

Strasbourg, 13 March 2018  
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T-PVS/Files(2018)20

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

38<sup>th</sup> meeting  
Strasbourg, 27-30 November 2018

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**Complaints on stand-by**

**Presumed large-scale exploitation and  
marketing of protected marine shelled molluscs  
in Greece**

**- REPORT BY THE COMPLAINANT -**

*Document prepared by  
Archipelagos Institute of Marine Conservation, Greece*

**Convention on the Conservation of  
European Wildlife  
and Natural Habitats**



**COMPLAINT FORM**

***NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.***

Please, fill in this form and send it to the attention of:

**Iva OBRETENOVA**

Directorate of Democratic Governance, Culture and Diversity

Council of Europe

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Electronic Signature

**Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).**

The reason for this complaint is the commercial exploitation and marketing of protected species of molluscs in Greece, including species that are protected by the Bern Convention and other national and international legislations.

As a popular tourist destination, Greece is also known for its seafood. It is widely known to seafood consumers, that numerous seafood restaurants throughout Greece, also serve illegal species of shelled molluscs as a delicacy for demanding costumers. Many species of molluscs can be legally fished and sold in Greece, however the lack of efficient measures for control, monitoring and enforcement by national authorities, make the trade of illegal species possible and also widespread. Restaurant owners are willing to poach illegal molluscs in order to please their demanding clients.

In order to gain an understanding of the extent of this problem, a brief investigation was conducted in April and May 2017 by a researcher, contacting 70 seafood restaurants as a tourist agent who wanted to make a reservation for a large group of potential customers. The researcher inquired about the availability of selected protected species of shelled molluscs. Of the investigated restaurants, 80% (56 out of 70) were either already merchandising these illegal mollusc species, or were willing to do so, provided that the customer gave at least two days' notice. The most common illegal shellfish species present in many restaurants' regular menu was the date mussel *Lithophaga lithophaga*, which is included in Annex II of the Bern Convention. *Charonia tritonis variegata* and *Tonna galea* are two more species included in Annex II of the Bern Convention that were reported as frequently available upon request. Another protected species that was frequently reported as merchandised was *Pinna nobilis* (a species that is not included in the Annex II of the Bern Convention, but we strongly believe that it ought to due to its protection status by the Barcelona Convention (Annex II), EU Habitats Directive- Annex IV).

The merchandising of *Lithophaga lithophaga*, *Charonia tritonis variegata* and *Tonna galea* constitute violations of article 6 of Bern Convention, which specifies that the Contracting Parties shall take all "appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II". It is further specified that each Contracting Party shall, as appropriate, prohibit the possession or sale of these species and that all forms of deliberate capture and keeping and deliberate killing is obviously prohibited as is the internal trade in such species (alive or dead).

**1. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)**

Date mussel: *Lithophaga lithophaga*

Giant tun: *Tonna galea*

Triton's Trumpet: *Charonia tritonis variegata*

These species are listed in Annex II of the Bern Convention.

Geographical area concerned: Aegean Sea

**2. What might be the negative effects for the specie/s or habitat/s involved?**

Considering that this investigation focused only on a small number of restaurants the vast majority of which were found to serve protected species, it is inferred that the actual number of restaurants carrying out such illegal practices could be alarmingly greater. Therefore the commercial overexploitation of these protected species, due to inefficient control and enforcement practices, could pose a major threat to the populations of these species in Greek waters.

Furthermore harvesting *Lithophaga lithophaga* results in habitat degradation since the divers collect them using sledgehammers or jackhammers in order to break the limestone within which this species lives. Such fishing practices are highly destructive for the benthic assemblages as they eradicate sessile animals and algae, alter biotic interactions and favor local increase of sea urchin populations and the persistence of barren rocks. In addition, as this mussel species required many decades to develop into a commercially exploitable size, such illegal fishing practices cause a major impact to its populations.

**3. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?**

*Lithophaga lithophaga*: Habitats Directive (Annex IV), Barcelona Convention (Annex II)

*Tonna galea*: Barcelona Convention (Annex II)

In addition to the above, *Pinna nobilis* was found to be the second most popular protected mussel (after *L.lithophaga*) served in most of the seafood restaurants we listed. It is not included in the Bern Convention, but it is protected by the Habitats Directive (Annex IV) and the Barcelona Convention (Annex II).

**4. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?**

Complaint n° 2014/6 on large scale exploitation and marketing of protected marine shelled molluscs in Greece

**5. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)**

To illustrate the extent of the problem of the illegal trade of protected species of molluscs by Greek seafood restaurants, an online search was conducted, complementary to the aforementioned research, which resulted in identifying over 100 websites of restaurants advertising illegal species among the species they served.

The names of the restaurants investigated, contact information and photographs downloaded from the web are available upon request.



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# PRELIMINARY ASSESSMENT OF THE COMMERCIAL EXPLOITATION OF PROTECTED MARINE INVERTEBRATE SPECIES IN SELECTED GREEK RESTAURANTS

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## Introduction

Commercial exploitation and marketing of protected marine invertebrate species is a widely known problem throughout Greece, especially in coastal regions. The most popular species of protected marine invertebrates served as delicacies in Greek seafood restaurants are: *Lithophaga lithophaga*, *Pinna nobilis*, *Tonna galea* and *Charonia tritonis variegata*, while undersized fish are also frequently served illegally as a delicacy known as “gonos”. In some of these restaurants, the aforementioned illegal species are listed in their menus, whereas in others they can be made available upon request.

In Greece, there are many marine invertebrate species that are legally commercially available. However, the lack of an efficient control and enforcement scheme makes poaching of protected species possible and frequent.

Following the negative responses and overall outcome of the Complaint submitted to Bern Convention n° 2014/6 by Dr. Katsanevakis, this study was carried out with the aim to provide further understanding of the true extent of the problem in the Greek market.

These protected, edible shells were legally exploited until the early 80s’ and since then their harvesting is banned due to population declines (e.g. *P. nobilis*) or destructive fishing methods (e.g. *L. lithophaga*).

The date mussel *L. lithophaga* is an indigenous Mediterranean species which inhabits limestone outcrops and their harvest greatly damages these habitats. Fishermen and divers who specialize in *L. lithophaga* fishing use special sledgehammers or high-pressure water guns to break these rocky formations, causing an extensive destruction of littoral ecosystems. In addition, as this species is characterized by an extremely slow growth rate (0.2cm/year), the time needed to grow to an edible size could exceed 50 years. These highly destructive fishing practices undoubtedly have further negative implications for neighboring ecosystems and species.

The aforementioned species are protected by the existing legislation for the conservation of marine species, which include: the European Habitats Directive (92/43/EC), the Bern Convention, the Protocol for Specially Protected Areas and Biological Diversity in the Mediterranean of the Barcelona Convention and national regulations (several Presidential Decrees).

## Methodology

During April and May 2017, seventy popular seafood restaurants in the Athens and Piraeus region were approached by a researcher acting as a tourist agent who wanted to make a reservation for a large group of potential customers. In order to make the reservation, the researcher asked for the regular menu of the restaurant and the availability of other common commercial species, as well as selected protected species, such as *L. lithophaga*, *T. galea*, *P. nobilis* and *C. tritonis variegata*. To acquire the information needed, the state of protection of the species was not mentioned.

## Results

The results showed that the majority (80%) of the investigated restaurants either had protected species on their regular menu, or were willing to acquire species requested from the customer when given a few days' notice. As was explained by those restaurant managers eager to sell protected species, they hired (mainly non-professional) fishermen, divers or spear-fishermen to provide the illegal species that were ordered within 1-3 days of notice, despite the fact that the commercial use of any fish caught while spear-fishing is prohibited and catching fish while scuba diving is also prohibited. As was characteristically stated by one of the restaurants manager: “*We are happy to serve you anything the sea provides*”.

From the restaurants assessed, 36% had *L. lithophaga* on their regular menu, along with the delicacy known as “gonos”, which comprises undersized fish or shrimps. Available upon request in many restaurants (67%) were also *P. nobilis*, *L. lithophaga*, *Tonna galea* and *C. tritonis variegata*.

Fifty-six of the seventy seafood restaurants investigated possessed illegal species in their menus, or were willing to obtain them upon request when given early notice. Only fourteen restaurants both denied trading protected species and stated that they are not willing to trade illegal species.

The protected species served in seafood restaurants enlisted by their availability (on regular menus or upon request) are shown on the table below.

**Table 1: Number of restaurants serving protected species of seafood**

Species	No. of restaurants serving protected species on regular menus	No. of restaurants serving protected species upon request	No. of restaurants refusing to serve protected species
<i>Tonna galea</i>	2	7	14
<i>Lithophaga lithophaga</i>	25	21	
<i>Pinna nobilis</i>	9	18	
<i>Charonia tritonis variegata</i>	/	16	
Undersized fish/shrimps (“gonos”)	9	/	

## Conclusion

The results of this research illustrate that there is a lack of an effective enforcement mechanism to safeguard protected marine invertebrates from commercial exploitation in Greece. As this preliminary survey targeted only a limited number of restaurants, it is expected that the total number of restaurants selling protected species of seafood will be consistently higher. It is therefore a crucial priority that the gaps in the enforcement of the national and EU legislation, as well as the international conventions that are protecting these specific marine invertebrate species, are efficiently addressed. At the same time, a targeted environmental awareness campaign is also necessary in order to raise awareness among consumers and reverse the mentality of non-compliance, as frequently consumers are not aware of the protection status of these species.

*Details of the restaurants surveyed in this study can be available upon request.*