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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

41st meeting
Strasbourg, 29 November - 3 December 2021

Specific Sites - Files open

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

- REPORT BY THE COMPLAINANT -

*Document prepared by
MEDASSET*

-August 2021-

Loggerhead sea turtle (*Caretta caretta*) conservation monitoring in Kyparissia Bay, southern Kyparissia (western Peloponnese, Greece)

13 August 2021

Document presented by

MEDASSET - the Mediterranean Association to Save the Sea Turtles for the 41st 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 2nd Bureau Meeting of the Bern Convention (September 2021) on the conservation status of sea turtle nesting beaches in Kyparissia Bay, Greece.

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SUMMARY

During our assessment in July 2021, threats recorded included construction of illegal buildings along the protected coastline, continued planting and farming of alien species on the nesting beaches, destruction of 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. Five years after condemnation by the European Court of Justice, seven years after the Bern Convention issued Recommendation No. 174, and 2 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),
- Impose fines and penalties in order to stop illegal activities and restore the habitat,
- Safeguard the effective management of Kyparissia Bay, as the new Legislation poses serious threats for the adequate protection of all protected areas in Greece (as noted below in the “Observations on other activities and impacts” section under bullet 12),
- 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 Agency and implement the urgently needed management measures and regulations that are presently lacking, with no further delay,
- Request the Greek Authorities to withdraw the law (4782/2021) as it is in direct violation of the provisions of Recommendation No. 174,
- Discuss the case file at the 41st Meeting of the Standing Committee,
- Urge authorities to implement Recommendation No.174 (2014).

DETAILED UPDATE

The second week of July 2021, 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). The survey was funded by [Aktionsgemeinschaft Artenschutz \(AGA\)](#). 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 building 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. 1**)

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 (**Fig. 1, 5, 6 & 7**). 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 at the entrance to the five illegal roads of the KOTINOS real estate company. Nevertheless, it was an unsuccessful step to protect the area as vehicles can still easily detour and access the beach to reach the high-density sensitive nesting areas (**Fig. 1**). This is one of the important issues that the Management Plan will address, as the PD does not include an Annex with the actual existing legal road network. Hence, certain members of the local community freely create illegal new road systems 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, producing disturbances to sea turtle nesting activity and emerging hatchlings (**Fig. 8 & 12**). Furthermore, camping was observed occurring extensively throughout the protected forest habitat that borders the dunes and nesting beach (**Fig. 9**).

- 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. 5 & 6**). 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. 3**).

- 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. 2**)

- 6. Address in the whole Nature 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 entire nesting beach (**Fig. 13, 14 & 16**). Moreover, on 5 August 2021, a traditional festival was held at night at Kalo Nero. All the caravans parked behind the nesting beach, were removed for the festival and the area was illuminated with large bright flood lights. ARCHELON volunteers counted more than 300 hundred persons on this core nesting area. Sound and light pollution as well as litter covered a huge area of the nesting beach and caused a great disturbance. The Management Body of Kotychi-Strofylia Wetlands sent a letter to the authorities the exact same date when they realized the preparations but the authorities did not act. This was a great violation of the PD, as such 'events' are not allowed to take place into Agricultural Landscape Zones that borders Nature Protected Areas (**Fig. 15**).

- 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. 14, 16 & 17**). The lack of beach furniture management occurs throughout the entire nesting beach (**Fig. 4**). 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 Kalamata and regardless of the provisions of the PD for urgent demolition of all illegal constructions. (**Fig. 17**). In addition, extensive amounts of litter were observed throughout the protected area (**Fig.15 & 19**).

- 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.

- 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 Natural 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. 5 & 6**). 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.

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 PD imposed 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 (**Fig. 18**). 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 (**Fig. 10 & 11**). 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. As a result of all the above, the nesting areas are subjected to high levels of disturbance during the crucial nighttime nesting period.

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.
- Additionally, the recently enacted Law¹ 4819/2021, Government Gazette 129/23-07-2021, of the Ministry of Environment and Energy, **removes** the "conservation of biodiversity" from the newly formulated OFYPEKA from its 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

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"

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.

ANNEX: 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 and over 3800 nests in 2020 (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 one year, 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: PHOTOGRAPHS



Fig. 1 | Core nesting area, Agiannakis to Elaia, July 2021. The five illegal roads are not restored yet. Blockades placed by the Ministry of Environment and Energy fail to prevent vehicles accessing the beach.





Fig. 2 | Behind the core nesting areas of Vounaki and Agiannaki, 14th July 2021. Sand dune destruction due to agricultural use; ongoing watermelon cultivation.





Fig. 3 | Kalo Nero, 14th July 2021. Planted young trees and cultivation of invasive species. *Carpobrotus* spreading behind a high density nesting area (red circles for the nests and the arrow showing the encroachment of the roots on to the nesting beach).



Fig. 4 | Giannitsochori beach, 13th July 2021. Lack of enforcement of beach furniture allocations to legal operating beach bars results in an excess of sunbeds and umbrellas posing serious threats to the nests.



Fig. 5 | Vounaki core nesting area, 14th July 2021. Newly constructed house completed in 2021. Red lines showing the alien species introduced as a boundary between the neighbours; Blue line depicts their beach access. Arrows showing the house and its proximity to the core nesting beach, with turtle nests and human shelter circled on the nesting beach.



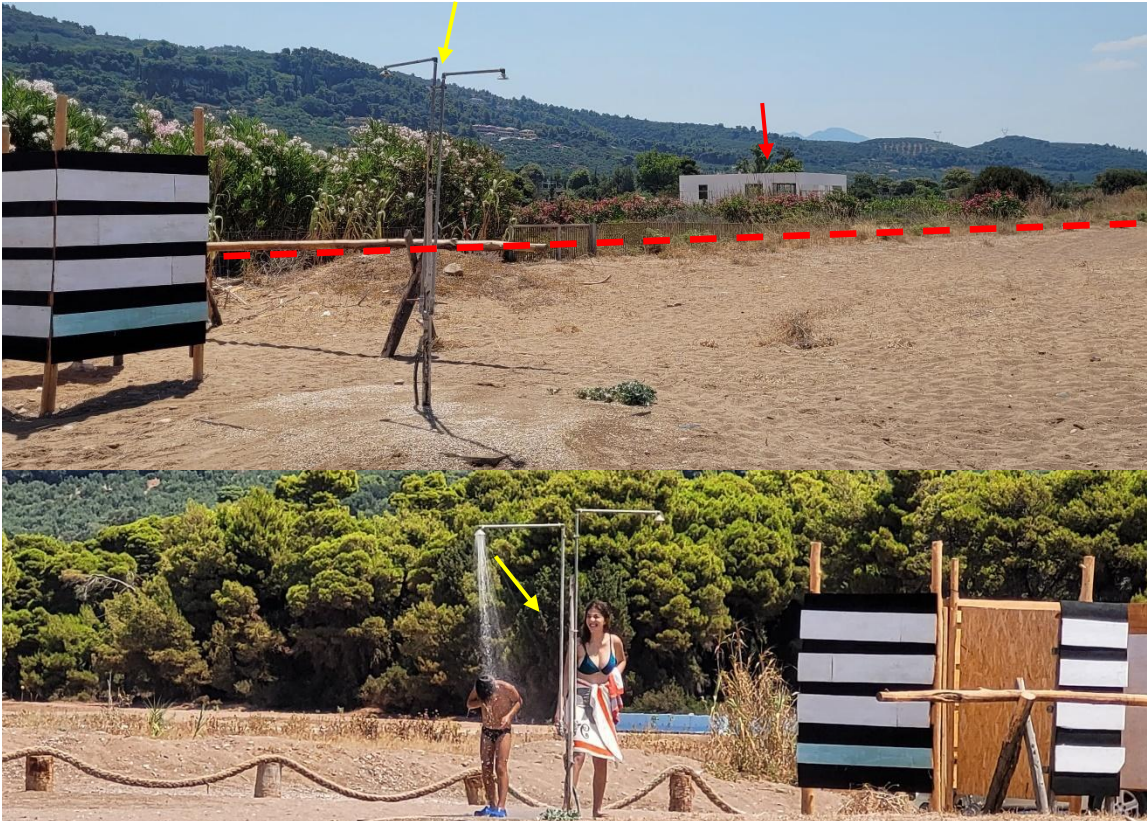


Fig. 6 | Agiannakis core nesting area, 14th July 2021. Newly constructed house complete in 2021 (red arrow). Introduced alien plant species are maintained (Red lines). No steps have been taken to remove the introduced alien species and to reinstate the natural dune system. Nests in front of the house (red circles). Shower (yellow arrow) runoff flows on the protected nesting beach is located right next to the beach bar.





Fig. 7 | Agiannakis core nesting area, 14th July 2021. Cars parked directly behind the beach bar on the nesting beach (Top and Top middle). Temporary shelters on the nesting beach just next to the nests (red circles) (Bottom middle and Bottom). Star provides point of reference through all photographs.



Fig. 8 | Vounaki core nesting area, 14th July 2021. Temporary shelters mostly used by free campers, on the nesting beach in close proximity to turtle nests. (red circles).



Fig. 9 | Vounaki core nesting area, 14th July 2021. Camping directly behind the core nesting area in the protected forestry area.



Fig. 10 | Agiannakis core nesting area, 6th August 2021. Overnight free campers on the nesting beach as observed at 7.00 am. Light pollution protection measures; nest shading placed by ARCHELON volunteers.



Fig. 11 | Elaia nesting area, 31st July & 1st August 2021. Overnight free campers on the nesting beach as observed at 6.00 am, with collected wood to make a bonfire. Red circle shows the location of a nest next to the campers.



Fig. 12 | Kalo Nero core nesting area, 14th & 13th July 2021. Caravans (top) and overnight camping (bottom) directly behind the core nesting area.



Fig. 13 | Agiannakis core nesting area, 13th July 2021. Light pollution from the beach bar on the nesting beach.



Fig. 14 | Kalo Nero core nesting area, 13th July 2021. Light pollution from the beach bar/ restaurant on the nesting beach and beach furniture not removed during the night. Location of caged nests are shown in the red circles (top).



Fig. 15 | Kalo Nero core nesting area, 5th & 6th August 2021. A traditional festival held at night, which removed all the caravans parked behind the nesting beach, but illuminated the area with large bright lights. The next day (bottom), the area is covered with litter.





Fig. 16 | Kalo Nero core nesting area, 14th & 13th July 2021. Lack of beach furniture management during the day (top) and night (middle & bottom), light pollution emitted from all the beach bars/restaurants directly behind the nesting area and human alteration of the nesting beach (raking to flatten the sand).



Fig. 17 | Kalo Nero core nesting area, 14th July 2021. Volleyball court just behind the core-nesting beach.

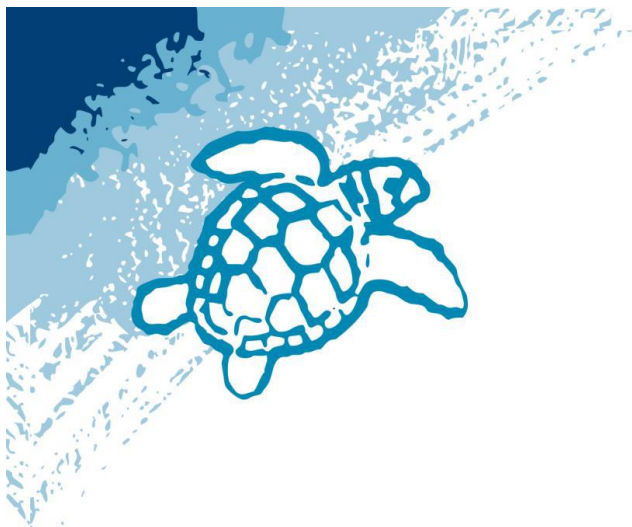


Fig. 18 | Neda area, July 2021. Fisher retrieving a fishing net set in the nearshore waters of the nesting beach. This presents a significant threat of entanglement to the nesting population.



Fig. 19 | Kalo Nero core nesting area, 14th July 2021. Discarded litter on the nesting beach, red circle showing the nest.

-March 21-



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11 March 2021
Our Ref. 06.2021

Ms Jana Durkošová
Chair
Standing Committee of the Bern Convention

Mr Virginijus SINKEVIČIUS
Commissioner for Environment, Oceans and Fisheries

Re: Urgent request for action in relation to Open File 2010/5 - Greece: threats to marine turtles in Thines Kiparissias

Dear Ms. Durkošová,
Dear Mr. Sinkevicius,

MEDASSET in collaboration with ARCHELON and WWF Greece, hereby submits an urgent update in relation to the Open File 2010/5 - Greece: threats to marine turtles in Thines Kiparissias.

The Council of State (Supreme Administrative Court of Greece) pronounced that the Presidential Decree for the Protection of Kyparissia Bay (issued in October 2019) was in line with the Constitution and national legislation and rejected the seven requests for annulment, filed against it in January 2021. However, very recent developments in relation to Greek national law are undermining this favorable judgment for the Presidential Decree and are putting at serious risk numerous protected areas, including Kyparissia Bay.

Article 218 of the recently-enacted Law³ on “Modernization, Simplification and Reform of the Regulatory Framework of Public Contracts” (Law 4782/2021, Government Gazette A36/9-3-2021) of the Ministry of Development and Investment, introduces a new threat to biodiversity conservation. The article, which was voted by 158 deputies of the Greek Parliament on 4 March 2021, allows the problematic designation of protection sub-zones within protected areas, to serve individual *"mild development projects of public interest"*.

MEDASSET, together with ARCHELON and WWF Greece, have been working for years for the protection of Kyparissia Bay. We have serious concerns that through the above mentioned new law and despite the provisions of the Presidential Decree, large scale building plans will be approved in the near future, including the plans of the real estate company “NEOS KOTINOS S.A.” for building 47 villas with pools and gardens behind the core nesting area.

³ <http://www.opengov.gr/ypoiar/?p=11848>

We hereby quote two extremely concerning statements (which prove that article 218 is a serious threat against conservation efforts at Kyparissia Bay).

The first quote⁴ refers to the new Law and specifically to article 218 and was made by Mr. Andreas Nikolopoulos, deputy of the Greek Parliament: “Kyparissia Bay has been doomed to wither with the Presidential Decree 391/2018. The provision of Article 218 is crucial for this area. It acts as a lever of pressure for the progress of studies and the promotion of investment plans until the final solution is reached. “

The second quote⁵ is by Mr. Konstantinos Alexandropoulos, Mayor of the municipality of Zacharo in Kyparissia Bay, as a reply to the former Deputy Minister of Environment Mr. Sokratis Famellos: “The "Management Body" (for the protection of Kyparissia Bay) you propose, what exactly will it manage and why will it be funded with European and national funds? To protect and promote non-existent pine cones and moving sand dunes? Non-existent "habitats" and non-existent "species"? No one will force the local community, which knows the truth and can judge, to surrender to the interests of NGOs and their lackey government officials.” Apropos, Zacharo municipality had filed an application before the Council of State for the annulment of the Presidential Decree for the protection of Kyparissia Bay.

In particular, article 218 of the new law:

- Is contrary to Article 6 para. 1 of Directive 92/43/EEC which requires that conservation measures correspond to the ecological requirements of protected habitats and species. The designation of "protection sub-zones" and of their "protective" status based on the implementation of development projects, and not on ecological criteria, is clearly contrary to the Directive. According to the procedure introduced by Article 218, investment plans and interests will in essence dictate the status of the "sub-zone".
- Contradicts the rational way of designing a protected area, which must be done with the sole criterion of preserving valuable, rare or endangered elements of nature.
- Creates *ad hoc* regimes in "sub-zones" leading to the fragmentation of Natura 2000 sites and their protection, contrary to the requirements of Directive 92/43/EEC, as interpreted by the Court of Justice of the EU, for integrated and systematic formulation of biodiversity conservation measures.
- Ostentatiously ignores the recent judgment of the Court of Justice of the European Union which found that Greece had violated its obligations by virtue of articles 4 para. 4 and 6 par. 1 of the Directive 92/43/EEC by failing to establish conservation objectives and the appropriate conservation measures for Special Conservation Areas. .
- Undermines the currently-ongoing EU-funded project for the development of Special Environmental Studies which will lead to the issuing of Presidential Decrees and the adoption of management plans for all Natura 2000 sites of the country, under the supervision of the Ministry of Environment and Energy.
- Increases the administrative obstacles and time delays, as it burdens the competent services with a parallel process of approval of studies.
- In particular, para. 3 of article 218 Introduces an extremely dangerous circumvention of urban planning legislation, as formulated by the recent law 4759, adopted in December 2020. According to this law, special protection regimes, such as those of protected areas, have priority and are incorporated into urban plans, not the other way around. This provision is contrary to Directive 92/43/EEC as it promotes the establishment of measures based on special urban plans and not in accordance with the ecological requirements of the protected habitats and species and their conservation objectives as required by this directive.

⁴ <https://www.hellenicparliament.gr/Praktika/Synedriaseis-Olomeleias>

⁵ <https://www.ilidakampos.gr/index.php/notia-ileia/27228-apantisi-tou-dimarxou-zaxaros-konstantinou-aleksandropoulou-ston-proinypourgo-perivallontos-k-sokrati-famello>

- Contradicts Greece's commitment to the objectives of the European Green Deal, which places biodiversity conservation at the heart of the European Union's development strategy and the European Biodiversity Strategy.

Environmental organizations called on the government, and on the Prime Minister himself, to stop treating the country's natural wealth as a building block, and to meet national obligations under EU law to protect valuable biodiversity.⁶ Within just 5 days, over 40.000 citizens united their voice against the unacceptable provision of the new law. Moreover, following an appeal by the NGOs, the Nature 2000 Committee (the central scientific advisory body of the Greek state for biodiversity), issued a statement⁷ for the withdrawal of Article 218.

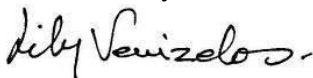
MEDASSET, ARCHELON and WWF Greece, wish to express our extreme concern regarding the new legislation and its impact on the protection of Kyparissia Bay. Also, considering that Article 218 allows for the problematic designation of protection sub-zones within all the protected areas, we raise the same concerns for the Open File 1986/8: Greece: in Laganas bay, Zakynthos. We urge the Bern Convention Standing Committee to take under serious consideration the present letter at the upcoming Bureau Meeting (14-15 April 2021).

We call upon the Committee to request the Greek Authorities to withdraw the new law as it is in direct violation of the provisions of Recommendation No. 174. Furthermore, the Committee should urge the Greek Authorities to take urgent measures for the effective protection of Kyparissia Bay: update the Special Environmental Study of 2014, develop a Management Plan, in collaboration with the competent Management Agency, and implement the urgently needed management measures and regulations that are presently lacking.

We wish to encourage the collaboration between the Bern Convention and the European Commission in following up with the Greek Government on this matter. Especially, taking also into consideration the recent decision⁸ of the European Commission to initiate an infringement process against Greece (article 260 TFEU) by sending a letter of formal notice requesting Greece to comply with the judgement of the Court of Justice of the EU regarding the conservation of natural habitats and of wild fauna and flora. This is required under the Habitats Directive (Directive 92/43/EEC).

We are at your disposal for any further information.

Yours sincerely,



Lily Venizelos

MEDASSET President

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Ms. Anne Burrill, Env. D.3 Natural Capital

⁶ Joint Press Release by 30 Greek environmental NGOs: www.medasset.org/el/deltio-ty-pou-diamartyria-gia-arthro-219

⁷ <https://ypen.gov.gr/anakoinosi-1is-martiou-2021-gia-to-arthro-219-tou-schediou-nomou-tou-ypourgeiou-anaptyxis-ependyseon/>

⁸ https://ec.europa.eu/commission/presscorner/detail/en/INF_20_2142