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To: Horst Reichenbach

Head of the Task Force for Greece
European Commission
B-1049 Brussels
Belgium

22 April 2013

Reference: 105/22.04.2013

Subject: *Task Force for Greece (TFGR) Mission 11 – Expert mission opinion on illegal buildings and land tenures*

Dear Mr Reichenbach,

Following the TFGR's Mission 11, we were surprised to read in various media reports that the Task Force encourages, if not urges, the Greek Government to proceed rapidly with the legalization of illegal buildings and land tenures.

As stated in the February 22nd 2013 draft report, which recently came to the notice of WWF Greece, the expert mission to Ktimatologio states that:

"[h]owever, there is a need to find a procedure, how to legalise the high number of illegal land tenures, however (sic) illegality was created".

The same document mentions that the new "extended functionality" cadastre registers should consider "formalising illegal buildings and properties". In addition, it puts forward the idea of a "strategy to deal with illegal (sic) kept land", even if this requires a 'constitution-level' decision, presumably referring to the strict protection granted by the Greek Constitution to forests and forested lands (art. 24).

The above statements raise particular concerns for WWF Greece. According to the Treaties, the European Union is founded on the principle of the rule of law, among others, which is common to the Member States (art. 2 of the Consolidated Treaty on the Functioning of the European Union; Preamble to the Charter of Fundamental Rights of the European Union). Moreover, the Charter of Fundamental Rights of the European Union guarantees equality before the law, the right to a good administration and a "high level of environmental protection and the improvement of the quality of the environment" (respectively, arts. 20, 41 and 37 of the Charter of Fundamental Rights of the European Union). In the same spirit, the Treaty on the Functioning of the European Union declares that "Union policy on the environment shall contribute to ...preserving, protecting and improving the quality of the environment" and "prudent and rational utilisation of natural resources" [art. 191].

It is WWF Greece's firm conviction that the TFGR is bound by those principles, which however are seriously undermined by the legalisation of illegal buildings and land tenures. It is a policy of discrimination against the owners of legal buildings, who are burdened with additional administrative load, while illegal developers are allowed an almost "free-ride" at the expense of

the environment and society at large. The Task Force's advice to expand and expedite the process of legalisation, irrespectively of the environmental cost of each illegal construction, in practice punishes law-abiding citizens, creates a counter-incentive to lawful procedures and, as a result, can only further undermine the rule of law in Greece.

In addition, the state of both the built and natural environment is irrevocably degraded, as illegal buildings and agglomerations, lacking essential amenities, encroach upon sensitive ecosystems and urban public spaces. Protection offered by national legislation to the (particularly vulnerable) Mediterranean forests, which seems to be regarded by the Task Force as an impediment to its mandate, is consonant with both the Treaties (art. 193) and EU policy (e.g. European Union Forest Action Plan). Lastly, it is worth emphasizing that the Task Force's sweeping statement does not distinguish between land tenures and constructions created in violation of national and European law (e.g., directives 85/337 or 92/43).

We consider the Task Force's statements puzzling from an economic viewpoint as well. By legalising illegal land tenures and constructions at the low fee stipulated in Law 4014/2011, the Greek State gives up the right to claiming the financial penalties provided for by the Forest and Urban Planning Codes (ranging between €80,000-300,000, depending on the year of construction and the location).

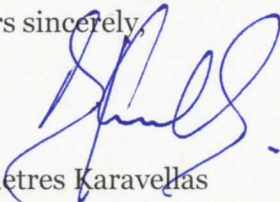
With this letter, WWF Greece is asking you the following points:

1. Please clarify the Commission's position on the issue of illegal constructions ;
and
2. Please provide much needed technical assistance to Greece, in order for the state authorities to impose the rule of law and collect the financial penalties, while at the same time mitigating the environmental impact of illegal constructions and upholding EU and national environmental legislation.

The current crisis is a unique opportunity for setting development in Greece and the EU on a sustainable path. The European Commission must show visionary leadership and provide the best available technical assistance to troubled member states, in order to put in place the necessary environmentally and socially sustainable economic reforms. WWF will continue to monitor closely the environmental impacts of the economic crisis in the EU, assess the legal issues arising from the application of EU and national laws, issue public statements and advocate sustainable solutions to the current development impasse.

We remain at your disposal for a discussion on sustainable solutions to the pressing problem of illegal land development in Greece. I am sending a copy of this letter to President Barroso. In view of the public interest in this issue, I shall also be making a copy of this letter more widely available. Thank you for your attention to this important matter.

Yours sincerely,



Demetres Karavellias
Director WWF Greece

Copies to:

Georgios Vlachos, President, WWF Greece
Jim Leape, Director-General, WWF International
Tony Long, Director, WWF European Policy Office