



GOVERNMENT BILL UNDERMINES GREECE'S NATIONAL PARKS

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The big picture: Greece refuses to protect its Natura 2000 biodiversity hotspots

Greece has been failing to legally protect its most important biodiversity hotspots: the Natura 2000 areas. This inexcusable and prolonged delay violates EU nature protection law (the Habitats Directive) and has cost Greece a humiliating legal defeat in the EU Court of Justice (case [C-849/19](#)).

The legal obligation of Greece towards its Natura 2000 areas includes the completion and official endorsement of special environmental studies for all sites and the legislative approval of conservation measures and land uses through presidential decrees. For a country whose politicians detest planning, this has proven to be a colossal challenge.

In 2020, the Ministry of Environment and Energy radically overturned the system of setting land uses and activities within protected areas. The new law (4685/2020) endorsed a lengthy list of permitted land uses and activities which are largely incompatible with, and in essence negate, the very objective of effectively conserving vulnerable habitats and species, especially in areas that, due to their ecological importance, require strict protection. It also essentially canceled the top conservation category of “absolutely protected zones”, since it allowed for the filling of these sensitive areas with land uses that were totally irrelevant with the conservation management needs of the ecosystems.

New bill in Parliament: a mockery of nature conservation legislation

The bill that was introduced in Parliament on Friday 22nd July, after a very short period of public consultation, significantly weakens the existing legal framework, dispensing with important environmental safeguards and leading to legal uncertainty.

It should be noted that the decision of the Ministry of Environment to hold a public consultation for only 7 days (extended to 12 days following protests by environmental NGOs and citizens) clearly denied

the public the established right to participate meaningfully and effectively in environmental law-making processes on issues that affect them directly.

With respect to protected areas, the bill vitiates the already problematic legal framework established by Law 4685/2020 and fails to provide the required safeguards for the adoption of the necessary and appropriate conservation measures as required by EU biodiversity law (Directives 92/43/EEC and 2009/147/EE).

In particular, the key problematic provisions of the bill for protected areas are the following:

- **New and harmful land uses in the protection zones:** Following serious concerns raised by environmental NGOs and citizens during the public consultation process, the Ministry of Environment withdrew certain clauses which allowed harmful land uses within zones of strict protection. Despite the positive aspect of these changes, the bill continues to allow the existence of certain land uses which are incompatible with the required protective regime. For example, free pasture and recreational fisheries are allowed in areas of absolute protection, whereas electricity storage and transmission facilities and renewable energy facilities can be developed within areas of nature protection. All extractive activities (including for hydrocarbon) are allowed in the other two zones of protected areas.
- **Amendment of land use (33):** the bill adds “facilities for the production of electricity from fossil fuels” to land use (33) and permits this use in three out of the four protection zones (except in the “absolutely protected zone”). This type of facilities are entirely unacceptable in protected areas and their construction and operation are inconsistent with the objective of protecting and preserving significant and vulnerable habitats and species.
- **Exclusion of certain areas from the scope of the protective regime:** The bill excludes from the scope of Special Environmental Studies (which are the scientific basis for the development of conservation measures) and from the presidential decrees certain areas which are subject to existing spatial planning regulations regardless of their compatibility with the ecological needs of the protected habitats and species.
- **Continuation of existing projects and activities:** The bill prescribes that existing land use and activities remain in the protected areas after the approval of conservation measures, even in the absolutely protected areas, thus cancelling the very essence of nature protection law. These provisions of the bill fail to take into account the ecological needs of the protected habitats and species, as required by EU law, and creating thus a *fait accompli* for the content of the protective regime.

In [our comments](#) in the public consultation and in our oral and written submissions to the parliamentary process, we have asked for the withdrawal of these provisions and the initiation of a process of technical discussions and public consultations for the determination of permitted land uses within protected areas in line with international best practice, with the view to strengthening and facilitating the ongoing process for the adoption of conservation measures for all Natura sites.

The enactment of this bill and the continuation of Greece’s failure to proceed promptly and appropriately with the adoption of the necessary conservation measures are likely to lead to a new referral to the Court and the imposition of a fine.

The bill also includes various other provisions that further weaken the legal framework for the protection of the environment in Greece. For example, as regards environmental permitting, the bill provides that the EIA assessors will be paid directly by the investor of the project, in contradiction to EU law which requires that there should be no conflict of interest among the competent authorities involved in the process. The bill also introduces a new system for the development of offshore wind parks disregarding the ongoing process for the development of MSP as required by EU law (Directive 2014/89/EU) and that the Commission has already initiated an infringement process against Greece for failing to comply with this Directive.

WWF Greece is asking the government and the ministry to withdraw the chapters of the bill concerning protected areas. The government must take immediate action to fulfill its obligations under EU biodiversity law and complete the legal protection of Natura 2000 sites as soon as possible.