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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, 28 November – 2 December 2022

Open case-file 2010/05

**Threats to marine turtles in Thines Kiparissias
(Greece)**

- REPORT BY THE COMPLAINANT -

*Document prepared by
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*Document presented by
MEDASSET - the Mediterranean Association to Save the Sea Turtles*

*for the 42nd Standing Committee Meeting of the Contracting Parties to the Convention on the
Conservation of European Wildlife and Natural Habitats (Bern Convention)*

MEDASSET hereby submits an update report to the 42nd Bureau Meeting of the Bern Convention (September 2022) on the conservation status of sea turtle nesting beaches in Kyparissia Bay, Greece.

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SUMMARY

During our assessment in July 2022, threats recorded included the continued construction of illegal buildings along the protected coastline, continued planting with no removal of previously planted trees and alien species on the nesting beaches, destruction of dunes, nearshore fishing, unimpeded vehicular access to the nesting beaches and illegal road network across the protected sand dunes, 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 constitutes a significant additional threat. Six years after condemnation by the European Court of Justice, eight years after the Bern Convention issued Recommendation No. 174, and three years after the relevant Presidential Decree was issued, the site remains inadequately protected. The measures of Recommendation No. 174 are either completely disregarded or only partially implemented.

MEDASSET calls upon the authorities to:

- Safeguard and enforce implementation of the Presidential Decree (PD) regulations
- Urgently adopt and implement a Management Plan, which will also cover unresolved issues not addressed in the PD (e.g. fishing activities and nighttime beach use and operation of beach bars)
- Impose fines and penalties in order to stop illegal activities and restore the habitat especially the sand dune habitats, which are degraded year by year
- Safeguard the effective management of Kyparissia Bay, as the new Legislation poses serious threats for the adequate protection of all protected areas in Greece (Observations and other impacts)
- Keep the Standing Committee informed about progress in the implementation of the above Recommendations

MEDASSET calls upon the Bern Convention Standing Committee to:

- Encourage authorities to provide further information to the Standing Committee, as requested above
- Develop a Management Plan in collaboration with the competent Management Unit and implement the urgently needed management measures and regulations that are presently lacking, with no further delay
- Discuss the case file at the 42nd Meeting of the Standing Committee
- Urge authorities to implement Recommendation No.174 (2014)

DETAILED UPDATE

The second week of July 2022, MEDASSET's experts carried out an assessment on the conservation status of the core nesting area of Kyparissia Bay. The following presents the survey findings in relation to each of the measures under Recommendation No.174 (2014). All photos were taken by MEDASSET unless stated otherwise.

1. ***Consider giving the key nesting areas for sea turtle an appropriate protection status that may ensure the long-time conservation of their high natural values, including sea turtle nesting beaches, dunes systems, coastal forests, marine habitats and others***

The PD designates the nesting beach as a Nature Protected Area and not as a National Park, the latter providing the highest level of protection. For Nature Protected Areas, all adjacent areas that are not within the boundaries are designated as Agricultural Landscape Zones, in which construction is permitted. Part of the coastal area directly behind the core-nesting beach, in particular Kalo Nero, is designated as an Agricultural Landscape Zone and has suffered extensive coastal developments placing the reproduction of sea turtles in extreme danger.

2. ***Permanently restrict or prohibit as appropriate, based on an appropriate assessment, the construction of any villas or other buildings, new roads or other infrastructure, in the key areas where construction licenses have been suspended by decree thus preserving the present natural state of those areas***

As a result of the failure to enforce the PD, there has been no suspension or demolition of the existing constructions directly behind the core nesting area. Hence, due to its lack of enforcement, the PD fails to adequately protect and preserve the habitat. No buffer zone has been implemented between the two areas despite requests by ARCHELON, MEDASSET and the 'Nature 2000' National Committee. Furthermore, while the PD addresses the need to remove the existing illegal road network, there has been no action for its removal. This illegal road network leads to the continuous degradation of the site. (Fig. 1a & b)

3. ***Restore the original sand dune and forest habitat in the above-mentioned area by demolishing any illegal road built perpendicularly to the shoreline, as well as other existing illegal artificial infrastructure; put immediately effective measures in place to prevent cars and caravans from reaching the proximity of the nesting beaches and produce nuisance to sea turtle nesting and hatching***

No action has been taken for the demolition of the illegal road system perpendicular to the shoreline, or the restoration of the area). No steps are taken to stop the creation of new roads. The Greek Ministry of Environment and Energy through the corresponding Coordination Office for the Implementation of Environmental Liability (COIEL, known in Greek with the acronym SYGAPEZ), placed some blockades in June 2021, at the entrance to the existing five illegal roads constructed by the KOTINOS real estate company. Nevertheless, it was an unsuccessful step to protect the area as the barriers can be easily moved or the vehicles can drive around them (Fig 1) and access the beach to reach the high-density sensitive nesting areas. This is one of the important issues that the Management Plan will address, as the PD does not include a map of the legal road network, therefore allowing the constant creation of new illegal roads by certain members of the local community to access the beach. In addition, no effective measures have been taken to prevent cars and caravans from reaching the proximity of the nesting beaches, causing disturbances to sea turtle nesting activity and emerging hatchlings (Fig. 2). Furthermore, camping was observed extensively throughout the protected forest habitat that borders the dunes and nesting beach and the authorities do nothing to prevent it (Fig. 3).

4. ***Ensure that owners of the houses that have already been built in sensitive areas in the vicinity of the core nesting area, avoid changing the profile of the dune, and control that the communities and geomorphological dynamics; ensure that existing houses change or shade the lights illuminating the beach causing photo-pollution affecting negatively sea turtle nesting and hatching; remove invasive alien plants already planted in some of those areas (for instance Carpobrotus) as they may spread into dune and beach nesting areas making them inappropriate for sea turtle nesting***

As stated in the PD, the sand dune ecosystem around the existing houses must be restored. However, introduced alien plants have still not been removed and there has been no effort to reinstate the previous dune ecosystem where houses have been built within the vicinity of nesting areas (Fig. 4). In addition, the homeowners in order to set the borders for their garden, plant new alien species. Cultivation of the flora continues to maintain these

alien species and prevents restoration of the natural sand dune ecosystem. The invasive species *Carpobrotus* sp. can be found at various locations along the shore, encroaching onto the nesting area of the beach from Kalo Nero to Vounaki (**Fig. 5**).

5. *Avoid any agriculture in the public domain and restore dunes to their original natural state*

No action has been taken to enforce the specifications of the PD and thus the cultivation of watermelons continues extensively across the sand dune area. (**Fig. 6**)

6. *Address in the whole Natura 2000 site the problem of photo-pollution, particularly in Kalo Nero; all lights should be shaded in a way to avoid illuminating the beach and dune areas*

Light pollution is still a severe unresolved problem, posing a serious threat of disorientation to the emerging hatchlings. While extensive lighting is still observed at Kalo Nero, light pollution also occurs across the other locations across the nesting beach (**Fig. 7**). Also, at Agiannakis core nesting area, light pollution was observed from the beach bar on the nesting beach (**Fig. 8**). Lastly, human presence identified searching for sea turtles with flash lights across the whole Kalo Nero area (**Fig. 10**).

7. *Ensures that the beach's equipment used now in the Natura 2000 site is removed at night or stored in a way that reduces the area occupied on the beach; prohibits does not give any licenses to any new beach equipment so that core nesting area remain free of obstacles for nesting turtles*

The beach furniture used at Kalo Nero nesting beach covers a zone of approximately 1.2 km and was not removed at night during our assessment, despite the relevant provisions of the PD (**Fig. 11**). The lack of beach furniture management occurs throughout the entire nesting beach (**Fig. 12**). The illegal wooden platforms, used by restaurants and cafes, at the beach of Kalo Nero remain despite the demolition protocols that have been issued by the Public Land Authority of Messinia Region, based in Kalamata and regardless of the provisions of the PD for urgent demolition of all illegal constructions. (**Fig. 13**).

8. *Prohibit any sand and gravel extraction or any new structures in the sea (breakwaters, etc.)*

During this year's assessment, sand and gravel extraction was not observed. Nevertheless, the continuing erosion, occurring at Kalo Nero nesting beach was clearly more pronounced this year in comparison to previous occurrences. As a result the local community attempted to solve the problem by placing the sand hills across the road as an anti-erosion measure (**Fig 14**). It is apparent that preventative measures are required here, but requires effective solutions to be implemented by experts.

9. *If new housing is to be built to accommodate growing tourism, favor building in areas already urbanized (such as Kyparissias town) avoiding delivering building licenses in pristine natural areas within the Natura 2000 site, independently from the ecologically friendly characteristics of the new buildings*

The Measure is only partially addressed. The PD fails to adequately protect the nesting habitat especially at Kalo Nero, directly behind the core nesting area, where building is permitted. Newly constructed houses (completed during 2021) were observed at Vounaki and Agiannakis (**Fig. 15**). Inquiries with the local authorities asking if the construction is in accordance with legal building permits have been made since 2019; to date no reply has been given from the authorities.

10. *Consider regulating the navigation of vessels in the marine part of the Natura 2000 site GR 2550005 during the nesting and hatching season (April to October) so as to avoid the killing of turtles by boats; assess existing fishing practices and prohibit those that may negatively affect nesting and mating turtles, as some are likely to be drowned in fishing nets*

Fishing activities are considered the highest threat to sea turtles today and the only maritime restrictions stated in the PD relate to vessel speed limit (maximum six knots) within one mile of the shoreline and a time limitation on recreational fishing, which is only permitted during the day. Currently there is no enforcement of the six-knot speed limit and prohibited nighttime recreational fishing activities. Fishers are still permitted to set their nets in the nearshore waters in close proximity to the nesting beach, which presents an extremely high risk of incidental capture of breeding adult turtles and hatchlings. Especially during May and June due to the species of fish targeted NGOs and experts called on the authorities to include protective measures to address fishing threats in the PD, but as stated by the Ministry of Environment these issues should be addressed within the Management Plan, which is yet to be developed.

11. *Enforce measures aimed at avoiding people and cars visiting the sea turtle nesting beaches at night, particularly from the camping sites; control feral dogs as they have proved to attack and hurt many nesting sea turtles*

No restrictions were included in the PD to prohibit or reduce human presence on the beach at night, but as stated by the Ministry of Environment, these issues should be addressed within the Management Plan, which is yet to be developed. Currently there is a complete absence of measures preventing people and cars from accessing the beach at night. There are no notices or signs informing visitors that this is a protected sea turtle nesting beach and should not be accessed at night, in order to prevent disturbances. Shelters were observed at Vounaki (Fig 16), 13 bonfires were counted on the beach at Kalo Nero, in very close proximity to marked nests (Fig 17). At the beach bar at Agiannakis operated during the night with lights and loud music (Fig 18), while at Kalo Nero horse riding tours advertised depict tours over the sand dunes and operating outside of daylight hours (Fig 19). As a result of all the above, the nesting areas are subjected to high levels of disturbance during the crucial nighttime nesting period. In 2022, traditional festivals were held on 2nd of August at Giannitsochori and on 8th of August at Kalo Nero, in both cases just behind the nesting beach. No attacks on the nests by feral dogs have been recorded this year.

12. *Keep the Standing Committee regularly informed about the progress in the implementation of this Recommendation*

MEDASSET is in frequent contact with the Secretariat, updates the Secretariat in due time for any developments in the area before every Bureau Meeting and every Standing Committee Meeting with detailed reports and letters, prepares responding letters to Greek and EU authorities correspondingly.

Observations on other activities and impacts:

- At National level, the Greek governance model for the management of protected areas has been fundamentally changed since last year, transferring the overall monitoring and implementation of conservation measures and policies set by the Ministry of Environment and Energy to the “Natural Environment and Climate Change Agency (“OFYPEKA”), a recently formed legal entity. Prior to the new law (4685/2020) there were 36 Management Bodies for Greece’s protected areas and there is great concern and uncertainty of the impact these changes will have on the adequate and effective management of protected areas. Already delays are occurring in its implementation, as the establishment of 25 new Management Committees is still pending.
- The Law¹ 4819/2021, Government Gazette 129/23-07-2021, of the Ministry of Environment and Energy, removes the “conservation of biodiversity” from OFYPEKA purposes. Considering that the definition and effective management of protected areas is the main tool for biodiversity conservation and the management of the protected areas is OFYPEKA responsibility, it is inconceivable to remove safeguarding biodiversity from its objectives. Furthermore, the new Law excludes the ability and responsibility for OFYPEKA in expressing an opinion and taking a decision on the effects of construction projects that may affect the protected areas. A serious threat is also created by Article 218 of the enacted Law² 4782/2021, Government Gazette A36/9-3-2021, of the Ministry of Development and Investment, that allows the problematic designation of protection sub-zones within protected areas, to serve individual “mild development projects of public interest, which creates a new and severe threat to biodiversity conservation. Finally, yet importantly, the new Law removes the provisions for financing OFYPEKA from 2021 to 2030, from the revenues of the auction of greenhouse gas emission allowances, curtailing its finances and leaving its financial support only to the minimum funds it receives from the regular budget of the Ministry of Environment and Energy. This poses a serious threat for OFYPEKA’s viability, as the secured funding is fundamental for the capacity of a newly established organization as well as its mission to safeguard biodiversity protection.

¹ “Integrated Framework regarding waste management - Transposition of the Directives 2018/851 and 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste and Directive 94/62/EC on packaging and packaging waste, framework for the Hellenic Recycling Agency, provisions on plastic products, urgent provisions on the protection of the environment, town-planning and energy provisions”

² “Modernization, Simplification and Reform of the Regulatory Framework of Public Contracts”

- The currently ongoing project for carrying out Special Environmental Studies for the issuing of presidential decrees and management plans for all Natura 2000 sites in Greece is fraught with delays and implementation problems. There are serious concerns about the process and the expected outcomes.
- Following a very short period of public consultation, the Ministry of Environment and Energy introduced to Parliament in July 2022 a bill, which contained a series of very problematic provisions on protected areas. In particular, these provisions allowed for harmful land uses in the protection zones, excluded certain areas from the scope of the protected regime and allowed for the continuation of existing projects and activities regardless of the ecological needs of protected habitats and species. Following strong protests by environmental organisations and citizens and calls for the withdrawal of these provisions, the Minister of Environment announced in Parliament their temporary withdrawal. Given that the expressed intention of the Ministry is to conduct further consultations with stakeholders and introduce a revised bill probably by end of August, there are still concerns about the willingness of the Ministry to proceed with strengthening, and not undermining, the legal framework for the protection of Natura sites in Greece. Environmental organisations have asked that the Ministry proceed promptly and effectively with the process for the adoption of conservation measures including management plans for all protected areas in Greece. The bill also included 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 provided 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. Despite concerns raised by environmental organisations and citizens, the rest of the provisions of the bill were enacted as law (Law 4964/2022).
- In February 2022, seismic surveys were carried out in the area of the Ionian Sea as part of the concessions for the exploration and exploitation of hydrocarbon resources in the area. Following the non-lethal stranding of two Cuvier's beaked whales in the northern part of the Ionian Sea (Corfu) and strong protests by environmental organisations, the surveys were discontinued.

ANNEX I BACKGROUND

For a full description of the site and of the case background see [T-PVS/Files \(2020\)56. MEDASSET. Update Report.](#)

Kyparissia Bay, a NATURA 2000 site, is located in Greece, on the Western Peloponnese coastline. It has a high ecological value due to the presence of an extensive dune ecosystem and the fact that it constitutes one of the most significant nesting sites of the *Caretta caretta* turtle in the Mediterranean Sea, an endangered species as listed in the 92/43/EOK Directive, in need of strict protection (annexes II and IV). Approximately 82% of the nesting activity at Kyparissia Bay occurs in the 10km stretch of beach between the estuaries of the rivers Neda and Arkadikos. For reference, there were approximately 1.452 nests in 2013, 1.286 in 2014, 1.472 in 2015, 2.702 in 2016, 2.650 in 2017 and 2.550 in 2018, 2.850 nests in 2019, over 3800 nests in 2020 and 3.200 in 2021 (as recorded by ARCHELON). It is important to note that in all the aforementioned years the number of nests exceed those recorded in Zakynthos, officially the most important nesting site for *Caretta caretta* in the Mediterranean.

The developments threatening Kyparissia Bay were firstly reported by MEDASSET's complaint submitted on 22 August 2010, for the 30th Standing Committee Meeting of the Bern Convention. Since then, MEDASSET in collaboration with ARCHELON, WWF Greece and other environmental NGOs, has been lobbying at regional, EU and national level, in order to establish an adequate legal framework for the protection of Kyparissia Bay and its habitats. Following the annual reports of MEDASSET and ARCHELON, the Standing Committee of the Bern Convention, being aware of the severe pressures on the habitat due to construction interests since 2010, unanimously adopted Recommendation No. 174 at its annual meeting on December 5, 2014, urging Greece to prevent habitat deterioration and ensure improved adequate protection of the Southern Kyparissia Bay. The 2014 Recommendation was issued pursuant to a report and appraisal by an international expert and concerns raised by NGOs (ARCHELON and MEDASSET) relating to the construction of roads, houses and marine structures near the nesting sites, as well as the risks posed by fishing practices, light pollution and human disturbance to the beach during the nesting and hatching season. In total, the Recommendation includes 12 measures for the protection and restoration of the site.

Since the adoption of Recommendation No. 174 on 2014, MEDASSET, in collaboration with ARCHELON, have presented annual reports to the Bern Convention of the continued degradation of the site and its inadequate management. While positive steps have been taken with the adoption of the PD after Greece's condemnation of the Court of Justice of the European Union on 2016, its enforcement is yet to be fulfilled. The strict enforcement of the Presidential Decree and the preparation and implementation of a Management Plan, which also considers the local community's needs and assistance is of utmost importance, has already been delayed by 4 years, with no foreseen timeframe for its preparation and implementation.

REPORTS & COMPLAINT SUBMITTED TO THE BERN CONVENTION

Available online at www.medasset.org or www.coe.int

[T-PVS/Files \(2021\)32. MEDASSET. Update Report. Threats to marine turtles in Thines Kiparissias \(Greece\). 4pp](#)

[T-PVS/Files \(2020\)56. MEDASSET. Update Report. Threats to Marine Turtles in Thines Kiparissias \(Greece\). 23pp](#)

[T-PVS/Files \(2019\)28. MEDASSET. Update Report. Development Plans in Kyparissia Bay, Southern Kyparissia \(Western Peloponnese, Greece\). 15pp](#)

[T-PVS/Files \(2018\) 48. MEDASSET. Update Report. Development Plans in Kyparissia Bay, Southern Kyparissia \(Western Peloponnese, Greece\). 5pp](#)

[T-PVS/Files \(2017\) 30. MEDASSET. Update Report. Development Plans in Kyparissia Bay, Southern Kyparissia \(Western Peloponnese, Greece\). 9pp](#)

[T-PVS/Files \(2016\) 34. MEDASSET. Update Report. Development Plans in Kyparissia Bay, Southern Kyparissia \(Western Peloponnese, Greece\). 12pp](#)
[T-PVS/Files \(2015\) 29. MEDASSET. Development plans in Southern Kyparissia Bay, Southern Kyparissia \(NATURA 2000-GR2550005 Western Peloponnese, Greece\). 7pp](#)
[T-PVS/Files \(2014\) 48. MEDASSET. Update Report. Development Plans in Kyparissia Bay, Southern Kyparissia \(Western Peloponnese, Greece\). 8pp](#)
[T-PVS/Files \(2013\) 15. MEDASSET. Update Report on Development Plans in Kyparissia Bay, Southern Kyparissia \(Western Peloponnese, Greece\). 14pp](#)
[T-PVS/Files \(2012\) 25. MEDASSET. Update Report. Development Plans in Kyparissia Bay, Southern Kyparissia \(Western Peloponnese, Greece\). 3pp](#)
MEDASSET. 2011. Update Report on Development plans in Kyparissia Bay, S. Kyparissia (W. Peloponnese, Greece). 9pp
MEDASSET. 2010. [Complaint to the Bern Convention regarding uncontrolled development in Southern Kyparissia Bay \(Greece\)](#). Prepared by L. Venizelos. 26pp

ANNEX II PHOTOGRAPHS



Fig. 1a | Core nesting area, Agiannakis to Elaia, July 2022. The five illegal roads are not restored yet. Blockades placed by the Ministry of Environment and Energy fail to prevent vehicles accessing the beach, vehicles can easily detour the barriers, as seen in the bottom photo, with a car behind the barriers.



Fig. 1b | Vounaki core nesting area, 11th July 2022. Illegal road and the authorities have taken no action to prevent it.



Fig. 2 | Kalo Nero core nesting area. No management measures exist to prevent cars and caravans parking in close proximity to the nesting beach.



Fig. 3 | Vounaki core nesting area, 11th July 2022. Camping (Red circles) directly behind the core nesting area in the protected forestry area and illegal roads. No action is taken by the authorities to prevent it.

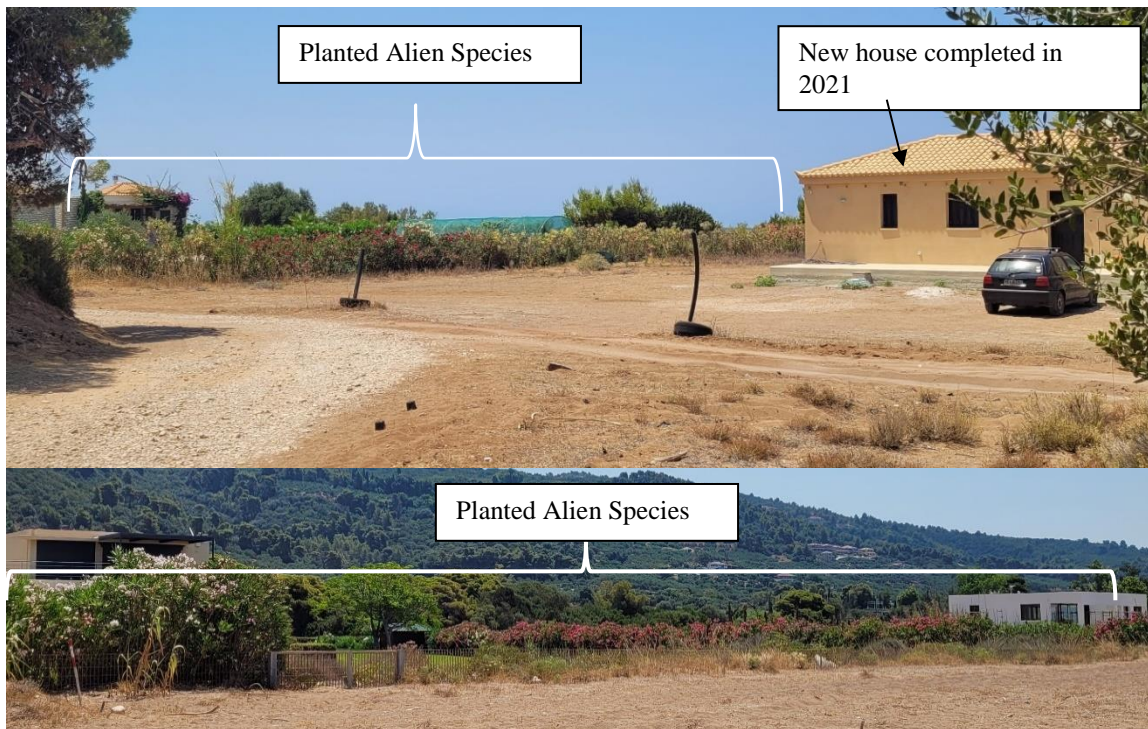


Fig. 4 | Top, Vounaki & Bottom Agiannakis core nesting areas, 11th July 2022. Houses constructed on the protected sand dunes, plant alien plant species around their properties.



Fig. 5 | Kalo Nero, 11th July 2022. Planted young trees (Red circles) and cultivation of invasive species. *Carpobrotus* spreading behind a high density nesting area



Fig. 6 | Behind the core nesting areas of Vounaki and Agiannaki, 11th July 2022. Sand dune destruction due to agricultural use; ongoing watermelon cultivation.



Fig. 7 | Kalo Nero core nesting area, 10th July 2022. Light pollution emitted from all the beach bars/restaurants, which have illegal constructions/wooden platforms on the beach.



Fig. 8 | Agiannakis core nesting area, 10th July 2022. Light pollution from the beach bar on the nesting beach. Nest in red circle.



Fig. 9 | Kalo Nero core nesting area, 10th July 2022. Visitors observed searching for sea turtles with flashlights across the nesting beach.



Fig. 10 | Kalo Nero core nesting area, 10th & 11th July 2022. Beach furniture not removed during the night, causing obstacles and limiting the availability of nesting space. Light pollution from the local tavernas can also be seen in these photos.



Fig. 12 | Kalo Nero core nesting area 11th July 2022. No beach management exists to provide a safe distance between visitors and sea turtle nests (White circles).





Fig. 13 | Kalo Nero core nesting area 11th July 2022. Illegal wooden platforms placed by local businesses not removed and no enforcement of demolition protocols.





Fig. 14 | Kalo Nero core nesting area 11th July 2022. Coastal erosion and placement of local anti-erosion measures with rocks and soil mounds.





Fig.

15 | Top & Middle, Agiannakis and Bottom Vounaki core nesting areas, 11th July 2022. Two newly constructed house complete in 2021 (red circles).



Fig. 16 | Kalo Nero, 11th July 2022. Planted young trees and cultivation of invasive species. *Carpobrotus* spreading behind a high density nesting area (red circles for the nests, yellow the arrow showing the heavy vehicle passing by the nests, green arrow showing encroachment of the roots on to the nesting beach, yellow circles showing bon fires – counted 13 at Kalo Nero).



Fig. 16 | Vounaki core nesting area, 11th July 2022. Temporary shelters (Red circles) mostly used by free campers, on the nesting beach in close proximity to turtle nests and bonfire pits in yellow circles.





Fig. 17 | Kalo Nero core nesting area, 10th & 11th July 2022. Top & Middle; 32 counted Caravans during the day and overnight camping directly behind the core nesting area. Bottom; evidence of bonfires (13 in total counted in front of camping caravans), in close proximity to sea turtle nests.



Fig. 18 | Agiannakis core nesting area, 11th July 2022. Beach bar which operates during night hours with artificial lights and music.



Fig. 19 | Kalo Nero core nesting area, a poster calling for horse riding at Elaia nesting beach 12th July 2022 (top) and picture taken from the official Instagram account posted 1st of July 2022.