



ENVIRONMENTAL LAW IN GREECE

English summary of the 14th annual law review

8/10 of Greeks
want stricter
environmental laws

Common basis for
environmental
protection and
healthy
investments: clear
& transparent rules

A few days before the publication of WWF Greece's 14th annual environmental law review, global alarm bells rang, following the announcement of the special report of the Intergovernmental Panel on Climate Change (IPCC) "Global warming of 1.5°C" and WWF's Living Planet Report 2018. Given the scientific consensus that dangerous increase of the average global temperature by 1.5°C now seems unavoidable, whereas the massive loss of important fish, mammalian, avian and reptilian populations in less than 50 years is almost certain, environmental law and governance now becomes vitally significant to all.

At the same time, a recent opinion research conducted in the framework of the LIFE-IP4Natura project clearly shows that the public in Greece is very concerned about the protection of the environment, as a vitally significant common good: nine out ten respondents say that the damage to the natural environment and the extinction of species is a serious risk, whereas only 7% say that concerns are exaggerated. Also, 8 out of 10 strongly support stricter environmental laws.

The environmental law review is published annually by WWF Greece since 2005, as a contribution to the cause for a strong and solutions-oriented civil society, founded on solid and reliable environmental information. It also constitutes the only source of information on the quality and effectiveness of the existing framework of environmental law and governance.

Since "ignorance of law is no excuse", through this review we turn laws and policies into knowledge that is available to all concerned citizens. We also remind all that nature protection and a secure framework for investments share a common denominator: clear, just and transparent rules.

This year's 14th annual environmental law review was published in collaboration with the non-profit society Nomos+Physis, which specializes in the field of environmental law and justice.

ACCESS TO ENVIRONMENTAL INFORMATION

The crucial area of environmental transparency benefits from the wider effort for technological modernization, yet public participation in decision making remains a vital stake. For the time being though, modernization mainly relates to the privileged communication of certain economic operators with various departments and offices of the Ministry of Environment and Energy.

In this context, two important developments this year were the launch of e-adeies (a web based construction licensing platform) and the establishment of an electronic environmental registry, which houses all EIAs under consultation and environmental approvals.

However, this progress is overshadowed by at least two serious deficiencies: the functionality of these tools and the limited public access to their content. Indeed, for the time being, the key objective of these services is to facilitate the communication of specific professional groups, such as technical consultants and engineers. While this is an entirely legitimate target, there are insufficient

Access to important information denied

Transparency:
the soul of democracy

procedures to enable the access of citizens and civil society groups to pertinent environmental licensing matters. Access is made even harder due to the contracting of certain of these infrastructures to bodies outside central administration. One such case is the Technical Chamber of Greece, which has been operating the e-platform for the legalization of illegal buildings under an absolute lack of transparency.

Although one can claim that these issues will be addressed when these infrastructures become fully operational and mature, certain departments of the public administration continue to deny public access to environmental information.

One characteristic case of violation of access to information law is the denial by the Environment and Energy Ministry to provide WWF with a copy of a geological study on shale gas deposits in Greece. The extraction of shale gas requires the use of the environmentally hazardous method of hydraulic fracturing.

In reply to WWF Greece's application and an order of the public prosecutor for access to the study, the responsible department invoked copyright property rights and argued that the economic stability of the Greek state could be put at risk if the request were granted. Such instances of secrecy and lack of transparency deprive local communities and civil society of their right to know which activities of high environmental impact are planned developed in their areas and allow for demagoguery on the alleged potential of the Greek economy to achieve growth based on petroleum extraction.

According to the Ministry's reply, the requested study "constitutes internal information for our department, whose publication may harm the economic interests of the State", while the ministry "is the intellectual property owner of the preliminary geological study, on which rely vital economic interests, directly related to the economic stability of the State".

IMPACT ASSESSMENT

The few noteworthy developments show that the critically important institution of environmental impact assessment is treated by both the administration and the legislator as a bureaucratic impediment and not as a fundamental pillar for sustainable development. The favoritist and lenient licensing framework for hydrocarbon extraction is proof of this hazardous practice.

The most important development of the past year is the modernization of national EIA law through the transposition of Directive 2014/52/EU. Developments in the field of EU EIA legislation favour the strengthening of this vitally significant environmental shield: the new directive enriches the content of EIA studies and reinforces public participation.

However, the transposition into Greek law is marred by two shortcomings. The first concerns the legal consequences brought about by the delay in transposing the directive: the new directive sets new criteria for the inclusion of specific projects and activities under EIA, which however were not covered by the relevant ministerial act, which was issued before the delayed actual transposition. Hence, the impacts on areas of historic, cultural or archeological importance and on human health are not covered.

The second problem is that the transposition is incomplete. For example, the directive requires member states to ascertain that the responsible administrative authorities have no conflict of interest during the environmental permitting process. This provision does not appear to be covered by the transposition act.

Seismic testing for hydrocarbons is not subject to environmental impact assessment

A serious blow to the EIA environmental acquis communautaire, which still persists in the Greek reality, is the approval of certain projects and activities by law, without prior EIA. This repeated and profoundly intransparent practice now covers entire economic sectors, thus delegitimizing the environmental permitting framework and setting double approval standards which in turn undermine legal certainty. During the past year, this practice was applied to existing hotels, power stations in non-connected islands and quarries.

Another noteworthy development relates to the «presumption of full knowledge», which stems from the publication of environmental approval decisions in the special website of the Environment and Energy Ministry. This presumption relates to the cases before the Council of State, as well as to all court proceedings and legal remedies, and places additional burden on citizens who do not have continuous access to the internet, or lack the necessary technical capacity and expertise. A request by the Council of State for a preliminary ruling concerning the compliance of the presumption of full knowledge with EU law is pending before the EU Court of Justice (Case C-280/18).

Seismic research for oil and gas exempted from EIA

The exemption of the seismic testing phase of oil and gas operations from EIA obligations, even within protected areas, marks a major regression on environmental acquis.

Many Natura 2000 sites fall entirely within oil and gas concession areas



ENVIRONMENTAL IMPACTS OF HYDROCARBON EXPLORATION & EXTRACTION			
PHASE	DURATION	PETROLEUM OPERATIONS AND IMPACTS	
		Onshore	Offshore
Basic research A (seismic survey)	2-3 years	Operations: * Drilling at depth of 10-20 m. and 80 m., use of explosives, road opening, vegetation clearing, flights of aircrafts, opening of helipads, vehicle traffic. Impacts: Land-use change, vegetation clearing, pollution, noise, habitat fragmentation, disturbance of fauna.	Operations: * Echo sounding of the sea bottom with the use of airguns by special vessels, marine traffic & towed equipment. Impacts: Acoustic traumas or death of cetaceans and sea turtles, waste, air pollution, damage to corals, sea bottom disturbance.
Basic research B & C (deep drilling)	3-4 years	Operations: * Deep drilling at 3,000-5,200 m., traffic, building of infrastructures. Impacts: Leakage, waste pollution, noise, lights, habitat fragmentation.	Operations: * Floating infrastructures, bottom drilling, aircraft flights, marine traffic. Impacts: Habitat abandonment by cetaceans, damage to corals, damage to the benthos and the sea floor, waste and marine debris, air pollution, noise and light pollution.
Extraction & exploitation	25 years	Operations: * Building and operation of infrastructures, drilling, traffic. Impacts: Pollution of soil, air and water resources, release of H ₂ S, accident hazard, habitat destruction.	Operations: * Building and operation of infrastructures, drilling, marine traffic, aircraft overflights. Impacts: Oil seepage, pollutant emissions, solid and liquid waste, noise, destruction of the sea floor, debris, oil spill accidents.

*Sources: Laws ratifying the concession contracts and the associated studies. Also, the “environmental action plan” for the onshore seismic survey operations at the onshore block of Ioannina.

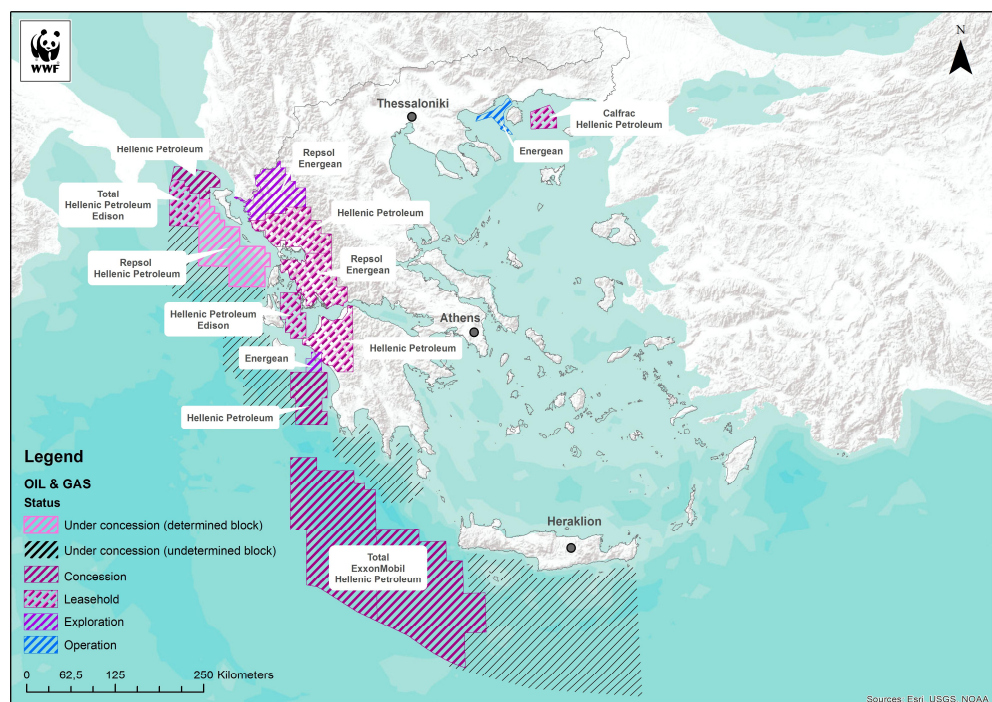
Onshore concession areas cover vast territories, which include parts of areas designated as national parks and Natura 2000 sites (protected under the EU’s 92/43/EEC and 2009/147/EC directives on the conservation of habitats and wild birds respectively), as well as wetlands protected under the Ramsar Convention.

The environmental impacts of seismic research operations, which include the drilling of shot holes for the use of explosives along seismic lines, are potentially very serious and include forest clearing, land erosion, pollution due to increased traffic, and habitat fragmentation caused by road opening. At sea, (mainly the Ionian and Crete), the impacts of seismic surveys on marine mammals are extremely hazardous. The use of seismic airguns for the generation of acoustic signals is the most serious and indisputable impact to marine biodiversity, as it can cause hearing impairments or even death to whales, dolphins and sea turtles.

The exemption of large and potentially impactful operations from the obligation to perform an environmental impact assessment, even within protected areas, is tailor-made to the petroleum extraction industry.

Specifically, the laws ratifying oil and gas concession contracts provide that during seismic testing phase an “environmental action plan” should be drawn up. This plan, however, is a new tool which does not fall under the relevant environmental permitting legislation; its content and procedure are not prescribed clearly and it is not publicly available. Simply put, these plans form a private commitment of the petroleum industries to implement measures which may or may not fall in the existing environmental licensing framework and whose control does not necessarily fall within the jurisdiction of any inspections authority.

The approved hydrocarbon extraction programmes cover entirely or partially many protected areas: the onshore concession block of Ioannina (total of 4,187 sq. klm) includes 20 Natura 2000 sites and parts of the N. Pindos National Park; the concession block of NW Peloponnese (total acreage of 3,778.3 sq. klm) includes 11 Natura 2000 sites, among which the Kotychi-Strofilia National Park; the concession block of Aetoloakarnania (total acreage of 4,360.3 sq.km) includes 15 Natura 2000 sites, two national parks and two wetlands protected under the international Ramsar Convention.



In any coherent environmental licensing framework, the impact caused by seismic testing for oil and gas would be subject to a full EIA, in line with transparent and public accountability processes as is appropriate in a modern democratic state.

At a time when oil and gas programmes in other parts of the Mediterranean are cancelled on environmental protection grounds, the fact that Greece looks

backwards and opens large areas of western Greece to hydrocarbon extraction, through a manifestly favouritist environmental licensing regime, raises reasonable doubts over whether the public interest is indeed served.

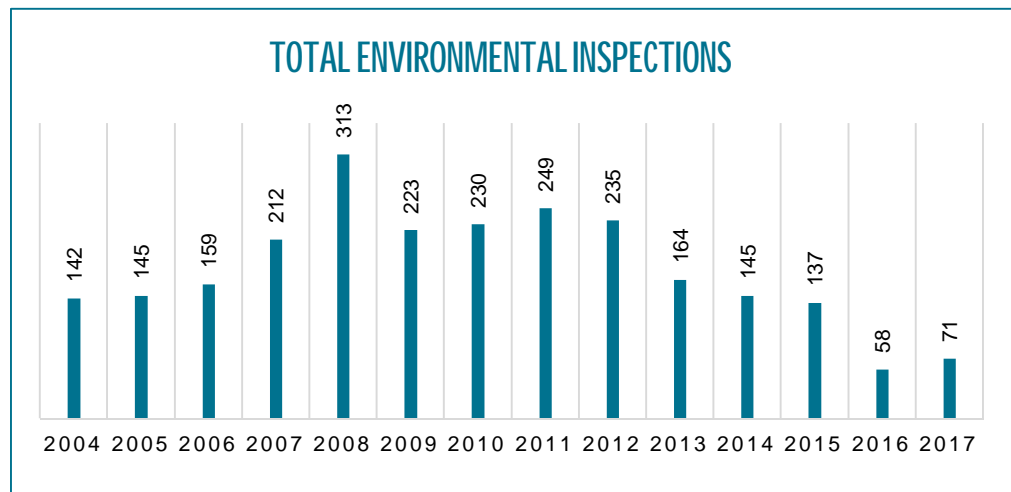
ENVIRONMENTAL INSPECTION

Who will perform systematic and effective inspections on the oil and gas operations taking place within concession areas?

The data on environmental inspections show that the main environmental violation is the illegal and hazardous for the environment and public health management of solid and liquid waste. Municipal landfills, industries managing toxic waste in violation of basic protective regulations or disposing them in waterways and forest lands, and under-performing wastewater treatment plants attract the majority of financial penalties.

At the same time, the Hellenic Environmental Inspectorate (now part of the Special Secretariat for the Environment and Energy Inspectorate) of the Environment and Energy Ministry remains unjustifiably understaffed and neglected, thus being incapable of fully performing systematic controls on activities and projects that have potentially significant effects on the environment. The inspectorate also remains dependent on the political leadership of the Environment and Energy Ministry.

According to the data published by the Hellenic Environmental Inspectorate, the total number of inspections has been decreasing in recent years.



This downward trend raises particular concerns, as it certainly does not signify a decrease in environmental crime, but rather a steady weakening of the inspectorate. More specifically, the number of environmental inspectors has decreased from 35 in 2011, to just 16 in 2017.

At the regional level, environmental inspections task forces, which are appointed every six months by decision of the respective Region's Secretary General, publish important sanction decisions for serious environmental law violations, primarily relating to municipal and industrial waste management.

The publication of the first five-year national environmental inspections plan is a notable development, since the publicly available planning of regular inspections strengthens the transparency, accountability and coordination of the environmental control mechanisms.

Aiming to strengthen the 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.

ENVIRONMENTAL REVENUES

The revenues collected either through environmental regulations or as funds earmarked for environmental protection are managed by the Green Fund or the operational programmes of the 2014-2020 Partnership Agreement between Greece and the European Union.

The Green Fund is the only financial source for important operations and projects, but its funding capacity is restricted due to the limit of its annual spending at 2.5% of its deposits. The Green Fund financed activities under the following categories.

GREEN FUND	
Funding programmes	Total amount (€)
1. Natural environment and innovative environmental actions	2,500,000
2. Protected areas management bodies 2018	8,287,179.59
3. Environmental balance actions 2018	37,982,663.87
4. EU LIFE programme 2018	2,000,000
5. Continued actions in 2018	15,545,215.94
6. Marine environment protection and prevention/response to marine pollution 2018 (Blue Fund)	2,800,000
7. Forest protection and management 2018	10,000,000

The 2018 National Budget includes the following environmental revenues, part of which is attributed to the Green Fund:

NATIONAL BUDGET			
Code	Title	2018 Forecast	2017 Estimate
1364	Environmental levy on motor vehicles	0	0
3513	Revenues for the Green Fund from financial penalties concerning illegal constructions	5,000,000	4,000,000
3516	Revenues for the Green Fund from levies on the construction of buildings without a parking / financial penalties on illegal use change of buildings, which requires an increase in parking space.	0	0
3517	Income for the "Green Fund" account (par.7, art.3, Law 2242/94 & Law 1327/83)	5,000,000	4,000,000
3518	Revenues for the Green Fund from levies on the issuance of construction permits, exemption from demolition and violation of building regulations.	3,000,000	2,000,000
3519	Revenues for the Green Fund, on account of the "Blue Fund" (par.3, art.3, Law 2242/94)	3,000,000	3,000,000
3745	Fees paid to the Green Fund for the registration of energy inspectors (art. 24, Law 4014/11)	1,000,000	1,000,000
3746	Fees paid upon the submission of application for the arrangement of illegal constructions or building use changes (art. 24, Law 4014/11)	64,000,000	59,000,000
3773	Financial penalties imposed by the Environmental Inspectorate	1,000,000	1,000,000

SPATIAL POLICIES

The deadly wildfires of 23rd July 2018 in the area of Mati-Neos Voutzas (Eastern Attica) marked a dramatic milestone for spatial planning policy in Greece, as it brought to the fore the hazardous impacts of illegal and off-urban plan building.

Non ratification of the coastal zone protocol remains a serious legal deficit

The first extensive demolitions of illegal buildings were carried out in parallel with the never ending process of legalization of illegal constructions, which proceeds under total lack of transparency.

The past year was marked by noteworthy developments in the following areas:

Marine spatial planning: The transposition of the marine spatial planning directive was indeed a notable legal development. After a two-year delay and following a referral of the case to the EU Court of Justice, Law 4546/2018 marks a positive contribution to the institutional framework for integrated planning and sustainable use of marine resources. At the same time, the non-ratification of the protocol of the Barcelona Convention on the integrated coastal zone management remains a serious institutional deficit.

Built environment law: The new law on the built environment (4495/2017) does not, at first glance, solve the problems of complexity and intransparency of the existing legal framework. It is indicative that just six months after its adoption, it was subjected to a substantial 10-page amendment in a thematically irrelevant marine spatial law. This new law aims to establish a more vertical administrative structure, which will be more easily accessible by individuals and legal entities, yet in reality it reproduces existing problems and environmentally destructive policies.

The administrative structure introduced by the 4495/2017 law appears to be unjustifiably complex, without any guarantees that it can indeed address the accumulated urban development problems. It also further undermines the rule of law in Greece, as it expands the environmentally perilous policy of extensive legalizations of illegal constructions; the law now allows for the legalization of illegal constructions even in cases of final court rulings that have approved their demolition. It also provides (art. 89, par. 2) that all illegal constructions can be legalized even within protected areas, water streams and the critical coastal zone on the simple requirement that during the construction date all construction activity was prohibited (a rule covering only absolutely protected areas).

Legalization of illegal constructions: The long standing political immunity offered to illegal housing development was reinstated through the above mentioned Law 4495/2017. Especially the provisions of articles 106, par. 1a and 110, par. 3, which overturn final court rulings in cases of illegal housing developments, constitute a mockery of justice and a clear violation of the constitutional rights of equality and rule of law, by placing law-abiding citizens in an inferior position.

In a letter sent to the Ministry of Environment and Energy during the discussion of Law 4495/2017 in Parliament, the Greek Ombudsman analysed the problem of illegal constructions and made recommendations on how to tackle it, based on a number of complaints concerning the legalisation of illegal constructions.

The independent authority documented the failure of the competent agencies to implement the procedure for correction or reimbursement of fines due to the delay in issuing the ministerial decree foreseen in the Law 4178/2013.

According to the Ombudsman:

The urban development problems of Greece "are not caused by the absence of concrete regulations, but rather by the constant modifications of the legislative framework, its deficient implementation due to the omission of issuance of the implementing acts, the dysfunction and understaffing of the existing control mechanism, and the shortcomings of the legal framework in many areas."

Especially with regard to illegal constructions, "the Authority has found that the problem persists because illegal building continues, even after the expiration of the legalization deadline (28.07.2011). Also, based on the investigation of complaints submitted to the Authority, it was found that the process of including

illegal constructions in the provisions of Law 4178/2013, through the Technical Chamber of Greece, without any prior inspections and controls, has resulted in the submission of inaccurate statements.»

In view of the new coastal bill, which is currently prepared by the Finance Ministry and for the first time introduces horizontal provisions for the legalization of illegal constructions in the coastal and littoral zone, the Legal Council of the State issued an opinion (232/2017) clarifying that “as a rule, the legalization of illegal constructions in the shoreline is not allowed. Only masonry constructions, built before March 14th, 1983, (entry into force of Law 1337/1983) in zones outside of delineated shorelines can be exempted from the rule.”

The coastal bill was leaked to the press and has been justifiably criticised by WWF Greece. In an urgent letter to the deputy finance minister, WWF Greece stated that the institutional framework for the protection of the coastal zone necessarily needs to be guided by three important principles:

- i) Treatment of the coastal zone as “valuable and irreplaceable national capital of major significance (preamble of Biodiversity Law 3937/2011).
- ii) Integrated coastal zone management
- iii) Rigorous safeguarding of the public character of the coastal and littoral zone.

In parallel with the continuous process of legalization of illegal buildings, the past year saw a first round of demolitions. The first step was the scandalous case of the eight illegally operating taverns along the coast of the Schinias-Marathon National Park, which were eventually demolished in the first half of 2018. They had been declared illegal with final demolition protocols two decades ago, but continued to operate.

As a result of the deadly wildfires in the coastal off-plan town of Mati, which brought to the stage the issue of illegal and out-of- plan constructions, the Environment and Energy Ministry proceeded with the demolition of certain illegal buildings. The ministry also announced plans to demolish 3,200 illegal buildings in the region of Attica, ranking as top priorities 15 constructions within national parks, 105 in forest areas in Kapandriti, Lavrio, Parnitha, Penteli and Megara, 20 along the coastal front of Athens-Sounio, 35 along the coastal front of Megara, 17 in the Vourkari wetland and 16 tourism businesses on the shoreline.

An issue of particular concern is the lack of transparency and public accountability of the legalization process, which started in 2011, regarding the illegal constructions that have thus far been settled. The legalization process has been assigned to the Technical Chamber of Greece, which processes all applications without any inspection. No transparency or publication of data is foreseen at any stage in the legalization process.

In response to the public outcry, a few days after the catastrophic wildfires in Mati, the Technical Chamber of Greece published some data on the extent of illegal constructions:

- 971,000 applications for legalization of illegal constructions in all Greece.
- The applications in Mati are 327. Of these, 156 concern illegal buildings, with over 40% excesses of building limits.
- The total area of declared illegal constructions in Mati is 24,455 sq.m.
- 52% of the applications in Mati has absolutely no building permit. The respective average for the rest of Greece is 25%. 93% of the applications concern areas off- town planning boundaries.

WWF Greece has called for a definitive end to the right to build in areas that fall outside urban planning, as uncontrolled building creates de facto conurbations that lack vital infrastructures, put an unbearable burden on the natural resources and cause a heavy and unforeseeable cost on the public budget.

Furthermore, WWF Greece has called for a definitive end to the continuous process of legalizations of illegal buildings. A serious public debate on this catastrophic practice will need to be preceded by an extensive programme of demolitions, starting with the enforcement of final court rulings and demolition protocols. Respect to the rule of law is the only clear signal that the lengthy political cover-up of unlawful land uses and building will indeed come to an end.

The aftermath of the destructive wildfire in Mati and the deadly flood in Mandra, both located just a few kilometers outside Athens, is a tragic proof of the significance of the protection of forest lands, waterways, coasts and the shoreline. Especially as climate change is already showing its impacts on ecosystems and livelihoods, nature-based solutions to adaptation and resilience are not only cost-effective, they are a matter of life and death.

Spatial plans: According to the spatial planning law 4447/2016, the special and regional spatial frameworks constitute strategic planning tools, which provide strategic directions concerning land-use and zoning, at national and regional level.

According to the action plan set out in the national growth strategy approved by the Eurogroup on June 22nd, 2018, the spatial plans for tourism (2019), industry (2020), mining (2020), renewable energy (2020) and aquaculture (2021) are in the pipeline.

The updating of the regional spatial plans started this year: the spatial plan for Crete is the first that was approved. The plan sets out wide zones for the development of urban activities, broad spatial units for the development of the primary sector and industrial activities. It also maps natural and cultural resources of international significance, such as the Samaria National Park, Knossos, Phaistos and the Palace of Zakros, and the Palm Forest of Vai.

The new spatial plan for Crete strangely fails to take into any account the potential impacts of the approved new oil and gas extraction programmes in areas off the western coast of the island. With regard to electric power generation, the spatial plan provides for the upgrading of the thermal station of Atherinolakkos (diesel) and the construction of a natural gas power plant. It also promotes a total ban of windfarm development in Natura 2000 sites, on the unsubstantiated claim that this is an additional tool for the “protection of the fragile environment of the island”. It also calls for the avoidance of issuing permits for solar-thermal parks in all Crete, due to their “extensive character and the environmental degradation that they cause”.

Approval of investment plans: A series of investment plans were officially approved, including tourist villages in Sithonia (Crete) and Argolida and the “integrated development plan” for the privatization of the former Athens Airport at Hellinikon, the construction of new tourist villages and the development of other assets owned by the Hellenic Republic Asset Development Fund (HRADF).

The decree for the privatization and urban development of the Hellinikon former international airport of Athens is a condition stipulated in the Programme of Economic Adjustment. In a total area of 5,249,873.49 sq.m, the approved presidential decree allows for the development of six urban areas, one tourism area, and a green area by the title “metropolitan green and leisure park”. The latter will cover an area of 2,000,569 sq.m. and includes 351,390 sq.m. of buildings, one being a 200 m. high ‘metropolitan park landmark’.

Approvals for private urban development plans



NATURE AND BIODIVERSITY

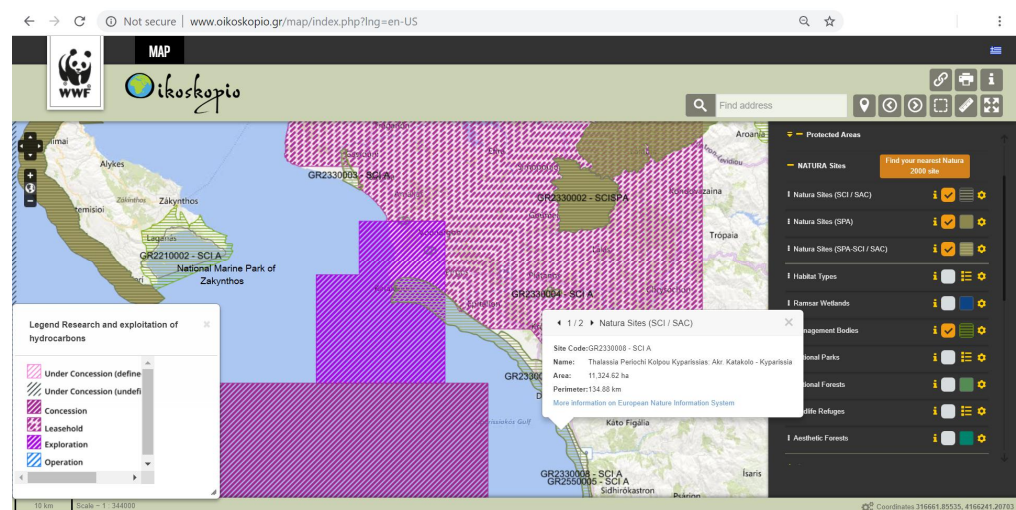
Expansion of the Natura 2000 network + new law on protected area management

The past year has been marked by auspicious developments for nature and biodiversity, with two key highlights: the extension of the Natura 2000 network and the enactment of a law for the establishment of managing bodies for protected areas. It has, however, been tarnished by the favorably flexible and environmentally-reductive licensing framework for seismic research activities for oil extraction in Natura 2000 and Ramsar sites and national parks.

In December 2017, the Natura 2000 network was substantially expanded with a focus on marine areas. Following this expansion, Greece has formally achieved the European and global targets for protected areas which require that at least 17% of land, and 10% of marine areas should be designated as protected areas. Today, Greece has included 446 areas in the Natura 2000 network. 32 of these areas are new, while the boundaries of the existing 63 areas have been extended. In total, these sites cover roughly 28% of the land and 19% of Greece's marine area.

Equally important was the enactment of a new law on the establishment of managing bodies for all protected areas in the country. This law prescribes these managing bodies as the key management scheme for protected areas and determines their competence. It also expands the territorial responsibility of the 28 existing managing bodies and establishes 8 new ones. The newly-established managing bodies cover all Natura 2000 sites of the country (with the exception of Mount Athos). Furthermore, it is expected that significant existing gaps in the management of habitats and species within Natura 2000 sites will be filled by the LIFE-IP 4 NATURA project that started in 2018.

The approval of oil and gas operations within Natura 2000 areas, without prior appropriate assessment, marks a serious blow to the National System of Protected Areas



Map: the new protected area of Kyparissiakos Bay is surrounded by new and older concession areas for hydrocarbon exploration and drilling.

Nonetheless, the legal protection of most protected areas remains lacking with severe risks for the environment, as can be demonstrated by the recurring illegal activities in protected areas (for example, in Zakynthos). Furthermore, the approval of hydrocarbon exploitation projects in sensitive areas, such as NW Crete, Kyparissiakos Bay and the Ionian Sea, poses a significant threat for the environment and leads to the weakening of the legal framework.

We also had positive developments in the field of species protection. In December 2017, three ministerial decisions were issued endorsing action plans for the protection of endangered species: two national action plans for the Egyptian vulture (*Neophron percnopterus*) and for the lesser white-fronted goose (*Anser erythropus*) and a regional action plan for the protection of the lesser kestrel (*Falco naumanni*) in Thessaly. A further promising development for the

conservation of protected species was the issuing of a ministerial decision on the adoption of local action plans for tackling the illegal use of poisonous baits (September 2018). This decision provides the required statutory framework for the cooperation of the competent authorities and other stakeholders with the view to tackling this illegal activity more effectively. The decision is important, but due to the absence of appropriate consultations before its adoption, problems may arise in its implementation in practice.

Forests

The previous year features contradictory findings concerning the protection of woodland ecosystems. On one hand, the process for drafting a National Forest Strategy with a 20-year time horizon was initiated, and for the first time, an open and participatory dialogue was organized and a working group was established to modernize the specifications for conducting management-related studies for forests and woodland ecosystems. On the other hand, forest laws continued to be undermined by a series of executive ministerial decisions and further regressive amendments. An indicative example of this practice was the enactment of a law endorsing a ministerial decision which provided for the exemption of illegal housing estates from forest land despite a pending case before the Council of State concerning its legality.

Furthermore, the process of developing and posting forest maps is underway. On 21st December 2017, the authorities had partially ratified forest maps for 31.39% of the country. According to the amended Memorandum, the ratification of forest maps for the whole country is expected to be finalized by mid-2021. By May 2018, the figures remained low: forest maps had been posted and (partially or fully) ratified only for 36% and 32% of the country respectively. There are still problems regarding the implementation of the exemptions for “housing agglomerations” mainly related to their delineation and display on the maps, as well as their management.

The catastrophic wildfires in Mati, Attica in July 2018 demonstrated clearly that the system for the protection of forests against fire has learned little from the errors of the past but also of the present. The system remains punitive despite the fact that evidence from international practice demonstrates that prevention is more important and cost-effective. As part of the measures for the rectification of the perennial failings that led to this tragedy, the authorities have initiated a process for determining the regime of the coastal zones in the area and for regulating the fencing along the coasts in areas outside town planning.

Sea and coast

The most important development during the reported period was the approval of the programme of measures for the achievement or maintenance of good environmental status of the sea, in compliance with the Marine Strategy Framework Directive. These measures aim at preserving the marine environment, restoring ecosystems and preventing pollution and its impacts upon ecosystems, human health and human activities at sea. Nevertheless, these measures are not particularly ambitious and do not reflect accurately the existing circumstances especially concerning knowledge and data gaps. Finally, a further important development was the initiation of the process for the long overdue delineation of the shoreline which is making progress, albeit with delays.

The deadly wildfire
in Mati revealed the
criminal relationship
of forest neglect
with unplanned
housing
development



WATER

According to the European Environment Agency's European Waters Assessment, "while Europe's ground water bodies, like aquifers, are in good health in most cases, only 40% of monitored lakes, rivers, estuaries and coastal waters achieved the EU Water Framework Directive's minimum 'good' or 'high' ecological status during the 2010-2015 monitoring period". The 2018 EEA report highlights the significance of the Water Framework Directive (WFD) in securing living rivers and water resources and the river basin management plans as the key to effectively monitoring the health of water systems.

Eighteen years after the adoption of the WFD 2000/60/EC, which introduced the pioneering approach of integrated water basin management in EU law, the European Commission has launched a procedure for the evaluation of its water laws, in order to determine whether they are "fit for purpose" as per the Better Regulation Guidelines.

Specifically, the Commission launched a fitness check which will evaluate the WFD, as well as the Groundwater Directive (2006/118/EC) and the Environmental Quality Standards Directive (2008/105/EC), the so-called "daughter-directives" of the WFD. It will also include the Floods Directive 2007/60/EC. In response to the real risk of this evaluation process resulting in a watered-down version of these vitally important water laws, Europe's largest environmental non-governmental organizations launched a joint campaign, calling on the member states and the EU to use this opportunity to strengthen the implementation of the Directives and not to look for ways to weaken them.

At the national level, the National Water Commission approved the first revised water basin management plans for the water regions of Greece. The management plans constitute the main tool for integrated water resource conservation. Along with the flood management plans as per Directive 2007/60/EC, which were issued for the first time during the period, their role in keeping humans and freshwater ecosystems safe is vital, especially in the unpredictable conditions caused by climate change.

This was a year of extreme weather events which resulted in the loss of human lives and showed in tragic ways the absolute need for integrated management of natural ecosystems. The deadly flooding of Mandra (western Attica) in November 2017 brought to the public debate the need for water basin protection against landfilling, building and blocking of nature's waterways.

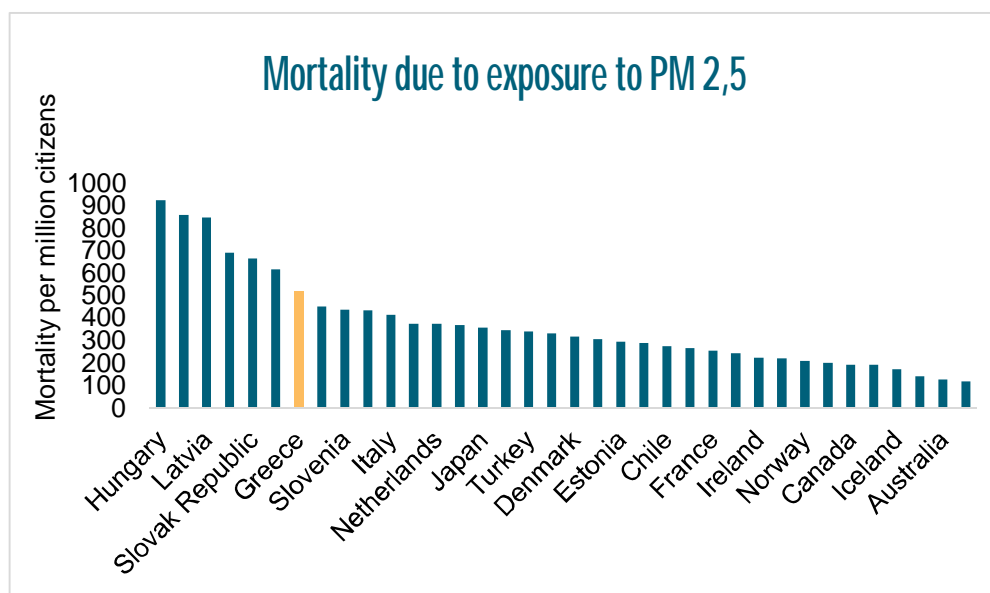
WWF Greece calls for the full implementation of water ecosystems conservation laws, focusing on proactive conservation and restoration of degraded water basins, and on the full protection of resources used as sources of drinking water.

AIR

According to the latest report published by the European Environmental Agency for the period 2000-2016, despite the reductions in pollutant concentrations, air quality remains low in many parts of the EU.

Especially the extremely hazardous to human health particulate matter, continue to exceed EU limits in large parts of Europe.

The deadly flood of Mandra brought to the public eye the need for water basin protection against landfilling, building and blocking of nature's waterways.



Source: OECD (2018)

At the EU level, the Commission published its first report on clean air, which is the main monitoring tool of the progress towards better air quality. The report concludes that the measures approved through the 2013 Clean Air Policy Package, which sets specific objectives for 2020 and 2030, will meet and go beyond the target of reducing by 52% the impacts on public health caused by particulate matter and ozone and achieve PM_{2,5} way below the threshold set by the World Health Organization. The report also praises the undertaking of decisive action at all governance levels. It also highlights the need for synergies with other EU policies, such as the CAP.

At the same time, the fitness check of the EU's directives on ambient air quality (2008/50/EC and 2004/107/EC, as well as the corresponding decision 2011/850/EC and Directive EU/2015/1480) is in progress, with a planned completion date set at the end of 2019.

At the national level, the annual air quality report was published by the Ministry of Environment and Energy. The national report concludes that *"the progression over time of the levels of pollutants shows that, despite fluctuations of the mean annual levels at different stations, the trend is downward or stable, depending of the pollutant. This trend can be attributed to the technological upgrading of the private automobiles and the mass transport means, the implementation of the exhaust control certificate measure, the emissions control measures on different sources, the use of better fuel, the operation of track-based modes, the better circulation of mass transport means, the increased use of natural gas in households, industry and third sector, etc."*. It needs to be noted that the air quality monitoring network only covers certain cities, whereas not all monitoring stations operate constantly.

In the Attica Basin, the threshold exceedance incidents in 2017 recorded by the National Air Quality Monitoring Network concerned a) exceedance of PM₁₀, which was attributed to airborne dust from the Sahara Desert, and was dealt with short-term measures, b) exceedance of NO_x limit values, and c) exceedance of ozone limit values. Exceedance of limit values were also recorded in the cities of Thessaloniki, Volos and Larissa.

WWF Greece calls for the full implementation of the clean air legislation, an essential part of which is the consistent and technologically efficient monitoring of air quality in all big cities and industrial areas, the transparent public access to all data and the completion of air quality plans for all urban areas suffering from air pollutant limit exceedance.

ENERGY & CLIMATE CHANGE

The sale of 40% of PPC's coal assets threatens Greece with long-term carbon dependency

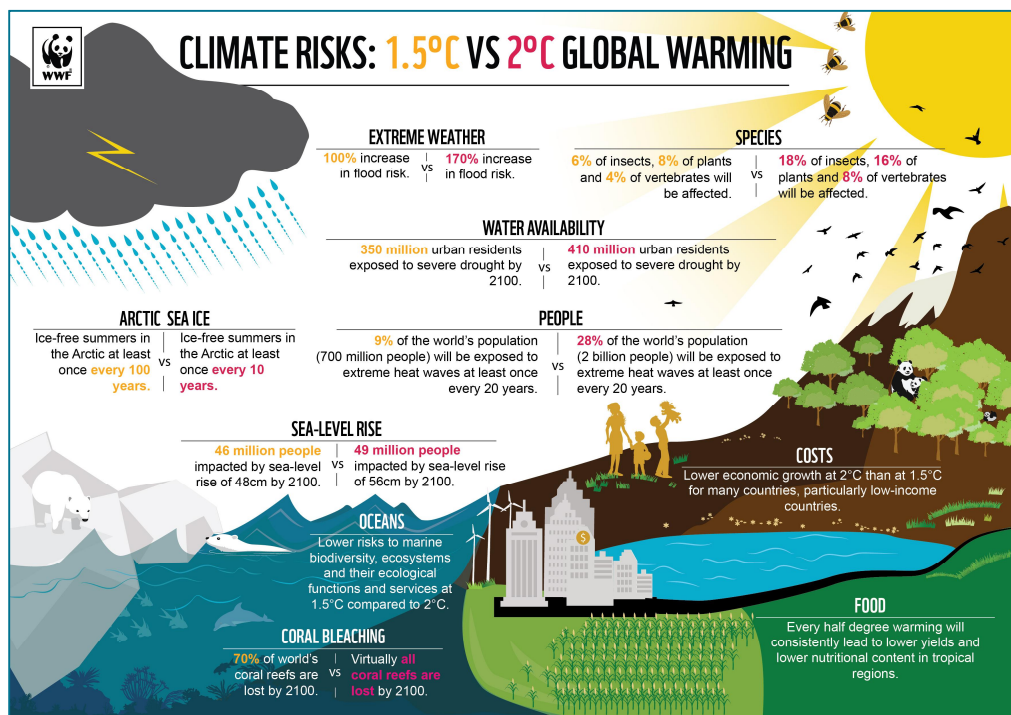
CO₂

The past year was marked by the opening to divestment of 40% of PPC's coal assets and the subsequent licensing of the construction of a new lignite power plant (SES Meliti II). This development threatens to lock Greece's energy future in lignite for decades to come.

According to the economic adjustment programmes for Greece, the sale of 40% of PPC's lignite assets is an obligatory measure, for market competition reasons. In reality however, the Greek government is required to break from the PPC two spin-off businesses, which will be composed of investor-attractive lignite assets: (1) the lignite-fired plant of Meliti I and the construction license for a new 450 MW Meliti II plant; and (2) units 3 and 4 of Megalopoli lignite center, together with all related assets and resources. Law 4533/2018, voted by the Parliament in April 2018, satisfies the prior actions stipulated in the Memorandum of Understanding signed by Greece under the European Stability Mechanism, but essentially prolongs the country's dependence on dirty coal.

Positive developments were the establishment of the National Just Transition Fund, which will finance the transition of lignite regions to the post-coal era, and the Energy Communities Act, which paves the way for social participation in decentralized Renewable Energy Sources production. At the same time, it became clear that it is impossible for Greece to achieve the national target of RES participation in final gross consumption of electricity by 40%.

At the international level, the most important development concerns the publication of a new report by the Intergovernmental Panel on Climate Change (IPCC) titled "Global warming of 1.5°C" which highlights the need to keep the global temperature at 1.5 degrees Celsius above pre-industrial levels. Particularly in the case of Greece, which is geographically located in the climatic 'hotspot' of the Mediterranean, if the temperature rises to 1.5 degrees Celsius, forest areas burned annually will increase by 41% and in the case of 2 degrees Celsius by 62 %, while the extreme heatwaves normally occurring once in twenty years will increase by 173% at 1.5 degrees and by 478% at 2 degrees, and finally the torrential rainfall will increase by 10% at 1.5 degrees and by 21 % at 2 degrees.



A good start of the road to the just transition of coal-dependent regions towards living post-carbon economies

The IPCC report sets the bar on energy and climate policy: the world must zero emissions by 2050 at the latest, in order to avoid the worst impacts of global warming. According to WWF, *"the EU's pledge to reduce emissions by at least 40% by 2030 is far from sufficient to meet IPCC's scientific recommendations of a 1.5°C global warming limit. To achieve this 1.5°C pathway, the EU needs to aim for net-zero emissions by 2040. This will require ambitious action in every sector, but it is feasible and will bring huge benefits – to health, jobs and energy independence"*.

At the EU level, the European Commission, the European Council, and the European Parliament agreed on an overall binding target of 32% renewable energy in gross final energy consumption by 2030. A dark spot was the promotion of biofuels and the burning of forest biomass to such an extent that there is a severe risk of an increase in greenhouse gas emissions. Also, an energy saving target of 32.5% was established by 2030. Unfortunately, the targets will be non-binding and national contributions from the Member States will be indicative.

Following the trilateral negotiations in June 2018, the European Commission, the European Council, and the European Parliament committed to zeroing emissions in the EU as soon as possible, abandoning the previous weaker 80-95% reduction target by 2050.

A significant development of interest to Greece was the launch of the Coal Regions in Transition Platform, which aims to help the EU's coal regions to gain access to know-how and resources for the smooth transition to a low-carbon economic model. One of the pilot areas is Western Macedonia.

Another positive development is the establishment by law of the framework for the National Just Transition Fund, which will be financed by public CO₂ auctioning revenues. This act makes Greece the first EU country to leverage public revenues from CO₂ auctions to finance the transition of lignite regions to the post-coal era. Although the founding legal provision does not clearly exclude coal-related activities from financing, it nevertheless sets the legal context for local economies to shift away from coal.

According to the draft plan which was placed in public consultation in July 2018, the amount which will be available to the special account titled "Just Transition Fund" for the period 2018-2020 will be 20 million euros per year and will finance the following types of activities:

- Development of clean energy
- Energy efficiency
- Support to primary sector activities
- Circular economy / utilization of secondary materials (sludge, ash, etc)
- Industrial heritage
- Integrated programmes for job development
- Programmes in support of entrepreneurship and innovation

The specification of the content and aims of the fund is pending the issuance of a ministerial decision.

Despite the delay, an indisputably positive development for the further expansion of RES in the country's energy mix was the adoption of Law 4513/2018 on energy communities which aims in encouraging social engagement in the production of clean energy.

Santorini operates an illegal landfill on the famous caldera

Almost 160,000 tons of solid municipal waste is still buried in illegal landfills



WASTE

Although there has been significant progress in the closing of illegal landfills, it is estimated that about 160,000 tons of solid waste still ended up in illegal disposal sites. During the past year, urgent measures for the closure of illegal waste disposal sites were taken in W Macedonia, Thrace and Aegialia. Furthermore, inadequate monitoring and lack of transparency are recurring and important problems.

From 2015 until the day of publication of this report, Greece has paid a total of 104,232,715 euros in financial penalties resulting from four CJEU rulings. The oldest of the four cases is C-378/13 on illegal landfills.


The imposition of financial penalties on Greece does not however appear to serve as an incentive towards compliance with EU law on safe waste management. At least 30 illegally operating landfills remain active. According to the National Waste Management Plan, which foresees that “illegal waste disposal will have been eradicated by 2015”, approximately 160,000 tonnes of urban solid waste end up in uncontrolled landfills. Many towns in Greece continue to lack the necessary infrastructure for safe waste management, including flagship tourist destinations, such as Santorini. In 2017, the Region of S. Aegean inspected the illegal landfill at the site “Alonakia”, operating on the world famous rocky caldera - just a few hundred meters from 5-star hotels, imposing a financial penalty of 15,000 euros to the Municipality of Thira.

Apart from the aforementioned scandalous case of illegal landfilling along the famous tourist attraction of the caldera in Santorini, similar cases have been reported in many areas around Greece, such as Tripoli, Messinia and Corinthos. In all three cases, the Region of Peloponnese conducted inspections and imposed financial penalties ranging from 45,000 to 20,000 euros. In Drama, the Region of Eastern Macedonia – Thrace imposed a financial penalty of 10,000 euros for illegal disposal of waste on the water stream of Doxatos.

The early warning report published by the European Commission in September 2018 concludes that “[b]ased on an analysis of existing and firmly planned policies in the area of waste management, Greece is considered at risk of missing the 2020 target of 50 % preparation for re-use/recycling of municipal waste”. The report also preannounces the imposition of a landfill tax from 2018 and expresses reservations regarding the inspections, the control system, and the effectiveness of funding.

A noteworthy development is the new law on waste management operators: the crucial responsibility of planning the regional waste management strategies is assigned to mandatory associations of local authorities. At the same time, the refusal or omission of issuing mandatory administrative acts concerning the cleaning of public spaces, waste collection and the management, construction, maintenance and proper operation of waste management facilities and systems including sewage disposal, as well as the adoption of preventive and punitive measures for the protection of public spaces and waste management facilities against fire is now a disciplinary offence

FINANCIAL SANCTIONS EU Court of Justice decisions

Illegal landfills C-378/13	
48.4 million €	
Urban waste C-167/14	
27.85 million €	
Hazardous waste C-584/14	
22.98 million €	
Urban waste in Thriassio C-328/16	
5 million €	

Another noteworthy development is the introduction of the 0.3 euro tax on plastic bags. Although the overall picture of recycling in Greece remains bleak, the particular measure appears to have positive results in reducing the use of carrier plastic bags. The tax will be increased to 0.7 euros in January 2019.

COUNCIL OF STATE CASE LAW

In a series of notable judgements, the Council of State confirmed that the established judicial rules and principles of annulling review have remained unchanged. Important decisions on infrastructure projects, windfarms, wildfire protection zones, etc confirm that the supreme administrative court of Greece does not call into question the technical opinion of the Administration. Thus, the court does not examine the substance or the technical content, but only the legality of the contested acts.

The most notable of the environmental rulings discussed in our 2018 annual review, concern road construction works, water management, infrastructure projects, and windfarms. All court judgments highlight the importance of public participation in consultations, as part of the standard administrative procedure prior to the approval of each contested act.

ECONOMY AND DEVELOPMENT

In 2018, Greece successfully completed its 3rd economic adjustment programme since 2010. A number of prior actions have considerable environmental implications. Most notably, Greece committed to privatize some of Greece's PPC lignite units, a measure that will lock Greece into lignite-based electricity production for decades to come.

In a letter sent to the representatives of creditor institutions (EU, ECB, and the IMF) in Greece, WWF Greece expressed its concern vis-a-vis the European Commission's support for lignite-based electricity generation in Greece. In that letter it was noted that:

"The new global energy reality requires a financially healthy, innovative, and most importantly environmentally clean PPC, for environmental, public health and economic reasons. Unfortunately, the changes that are being imposed on Greece's energy landscape will benefit neither the PPP nor Greece at large. They will enhance Greece's energy dependence on lignite for decades to come, something which is a dead-end both for environmental and strict financial and economic reasons"

The completion of the 3rd Economic Adjustment Programme also required Greece to submit a Growth Strategy for the future, outlining economic policy priorities for the post-adjustment period. A first draft of the plan was submitted by the Greek Government in April 2018, without prior public consultation.

In a letter to the Greek Prime Minister Alexis Tsipras, and the representative of the EU in Greece, Declan Costello, WWF-Greece expressed its concerns regarding the opaqueness and lack of transparency of the process, which prevented citizens and civil society organisations to comment on and input in this strategy.

In terms of content, the growth strategy's ecological footprint is ambivalent at best.

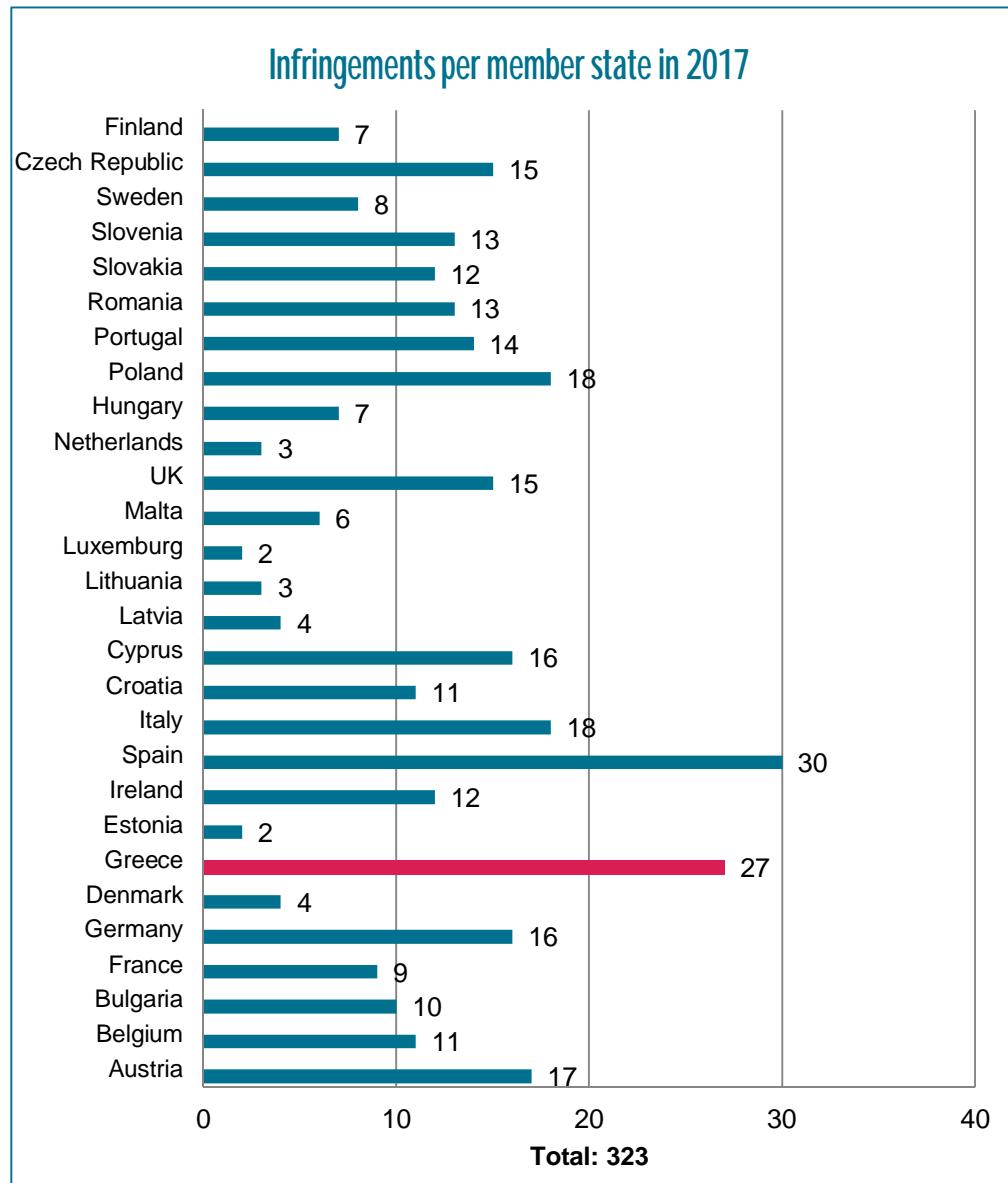
On the positive side, the strategy reinstates the Greek government's commitment to complete ongoing spatial development plans and forest mapping. It also entails a number of measures for enhancing the circular economy and green innovation, areas in which Greece's performance is weak. However, if implemented as it stands, the government's growth strategy will deepen Greece's dependence on

The national growth strategy puts emphasis on coal and hydrocarbons

fossil fuels, as it places a heavy emphasis both on maintaining a lignite-based electricity generation model and on hydrocarbon exploitation.

On balance, we can conclude that Greece's post-adjustment strategy will have adverse environmental impacts, and consequently falls short of delivering an environmentally sustainable development model

ENVIRONMENTAL LAW IMPLEMENTATION IN THE EU



Cases of EU environmental law infringement, on which the European Commission has opened preliminary procedures (in different stages).

Non-compliance with CJEU rulings



Cases of ongoing non-conformity rulings of the EU Court of Justice.

More information:

Theodota Nantsou,
Head of policy
WWF Greece
tnantsou@wwf.gr
Lembessi 21, Athens, 11743



Αποστολή του WWF είναι να σταματήσει την υποβάθμιση του φυσικού περιβάλλοντος και να χτίσει ένα μέλλον αρμονικής συνύπαρξης ανθρώπων και φύσης, προστατεύοντας τη βιοποικιλότητα, διασφαλίζοντας τη βιώσιμη χρήση των ανανεώσιμων φυσικών πόρων, και προωθώντας τη μείωση της ρύπανσης και της σπάταλης κατανάλωσης.