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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting
Strasbourg, 30 November - 4 December 2020

Possible File

**Follow-up of Recommendation No. 9 (1987) of the
standing committee on the protection of Caretta
Caretta in Laganas bay, Zakynthos (Greece)**

- REPORT BY THE COMPLAINANT -

*Document prepared by
MEDASSET*

Ms Jana Durkošová
Chair
Standing Committee of the Bern Convention

Athens, 12 August 2020
Our Ref. 40.2020

Re: Updated supporting information in relation to Recommendation No. 9 (1987)

Dear Ms Jana Durkošová,

Following our previous letters dated March 2018, August 2018, March 2019, August 2019, February 2020, March 2020 and the decision of the Bureau's April 2020 meeting, MEDASSET carried out a follow-up three day field assessment of the conservation status of the nesting sites in Laganas Bay (8 – 10 July 2020).

It is important to note that due to the unprecedented current global circumstances and the constriction of timing to submit this report, the July 2020 assessment does not co-inside with a 'normal' peak touristic season during late July and August. Global travel restrictions due to COVID-19 prevented a comprehensive assessment of the implementation of management measures to mitigate touristic pressures, which have been reported in our previous assessments. The affected issues are specified within the text as '**Not representative due to global travel restrictions**'.

Despite these irregularities, it is apparent that the Greek authorities have still not addressed the long-term severe conservation issues within Laganas Bay and MEDASSET hereby submits an update on the implementation of Recommendation No. 9 (1987) on the protection of *Caretta caretta* in Laganas Bay, Zakynthos (Greece).

1) Illegal businesses, such as restaurants and accommodation rentals continue to operate at **Daphni**, unopposed. Three of the illegal buildings continue to offer rented rooms to tourists (Fig. 1), and visitors' reviews state they are given the opportunity to watch nesting turtles emerge at night (Fig. 2). Furthermore, these illegal businesses shine bright lights at night (Fig 3), producing light pollution onto the nesting beach, a deterrent for any potential emerging nesting females and cause of disorientation to hatchlings. In the immediate surroundings (previously sand dunes) of the illegal restaurants and accommodations there are public showers (Fig 4a), adjacent to the nesting beach and nests, which causes runoff and inundation of nests (Fig 4b).

2) The two illegal buildings at Gerakas nesting beach, constructed in 2017 within the boundaries of the National Marine Park of Zakynthos (NMPZ), a stable (150m²) and a house (80m²), (see T-PVS/Files 2018 21) have not been demolished and the site has not been restored, despite the issue of fines by the competent authority.

3) The saturated illegal landfill that operated within the NMPZ boundaries and the Natura 2000 site has still not been restored, despite its closure since December 2017. The Ministry has united the Decentralized Administration of Peloponnese, Western Greece and the Ionian with the Regional authorities of Ionian and southern Aegean for the purposes of 'accelerating' procedures. However, to date no action for the site's restoration has been carried out.

4) The restoration of the illegally constructed road between **Daphni** and **Gerakas**, (Dec. 2015) within the NMPZ and partially a NATURA 2000 site, has still not been carried out (Fig 5). The initial fine and order of restoration issued by the competent authorities in 2016, was minor and proved insufficient for deterring the perpetrator, who expanded the network in March and April 2018 (Fig 6). An additional larger fine has since been issued (August 2018), but has yet to be paid. Alternative proactive measures

are available to the Greek Ministry to ensure the restoration of the site, but have not been applied. The Coordination Office for the Implementation of Environmental Liability (COIEL, known in Greek with the acronym SYGAPEZ) issued in August 2018 its decision, according to which the perpetrator is legally obliged to restore the whole area with his own expenses, but 2 years later, no restoration works have taken place.

5) Management measures to restrict the maximum number of beach visitors could not properly be assessed, **due to global travel restrictions**. However, even under these circumstances, the maximum number of beach visitors as stated in the PD (up to 100 individuals at all times) was exceeded at **Daphni**, with 123 individuals counted at 15:15 on 09/07/2020. Therefore, it is apparent that under 'normal' circumstances the number of beach visitors will most likely greatly exceed the maximum numbers as reported in our previous reports.

6) Management measures for restrictions on the maximum number of sunbeds and umbrellas permitted on the beach could not be properly assessed, **due to global travel restrictions**. However, a continual lack of compliance and enforcement to stack and remove beach furniture (sunbeds and pedaloes) overnight from the front of the beach was observed at **Gerakas** or **East Laganas**. Sunbeds were placed on their sides and pedaloes remained at the front of the beach (Fig 7). No beach furniture was placed at **Kalamaki** at the time of MEDASSET's assessment, but were placed mid-July when the international tourists arrived, and as reported by ARCHELON volunteers, these sunbeds also continued not to be stacked or removed from the front of the beach. The lack of enforcement and compliance to these protective management measures have resulted in recorded failed nesting attempts by ARCHELON's monitoring team at both **Kalamaki** and **Gerakas** nesting beach (Fig 8). The use of private umbrellas on the nesting beaches is prohibited to protect the nests from being impaled and destroyed; this was not enforced on the nesting beaches of **Gerakas**, **Kalamaki**, **Laganas East** or **Marathonisi** (Fig 9).

7) Horse riding on the nesting beaches and on the protected sand dunes are strictly prohibited due to the negative impacts this activity has on the incubation of nests and destruction of the sand dune habitat. Horse riding as an ecotourism activity continues to be observed within the NMPZ. MEDASSET's surveyors encountered horse riders on Vondonero beach and is recorded daily by the ARCHELON volunteers on the sand dunes behind **East Laganas**.

8) Warden Huts are located at all nesting beaches, to accommodate 24hr warden protection; however, the presence of wardens and their 2020 official schedule is highly irregular. Wardens were only observed at two stations in the evening at **Gerakas** and **Laganas East** (Zante Beach Hotel) and two stations during the day at **Daphni** and **Laganas East** (Kalamaki Taverna). No wardens were observed during the day at **Gerakas**, **Marathonisi**, **Kalamaki** (Crystal beach) and **Laganas East** (Zante Beach Hotel), despite the official schedule, stating a warden should be present on that day from 08:00 – 16:00. The absence of NMPZ wardens led to a lack of compliance to the NMPZ protection measures. At **Marathonisi** beach visitors were located in the restricted roped nesting area of the beach (Fig 10) and at **Kalamaki** visitors illegally accessed the beach at night, thus disturbing nesting and hatchings (Fig 11a- c). Although a warden was present at **Laganas East** (Zante Beach Hotel station), people were still present on the beach, playing football on the back of the beach (Fig 11d) and freely accessing the beach at sunset for an evening walk (Fig 11e).

9) Assessment of the Maritime activity within the Bay was **not representative due to global travel restrictions**, however the risks and disregard of management measures are still apparent and are of great concern. Since 2018, the voluntary Code of Turtle Spotting was included in the decision of the Coast Guard, and hence included in legislation and enforceable. An additional measure included in the Coast Guard decision is to reduce the maximum speed limit allowed during sea turtle observations to two knots within the bay. However, the assessment of a turtle spotting trip demonstrated that these regulations are still not adhered. Minimum distances (Measure 3.2.1, 15m when turtle at surface) and illegal approaches (Measure 3.2.6, boat driven over turtle) for viewing in a glass bottom boat were still completely disregarded (Fig 12). Also of great concern is the changes to the maximum horsepower allowed for the private hire boats made by the Port Authority of Zakynthos, which has been raised from 10hp to 30hp, increasing the potential high speeds boats can reach.

The NMPZ management measures state that the maximum number of boats allowed at any time at **Marathonisi** is 10 boats. Even with the limited number of tourists present this number was greatly exceeded, with 23 boats counted (10/07/2020 at 14:50).

Recreational fishing activity was also observed within the Bay (Fig 13), with a spearfisher at **Daphni** and approximately 250m from the shoreline of **Kalamaki** beach. A small boat from **Kalamaki** placed two buoys approximately 100m apart and deployed (suspected) fishing gear.

A new emerging threat within the marine area adjacent to the protected area, which could have significant impact on the Zakynthos breeding population as well as others in the Ionian region (Kyparissia) is the Greek government agreement for the exploration and exploitation of hydrocarbons.

Although a reflective assessment for touristic pressures could not be achieved during the 2020 assessment, the continuation of the long-term violations and illegal activities within the NMPZ are still occurring unhindered. The inadequate enforcement of the established protective management measures within the protected area are a failing of the Greek Government to fulfil its obligations under Article 12(1)(b) and (d) of Directive 92/43. A continual lack of compliance, in combination with weak enforcement of fines and orders for perpetrators, presents a feeble message for compliance to the regulations and provides no deterrent for illegal activities (e.g. construction, fishing). A complete in-depth report is expected to be submitted to the Standing Committee in October 2020 by ARCHELON.

We once again call upon the Greek authorities to take immediate steps to properly implement and enforce the existing legislation. Furthermore, we urge the Greek authorities to ensure that the National Action Plan of the *Caretta caretta* (currently under a consultation phase), is co-designed and implemented by all the relevant stakeholders and is put into force as soon as possible.

We would appreciate it if this updated information of the continual violations within the NMPZ is taken under serious consideration at the upcoming Bureau Meeting. We urge the Bureau to consider re-opening the case of Zakynthos and to perform an on-the-spot assessment-appraisal, in order to update and amend Recommendation No. 9 (1987) and in order to assist and encourage the Greek Authorities to urgently implement the protection of Laganas Bay.

We are at your disposal for any further information.

Yours sincerely and with best wishes,

Lily Venizelos

President, MEDASSET-Mediterranean Association to Save the Sea Turtles

Enclosed:

- *Figures 1 -13. All photos enclosed were taken by MEDASSET during the 2020 assessment, unless stated otherwise in the figure text*
- *MEDASSET letters dated 31 March 2020, 20 February 2020 (MEDASSET Ref. 24801) and 30 August 2019 (T-PVS/Files (2019) 37)*

20 February 2020
Our Ref. 24801

Ms Jana Durkošová
Chair
Standing Committee of the Bern Convention

Re: Updated supporting letter in relation to Zakynthos Recommendation No. 9 (1987)

Dear Ms. Durkošová,

Following our previous correspondence dated 30/08/2019 and our presentation at the 39th Meeting of the Standing Committee Bern Convention (both enclosed), we wish to reiterate that the Greek authorities have not so far addressed the stated conservation issues within Laganas Bay and that the continuous and long-term degradation of the area remains unchanged.

As per your request, MEDASSET hereby submits an update on the implementation of Recommendation No. 9 (1987) on the protection of *Caretta caretta* in Laganas Bay, Zakynthos (Greece) taking into consideration that during the winter, touristic “pressure” is almost nil. However, as stated above, the problems previously identified in Laganas Bay remain the same.

In addition, we want to bring to your attention the following new developments:

- Recent illegal constructions were observed at the surrounding area of Daphni’s existing illegal buildings (Fig. 1 - 3). For the record, the demolition of illegal buildings and road constructions in Laganas is an obligation of the Greek State since 1987, but to date, the restoration measures and financial penalties imposed for their demolition are still pending and now new violations occur.
- Fundamental changes to the current model of the management of Greece’s protected areas are expected under the new bill announced by the Ministry of Environment and Energy. We are worried of the impact these changes will have on the adequate and effective protection of Laganas Bay, due to potential delays in their implementation and uncertainty during the transition phase from the old system to the new.

No change is foreseen for summer 2020, as there has been no action to remedy the extreme pressures of tourism. There is lack of enforcement of the Presidential Decree (PD) and National Marine Park Zakynthos (NMPZ) regulations and the NMPZ Management Agency (MA) faces financial and staffing shortages, while its wardens lack enforcement-related competences. In addition, there is an unwillingness to initiate judicial proceedings, the judicial system is slow in trying and deciding upon the legal cases that are brought to court and when the decisions are finalized there is an unwillingness to enforce judgements and related penalties, therefore there is perceived impunity by the violators for their illegal actions.

No progress is therefore possible unless the Greek state takes action, the stakeholders assume their responsibilities, there is coordination among the competent authorities, the laws are enforced and penalties are imposed and paid.

We are confident that the Standing Committee will take under serious consideration this mailing and enclosed documents (letter dated 30/08/2019 and presentation at the 39th Meeting) at the upcoming Bureau Meeting of 6-7th of April 2020. We call once again upon the Standing Committee to reopen the Zakynthos Case File and to perform an on-the-spot appraisal in order to update and amend

Recommendation No. 9 (1987) and in order to assist and encourage the Greek Authorities to urgently ensure the proper protection of Laganas Bay.

We are at your disposal for any further information.

With very best wishes,



Lily Venizelos

MEDASSET President

Member of IUCN-Species Survival Commission: Marine Turtle Specialist Group

Enclosed:

- *Figures 1,2*
- *MEDASSET letter dated 30 August (MEDASSET Ref. 24744) and presentation presented at the 39th Meeting of the Standing Committee of the Bern Convention*

CC:

Mr. Eoghan Kelly, Assistant Secretary of the Bern Convention, Council of Europe

European Commission, Directorate-General for Environment:

Mr. Andras DEMETER, Env. D.2 – Natural Capital - Biodiversity

Mr. Fotios Papoulias, Env. D.3 Natural Capital – Nature Protection

Mr. Yannis Couniniotis, Env. E.3 — Implementation and Support to Member States – Environmental Enforcement

FIGURES 1 – 3



Fig.1 *Illegal building, continuous illegal constructions at the surrounding area*



Fig. 2 *Illegal building, continuous illegal constructions at the surrounding area*



Fig. 3 *Illegal building, continuous illegal constructions at the surrounding area*