

## AVOSETTA MEETING

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### Recent National Developments-Greece

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#### **1. The non-clear exclusion of Natura 2000 sites from the authorization of oil exploration activities within their limits**

Since the emergence of the economic crisis, Greece adopted a favourable approach concerning oil and gas extraction as an element of its economic recovery strategy. Since 2014 the Greek Parliament ratified a series of contracts for hydrocarbon research and extraction in both offshore and onshore blocks. Furthermore, after a significant delay, Greece transposed Directive 2013/30 by Law 4409/2016. In this context, an issue that is raised, is that the current regulatory framework and especially the Ministerial Decision which approved the SEA Study for the exploration Programme for oil extraction in the region of Epirus (MD 172162/2.12.2013), did not excluded from its field of application at least 10 protected sites, which are part of the NATURE 2000 network from the places where exploration activities will take place. Three environmental NGOs (WWF, Greenpeace and Clientearth), as well as the Local Initiative against the extraction and the exploration of hydrocarbons in the Epirus Region have raised significant concerns concerning the compatibility of the concession framework for exploration and extraction with the EU Nature Protection Legislation.<sup>1</sup> Furthermore, issues of insufficient access to environmental Information were raised by the NGOs. In May (2018), the two NGos (WWF and Greenpeace) submitted a petition for annulment before the Council of State against the approval of the first stage of works of seismic research for hydrocarbon exploration in the Epirus Region<sup>2</sup>.

#### **2. The introduction of Law 4495/2017 for the so-called "legalization" of illegal buildings**

Law 4495/2017 constitutes the latest legislative development in a series of Laws that have been introduced since 2010 and set the framework for the so-called "legalization" of existing illegal buildings that were built before 28.07.2011 mainly in the form of the suspension of the relevant fines after the payment of a composite fine.

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<sup>1</sup>More information is available at: 1) <https://www.greenpeace.org/greece/issues/klima/2458/greenpeace-kai-wwf-ellas-gia-thn-ex/>. 2) <http://www.wwf.gr/news/2062-wwf-greenpeace-2>

<sup>2</sup> Information is available at: <https://typos-i.gr/article/greenpeace-kai-wwf-sto-ste>.

### **3. The attempt for the introduction of exemptions from the application of the forest maps and the relevant jurisprudence of the Council of State**

A significant step for the protection of the forest eco-systems took place through the elaboration and the posting of draft forest maps in certain parts of the Greek territory. The preparation and ratification of forest maps constitutes an obligation, which is based on Article 24 of the Constitution (provision establishing a state obligation for the protection of the environment and an individual right to a healthy environment as well) and is required by the Council of State for a long time as a means to protect forests and provide legal clarity and certainty to the investors as regards the allowed uses<sup>3</sup>. This significant effort was undermined by the effort to exclude illegal building blocks in forests and natural ecosystems titled as "housing agglomerations" from the field of application of the forest maps (Article 23 para. 4 of the Law 3889/2010, as amended by Article 153 para.1B of the Law 4389/2016 and Joint Ministerial Decision 34844/2016). The Council of State (Decision 1942/2017) ruled that the exclusion of the so called "housing agglomerations" from the application of forest maps does not serve any reason of public interest and especially the purpose of the acceleration of the ratification process of the forest maps. Moreover, the Court adopted the position that such an exemption could be seen as an "unconstitutional reward" to those who have built illegal buildings in forest areas.

### **4. Decisions 2721/2017 and 2722/2017 of the Council of State concerning the renewal of expired permits**

The Council of State ruled that the renewal or the modification of the existing environmental permits has to be completed within a reasonable timeframe that cannot exceed the ten years as an upper limit starting from the time point of the issuance of the relevant permit. Otherwise, the validity of the existing permits expires automatically. In this context, the Court ruled that the validity of the relevant environmental permits of seven lignite power stations of the Power Public Corporation that were issued in 2006, expired automatically since they were not renewed within the above-described upper time-limit (10 years) and the pending trials had to be terminated, as they became void of purpose.

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<sup>3</sup> The relevant forest maps are ratified by Decisions of the Minister for Environment and Energy after the objections which are submitted by the citizens against the draft forest maps are reviewed by the competent Committees established thereof (Articles 13-15 of the Law 3889/2010). The ratified forest map for a specific area can be challenged before the Council of State for reasons relating to its legality by any natural or legal person that can demonstrate "sufficient interest".