Strasbourg, 1 March 2025 **T-PVS/Files(2025)1995-06_comp**

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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Standing Committee

45th meeting
Strasbourg, 8-12 December 2025

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Bureau of the Standing Committee

8-10 April 2025
Strasbourg

Open File: 2010/05

Threats to marine turtles in Thines Kiparissias (Greece)

-COMPLAINANT REPORT-

Document prepared by MEDASSET and ACHELON

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Mr Carl Amirgulashvili
Chair Standing Committee of the Bern Convention Ms. Jessika Roswall Commissioner for Environment, Water Resilience and a Competitive Circular Economy

13 February 2025
Our Ref. 04.2025

Re: Update in relation to Open File 2010/05: Greece: Threats to marine turtles in Thines Kiparissias

Dear Mr Carl Amirgulashvili,
Dear Ms. Jessika Roswall,

MEDASSET, in collaboration with ARCHELON, hereby submits an update in relation to the Open File 2010/05: Greece: Threats to marine turtles in Thines Kiparissias, to be addressed at the 2025 spring meeting of the Bureau (8-10 April).

A brief summary of the case follows:

The threats recorded at Kyparissia Bay were first reported by MEDASSET's complaint and supportive evidence by ARCHELON, submitted on 22 August 2010, for the 30th Standing Committee Meeting of the Bern Convention. We have been recording the same threats for fourteen years now, namely, ongoing construction of illegal buildings along the coastline, continued planting and farming of alien species on the nesting beaches and dunes, nearshore fishing, unimpeded vehicular access to the nesting beaches, lack of beach furniture management, and light pollution. Moreover, contracts signed for the exploration and potential extraction of hydrocarbons in the adjacent marine protected areas now constitutes a significant additional threat. Consequently, the Greek State since 2012, confronts a Reasoned Opinion from the European Commission (Infringement No. 2011/2156, Reasoned Opinion dated 27/09/2012), along with a number of developments, including:

- Specifically, Greece is accused of failing to protect (a) the loggerhead sea turtle, a species listed in Appendix II of the Convention, and (b) the dunes. Following an inspection during the nesting season in 2014 (1416/07/2014) by Convention representatives, along with Greek state

representatives, the Convention's Standing Committee unanimously adopted Resolution No. 174/2014 during its December 2014 meeting.

- In March 2014, Greece was referred to the Court of Justice of the European Union (CJEU) for violations of Articles 6(2) and (3) and 12(1b and 1d) of Directive 92/43/EEC (Case C-504/14). The case was heard on 13/01/2016, and the CJEU issued a ruling against Greece on 10/11/2016 for the above-mentioned violations.
- As part of the process of issuing a Presidential Decree for the Kyparissia Bay (which was eventually issued in October 2018, Government Gazette D 391/03-10-2018 and D 414/12-10-2018), the Council of State reviewed several draft decrees, issuing Decisions No. 32/2015, 175/2017, and 80/2018. Furthermore, following the issuance of the Decree and the submission of seven annulment requests, the Council of State issued decisions No. 164/2021 through 170/2021, dismissing the annulments and validating the Decree.

General Comment: In all the above documents, decisions, and resolutions, it has been repeatedly emphasized that, despite the area's exceptional ecological significance, the State has been dramatically slow in taking necessary protection and management measures, resulting in the gradual degradation of the dune habitats and the critical sea turtle nesting beach. It is therefore surprising that in 2024 (12 years after the Reasoned Opinion, 10 years after the Bern Convention's Resolution, and 8 years after the CJEU ruling) OFYPEKA/NECCA (which is through its Management Unit of the National Park of Wetlands of Kotychi, Strofylia and Protected Areas of Western Peloponnese responsible for the management and protection of the habitat) commissioned and adopted the study namely, "Study of Adequate Assessment of the Impact from Roads and Constructions in the NATURA GR 2550005 Area 'Thines Kyparissias – Neochori - Kyparissia" (enclosed), which attempts to argue that the impact of developments in the core nesting area (from the Arcadikos River to the Neda River, approximately 9.5 km long) is insignificant (kindly see p. 118, Chapter 5.1 of the study). Specifically, the study claims that the impact on the loggerhead sea turtle is "neutral," meaning nonexistent (see p. 113, Chapter 4.5.2), and that there has been no degradation of the dunes' habitats, only a local loss that can be restored at minimal cost (see p. 117, Chapter 4.5.3).

What we expected from OFYPEKA/NECCA, as part of its legally mandated purpose to protect and manage Greece's protected areas, was to conduct restoration studies for the degraded habitat types, prioritize checking the legality of the constructions (roads, houses, etc.) within the core habitat area, and, in the case of illegal constructions, to ensure their demolition in collaboration with relevant authorities (in application of article 8, paragraph 4 of the Presidential Decree on Kyparissia Bay). Moreover, it should undertake management actions to reduce the pressure exerted on the protected area by uncontrolled human activities (free camping, vehicles on the beach, fishing, etc.). Instead, OFYPEKA/NECCA chose to adopt the study that, without examining the legality of the constructions, tries to convince that these developments have no impact on the habitat. The study clearly shows the State's intent to consolidate the illegal status quo in the Southern Kyparissia Bay. Additionally, it undermines the Kyparissia Bay Presidential Decree, which designates the coastal area behind the turtle-nesting beach as a Nature Protection Area (except for the Kalo Nero settlement) and prohibits construction, including roads.

Given that a new Special Environmental Study (SES) for Kyparissia Bay is currently being prepared, accompanied by a new Presidential Decree (a fact acknowledged in this study, see p. 119, Chapter 5.1), it is clear that the goal is to close the files of the Bern Convention (complaint No. 2010/5) and the CJEU (Case C-504/14), to end Greece's "embarrassment" and avoid fines. There is no intention to assess the legality of the existing constructions, nor to demolish those found to be illegal, **i.e. there is no intention to implement the current Presidential Decree**. On the contrary, this desperate attempt by the study to characterize the effects of the projects (roads, houses, etc.) as non-existent or negligible on the habitat, brings back to the fore the plans that existed in the past for the intensive construction of beach holiday homes (villas with swimming pools) right behind the nesting beach.

Specific Comments:

1. It is particularly striking how the study repeatedly (see, for example, pp. 94, 95, 98, 113) tries to justify the lack of impact on the habitat and especially on the sea turtle by referencing the observed increase in nests over recent years. Since 1992, ARCHELON has implemented a systematic nest protection program in the core habitat area, primarily protecting nests from predation and inundation, with methods recognized under international protocols. Up until then, these two natural causes caused losses of 50% and 30%, respectively, of the total number of turtle eggs. The ARCHELON project received support from a LIFE program with main objective the recovery of the turtle population that reproduces in Kyparissia Bay. From the year 2006 onwards – i.e. after 15 years from the start of mass protection - a gradual increase in the number of nests (and therefore of adult females) began to be observed. Parallel analysis of turtle tagging data over the same period showed an increase in the percentage of "new" turtles, i.e. of turtles laying eggs for the first time. These two facts, combined with the age of onset of maturity of *Caretta caretta* in the Mediterranean, suggest that the observed increase in nests (and adult female turtles) is due to the drastic reduction in predation and flooding (due to the massive protection measures that began to be taken since 1992 by ARCHELON), resulting in a large increase in the number of hatchlings entering the sea each year (in the period 2006-2024 the average of nests/year is 2,145 nests, compared to the period 1994-2005 in which it was 552 nests/year). In 2024, the record number of 6,700 nests was recorded in the core of the nesting area (according to preliminary data from ARCHELON), which is due to the active response of population after the mitigation of the severe natural threats (predation, inundation). The above is also accepted by the study (see for example pp. 88, 89 where reference is made to the natural threats of flooding and predation). However, the study erroneously connects the observed increase of nests to the non-impact of anthropogenic threats and in particular to constructions (roads, houses, etc.) and leads to obviously incorrect conclusions about the supposed non-existence of an impact of constructions on turtles.
2. Although the study (p. 11, Chapter 1.1) acknowledges that Kyparissia Bay is the largest nesting habitat for *Caretta caretta* in the Mediterranean, it does not explicitly address the habitat's importance for the species' conservation at national and regional levels. The omission of published comparative data downplays the critical role of this habitat in maintaining the species on a national and regional level. According to the latest available comparative data from all Mediterranean countries, the Southern Kyparissia Bay (i.e. the core of the habitat, 9.5 km long) hosts 42.2% of all *Caretta* nests in Greece, and 33.2% of nests in the territory of the European Union[1]. It is estimated that these percentages have now increased due to the surge of nests in the last 6-7 years in Kyparissia Bay that were not accounted for in the last comparative study[1]. The absence of published comparative data gives the impression that the study tries to downplay the crucial importance of this habitat for the good conservation status of the species at national, European and Mediterranean level. Normally, in a study carried out on behalf of OFYPEKA/NECCA, the reader would expect that, given the importance of the habitat, especially its core area, the study would treat any interventions with due rigour, aiming precisely at achieving good conservation status, at least in the core of the habitat. Unfortunately, however, the study goes in exactly the opposite direction, trying to present the effects of the interventions as non-existent.
3. The reader is also surprised that nowhere in the study is there any mention of the rest of the coastal front of the Kyparissia Bay, which is located outside the core area, i.e. the section

[1] Casale, P. *et al.* (2018) 'Mediterranean Sea Turtles: Current knowledge and priorities for conservation and research', *Endangered Species Research*, 36, pp. 229–267. doi:10.3354/esr00901.

between the rivers Neda to the south and Alphios to the north (hereafter referred to as North Kyparissia Bay, approximately 36 km long). The complete lack of any reference to the large number of *Caretta caretta* nests recorded also in this part of the Bay (in 2024, according to preliminary data, ARCHELON recorded more than 1.200 nests in 5 km of beach north of the river Neda), proves that the aim of this study is not to record human interventions, their scientific evaluation and the attempt to manage the pressures so that the habitat (as a whole, i.e. South and North Kyparissia Bay) will have a good conservation status in the future. The sole objective of this study is to close the files of the Bern Convention (complaint No 2010/5) and the Court of Justice of the European Union (case number CJEU C-504/14), so that the "vilification" of the country and the threat of fines cease. However, taking into account the outstanding importance of the Kyparissia Bay for the conservation of the loggerhead sea turtle at national, regional and Mediterranean level (cf. 2 above), it becomes clear that both the Southern Kyparissia Bay (core area) and the North Kyparissia Bay must be effectively protected from existing pressures and threats, otherwise, despite the intensive efforts of ARCHELON, MEDASSET and other environmental organizations, the viability of the nesting habitat will be jeopardized and the observed recovery of the *Caretta caretta* breeding population may be reversed in the medium term.

4. The study itself falls into serious contradictions, because in the section on threats to sea turtles (see p. 40ff, Chapter 3.1.9, Table 8) it acknowledges that threats F01, F03, F05, F07, F24, F25 are of high importance/assessment for the species within GR2550005 (within GR2550005 the entire core habitat is located), however in the following chapters (see. p. 94 to 106) presents the impact as 'neutral', i.e. nonexistent, trying to convince that all these interventions have no impact on sea turtle nesting.
5. Section 4.1 of the study presents the existing construction works (see pp. 54ff., Image 8). From their spatial distribution (see Image 8), it becomes evident that the entirety of human pressures is located on or directly behind the nesting beach, throughout the core area, a fact that is not reflected in the study's text. Because if it were clearly stated in the text, it would make even more evident that the study's conclusions about the absence of any impact are incorrect and manipulated. The impact of the constructions, both on the sea turtle and on the dune habitat, if considered cumulatively and not individually, can be anything but "neutral" or insignificant, as they occur almost throughout the length of the core habitat. This fact is not mentioned clearly anywhere in the study, which tries to present the impacts as nonexistent.
6. In Section 4.3.3 (see pp. 90ff.) of the study, the historical state of the habitat from 2007 to 2024 is presented, and, of course, using maps (see Images 20, 21, and 22), the researchers attempt to convince that the habitat remains unchanged and, therefore, that the impacts on the protected objects are zero.

   What the study fails to mention, however, is that many of the houses built in the area from Agiannakis in the north to Vounaki in the south (see Image 21) were constructed before 2007. Similarly, the roads in Agiannakis and Elaia (paved for years) pre-existed 2007. Likewise, the forest road (parallel to the beach, see Image 20, indicated by red arrows) connecting Agiannakis with Elaia has existed for several decades. It is also surprising why the study does not present older maps, e.g., from the 1990-2000 decade, especially since the Kyparissia Bay was proposed as a Site of European Community Importance in 1997. Also, nowhere in the study are there chronological maps showing the evolution of the habitat on the Kalo Nero beach, i.e., in the southernmost part of the core area. It becomes clear that the study presents fragmented information from specific locations and specific years, attempting to support its erroneous conclusions about zero impacts.

Specifically, for this section of the study, the following must also be noted: On page 92 (both text and Image 20), the reader is confused about which roads are being referred to. The study confuses the roads

of Agiannakis and Elaia (paved for years and pre-existing 2007) with the five illegal roads constructed by the real estate company "NEOS KOTINOS SA" in 2011 and 2012. The same confusion occurs in other parts of the study (see, for example, Section 4.5.2, pp. 114-115). This manipulation not only invalidates the actions of the Ministry of Environment (YPEN-SYGAPEZ) regarding the activation of the Environmental Liability process against the company "NEOS KOTINOS SA" (see p. 14), but will also serve as a "golden" argument for the real estate company in future legal disputes with Greek state authorities (fines, criminal proceedings), and in its ongoing efforts to build villas with pools along the core nesting habitat, right behind the beach.

7. On pages 94ff., the study presents the 14 criteria it examines for the conservation status of the loggerhead sea turtle and the impact of constructions on each of them. Naturally, for the first two criteria (female approach to the beach for nesting and identification of the nesting site), the primary argument for the absence of impacts is the increase in nests, which we analyze in the first special comment. The study is so obsessed with proving that there is no impact that, for the second criterion, it states that the situation would have been worse for the loggerhead without the constructions (see table on p. 96). Similarly, for the fifth criterion (number of nests, see pp. 97ff.), it emphasizes the increase in nests, without, of course, clarifying that the increase is due to the long-term protection actions implemented by ARCHELON. Here, too, the study goes as far as to claim that the situation would have been worse for the loggerhead sea turtle without the constructions (see table on p. 99, where the situation with the infrastructures is rated as "2 - very good", but without the infrastructures, it would be "0 - neutral"). Fortunately, for the sixth criterion (turtle nesting emergences onto the beach), a negative impact is acknowledged. Regarding the eighth criterion (beach erosion), the study argues that the constructions have no impact on the habitat. What the study, of course, fails to mention is a recent publication[2], which examines the sea level rise due to climate change and its impact on sea turtle habitats. In that publication (co-authored by one of the study's researchers), it is acknowledged that Kyparissia Bay will "withstand" the sea-level rise much better than the Zakynthos habitat. In other words, the study omits the fact that, in view of climate change, Kyparissia Bay will have significant importance for the survival of the loggerhead turtle. Finally, regarding the 14th criterion (hatchling path to the sea), while the study acknowledges the negative impact of constructions, in the table on page 105, it considers that the absence of constructions would have had a negative impact (see table on p. 105, where the situation with the infrastructures is rated as "-1 - poor condition," but without the infrastructures, it would be "1 - poor condition"). Regarding this criterion, too, the study fails to mention another recent publication[3], which recognizes that light pollution from artificial light sources reduces the number of hatchlings entering the population, with an example from the Zakynthos habitat, where light pollution causes a 7% reduction of hatchlings reaching the sea.

The fact that the study reaches extremely illogical and erroneous conclusions about the absence of impact on the loggerhead turtle becomes evident from the overall diagram of the 14 criteria (see p. 106), where the potential situation without the infrastructures is presented as worse than the existing one.

[2] Dimitriadis, C. *et al.* (2022) 'Sea level rise threatens critical nesting sites of charismatic marine turtles in the Mediterranean', *Regional Environmental Change*, 22(2). doi:10.1007/s10113-022-01922-2.

[3] Dimitriadis, C. *et al.* (2018) 'Reduction of sea turtle population recruitment caused by nightlight: Evidence from the Mediterranean Region', *Ocean & Coastal Management*, 153, pp. 108–115. doi:10.1016/j.ocecoaman.2017.12.013. [4] Ćulibrk, A. et al. (2025) 'A holistic approach to assessing visitor numbers on protected Natura 2000 beaches: The case of western Peloponnese, Greece', Environmental Impact Assessment Review, 112, p. 107824. doi:10.1016/j.eiar.2025.107824.

8. Regarding the impacts on the dune habitats, the study tries to convince the reader that any loss is purely local in nature and that no degradation of the habitat has occurred (see pp. 107ff. Chapter 4.4, and pp. 117, Chapter 4.5.3). For this conclusion, too, the study's reliability would have been improved had it used maps older than 2007. It should also have referred to the fragmentation of the habitat due to interventions, as in parts of the habitat, dune vegetation is entirely absent.

Conclusion: The study makes it clear to the reader that there is no intention to protect or manage the habitat according to its exceptional ecological significance. The only intention is to close the cases at the Bern Convention and the European Court, whatever the cost to the loggerhead sea turtle, the dunes, and the habitat in general. Unfortunately, in the near future (e.g., in the upcoming consultation on the forthcoming Special Environmental Study and the new Draft Presidential Decree for Kyparissia Bay, or in future criminal courts pending against those who have built illegal structures in the core habitat), the erroneous conclusions of the study will become "golden" arguments in favor of the construction companies that illegally built roads and dream of villas with pools on the coastal front of Southern Kyparissia Bay. Similarly, the erroneous conclusions of the study will become "golden" arguments in favor of those who have flagrantly violated both the Presidential Decree for the protection of Kyparissia Bay and the general environmental legislation for several years.

Moreover, **a recent paper, namely ''A holistic approach to assessing visitor numbers on protected Natura2000 beaches: The case of Western Peloponnese, Greece''**[4] comes to further contribute to our arguments. It is important to note, that the paper, is the result of a study that was as well a commission from OFYPEKA/ NECCA, the Management Unit of Strofylia Wetlands National Park and Protected Areas of Western Peloponnese, to the University of the Aegean, to investigate the carrying capacity of the beaches of the protected areas. The study obviously was delivered to the Management Unit (we were not informed by the Management Unit while we are the focal point of the NGOs in Greece to the official meetings of the Unit, occurring usually every 4 months) but we came across the recent paper.

The key assessment goals of the paper was the compliance of beach usage with the legislative frameworks and the determination of the visitor limits for the 12 protected areas. The scientists investigated the physical carrying capacity (it evaluates available space with environmental legislation and regulations), the real carrying capacity (it incorporates limiting factors like *Caretta caretta* nesting, *Pancratium maritimum*, erosion, sunlight, parking and accessibility) and the efficient carrying capacity (measures crowding levels and beach satisfaction). The conclusions of the paper reveal significant anthropogenic pressure across most beaches studied (The visitation pressures to 5 of the beaches is up to 65% higher than sustainable levels, to 3 beaches moderate conditions with 24% differences, to 3 beaches there were no data due to lack of services in 2023 and to 1 beach the capacity exceeded 2023 visitation) threatening the vulnerable ecosystems of the sand dunes and the sea turtle nesting to prevent encroachment, legal enforcement, and regulation of commercial activities.

To conclude, and in reference to the violations that we presented in the framework of the 44th Standing Committee and the Rec. No 174, no progress have been witnessed to none of the illegal actions nor restoration activities, including illegal constructions of building and roads, destruction of the sand dune ecosystems and hydrocarbons exploration threats. Camping is surprisingly witnessed also during the winter period, as you will see in Figures 1-3 with photos taken in December 2024. Please see our detailed report as presented at the 44th Standing Committee meeting (Strasbourg, 2-6 December 2024) for further information.

We encourage the Bern Convention Standing Committee:

- to take under serious consideration the present letter in view of the 1st Bureau meeting 2025 (8-10 April, Strasbourg) and table the serious matter for discussion.
- to kindly organize the on-the-spot appraisal as soon as possible.

We encourage the European Commission:

- to attend the on-the-spot appraisal in Kyparissia Bay and urge the Greek authorities to conform with the national and EU legislation, impose appropriate and proportionate penalties for non-compliance, and follow up until the restoration of the sensitive areas in order to deter and prevent any further and continued violations throughout the entire protected area, including the area between Dafni and Gerakas beaches in the NMPZ.

We wish to encourage the collaboration between the Bern Convention and the European Commission in following up with the Greek Government on this matter.

We are at your disposal for any further information.

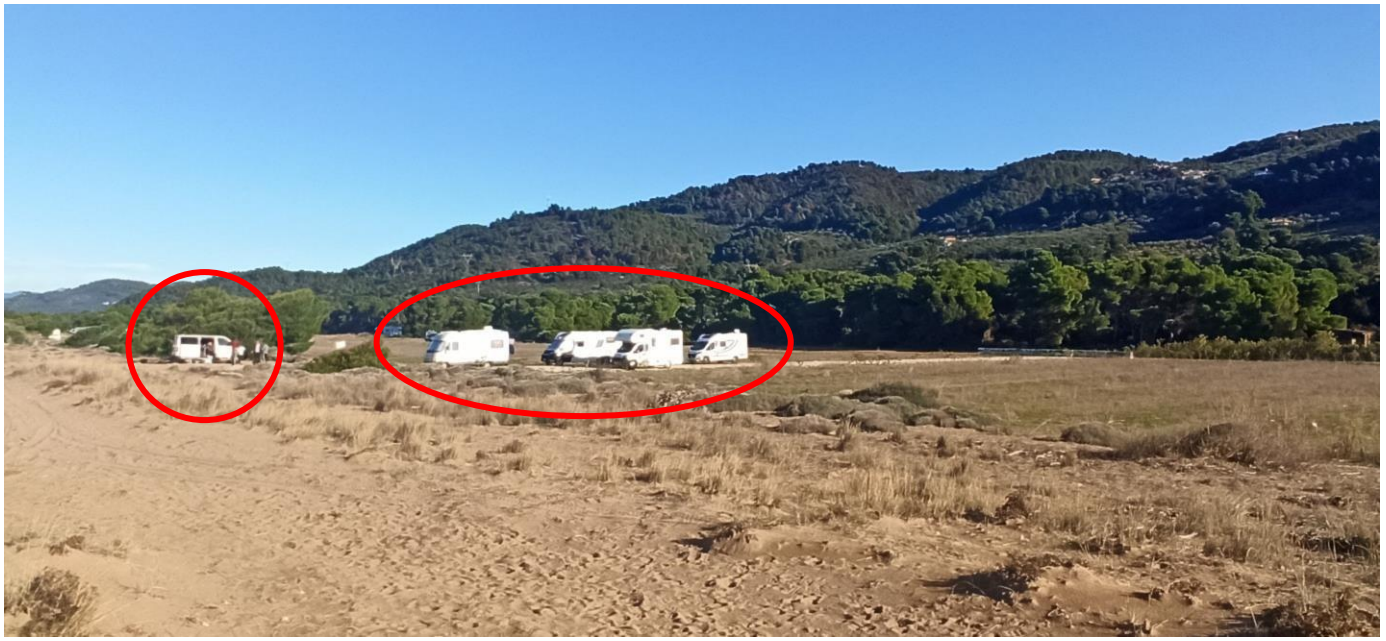
Yours sincerely,

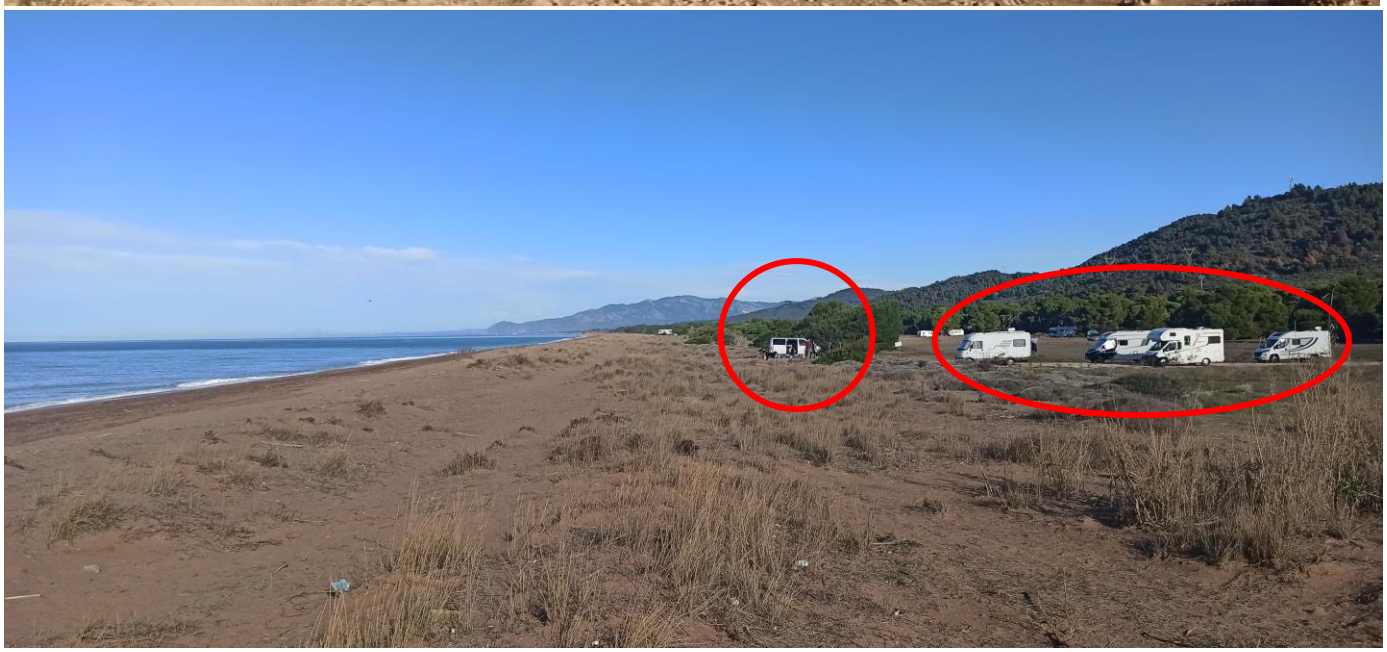
Lily Venizelos.

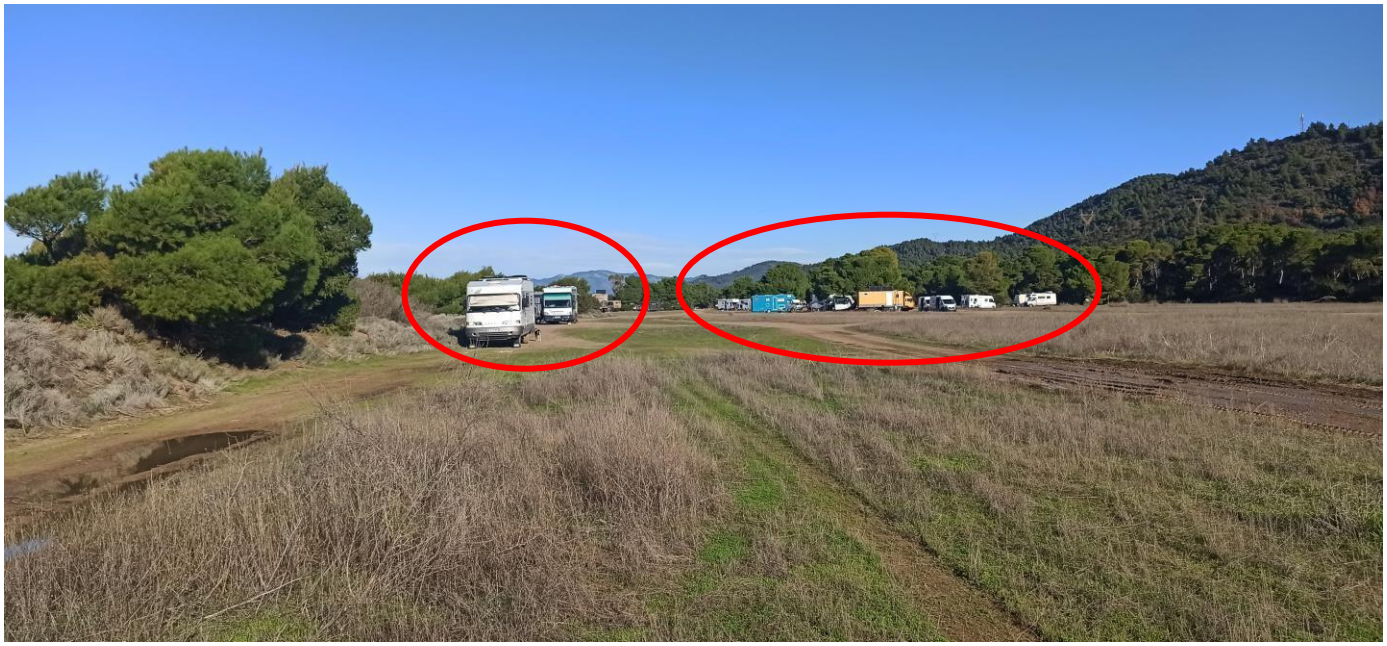
Lily Venizelos
MEDASSET President
Member of IUCN-Species Survival Commission: Marine Turtle Specialist Group

Enclosed:
Figures 1-3

CC:
Bern Convention, Council of Europe:
Ms. Mikaël POUTIERS, Secretary of the Bern Convention
Ms. Marc HORY, Project Manager - European Diploma for Protected Areas and Emerald Network
Ms. Eoghan KELLY, Coordinator
European Commission, Directorate-General for Environment:
Mr. Humberto DELGADO ROSA, Director for Biodiversity, DG Environment, European Commission
Mr. Yannis Couniniotis, Env. E.3 — Implementation and Support to Member States – Environmental Enforcement
Ms. Anna Cheilari, Env. D.3 Natural Capital – Nature Protection
Ms. Florika Fink Hooijer, Director-General for Environment Mr. Andrea VETTORI, Head of Unit Nature Conservation ***FIGURES 1—3***







Caravans parked (red circles for the caravans) for camping at Agiannakis core nesting area.

With roots back to 1983, MEDASSET was founded in 1988 in England and 1993 in Greece. It is an international NGO registered as a not-for profit organisation in Greece. MEDASSET plays an active role in the study and conservation of sea turtles and their habitats throughout the Mediterranean, through scientific research, environmental education, lobbying relevant decision makers and raising public awareness. The organisation is a partner to the United Nations Environment Programme's Mediterranean Action Plan (UNEP/MAP) and a Permanent Observer-Member to the Bern Convention, Council of Europe, since 1988.