

A Race to Protect Europe's Natural Heritage

WWF European Snapshot Report on the Status of Implementation of the Habitats Directive

GREECE
Score: 12/30

I. Legal Aspects of Implementation			Score: 5/9
<i>Transposition: To what extent has the Habitats Directive been transposed into national or regional law?</i>			
Good/complete transposition 3	Some gaps remaining 2	Key/major gaps remaining 1	Failure to transpose 0
<p>A number of gaps need to be filled before there is a complete transposition of the Habitats Directive 92/43/EEC into the Greek legal corpus. The Directive was officially transposed into national law through a Joint Ministerial Decision (JMD) of December 1998. However, <i>the JMD states that proposed Sites of Community Importance (pSCIs) should be selected taking into account economic, development and social criteria, which contravenes the recent opinion of the European Court of Justice (ECJ) in the case of Bristol Port.</i></p> <p>There is also an important credibility gap since the enforcement of the Directive has not been secured (as is usually the case). For example the Joint Ministerial Decision mentions the <i>establishment of a Natura 2000 committee, which will review scientific data, propose general guidelines on the pSCIs management etc. This committee has not been set up yet and is not operational.</i></p> <p>Concerning the integration of the Directive into other sectoral legislation, <i>no mention of the Natura 2000 network is made in recent land use planning legislation.</i></p> <p><u>Details of transposition gaps in different Articles</u></p> <ul style="list-style-type: none"> • Article 2: The Joint Ministerial Decision (JMD) transposing the Directive into Greek Legislation states that <i>pSCIs are selected taking into account economic, development and social criteria, which contravenes the recent opinion of the European Court of Justice (ECJ) in the case of Bristol Port.</i> • Article 6: The transposition of Article 6 is not accurate as regards the issue of the assessment of plans not connected with or necessary to the management of Natura 2000 sites and provided for in paragraphs 3 and 4. Although Article 6.3 of the Directive asks explicitly for the assessment of “plans” and not only of projects, the transposing provision asks for assessment of projects or activities, according to existing EIA national legislation. By making such reference to existing legislation, the transposing provision <i>restricts the field of application of the Directive.</i> • Article 12: The JMD does not specify which animal species are protected (it does not refer to the species of Annex IV) and it does not identify the conservation objective. Also, the JMD does not establish or describe any system of species conservation; it only refers to a Presidential Decree of 1981 which protects the majority (but not all) of species of Annex IV and fails to establish sanctions for violation of its protection provisions. • Article 13: Same as for Article 12, the JMD does not specify which species of flora are to be protected. In addition, Article 12 of the JMD (transposing Article 12 of the Directive) refers to restrictions regarding "specimens of species" and not the species themselves. 			
<i>Complaints in Progress at the European level: How significant are current Commission complaints in progress against your Member State?</i>			
No outstanding complaints 3	Some complaints not yet dealt with 2	Significant complaints not yet dealt with 1	Decisions of the ECJ not yet dealt with 0

Only one decision has been reached by the ECJ on the Habitats Directive against Greece (protection of *Carretta caretta* in Zakynthos). Significant complaints are still at an early stage of procedure (like the one on Schinias). The complaint on the duration of the hunting period (based on violation of 79/409/EEC) reached the stage of reasoned opinion 10 years after it was submitted to DG XI. At this stage, the national authorities responded by reducing the duration of the hunting period. The majority of complaints concerning violation of the Directive have been submitted by NGOs.

Member State Response to Complaints: How adequate do you consider your Member State's response to Commission complaints to be?

Good response at stage of letter of formal notice 3	Response before case was referral to the ECJ 2	Response only after ECJ case decided 1	No response 0
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More often than not the response of the Greek national authorities to the letters of formal notice is either late or inadequate. This was the case with the complaints on Acheloos, Schinias, Zakynthos and over the length of the hunting period.

II. Protecting Habitats and Species

Score: 5/12

Natura 2000: How adequate is the list of proposed Natura 2000 sites for the protection of habitats and species?

coherent national network 3	more than 50 % sufficient 2	less than 50 % sufficient 1	no list submitted 0
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None of the sites included in the Greek Shadow List have been placed on the National List. Additionally, some sites that were not included in the Shadow List, because they were supposed to be communicated to the Commission around the same time, still do not appear on the Natura 2000 barometer. There are serious gaps in the coverage of marine areas, as shown from the low percentage of marine sites (~2%).

As a general comment we can say that because the compilation of the scientific inventory, which supported the National List, was based on bibliographical research, the quality and coherence of the network is largely accidental.

Economic criteria have been employed in the selection of pSCIs. As mentioned in a report from the Ministry of Environment & Public Works (December 2000) some areas were evaluated taking into account specific development plans and/or ongoing projects. Such cases are Milos Island (mining), Schinias coastal wetland (2004 Olympic constructions) and coastal sites in Rethymno – Crete (tourist development).

No specific measures exist regarding the conservation of marine sites. Few sites have management plans. Management plans have been compiled for the pSCIs, but only a few can be said to meet the requirements of Article 6 of the Directive.

Natura 2000: How does your Member State score on the putting in place of management measures?

(Article 6)

All of the above measures have been adequately addressed 3	Some of the measures have been adequately addressed 2	Very few measures are being addressed or are in place 1	Measures are non-existent 0
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Conservation measures have been designed for a few areas (Ramsar sites and some nature reserves), but have not been implemented. In the majority of cases the driving force for these measures has not been the Habitats Directive but obligations from previous commitments. There is no way of evaluating the impact of these measures, even if they are implemented. This equally applies to NGOs and relevant authorities responsible for these measures.

<p>Protection of species beyond Natura 2000: How adequate are non-site based measures for the protection of species?</p> <p style="text-align: right;">(Article 12, 13,14 and 16)</p>			
All of the requirements have been adequately addressed 3	Some of the of the requirements have been adequately addressed 2	Very few of the requirements are being addressed or are in place 1	Efforts to address the requirements are non-existent 0
<p>The monitoring of ‘takings in the wild of specimens of species’ (Article 14) is the duty of the Ministry of Agriculture and concerns CITES species and species protected under Presidential Decree 67 of 1981 (the latter basically un-enforced). Strict protection measures for some species exist, but not all exist within the framework of the Directive, e.g. Mammalian species. A monitoring system for granting derogations according to Article 16 of the Directive has not been put in place.</p> <p>Outside of Natura 2000, provisions exist for the protection of a number of species not included in the Directive. However, the specific Presidential Decree of 1981 is outdated, fails to address species conservation and does not include sanctions for violations.</p>			
<p>Complementary measures: Is your Member State giving adequate attention to complementary measures, such as for research, planning and species reintroduction?</p> <p style="text-align: right;">(Articles 10,11,18 and 22)</p>			
Good effort to implement complementary measures 3	Mixed effort to implement complementary measures 2	Poor effort to implement complementary measures 1	No effort to implement complementary measures 0
<p>There are scant and uncoordinated research measures, mainly through the Operational Programmes (Community Support Framework). However, there are neither measures for sectoral integration, nor any for species re-introduction.</p>			
<p>III. Putting Plans into Practice</p>			<p>Score: 2/9</p>
<p>Finance: Is your government devoting adequate human and financial resources to implementation of the Directive?</p>			
Significant additional resources dedicated to implementation of the Directive 3	Some additional resources dedicated 2	Very few additional resources dedicated 1	No additional resources dedicated 0
<p>Limited national funding (through the Special Fund for the Implementation of Structural and Urban Planning) has supported the implementation of conservation measures for pSCIs and species protected under the Directive, but not in a co-ordinated manner and based on ad hoc proposals by NGOs. Through the Operational Environmental Programmes (Community Support Framework) some funding is secured for the implementation of the Directive. This funding however is minimal (for OEP III this amount will not exceed 14 billion GRD = 41,085,840 EURO). The Ministry of Environment & Public Works is currently trying to utilise funding opportunities from other OEPs.</p> <p>No national funds have been earmarked specifically for the implementation of Natura 2000. The only operating fund that includes conservation actions has been declared in debt by the Ministry of National Economy and will not allocate any funds for the next 2 years.</p> <p>EU funding: The major source of funding for the implementation of the Directive has been LIFE-Nature, and the Operational Environmental Programme (under the Community Support Framework (CSF)). Under CSF III a mere EUR 41.1 million (as compared to the total of EUR 20,961 million) will be explicitly</p>			

allocated to nature conservation, ie implementation of the Directive.

Information and Awareness Raising: *Is your government doing enough to provide information and raise awareness about Natura 2000 and biodiversity conservation?*

Good information and awareness raising activities 3	Some good activities 2	Few information and awareness raising activities 1	No information and awareness raising activities 0
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Information on the Directive is limited to two information pamphlets published in 1998 and a series of regional seminars organised also in 1998. In addition, apart from the list of sites included in the scientific inventory, which is accessible via the web-page of the Ministry of Environment & Public Works, no other information such as maps and scientific data are readily accessible to the public.

Stakeholder Participation: *Is your government doing enough to involve stakeholders and the general public in the Natura 2000 process?*

Significant amount of effort to consult stakeholders + public 3	Good efforts to consult stakeholders + public 2	Limited efforts of consult stakeholders + public 1	No consultations with stakeholders + public 0
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The National List of pSCIs was not based on any consultation process with local stakeholders. As a result, local people are not aware of the fact that they live within a proposed Natura 2000 site. In many cases this has caused some tension, especially when development plans are hindered.

IV. Political Will

In your opinion, has there been a change in political will or momentum in your Member State around implementation of the Directive? Describe the current political climate surrounding the Directive if you can.

The political atmosphere surrounding the Directive is clouded, as adequate knowledge and awareness of the aims and content of the Directive do not exist to any great extent. ***The absence of any meaningful consultation process with local authorities and stakeholders and the presence of obstacles posed by certain responsible authorities to development projects within proposed SCIs, has caused growing, widespread concern among local communities and members of Parliament. At the Government level, however, the Minister of Environment & Public Works does not take the Directive into account when planning major construction projects, whereas the other development and financial ministries obviously lack any knowledge of the content and implications of the Directive, and consider it an exclusively environmental piece of legislation that is irrelevant to their own planning.*** On an ad hoc basis, the responsible Ministry of Environment & Public Works uses the Directive as an excuse to prevent selected private development projects (such as wind parks).

There is a marked unwillingness to add any new sites to the national list regardless of whether these would result as an EC or NGO proposal. Finally the responsible department in the Ministry of the Environment is largely under-staffed and cannot have an overview of the development of the Natura 2000 network.

V. Conclusions and Recommendations

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