



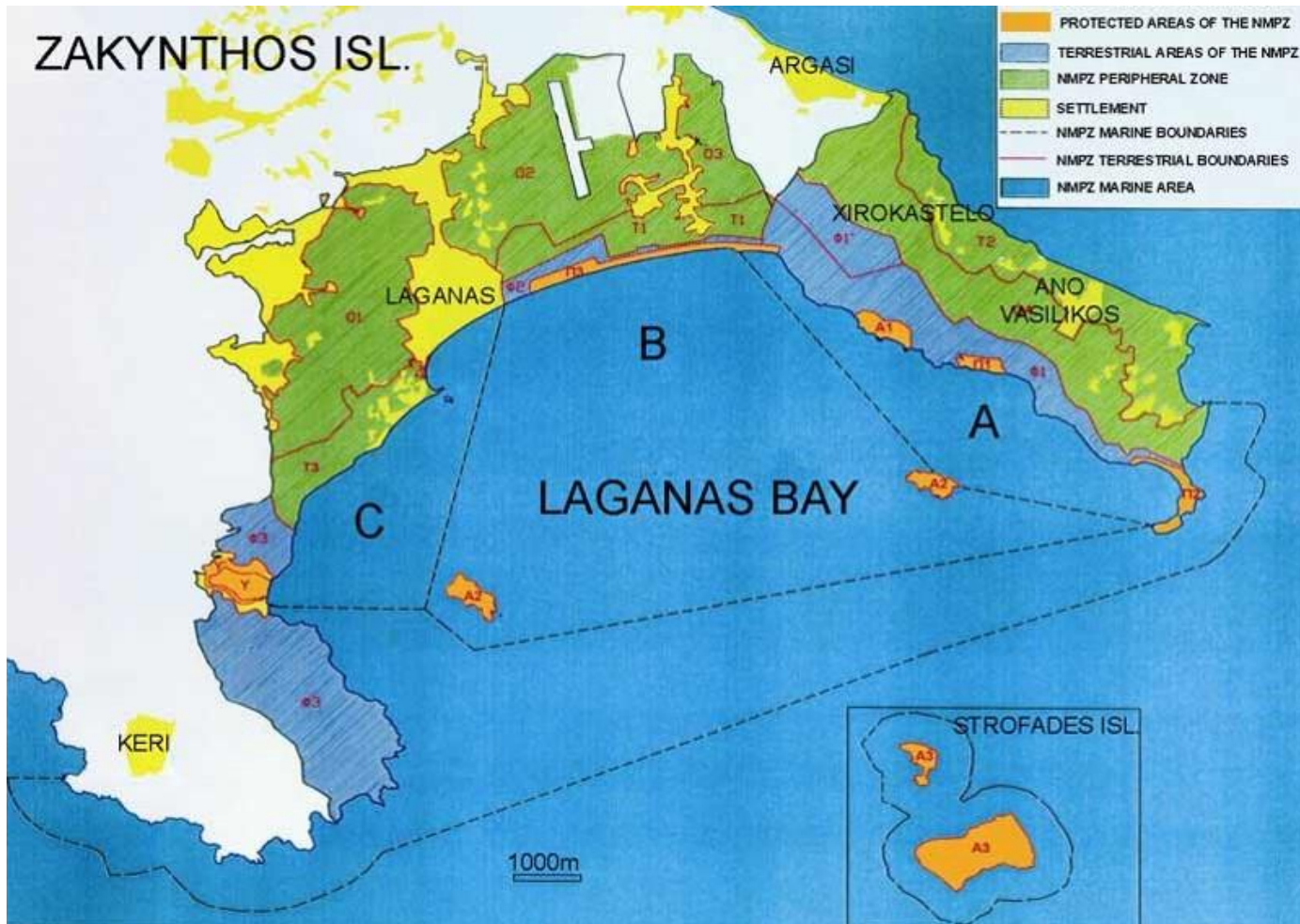
# Agenda Item 6.1: Files Opened

Greece: Recommendation No. 9 (1987)  
on the protection of *Caretta caretta* in  
Laganas bay,  
Zakynthos

44<sup>th</sup> Meeting of the Standing Committee  
Bern Convention

2<sup>nd</sup> December – 6<sup>th</sup> December 2024

# Violations of National and EU Legislation & Lack of Enforcement of Zakynthos National Marine Park (ZNMP) Protection Measures



Maritime zones of the NMPZ

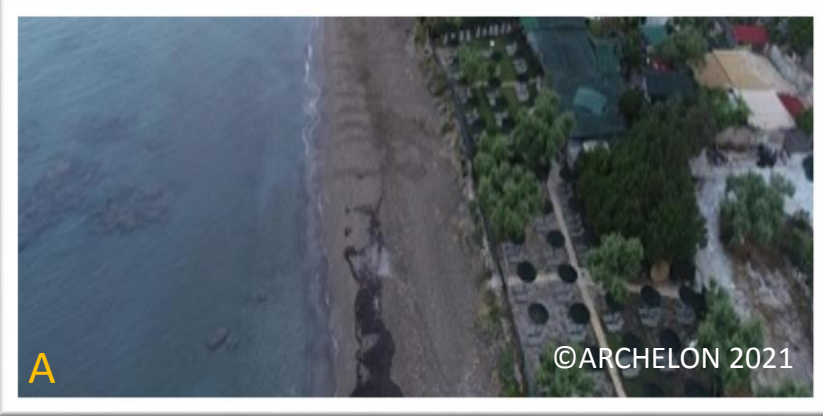
## Zakynthos (Laganas Bay)

- Hosts one of the largest Loggerhead sea turtle breeding aggregations in the Mediterranean (Av. **1230\*** nests/yr). During the 2024 nesting season over **2400\*** nests were recorded
- Nesting primarily occurs along six beaches, approx. 5.5km long
- The ZNMP was established in 1999 and the Management Agency (MA) in 2000

\* Data provided by ARCHELON



## (Measure No 1) Remove the prefabricated houses in Daphni Illegal Constructions & lack of compliance



A) The houses are no longer temporary and prefabricated, but modern and permanent structures. It must be noted that the proposed SES designates Daphni beach as a Nature Protection Zone (NPZ-14), allowing however beach bars of up to 50m<sup>2</sup> to operate. This provision is not only inconsistent with the protection of sea turtles and the preservation of the nesting beach, but it also attempts to legitimize a de facto (illegal) situation that has remained stagnant for decades.



B) The sand dune system has been destroyed by the illegal businesses of taverns and accommodation.



C) More than 800 sunbeds, non-indigenous plant species and showers, still exist on the land directly behind the nesting beach. No warden presence during our visit at the beach of Daphni.

## (Measure No 1) Remove the prefabricated houses in Daphni Illegal Constructions & lack of compliance



### Maximum number of visitors permitted was greatly exceeded:

Daphni: 206 people present on 2<sup>nd</sup> July 2024 at 17:05 instead of 100 permitted.

No measures for maintaining safe distances of visitors from nests

Public shower (red circle) in close proximity to nests causing the watering of nests

No protective management measures (ropes, zoning) present on beach to ensure safe distances between visitors and nests (white circles) are maintained.

According to data by ARCHELON, Between 1984 and 2002, Daphni beach hosted the second highest number of nests on Zakynthos (average 150 nests/year). Since then, nest numbers have significantly decreased (average 94 nests/year; 2003-2023). In 2024, only 42 nests (preliminary data) were identified.

**(Measure No 5) Remove trees and ban and penalize the use of deck chairs, sunshades and pedalos on the nesting beaches of Gerakas, Kalamaki, eastern Laganas and Marathonisi**



**A,B) Kalamaki beach 1<sup>st</sup> July 2024.** Tourists harassing a sea turtle on the beach with a torch (A) and by touching the shell (B).



**C,D) No sunbeds were observed being removed from the front of the beaches at night;** some were placed on their sides *in-situ*. Some parts of the sand dune system at eastern Laganas beach has been destroyed by the illegal businesses' sunbeds

The documented failure to remove beach furniture and water sport equipment from the front of the Zakynthos nesting beaches, increase obstacles to females attempting to reach suitable nesting areas and prevent emerging hatchlings from reaching the sea.

## (Measure No 5) Remove trees and ban and penalize the use of deck chairs, sunshades and pedalos on the nesting beaches of Gerakas, Kalamaki, eastern Laganas and Marathonisi



A) At 10:00 a.m. on 2<sup>nd</sup> July 2024, 13 boats were anchored at the nesting beach of Marathonisi, greatly exceeding the maximum limit of 10 boats at any one time.



B) Private boats illegally anchoring in the ZNMP maritime Zone B, in the nearshore waters of Laganas East nesting beach.

According to data by ARCHELON, over the last years nest numbers on Marathonissi show a significant decrease. From 2005 to 2023, the average number of nests was 63 nests/year, while in the period from 1984 to 2004 121 nests were recorded per year.



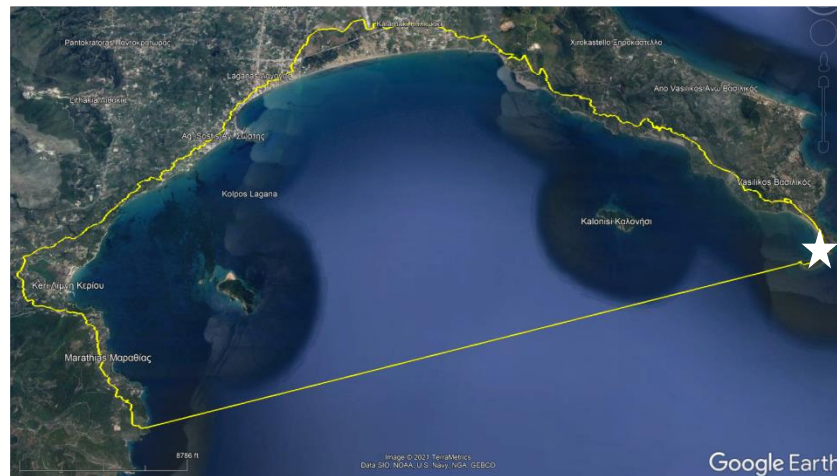


## Gerakas - Illegal constructions & lack of compliance



Two illegal buildings behind Gerakas nesting beach constructed in 2017 have not been demolished.

The site has not been restored, despite the issuance of fines by the competent authority.



The Natura 2000 site GR2210002 is enclosed by the yellow line. Boundary taken from <https://natura2000.eea.europa.eu/>. White star on map insert shows location of illegal buildings within the Natura 2000 site.

## Illegal landfill not restored



The saturated illegal landfill that operated within the ZNMP boundaries and the Natura 2000 site has yet to be restored since it stopped operation in December 2017.

The restoration of the landfill is still in its early stages (planning & licencing); it's currently in the final process of being granted an EIA permit, later to be followed by a public procurement process.

On the 16<sup>th</sup> of November 2023, the European Commission decided to refer Greece again to the Court of Justice of the European Union for failing to restore the landfill on the island of Zakynthos within the Natura 2000 protected area. In 2024, the situation remains unchanged.



# VIOLATIONS OF NATIONAL LEGISLATION – ILLEGAL DEVELOPMENTS

## Illegal constructions & lack of compliance

- Illegal roads between Daphni and Gerakas beaches were constructed in **2015**, expanded in **2018** and have not been demolished yet.



- The perpetrator continued the roadworks in January **2021** despite the fine of 200.000 euros imposed.
- In April **2022**, following an administrative appeal by the landowner, the fine was scandalously reduced from **200.000 to 10.000 euros**.
- MEDASSET and WWF Greece immediately lodged a legal action in the Administrative Court of First Appeal in Corfu, against the fine reduction. However in **January 2024**, the fine was revoked by a different administrative court in Ilia, which lacked jurisdiction and without the prior notification of MEDASSET and WWF of this legal action!
- In **April 2024**, MEDASSET and WWF Greece lodged third-party proceedings against the Ilia administrative court's decision to revoke the fine due to the interventions that took place in 2018.
- In **July 2024**, the criminal court found the owner guilty of environmental degradation due to the interventions that took place in 2018.
- In **September 2024**, the case of the environmental NGOs was discussed before the administrative court of Pyrgos (Ilia). The Corfu administrative court's hearing is scheduled for April 2nd, 2025.



# Insufficient presence of wardens resulting in a lack of enforcement of protective management measures on nesting beaches:



## Violations of restricted access to the nesting beaches

- At sunset, two wardens were observed actively removing people from Laganas, Kalamaki and Gerakas nesting beaches.
- **Gerakas 1<sup>st</sup> July:** no warden **after the beach closure hours**. We observed people accessing the nesting beach at 21:37.
- No warden at none of the guardhouse was observed at Kalamaki nesting beach **during the night**.
- This results in the presence of visitors on the nesting beaches after sunset, which poses a great risk to nesting activity, as the disturbance can cause the females to abandon their nesting attempt.



Gerakas beach entrance: No warden present after beach closure

# Insufficient presence of wardens resulting in a lack of enforcement of protective management measures on nesting beaches:

## Violations of restricted access to the nesting beaches during the day

### **Marathonisi 2<sup>nd</sup> July 2024**

No warden present when more than 130 visitors were present.



### **Gerakas 2<sup>nd</sup> July 2024**

No warden present at the beach of Gerakas at 14:00 when more than 350 visitors were present, exceeding the maximum number of 250 people allowed.



### **Laganas East 2<sup>nd</sup> July 2024**

Sand sculptures and castles were not flattened, presenting an obstacle to sea turtle hatchlings when crawling to the sea.

# Lack of enforcement of protective management measures on nesting beaches:

## East Laganas – Vrondonero Beach

Horse riders observed over the protected sand dunes. This activity continues to occur unhindered on a daily basis.



Horse riders (red circles) observed over the protected sand dunes. This activity continues to occur unhindered. No warden was present at that time. Nests are shown in white circles.



Agios Sostis 2<sup>nd</sup> July 2024

Non-compliance with the turtle spotting regulations resulting in turtles being harassed in the Bay.

# Lack of enforcement of protective management measures in the Maritime Area:



## Violations of the Bay's Maritime speed restriction (Max. 6 knots)



1<sup>st</sup> July 2024: A sea turtle with propeller strike injuries nesting in Gerakas beach

**Very high risk of trauma or mortality** to sea turtles due to turtle watching, as well as due to the frequent **violation of the speed limit of 6 knots** in Laganas Bay. Out of the 10 longest sea turtle residents (mostly males) of Laganas Bay present in 2024, 8 of them (80%) have experienced a boat collision with visible scars on their carapace. (<https://zakynthosturtles.org>)

During the nesting season in 2024\*:

- 25 incidents of sea turtles strandings have been recorded in Zakynthos
- 5 strandings were within the protected area of Laganas Bay
- 1 case with signs of interaction with fishing gear
- 4 cases with injuries caused by boats
- 20 cases unknown cause of death
- 24 animals were dead
- 1 of the turtles was injured and transferred to ARCHELONs Rescue Center

\* Data provided by ARCHELON

# At National Level



## **Positive development** (law 5037/2023 which amended law 4685/2020):

- NECCA now has investigative powers for environmental violations in its areas of responsibility.

Nevertheless, great **concerns** remain regarding the number of active rangers for sufficient law enforcement.

## **Management plans and presidential decrees for all Natura 2000 sites in Greece, including Zakynthos:**

- In **January 2023**, the Special Environmental Study (SES) concerning Natura 2000 Areas of the Regional Unit of Zakynthos was released for public consultation (13 January – 30 April 2023).
- However the Management Plan has still not been published.
- The proposed SES does not address the ongoing illegal constructions in the existing Protected Zones, but attempts to legitimize them, particularly those involving threats with long-term impact (i.e. the illegal infrastructure on Daphni beach). This legitimization focuses on maintaining the current situation instead of improving protection according to the needs of the protected species and habitats.
- Serious **concerns** remain about the effectiveness of the management measures for the protection of *Caretta caretta*, especially for Laganas Bay nesting beaches and maritime area.

# At National Level

## Seismic surveys

- In 2019, three environmental NGOs (WWF Greece, Greenpeace Hellas and Pelagos) filed an application for annulment before the Council of State
- The hearing of this case took place on November 2nd of 2022. The Council of State issued a final decision rejecting the request for annulment (decision no 2462/2022) hence the seismic surveys continued to be carried out until the **end of 2023** in the area of the Ionian Sea.
- The data obtained from the surveys are being analyzed and a decision will be made on the areas where the drilling for hydrocarbons will be conducted.
- After having exhausted the national legal remedies, in December 2023, WWF Greece, jointly with ClientEarth and Greenpeace Greece, filed a formal complaint to the European Commission against Greece for systematically giving a free pass to oil and gas drilling off Greece's coasts, in breach of EU and national laws.
- MEDASSET and 14 other environmental organizations have requested the immediate cessation of the operations.

Seismic surveys in the area of the Ionian Sea for the exploitation of hydrocarbon resources are a big threat for the marine turtles in the area.

# Conclusions



**Extreme pressure** in Laganas Bay due to:

- Uncontrolled tourism (more than 2 million tourists between May-September 2024)
- Poor implementation/enforcement of national and regional legislation
- ZNMP's Management Unit **lack of financial resources and staffing.**
- Greek authorities (administrative and judicial) unable to enforce appropriate fines for illegal constructions
- Uncontrolled maritime activity



### **Calls on the Greek Government to:**

- **Increase and secure funding** to the ZNMP Management Unit, in particular for increased warden capacity and for the recruitment of scientific personnel. The needs of the Management Unit have increased after it undertook responsibility for a larger area which includes the northwestern coasts, where important habitats of other species exist.
- **Enforce** EU, National, local and NMPZ PD regulations. **Publish** the Management Plan.
- **Impose, implement and enforce appropriate fines and penalties** to deter further illegal activity and distraction.
- **Take action** to stop operation of illegal businesses in Daphni & **restore** the habitat.

### **Calls on the Standing Committee of the Bern Convention to:**

- **Keep open** the case file of Zakynthos, Laganas Bay.
- **Follow-up** through the Greek Government Recommendation No 9, and in particular Measure No 1 regarding Daphni.
- **Perform** an on-the-spot appraisal of Laganas Bay's nesting beaches, in order to update and amend Recommendation No 9.
- Follow-up on the court case against the illegal construction between Daphni and Gerakas beaches<sup>17</sup>



# Thank you for your attention!

This presentation was made possible through the financial support from Aktionsgemeinschaft Artenschutz (AGA), [www.aga-artenschutz.de](http://www.aga-artenschutz.de).