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## **Europe's biodiversity conservation failing endangered Sea Turtles**

The Loggerhead Turtle (*Caretta caretta*) still under  
threat despite conviction by the European Court of  
Justice



# **Report 2005**

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A situation analysis of the dramatic developments affecting one of  
Europe's Priority Species (HabDir EEC 92/43) on Zakynthos, Greece



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# Contents

## **1. Factsheet: Loggerhead Turtle (*Caretta caretta*)**

## **2. Distribution Map**

## **3. Brief History of the Zakynthos Case**

## **4. Situation Analysis 2005**

## **5. Call for Action**

## **6. Appendix (still valid background information)**

- WWF Press Release, 2004: Largest population of Mediterranean Loggerhead Turtles threatened by uncontrolled tourism
- The National Marine Park of Zakynthos: A Refuge for the Loggerhead Turtle in the Mediterranean, Dimitrios Dimopoulos
- ENS Press Release, 2004: EU Comes to the Rescue of Zakynthos Loggerhead Turtles, Environment News Service
- Update report on marine turtle conservation in Zakynthos (Laganas Bay), Greece, Council of Europe
- Judgement by The European Court of Justice in case C-103/00

# 1. Factsheet Loggerhead Turtle (*Caretta caretta*)

## International Status

**EU Habitat Directive:** Annex II, priority species

**IUCN:** Endangered (EN A1abd)

**CITES:** Appendix I

**CMS Listing:** Appendix I and II

**Bern Convention:** Appendix II

## General

Loggerheads are highly migratory and particularly vulnerable to accidental capture in the nets and long-lines of the world's fisheries. Although Turtle Excluder Devices (TED), fitted into shrimp nets in some countries have lessened the threat. Longline bycatch mitigation trials are also being conducted in several places across the world in order to prove their effectiveness. Loggerheads are the most common turtle in the Mediterranean, nesting on beaches from Greece and Turkey to Israel and Libya. However, many of their nesting beaches are under threat from tourist development.

## What is WWF doing?

WWF is working to establish a fully representative network of protected areas in the Mediterranean and is collaborating with governments and local conservation organizations to protect loggerhead nesting beaches in Turkey and Greece. Work is also underway in South Africa, Madagascar and Australia among other locations. On Zakynthos WWF-Greece has purchased an area of 32.7 hectares surrounding Sekania beach, the core of the protected area and has formulated and implemented a management plan for this site. WWF is collaborating closely with the NGO Archelon and supports the National Marine Park of Zakynthos.

## Zakynthos, the stronghold of the Mediterranean population

The largest Mediterranean population of loggerhead turtles nests on the island of Zakynthos, which normally hosts between 800 and 1,100 nests in the National Marine Park of Zakynthos (NMPZ), this being 20% of all nests in the Mediterranean which are monitored.

## Species Description

### Physical Description

The loggerhead turtle has a rusty coloured carapace. It is one of the largest cheloniid turtles, and carries more encrusting organisms such as barnacles on its carapace than the other marine turtle species. This species is distinguished mainly by its large head and strong jaws.

As with leatherbacks, loggerheads are highly migratory, making some of the longest journeys known of all marine turtle species. The possibility that juvenile loggerheads cross the Pacific Ocean has been corroborated by studies showing Baja Californian loggerheads have a genetic affinity with those found in Japan, and recently the first trans-Pacific migration of a loggerhead was recorded with a satellite transmitter. It is thought that an ability to detect wave direction and the Earth's magnetic field enables this species to navigate across open oceans.

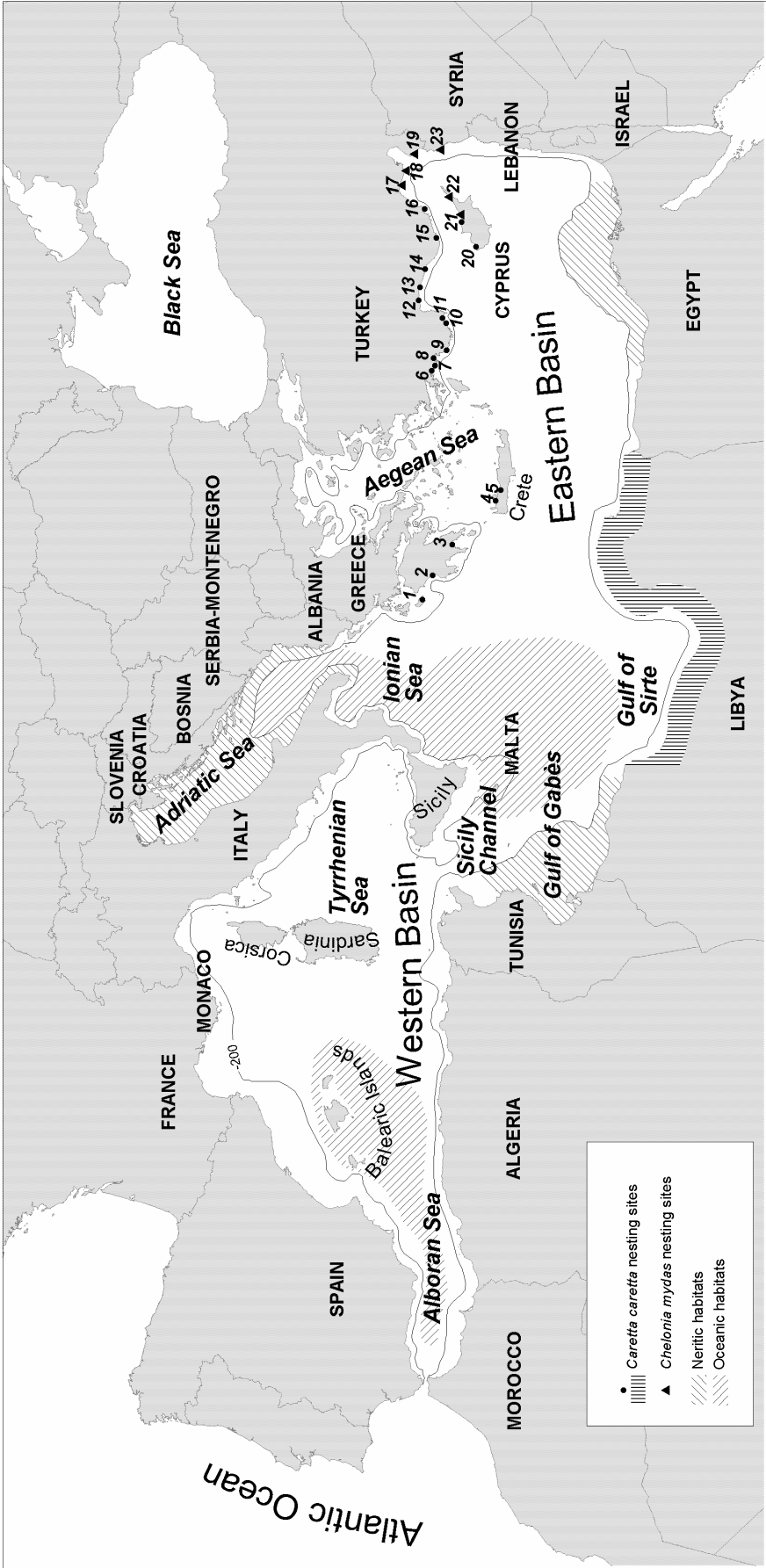
### Size

On average, the loggerhead has a 92 cm long carapace. Adults weigh about 115kg.

### Colour

Rusty coloured carapace

## 2. Distribution Map



### 3. Brief History of the Zakynthos Case

- 1998, 1999 Visits of the European Commission to Zakynthos
- 1999 Establishment of National Marine Park Zakynthos
- 2002 Judgement of ECJ against Greece, main threats for loggerhead turtles:
  - Illegal buildings
  - Anchoring of boats
  - umbrellas and sun beds on beach
  - cars and motorcycles on beach
  - no surveillance of beach
- 2004 letter of WWF to EU Commission on ongoing crisis (6 localities)
- 2004 and 2005 Two years of no patrol by NMPZ (strike of NMPZ staff); WWF patrols Sekania and Archelon volunteers patrol parts of Kalamaki and Gerakas
- 2005 all reasons of 02's judgement still in place
- Oct 2005 case again to be referred to ECJ



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#### **The extraordinary significance of Zakynthos for the Mediterranean Loggerhead Turtle population**

More nests are to be found in Greece (about 3,000) than in any other single Mediterranean country, and Greece is by far the most important EU country in this respect. The majority of these nests (about 2500) are laid in 5 major nesting beaches (see map, page 3), whose protection is fundamental for the conservation of *Caretta caretta* in the Mediterranean. Therefore, full protection of these 5 nesting sites is essential for the whole Mediterranean region. Zakynthos, as the stronghold of the Loggerhead Turtles, is crucial in this respect. Unfortunately this is not the case at present, and to reverse immediately this situation and trend is of the utmost importance.

## 4. Situation Analysis 2005

### Background to the sea turtle National Park

Zakynthos, the Greek island that hosts the most important Mediterranean nesting beaches of the endangered sea turtle *Caretta caretta*, is threatened with irreversible degradation, due to illegal building activity and beach uses.

The National Marine Park of Zakynthos (NMPZ), which was established for the conservation of the sea turtle habitat in 1999, after long efforts from WWF Greece and other NGOs, is going through a major crisis. Due to lack of political and financial support by the Greek Ministry of Environment the management body of the NMPZ has ceased its operations.

Fortunately, the land surrounding Sekania, the most important sea turtle beach was purchased by WWF Greece in 1994. Hence, this haven for the turtles is protected against any illegal developments that would destroy it. Nevertheless, the absence of wardening has resulted in the beach now being visited by tourists (despite the fact that the site has been designated as an absolute protection zone where only scientific research is allowed). In January 2002 the European Court of Justice convicted Greece since it failed to protect the *Caretta caretta* in Zakynthos, thus violating European Union law. The Zakynthos file however remains open, since Greece has not achieved any progress at all in order to satisfy the requirements of the 2002 ECJ decision. At present, the European Commission is considering referring the case to the ECJ for the second time. The announcement of its decision is expected within October.

### Current situation

At present, the management board of the NMPZ is comprised only of its newly appointed President. No board members have yet been appointed by the Environment Ministry and since April 2004 the Ministry has paid only € 90,000 of the approximately € 1,6 million earmarked for its operation through the 3<sup>rd</sup> Community Support Framework.

During the summer of 2005, the lack of proper wardening and law enforcement on Zakynthos has resulted in serious violations of the existing legal protection status of the NMPZ and has seriously undermined the conservation status of the area. Thanks to the personal efforts of Prof. Amalia Karagouni, the newly appointed President of the NMPZ, five (5) wardens were finally employed on August 19<sup>th</sup>, i.e. after the end of the nesting season and during the hatching period. It should be mentioned that the number of wardens necessary for the proper guarding of the six nesting beaches is 30. Another positive measure was the placement of barriers at the entrance of the accessible nesting beaches and the temporary addition of one patrol boat from the Port Authority of Katakolo to the forces patrolling the NMPZ marine area.

Although the new President is to be commended for her efforts to enforce the law in the NMPZ, it is with regret that we noted that her efforts remained without support on the part of the local authorities. More specifically, none of the inspections organised by the President, accompanied by the Police and Port authorities, were unexpected by the local businessmen: on all cases they were informed beforehand and operated within the limits set by the Presidential Decree. As a result, during the inspection at Kalamaki beach in early July 2005, most illegal umbrella owners were informed beforehand and removed at least 200 illegal umbrellas and sunbeds from the beach until the next day. Only three umbrella owners at Kalamaki and one at Gerakas were arrested for owning just two umbrellas above the limit.

The same thing happened during the inspection of the marine area: all boat owners were informed beforehand and stayed within the speed limits and the marine zones designated by the Presidential Decree. This rather awkward situation was extensively reported in the local press.

The most crucial issue however is Daphni. The situation on this beach, which used to host significant nesting activity until the early 1990's, is continuously deteriorating and no responsible authority seems willing to address it. Please bear in mind that the building activity on Daphni is illegal not due to the existing Presidential Decree or other sea turtle habitat protection legislation, but according to the national building legislation that applies to the entire Greek territory. Hence, we are not talking about landowners "affected" by nature protection measures, but simply about illegal developers. The illegal building that was built in 2004 has not been removed, whereas we have received complaints by tourists regarding extensive pollution of the beach and the marine area by rubbish and debris.

### **Main violations during the 2005 sea turtle nesting season:**

**Kalamaki beach:** 190 umbrellas and 380 sunbeds above the limit (total of 150 and 300 sunbeds) set by the Presidential Decree, in early July. Of all hotels along the beach, only Crystal Bay collected its umbrellas and sunbeds at sunset. Cars, motorcycles and horses are routinely recorded on the sand dunes and beach. Visitors were not prevented from strolling along the beach and tampering with nesting sea turtles at night, until mid August, when the NMPZ finally hired wardens.

**Gerakas beach:** 105 umbrellas and 210 sunbeds more than the limit set by the Presidential Decree (60 and 120 sunbeds). Anchoring of boats (prohibited by the Presidential Decree).

**Dafni beach:** Continued operation of the illegal bars, taverns and parking area. Increase of the sunbeds and umbrellas. Presence of a small stonewall on the sand. Degradation of the sandy area. Presence of piles of debris littering the coastal and marine area.

**Marathonissi:** Daily incidents of anchoring of tourist boats and daily presence of large numbers of visitors on the beach. Use of fishing nets at the beginning of the nesting season.

**Sekania:** Although the beach is patrolled by one warden hired by WWF Greece, incidents of illegal fishing have been recorded.

**Marine area:** The speed limit of 6 knots was not observed. Numerous cases of boat cross in Zone A were recorded. The Port Authority failed to effectively patrol the marine area.

### **Conclusion**

The situation at the NMPZ is out of control. Numerous incidents of violation of the existing legal protection status are reported every day. The Environment Ministry remains insensitive to the repercussions of this crisis and does not respond to any calls for urgent action to reverse the process of degradation of the most important sea turtle nesting habitat in the Mediterranean. WWF Greece is confident that the Ministry is primarily interested in avoiding a second conviction by the European Court of Justice and not in securing the long-term future of this unique habitat, hence it is only prepared to proceed with measures of temporary value to the protection and proper management of the area.

## **5. Call for Action:**

### **Greek Environment Ministry and the National Marine Park, Zakynthos**

- Demolition of all illegal buildings at Daphni and restoration of the coastal and marine area to its pre-1992 good conservation status.
- Design and implementation of a compensation scheme for the landowners whose property is affected by the restrictions. We are confident that such a scheme should be compiled through open and participatory procedures, to secure acceptance at the local level.
- Proper operation and financial viability of the management body of the NMPZ. This would imply the allocation of the promised and earmarked financial support by the Environment Ministry and commitment for continued support through at least five years of uninterrupted operation.
- Establishment and operation of a Port Station within the NMPZ, aiming at the proper patrolling of its marine area.

### **The European Commission**

- stop the threats to which this endangered species is exposed, by enforcing the implementation of European law by end of 2005
- use all possible enforcement measures in order to avert all reasons which led to the ECJ judgement of 2002, such as financial penalties or holding up EU funds
- Urge the national authorities towards a solution that would satisfy the conservation needs of the NMPZ and the affected local landowners by end of 2005.
- Define specific requirements and clear standards which the Greek authorities will necessarily have to meet in order to avoid a second conviction at the ECJ and the imposition of a financial penalty.



## 6. Appendix

**Press Release** Not for distribution before 00:01GMT on 30 June 2004

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### **Largest population of Mediterranean loggerhead turtles threatened by uncontrolled tourism - WWF**

Gland, Switzerland - The largest population of Mediterranean loggerhead turtles will be lost unless the Greek government puts a stop to uncontrolled tourism, which is rapidly degrading nesting beaches, warns WWF.

The global conservation organization criticizes Greece – which hosts the most important nesting population of loggerhead turtles – for not enforcing the European Union's Habitat Directive, which requires the Greek government to implement effective measures to protect the endangered loggerhead turtles.

The largest Mediterranean population of loggerhead turtles nests on the island of Zakynthos, which normally hosts between 800 and 1,100 nests in the National Marine Park of Zakynthos (NMPZ). But WWF says the park's management authority has now ceased all operations due to lack of funds. As a result, the beaches set aside for turtle populations are left unprotected and have turned into a sprawling tourist "free for all".

"Lack of political and financial support from the Greek Ministry of Environment has led to a situation where nesting beaches which are supposed to be protected are no longer patrolled," said Demetres Karavellas, WWF-Greece's Chief Executive Officer. "We urge the Greek government to respect its international commitments and take immediate action to protect this critical habitat."

Loggerhead females start coming ashore to nest by the end of May and finish nesting by the end of July. WWF stresses that the peak of the tourist season coincides with the start of the hatching of the turtle eggs in August. According to the conservation organization, there is nothing in place to stop tourists flooding the nesting beaches which will result in the destruction of the nesting area.

"Although marine turtles can play an important role in improving the economic well-being of coastal communities through well-managed ecotourism, this kind of uncontrolled tourism must be stopped", said Dr. Susan Lieberman, Director of WWF's Global Species Programme. "It is not acceptable that beaches once protected for turtles are now the domain of sunbathers, swimmers and ice cream vendors."

Marine turtles are very sensitive to human disturbances and fulfil important roles in marine ecosystems. As loggerhead females always return to same nesting ground, it is crucial that their natural nesting habitats are protected, WWF also points out. For example, lights distract the nesting females and divert the hatchlings from their way to the sea, and nests can be trampled by tourists. These impacts add to natural dangers, and it is estimated that out of about 1,000 turtles that hatch, only one will reach adulthood.

However, in January 2002 already, the European Court of Justice declared that Greece had failed to protect the loggerhead turtles in Zakynthos and was in violation of European Union law. A second decision is expected soon.

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**NOTES TO EDITORS:**

1. The Loggerhead turtle (*Caretta caretta*) is one of the two marine turtle species that reproduce in the Mediterranean. The other species is the Green Turtle which nests in Turkey and Cyprus.
2. The National Marine Park of Zakynthos was established in 1999 for the conservation of marine turtles and the sustainable development of the island.
3. For more information on marine turtles:

[http://www.panda.org/about\\_wwf/what\\_we\\_do/species/what\\_we\\_do/flagship\\_species/marine\\_turtles/index.cfm](http://www.panda.org/about_wwf/what_we_do/species/what_we_do/flagship_species/marine_turtles/index.cfm)

[http://www.panda.org/news\\_facts/publications/species/publication.cfm?uNewsID=13217&uLangId=1](http://www.panda.org/news_facts/publications/species/publication.cfm?uNewsID=13217&uLangId=1)

<http://www.panda.org/downloads/species/finalmarineturtlebrochurepdf.pdf>



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# Marine Turtle Newsletter

The National Marine Park of Zakynthos: A Refuge for the Loggerhead Turtle in the Mediterranean

**Dimitrios Dimopoulos**

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The first national park in the Mediterranean to protect sea turtles was recently established on the island of Zakynthos, Western Greece. This was the result of longstanding efforts made by NGOs, the Greek Government, the European Union, the Council of Europe (Bern Convention) and other concerned parties. The primary aim of the Park is to provide the appropriate nesting conditions for the most important known loggerhead (*Caretta caretta*) nesting population in the Mediterranean.

In the Mediterranean the loggerhead turtle has established local populations (Bowen et al. 1993; Laurent et al. 1998) and is the only marine turtle species to nest in Greece (Margaritoulis 1988).

Beach monitoring work since 1982 has proved the Bay of Laganas on the island of Zakynthos in Greece to be an extremely important nesting aggregation of the loggerhead turtle in the Mediterranean (Margaritoulis 2000) and, despite more recent discoveries (Baran & Kasperek 1989; Broderick & Godley 1996; Laurent et al. 1995; Laurent et al. 1999; Margaritoulis et al. 1995) the Bay continues to host by far the largest single nesting colony known in the Mediterranean (Groombridge 1990). Zakynthos Island covers an area of about 40,600 ha and its coastline stretches about 110 km, but only a small portion of this is comprised of sandy beaches. The annual number of clutches deposited in the Bay of Laganas ranges from 857 to 2,018 (Margaritoulis 2000). The nesting habitat in the bay comprises six discrete beaches (Gerakas, Daphni, Sekania, Kalamaki, E. Laganas and Marathonissi islet), totalling about 5 km in length, of which Sekania is rated amongst the world's highest loggerhead nesting concentrations. The Bay of Laganas has been included in the national list proposed for the Natura 2000 network, under the EU-Habitats Directive 92/43 (Dimopoulos et al. 1999).

Zakynthos over the past 20 years has experienced a fast growing tourist industry, which exerts significant pressure on the nesting beaches (Arianoutsou 1988; Katselidis & Dimopoulos 2000). Since 1983, the number of tourists arriving by means of charter flights has increased twenty-fold, reaching over 380,000 in 1999. The resident population of the Island is about 30,000. Around 50% of tourist facilities are located in the Bay of Laganas. Development has been basically unplanned thereby exacerbating the problems sea turtles face.

*Legal status of the nesting habitat:* To counteract the adverse effects of rank tourist development, the Greek Government introduced specific regulations in 1984 in order to protect the nesting beaches and restrict coastal development (Dimopoulos 1995). Based on the frame law 1650/86 for the protection of the environment passed in Parliament in 1986, a Ministerial Decision in 1987 and a Presidential Decree in 1990 (Dimopoulos 1991; Warren & Antonopoulou 1990) further strengthened the legal status of the nesting area. The main restrictions included no access to the beaches at night, beach furniture confined to a small portion on two beaches, no vehicles on the beaches, and light regulations. Furthermore,

marine traffic and fishing have been regulated since 1988 by a separate Ministerial Decision. A particularly significant measure was the fact that privately owned land was declared as nature reserves and set aside for sea turtle conservation. Unfortunately enforcement of legislation was very poor mainly due to the unwillingness of the local authorities to comply and the lack of a specific body to co-ordinate law enforcement efforts. Furthermore, no appropriate compensation strategies for affected landowners were ever implemented and there was no communication with local interest groups who rejected all legislation proposals and conservation plans. In addition, the local authorities and communities struggled to relax protection measures. Consequently, illegal activities (construction of bars, restaurants, holiday homes, deployment of beach furniture) mushroomed over the years and parts of the habitat experienced severe degradation. Protection measures were also not welcomed by a group of local landowners that saw their plans for tourist development thwarted. Local reaction occasionally erupted in violence toward members of the Sea Turtle Protection Society of Greece, that has been running annual monitoring and conservation projects in the area since 1983 (Charalambides 1990; Dimopoulos 1991; Sfantos, 1990).

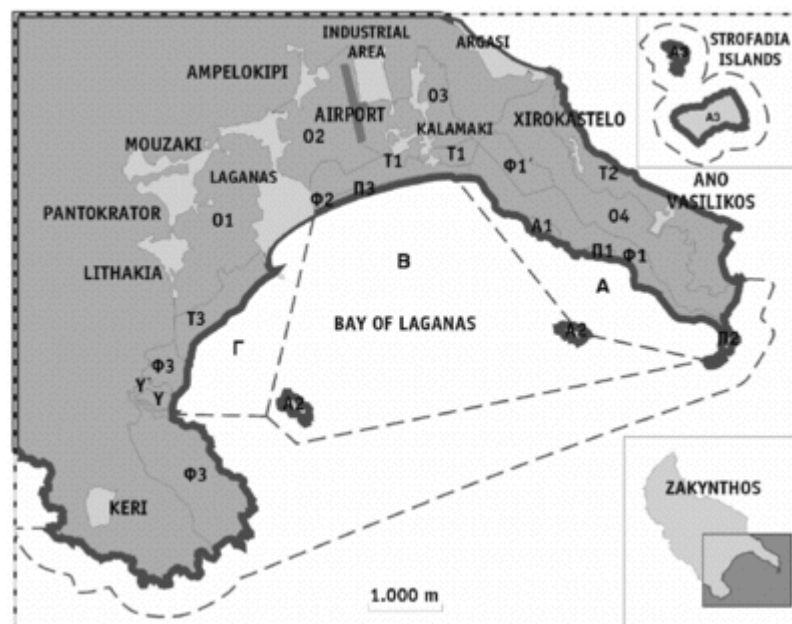
As the loggerhead turtle is listed in Appendix II of the Bern Convention (UNEP/IUCN, 1990) the Council of Europe, as early as 1986, placed Zakynthos high on its agenda, recommending at its annual meetings of the Standing Committee that the Greek Government enforce existing legislation and proceed with the establishment of the National Park (Council of Europe 1998; Dimopoulos et al. 1999). National and international pressure finally prompted Greece to commission a Specific Environmental Study in 1991, as required by frame law (1650/86) in order to establish a protected area. The establishment of a National Marine Park was for a long time the main request of conservationists (Arapis & Margaritoulis 1994; Arianoutsou 1988; Dimopoulos 1992).

The European Commission, too, took an active concern in the Zakynthos case. In 1998, due to non-compliance with the EU Habitats Directive EEC92/43 (the loggerhead is included as a priority species in Annex II; Animal and Plant Species of Community Interest whose Conservation Requires the Designation of Special Areas of Conservation, and Annex IV; Animal and Plant Species of Community Interest in Need of Strict Protection) and the recommendations of the Council of Europe, the European Commission froze funds earmarked for the development of infrastructure in the protected area. Furthermore, the Commission started an infringement procedure against Greece and the case since 1999 is pending in the European Court of Justice (Venizelos 1999). Following years of delays the Presidential Decree establishing the National Marine Park of Zakynthos (NMPZ) was finally signed on 1 December 1999 and published in the Government Gazette on 22 December 1999.

*The National Marine Park of Zakynthos:* The recently established National Marine Park addresses the problems pertaining to the overall status of the site protection, integrated management and sustainable development. The main aim of the NMPZ is to protect the natural heritage of the coastal area of the Bay of Laganas, the two islets within the Bay as well as the islands of Strofadia (important stopover for migratory avifauna, up to 50 nautical miles off the island of Zakynthos). Furthermore, the NMPZ promotes the development of activities that are compatible with nature protection in the broader area. Specific aims are: the protection of the loggerhead nesting areas; the protection of the monk seal population and habitats; the protection of endangered avifauna especially migratory avifauna; protection of endemic flora; protection of coastal and marine ecosystems especially those of European importance; protection of fisheries and the marine ecosystems; promotion of environmental education and other nature activities; promotion of sustainable tourism and recreation;

promotion and safeguarding of traditional activities; preservation of natural and cultural landscapes.

*The NMPZ comprises:* The main Area: with 7 terrestrial core zones (Zone A1, A2, A3, P 1, P 2, P 3, Y and Y) and 4 buffer zones (Zone Ö1, Ö1', Ö2 and Ö3) with a total area of 1,471 ha and 2 maritime zones (Ia and Ib), with a total area of 8,918 ha. Ia is subdivided in the Bay in three zones controlling boat traffic and fishing activities between 1 May and 31 October every year. Ib circumscribes at a radius of 500m the islands of Strofadia and regulates fishing activities. Building activities are not allowed in the core zones and are strictly controlled in the buffer zones. The Peripheral Area: with 7 terrestrial zones (O1, O2, O3, O4, T1, T2 and T3), acting as a transition stage to the main area of the park, with a total area of 3,071 ha. Land use is defined and building is regulated.



**Figure 1.** A sketch map of the boundaries of the National Marine Park of Zakynthos

The NMPZ incorporates and in certain cases expands the existing protection zones on land (limits of nesting core areas have been further extended) and at sea (protected maritime zone has significantly increased). Furthermore, it strengthens the protection status of two nature reserves within the Park (Sekania and Marathonissi) and provides for integrated land and sea management. Sekania area is off limits to the public day and night (Absolute Protection Site) and no building is permitted on the islet of Marathonissi. It is worth noting that Sekania holds over 50% of the nests laid in the Bay, hence private land behind the beach was acquired by WWF Greece in 1994 (Charalambides & Katsoupas 1994), following long-standing STPS recommendations to prevent any development schemes (Margaritoulis 1982). The Ministry of Environment and the European Commission supported the acquisition. The public can visit the rest of the nesting beaches between 7am and 7pm, providing the carrying capacity defined in the Presidential Decree is not exceeded. Limited use of beach furniture is confined to three beaches (E. Laganas, Kalamaki and Gerakas). Vehicles, horseback riding and lights are prohibited on all nesting beaches.

The major achievement of the new Presidential Decree is the establishment of a private, non-profit management body, the Board of the Management Agency, to administrate the NMPZ under the supervision of the Ministry of Environment. The Board comprises 10 members (with single representation from each of the central, regional and local governments and two

NGOs that work on Zakynthos, namely the Sea Turtle Protection Society of Greece and WWF Greece) appointed by the Ministry of Environment. The Board will work closely with the local authorities, and competent Ministries in order to ensure the proper operation of the NMPZ; the control of visitors on the beaches; fisheries policies; management of forest and agriculture land; eco-tourist activities; public awareness; management of natural resources, law enforcement. Its tasks include the preparation and submission to the Ministry of Environment of the Regulations for the Operation of the Management Agency and triennial management plans and annual action plans. The NMPZ may receive funds from the State, the Local Government, European Union programmes, levies, private donations, concessions, loans etc.

Furthermore, the Presidential Decree foresees the creation of an Advisory Committee and a Scientific Committee, following a decision of the Ministry of Environment. It also provides for a Finance Auditing Committee to be appointed by the Ministry of Finance.

Since its inception (30 July 2000), and until 18 December 2000, the Board of the Management Agency has convened on Zakynthos seven times, with over 130 decisions adopted unanimously. The milestones of the decisions and actions taken are outlined below:

Acquisition of an interim office offered by the Municipality of Zakynthos to cover current needs. The Archbishop of Zakynthos has offered long-term administration facilities for the Board on the premises of an old monastery. The Ministry of Environment will restore the building before it is handed over to the Board.

Three initial job positions (secretary, resource manager and administration officer) have been filled.

An annual Business Plan defining priorities and actions to be taken until the end of 2001 was adopted. The Business Plan includes among others: elaboration of internal regulations for the Management Agency and drafting of a Management Plan for the National Marine Park, as required by law, elaboration of a study for ecotourism and compensation measures for affected landowners, formation of a committee to propose necessary amendments to the enabling Presidential Decree of December 1999. The committee comprises local and government consultants. Its task is to harmonise the Presidential Decree with the law 2742/1999 which describes the role of Management Agencies in Greece and suggest amendments within the remit of existing legislation.

The positive steps taken by the Management Authority were furthered with the recent release of the funds frozen by the European Commission. This allows planned infrastructure works in the Park to go ahead (sewage system, construction of information stations etc). As the NMPZ is actually the first national park with a Management Agency established in Greece, there is a definite lack of experience in dealing with such issues. The formation and operation of the Management Agency will be a real challenge. It will not only be a turning point for the Zakynthos nesting area, but a paradigm for management bodies soon to be established in several other protected areas in Greece.

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## EU Comes to the Rescue of Zakynthos Loggerhead Turtles

**BRUSSELS, Belgium**, October 18, 2004 (ENS) - The European Commission is pursuing legal action against Greece for failure to protect the rare loggerhead sea turtle (*Caretta caretta*) on the island of Zakynthos.

Greece was already condemned by the European Court of Justice in January 2002 for this failure. The Court found that Greece was not doing enough to protect the breeding sites of the sea turtle on a number of beaches on Zakynthos.



*An endangered loggerhead turtle swims near Zakynthos. (Photo courtesy Greek Tourism)*

The Commission will now send Greece a final written warning urging it to comply with the 2002 ruling. This warning is the last step before the Commission can ask the Court to impose penalties on Greece.

With this action, the Commission says, it wants "to ensure that Greece protects its rich biodiversity to the benefit of their citizens and future generations."

Commenting on the decisions, Environment Commissioner Margot Wallström said, "Stopping the loss of Europe's biodiversity is one of the most important items on the EU's environmental agenda. The loggerhead sea turtle is a rare and endangered species, and the breeding sites on Zakynthos are its most important in Europe."

"Greece started taking measures to allow the turtle to breed undisturbed, but these efforts have stopped," Wallstrom said. "I hope Greece will resume the establishment and implementation of an effective system of protection. The country must be proud to be hosting such an important and delightful creature."



*Sunbeds lined up along Laganas Bay on the Greek island of Zakynthos (Photo courtesy Zakynthos-net)*

Laganas Bay in Zakynthos is the most important breeding site for the species in the Mediterranean. The sea turtle lays eggs only every two or three years, during the summer months, and when the baby turtles hatch two months later, they are very vulnerable.

In its 2002 ruling, the court declared that Greece had failed to establish and implement an effective system of strict protection, thereby violating its obligations under the 1992 Habitats Directive.

This law provides for a comprehensive protection scheme for a range of endangered and valuable animals and plants as well as a selection of habitat types.

It has established Natura 2000, the EU's network of protected nature sites, which by now covers around 18 percent of the EU territory. Under the Habitats Directive, the loggerhead must be strictly protected. In addition, the Greek government has proposed Laganas Bay as a Natura 2000 site.



*Sunbeds on a beach in the Vassilikos area (Photo courtesy Zakynthos-net)*

In December 2002, the Commission sent Greece a first warning for non-compliance with the Court judgement. The Greek authorities then responded positively and progress was made, the Commission said.

But in April 2004 the National Marine Park of Zakynthos, which is the official management body, ceased operating due to severe financial problems. During the summer of 2004, there was no staff to run the park, and the public was not provided with proper information on how to

avoid disturbing the turtle sites.

*Hatchling loggerhead turtle on Zakynthos beach. (Photo courtesy Greek Yachts)*

No seasonal wardens were hired, the marine area was not patrolled, and no controls were exercised over illegal activities.

As a result, there were incidents of illegal fishing and anchoring in front of the important nesting beach of Sekania, which is legally an area of absolute protection.

On Daphni beach, illegal bars and taverns continued to operate.

On the sand dunes and the beach of Kalamaki, cars, motorcycles and horses were routinely used.



And the limits set for the numbers of sun beds and umbrellas on the nesting beaches of Kalamaki and Gerakas were repeatedly violated. In summary, the Commission said, all important breeding sites on the island were badly affected, and the sea turtle was deliberately disturbed during its reproduction period.

In its warning letter, the Commission is asking Greece to urgently comply with the Court's ruling within two months, after which the Commission may ask the Court to impose penalties.



Strasbourg, 30 September  
[files10e\_2004.doc]

**T-PVS/Files (2004) 10**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**  
24<sup>th</sup> meeting

Strasbourg, 29 November-3 December 2004

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**Document for information**

**Update report on marine turtle conservation  
in Zakynthos (Laganas Bay), Greece**

**Report by the NGO**

*Document prepared by  
MEDASSET (The Mediterranean Association to Save the Sea Turtles),  
Marine Turtle Conservation in the Mediterranean*

## **UPDATE REPORT ON MARINE TURTLE CONSERVATION IN ZAKYNTHOS (LAGANAS BAY), GREECE**

Report to the 24<sup>th</sup> Meeting of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)

Prepared by

**MEDASSET**  
**The Mediterranean Association to Save the Sea Turtles**

*September 2004*

### **INTRODUCTION**

- In 1985, the founder of MEDASSET (The Mediterranean Association to Save the Sea Turtles) commenced drawing the attention of the Standing Committee to the Bern Convention to the plight of the sea turtles on their significant nesting beaches in Zakynthos. The initiative was taken over and carried on after 1988 by the newly formed MEDASSET, with yearly reports and recommendations, exerting pressure for change regarding the Zakynthos turtle nesting areas in Laganas Bay.
- In 1994, MEDASSET made a formal complaint to the European Union; case No. 4/4667SG(94)A/15702 against the Greek Government for its failure to apply National and International Law and Bern Convention Recommendations, concerning the preservation of sea turtles on Zakynthos. In particular the Council Directive 92/43/EEC 21<sup>st</sup> May 1992, on the Conservation of European Wildlife & Natural Habitats of which the European Community is a party. We have renewed the complaint each year.
- The annual complaints to the EC finally proved effective in 1998. The complaint to the EC had been put in abeyance in 1997. Then MEDASSET appealed to the EC Ombudsman, this eventually led to an "on the spot appraisal" by the DG XI, whose representative at the 18<sup>th</sup> Bern Meeting in 1998 announced the commencement of infringement procedures against Greece.
- Year 2000 was the first time in 14 years; Laganas Bay was not discussed at Strasbourg. The Case File was closed at the 22<sup>nd</sup> Bern Convention Meeting in 1999 subsequent to the EC initiative to take the Greek Government to the European Court of Justice for non-implementation of conservation legislation and EC Environmental Directives in Laganas Bay. The Presidential Decree providing the constitution for the Zakynthos National Marine Park (ZNMP) in Laganas Bay was signed immediately after the EC announced its action in December 1999 during the Convention Meeting.
- In this ground-breaking move by the EC, the European Court of Justice (ECJ) considered the Case on 12<sup>th</sup> July 2001. This was the first time that such action had been undertaken by the EC on behalf of the endangered sea turtles, and a significant step forward.
- The Court came to its decision after taking into consideration a report presented by the Greek Government, which stated, that they simply did not have enough time to fully implement their commitment. The Court also took under consideration reports from involved NGOs, like MEDASSET, ARCHELON and WWF Greece.
- Greece was asked to prove its concern for the protection of the sea turtles by deeds, through the implementation of the EC Environmental Directive and its own Presidential Decree.
- On the 31<sup>st</sup> of January 2002, the ECJ delivered its judgment, declaring that Greece had failed to fulfill its obligations under Article 12(1)(b) and (d) of Directive 92/43/EEC. The Court stipulated that by not implementing the required measures, the Hellenic Republic had failed to fulfill its obligations under Article 12 of the Directive, and was therefore ordered to take the necessary measures to comply with the judgment and to pay the court costs.

- After the ECJ judgement against Greece on 30<sup>th</sup> January 2002, and an on the spot inspection in August 2002, the EC announced they were not satisfied with progress, and issued further warning to the Greek government that unless progress was made in summer 2003 the Commission would revert to the ECJ asking for punitive financial penalties to be imposed.
- An all Greek Commission Delegation visited Laganas in September 2003 finding that "substantial progress had been made towards effective implementation of a system of strict protection for the sea turtles". MEDASSET's request for access to the Commission Report prepared following the Greek Official's visit in September 2003 was refused. Findings of this report were the total opposite to the facts in Zakynthos and to MEDASSET's September 2003 report made available to the EC DG Environment and to the Bern Convention.
- A European Parliament Petition Committee visit to Laganas Bay on 7 – 9 November 2003 highlighted in their 10-12-03 report to the Commission that "It was clear from our visit, conversations and pictures seen that the provisions of the EC Directive are not being complied with..." At the same time the Greek Authorities issued a "short term timetable for the adoption of the remaining actions" in order to comply with the ECJ Judgement of 30<sup>th</sup> January 2002.
- Visits to both the old Greek government and the new one by EC Officials took place between October 30<sup>th</sup> 2003 and 11<sup>th</sup> May 2004 to discuss and follow up Greece's non-implementation cases regarding EC Environmental Directives including the case of Zakynthos.
- In December 2003 the EC informed the Greek government that if Greece did not comply with the EC requirements, they would not refrain from taking the necessary steps for taking the case again to the ECJ for financial penalties.
- On 4-5-04 MEDASSET appealed to the European Ombudsman regarding the denial of access to the report by the Greek Official in September 2003 so as to submit detailed evidence, (as it did for the original case against Greece in 1994) to be taken into account by those making the decision of whether the Commission should revert to the ECJ for imposition of punitive financial penalties to Greece.

#### **ZAKYNTHOS NATIONAL MARINE PARK (ZNMP) FROM MARCH TO 20<sup>TH</sup> SEPTEMBER 2004**

- The new 11 member Management Committee for the ZNMP, defined by the revised Presidential Decree (27-11-2003), is packed with government and local authority representatives, local hotel owners, bed & breakfast operators, and farmers. Only one environmental NGO representative is allowed, and even then must be approved by the Minister of the Environment. Hardly a vote that will make much difference to the running of the Park!
- There are gaps in the legal framework setting up the Greek National Parks and their management structure. They are given no legal authority to enforce the laws governing the Parks and can only report infractions to the various local authorities who show little inclination to enforce the environmental laws embodied in the Presidential Decree setting up the Parks, or the National laws controlling development or protecting the environment. Furthermore there is a lack of long term commitment by the State to ensure the viability of National Parks Management bodies, including the creation of administrative structures to enable the Ministry of the Environment to support the Parks.

#### **March 2004**

- Although the Greek government continued to announce agreed funding for the ZNMP, the Management Body of the Park revealed that of €200,000 allocated, the government only paid the Park €37,000 in the whole of 2003. As a result the full time staff of the Park were not paid for the previous 8 months, and the 2003 seasonal beach guards had only received 50% of their earnings.

- As early as 28-5-03 the “Citizens Initiative group of Zakynthos” launched a complaint to the local authorities and to the ZNMP against the development company “Alkionides Village” for earthworks, landscaping and opening of roads within the boundaries of the ZNMP. No action was taken. By March 2004 without any reference to the Park authority, but apparently with a permit from the local administration, construction of a huge 80 unit holiday village was commenced by “Alkionides Village” and proceeded to roof level, before a temporary injunction could be obtained from the Courts by the ZNMP. In May 2004 the injunction was lifted and construction is now almost complete.
- Two quarries on Skopos Mountain above the nesting beaches, within the boundaries of the ZNMP, have expanded to the point that they impinge on the skyline (See photo).
- Despite the fact that funds are available, plans to relocate the obsolete biological treatment plant on Mount Skopos above the nesting beaches, have been shelved for two years until a new site can be found, its overflow continuing to pollute Laganas Bay.

### May 2004

- As a result of not having been paid, the ZNMP went on strike. On 2<sup>nd</sup> May the first 23 charter flights of the season arrived in Zakynthos and sea turtles were massing in Laganas Bay prior to the start of nesting. Due to ZNMP staff withdrawal of labour and to the lack of beach guards total anarchy reigned in the area of the Park with hundreds of uncontrolled summer furniture blocking the nesting beaches, illegal sand lifting from the dunes, dozens of vehicles driving on the beaches, illegal coastal development, all with the consequent degradation of the nesting area.
- The new government’s Deputy Minister of the Environment, answering a question on the ZNMP subject in the Greek Parliament on 20<sup>th</sup> May, stated that “EC and National programmes available for the environment were sufficient to cover the financial needs of the park”. What he did not say was that this would depend on Greece paying its 50% share so as to qualify for the EC contribution to the Park’s functioning. He said “the lack of money to pay ZNMP dues is mainly due to the fact that the Operational Programme Environment co funded by the European Regional Development Fund (ERDF) functioned at an extremely slow pace”. He stated that, “The ZNMP authority should look to bringing a balance between local people’s reactions and turtle protection”. He failed to mention that to stop the reaction, landowners affected by development restrictions of the Park should be compensated, which is not as he claimed the “job of the ZNMP”, but of the government.  
He also said “apart from expecting funds from the Operational Programme ‘Environment’, they should also look for alternative funding solutions for the Park, e.g. to the ‘LIFE Nature’ and ‘Interact 3’ programmes”. He did not mention that an existing LIFE Nature project in Zakynthos is frozen due to the fact that the government is withholding its share of funds to make it operational!  
If the first National Park Management Agency in Greece was to suffer so at the hands of the State, with its lack of both political will and financial support, what hope is there for the other 27 Park Management Agencies in Greece?
- A very well researched whole page illustrated article entitled “Turtles Losers in Olympic Fund Run” was published in the Greek (English language) “Athens News” on Friday 21<sup>st</sup> May. It commented, “...with its curiously mismatched triple bill of responsibilities, the Ministry of Environment, Public Works and Urban Planning does have a lot on its pre-Olympics plate – it is responsible for 40% of the venue constructions as well as all the roadworks around Attica.” The article continues with “...it’s not that they don’t want to help,” says a Commission source who visited the ZNMP last summer, “We have been putting pressure on the Ministry to act and the Deputy Minister is very positive about helping the Park – he said it was a top priority. But he doesn’t control the budget, and as far as I understand, all the money goes to the Olympics now.”

June 2004

- MEDASSET started a campaign by launching several Press releases to the Greek and International press on 22-6-04, an Open Letter to the EC Commissioner for the Environment, a signature petition campaign in association with the German NGO "EURONATUR", consisting of a letter to the Prime Minister of Greece about the 27 Greek National Parks and the ZNMP. Several thousand signatures were collected.

July – August 2004

- Two Euro MPs visited Greece in an attempt to persuade the Greek Authorities to take steps about Zakynthos, and a written Parliamentary Question to the EC was asked in August. WWF International and "ARCHELON" The Sea Turtle Protection Society of Greece followed our campaign with petitions to sign and by reporting to the EC Commissioner for the Environment about the situation at the ZNMP.
- A documentary prepared with help and advice from MEDASSET showing the horrific conditions on the Premier Mediterranean nesting beaches of the loggerhead turtle at the dysfunctional ZNMP, was shown on the UK BBC2 programme "Countryfile" on August 15<sup>th</sup>. This followed a radio interview and broadcast on the BBC TV World Service from which feedback was even received from as far away as from a boat in mid-Atlantic!
- An article in the UK "Observer on Sunday" newspaper on 1-8-04 commented on the sea turtle situation there. Articles also appeared in the UK "Daily Telegraph" (8-7-04), the German "Der Tagesspiegel" (18-7-04), "Berliner Zeitung" (11-7-04), "Hannoversche Allgemeine" (5-8-04), "Die Rheinpfalz" (21-8-04) and "The International Herald Tribune" featured a Reuters Report (1-7-04). Several articles appeared in the Greek press including the English language "Athens News", and there were interviews on National Radio.

September 2004

- On September 15<sup>th</sup> the Greek government received a document from the European Commission asking to be updated by September 22<sup>nd</sup> about where implementation to comply with European Court of Justice resolution about Zakynthos of 31-1-02 was standing. The document refers to several complaints received for non-implementation of ECJ judgement having been received from citizens and Euro MPs during the summer period of 2004. Greece to reply by September 22<sup>nd</sup> otherwise infringement procedure again by EC to ECJ that could end up by Greece being inflicted an important penalty.
- On September 21st a letter and an information update about the non-functioning ZNMP was sent by MEDASSET to the 62 Euro MP members of the Committee for Environment, Public Health and Food Safety at the European Parliament.

**THE LAND****E. LAGANAS AND KALAMAKI**

- 1- The sewage system of Laganas Town covering Laganas Bay (co-funded by the EC in 1999) continues to malfunction, polluting the sea in the Bay for tourists and turtles alike.
- 2- The sand dunes of E. Laganas and Kalamaki have been accumulating garbage since last cleaned in 2003, and were used for dumping garbage before the summer season began. They were not cleaned throughout 2004 nesting/hatching season
- 3- Garbage bins are overflowing with plastic bottles, bags etc. Garbage is not only washed ashore from the sea, but is being dropped by beach users to such an extent that it is not uncommon for nesting turtles to crawl over it, dig it up whilst trying to nest, and burying it in their nests which may prove to be death traps to emerging hatchlings.
- 4- The three information poster signs about the turtles and the ZNMP have been knocked down or disappeared from the beach (See photo.)

- 5- In 2000 there were still 15 nests laid in front of the Louis Zante Beach Hotel in E. Laganas, 8 in 2001, 4 in 2002, and none in 2003 or 2004. The hotel promotes well lit musical swimming pool parties every night through the early hours of the morning, next to the nesting beach, and hundreds of items of recreational beach furniture are left on the beach at night.
- 6- Horse riding on the beach and in the sand dunes started in March and carried on throughout September.
- 7- Stock cars and the new "Rage" in Zakynthos, beach buggies raced along the nesting beaches throughout winter 2003 up to June 2004, turning the beaches into hard packed roadways.
- 8- As the ZNMP employees were on strike, having not been paid since August 2003 the Park remained non-functioning throughout the 2004 nesting/hatching season and no beach guards were employed. The control barriers for access points to the beach through the sand dunes, especially at night remained locked away in the ZNMP building. Throughout the summer many people aiming to see turtles nesting, frequented the beach during prohibited hours every night, often with vehicles and flashlights, disturbing the nesting turtles, resulting in many turtles returned to the sea without nesting. The inaction of the ZNMP has been an utter disaster.
- 9- ARCHELON (STPS) foreign volunteers were regularly being told by locals, "Go back where you came from. The ZNMP is finished. The beaches are ours again now".
- 10- Hunting was quite openly resumed in the sand dunes areas without regard to its illegality.
- 11- More of the little remaining sand dune areas were bulldozed during the winter and early spring to accommodate more summer furniture and for construction purposes. (See photos)
- 12- The mobile cafeteria last seen illegally parked above the nesting beach near the Crystal Palace Hotel in 2002, was once again in place throughout the summer.
- 13- Sunbeds on the nesting beaches were not removed or stacked at night resulting in an increase of non-nesting turtle emergencies.
- 14- Markers placed on the beaches by the ARCHELON (Sea Turtles Protection Society of Greece) volunteers to indicate nests were removed by beach visitors. The volunteers in Kalamaki doing fieldwork were physically assaulted on several occasions by local summer furniture operators. The police were informed but nothing was done. A UK BBC2 cameraman was harassed and pushed by a beach furniture operator whilst trying to film a documentary on Kalamaki beach in July.
- 15- Stray dogs freely roam the beaches.
- 16- Eye witness accounts report cruelty and harassment of the turtles on the beaches of Kalamaki and E. Laganas, including local turtle spotting boat operators catching basking turtles from the water and holding them up for tourists to photograph. One turtle spotting boat operator was seen to reverse his engines under power to back up to a basking turtle grab it over the stern to show to tourist passengers.
- 17- On all Laganas Bay beaches (Except Sekania, owned by WWF), hundreds of commercial beach recreational furniture, pedal boats, canoes, small boats etc. remained throughout the nesting and hatching seasons. (See photo)

In summer 2004 there was a total of 450 umbrellas and 930 sun chairs on the nesting beaches of E. Laganas and Kalamaki against three times the permitted amount of 150 umbrellas and 300 sun chairs, as defined by the Presidential Decree setting up the ZNMP. Dozens of pedal boats, canoes, small engine boats completed the picture. The overwhelming majority (90%) of these were not removed or stacked at night, including the pedal boats etc.

#### **SEKANIA 2004**

- 1- **The impact of over-nesting on this 400 metre most densely nested loggerhead beach in the world, cannot be assessed because there is no access to official comparative nesting data collected in Laganas Bay over the past 21 years! It is now estimated that of the 800 nests laid yearly in the entire Bay, about 56% take place in Sekania. Turtles due to lack of space often excavate their nests' over existing nests thus destroying them.**
- 2- As there were no information signs and no wardens on Sekania beach this year, on several occasions visitors were seen on this strictly protected beach where (by law) no visitors are allowed.

- 3- **Throughout the summer several sea turtles nesting in Sekania had evidence of recent boat propeller damage or fisheries interaction. Some severe and bleeding with chops into their shells or missing flippers or paralysed limbs either from boat propellers or cut off by fishermen after becoming entangled in their nets.**
- 4- In August pedal boats were accessing Sekania beach, and a fishing boat was seen fishing off the west part of Sekania on several evenings. The sea area around Sekania is totally protected by ZNMP law which totally prohibits all boats.

#### **DAPHNE 2004**

- 1- Daphne continues to be totally out of control as far as illegal construction and sea turtle conservation is concerned.
- 2- Existing illegal roads leading to the nesting beach after being covered in gravel, mud and rocks following the winter rains were restored, improved and enlarged in June (See photo).
- 3- Illegal tavernas, small hotels, bars etc operated until late at night throughout the nesting/hatching season.
- 4- One parking area above the beach was doubled in size, and a new one on the beach was constructed in June. We counted 80 cars in the car parks and with others parked around the area an estimated total of 150 cars on 25<sup>th</sup> August 2004. (See photo).
- 5- All 13 illegal buildings designated by law to be demolished several years ago, remain along the beach. A new one started in winter 2002, was completed and enlarged; Improvements were made and an illegal wall was built next to it in June 2004, without any action by the authorities. In summer 2004 we recorded 39 instances of illegal construction (including the 13 old buildings) throughout Daphne. (See photo.)
- 6- One of the existing illegal bars in the centre of Daphne beach was completely refurbished and enlarged in May 2004.
- 7- Seven wooden walkways to the sea remain in place limiting sea turtle access to the nesting area.
- 8- During winter 2003 through March 2004 go-cart and beach buggy races were held on Daphne nesting beach compacting the sand.
- 9- Daphne beach was not cleaned for the nesting season and remained full of rubbish, during winter 2003.
- 10- In June 2004 tons of rocks were brought to the nesting beach and were placed along the beach in order to divide "private" from "public" land. The boundaries of "private" land were pushed by 5m, hence reducing the sea turtle nesting area by this amount. The rocks extend across the length of the nesting beach rendering a large portion of the beach inaccessible to the turtles. The rock barrier was covered with sand. Turtles trying to dig their nests in the area are thwarted by buried rocks.  
**On one occasion out of 34 turtles trying to nest in that area only one managed to successfully do so!**
- 11- Turtles somehow manage to nest by climbing over a low wall recently constructed on the nesting beach. Hatchlings from nests located behind the wall are disorientated by the array of artificial lights at the back of the beach and head inland becoming either lost in the vegetation or prey for the dogs and cats.
- 12- During the hatching period ARCHELON foreign volunteers were physically abused by the owner of "The Bella Mare" illegal tavern, sworn and shouted at by bar owners and had their personal property thrown over the new illegal wall.
- 13- Recreational beach furniture, completely banned in Daphne by law, covers the beach and flattened sand dunes. Approximately 193 umbrellas and 340 sunbeds were seen in August 2004. Half of Daphne's 250m beach was occupied by beach furniture (See photo). All illegal!

#### **GERAKAS 2004**

- 1- In September a fire was set in the ZNMP protected area above Gerakas nesting beach. The police declared it was arson.
- 2- A number of people visited the nesting beach at night throughout the summer, some mopeds were seen driving along the beach.
- 3- For the first time summer furniture operators at Gerakas started renting 6 canoes and 2 pedal boats. Gerakas is in the boat exclusion zone. At least 3 private boats were moored overnight in Gerakas in August. The Port Police were informed at least 4 times but failed to respond.

- 4- Metal posts were stuck in the sand 10 metres from the water to block off an area for the tourists. One post narrowly missed a nest.
- 5- From 20<sup>th</sup> June to September there were about 130 umbrellas and 270 sunbeds on the nesting beach. Only rarely were the sunbeds stacked at night. The Presidential Decree constituting the ZNMP allows 60 umbrellas and 120 sunbeds on Gerakas beach. Over double the permitted amount. (See photo)

#### **MARATHONISI 2004**

- 1- In June during full nesting season on Marathonisi Islet two fishermen were seen setting up a 33m long fishing net only 20m from the shoreline, completely blocking turtle access to the nesting beach. They removed it only after ARCHELON (STPS) volunteers reported them to the Port Police but returned to set the net on several occasions since the first incident. On July 5<sup>th</sup> 2004 a load explosion of dynamite fishing was heard and a boat was seen close to the islet. Several other smaller ones took place later. All fishing activities are banned in Laganas Bay during the nesting and hatching period.
- 2- Anchoring of boats, which is prohibited at the Islet, occurred regularly during the summer. Many boats approached the Islet during the nights.
- 3- Foreign STPS volunteers monitoring nesting activity on the Islet were verbally abused by visiting boat operators who bring hundreds of tourists, a number of times during the summer.

#### **THE SEA 2004**

- 1- The patrol boat for Laganas Bay was not seen at all during July. The rest of the summer it was seen only twice. MEDASSET complained to the Portmaster, who explained that due to the Olympics he had not been left enough staff to operate or to patrol the Bay. Port police activity was almost non-existent in Laganas Bay in summer.
- 2- Many Buoys demarcating the protected areas of the Bay were either lost during winter storms or by deliberately cutting the mooring ropes. They were not replaced.
- 3- A pedal boat operator was seen a couple of times in September setting fishing nets from his pedaloe about 20m off the E. Laganas nesting beach. Investigation by a snorkeler revealed 8 hatchlings trapped in the net. Three were already dead. The incident was reported to the Police.
- 4- Dynamite fishing was reported on several occasions in the Bay, and the Port police were informed but no immediate action was taken.
- 5- Throughout the summer, boats of all kinds up to large yachts used the prohibited areas of the Bay, especially at weekends, some mooring for 2 – 5 days brightly lit during the nights. In most cases the Port police were informed but no action was taken.
- 6- Speedboats operated at full speed throughout the Bay from May to October, which could explain why so many turtles on nesting beaches were seen with severe bleeding wounds from the propeller interaction, some losing flippers.
- 7- Seven turtles were known to have been washed ashore dead stranded. One was alive with deep cuts in its shell by speedboat propeller and sent to the STPS recuperation centre near Athens. One otherwise healthy male proved to have drowned after entanglement with a pedal boat buoy rope.
- 8- Throughout the summer snorkelers were observed holding on to turtles in the sea. Several turtle spotting boats gathered at the same time around basking turtles in clear contravention of the agreement they signed with the ZNMP in 2003.

#### **CONCLUSION**

**No national or local government authority showed the slightest interest in enforcing environmental law in Laganas Bay for the whole of 2004 to date.**

**THE EC SHOULD PROCEED WITHOUT DELAY TO APPLY TO THE EUROPEAN COURT OF JUSTICE FOR PUNITIVE FINANCIAL PENALTIES AGAINST GREECE IN LINE WITH THE EUROPEAN COURT OF JUSTICE JUDGEMENT OF JANUARY 2002, AND THEIR LETTER TO THE GREEK GOVERNMENT IN 2003.**

ENVIRONMENTAL SITUATION AND TECHNICAL REPORTS PRESENTED BY MEDASSET TO THE STANDING COMMITTEE TO THE CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (BERN CONVENTION) AT THE COUNCIL OF EUROPE, PUBLISHED UNDER T-PVS REFERENCE:

ZAKYNTHOS (GREECE)

**Updated reports prepared from 1984 and published as T-PVS since 1993:**

**T-PVS (93) 32:** L. Venizelos, MEDASSET: Marine Turtle Conservation in Zakynthos, Laganas Bay, Greece, 5 July-16 August 1993, 10 pages.

**T-PVS (95) 63:** MEDASSET (L.Venizelos): Specific Sites, *Caretta caretta*, in Laganas Bay, Zakynthos (Greece), 3 pages. (*Follow-up report and recommendations*).

**T-PVS (96) 86:** MEDASSET (L.Venizelos): *Caretta caretta* in Laganas Bay, Zakynthos (Greece), 5 pages. (*Follow-up report and recommendations*).

**T-PVS (97) 46:** L. Venizelos, MEDASSET Marine Turtle Conservation in Zakynthos (Laganas Bay), Greece, 5 pages. (*Follow-up report and recommendations*).

**T-PVS (98) 48:** MEDASSET: Specific Sites, Marine Turtle Conservation in Zakynthos Laganas Bay, Greece, 10 pages. (*Update report and recommendations*).

**T-PVS (99) 70:** MEDASSET: Specific Site, *Caretta caretta* in Zakynthos (Laganas Bay, Greece), pp. 2-14. (*Update report and recommendations*).

**T-PVS (2000) 58:** MEDASSET: *Caretta caretta* in Zakynthos (Greece), 8 pages. (*Update report and recommendations*).

**T-PVS (2001) 71:** MEDASSET: Update Report on Marine Turtle Conservation in Zakynthos (Laganas Bay) Greece, 19 pages.

**T-PVS/Files (2002) 15:** MEDASSET: Update Report on Marine Turtle Conservation in Zakynthos, Laganas Bay (Greece), 21 pages.

**T-PVS/Files (2003) 13:** MEDASSET. Update Report on Marine Turtle Conservation in Zakynthos (Laganas Bay), Greece. 19 pages

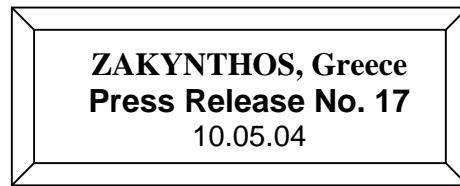


**Gerakas:** July 2004: Interaction between the nests and the plethora of beachfront furniture (double the permitted amount), on one of the main nesting beaches in Laganas Bay.

**ADDENDUM 1.****ZAKYNTHOS NATIONAL MARINE PARK Staff: No pay for 8 months!**

- Although the Greek government continue to announce agreed funding for the Zakynthos National Marine Park, the Management Agency of the Park have revealed that of 200,000 Euros allocated, the government only paid the Park 37,000 Euros in the whole of 2003. As a result the full time staff of the Park **have not been paid for the past 8 months**, and the 2003 seasonal beach guards **have only received 50% of their earnings!**
- Two quarries operating within the boundaries of the Park continue to expand, destroying the skyline of Scopos mountain.
- The obsolete biological waste treatment plant above the nesting beaches continues to pollute the sea.
- Without any reference to the Park Authority, but apparently with a permit from the local administration, construction of a huge holiday village by "Alkyonides Villages AXTEE" within the Park was commenced and proceeded to roof level, before a temporary injunction could be obtained from the Courts. **Sadly, experience tells us that the above constructions will eventually be completed!**
- A new illegal building has been started close to Daphne nesting beach.
- The new 11 member Management Committee for the ZNMP, set up by the revised Presidential Decree, is packed with government and local authority representatives, local hotel owners, bed & breakfast operators, and farmers. Only one environmental NGO representative is allowed, and even then he must be approved by the Minister of the Environment. Hardly a vote that will make much difference to the running of the Park!

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**ADDENDUM 2.****In Greece, it's: Forget the turtles... Save the Olympics!!!**

As a withdrawal of labour by the Zakynthos National Marine Park (ZNMP) staff enters it's second week, they are still owed 10 months salaries. On 2<sup>nd</sup> May the first 23 charter flights of the season arrived in Zakynthos and sea turtles are massing in Laganas Bay prior to the start of nesting in a few days ..... Total anarchy reigns in the area of the Park with uncontrolled summer furniture blocking the beaches, illegal sand lifting from the dunes, dozens of vehicles driving on the beaches, illegal coastal development, all with the consequent degradation of the nesting area.

An appeal by the developer of a huge holiday village being built in the Park against the wishes of the Park Management Agency has had an injunction lifted, and construction is almost complete. The motto on Zakynthos at the moment is: **"We can now do what we like!"**

The obsolete biological treatment plant is to remain in operation, polluting Laganas Bay, until a new site can be agreed upon.

While an EC report states that "substantial progress has been made....towards protection of the sea turtles", a European Parliament report states "it was clear from our visit, conversations and pictures seen that the provisions of the EC Directive are not being complied with..."

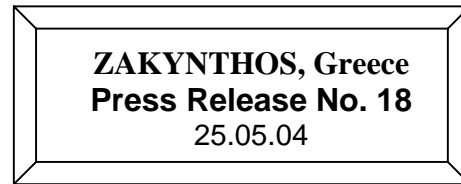
Not only has the State withheld allocated funding for the Park but they have also withheld funds for the Park's EC LIFE-Nature project! If the first National Park Management Agency in Greece is to suffer so at the hands of the State, with its lack of both political will and financial support, what hope is there for the other 27 Park Management Agencies in Greece?

A smear campaign against the Park Management Agency as to its financial probity has been launched by the Park's opponents, despite an official audit.

Meanwhile the European Court of Justice "Sword of Damocles" hangs over the head of Greece as the EC delays making a decision to revert to the European Court of Justice for the imposition of punitive financial penalties. Today the Head of the EC Legal implementation and enforcement unit is visiting the Greek Government. We sincerely hope that political expediency will not override justice, and that the Ministry of the Environment (MoE) can be persuaded that the ZNMP should receive secure funding and sufficient legal powers to ensure that it can achieve its objectives.

As for the MoE, they say that they are far too busy with the Olympics to find time to discuss the problems of the ZNMP! Sadly, by the time the Olympics are over the degradation of one of the most important loggerhead nesting areas in the Mediterranean may be irreversible.

MEDASSET

**ADDENDUM 3.****GREEK OLYMPICS AT LOGGERHEADS WITH SEA TURTLE CONSERVATION.**

While the staff of the Zakynthos National Marine Park (ZNMP) in Greece enter the 4<sup>th</sup> week of their withdrawal of labour, having not been paid since August 2003, the Deputy Minister of the Environment, Stavros Kalogiannis, answering a question on the subject in the Greek Parliament on the 20<sup>th</sup> May 2004, stated that "*EC and National programme funds available for the environment are sufficient to cover the financial needs of the ZNMP*". What he didn't say was that this would depend on Greece paying its 50% share so as to qualify for EC contribution. He said "*the lack of money to pay the ZNMP expenses is mainly due to the fact that the Greek Ministry agencies responsible for the processing of the Operational Programme 'Environment' (co-funded by the European Regional Development Fund, ERDF) functions at an extremely slow pace*".

He went on to state "*The ZNMP authority should look into bringing a balance between local people's reactions and turtle protection*". He failed to mention that to stop the reaction, landowners affected by development restrictions of the Park should be compensated, which is not as he claimed the job of the ZNMP but of the Government.

He said "*apart from expecting funds from the Operational Programme 'Environment', they should also look for alternative funding solutions for the Park, e.g. to the 'LIFE Nature' and 'Interact 3' programmes*". He did not mention that an existing 'LIFE Nature' project in Zakynthos is currently frozen due to the fact that the Government is withholding its share of funds to make it operational!

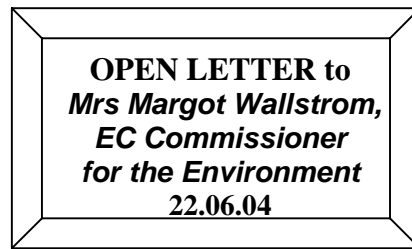
A very well researched full page illustrated article by Cordelia Madden entitled 'TURTLES LOSERS IN OLYMPIC FUND RUN?' was published in 'Athens News' on Friday 21<sup>st</sup> May. It comments, '*with its curiously mismatched triple bill of responsibilities, the Ministry of Environment, Public Works and Urban Planning does have a lot on its pre-Olympics plate - It is responsible for 40% of the venue constructions as well as all the road-works around Attica*'.

The article continues with: "*It's not that they don't want to help,*" says a commission source that visited the ZNMP last summer. "*We have been putting pressure on the Ministry to act, and [Deputy Minister] Stavros Kalogiannis is very positive about helping the Park – he said it was top priority. But he doesn't control the budget, and as far as I understand, all the money goes to the Olympics now*".

The Author's questions addressed to the Ministry of the Environment remain unanswered!

To read the full English text of the article please visit the Athens News website at [www.athensnews.gr](http://www.athensnews.gr)

MEDASSET

**ADDENDUM 4.**

Dear Mrs. Wallstrom,

**REF: ANARCHY REIGNS AT THE ZAKYNTHOS NATIONAL MARINE PARK (ZNMP) IN GREECE**

As more disturbing news arrives from ZNMP, we are powerless, unable to stop the major ecological disaster that is currently taking place in Laganas Bay, internationally recognised as the main Loggerhead turtle nesting area of the Mediterranean. All of this during the first few weeks of the nesting season.

The Park's staff remain unpaid in the eighth week of their withdrawal of labour. It is now ten months since they were last paid. Now extreme violations of the Park regulations are occurring endangering the very turtles meant to be protected.

This week's report from Zakynthos states:

- Barriers to block beach access at night are locked away in the ZNMP office. Many people frequent the beaches during prohibited hours of the night, often with vehicles and flashlights, disturbing the nesting turtles. Due to this disturbance, many turtles return to the sea without nesting.
- On Marathonissi Islet two fishermen were seen setting up a 33m-long fishing net, only 20m from the shoreline, completely blocking turtle access to the nesting beach. They removed it only after Archelon (STPS) volunteers reported them to the Port Police. They are expected to keep trying.
- So far, three dead loggerhead turtles have washed ashore, one a perfectly healthy male showing clear evidence of entanglement by the buoy line of a pedalo boat.
- There are eyewitness accounts of cruelty to the turtles on the beaches of East Laganas and Kalamaki. Often locals grab them from the water and wave them about in the air to show to tourists. One turtle spotting boat sped towards a turtle, backed the engine towards it and grabbed it for show.
- Bags of garbage in Sekania, collected during an Archelon (STPS) and World Wildlife Fund (WWF) clean-up effort, were not removed from the beach for two weeks, obstructing the turtles from nesting.
- It was announced in the local press (12/6/04) that the obsolete biological treatment plant above the nesting beaches, will not be refurbished to operate for another two years as previously announced, but will remain and in operation in its present condition throughout the nesting and hatching season, continuing to pollute the bay for turtles and beach-goers alike.
- It is also reported in the local press that the head of the Land Planning Office has confirmed that there are many illegal blocks of beach furniture in Kalamaki and East Laganas.
- Sand extraction has resumed behind the nesting beaches of Kalamaki.
- Archelon (STPS) foreign volunteers are being told by locals, "Go back where you came from. The ZNMP is finished. The beaches are ours again now."

Attached are a series of photographs documenting some of the latest illegal activities on the nesting beaches of Laganas Bay. The pictures were taken at dawn because the photographer was afraid of being attacked by locals as has often happened before.

It is clear that the provisions of the European Commission Directive are not being implemented or even considered by the Greek State. Turmoil and chaos reign in Laganas Bay, as the list of ZNMP violations continues to lengthen.

**So much for Zakynthos being a refuge and sanctuary for the endangered Mediterranean sea turtles.**

Sincerely,  
Lily Venizelos,  
President MEDASSET

**ADDENDUM 5.**

**ATHENS NEWS , 21/05/2004, page: A09  
Article code: C13067A091**

**Turtles losers in Olympic fund run?**

**Lack of cash has closed the Zakynthos National Marine Park, which provides protection for the endangered caretta caretta. With the start of the nesting season coinciding with the first of the charter planes, profit-driven anarchy rules in the creatures' key remaining Mediterranean habitat**

**CORDELIA MADDEN**

IN THE costly scramble to ready Athens for the August Olympics, the effort to save the endangered loggerhead turtle from extinction seems to have been forgotten. By the time the Games are over and cash is freed up for this project, conservationists say the last remaining stronghold of loggerhead turtles in the Mediterranean may have been lost.

At the start of the caretta caretta turtles' nesting period, the Zakynthos National Marine Park (ZNMP) is unstaffed, with the personnel on strike for not having received their salaries for over eight months. The ZNMP was established in 1999 to provide protection for the sea turtles that since antiquity have been laying their eggs in the beaches of Zakynthos' Laganas Bay. In the same year, European Court proceedings were started against Greece for failing to implement national and European laws concerning the preservation of the sea turtle.

Without any park wardens on patrol, chaos reigns on the coastline as profit-hungry locals take advantage of the lack of authority. "The situation has already resulted in illegal sand-taking, vehicles on the nesting beaches, a proliferation of sunbeds and umbrellas on the beaches, and uncontrolled illegal building," says Ioannis Pantis, president of the ZNMP since 2001 and professor in the ecology department of Thessaloniki's Aristotelio University.

The timing couldn't have been worse. "As the first charter flights of the season arrive on Zakynthos and sea turtles mass in Laganas Bay [for the] start of the nesting season [which began on May 15], total anarchy reigns in the area of the park," says Lily Venizelos, founder of the Mediterranean Association to Save the Sea Turtles (Medasset).

The costs of the ZNMP are paid by the ministry of environment, public works and urban planning. But, says Harikleia Minotou, the WWF representative in the management body of the ZNMP, "the ministry has not given us the [financial] support that's needed: we don't have enough to cover the expenses of the park and the employees are unpaid for more than eight months." Pantis agrees: "Our costs were not met sufficiently by the state." According to Medasset, in 2003 the ministry of environment only provided the ZNMP with 37,000 euros out of the agreed annual amount of 200,000 euros.

Pantis adds that the state did not live up to its obligations regarding the LIFE-Environment project either. According to this scheme, the European Commission provides half the money for an ecological programme and the ministry of environment of the country concerned gives the other 50 percent. The commission has given its share of the funding towards the ZNMP, an agreed 2001-2004 LIFE-Environment project, while the Greek ministry has only provided one-third of the amount it is required to pay.

**No money left for ecology**

"The ministry of environment says it is far too busy with the Olympics to find time to discuss the problems of the ZNMP," says Venizelos of Medasset.

Certainly, what with its curiously mismatched triple bill of responsibilities, the ministry of environment, public works and urban planning does have a lot on its pre-Olympics plate - it is responsible for some 40 percent of the venue constructions as well as all the roadworks around Attica.

It's not that they don't want to help, says a commission source who visited the ZNMP last summer. "We have been putting pressure on the ministry to act, and [Deputy Minister] Stavros Kalogiannis is very positive about helping the park - he said it was a top priority. But he doesn't control the budget, and as far as I understand, all the money goes to the Olympics now."

The ministry of environment did not respond to *Athens News* questions in time for this article.

The problem, says the commission source, is that unless the ministry acts to give funding and credibility to the ZNMP soon, Greece risks being taken to the European Court again. In January 2002, the court ruled that Greece had failed to fulfil its obligations concerning the protection of sea turtles under Article 12 (1) (b) and (d) of Directive 92/43/EEC. Athens was ordered to take all the necessary measures to comply with the legislation and pay court costs.

"If the court ruling of January 2002 is not adhered to, if there is no surveillance of the nesting beaches this year, if there's no protection of turtles and everyone does what they want on the beaches, when the EU Commission visits this summer we will have to send a letter of reasoned opinion to the Greek government. The case will then most likely go to court again and there will be a daily penalty to pay," the source explains. "It's much better to pay the ZNMP's costs now than to pay more later."

The commission believes that, until now, there had been much progress on the habitat preservation, with surveillance on the nesting beaches and a legal framework and the management body established.

The only major sticking point, according to the commission, remains the compensation of landowners on the controversial Daphne beach, where illegal construction still continues apace and what ecologists describe as a state of war exists between the locals and park wardens.

### **'Getting away with murder'**

Venizelos of Medasset, however, says that even before the work stoppage at the ZNMP legislation was not being complied with. In its annual report to the Council of Europe (sent to the Standing Committee at the end of last summer), Medasset details problems with illegal building all over Laganas Bay - a huge holiday resort called Alkyonides Villages is currently being constructed partly within the limits of the marine park.

There is also an issue with sewage: Medasset reports that not only does the biological waste treatment plant above the nesting beaches continue to pollute the sea, but that Laganas Bay is full of excrement from the malfunctioning village sewage system. In addition, summer furniture blocks the beaches, vehicles drive on the sand and the tourist 'sea turtle-spotting' boats consistently fail to comply with ZNMP guidelines.

"The authorities don't give a damn - everyone's trying to 'get away with murder'," says Venizelos. "We have found aborted eggs in front of the Louis Zante Beach Hotel in east Laganas - turtles only abort their eggs when conditions on shore are such that it is impossible for them to nest. Up to two years ago, around 12 nests per season were laid in front of the hotel; last summer there was not a single one."

"In addition," she says, "we have a loss of eggs on Sekania beach [an inaccessible bay that was purchased by WWF in 1994 for the undisturbed nesting of turtles]. As they cannot lay their eggs elsewhere owing to overdevelopment and obstacles on the remaining beaches, over 50 percent of the turtles now nest on Sekania; on average, there are around 700 nests per season in less than 400m of nesting sandy beach, which means that they are re-excavating and destroying each others' nests and eggs."

"It is one of the worst ecological scandals in Europe," she concludes. "By the time the Olympics are over and the ministry finds time to discuss the problems on Zakynthos, the degradation of the most important loggerhead nesting area in the Mediterranean may be irreversible."

**ADDENDUM 6.**

**ATHENS NEWS , 02/07/2004, page: A09**  
Article code: **C13073A091**

**MEPs urge Greece to save turtles of Zakynthos**

by **CORDELIA MADDEN**

**TWO MEMBERS** of the European Parliament have arrived in Greece in an attempt to persuade authorities to take steps to save the endangered *Caretta caretta* turtles of Zakynthos. Alarmed by reports of increasing anarchy on the Zakynthian beaches during peak nesting season following a nine-week (and counting) work stoppage by unpaid staff at the Zakynthos National Marine Park (ZNMP), Irish Green party MEP Nuala Ahern and German MEP Irene Soltwedel came to Athens to urge the environment ministry to take urgent action.

Speaking exclusively to the *Athens News*, Ahern said on July 1, "It's a crucial moment, and something must be done immediately. We believe that the new government can find solutions to the problems, but this nesting season will be lost unless guards are put back on the beaches right now."

The two - who came at the suggestion of the German NGO Euronatur and the Athens-based Mediterranean Association to Save the Sea Turtles (Medasset) - met Deputy Environment Minister Stavros Kalogiannis on the morning of July 1. "We asked him to act with all speed," said Ahern. "He was very positive, and I have to believe that he will act to protect the nests this summer."

"Many members of the European Parliament from all political groups are very concerned about the situation," she continued. "And we will all be watching to see what steps the ministry will take."

The beach wardens of the ZNMP are on strike, having not received their salaries since last June. The ZNMP was established in 1999 to provide protection for the sea turtles that since antiquity have been laying their eggs in the beaches of Zakynthos' Laganas Bay. In the same year, European court proceedings were started against Greece for failing to implement national and European laws concerning the preservation of the sea turtle.

As a result of the park closure, chaos reigns on the coastline as profit-hungry locals take advantage of the lack of authority to litter the beaches day and night with sunbeds and umbrellas, to remove sand illegally from the soft dunes in which the turtles lay their eggs and to drive along the nesting beaches. There has also been a proliferation of illegal building. Laganas Bay is the last remaining stronghold of loggerhead turtles in the Mediterranean, but the increasing disturbances on its nesting beaches have already resulted in aborted eggs and a significant reduction in the number of nests.

Ahern and Soltwedel will be visiting Greece again in autumn to monitor the situation. However, if the ministry does not make a move now to fund the park and establish a management body, the degradation of the most important nesting area in the Mediterranean may be irreversible.

\* Medasset and Euronatur have started an international signature collection campaign requesting that the authorities guarantee yearly funding for all twenty-five National Parks in Greece and provide them with the currently absent legal authority to enforce conservation laws within their boundaries. If you would like to sign, go to [http://www.medasset.gr/english\\_petition.htm](http://www.medasset.gr/english_petition.htm)

**ADDENDUM 7.****The Observer****Sex antics of UK tourists scare turtles to death**

First it was Rhodes, now drunken British holidaymakers are running riot on the beaches of another Greek island

**Mark Townsend in Zakynthos  
Sunday August 1, 2004**

They have outlived dinosaurs, surviving 100 million years of climate change and catastrophic asteroid impacts. Yet Europe's largest refuge for the rare loggerhead turtle faces its gravest threat: the drunken British tourist.

Record numbers of young UK holidaymakers are invading the nesting grounds of the endangered creatures on the Greek island of Zakynthos, where they are blamed for wreaking havoc among one of the turtle's last havens.

Vast stretches of Laganas beach have already been abandoned by turtles this summer as a record 200,000 Britons head to the lively resort nearby.

It is not only the turtles who are feeling the pressure from the invasion: locals fear that the once sleepy town could become a magnet for louts in Greece, saying that evenings are now already punctuated by outbreaks of fighting and lewd behaviour.

Holidaymakers admit to being lured by the promise of cheap alcohol and attractions such as 'the dentist chair' - to which drinkers are strapped and encouraged to swallow a litre of spirits and mixers. The beach and its loggerhead nesting areas often become the venue for breeding of an altogether more modern kind as couples wander from the bars which close at 4am. At dawn a small army of beachcombers are required to clean the detritus of glass, cigarette butts and condoms.

Despite the souvenir shops of Laganas offering a range of cuddly toy turtles, the latest generation of young hedonists appears oblivious to the creatures' plight or even where the nesting grounds are found. 'No one told us about them,' said Rachel, 21, from Manchester. 'And we've been on the beach every night since we came here.'

Most young Britons are simply in Laganas looking for sex. Stacey from Manchester had racked up two conquests in five days and was in the process of courting a third. 'You've got to buy me a drink and promise to undress me,' she winked at her latest suitor, Gary from Norfolk, and added: 'It'll take quicker than you think.' She whirled round and touched her toes. Gary blinked hard. She was wearing no underwear.

Big Phil was there for 'the fish bowl' - an £18 vat of scarlet-coloured spirits - as well as sex and the odd scrap. Later he would be seen fighting after failing to snare a partner for the night. Not getting laid in Laganas is not an option for men like Big Phil.

For Frank, though, such unimagined abstinence was fast becoming reality. Four nights had passed without so much as a kiss and he was sporting a shirt the 22-year-old hoped he would never need wear. 'I just want sex,' it pleaded. In earlier, more optimistic times, the insurance salesman had invested £20 in condoms, top-of-the-range Durex Avanti.

Others were faring better. Inside the Ghetto club, Watford Paul was celebrating his birthday and looking for a threesome to mark his 23 years. Most though seemed satisfied with one conquest at a time. Of a group of 19 lads from Plumstead, London, 17 had woken with company after five nights on the pretty Greek island. Elsewhere, the appetite for sexual shenanigans of nine of 11

blokes from Leeds had been similarly sated. 'They love the passion,' boomed Dennis from West Yorkshire.

Laganas has become one of the hippest destinations for young Britons, displacing former favourites such as Magaluf, Ibiza and Faliraki. The latter in particular has suffered following a crackdown by the Rhodes authorities after last year's drunken debauchery reached an ugly finale with the fatal nightclub stabbing of Paddy Doran, 17.

Dave Smithson, spokesman for Club 18-30, confirmed that bookings for Laganas have reached record levels with a quarter increase on last summer. By contrast, demand for Faliraki has fallen 70 per cent.

Each week thousands of Britons arrive on a flight path that sweeps directly above the loggerheads' nesting grounds, the airport being a 10-minute drive from where the turtles try to lay their eggs. However, protesters have forced the authorities to ban night flights throughout the nesting season from May to October. It is a rare concession, lament environmentalists, who point to a controversial decision by the Greek government to close a marine park that protected the nesting ground from intrusion.

Laws safeguarding the species are being broken with impunity, claim conservationists. Residents of Zakynthos believe that funding for the park, which would cost £350,000 to set up, has been diverted to the Olympic Games.

Where 24-hour wardens once protected vital nesting grounds, holidaymakers are free to storm the loggerhead's habitat. Cars and motorbikes have been reported careering by moonlight on the nesting areas, smashing soft eggs buried beneath the sand.

Pregnant turtles, too petrified by the commotion to wade ashore at night, are being forced to lay their eggs in the sea, where they cannot hatch. Eggs that are successfully laid face a fresh set of obstacles posed by mass tourism.

Hatchlings expecting to be guided by moonlight to the sea are bewildered by the lights and neon-studded bars of the mile-long strip slicing through Laganas. Disorientated, the creatures crawl towards the lights and die in the sand.

Volunteers, including several Britons, are attempting to patrol the nesting grounds but remain powerless to stop drunken tourists encroaching on eggs or diving into the sea, ensuring the notoriously nervous loggerheads are deterred from coming ashore.

Last year more than 1,200 nests were recorded in Laganas Bay, around half what is thought to have been noted this year. Environmentalists now warn that the turtles could disappear from the area if tourism is not controlled.

Underpinning the problem is the natural vulnerability of the species: as few as one in 1,000 hatchlings reaches maturity, while eggs may have to incubate on crowded beaches for up to 70 days.



Fig. 1: Zakynthos National Marine Park Map (Source: ZNMP)

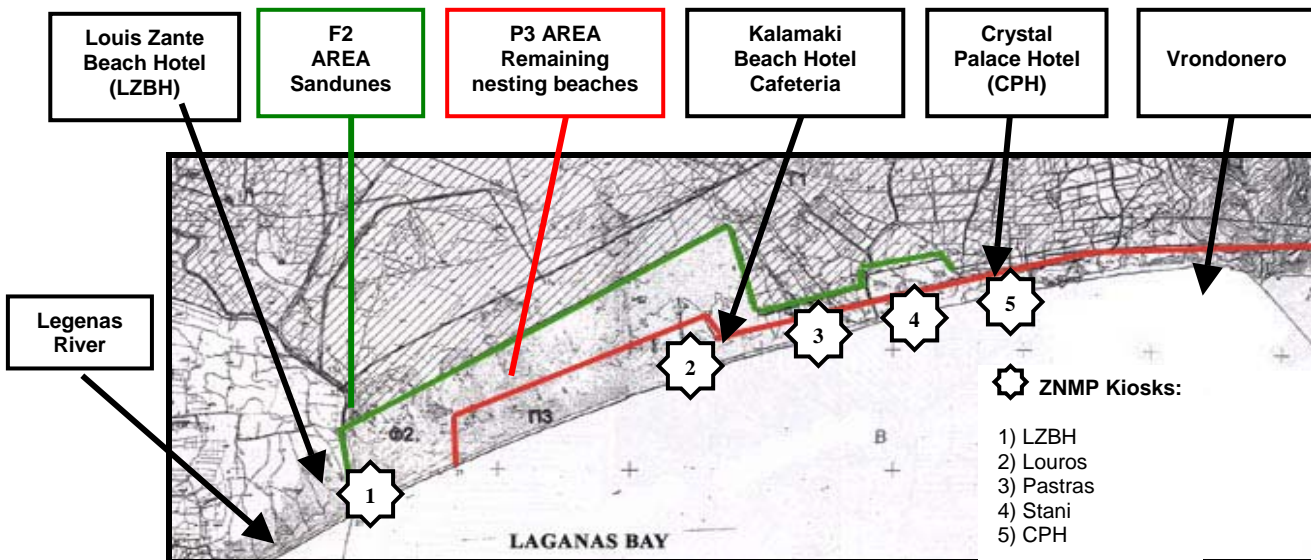


Fig. 2: Map of E. Laganas and Kalamaki nesting beaches (scale: 1:5000).



Photo 1: July 2004: Enlarged old car park (2003) and new car park right on the beach in Daphni. New illegal building was completed in June 2004. The two illegal roads to the beach have been improved. © 2004 MEDASSET

**Photo 2.**  
May 2004: Sand mining continues on the few remaining sand dunes behind the nesting beaches of Kalamaki (area 2).  
© 2004 MEDASSET



**Photo 3.**  
May 2004: Stock car racing and 'buggies' along the nesting beaches of E. Laganas (area 1) and Kalamaki (area 2 and 3) throughout winter 2003 to June 2004.  
© 2004 MEDASSET



**Photo 4.** July 2004: Hundreds of illegal beachfront recreational furniture, pedal-boats, canoes etc all remaining *in situ* at night, litter Kalamaki (area 3) nesting beaches. © 2004 MEDASSET



**Photo 5.** May 2004: One of three ZNMP information signs that have been knocked down or have disappeared from the nesting beaches of Kalamaki (area 3). © 2004 MEDASSET

**Photo 6.** July 2004: More sand dunes at the top of Kalamaki (area 3) nesting beaches have been bulldozed and flattened to accommodate further illegal commercial beachfront furniture.

© 2004 MEDASSET



**Photo 7.** July 2004: In Kalamaki (area 4) Some turtles managed to nest between a forest of recreational summer furniture that remain on the nesting beach at night, and another illegal wall that blocks nesting of the turtles. Nests have been covered for protection against beach goers.

© 2004 MEDASSET

**Photo 8.** May 2004: As early as May, Gerakas nesting beach was already covered in double the permitted amount of recreational beach front furniture right in the area of heaviest turtle nesting.

© 2004 MEDASSET





**Photo 9.** July 2004: A characteristic view of Kalamaki (area 3) nesting beach: Bulldozed sand dunes on top of beach to accommodate more summer furniture and to provide car parking. The beach is covered in recreational furniture, pedal-boats, canoes, illegally built wall. No nesting space left for turtles.  
© 2004 MEDASSET



**Photo 10:** July 2004: Improvements and enlargement of the illegal road leading to the new (June 2004) car park on the nesting beach of Daphne. Recreational furniture on Daphni beach is not allowed by law. Numbers exceeded the amount of 2003. They are not removed at night.  
© 2004 MEDASSET

## JUDGMENT OF THE COURT (Sixth Chamber)

30 January 2002 (1)

(Failure by a Member State to fulfil its obligations - Directive 92/43/EEC - Conservation of natural habitats and of wild fauna and flora - Protection of species)

In Case C-103/00,

**Commission of the European Communities**, represented by R. Wainwright and P. Panayotopoulos, acting as Agents, with an address for service in Luxembourg,

applicant,

v

**Hellenic Republic**, represented by A. Samoni-Rantou and P. Skandalou, acting as Agents, with an address for service in Luxembourg,

defendant,

APPLICATION for a declaration that, by failing to adopt or, in the alternative, to notify to the Commission, within the prescribed time-limit, the requisite measures to establish and implement an effective system of strict protection for the sea turtle *Caretta caretta* on Zakynthos (Greece) so as to avoid any disturbance of the species during its breeding period and any activity which might bring about deterioration or destruction of its breeding sites, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and under Article 12(1)(b) and (d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7),

THE COURT (Sixth Chamber),

composed of: F. Macken, President of the Chamber, C. Gulmann (Rapporteur), J.-P. Puissochet, R. Schintgen and J.N. Cunha Rodrigues, Judges,

Advocate General: P. Léger,

Registrar: L. Hewlett, Administrator,

having regard to the Report for the Hearing,

after hearing oral argument from the parties at the hearing on 12 July 2001,

after hearing the Opinion of the Advocate General at the sitting on 25 October 2001,

gives the following

### Judgment

1.

By application lodged at the Court Registry on 17 March 2000, the Commission of the European Communities brought an action under Article 226 EC for a declaration that, by failing to adopt or, in the alternative, to notify to the Commission, within the prescribed time-limit, the requisite measures to establish and implement an effective system of strict protection for the sea turtle *Caretta caretta* on Zakynthos (Greece) so as to avoid any disturbance of the species during its breeding period and any activity which might bring about deterioration or destruction of its breeding sites, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and Article 12(1)(b) and (d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7, the Directive).

## **The relevant provisions**

2. Article 2(1) of the Directive states that the aim of the Directive is to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies.
3. Article 2(2) states that measures taken pursuant to the Directive are to be designed to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest.
4. Article 12(1) provides:

Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range, prohibiting:

  - (a) all forms of deliberate capture or killing of specimens of these species in the wild;
  - (b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;
  - (c) deliberate destruction or taking of eggs from the wild;
  - (d) deterioration or destruction of breeding sites or resting places.

5. The sea turtle *Caretta caretta* is one of the species listed in Annex IV(a) of the Directive.

6. Under Article 23(1), Member States are to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive within two years of its notification, and to forthwith inform the Commission thereof. Since notification of the Directive took place in June 1992, the relevant time-limit expired in June 1994.

## **Pre-litigation procedure**

7. The deterioration in the conservation conditions for the sea turtle *Caretta caretta* on the island of Zakynthos was criticised by non-governmental organisations. In addition, by a letter of 3 July 1998, the Commission requested information from the Greek authorities on measures for the protection of that species on the island.
8. On 16 and 17 July 1998, Commission officials went on a mission to Zakynthos to verify whether any measures for the protection of the sea turtle *Caretta caretta* had in fact been implemented. In the course of the mission, they visited the beaches at Laganas, Kalamaki, Sekania, Dafni and Gerakas, the places where that species lays its eggs. They found that the protective measures at all of the places visited were inadequate, in particular:
  - there was no supervision and there were no notices on the beaches;
  - there were pedalos and boats in the sea area where their use is prohibited;
  - there were a significant number of beach umbrellas and deck-chairs on various beaches (Kalamaki, Gerakas, Dafni);
  - there were illegal buildings and recent works on the beach at Dafni.
9. In response to the Commission's letter of 3 July 1998, the Greek authorities, by letter of 22 July 1998, referred *inter alia* to port regulations adopted during the first half of the 1990s, to the implementation of programmes for monitoring sea turtles and to public information and awareness campaigns.

10. The Commission took the view that the Hellenic Republic had not taken the requisite measures to introduce an effective system of protection for the sea turtle *Caretta caretta* at Zakynthos and, consequently, had failed to fulfil its obligations under Article 12(1)(b) and (d) of the Directive. By letter of 2 December 1998, it therefore gave the Greek Government formal notice to submit its observations on the matter.
11. The Greek authorities replied in a letter of 17 March 1999, stating that a draft presidential decree on the creation of a marine park of Zakynthos had been submitted to the Greek Council of State for finalisation. They also informed the Commission that they had established a committee charged with drafting a special presidential decree, of general nature, containing financial provisions applicable to all the protected natural regions in Greece. In addition, they notified the Commission of their intention to draft a third presidential decree on compensatory measures for the marine park of Zakynthos. In the same letter, the Greek authorities also announced a series of measures such as, in particular, the demolition of all illegal buildings on the beaches, the establishment of a national land register, the prohibition of vehicle access to the beaches, the replacement of the current lighting which disturbs the sea turtles, and the removal of deck-chairs and beach umbrellas. They also stated that a contract had been signed on the construction of a high-speed patrol boat for the use of the Zakynthos port police for the purpose of ensuring compliance with the planned measures.
12. The Commission concluded that the Greek authorities had still not adopted the measures needed to introduce an effective system of protection for the sea turtle *Caretta caretta* on Zakynthos by creating the appropriate institutional framework or taking measures at the sites to protect that species. By letter of 15 June 1999, the Commission therefore delivered a reasoned opinion to the Hellenic Republic in which it reiterated the complaints contained in its letter of formal notice and requested that Member State to comply with the reasoned opinion within two months from the date of its notification.
13. On 24 and 25 August 1999, Commission officials carried out another mission to Zakynthos, in which they once again inspected the principal beaches used for breeding by the sea turtle *Caretta caretta*. They noted, in particular, a certain amount of progress in comparison with the situation prevailing at the time of their earlier mission, including *inter alia* the presence of supervisors and notices on the beaches, the publication and distribution of information pamphlets and the fact that a high-speed patrol boat had been put into service. However, they also found that:
  - there were pedalos and small boats in Sea Area A at Gerakas and Dafni;
  - pedalos and small boats were moored in Sea Area B at Kalamaki;
  - there were beach umbrellas and deck-chairs on various beaches (Gerakas, Dafni, Kalamaki, Laganas) in numbers clearly exceeding the number permitted by the draft presidential decree on the creation of the marine park of Zakynthos;
  - the number of illegal buildings on the beach at Dafni had increased;
  - mopeds were being driven on the sand beach to the east of Laganas;
  - supervisory measures on certain beaches were inadequate.
14. On 29 October 1999, the Greek authorities replied to the reasoned opinion by informing the Commission that a budget of GRD 30 million for a public information programme and for the supervision, cleaning and protection of the sand beaches on the biotope of the bay of Laganas on Zakynthos had been approved for the summer of 1999. The Greek authorities also stated that the beach umbrellas had been removed from the beach at Dafni and that the number of beach umbrellas on the beach at Gerakas had been considerably reduced so as not to exceed the limit fixed for that beach by the draft presidential decree on the creation of the marine park of Zakynthos.
- 15.

Since the Commission did not receive any other information to lead it to conclude that the Hellenic Republic had complied with its obligations under the Directive, it decided to bring the present action.

### **Substance**

16. The Commission states that the sea turtle *Caretta caretta* only lays eggs every two or three years. In Greece, the laying season starts at the end of May and finishes at the end of August. The turtle leaves the sea at night and moves towards the driest area of the beach, where it digs a hole of 40 to 60 centimetres in which it lays an average of 120 eggs. The Commission explains that two months later the eggs hatch and the baby turtles then crawl onto the sand and head towards the sea. The baby turtles are very vulnerable and a large number of them die.

17. The Commission emphasises the fact that the bay of Laganas on Zakynthos is a vital breeding region, perhaps even the most important in the Mediterranean, for the sea turtle *Caretta caretta*. Given the significance of the bay of Laganas, the Greek authorities have proposed that the region be classified as one of the sites of Community importance for the Natura 2000 network.

18. The Commission's principal complaint is that the Hellenic Republic has infringed its obligations under the Treaty and Article 12(1)(b) and (d) of the Directive, first, by failing to adopt a legislative framework which would ensure the strict protection of the sea turtle *Caretta caretta* against any deliberate disturbance during its breeding period and against any deterioration or destruction of its breeding sites and, second, by failing to take specific measures to prevent such nuisances.

#### *Legislative provisions for the protection of the *Caretta caretta* species*

19. According to the Commission, the Greek Government has not adopted an institutional framework within the prescribed time-limit capable of ensuring the effective long-term protection of the sea turtle *Caretta caretta*.

20. The Greek Government claims that by issuing a presidential decree on 22 December 1999 which classifies the land and sea regions of the bay of Laganas and the Strofada islands as a national marine park and the coastal areas of the communes of Zakynthos and Laganas as a regional park (FEK D'906/22.12.1999, the Decree of 1999), it has instituted a system of strict protection for the sea turtle *Caretta caretta*.

21. The Greek Government submits that, over the last 20 years, measures have been progressively taken to ensure the protection of that species on the island of Zakynthos. It refers to various laws, regulations and administrative measures adopted to that end from 1980 onwards. The Decree of 1999 constitutes only the most recent measure in a process of progressive implementation of a system of strict protection for that species.

22. According to the Greek Government, the lack of grounds for the Commission's action is also demonstrated by the nesting figures available for the sea turtle *Caretta caretta* on the bay of Laganas over the last 15 years. These figures do not show that the number of nests has decreased.

23. It should be observed in this regard that the Court has consistently held that the question whether there has been a failure to fulfil obligations must be examined on the basis of the position in which the Member State found itself at the end of the period laid down in the reasoned opinion and the Court cannot take account of any subsequent changes (see, *inter alia*, Case C-166/97 *Commission v France* [1999] ECR I-1719, paragraph 18, and Case C-220/99 *Commission v France* [2001] ECR I-5831, paragraph 33).

24. The Decree of 1999, on which the Greek Government has based a significant part of its pleadings, was adopted after the expiry of the two-month time-limit laid down in the reasoned opinion.

25.

Consequently, it is not necessary to examine whether the system of protection for the sea turtle *Caretta caretta* provided for by that decree meets the protection requirements set out in Article 12(1)(b) and (d) of the Directive.

26.

As regards the other measures which, according to the Greek Government, are intended to implement an effective system of protection for that species, it must be remembered that Article 12(1)(b) and (d) of the Directive require that the requisite measures be taken to establish a system of strict protection for the animal species listed in Annex IV(a) of that Directive in their natural habitats, prohibiting the deliberate disturbance of those species, particularly during the period of breeding, rearing, hibernation and migration, and the deterioration or destruction of breeding sites or resting places.

27.

First, it is undisputed that the bay of Laganas is a vital breeding region for the protected species *Caretta caretta*.

28.

Second, according to the findings of the Greek Council of State in a report in 1999 annexed to the draft presidential decree establishing the marine park of Zakynthos, the provisions in force at that time did not ensure, to the extent necessary, the effective protection of the sea and land areas of the bay of Laganas. In particular, given the pressure and the erosion caused to the breeding beaches at Dafni, Gerakas and Kalamaki by the construction of access routes to those beaches and given the noise resulting from human activity, the Council of State recommended the prohibition not only of the opening of new access routes to those beaches, but also of the creation of infrastructure such as kiosks, tents or parking facilities. The Greek Government does not contest those matters.

29.

Third, it should be observed that during the pre-litigation period, the Greek Government particularly stressed that the adoption of a decree creating a marine park at Zakynthos would introduce a system of strict protection for the sea turtle *Caretta caretta*. In its defence, the Greek Government claimed that, in respect of that species, the Decree of 1999 met the protection objectives set out in Article 12 of the Directive. In its rejoinder, the Greek Government submitted, for the first time, that the requisite measures to establish a system of strict protection for that species pursuant to Article 12(1)(b) and (d) of the Directive had been taken prior to 14 August 1999, the date on which the time-limit set by the Commission expired. However, in the oral hearing, the Greek Government admitted that the Decree of 1999 had established a system creating stricter protection than had been afforded by the system of protection previously in force. It should also be observed that, when asked by the Court to identify, and submit the wording of, the specific provisions in force in their legal system on 14 August 1999 which it believed met the requirements laid down by Article 12(1)(b) and (d) of the Directive, the Greek Government merely listed a series of laws, regulations and administrative measures without referring to any specific provisions capable of meeting those requirements.

30.

In the light of the foregoing, it must be held that the Greek Government did not adopt a legal framework within the prescribed time-limit which was capable of ensuring strict protection for the sea turtle *Caretta caretta* against any deliberate disturbance during the breeding period and against any deterioration or destruction of its breeding sites. Consequently, the Commission's application must be granted on this point.

31.

The fact that it does not appear that the number of nests of that species has decreased over the last 15 years does not, of itself, call this finding into question.

#### *Specific measures for the protection of the *Caretta caretta* species*

32.

The Commission points out that, during a visit to the breeding beaches of the sea turtle *Caretta caretta* on the island of Zakynthos at the end of August 1999, its officials reported *inter alia* the use of mopeds on the sand beach to the east of Laganas, the presence of pedalos and small boats in the sea around Gerakas and Dafni and the presence of illegal buildings on the beach at Dafni.

33.

The Greek Government does not dispute the accuracy of those findings.

34.

It is undisputed that the use of mopeds on a beach used for breeding by the *Caretta caretta* turtle is, particularly owing to the noise pollution, liable to disturb that species

during the laying period, the incubation period and the hatching of the eggs, as well as during the baby turtles' migration to the sea. It is also established that the presence of small boats near the breeding beaches constitutes a source of danger to the life and physical well-being of the turtles.

35.

It is apparent from the documents before the Court that at the time the facts were ascertained by the Commission's officials, the use of mopeds on the breeding beaches was prohibited and notices indicating the presence of turtle nests on the beaches had been erected. As regards the sea area around Gerakas and Dafni, it had been classified as an absolute protection area and special notices had been erected there.

36.

It follows that the use of mopeds on the sand beach to the east of Laganas and the presence of pedalos and small boats in the sea area around Gerakas and Dafni constitute the deliberate disturbance of the species in question during its breeding period for the purposes of Article 12(1)(b) of the Directive.

37.

Moreover, the acts were not isolated occurrences. As regards the use of mopeds on the breeding beaches, this is clear from the Greek Government's assertion that nocturnal supervision of the eastern part of beach at Laganas was, at the material time, particularly difficult to ensure owing to the length of the beach, the high number of access points and the low number of supervisors. As far as the presence of small boats in the relevant sea area is concerned, it should be noted that these were observed on two visits to Zakynthos by Commission officials, as stated at paragraphs 8 and 13 of this judgment.

38.

Finally, there is no doubt that the presence of buildings on a breeding beach such as the one at Dafni is liable to lead to the deterioration or destruction of the breeding site within the meaning of Article 12(1)(d) of the Directive.

39.

It must, therefore, be held that the Hellenic Republic did not take, within the prescribed time-limit, all the requisite specific measures to prevent the deliberate disturbance of the sea turtle *Caretta caretta* during its breeding period and the deterioration or destruction of its breeding sites. Consequently, the Commission's application must also be granted on this point.

40.

In the light of the foregoing, the Court finds that by failing to take, within the prescribed time-limit, the requisite measures to establish and implement an effective system of strict protection for the sea turtle *Caretta caretta* on Zakynthos so as to avoid any disturbance of the species during its breeding period and any activity which might bring about deterioration or destruction of its breeding sites, the Hellenic Republic has failed to fulfil its obligations under Article 12(1)(b) and (d) of the Directive.

### **Costs**

41.

Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings. Since the Commission has applied for costs and the Hellenic Republic has been unsuccessful, the latter must be ordered to pay the costs.

On those grounds,

THE COURT (Sixth Chamber)

hereby:

**1. Declares that by failing to take, within the prescribed time-limit, the requisite measures to establish and implement an effective system of strict protection for the sea turtle *Caretta caretta* on Zakynthos so as to avoid any disturbance of the species during its breeding period and any activity which might bring about deterioration or destruction of its breeding sites, the Hellenic Republic has failed to fulfil its obligations under Article 12(1)(b) and (d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;**

**2. Orders the Hellenic Republic to pay the costs.**

Macken  
Gulmann  
Puissochet

Schintgen

Cunha Rodrigues

Delivered in open court in Luxembourg on 30 January 2002.

R. Grass

F. Macken

Registrar

President of the Sixth Chamber

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1: Language of the case: Greek.



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