in practice wiping off their protection. In addition, it permits a series of interventions to urban parks and groves, for

<sup>65</sup> Joint Ministerial Decision 125188/246/22.1.2013 "Trade in wildlife fauna and flora species" (B'285)

<sup>66</sup> MRPEE. 2015. Implementation of the CITES Convention - Legal framework. Retrieved on 3.8.2015 from <http://goo.gl/ISxeWW>

<sup>67</sup> Forestry Commission. Forestry Legislation. Retrieved on 03.08.2015 from [http://dasarxeio.com/dasiko\\_nomosxedio/](http://dasarxeio.com/dasiko_nomosxedio/)

<sup>68</sup> WWF Greece. (2014, 21<sup>st</sup> July). "Environmental upgrade and private construction - Building cooperatives - Abandoned settlements and sustainable development" and "Simplification of the modus operandi of tourist businesses and tourist infrastructures, special forms of tourism and other provisions" draft bills. Retrieved on 03.08.2015 from <http://goo.gl/Og1e7J>. and WWF Greece. (31.7.2014). Specific recommendations on the "Environmental upgrade and private construction - Building cooperatives - Abandoned settlements and sustainable development" draft bill. Retrieved on 03.08.2015 from <http://www.wwf.gr/images/pdfs/Epistoli-pros-vouleftes-gia-nees-xriseis-sta-dasi-31July2014.pdf>.

various commercial purposes. Despite all the reactions and protests<sup>69</sup>, article 36 of the forestry legislation was also voted on August 5<sup>th</sup>.<sup>70</sup>

In December 2014, and amid the developments for the election of the new President of the Hellenic Republic, EECC Deputy Minister Nikos Tagaras, unexpectedly and without any prior open consultation, submitted to Parliament another draft bill related to forests entitled "Contributions in land and money - Planning expropriations and other provisions". The draft bill aimed at legalising illegally developed plots of land, wiping out the reforestation status of burnt lands within the next 5 years, introducing fast track reclassification of forestry land (and its inclusion in town planning) and creating forest maps deprived of any actual substance, as they would constantly need to be redefined. The reactions in this case were once again strong, particularly on behalf of WWF Greece, and led to even greater citizen mobilisation<sup>71</sup>.

WWF Greece set up an information campaign and organised a petition in collaboration with AVAAZ.org that ultimately succeeded in making people's voices heard. The draft bill was brought to parliament on December 19<sup>th</sup> and 20<sup>th</sup>. In the discussions prior to the final vote, many MPs referred to WWF Greece's main arguments, asking either for clarifications or for the withdrawal of the most "toxic" provisions regarding forests.

This collective effort resulted to amendments and significant improvements in the (controversial) article 12 of the draft bill<sup>72</sup>.

Two recently voted laws (law 4280/2014 and law 4315/2014) amend forestry law 998/79, validating and supplementing a series of scattered legislation provisions that had been approved as part of legislation irrelevant to the environment, such as for example the recent law on tourist investments and the special plan for tourism. As a result, Greece's legislation allows for various interventions in forests and forestry lands, some of which are particularly harmful, as their effects are permanent. Such interventions include mixed tourist developments, small and large industries, business parks etc.

The range of interventions that are now allowed in Greece's forests hinder the protection and conservation of the country's valuable natural capital.

Overall, these two laws hinder forestry legislation by including photographic and vague provisions, and by legalising infringements and wrongdoings. The implementation of their more recent provisions has already started, leading to results typically associated with unclear and poor legislation. These provisions are in some cases contradicting, as they have already led to questionable decisions regarding the designation and status of reforestation areas.

It is therefore crucial to repeal several articles of the recently approved legislation, before their widespread implementation leads to irreversible outcomes<sup>73</sup>.

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<sup>69</sup> Following the submission of the draft bill to Parliament, WWF Greece encouraged Greek citizens to send a message to the Parliament's B' and C' Vacation Sections, asking for a vote against any draft bill that threatens forests and coasts. There was a great electronic response by citizens, and as a result each Summer Section MP received over 1,100 protest emails. As it had promised, WWF Greece announced the names of the MPs that voted in favour of the draft bill on a special 'wall'. WWF Greece. These MPs voted for the draft bill that will destroy our forests! Retrieved on 03.08.2015 from <http://www.wwf.gr/wall-of-shame/index.html>

<sup>70</sup> Law 4280/2014 "Environmental upgrade and private urban development - Sustainable development of settlements, forestry legislation regulations and other provisions" (A' 159).

<sup>71</sup> WWF Greece. (2015, 9th December). MEECC - Ministry of Limited Responsibility and Encroachment. Retrieved on 03.08.2015 from <http://goo.gl/MzTzpa>. In addition, WWF Greece sent a detailed critique on the (exceptionally bad-written) law to MPs and the relevant Parliamentary committee. WWF Greece. (2015, 11 December) MEECC draft bill entitled "Contributions in land and money - Planning expropriations and other provisions". Retrieved on 03.08.2015 from <http://goo.gl/GWRLKU>. At the same time, WWF Greece started an information campaign through social media, in order to inform citizens of the draft bill's content (e.g. image 1). It also called for citizens to ask their MPs - using the new Vouliwatch ([www.vouliwatch.gr](http://www.vouliwatch.gr)) platform - about their stance on the matter, to send protest e-mails or call their political office. More information regarding the campaign is available at WWF Greece. New Forestry draft bill Winter 2014. Retrieved on 03.08.2015 from <http://goo.gl/Hxzt7A>. Finally, WWF Greece collaborated with international organisation AVAAZ.org and encouraged citizens to unite their voices by signing a relevant petition calling for the draft bill to be withdrawn. In just 48 hours there were more than 40,000 signatures and the two Organisations submitted them to the Parliament's President Vaggelis Meimarakis and Deputy Minister Nikos Tagaras, and through an open letter asked from Minister Giannis Maniatis and the associated Deputy Minister to listen to citizen's demands on forests and withdrawn the - particularly threatening to the environment - draft bill. WWF Greece. 45,000 citizens: "Don't destroy our forests!" Retrieved on 03.08.2015 from <http://goo.gl/AB7XtJ>. By the time the draft bill had been voted the signed petitions had reached 65,000. AVAAZ. 24 hours to save our forests. Retrieved on 03.08.2015 from <https://goo.gl/wzzzOI>.

<sup>72</sup> The provisions that were withdrawn are presented in a detailed table, along with a series of last-minute amendments to legislation irrelevant to forests. WWF Greece. Articles and amendments voted as part of the "Contributions in land and money - Planning expropriations and other provisions" draft bill. Retrieved on 03.08.2015 from <http://www.wwf.gr/images/pdfs/pinakas-arhron-tropologion.pdf>.



Forest wildfires - Fire prevention: The 2014 fire season was relatively mild, mainly due to the climate conditions, and no major incidents or disasters were recorded. According to Fire Service Department data<sup>74</sup>, there were 193,188 acres burnt in 2014, compared to an annual average of 523,582 acres.

At the start of the 2015 fire season, Greece is once again facing major shortages in fire protection means (outdated airplanes, car tires etc.) and delays in fire prevention works. At the same time, the Forest Service, despite its decision to implement this year's fire protection plan, focused on approving funds targeted to employee overtime and - at the time of writing of this report - no announcements had been made with regards to hiring seasonal staff. These issues add up to the general flaws of the fire-protection mechanism<sup>75</sup>, making fire protection dependent on luck and favourable weather conditions.

Some of the actions that can lead to a more effective fire-protection mechanism are the following:

- o establishing important protection tools, such as forest maps and the forest registry,
- o moving the political focus from fighting forest fires to preventing them,
- o emphasising on sustainable management,
- o effective coordination between competent authorities for wildfire suppression, through cooperation, setting up joint exercises, implementing joint fire prevention and protection plans,
- o setting up annual, joint information and awareness campaigns on forest fires.

Forest maps: No progress on the publication and validation of forest maps appears is apparent compared to the status provided in last year's WWF Greece report on the implementation of environmental legislation<sup>76</sup>. Until July 2014, the maps of only 74 municipal and local communities had been published, and only 12 local communities' maps had been certified. Overall, it appears that maps have been published for only 1% of the country's territory, and that they have been prepared or are under preparation for approximately 55% of it, with no information however on a likely publication date.

The political leadership of the MRPEE referred<sup>77</sup> to a relevant draft bill, for which a consultation was planned for the summer of 2015. The draft bill would include provisions for speeding up the ratification process for forest maps, for the remaining 45% of Greece's territory. At the time of writing of this report, no such draft bill had been submitted to the Hellenic Parliament.

Implementation of the timber regulation - EUTR: The EU Timber Regulation<sup>78</sup> sets out the obligations of the bodies involved with the trade of timber and wood products, and is part of the 2003 EU Action Plan for the enforcement of forest law, governance, and product trade (FLEGT - Forest Law Enforcement, Governance and Trade).

Since 3 March 2013, the regulation is in force in all member states. As a first step, the designation of a competent authority responsible for its implementation is required. In Greece, the competent authority is the Directorate General of Development and Protection of Forest and Agricultural Environments, of the MRPEE (former MEECC). However, in order for the member states to demonstrate compliance, they need to define the means for monitoring the implementation of the EUTR, the type and size of fines in

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<sup>73</sup> In February 2015, Greece's new government having taken office, WWF Greece sent a letter to the Prime Minister and the Ministers calling them to put an end to the environmental rollback and to repeal articles included in recent legislation, a) Law 4315/2014: From the recent, disastrous legislation for forests (ΦΕΚ 269 Α/24.12.2014), which caused massive reactions due to its obvious clientelist nature and the various last-minute amendments, it's essential to immediately repeal at least articles 12 and 59. WWF Greece. 100 days for the environment. Retrieved on 03.03.2015 from <http://www.wwf.gr/images/pdfs/100-days-env.pdf>.

<sup>74</sup> Fire Service Department Headquarters. Fire Service Department Activities for 2014. Retrieved on 03.08 from [http://www.fireservice.gr/pyr\\_cms\\_files/dynamic/c283343/attach/book\\_2014\\_new\\_el\\_GR.pdf](http://www.fireservice.gr/pyr_cms_files/dynamic/c283343/attach/book_2014_new_el_GR.pdf)

<sup>75</sup> For these shortages, as well as for the overall deficiencies of the fire protection mechanism, WWF Greece sent letters with recommendations on improving the effectiveness of the mechanism to the competent ministers for Reconstruction of Production, Environment & Energy. [WWF Greece. (2015, June 12<sup>th</sup>). Proposals for improving the forest fire protection mechanism. Retrieved on 03.08.2015 from <http://goo.gl/bZzKOM>], [WWF Greece. (2015, June 12<sup>th</sup>). Proposals for improving the forest fire protection mechanism. Retrieved on 03.08.2015 from [http://www.wwf.gr/images/pdfs/Ltr\\_fireprotection\\_ypropo\\_June15\\_nosign.pdf](http://www.wwf.gr/images/pdfs/Ltr_fireprotection_ypropo_June15_nosign.pdf).]

<sup>76</sup> WWF Greece. (2014). Commitments for implementation: The environmental legislation in Greece. Retrieved on 03.08.2015 from <http://goo.gl/gVW6e0>.

<sup>77</sup> Lialios, G. (6.2015). "New provisions for forest maps". Kathimerini. Retrieved on 03.08.2015 from <http://goo.gl/Cr8G7f>.

<sup>78</sup> Regulation (EU) No 995/2010 of the European Parliament and of the Council, of 20 October 2010, laying down the obligations of operators who place timber and timber products on the market. (Official Journal L295 of 12.10.2010, p. 23-34).

case of violation etc. In Greece, the aforementioned were included in a 2013 draft Ministerial Decision based on the 995/2010 EU Regulation on illegal logging, which has yet to be signed.

WWF Greece has pointed out the lack of compliance with the regulation since 2014, through WWF illegal logging and trade barometer<sup>79</sup>. One year after the EU Timber Regulation had come into force, a WWF investigation demonstrated that many EU countries were still failing to stop illegal logging imports into EU markets. The WWF barometer showed that only 11 EU countries had made the changes required to their legislation, and had in place strong inspection controls regarding illegal logging and trade, issuing considerable fines and sanctions in cases of violation. These countries were Belgium, Cyprus, Denmark, Estonia, Finland, Lithuania, Luxembourg, the Netherlands, Portugal, Slovenia and the United Kingdom. The remaining 17 countries had either failed to proceed with the necessary legislative changes or had introduced legislation with insignificant sanctions and malfunctioning prosecution procedures, which hindered the effective implementation of the regulation.

Finally, on June 29<sup>th</sup> 2015, the Commission updated the table<sup>80</sup> regarding the state of implementation of the Regulation in EU Member States, with information on whether or not they had demonstrated compliance with the obligations required. Only Greece, Hungary, Romania and Spain are still at a non-compliance status. The table on compliance does not include assessments on whether the sanctions and penalties issued by the Member States in cases of violation are effective and deterrent enough.

## 1.6. Island wetlands

The positive development of the signing of the Presidential Decree on island wetlands<sup>81</sup> in 2012 was followed by the submission to the Ramsar Convention of a draft resolution on the protection of Mediterranean wetlands. However, despite its significance, this initiative is not indicative of the general policy regarding the protection of wetlands in the country. The PD covers only some areas, as its provisions exclude mainland wetlands and island wetlands with an area larger than 80 acres.

Implementation of the Presidential Decree on small island wetlands: The effective implementation of the decree's conservation and management legislative framework is of paramount importance. Through its network of volunteers and its cooperation with local organisations and other bodies, WWF Greece constantly monitors the status of island wetlands and intervenes in cases of degradation. In 2014, it recorded 14 new cases of wetland degradation. Most related to construction activities, such as landfills, illegal fencing, construction works, road construction etc. while in four cases direct liability of local competent authorities and bodies (municipalities, regions) was noted. The environmental impacts of construction activities in protected areas such as island wetlands are still not given the necessary importance in planning and permitting procedures (building permissions, facilities etc.), despite their irreversible nature.

The reaction of the administration to the degradation incidents that were reported has been satisfactory, as the competent authorities performed autopsies in all cases, and particularly in areas where WWF Greece and the voluntary network are highly active. In these areas, the members of administration acted in a more direct and effective way, succeeding in many cases - more so than in the past - in stopping the degradation. The degradation was stopped in almost all the cases where the authorities intervened.

There was only one case where the intervention of the administration didn't prove enough to stop the degradation and similarly, only one case where fines were issued, which is mainly the result of a difficulty in assigning responsibility. However, in all cases where entities or individuals were held responsible, they were summoned to testify in court. In other words, administrative penalties are still hard to issue, due to factors related to the associated political costs and the ongoing crisis. Nevertheless, the administration's effort to track down the offenders and notify them of their violation - even through a summon to testify in court - is still encouraging.

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<sup>79</sup> WWF UK. (2014). EU Government Barometer on Illegal logging and Trade Retrieved on 03.08.2015 from [http://barometer.wwf.org.uk/what\\_we\\_do/government\\_barometer/](http://barometer.wwf.org.uk/what_we_do/government_barometer/)

<sup>80</sup> European Commission. (2015). State of implementation of EU Timber Regulation in 28 Member States. Retrieved on 03.08.2015 from <http://goo.gl/qfqBTy>.

<sup>81</sup> Presidential Decree "Approval of the list of small wetlands in islands and definition of boundaries and limitations with regards to the protection and promotion of small coastal wetlands". (ΑΑΠ' 229/2012)

The effectiveness of the administration, however, is largely reduced in cases where the restoration of an area requires special measures to be taken, rather than a simple halt of damaging activities.

At this point, it's worth making note of chronic issues in Greece, such as the lack of specifications for management systems in Natura 2000 sites and the deficiencies of waste management systems in Greek islands - such as e.g. the management of ECDW (Excavation, Construction and Demolition Waste) - which all constitute additional aggravating factors. It is practically impossible to adequately protect wetlands in Natura sites - such as e.g. the large complex of Limnos wetlands (Alikí, Asprolimni and Chortarolimni)<sup>82</sup> - without a coherent plan in place. At the same time, the lack of ECDW management systems turns important ecosystems into "garbage dumps".

Ramsar Convention: In June 2015, the 12<sup>th</sup> Meeting of the Conference of the Contracting Parties to the Ramsar Convention on Wetlands (COP12) was held in Punta del Este, Uruguay. Greece failed once again to submit its regular report on the state of its 10 wetlands of international importance (Ramsar wetlands). It is important to note that 7 out of 10 Greek Ramsar wetlands have been included in the "black-list" Montreux record, a register of wetland sites where alarming changes in ecological character have occurred, are occurring, or are likely to occur. A wetland is removed from the Montreux record once its state is considered to have improved. The Convention's respective agreement reinstates the need for submission of updated data from all the countries that have failed to do so, such as Greece, regarding all their wetlands and particularly those included in the Montreux record<sup>83</sup>.

However, a Greek initiative during the Uruguay meeting brought to the spotlight the urgency to conserve the fragile island wetlands of the Mediterranean Basin, and led to the adoption of a relevant resolution<sup>84</sup>. The resolution recognises that the Mediterranean Basin is a global biodiversity hotspot, and makes particular mention to its large group of islands, and the fact that it is one of the leading tourist destinations in the world. It consequently calls for Contracting Parties in and around the Mediterranean to urgently address the significant human-induced pressures threatening island wetlands, by adopting an effective and decisive framework that will ensure the conservation of their biodiversity, and the maintenance of their hydrological, cultural and social assets.

This important development capitalises at a Mediterranean and international level the recent advances made in Greek legislation, through the adoption of special provisions for wetlands as part of the pioneering biodiversity law<sup>85</sup> and the Presidential Decree on island wetlands<sup>86</sup>, and through the support of WWF Greece activities, aimed at conserving fragile wetland hotspots and defending them from increasing, human-induced pressure. At the same time, it gives perspective to a regional cooperation between Mediterranean countries on the basis of the Mediterranean Wetlands Initiative (Medwet)<sup>87</sup>, which is part of the Ramsar Convention.

## 1.9. Sea and coasts

Shoreline and beach: Over the past 12 months, noteworthy legal developments on the use and mapping of the shoreline and beach have occurred. Despite the high level of citizen awareness and a number of encouraging court decisions, the legal status of coastal protection is constantly degrading. At the policy level, the unfortunate economic circumstances appear to be favouring a stance according to which coastal areas have no significant value as public goods and vulnerable ecosystems, but serve only to attract investments and increase public income. This situation can be summarised as follows:

(a) Concessions and legalisation of illegal developments. The most important development over the past months relates to the decisions published by the Council of State, which

<sup>82</sup> More specifically, the Special Area of Conservation "Limnos: Chortarolimni – Limni Alyki Lake Kai Thalassia Periochi" (code: GR4110001) and the Special Protection Area "Limnos: Chortarolimni and Alikí Lakes, Moudros Gulf, Elos Diapori and Fakos Peninsula" (code: GR4110006)

<sup>83</sup> Ramsar Convention (2015). The status of Sites in the Ramsar List of Wetlands of International Importance. [Resolution XII.6]. Retrieved on 03.08.2015 from: [http://www.ramsar.org/sites/default/files/documents/library/cop12\\_res06\\_ramsar\\_list\\_e.pdf](http://www.ramsar.org/sites/default/files/documents/library/cop12_res06_ramsar_list_e.pdf)

<sup>84</sup> Ramsar Convention (2015). Conservation of Mediterranean Basin island wetlands. [Resolution XII.14]. Retrieved on 03.08.2015 from: [http://www.ramsar.org/sites/default/files/documents/library/cop12\\_res14\\_med\\_islands\\_e.pdf](http://www.ramsar.org/sites/default/files/documents/library/cop12_res14_med_islands_e.pdf)

<sup>85</sup> Law 3937/2011 "Biodiversity conservation and other provisions" (A'60)

<sup>86</sup> Presidential Decree "Approval of the list of small island wetlands and establishment of measures for their conservation and protection". (Government Gazette ΑΑΠ' 229/2012)

<sup>87</sup> MedWet. Retrieved on 03.08.2015 from <http://medwet.org/>

question the unrestricted concession of shores and beaches to Greece's municipal authorities. In two of its referral decisions, Greece's Council of State noted that *"the concession to local government authorities of simple-use rights on shores and beaches for activities that are, first of all, mild and compatible with the purpose of these elements of our natural environment as public space, should be examined individually and case-by-case, following an individualised judgement... which will also set out the terms and limitations as required, taking into account the particular characteristics of the specific part of the shore, in order to ensure its intended use as public good..."*.

In this context, *"approval for future interventions ... without prior examination is not acceptable"*, because in this way the *"jurisdiction of supervision on acts of the local authorities"* is lost, which *"endangers coastal ecosystems"*. The decisions refer to the *"Protocol for the Integrated Coastal Zone Management s"*, as part of EU law<sup>88</sup>, and conclude that the specific provision has no legal authorization<sup>89</sup>.

Unfortunately, these decisions were of little importance during the summer of 2015. Along the path followed by the Ministry of Finance in 2014<sup>90</sup>, a Joint Ministerial Decision was issued for the direct concession of rights for the simple use of shores, beaches, coasts and coastal zones to municipality authorities<sup>91</sup>. Based on this decision<sup>92</sup>, the MRPEE granted approval to at least 80 cases of shore concessions in Natura 2000 sites<sup>93</sup>, many of which concern multiple parts of beach and shores<sup>94</sup>: in these cases, which involve parts of shores and beaches that are particularly sensitive in environmental terms, the relevant EU regulation has been utterly ignored.

The tourism sector was once again dominated by excessive regulation and decisions made on a case by case basis: over the past years, there have been numerous acts of legislation that cancel each other, none of which is based on a thorough study of the issues they are addressing. At the same time, their purposes are hard to hide, and often revolve around satisfying certain interest groups and limiting public participation. During the reporting period, the decision on the concession of shores and beaches to municipal authorities was also extended to include adjacent hotel businesses, including a stunning provision according to which hotel businesses are considered adjacent to beaches or shores even when they are not - to be precise, even when *"public property lies between the perpendiculars drawn from the sides of the business, and the shore"*<sup>95</sup>. This provision applied only until 31.12.2014, and provided that there had already been a request submitted - within a certain deadline - for the rental of the intermediate public property. However, this didn't prove enough, either: certain big hotel businesses and tourist resorts were offered extended power to construct platforms and special wooden isles, floating docks for boats, canopies, pergolas and other *"rest and service features"* for their customers (following special licenses issued by the Decentralised Administration)<sup>96</sup>.

The legislative "boom" of the past 12 months was concluded with provisions for concessions as part of the Special Plans for the Spatial Development of Public Properties - ESHADA (mostly to remove the joint responsibilities of the Finance Minister, and in order to clarify issues related to licensing and compensation calculations)<sup>97</sup>, diving parks<sup>98</sup> and natural gas pipes for Independent Natural Gas Systems

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<sup>88</sup> Council Decision 2009/89/EC, of 4 December 2008 on the signing, on behalf of the European Community, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (EE L 34 of 4.2.2009, p. 17 to 28).

<sup>89</sup> CoS 646-8/2015. The requests for cancellation were submitted by the Athens Bar Association (ABA) and citizens, against the associated 2009 decision on concession of the shoreline, beach, coast and coastal zones. Until 2014, this concession decision had been annulled three times. These decisions refer the case to the seven-member committee.

<sup>90</sup> For 2014 see Joint Ministerial Decree Δ10B1027032EΞ2014/1033/2014 "Direct concession, at a price, of the rights to the simple use of shores, beaches, coasts and coastside zones of big lakes and navigable rivers to first degree municipality authorities" (B' 328), as was complemented by JMD Δ10B 0005802EΞ20143642/2014 (B' 1477).

<sup>91</sup> Joint Ministerial Decree ΔΔΠ0005159/586B'EΞ2015/2015 "Direct concession, with compensation, of the rights to the simple use of shores, beaches, coasts and coastside zones of big lakes and navigable rivers to first degree municipality authorities" (B' 578), as was complemented by JMD ΔΔΠ0006856/728BEΞ2015/2015 (B' 848).

<sup>92</sup> Joint Ministerial Decision ΔΠ0005159/586B'EΞ2015/2015 "Direct concession, at a price, of the rights to the simple use of shores, beaches, coasts and coastal zones of big lakes and navigable rivers to first degree municipality authorities" (B' 578).

<sup>93</sup> This number is provided on a without prejudice basis, following a brief research in "Diavgeia".

<sup>94</sup> For example, MRPEE 21737/970/2015 "Approval for the concession of rights for the simple use of the shore and beaches, in 11 locations, at the coasts of the Ierapetra Municipality, Regional Section of Lasithi, which belong to the NATURA 2000 sites: entitled 'Nisos Chrysi' code GR 4320003, and 'Thripti Mountain and Surrounding Area' code 'GR 4320005' until 30-4-2016" (ΑΔΑ: Ω3ΘΦ456ΦΘΗ-ΩΣΠ).

<sup>95</sup> Article 172 I. 4261/2014 (A' 107).

<sup>96</sup> Article 5 par.5 to par.6<sup>A</sup> I. 4179/2013 (A' 175), as were amended by articles 20 par.1 to 5 Law 4276/2014 (A' 155). Retrieved on 6.6.2015 from: <http://goo.gl/dFfMMP>

<sup>97</sup> Article 14 I. 3986/2011 (A' 152), as was amended by article 48 par. 4 I. 4305/2014 (A' 237).

(INGS) projects<sup>99</sup>. The “arrangement” of various, more or less known illegalities in the coastal zone could not have been left out, such as for example the “extension” of the operating licenses of tourist ports<sup>100</sup>, (where the managing body holds responsibility for “redefining”<sup>101</sup> shores and beaches, following the arrangement), and the postponement of administrative fines for illegal construction on the Koumoundourou Beach<sup>102</sup>.

Law-making was once again harsh on free campers, whom the state considers a greater issue compared to e.g. illegal marinas: a new provision prohibits the “*installation of tents and the parking of trailers in archaeological areas, shores, beaches, forest edges and public spaces in general*”, as well as “*more than one trailer for shop owners or other citizens*”. Offenders face imprisonment of up to three (3) months or a €300 euro fine “per person or camping settlement or ...vehicle”, provided that no greater penalty is imposed by other provisions, and their violent expulsion<sup>103</sup>.

(b) *Spatial and urban planning in coastal regions*. The protection of shores and beaches in compliance with urban planning regulations was reinforced by two important CoS decisions. With significant delay, the supreme court ruled that the application of urban planning regulations in port zones based on decisions of the Port Planning and Development Committee is unconstitutional: the Council of State pointed out that the legislative approval of such decisions, which had already happened twice,<sup>104</sup> can only apply to future cases and not retrospectively (with regards to the retrospective upgrade of regulations that violate the Constitution)<sup>105</sup>.

One more decision ruled in favour of shoreline and beach protection, stating that when the boundaries of a settlement haven’t been made public, property lines are considered illegal and hence no part of the beach can be exempt<sup>106</sup>.

Particularly with regards to coastal regions in Attica, the provision of the new Strategic Plan for Athens (2014 SPA) for the “coherent planning and management of coastal zones”, through the preparation of a “*Plan - Framework for the Coherent Management of Attica Coasts (PCMAC)*” for each geographical section is a positive development. The 2014 SPA also suggests the extension of the PCMAC beyond the “critical zone” (i.e. the narrow public zone along the coast) to the “dynamic zone” (the wider zones of influence of coastal areas), detailing its content<sup>107</sup>. At the time of writing of this report, the PCMAC had yet to be initiated.

As is evident by the developments regarding the exploitation of public assets, the public character of beaches and shores is constantly under threat.

At the end of 2014, “*full freehold rights, possession and occupation of*” extensive areas along the coastline of Attica “*excluding shores, of whom only administration and management rights*” were allocated to “Coastline S.A.”.<sup>108</sup> These areas, which include coastal parts of Glyfada, Anavyssos, Voula and Alimos, had been designated, principally by legislation adopted during the 1967-1974 military dictatorship, as “*tourist areas for exploitation*”<sup>109</sup>. It seems that this status is considered significant for the services that these coasts offer to citizens of the region, to which the concession acts make no reference at all.

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<sup>98</sup> Article 13 I. 3409/2005, as was replaced in its entity by article 10 I. 4296/2014 (A’ 214).

<sup>99</sup> Article 45 par. 8 I. 4277/2014 (A’ 156).

<sup>100</sup> Article 166 par. 7 r. a I. 4070/2012, as was replaced by article 13 I. 4276/2014 (A’ 155).

<sup>101</sup> Pr. in art. 31 par. 10.4 I. 2160/1993, which had been amended (prior to the reporting period) through article 10 par. 8 I. 4179/2013 (A’ 175).

<sup>102</sup> Article 89 I. 4310/2014 (A’ 258).

<sup>103</sup> Article 7 par. 18 I. 4276/2014 (A’ 155).

<sup>104</sup> The associated responsibility is dictated by article 19 Law 2932/2001 (A’ 145), as is currently in force [following its amendment by article 40 par. 1D I.4256/2014 (A’ 92)]. According to the article, the Plan and Development Committee for Ports is responsible for “approving, revising and updating the development plans and master plans of ports, which set out the extent of allowable Port Zone boundaries, the permissible sediments, land uses, building construction terms and limitations” and for “the definition of land uses and construction terms, following a proposal made by the port management and exploitation body, concerning the total area of the port’s terrestrial zone, for all ports, if development plans and master plans have not been developed.”

<sup>105</sup> CoS (E’, 7m.) 716-7/2015

<sup>106</sup> CoS (E’ section) 2057/2014, regarding a settlement in Santorini.

<sup>107</sup> Article 16 and Annex VI I. 4277/2014 (A’ 156).

<sup>108</sup> Joint Ministerial Decision 143/43399/2014 “Concession to ‘Attica Coastline SA’ of public assets according to provisions of Law 4146/2013 (A’ 90), as is currently in force” (B’ 2424), as well as the homonymous JMD 43856/148/2014 (B’ 2429).

<sup>109</sup> Including, amongst others, the 11th Article Act “On the concession of Public real estate, NPDD etc. for tourist development works” (A’ 33), and the

<sup>166</sup> Ministerial Decision of 5.11.1968 “Regarding the designation of tourist areas to be exploited” (A’ 271).

A few months later, "Coastline SA" was acquired as "an asset and liabilities entity" by Public Properties Company SA "with the aim of developing public assets in the interest of and on the basis of public needs", while "[any] resulting income will be used primarily to fund the government's social policy and to support social security"<sup>110</sup>.

Finally, it should be noted that the task force for the new Fund provided by the Financial Support Agreement with the European Stability Mechanism will pay "particular attention ... to the compensations received in exchange for real estate assets of the Hellenic Republic, including those belonging to Public Properties Company SA", and will examine "the extent to which such entities" (such as Public Properties Company SA) "could be reformed and be kept separate ..., to cease operation at conclusion of works or to be acquired by the new Fund"<sup>111</sup>. Therefore, the future of important parts of the coastline of Attica is associated with the Memorandum's progress of implementation.

(c) *Designation of shores and beaches.* At the end of 2014, the new procedure for the designation of shores was introduced<sup>112</sup>. It is a two-step procedure: in the first phase, the preliminary line is delineated. The Regional Public Asset Directorates delete the parts of the line that overlap with already approved lines, and review them in cases where they don't. In the next phase, the competent General Secretariats validate the final line, and the Ministry of Finance publishes it on its website, alongside the associated technical details and backgrounds, "for the benefit of the public".

The provision was amended within a few months of its approval, in order for the associated deadlines to be reconsidered. Given such tight limits, citizens and organisations interested in the future of coastal zones need to closely follow any announcements made.

The procedure does not include public consultations (which are considered fundamental parts of coherent management)<sup>113</sup>, while every effort is made in order to undermine the legal importance of publicity: "by complying with publicity requirements ...the process of designating shores is completed and it is considered that the interested parties have been informed on the delineation and exact position of the coastline, within 3 months following its publication... Any deficiencies in the publicity process do not affect the status of the shore delineation procedure"<sup>114</sup>.

Fisheries: During the reporting period, the following developments occurred:

Electronic recording and reporting system (ERS): The ERS is used to record fishing activities data (e.g. catches, landings, sales) and to report them to fisheries authorities in member states. The system is compulsory for vessels above 12 m. and it replaces paper logbooks; hence, it is often referred to as an electronic logbook or "e-logbook". It also replaces sales notes. The cost of purchasing and operating ERS devices is fully (100%) covered by national and EU funds. The Electronic Recording and Reporting System was launched in November 2014 and is expected to contribute significantly to the collection of data on fishing activities in Greece.

National Fisheries Data Collection Programme: The National Fisheries Data Collection Programme, which is one of Greece's conventional obligations towards the EU, had not been implemented since 2007, which led to the initiation of an infringement procedure by the European Commission. Finally, and after many delays, it was launched in 2012 using national funds and EU joint funding in 2013, while the signing of the associated Joint Ministerial Decision<sup>115</sup> ensured the full implementation of the programme for 2014, and hence the termination of the Commission's infringement procedure. Nonetheless, at the time of writing of this report, the programme had not been implemented yet for 2015, which makes it almost certain that this data range will be lost. It should be underlined that in order to use the data for management purposes and create data timelines, continuity and consistency in the programme's implementation are an asset.

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<sup>110</sup> Article 21 I. 4321/2015 (A' 32).

<sup>111</sup> Paragraph C ("Agreement on fiscal targets and structural reforms"), ch. 4.4. I. 4336/2015 (A' 94).

<sup>112</sup> Article 4 of Law 2971/2001, as was replaced as a whole by article 11 par. 1.a) Law 4821/2014 (A' 160). The deadlines were subsequently amended by article 27 Law 4321/2015 (A' 32).

<sup>113</sup> Article 14 of the Protocol for the coherent management of Mediterranean coastal zones (EE L 34 of 4.2.2009, p. 17 έως 28).

<sup>114</sup> Article 11 par. 5 I. 4281/2014 (A' 160).

<sup>115</sup> Joint Ministerial Decision 7860/122147/14.11.2013. "Implementation of the 'National Fisheries Data Collection Programme' for 2014". (B' 2943).

Posidonia meadow mapping: The tender for the mapping of Greece's Posidonia meadows, based on the 1967/2006 Mediterranean Regulation, was first announced in 2014. Due to lack of interest, the tender was re-announced in January 2015, and in April of the same year the project was awarded to the HCMR/FRI/University of Patras consortium. Mapping of the Posidonia meadows, a priority habitat according to the 92/32/EEC Directive, is a prerequisite for the preparation of the management plan for seine fishing.

Seine fishing: In December 2014, it was announced that licenses for seine fishing would be awarded from January 1st 2015 onwards only for research purposes, based on a decision of the Minister of Rural Development and Food. The decision was later recalled, in March 2015, by the leadership of the newly-established MRPEE. In June 2015, Greece was asked by the EU to comply with its obligations, as those arise from the 1967/2006 Mediterranean Regulation, and hence prepare a management plan for seine fishing, taking into account the need to protect the Posidonia meadows from fishing, by mapping the area and prohibiting bycatch fishing.

## Acronyms

CJEU: Court of Justice of the EU

CITES: Convention on the International Trade of Endangered Species

ERS: Electronic recording and reporting system

ESHADA (Greek acronym): Special Plans for the Spatial Development of Public Properties

HHMC: Hellenic Hydrocarbons Management Company

HRADF: Hellenic Republic Asset Development Fund

IPTO: Independent Power Transmission Operator

JMD: Joint Ministerial Decision

IWMF: Integrated Waste Management Facility

MEEC: Ministry of Environment, Energy and Climate Change (until January 2015)

MRPEE: Ministry for the Reconstruction of Production, Environment and Energy (February-August 2015)

PD: Presidential Decree

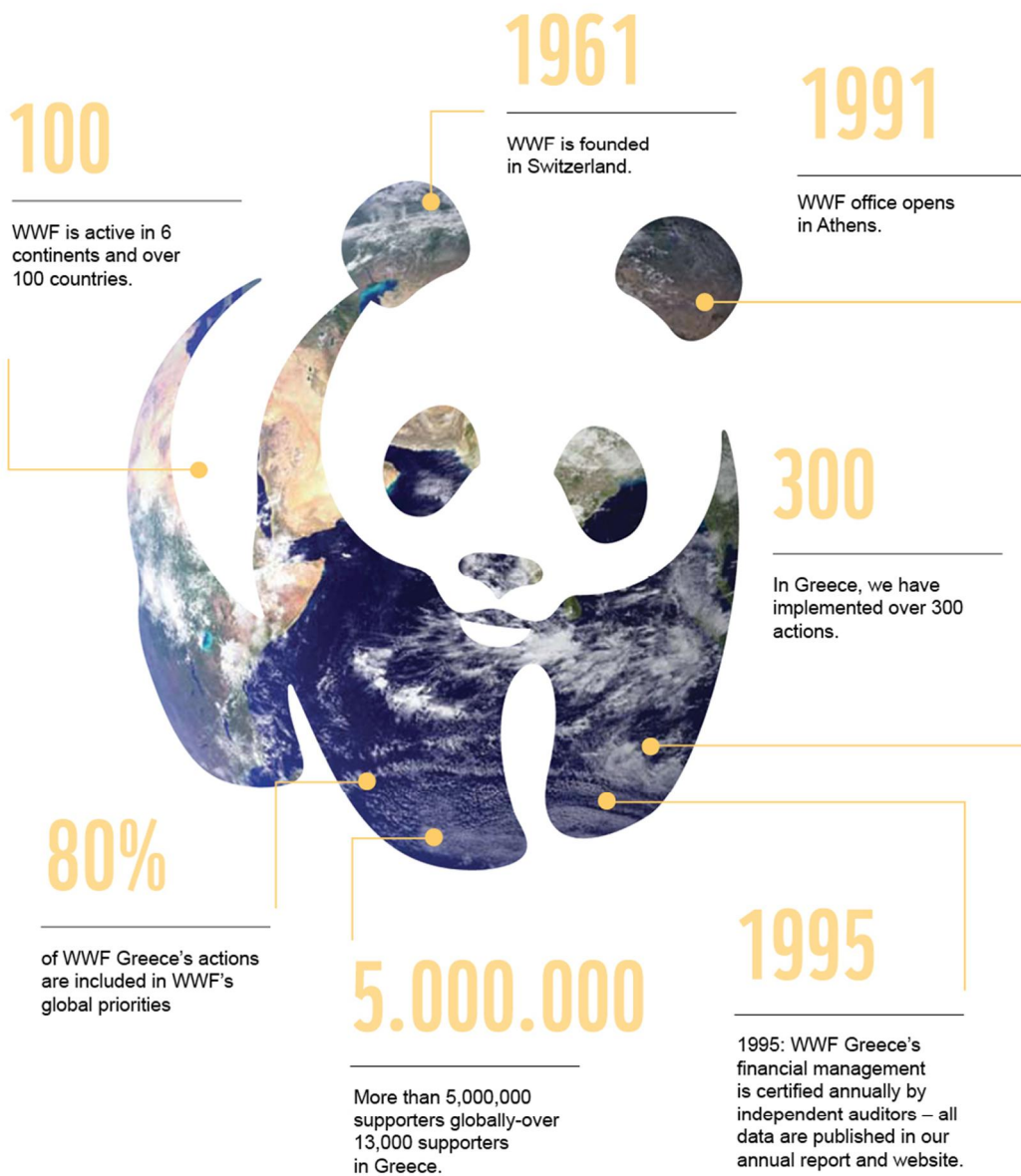
RAE: Regulatory Authority for Energy


RES: Renewable Energy Sources

SEA: Strategic Impact Assessment

SES: Special Environmental Study (legal requirement as basis for the establishment of national parks)





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