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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

Specific Sites - Files open

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

- REPORT BY THE COMPLAINANT -

*Document prepared by
MEDASSET*

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**DEVELOPMENT PLANS IN KYPARISSIA BAY, SOUTHERN KYPARISSIA
(WESTERN PELOPONNESE, GREECE)**

30 August 2019

UPDATE REPORT BY
MEDASSET - the Mediterranean Association to Save the Sea Turtles

***for the 39th Standing Committee Meeting of the
Contracting Parties to the Convention on the Conservation of European Wildlife and Natural
Habitats (Bern Convention)***

Following the complaint submitted on 22 August 2010 for the 30th Standing Committee Meeting [T-PVS (2010) 16] regarding developments threatening Kyparissia Bay, and the following:

- 1 The response of the Greek authorities to the European Commission (22 December 2010) forwarded to the Bureau Meeting on 8 March 2011 (T-PVS/Files (2011) 5E)
- 2 The European Commission's letter of formal notice to the Greek Authorities in October 2011
- 3 MEDASSET's update reports sent to the Bureau on 2 September 2011 and on 29 March 2012
- 4 ARCHELON's short Report sent to the European Commission and the Bern Convention (October 2012)
- 5 The European Commission Reasoned Opinion (EL2011/2156 ENVI) sent to the Greek Authorities in October 2012
- 6 The Greek Authorities response to the EU Commission's Reasoned Opinion on 22 November 2012
- 7 MEDASSET's update reports sent to the Bureau on 11 March 2013 and 1 August 2013 [TPVS/Files (2013) 15]
- 8 ARCHELON's short Report sent to the European Commission and the Bern Convention (October 2013)
- 9 The response of the Greek Authorities to the letter of the Bern Convention (11 October 2013) on 17 October 2013
- 10 The decision of the 2nd Bureau meeting on 17 September 2013 [T-PVS (2013) 10] to finally discuss the complaint as a File open at the 33rd Standing Committee meeting (December 2013), inviting the Greek authorities to attend
- 11 The European Commission's decision on 28 March 2014 to take Greece to Court for failure to provide adequate protection for the endangered sea turtles
- 12 The Bern Convention on-the-spot appraisal in South Kyparissia Bay, 14-15 July 2014
- 13 MEDASSET'S update report sent to the Bureau on 30 August 2014 [T-PVS/Files (2014)48]
- 14 the on-the-spot appraisal Report to the Standing Committee, dated 1 September 2014 by Dr. Paolo Casale, University of Rome "La Sapienza", coordinator of the Sea Turtle Project of WWF Italy and member of the IUCN SSC Marine Turtle Specialist Group [T-PVS/Files (2014)49]
- 15 ARCHELON's short report sent to the European Commission and the Bern Convention (October 2014)
- 16 Recommendation No.174 (2014) of the Standing Committee, adopted on 5 December 2014, on the conservation of the loggerhead sea turtle (*Caretta caretta*) and of sand dunes and other coastal habitats in Southern Kyparissia bay (NATURA 2000-GR2550005) "Thines Kyparissias", Peloponnese, Greece)
- 17 MEDASSET's update report sent to the Bureau on 14 August 2015 [T-PVS/Files (2015) 29]
- 18 ARCHELON's short report sent to the European Commission and the Bern Convention (October 2016)
- 19 The judgement of the Court of Justice of the European Union, in Case C-504/14 Commission Greece issued on 10 November 2016
- 20 The three decisions of the Council of State about the Presidential Decree of Kyparissia Bay: 32/2015 issued in April 2015, 175/2017 issued in July 2017 and 80/2018 issued in June 2018.

- 21 MEDASSET update report in 2017 [T-PVS/Files (2017) 30] and 2018 [T-PVS/Files (2018) 48].
 22 ARCHELON update reports 2017 [T-PVS/Files (2017) 37] and 2018 [T-PVS/Files(2018)44]
 23 The issuance of the Presidential Decree (Government Gazette D 391/03-10-2018) in October 2018

MEDASSET hereby presents a summary of the current situation in Kyparissia Bay, a NATURA 2000 site, (THINES KYPARISSIAS – GR2550005):

Location and core nesting area

Kyparissia Bay, which is located on the Western Peloponnese coastline, has an increased ecological value due to the presence of an extensive dune ecosystem and the fact that it constitutes one of the most significant nesting site of the *Caretta caretta* turtle in the Mediterranean Sea, an endangered species according to the 92/43/EOK Directive, in need of strict protection (annexes II and IV of the same directive). Approx. 82% of nesting activity occurs in the s 10km beach between the estuaries of the rivers Neda and Arkadiko (approximately 1.452 nests in 2014, 1.286 in 2015, 1.472 in 2015, 2.702 in 2016, 2,650 in 2017 and 2,550 in 2018, as recorded by ARCHELON). It is important to note that in all the aforementioned years the number of nests exceed those recorded on Zakynthos, officially the most important nesting site for *Caretta caretta* in the Mediterranean.

Overview of the case file at the Bern Convention

The ecological value of the area and the necessity for protection measures has been repeatedly reiterated to Greek authorities by MEDASSET and ARCHELON in cooperation with other Environmental NGO's. 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 protection of Southern Kyparissia Bay. The 2014 Recommendation was issued pursuant to a report and appraisal by an international expert¹ 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, MEDASSET in collaboration with ARCHELON, have presented the continued degradation of the site and its inadequate management to the Bern Convention each year. While positive steps have been made with the adoption of the Presidential Decree (PD), its enforcement is non-existent and we strongly reiterated the urgent need for the enforcement of a Management Plan, as the PD does not address several major issues. Threats include illegal building constructions, further planting on the nesting beach and dunes, nearshore fishing, vehicle access on the nesting beach, lack of beach furniture management and light pollution.

Adoption of the Presidential Decree

The Presidential Decree (PD) on the characterisation of the sea and land area in the “Kyparissia Gulf Regional Park”, which was drafted in 2014 and submitted to the Council of State for approval, fell far short of EU and conservationists’ demands, as it designated the sand dunes of Kyparissia Bay as a “regional” rather than “national” park, allowing much looser restrictions. The country’s highest administrative court in April 2015 returned the document to the Environment Ministry with numerous observations and objections that still need to be addressed (Decision 32/2015). The court emphasised that the issue of an improved new draft decree was urgent in light of the European Commission's complaint and the 2014 Recommendation. Environmental groups have also vehemently criticised the decree, arguing that it does not adopt a strong enough stance against activity that is detrimental to the natural habitat.

On 18th February 2016, the general prosecutor of the ECJ suggested that Greece should be convicted for failure to introduce measures to protect the Gulf of Kyparissia. Specifically, the prosecutor, whose proposals are not binding for the European Court, stated that despite the positive overall picture and the

¹ Report to the Standing Committee dated 1 September 2014 by Paolo Casale, University of Rome “La Sapienza”, coordinator of the Sea Turtles Project of WWF Italy and member of the IUCN SSC Marine Turtle Specialist Group.

efforts made by the Greek government and non-governmental organisations to protect sea turtles for the last twenty years, Greece has allowed a series of activities that negatively affect both the reproduction of the turtle and the protected dune habitat in the region.

In order to avoid this, the Greek Ministry of Environment and Energy finally put the 2nd draft PD out for public consultation on 26th February 2016. The public consultation lasted two weeks and MEDASSET reviewed the draft PD and together with all the other Greek Environmental NGOs, including ARCHELON, submitted comments and proposed amendments to the Ministry of Environment with the hope that the content of the PD will not remain unchanged.

In a meeting in Athens in May 2016, the Nature 'FYSI 2000' National Committee gave its endorsement to the draft PD which remained unchanged and urged the Ministry to incorporate the Commission's comments to the PD and send it for review to the State Council before the expiration of the Ministerial Decision which was suspending building permits and any type of construction activity in area.

On 24th May 2016, (when the suspension of building permits expired) the Ministry of Environment issued a new Ministerial Decision² that halted any type of construction activity in the area for the next two years. This was a positive development but due to its temporary nature (valid only for two years) the need for a new PD remained high.

On 10th November 2016, the Court of Justice of the European Union (CJEU), in its judgement concerning Case C-504/14 declared that a comprehensive and coherent preventive legislative and regulatory framework for the protection of the *Caretta caretta* sea turtle was lacking in the Kyparissia area.

Specifically the CJEU declared that the Hellenic Republic,

- by failing to adopt a comprehensive, coherent and strict legislative and regulatory framework for the protection of the *Caretta caretta* sea turtle in the Kyparissia area;
- by failing to take, within the prescribed period, all the specific measures necessary to prevent the deliberate disturbance of the *Caretta caretta* sea turtle during its breeding period; and
- by failing to take the measures necessary to enforce the prohibition on deterioration or destruction of the breeding sites of that species, has failed to fulfil its obligations under Article 12(1)(b) and (d) of Directive 92/43;

In April 2017 (i.e. two years after the Decision 32/2015 of the Council of State), the Greek Ministry of Environment (MoE) submitted a revised draft PD for Kyparissia Bay to the Council of State. In July 2017 the Council of State issued the new decision (175/2017), with which it postponed the elaboration of the PD (i.e. the issue of final approval or rejection of the new draft PD), until the MoE justified that an appropriate environmental study and assessment of Kyparissia Bay and the surrounding areas was conducted, in order for the effective protection of the area to be ensured. The Council of State requested the administration (MoE) to re-examine the issue more strategically and from the point of view of environmental protection, as the area was included in the Natura 2000 network.

In June 2018, the PD draft was approved by the Council of state (Decision 80/2018) and finally adopted and published in the Government Gazette (D 391/03-10-2018) in October 2018, which means that for the first time, Kyparissia Bay is officially and permanently protected. Specifically, a positive step of the PD is that it protects (except from Kalo Nero area) the nesting beach from permanent constructions.

Many illegal activities though continue to degrade the habitat and they will only be addressed through the preparation and implementation of a Management Plan while considering local's community needs and assistance. The preparation and implementation of the Management Plan must address several crucial issues: a complete identification of the legal road system in the protected area; beach use rules

² The ministerial Decision (ΦΕΚ 141 Δ' / 24-5-16) was issued according to the article 6, paragraph 9 of the law 3937/11.

(duration of stay at the beach, beach zoning, code of conduct etc.) that will prevent harassment of sea turtles during their highly sensitive reproduction cycle; rules for beach bars operating in the core habitat; fishing regulations; and hunting regulations to protect the area's bird fauna. To date not only has no management plan for the adequate protection for Kyparissia bay been implemented, but also the existing PD is extremely poorly enforced. Also, the management plan is not expected to be ready but in 2 years, if the planning of Greek authorities for the elaboration of management plans for all Natura 2000 goes as scheduled. It should also be noted that the NMPZ has been integrated in the jurisdiction of the Kotychi-Strofilia National Park Management Body, since early 2018, although it should be noted that this expansion in the jurisdiction of the Management Body has not to date been followed by a corresponding increase in staff.

Currently, local communities have taken steps to appeal the PD. A hearing is pending at the Council of State.

2019 UPDATE

In July 2019, MEDASSET's experts, in collaboration with ARCHELON's expert, carried out an assessment of the conservation status of the core nesting area of Kyparissia Bay. The following is a summary of the observed conservation problems and the (lack of) progress made by the government to implement the 12 measures under Recommendation No 174:

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 whole area as a Nature Protected Area and not as a National Park. All areas not designated as Nature Protected Areas are designated as Agricultural Landscape Zones where construction is permitted. Part of the coastal area, specifically at Kalo Nero area behind the core nesting beaches, is designated as Agricultural Landscape Zones, putting in extreme danger the reproduction of sea turtles and the adequate protection of the habitat.

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;

The PD failing to be enforced, has not led to a suspension or demolishing of the existent constructions just behind the core nesting area. Hence, 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, the PD addresses the existing illegal road network, but it is yet to take any action in its demolishment and the lack of its enforcement leads to the continuous degradation of the site (*see third recommendation*).

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;

As mentioned, despite what is stated in the PD, 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). No measures have been implemented with regards to the prevention of access of cars and caravans in close proximity to the nesting beaches (Fig. 2a), and furthermore no blockades were placed at the legal roads leading to the beach, allowing easy access of vehicles onto the beach in high density sensitive nesting areas (Fig. 2b-d). Additionally, camping occurs extensively throughout the protected forest habitat that borders the dunes and nesting beach (Fig. 3).

In regards with the existing illegal infrastructure, the barbed wire fencing surrounding the house at Vounaki was removed in 2017, but the cement base remains (Fig. 4).

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 existing houses need to make vital changes to reduce light pollution and restore the degraded sand dune eco-system. Due to the lack of enforcement, only some modifications have been implemented by the Municipality of Trifylia addressing light pollution in Kalo Nero (*see No. 6*), but not anywhere else.

Introduced alien plants have 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. 5a). Cultivation of the flora continues to maintain these alien species and prevent restoration of the sand dune ecosystem. The invasive species *Carpobrotus* can be found at various locations along the shore, spreading onto the beach, and in particular along the beach front of Irida Resort (an extremely high density nesting area) along with planted young trees for the development of a sunbed area (Fig. 6).

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

The cultivation of watermelons still continues extensively across the sand dune area, despite being prohibited by the PD, due to lack of enforcement (Fig. 7).

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

Issues relating to light pollution are addressed in the PD, but due to lack of enforcement there are still extremely high levels of light pollution at the beach at Kalo Nero by the taverns operating along the beach front, as well as by hotels and street lights (Fig. 8). It was noted in 2017, that Trifylia Municipality implemented some mitigation measures for reducing light pollution, by directing artificial lighting downward at a lower height; however, this approach is not extensively implemented, even though the adjustment is not highly complicated. Overnight camping with bonfires also occurs close to and on the beach in Kalo Nero and elsewhere along the nesting area (Fig. 9).

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 licences to any new beach equipment so that core nesting area remain free of obstacles for nesting turtles;*

The beach furniture used on Kalo Nero beach cover a zone of approximately 1.2 km and tourism business enterprises owners remove them only occasionally during night, despite the relevant provisions of the PD (Fig. 10a-b). The illegal wooden platforms on the beach of Kalo Nero remain despite the demolition protocols that have been issued from the Public Land Authority of Kalamata and despite the provisions of the PD for urgent demolition of all illegal constructions. Fixed structures (boardwalk, volleyball net) are also present on the beach at Elea near an illegally operating beach bar (Fig 10c-d).

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

Sand and gravel extraction has not been an issue this year.

9. *If new housing is to be built to accommodate growing tourism, favour building in areas already urbanised (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 area, directly behind the core nesting beaches, where building is permitted. Ongoing constructions were observed at Vounaki and Agiannakis Beach (Fig. 11).

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 largely regarded as 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 recreational fishing, which is permitted only during the day. 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. 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.

Furthermore, there is no enforcement of the PD six-knot speed limit and prohibited nighttime recreational fishing activities. Recreational fishing is occurring widely across the shoreline, which also poses a significant threat to sea turtles, with risks of hook ingestion and entanglement with abandoned fishing line (Fig. 12).

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 still 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 sea turtle nesting beach and that visitors should not access the beach at night to prevent disturbances. The lack of blockades to the access points allows easy beach access by vehicles at night (Fig. 13). As a result to all the above, the nesting areas are subjected to high levels of disturbance.

No attacks by feral dogs have been recorded this year.

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

No comment

General remarks & Recommendations

For Kyparissia Bay to be sufficiently protected there must be (1) immediate and effective enforcement of the PD and (2) urgent preparation, issuance and implementation of a Management Plan for the area, which will cover the unresolved issues not addressed in the PD (e.g. fishing activities and nighttime beach use). The Management Plan must be prepared in cooperation with the Kotychi – Strofyliya – Kyparissia Bay Wetlands Management Body and it is essential that its development includes the active participation of local stakeholders and community. The implementation of a Management Plan will strengthen the protection of the site and will clarify the PD provisions, which have not been described in detail. The preparation and implementation of the Management Plan must address several crucial issues: a complete identification of the legal road system in the protected area; beach use rules (duration of stay at the beach, beach zoning, code of conduct, etc.) that will prevent disturbance of sea turtles during their highly sensitive reproduction cycle; rules for beach bars operating in the core habitat; fishing

regulations; and hunting regulations to protect the area's bird fauna, which the PD fails to address. With a Management Plan in place, regulating and controlling authorities will have clear provisions so that the area will be better patrolled and the law enforced. These two critical issues need to be immediately addressed.

Hence, MEDASSET calls upon the Bern Convention Standing Committee to:

- Follow-up, discuss and keep the case file open at the 39th Meeting of the Standing Committee.
- Urge Greek authorities to fully implement Recommendation No. 174 with no further delay.

Figures 1- 13



Fig 1 | Recommendation #3: *Illegal road system with no signs of any demolition works to restore protected site.*



(a)



(b)

(c)



Fig 2 | Recommendation #3: Lack of restoration to the roads in the sand dunes and blockades to access points; (a) Caravans and cars have easy access to the proximity of beach, (b) Road across sand dunes with Quad bike returning from the beach, (c) Tractor parked on sand dunes at Agiannakis beach, (d) Quad bike rider at Agiannakis beach, stuck in the soft sand within close proximity of nests.



Fig 3 | Recommendation #3: Illegal camping in coastal forest directly behind the sand dunes of the nesting area



Fig 4 | Recommendation #3: Failure to remove existing infrastructure. Concrete base surrounding a house at Vounaki is still not removed.



Fig 5 | Recommendation #4: Existing houses at Agiannakis (a) and Vounaki (b) with maintained introduced alien plant species. No steps have been taken for their removal to reinstate the natural dune system.



Fig 6 | Recommendation #4: Examples of invasive species along beach not removed. (a) Planted young trees and cultivation of invasive species *Carpobrotus* spreading on the back a high density nesting area. (b) Invasive species *Carpobrotus* spreading onto the nesting area.



Fig 7 | Recommendation #5: Alteration of sand dune system with continued watermelon cultivation and dirt track with regular vehicle use.



Fig 8 | Recommendation #6: Photo pollution along the beachfront at Kalo Nero; (a) Tavernas, (b) Street lights and (c) Local hotel.



Fig 9 | Recommendation #6: Overnight camping along the beachfront and on the beach in temporally structures.



Fig 10 | Recommendation #7: Beach furniture not removed (a, b) at Kalo Nero (c, d) Elea Beach



Fig 11 | Recommendation #9: Further building at (a) Vounaki, and (b) Agiannakis Beach.



Fig 12 | Recommendation #10: Recreational fishing from the shore occurring across the nesting area.



Fig 13 | Recommendation #11: *Human presence on the nesting beach; Lack of blockades of roads onto beaches allows vehicles to entre beaches at night. Tracks of vehicle overlaid by emerging females tracks*