

Strasbourg, 13 August 2021
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T-PVS/Files(2021)19

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

41st meeting
Strasbourg, 29 November – 3 December 2021

Open File: 1986/8

**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*

UPDATE REPORT BY THE NGO
Marine Turtle Conservation in the Mediterranean
LOGGERHEAD SEA TURTLE (*CARETTA CARETTA*) CONSERVATION
MONITORING
IN ZAKYNTHOS (LAGANAS BAY), 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 second Bureau Meeting of the Bern Convention (September 2021) on the conservation status of sea turtle nesting beaches in Zakynthos, Laganas Bay, Greece.

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SUMMARY

During the 2021 assessment, some minor actions of improvement in the conservation status were observed on some of the six protected nesting beaches, but this was not applied throughout the entire Zakynthos National Marine Park (ZNMP) to provide adequate protection. Long outstanding illegal development remains, with no restoration efforts attempted. Beach wardens were absent from most of their posts resulting in insufficient enforcement of management measures, with beach closure times not being adhered to after sunset and non-compliance to restricted areas on the nesting beach. In the maritime area, marine traffic remains extremely high, with numerous boats observed exceeding the Zakynthos National Marine Park's speed limit. Nesting areas at the back of the beach were roped off at three of the six nesting beaches, and the maritime wardens were observed removing a recreational boat anchored in Zone A after sunset.

At a national level, fundamental changes have occurred to the governance of Greece's Protected Areas, with a new Nature Law adopted in May 2020, to centralise the management systems. There is great concern of the impact these changes will entail to the effective management of all Protected Areas, with delays in its implementation already occurring. The significant additional threat of the adjacent marine area for the exploration and extraction of hydrocarbons is still present, with contracts now signed to carry out work operations.

In conclusion, regulations and management measures that apply within the ZNMP are not enforced and illegal development and businesses continue unhindered. Thirty-four years since Recommendation No. 9 (1987) was adopted by the Bern Convention Standing Committee and 19 years since Greece was condemned by the European Court of Justice, the Government has yet to secure the nesting beaches in Laganas Bay against human pressure and development. MEDASSET calls upon the authorities to:

- Increase and secure funding to the ZNMP and Management Agency (MA), in particular for warden capacity for adequate protection of the nesting beaches and maritime area
- Increase enforcement of the National and ZNMP regulations, especially within the maritime area
- Take action to cease illegal business operations in Daphne and restore the site to its natural state
- Impose appropriate fines and penalties to deter and prevent further and continued violations throughout the entire protected area.

MEDASSET calls upon the Bern Convention Standing Committee to:

- Discuss the case file at the 41st Meeting of the Standing Committee
- Continue to follow-up through the Greek Government with Recommendation No 9, especially regarding Measure No 1 about Daphne and the progress of the implementation of the National Action Plan
- Perform an on-the-spot appraisal of Laganas Bay nesting beaches, in order to update and amend Recommendation No 9 (1987)

DETAILED UPDATE

One of the most important Mediterranean's loggerhead nesting area, located in Laganas Bay at Zakynthos, consists of six discrete nesting beaches: East Laganas, Kalamaki, Sekania, Daphne, Gerakas and Marathonisi islet. The marine area of Laganas Bay is divided into three zones with different protection levels (Fig. 1). See MEDASSET 2009 Update Report for a more detailed description of the site.

MEDASSET visited the Zakynthos National Marine Park (ZNMP) in July 2021 to assess and document the conservation status of the protected nesting beaches as well as the maritime area. It is important to note that due to the ongoing COVID pandemic, visitor numbers are not representative of a 'normal' year on the island (Fig 2). The following presents the survey findings in relation to measures under Recommendation No. 9 (1987) and the enforcement of the ZNMP management measures.

The survey was funded by Aktionsgemeinschaft Artenschutz (AGA), www.aga-artenschutz.de. (All photos are taken by MEDASSET unless stated otherwise).

Survey observations on the implementation of Recommendation No. 9 (1987):

1. Remove the prefabricated houses in Dafni:

Thirty-four years since Rec. No. 9 was adopted, the illegal development and destruction of the protected sand dune system directly behind Daphne nesting beach has expanded and continued. Today, the natural sand dune system is completely destroyed and transformed from its natural state with illegal businesses of taverns and accommodation continuing to operate unhindered (Fig. 3). Additional touristic facilities presenting further risks to the turtle nesting activity also still exist on the land directly behind the nesting beach, consisting over 100 umbrellas and 200 sunbeds placed on the introduced and maintained lawn, an alien plant species (Fig. 3) and showers (Fig. 4).

5. Remove trees and ban and penalise the use of deck chairs, sunshades and pedalos on the nesting beaches of Gerakas, Kalamaki, eastern Laganas and Marathonisi;

The legal limits for the maximum number of visitors allowed at one time, the number of sunbeds and umbrellas on the nesting beaches and the maximum number of boats allowed at Marathonisi are established in the protective management measures of ZNMP. Adherence and enforcement to these protective measures were overall not observed.

Maximum Visitor Numbers: Daphne's visitor count greatly exceeded the legal limit of a maximum of 100 visitors, with our surveyor counting 196 people present at 13:00 on 14th July 2021. Furthermore, no management measures for maintaining safe distances of visitors from nests are present on Daphne, as observed on the other nesting beaches (cordoned areas with signage and ropes). Visitors are free to roam everywhere and in very close proximity to the caged nests on the protected nesting beach (Fig. 5).

Maximum Umbrellas/ Sunbeds: Across Laganas East and Kalamaki nesting beaches the regulations permit a total of 150/ 300 umbrella/ sunbeds, our surveyor counted 215/ 430 umbrellas/ sunbeds (Laganas: 152/ 304; Kalamaki: 64/ 128), greatly exceeding the specified limit. Furthermore, on Laganas East, Kalamaki and Gerakas, sunbeds were not removed from the front of the beach, but placed on their sides (Fig. 6). Failure to completely remove the sunbeds from the front of the beach decreases the available space for emerging females to reach suitable nesting areas at the back of the beach. Additionally, the use of private umbrellas are prohibited under the ZNMP management measures on Gerakas, Daphne or Marathonisi to prevent any risks of accidentally impelling a nest; however, private umbrellas were observed on all three beaches (Fig. 7).

Maximum number of Boats at Marathonisi: A maximum number of 10 boats are allowed at Marathonisi at any time, our surveyor counted 19 professional and private hire boats anchored on the nesting beach at 15:15 on 15th July 2021 (Fig. 8). Numerous other boats were anchored around the entire islet, which is situated within Zone B of the maritime area; it is prohibited for any boat to anchor within Zone B (Fig. 9)

Illegal developments in other areas of the ZNMP

- Additional illegal developments that have occurred within the protected ZNMP boundaries remain. The two illegal buildings at Gerakas nesting beach constructed in 2017, 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.
- The saturated illegal landfill that operated within the ZNMP boundaries and the Natura 2000 site has still not been restored, despite its closure since December 2017. The Ministry has merged 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.
- The restoration of the illegally constructed road between Daphne and Gerakas (Dec. 2015) within the ZNMP and partially within the NATURA 2000 site, has still not been carried out (Fig. 10). 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. An additional larger fine has since been issued (August 2018), but has yet to be paid and not deterred the perpetrator, who was observed continuing works in January 2021 (see MEDASSET letter dated 26 Feb 2021). 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. To date, no restoration works have taken place.

Observations on the enforcement of ZNMP conservation management measures and impacts:

- There are nine warden huts located across the six nesting beaches to accommodate 24hr warden protection, but due to insufficient staffing, the warden’s official schedule is highly sporadic. Only at two of the six nesting beaches, Gerakas and East Laganas (Kalamaki Taverna) were wardens observed during the evening. No wardens were observed at Marathonisi, Kalamaki, Daphne, or Laganas East (Zante Beach Hotel) during our assessment (Fig. 11). The absence of ZNMP wardens at these sites facilitated non-compliance of beach visitors to ZNMP protective measures, placing great risk to nesting activity and the nests. At Laganas East and Marathonisi, visitors were located more than 5m from the sea line, within the restricted nesting areas indicated by signage (East Laganas) and rope (Marathonisi). One group of visitors was observed using a private umbrella within the restricted nesting area, which places the nests at extreme risk of being impelled and destroyed (Fig. 12). Most disturbingly, at Kalamaki nesting beach the absence of a warden

meant that visitors were freely accessing the beach after sunset and remained on the beach when it was dark. Eighteen people were counted at 21:30, swimming in the sea and sitting on the beach (Fig. 13), with one group using a bright white torch in the dark on the beach. The presence of visitors on the nesting beaches after sunset, poses a great risk to nesting activity, as the disturbance can prevent females from emerging onto the beach, or abandon their nesting attempt. In August due to warden shortages, the MA asked ARCHELON volunteers to assist with public awareness night patrols on Kalamaki and East Laganas beach.

- 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 throughout the ZNMP, and was observed several times during the assessment on the protected sand dune system, at the back of Laganas East and on Vrondonero (Fig. 14), a small beach next to Kalamaki (east), within the boundary of the park that supports turtle nesting. Incidences of horse riding on Vondonero beach is also regularly recorded by WWF surveyors.
- Assessment of the maritime activity within the Bay was not representative due to the COVID pandemic, however the disregard of management measures, in particular compliance to the 6 knot speed limit is of great concern to the safety of the nesting population within the ZNMP. Numerous boats were observed greatly exceeding the speed limit (Fig. 15), and recent changes to the maximum horsepower allowed for private hire boats made by the Port of Zakynthos (from 10hp to 30hp) has increased the potential high speeds that boats can reach. Fatalities of two sea turtles from within the bay have already been recorded by the ZNMP wardens and ARCHELON from collision injuries with boats on 1st and 3rd July; one of which had recently emerged and had been recorded nesting within the Bay by ARCHELON volunteers. An additional mortality was recorded on 7th July, with the turtle exhibiting wounds inflicted from a spearfish gun. Since February 2021, six letters have been sent to the local competent authorities from the ZNMP MA, requesting support for patrolling the maritime area. However, due to the authorities own staffing capacity shortages, no support has been provided, with the exception of one Coast Guard officer after the third dead stranded turtle (7th July) was found. Nonetheless, the presence of the additional officer has been sporadic.

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 interest*”, which creates a new and severe threat to biodiversity

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”

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 MEDASSET 2009 Update Report.

Since 1983, MEDASSET has lobbied the Greek Authorities and the European Commission (EC) for effective protection of the nesting beaches in Laganas Bay, Zakynthos, which led to the adoption of the Presidential Decree, providing constitution for the Zakynthos National Marine Park (ZNMP). A brief summary of the case history since 1994 is presented in the timeline below:

1994	<ul style="list-style-type: none"> MEDASSET made a formal complaint to the European Union; case No. 4/4667SG(94)A/15702 against the Greek Government for its failure to apply National and International Law and Bern Convention Recommendations, concerning the preservation of sea turtles on Zakynthos. In particular the Council Directive 92/43/EEC 21st May 1992, on the Conservation of European Wildlife & Natural Habitats of which the European Community is a party. The complaint was renewed each year until 1998.
1997	<ul style="list-style-type: none"> The complaint to the EC was put in abeyance. MEDASSET appealed to the EC Ombudsman.
1998	<ul style="list-style-type: none"> Eventually the annual complaints to the EC proved effective, leading to an “on the spot appraisal” by the EC Directorate-General (DG) XI, whose representative at the 18th Bern Meeting in 1998 announced the commencement of infringement procedures against Greece.
1999	<ul style="list-style-type: none"> The Zakynthos Case File was closed at the 22nd Bern Convention Meeting in 1999 subsequent to the EC initiative to take the Greek Government to the European Court of Justice for non-implementation of conservation legislation and EC Environmental Directives in Laganas Bay. The Presidential Decree providing the constitution for the Zakynthos National Marine Park (ZNMP) in Laganas Bay was signed immediately after the EC announced its action, in December 1999, during the Bern Convention Meeting.
2002	<ul style="list-style-type: none"> The EC lodged the Case at the European Court of Justice Ruling against Greece for failing the fulfil obligations under Article 12(1)(b) and (d) of Habitat’s Directive (92/43/EEC). Final written warning after on-the-spot appraisal showed Greece’s progress unsatisfactory.
2003	<ul style="list-style-type: none"> EC Delegation consisting of all Greek nationals conducted an ‘on-the-spot’ appraisal of Laganas Bay finding ‘substantial progress has been made towards effective implementation of a system of strict protection for the sea turtles’. The findings were in contradiction to the NGO Reports to the EC. A European Parliament Petition Committee visited Laganas Bay, highlighting in their report (10.12.03) to the Commission that “It was clear from our visit, conversations and pictures seen, that the provisions of the EC Directive are not being complied with...” Greek Authorities issued a “short-term timetable for the adoption of the remaining actions” in order to comply with the Court Judgement of 30th January 2002.
2004	<ul style="list-style-type: none"> Ombudsman denied NGO full access to the results of 2003 on-the-spot appraisal. The EC sent Greece a Final Written Warning 'Reasoned Opinion' urging the Government to comply within 2 months Greece responded to the EC’s ‘Reasoned Opinion’ by providing €90,000 towards the €300,000 debts of the non-functioning ZNMP Body On December 31st 2004 the Waste Disposal Area on the hill above Sekania nesting beach, once again overflowed and the beaches and Bay were awash with effluent. The Plant has been the subject of Public Health Department prosecutions since 2000.
2005	<ul style="list-style-type: none"> General Inspectors of Public Administration (GEDD) investigated Zakynthos in respects to compliance with ECJ ruling. Report gave strict recommendations to meet Ruling obligations. Director of the Land Registry of Zakynthos was hospitalised after having been violently assaulted following signing of official documents confirming the State owned the majority of land around the nesting beaches. NGOs MEDASSET and EuroNature delivered a 17,000 signature petition to the Greek Prime Minister. No response was issued. The Minister of Environment appointed a replacement for the ZNMP President. A month later the NGOs lobbied against the appointment due to vested interests with his family owning illegal buildings on Daphne nesting beach. New appointment of Prof. Amalia Karagounis-Kyrtsos of Athens University (current President) by Minister of Environment. Local Zakynthos Prefect refused to demolish illegal buildings despite Government order eleven years beforehand to do so.

	<ul style="list-style-type: none"> • Daphne landowners lost an appeal at the Greek Constitutional Court to remove restrictions (imposed by the Presidential Decree constituting the Park) on private property development within the boundaries of the Park. • On 28th September 2005, a Management Body for the ZNMP was established according to the regulations outlined in the Park's Management Plan.
2006	<ul style="list-style-type: none"> • ZNMP President without the knowledge or consent of the Management Body developed a 'Pilot Management Plan of Daphne' and signed a 'Cooperative Agreement' with the owners of the local illegal building owners in Daphne. It indicated the locals should implement '...aesthetic and other improvements as indicated by the ZNMP' to their buildings. • A 'Pilot Management Plan of Daphne' was undertaken closing the beach and allowing the construction of 9 new buildings on the area directly behind the nesting beach. • NGOs filed formal complaint leading to Police visits and an arrest. • NGOs lobbied the EC for intervention on the continued construction. Multiple Press Releases were circulated. • Zakynthos Department of Urban Planning imposed fines ranging from €270 to €670,000 on those landowners that had further developed under the instructions of the ZNMP President (those that refused to co-operate with ZNMP President were not fined). • Local Daphne residents held protests destroying ZNMP guard posts and signage. • ZNMP President meets with EC DG Environment. Reports to media after she has successfully convinced the EC to close the ECJ Case and avoid fine.
2007	<ul style="list-style-type: none"> • EC DG Environment sent the NGOs a letter on their intention to close the ECJ Case. ECJ case closed on 27/6/2007. • Minister of Environment confirmed that the fines imposed on the local buildings in 2006 would not be removed. • ZNMP President instigates the construction of 2 new car parks (100 cars each) in Daphne, further facilitating access. No regulation of number of tourists on the beach. No EIA on the carrying capacity of the nesting beaches. • Mayor of the city of Zakynthos imprisoned for embezzlement of €10 million. • Improvement seen in the Management of the ZNMP; however the situation in Daphne remains largely the same.
2008	<ul style="list-style-type: none"> • Fines imposed 30 months ago by the Zakynthos Department of Urban Planning on illegal building owners have yet to be settled. • Discussions regarding the amendment of the existing Presidential Decree have been extensive. The President of the Park is making efforts to prevent changes to the Presidential Decree by promoting first a management plan for the area. • Although an official decision on the expansion or the relocation of the existing Waste Disposal Site (XYTA) has not been issued, it is anticipated that the expansion will not be approved since the Ministry of the Environment has made it clear in writing that such a development at Skopos is not a sustainable solution to the Zakynthos waste management problem. The ZNMP, the Hellenic Ministry of Environment and the NGOs agree that there can not be a XYTA at Skopos. Local authorities however strongly support such a development. • The representative of WWF in Zakynthos and sole representative of the NGOs on the Management Board of the ZNMP (WWF and ARCHELON are represented in rotation), submitted her resignation from Secretary General to the Board, claiming non-transparency of decision-making procedures.
2009	<ul style="list-style-type: none"> • The Zakynthos Municipal Council asked the ZNMP Agency to stop all activities related to the preparation of the 5-year Management Plan and to proceed with a new Special Environmental Study (SES) that would allow for a series of amendments to the Presidential Decree, favourable to local residents' property rights. • NGOs filed a joint letter of complaint to the Minister of Environment concerning the Waste Disposal Site operating within the ZNMP, demanding its immediate sealing and relocation outside the boundaries of the Park. • EC DG Environment Delegation visited Laganas Bay in June 2009 and inspected the Waste Disposal Site and Daphne nesting beach. • MEDASSET wrote to the ZNMP regarding the sound pollution generated by the illegally operating "Cameo" night club at Agios Sostis, affecting the entire Bay. • On May 29th the European Court of Human Rights ruled there had been a violation of Article 1 of Protocol No. 1 (protection of property) and that 2 million Euros be paid by the Greek State as compensation to the lawful owner of Marathonisi islet (part of the ZNMP). • Fines imposed in 2006 by the Zakynthos Department of Urban Planning on Daphne residents for engaging in illegal building activities remain unpaid.

	<ul style="list-style-type: none"> • The Zakynthos Municipal Council, in an extraordinary Meeting, unanimously asked the President of the ZNMP to resign. • Fires, declared by the Fire Brigade as the result of coordinated arson, destroyed 250,000 sq. meters of Mediterranean maquis vegetation surrounding Daphne nesting beach.
2010 – 2018	<ul style="list-style-type: none"> • MEDASSETs continues to update the Bureau with information in relation to Recommendation No 9
2019	<ul style="list-style-type: none"> • MEDASSET conducts an assessment on the implementation of Recommendation No. 9 (1987) and the ZNMP conservation measures. The report with supporting information from ARCHELON and WWF Greece is submitted to the Bureau, urging them to table the issues at Zakynthos for discussion at the 2019 Standing Committee meeting. • Concerns for the continuous issues, the Standing Committee decide to consider this closed file as a possible file, to discuss at the next Bureau meeting.
2020	<ul style="list-style-type: none"> • MEDASSET with supporting information provided by ARCHELON and WWF Greece submit a report with the findings of a site assessment to the Bureau, urging the file to be re-opened. • The 40th Standing Committee vote to re-open the case; 13 parties voted in favour, 2 against and 8 abstained. The File is re-opened. The authorities were against the re-opening of the file.

ANNEX: REFERENCES

REPORTS SUBMITTED TO THE BERN CONVENTION

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- T-PVS (99) 70: MEDASSET: Specific Site, Caretta caretta in Zakynthos (Laganas Bay, Greece), pp. 2-14. (Update report and recommendations).
- T-PVS (98) 48: MEDASSET: Specific Sites, Marine Turtle Conservation in Zakynthos Laganas Bay, Greece, 10 pages. (Update report and recommendations).
- T-PVS (97) 46: L. Venizelos, MEDASSET Marine Turtle Conservation in Zakynthos (Laganas Bay), Greece, 5 pages. (Follow-up report and recommendations).
- T-PVS (96) 86: MEDASSET (L.Venizelos): Caretta caretta in Laganas Bay, Zakynthos (Greece), 5 pages. (Follow-up report and recommendations).
- T-PVS (95) 63: MEDASSET (L.Venizelos): Specific Sites, Caretta caretta, in Laganas Bay, Zakynthos (Greece), 3 pages. (Follow-up report and recommendations).
- T-PVS (93) 32: L. Venizelos, MEDASSET: Marine Turtle Conservation in Zakynthos, Laganas Bay, Greece, 5 July-16 August 1993, 10 pages.
- T-PVS(92)83: MEDASSET activities 1991-1992. Declaration of MEDASSET on item 12.1 about Zakynthos. pp16-18
- T-PVS(91)80: Statements by delegation, declaration on item 11.13 and intervention about Zakynthos. Presented by L. Venizelos, J.Maigret. pp. 21-25

ANNEX: MAPS & PHOTOGRAPHS

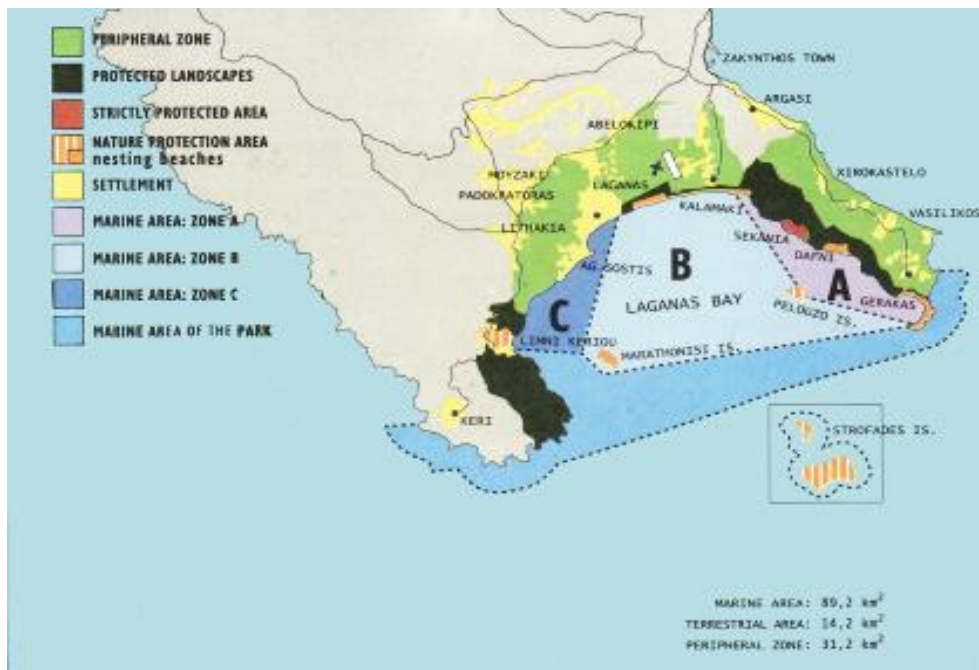


Fig. 1 | Zakynthos National Marine Park Map

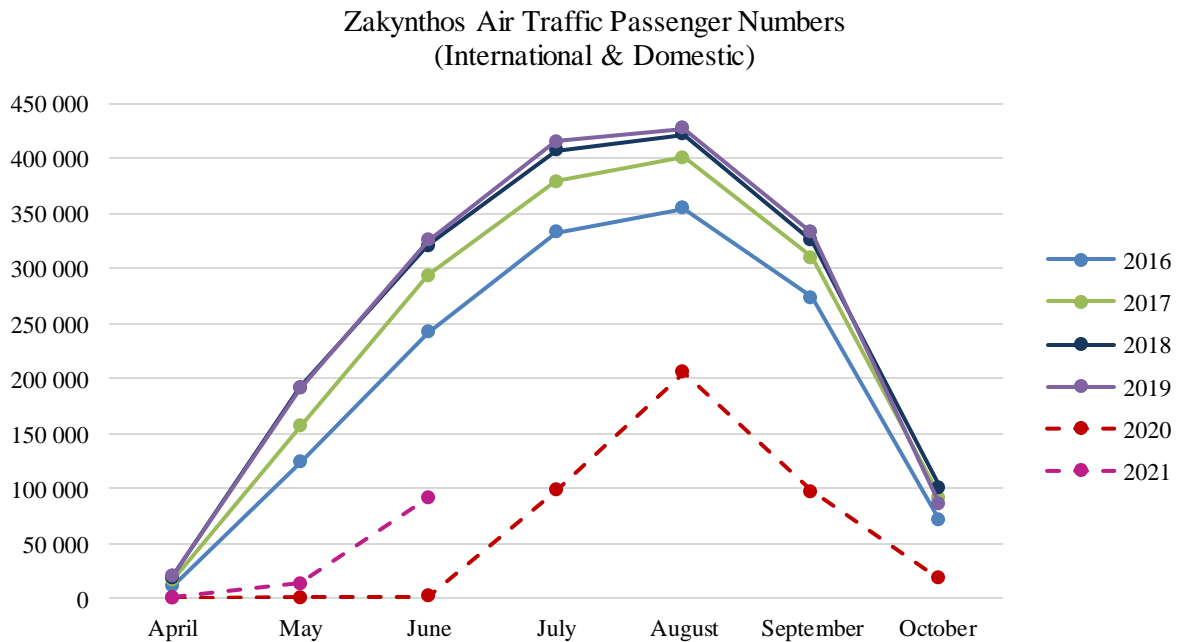


Fig. 2 | Data on air traffic passenger numbers to Zakynthos, April to October 2016 – 2020 and April to June 2021. Dashed lines represent years affected by COVID pandemic. Data downloaded from the Hellenic Civil Aviation Authority for Zakynthos Airport. [Hellenic Civil Aviation Authority - Our Airports - Zakynthos Airport "D.Solomos" \(ypa.gr\)](https://www.hcaa.gr/en/our-airports/zakynthos-airport-d-solomos/)



Fig. 3 | Daphne; 2020 Google Earth image (top): Natural and dune system destroyed. Photo taken 14th July 2021 (bottom). Photo taken at the back of the beach showing the complete destruction of the sand dune system. Illegal businesses, cultivated alien plant species, sunbeds and umbrellas occupy the entire area, directly behind the nesting beach.

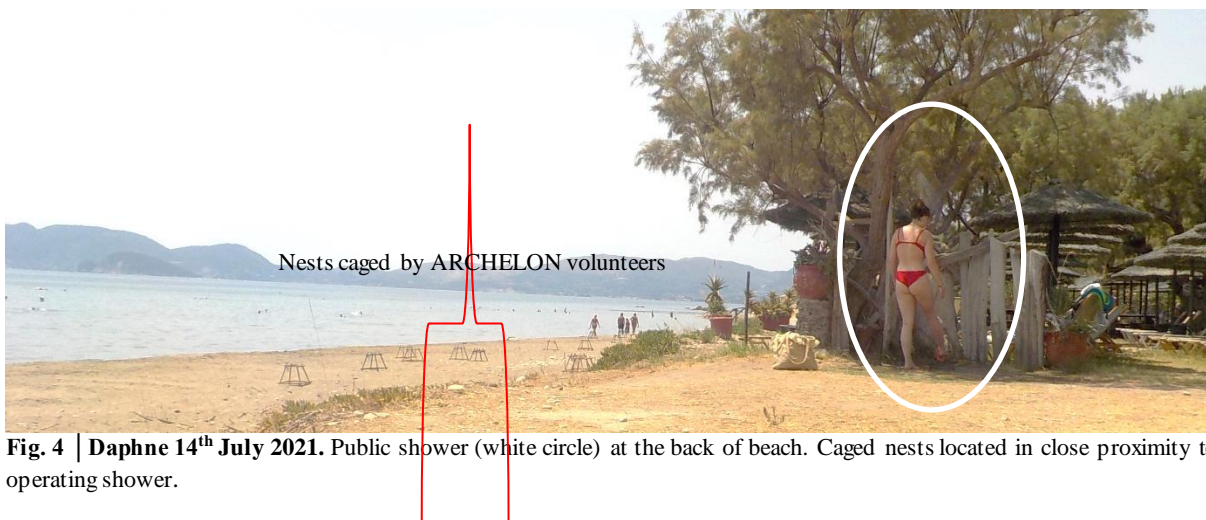


Fig. 4 | Daphne 14th July 2021. Public shower (white circle) at the back of beach. Caged nests located in close proximity to operating shower.



Fig. 5 | Daphne 14th July 2021. No protective management measures (ropes, zoning) present on beach to ensure safe distances between visitors (white circles) and nests are maintained.





Fig. 6 | Kalamaki (top), Laganas East, Zante Beach (Top Middle), Laganas East, Kalamaki Beach Taverna (Bottom Middle) and Gerakas (Bottom) 13th - 15th July 2021. Sunbeds not removed from nesting beaches at night, reducing the space available for emerging nesting females.



Fig. 7 | Gerakas 13th July 2021. Prohibited private umbrellas used commonly by beach visitors on Gerakas, Daphne and Marathonisi.



Fig. 8 | Marathonisi 15th July 2021. Commercial and private hire boats moored on the nesting beach, exceeding maximum allowance (10 boats).



Fig. 9 | Marathonisi 15th July 2021. Private hire boats illegally anchoring in the ZNMP maritime Zone B. Top- in the nearshore waters off the nesting beach, Middle- along the eastern side of Marathonisi and Bottom- numerous boats anchorage at the southern side of Marathonisi.

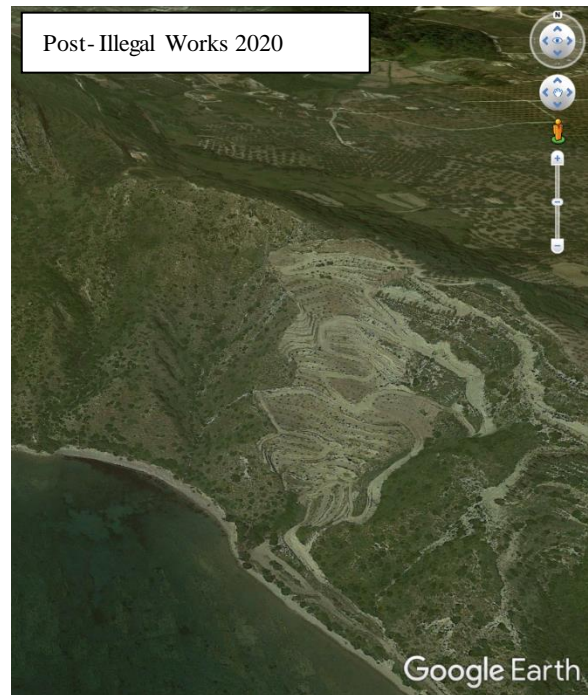
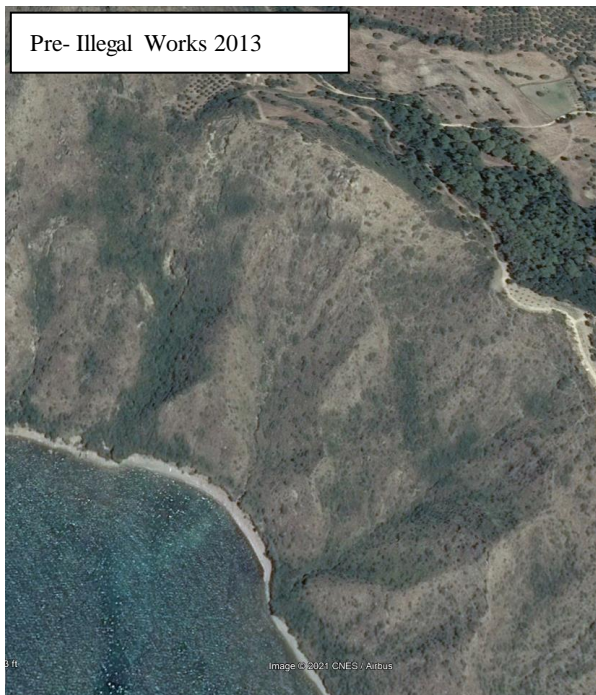




Fig. 10 | Illegal Road between Gerakas and Daphne, Pre & Post Google Earth Images (top), Photo taken 14th July 2021 (bottom). No signs of restoration work carried out to return the protected area to its natural state; the road carved into the protected landscape is still clearly visible in the photo (white circles).



Fig. 11 | Laganas East, Zante Beach Hotel (top), Kalamaki (Middle) and Marathonisi (Bottom). 15th July 2021. Warden Huts closed and no wardens were observed on these nesting beaches areas during assessment period.



Fig. 12 | Marathonisi (Top) & Laganas East (Middle & Bottom). 15th July 2021. Non-compliance and lack of enforcement for restricting visitors' area use on the nesting beaches to within 5m of the waterline. Bottom photo shows visitor's use of a private umbrella on Laganas East nesting area, risking impelling and destroying a turtle nest.





13 | Kalamaki 14th July 2021. No warden present at Kalamaki nesting beach. Visitors observed on the beach (top) and swimming (bottom) long after sunset.

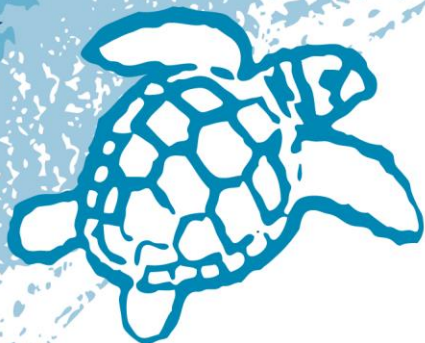


Fig. 14 | East Laganas (top) and Vondonero (Bottom) 15th July 2021. Horse riding on protected sand dune system and nesting beaches of the ZNMP is prohibited to prevent destruction of habitat and turtle nests.





Fig. 15 | Agios Sostis 15th July 2021. Numerous boats observed not adhering to 6 knot speed limit within the maritime area of ZNMP. Series of photos taken of private hire boat not adhering to ZNMP speed limit; boat quickly overtakes a turtle spotting boat travelling at the restricted speed limit.



MEDASSET

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26 February 2021

Our Ref. 04.2021

Ms Jana Durkošová
Chair
Standing Committee of the Bern Convention

Re: Updated letter in relation to Open File 1986/8: Greece: Follow-up to Recommendation No. 9 (1987) on the protection of *Caretta caretta* in Laganas bay, Zakynthos

Dear Ms. Durkošová,

As per the request of the Standing Committee in December 2020, MEDASSET, in collaboration with ARCHELON and WWF Greece, hereby submits an update on the implementation of Recommendation No. 9 (1987) on the protection of *Caretta caretta* in Laganas Bay, Zakynthos (Greece).

Following our previous correspondence dated 12/08/2020 and our presentation at the 40th 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.

- The Illegal businesses operating at Daphni (beach bars, restaurants, house rentals), have resulted in the complete alteration and degradation of the nesting beach, causing significant disturbance to nesting activity, and have yet to be removed.
- 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)—have not been demolished and the site has not been restored (Fig. 1-2).
- No restoration work has occurred for the illegal road constructed between Gerakas and Daphni (Fig. 3-4). A large fine was issued on August 2nd, 2018, by the Regional Authority (200.000€), but has not been paid. There was also a decision by the Coordination Office for the Implementation of Environmental Liability (“SYGAPEZ” in Greek), dated August 3rd, 2018, according to which, the perpetrator is legally obliged to pay for the restoration of the whole area. However, no restoration has taken place. It is apparent that the non-enforcement of fines, demolition and restoration orders, continues to fail to deter illegal activities. Furthermore, new developments, such as stone retaining walls and planting, were witnessed on January 31, 2021, as shown in the figures below (Fig. 4-6).
- The legal framework for the conservation and protection of the area continues to be inadequate and incomplete. The process of carrying out the Special Environmental Study, updating the

Presidential Decree and issuing the long-awaited management plan has been slow and is facing delays.

- Lack of enforcement of the existent Presidential Decree and National Marine Park of Zakynthos regulations, in addition to the Greek authorities not taking action, perpetuates the serious problems at Laganas Bay. The reasons for non-enforcement are attributed to, among others, the lack of assumption of responsibilities and the lack of coordination among the relevant authorities, the inability to enforce the law and impose penalties due to staffing and financial difficulties faced by the corresponding authorities, as well as the slow resolution of legal cases by the judicial system.
- At National level, the Greek governance model for the management of protected areas is being fundamentally changed, 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 legal entity which is now under formulation. Taking into consideration that prior to the new law (4685/2020) that brought about this change, there were 36 Management Bodies for Greece's protected areas, there is great concern of the impact these changes will have on the adequate and effective management of protected areas, including Laganas Bay, due to delays in its implementation and uncertainty during the transition phase from the old system to the new.
- A new emerging threat within the marine area adjacent to the protected area, which will certainly have a significant impact on the Zakynthos breeding population as well as others in the Ionian region (Kyparissia), is the Greek government's decision for the exploration and exploitation of hydrocarbons.

We wish to express our extreme concern regarding the situation in Laganas Bay during the 2021 nesting season, as global travel restrictions due to COVID -19 are predicted to abate during the tourist season and so far there has been no action to improve the management of the forthcoming extreme pressures of tourism in summer 2021.

We are confident that the Standing Committee will take under serious consideration the present letter and enclosed documents at the upcoming Bureau Meeting (14-15 April 2021). We call once again upon the Standing Committee to keep the Case File open and, in view of the 2021 nesting season, to perform an on-the-spot appraisal in order to update Recommendation No. 9 (1987), with the aim to assist and encourage the Greek Authorities to urgently ensure the effective protection of Laganas Bay.

We are at your disposal for any further information.

Yours sincerely,



Lily Venizelos

MEDASSET President

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

Enclosed:

- Figures 1-6
- MEDASSET letter dated 18 August 2020 (MEDASSET Ref. 40.2020)
- MEDASSET presentation for the 40th Meeting of the Standing Committee of the Bern Convention

CC:

Bern Convention, Council of Europe:

Ms. Ursula Sticker, Secretary of the Bern Convention

Mr. Eoghan Kelly, Project Assistant

Ms. Helena Orsulic, Administrative Assistant

Ms. Veronique De Cussac, Administrative Assistant

European Commission, Directorate-General for Environment:

Ms. Anne Burrill, Env. D.2 – Natural Capital - Biodiversity

Mr. Nicola Notaro Env. D.3 Natural Capital – Nature Protection

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

FIGURES 1-6



Fig. 1-2. Illegal Building in Gerakas, 31.01.2021

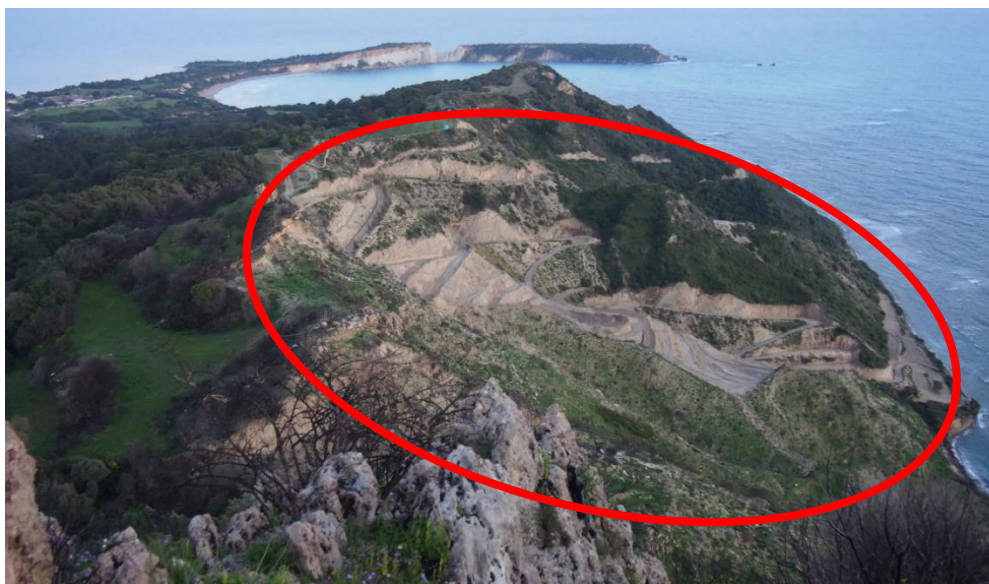


Fig. 3. Illegal road between Gerakas and Daphni, 2015



Fig. 4 Illegal road between Gerakas and Daphni. New developments continue undisturbed despite fines, 31.01.2021. Tractor in red circle.

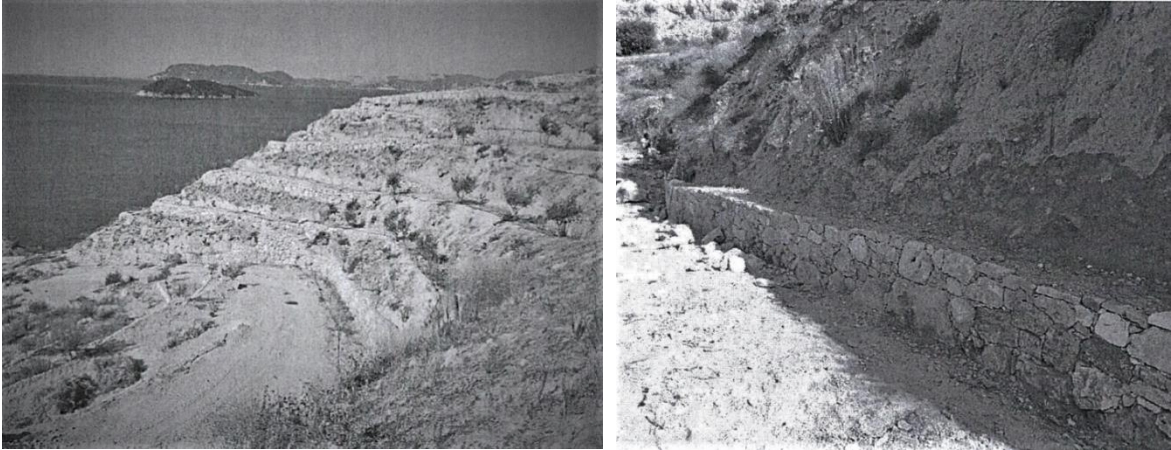


Fig. 5-6. New developments on illegal road between Gerakas and Daphni: stone supporting walls, 31.01.2021