



# LAW AND ENVIRONMENT IN GREECE

Summary of annual law review 2017

Aiming to empower a society of knowledgeable and environmentally active citizens, WWF Greece has been publishing the annual environmental law reviews since 2005. This work fills a significant gap, as it is the only reference point regarding changes in Greek environmental laws and policies.

The 2017 law review highlights important problems in access to environmental information and the need for transparency. It also stresses the critical lack of an organised environmental inspections system.

This year's review reveals that only a very small percentage of the fines levied for environmental law infringements is actually collected.

Undermining respect to environmental law, the Ministry of Environment focuses its policy initiatives and political wherewithal on retroactively legalizing illegal environmental activities. A notorious example is the so called "housing agglomerations", a neologism referring to buildings built (mostly illegally) on forest lands. The maps of "housing agglomerations" will be exempted from the uploaded and ratified forest maps: as Greek law forbids housing developments on forest lands, the exemption will pave the way for massive legalization of illegal land constructions on those lands. In this way, the forest maps, a critically important and long overdue land protection and spatial planning tool, are used to legally reinforce the illegal development of forested areas.

The outcome of the European Commission's fitness check on the EU's nature directives, the Greek vote for the adoption by the EU of stricter large combustion plants' emissions limits, and the rejection by the European Parliament of Greece's request for free emission allowances in the electricity sector are the most significant positive developments of the reporting period. At the national level, the ratification of the international agreement for the establishment of the transboundary Prespa Park, which aims at the promotion of biodiversity conservation and sustainable development in the region, constitutes a highlight for the year.

This summary provides an overview of the conclusions of the 2017 environmental law review.

## ENVIRONMENTAL TRANSPARENCY

In the field of access to environmental information, the most noteworthy positive development stems from international law: a series of decisions by European courts expand the right of access to environmental information. Notably, the European Court of Human Rights ruled that the European Convention on Human Rights protects the right of access to administrative information.

At the national level, important administrative services, such as the Environmental Inspectorate of the Ministry of Environment and Energy, refused access to environmental information concerning inspections carried out under their authority and the proposed fines. Another major impediment to the access to environmental information is the continued non-operation of the Digital Environmental Registry, which includes all stages of the environmental impact

assessment procedure. A positive development is the establishment of the digital “coastal registry”, whose full operation is pending.

WWF Greece calls for transparency and unhindered public participation in the administrative decision-making procedure, through the publication of all administrative opinions, assessments, decisions and internal documents, and operation of the digital environmental registry.

## ENVIRONMENTAL IMPACT ASSESSMENT

The environmental assessment of projects and the strategic environmental assessment of plans and programs are constantly undermined since the onset of the economic crisis.

The practice of granting approval to specific investment projects and plans through special acts of Parliament continued unabated, despite the fact that it constitutes a serious blow to legal certainty and the equal treatment of all persons and legal entities. The focus of these tailored legal provisions was once more the legalization of illegally operating establishments. Also, common was the practice of extending the environmental permits of projects and plans, even of those affecting Natura 2000 sites, with no appropriate assessment.

The new directive 2014/52/EU on environmental impact assessment has not been transposed, and Greece has received a formal notice about this delay.

WWF Greece calls for a definitive end to the widespread approval of projects or plans by special acts of Parliament, including the “single operational permit” granted to Public Power Corporation lignite power plants, the approval with blanket transitional provisions of installations operating without environmental permits, and the extension of environmental permits without a proper case-by-case assessment.

## ENVIRONMENTAL INSPECTIONS

During the last few years, the environmental inspectorate is being constantly undermined. The lack of transparency and refusals of access to environmental information during the reporting period is a new and worrisome development. During the last three years, the number of annual inspections by the Environmental Inspectorate continues to decrease: 145 inspections in 2014, 117 in 2015, and just 49 in 2016.

A noteworthy development has been the operation of the Coordinating Body of Inspections and Controls, coordinated by the General Inspector of Public Administration.

The main bulk of environmental inspections was carried out by the regional authorities. The inspections revealed cases of illegal waste disposal and landscape degradation (primarily illegal sand extraction, river landfilling and road opening).

On illegal waste disposal, the following fines were levied: 122,680 euros by the Region of Western Macedonia, 835,100 euros by the Region of Peloponnese, 138,050 euros by the Region of Southern Aegean and 70,600 euros by the Region of Sterea Ellada. It is not known whether these financial penalties have indeed been paid, or cancelled by other subsequent decisions.

Given the crucial role of the environmental inspectorate in combatting environmental crime, WWF Greece calls for the establishment of an independent environmental inspections authority, subject to parliamentary control.

## GREEN FUNDS

The green funds, i.e. the revenues collected through environmental legislation and the funding of environmental protection, are managed by the Green Fund or the 2014-2020 EU co-financed structural funds operational programmes.

As shown in the annual State Budget, a small percentage of the fines imposed for environmental law violations is actually collected. For example, in 2015, out of a total of 183,440,155 euros of fines imposed for illegal constructions, only 3,173,548 euros were actually collected.

Most of the Green Fund deposits are frozen, and only 2.5% are available annually for environmental protection and rehabilitation. Yet, even this small percentage is further reduced, as the Green Fund is tax liable on the total deposits and not the annual available ones.

WWF Greece calls for an accelerated collection of environmental penalties and the increase of the annual allowance of the Green Fund.

## SPATIAL PLANNING

During the reporting period, there were five extensions of the deadline for registering illegal buildings. As a result, the total extension of the initial deadline has reached 49 months. Coupled with the low levels of fine collection, the obvious impact of this never-ending right to legalize illegal activities is legal uncertainty.

A noteworthy development was the voting of a new spatial planning law. The new law cures certain problematic aspects of the previous spatial planning law, which was voted in 2014, but was never implemented. However, the new law maintains in force many particularly problematic aspects, such as the favorable treatment of the 'strategic' investments plans. This favourable treatment may result in serious downgrading of the environmental and urban planning acquis.

This has been a landmark year for the spatial planning of tourism developments: the Council of State cancelled the spatial plan for tourism, without reinstating the older plan. The integrated development of tourism infrastructures and large investments is in limbo, as tourism is currently regulated only by local or regional plans.

WWF Greece calls for a definitive end to the never-ending legalization of illegal building activities, and to urban planning laws and initiatives that sanction environmental violations and crime. WWF Greece also calls for the implementation of judicial decisions ordering the demolition of illegal buildings. The completion of spatial planning needs to become an urgent political priority.

## NATURE AND BIODIVERSITY

A major highlight of this year was the confirmation by the European Commission that the EU's nature directives are indeed "fit for purpose", and that the way forward is not to revise but to strengthen their implementation. WWF's key role in saving the nature directives in collaboration with many other NGOs, which took part in the #NatureAlert campaign, is a cause to celebrate across the EU!

Another positive development was the ratification of the international agreement for the protection and sustainable development of the [transboundary Prespa Park](#). This development is pivotal for Greece, as it is the first time that the country has gone ahead with the official establishment of a permanent transboundary collaboration aiming at biodiversity conservation and sustainable

development. The case of Prespa provides a compelling example of Greece overcoming its economic malaise and overall insecurity to boldly visualise and build the future of an area with small population and size but of great ecological significance. The participation of EU as a contracting party in the 'Prespa Agreement' confirms the environmental as well as geopolitical importance of the region.

At the national level, the institutional protection of Greece's national protected areas remains in limbo. The Council of State issued decisions annulling official designation of national protected areas through joint ministerial decisions, rather than through presidential decrees, as required by Greek law. As a result, the number of annulments during the past decades now has reached 8. In the meantime the process of issuing presidential decrees has been held up inexcusably by the Ministry of Environment. At the same time, the organization, structure and operational set up of the national protected areas system is pending, with many delays noted.

With respect to Natura 2000 sites, crucial deficiencies with respect to the implementation of the EU Nature Directives are noted, including in particular the absence of conservation objectives, management plans and a permanent monitoring system. These deficiencies also undermine legal certainty for many economic activities and development potential within the Natura 2000 sites. Moreover, The expansion of the marine Natura 2000 network is still pending, despite the fact that the public consultation on the new marine sites was concluded in the summer of 2016. At the Our Ocean 2017 conference in Malta (5-6 October 2017), Greece reaffirmed its commitment to expand by 2020 the marine protected areas in its territorial waters from 6% to 20%. The new marine Natura 2000 sites aim towards the conservation of important habitats, such as the *Posidonia oceanica* underwater meadows, as well as important bird species.

Several specific cases, including the protection of two most important marine turtle *Caretta caretta* nesting beaches in the Mediterranean, in Zakynthos and Kyparissiakos Bay, the illegal use of poisoned baits, the improper site selection of wind farms in ornithologically important areas and the protection of island wetlands among others, are also highlighted demonstrating the continuous problematic implementation of nature protection law in Greece.

WWF Greece calls for the conclusion of the administrative structure of the national protected areas' system so that it can become functional and effective. With regard to the Natura 2000 network, the top priorities are the designation of marine sites, the establishment of conservation objectives, the completion and approval of management plans and the implementation of protection measures. These priorities are of vital importance for better implementation of the EU Nature Directives, the conservation of Greece's rich biodiversity and the achievement of legal clarity and certainty.

Read more: <http://www.wwf.gr/en/areas>

## Forests

In the field of forest law, the progress achieved towards the official mapping of all forest lands (which is required by the Greek Constitution) is overshadowed by the efforts of the Ministry to legalize illegal constructions on forested areas.

Disregarding the supreme administrative court, the Ministry passed legislation by Parliament, thus bypassing a Council of State ruling that declared unconstitutional the exemptions from the forest maps.

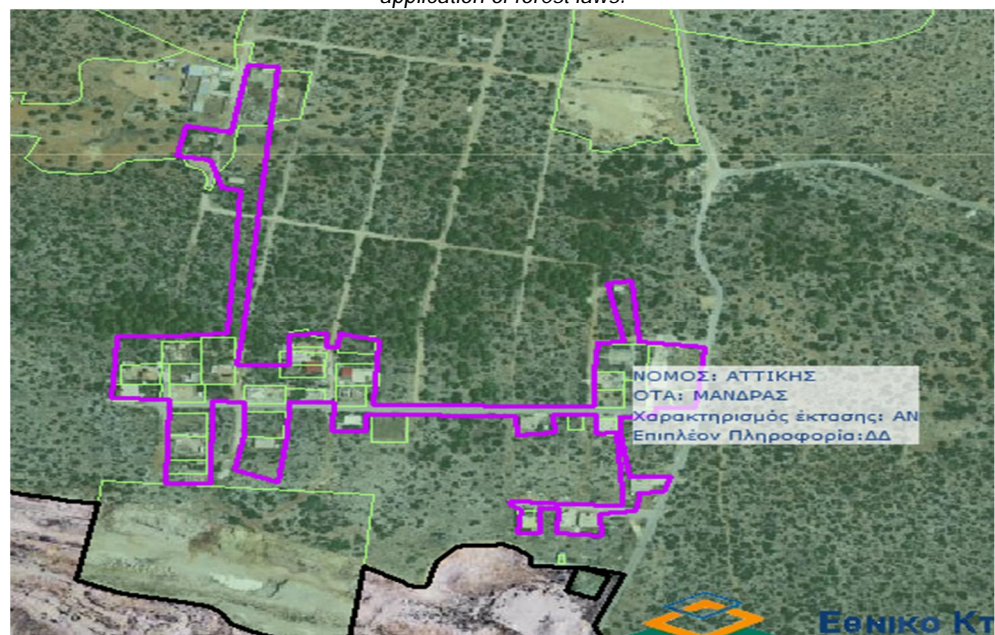
In the images provided below, one can see the "housing agglomerations" built on forested land, delineated with purple lines that exempt the enclosed area from the forest map ratification process.



WWF Greece calls for the completion of the forest maps and the Forest Registry without exemptions as a matter of urgent political priority. Legal certainty and clarity are guaranteed by the delineation of protected lands and forest areas, and lies at the heart of effective environmental protection and sustainability.



*Green areas are forested or reforested lands. Remote, clearly separated buildings are enclosed in purple lines, in order to create out of thin air a "housing agglomeration" and exclude them from the application of forest laws.*



*Extract from a forest map in Attica. Green areas are forested or reforested lands. However, the area enclosed in the purple line is arbitrarily exempted from forest map legislation.*

Read more: <http://www.wwf.gr/index.php/en/areas/forests>

## Seas and coasts

The oil spill caused by the sinking of the Agia Zoni II tanker, which polluted Saronikos Bay, dominates the developments regarding the marine environment. The incident confirmed the severe weaknesses of Greece's immediate response to marine pollution crises. The risk of oil spills becomes even greater as the Ministry recently launched new offshore oil and gas tenders.

### Oil spill in Saronikos Bay

In the early hours of September 10, 2017, the chemical/oil tanker Agia Zoni II sank in Saronikos Bay, off the coast of Salamina Island. The tanker carried 2,200 tons fuel oil and 370 tons of marine gas oil. The quantity of oil that leaked to the sea is unknown.

Within two days after the sinking of Agia Zoni II, the oil spill reached the port of Piraeus and the beaches of the southern Athens suburbs.

WWF Greece filed a criminal lawsuit against 'all responsible parties'. The legal basis of WWF Greece's lawsuit, which was submitted to the Public Prosecutor of Piraeus on September 18th, are the two most important EU directives on environmental protection by criminal law: Directive 2008/99/EC on the protection of the environment through criminal law and Directive 2005/35/EC on ship-source pollution and criminal penalties.

The 2017 law review also discusses problems in the development of the coastal and shoreline legislation and the legal framework for sustainable fishing.

WWF Greece calls for the integrated mapping of Greece's coastal zone and the immediate ratification of the Integrated Coastal Zone Management Protocol (of the Barcelona Convention). Furthermore, WWF Greece calls for marine spatial planning to become a priority, starting with the timely implementation of the Maritime Spatial Planning Directive, and focusing on the conservation of biodiversity and natural resources as the basis for a living and sustainable 'blue' economy.

Read more: <http://www.wwf.gr/index.php/en/areas/marine>

## WATER

The launch of the public consultation on the new river basin management plans, with a delay of two years, is definitely a noteworthy milestone. A negative highlight is the environmental permit for the completion and operation of the Mesochora Dam, one of the two leading dams of the Acheloos river diversion scheme to the plain of Thessaly for irrigation purposes.

As regards the consultation on the river basin management plans, this is definitely a positive development, which is undermined by the lack of available necessary documentation, the short period of public consultation and the ineffectiveness of proposed programs of measures.

As regards the Mesochora dam, the issuance of its environmental permit re-launches the Acheloos diversion plan, a pharaonic water (mis-)management project rendered illegal by the Council of State six times during the last 23 years.

In mid-October, the concerns of environmental NGOs that the completion of the Mesochora Dam is part of an effort to "salami-slice" the diversion scheme (i.e. complete the plan in pieces, approving them in the form of independent projects) were bolstered by Prime Minister Alexis Tsipras. In a speech at the development conference in the city of Larissa in the Region of Thessaly, PM Tsipras confirmed his government's opposition to the Acheloos diversion plan, while promoting in

the meantime the Sykia dam project (the other “leading” dam and reservoir of the diversion scheme) as an independent hydroelectric project.

WWF Greece calls on the Government to put an immediate and definitive end to the Acheloos diversion scheme, either as an integrated project or not, and cancel all plans to complete and operate its major dams. As regards the Water Framework Directive, WWF Greece calls for the implementation of effective and binding programs of measures for the protection, restoration and improvement of the ecological and chemical status of the water bodies, with emphasis on the protected areas and on water bodies used for the abstraction of drinking water.

## AIR

According to the official reports of the Environment Ministry, atmospheric pollutants for the years 2015 and 2016 show a downward or stable trend. However, the national air pollution monitoring network does not monitor all pollutants in all monitoring stations. Many stations report ozone and particulate matter (PM) target value exceedances, while the Region of Western Macedonia announced special short-term measures for the reduction of PM levels. At the same time, the European Commission has opened two cases of infringement for violations relating to the air quality directives.

In the crucial environmental and health issue of air pollution, WWF Greece calls for the full implementation of the relevant EU directives. Emphasis needs to be placed on the establishment and operation of monitoring systems in all major urban centres and industrial areas and the approval of air quality management plans in all areas where air pollution limits are routinely exceeded.

## ENERGY AND CLIMATE CHANGE

The Paris climate accord was put into force on October 2016. However, this was overshadowed by US President Trump’s intention to withdraw the country from the Treaty.

The most significant highlight of the year is undoubtedly the positive outcome of the revision of the European Emissions Trading System for the period 2021-2030. Greece’s initial request to join the 10(c) derogation of the Directive, in order to receive free emissions rights for the Public Power Corporation (PPC) lignite power plants, was put on vote and rejected by the plenary of the European Parliament. However, the country’s stance on the creation of a Just Transition Fund that will support the ailing lignite-dependent communities, should be hailed as positive even though the Council of the EU environment ministers have excluded the respective provisions.

The new, stricter EU emission limits of selected pollutants of large combustion plants, set to become effective as of 2021, will contribute to the protection of public health and undermine any plans for the construction of new coal-fired plants. The new limits were supported by the Greek delegation, and now it remains to be seen to what extent Greece will comply with the current Best Available Techniques.

At the national level, an undoubtedly crucial development is the obligation of the PPC to sell 40% of its lignite portfolio threatening to perpetuate the country’s lignite dependence. Also noteworthy is the newly introduced RES-support scheme based on sliding feed-in-premium rewards, competitive tenders and virtual net metering.

Serious environmental concerns are raised by the continued government support for the licensing of hydrocarbon exploration activities in the Greek seas. In October 2016, a bid for Block 2, east of Kerkyra Island, was awarded to the

international consortium Total-Edison, Hellenic Petroleum. Also, strategic environmental studies were approved for exploration projects in Aetoloakarnania and Northwestern Peloponnese. Interest in hydrocarbon exploitation has been expressed for two out of the nine marine blocks in Crete by Total, Hellenic Petroleum and Exxon Mobil.”

WWF Greece calls for the adoption of an ambitious long term Energy Roadmap, phasing out coal by 2035, putting an end to the habit of exceptions and derogations in the approval and operation of lignite power plants, and asks the Government to committing to a just transition process towards the post-lignite era. In this process, the role of a healthy and innovative PPC will be vital.

See more: <http://www.wwf.gr/en/campaigns/ptolemaida5-en>

## SOLID WASTE

The reporting year is marked with two new decisions by the EU Court of Justice. One relates to the illegal operation of the Temploni landfill in Kerkyra. The second decision concerns the treatment of hazardous waste and imposes a financial lump sum of 10,000,000 euros and a penalty of 30,000 euros per day of non-compliance with the decision.

It is estimated that by November 2016 Greece has paid 37.3 million euros in penalties for non-compliance with a previous EU court decision on illegal landfilling of waste.

Noteworthy developments in the field of solid waste management is the ratification of the regional waste management plans and the inclusion of waste management infrastructure projects in 2014-2020 structural funds. Another important development is the submission to the Parliament for approval of a draft law on recycling.

With regard to illegal landfills, for whose operation the European Court of Justice has imposed financial penalties, it is estimated that their number has shrunk to 20. It is not however clear where the waste ends up, as the respective municipalities still lack proper and legal waste management infrastructures.

WWF Greece calls for the full implementation of the ambitious targets set in the national and the regional waste management plans, and of the approved programme “Pay as I throw” at the municipal level. WWF Greece also calls for a definitive end to the operation and the restoration of all illegally operating waste landfills.

## ECONOMY AND DEVELOPMENT

This part of WWF Greece’s annual law review analyses the most important developments relating to

- i) implementation of Greece’s economic adjustment programmes,
- ii) national development policies, with central emphasis paid to the investment legislation,
- iii) EU economic policies.

The implementation plan of the 15 June 2017 Eurogroup agreement includes a series of measures and actions of considerable environmental impact, such as the “Growth Strategy”, the promotion of legislation on mining and quarrying, the publication of official forest maps and the liberalization of the lignite market.

According to the data provided by the Ministry of Economy on the implementation of the Investment Law, the primary areas attracting investment



interest are tourism (hotels) and the food and agriculture sector, which amount to 65.4% of the plans submitted for financial support.

The reporting year was not marked by significant milestones promoting environmental integration in Greece's economic and development policies.

In November 2016, WWF published a policy discussion paper calling for debt relief for Greece, in the context of an agreement for the implementation of specific environmental measures. Such a scheme would 'restart' the country's battered economy towards a more sustainable direction, while at the same time conserving globally significant biodiversity and contributing towards the achievement of key global sustainable development goals (SDGs).

Read more: <http://www.wwf.gr/lessdebtmoreearth/en/home/> and <http://www.wwf.gr/en/sustainable-economy>

## EU ENVIRONMENTAL LEGISLATION

According to the data published by the European Commission, Greece's performance in the implementation of EU environmental law is poor.

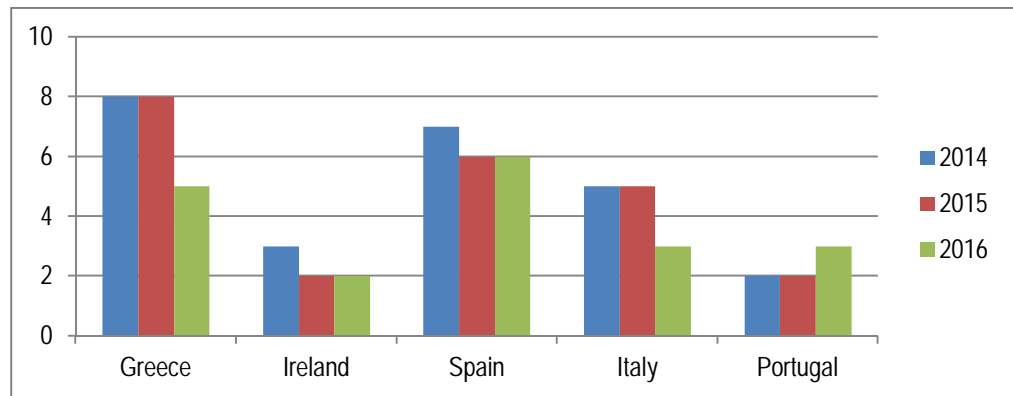


Table – Article 260 TFEU cases of non-compliance with EU Court of Justice decisions

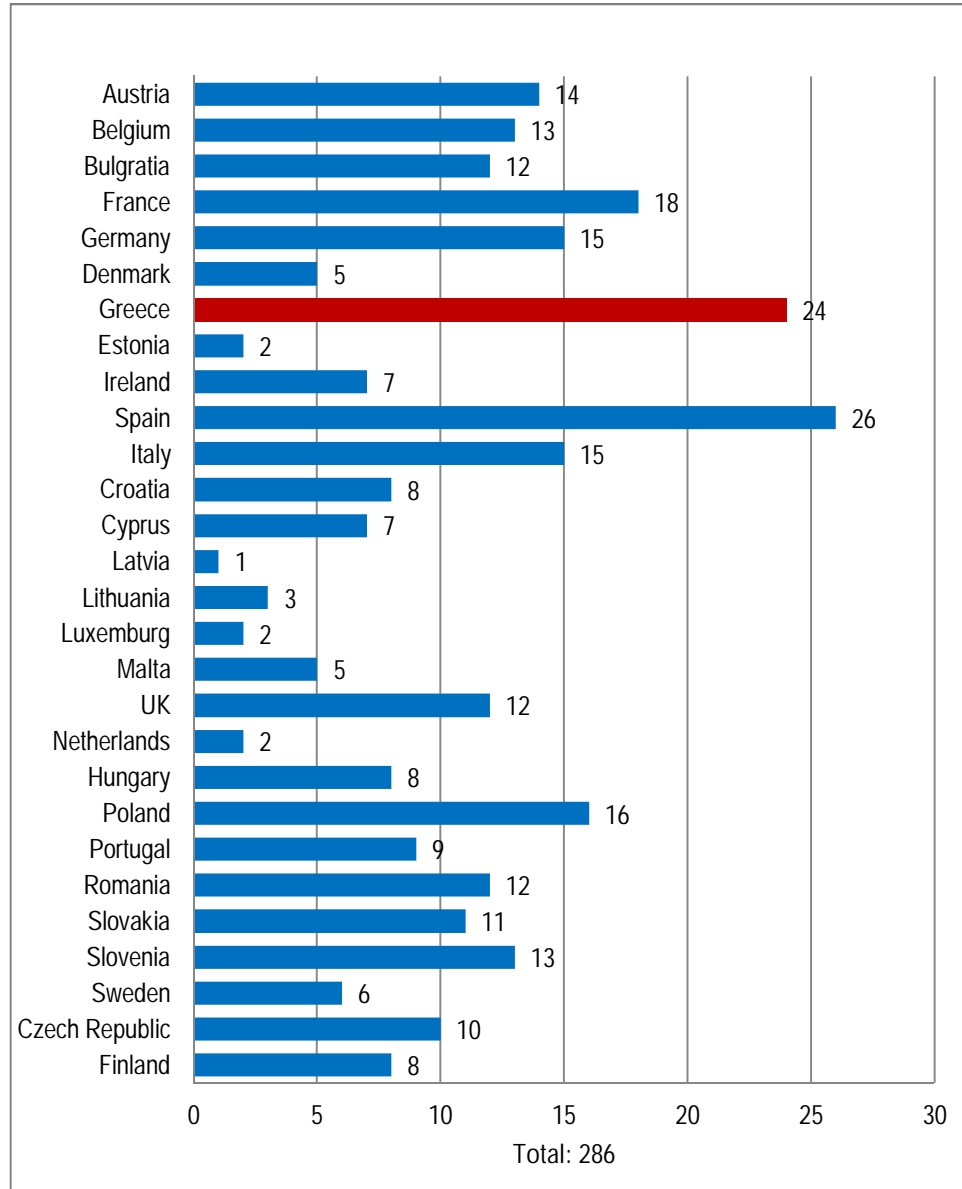


Table: Open cases of infringement of EU environmental law

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	<p><b>Why we are here</b>          To stop the degradation of the planet's natural environment          and to build a future in which humans live in harmony with          nature.</p>
<p><a href="http://www.wwf.gr">www.wwf.gr</a></p>	