



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
ENVIRONMENT

Directorate E - Implementation & Support to Member States

ENV.E.3 - Environmental Enforcement
The Head of Unit

Brussels,
ENV.E.3/YC/ag/ARES(2021) 1224625

Mr Demetres Karavellas
d.karavellas@wwf.gr

Dear Sir,

I am referring to the complaint you sent to the Commission (registered under CHAP(2020)03056) concerning various negative developments generated by the adoption on 7 May 2020 of Law 4685/20 “Modernisation of environmental legislation, transposition in the Greek legislation of Directives 2018/844 and 2019/692 of the European Parliament and of the Council and other provisions”¹. I would like to inform you about the measures the Commission has already taken in order to address the issues mentioned in your complaint.

As regards transposition of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment² as amended by Directive 2014/52/EU³ the Commission services having analysed the Greek legal order, as last modified by Law 4685/20, have concluded that it is not in full conformity with EU legal requirements.

The various instances of non-conform transposition of the EIA Directive that have been detected are already being addressed in the frame of ongoing infringement proceedings (case 2019/2217). This case concerns the non-conform transposition of various provisions of Directive 2011/92/EU, following its amendment by Directive 2014/52/EU. As there is already an ongoing case on the same topic, the Commission does not intend to open a second case on the same issue.

As regards, transposition of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora⁴ the Commission services having analysed the Greek legal order, as last modified by Law 4685/20, have concluded that it is not in full conformity with EU legal requirements. More specifically, the current legal framework does not seem to fully and adequately transpose all the obligations contained in Article 6(3). This is the reason why the Commission services have decided to open a new EU Pilot file (EUP(2021)9806) and have already contacted the Greek authorities in order to receive proper clarifications on several points (i.e. the inadequate screening stage, the improper use of compensation measures in the frame of the appropriate assessment (AA) procedure, the non- fulfilment of the obligations under Article 6(3) for the plans/projects that are located outside a N2000 site, the fulfilment of the obligations under Article 6(3) when a presidential decree or a ministerial decision has

¹ Νόμος 4685/2020 (ΦΕΚ 92/Α/07.05.2020) «Εκσυγχρονισμός περιβαλλοντικής νομοθεσίας, ενσωμάτωση στην ελληνική νομοθεσία των Οδηγιών 2018/844 και 2019/692 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου και λοιπές διατάξεις»

² OJ L 26, 28.1.2012, p. 1–21

³ OJ L 124, 25.4.2014, p. 1–18

⁴ OJ L 206, 22.7.1992, p. 7–50

not been adopted yet, the reference to additional terms in the context of the AA procedure, the existence of a horizontal exclusion of certain plans and projects from the obligation to carry out an AA procedure and the inadequacy of various elements and specifications for the Special Ecological Assessment for Category B projects and activities).

The Commission services will now await the reply of the Greek authorities and should the explanations provided not demonstrate full and adequate transposition of Article 6(3) of Directive 92/43/EEC into the Greek legal order, they reserve the right to initiate formal legal proceedings against Greece and send a letter of formal notice.

As regards the **management of protected areas** please note that Directive 92/43/EEC does not impose any type of legal protection structure on Member States to reach the objectives listed in Articles 4(4) and 6(1) of the Directive (i.e. establish and implement adequate conservation measures and objectives for all the sites that have been designated as Special Areas of Conservation). As Greece had not complied with the above two obligations by the deadlines set in the Directive, the Commission opened an infringement case (2014/2260) and in the absence of progress, decided to refer the case to the Court of Justice of the EU. On 17/12/2020 the Court condemned Greece for not having establish conservation objectives and measures for all the SAC sites it has designated. Greece now needs to comply with the ruling of the Court otherwise the Commission may refer the case back to the Court and ask for financial sanctions to be imposed.

Furthermore, please note that Directive 92/43/EEC does not impose on Member States an obligation to adopt **forest maps**. As regards Greece's commitments and obligations under the enhanced surveillance framework according to Regulation (EU) No 472/2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability⁵ (including the commitments to ensure the continuity and completion of reforms adopted under European Stability Mechanism programme, among which as you mention in your letter “[...] *complete the cadastre project by ratifying the complete cadastral mapping and forest maps by mid-2021, and as intermediate steps [to] complete the drawing of the remaining forest maps by mid-2019 and fully establish the cadastral agency and complete 45% of cadastral mapping by mid-2020*”⁶) the competent Commission services are in regular contact with the Greek authorities in order to ensure that these commitments are fulfilled and in order to address potential slippages.

Should you wish to share any additional information I would like to invite you to do so within 4 weeks after receipt of this letter.

Yours sincerely,

Esigned

Paul SPEIGHT

⁵ OJ L 140, 27.5.2013, p. 1–10

⁶ https://www.consilium.europa.eu/media/35749/z-councils-council-configurations-ecofin-eurogroup-2018-180621-specific-commitments-to-ensure-the-continuity-and-completion-of-reforms-adopted-under-the-esm-programme_2.pdf