

**Recent national developments in Environmental and Climate Law and
Climate Change litigation
Country Report: Greece**

Vasiliki (Vicky) Karageorgou*
Panteion University of Social and
Political Sciences, Athens, Greece

I. Legislative Developments

1. Law 5215/2025 on biomethane and hydrogen production

In July 2025 Law 5215/2025 (Official Government Gazette Issue A/116/4.7.2025) was adopted under the title “Framework for promoting biomethane production, rules for organizing the hydrogen production market, and geographically limited hydrogen networks - Partial transposition of Directive (EU) 2024/1788 and other provisions for environmental protection”. The law aims on the one hand at the establishment of a comprehensive and coherent framework for promoting biomethane production and increasing its share in the country’s energy mix and on the other, at the establishment, through the partial transposition of Directive 2024/1788, of a single, comprehensive framework for the organization and launch of the market for renewable hydrogen and low-carbon hydrogen.

The law sets out in detail the licensing procedure of biomethane plants, including the permits for installation and operation of the plants. It also introduces a support scheme of such units and other incentives, to facilitate the production of biomethane and its subsequent integration into the national energy mix.

The Law has also partially transposed Directive 2024/1788. Regarding the organization of the hydrogen production market, the Law contains provisions on the 2-stage licensing procedure of the hydrogen production, the latter being permitted only for those producers who have been granted the relevant Hydrogen Producer Certificate, in accordance with the criteria set forth in the law. The Law also sets rules for counting of electricity obtained from the grid and establishes an obligation to report to the Regulatory Authority for Energy, Waste and Water (RAAEY).

*I am deeply indebted to Ariti Tsoukala, Environmental Lawyer, LL.M in Public Law and LL.M in Environmental Law, National and Kapodestrian University of Athens (Greece) for her substantial contribution in the preparation of the report

2.Law 5261/2025 on the transposition of Directives 2009/31 on the geological storage of carbon dioxide and 2024/1788 on hydrogen production market

By the end of 2025, Law 5261/2025 (Official Government Gazette Issue A/231/12.12.2025) was enacted to regulate the capture, use, transport, and storage of carbon dioxide. By the afore-mentioned Law, Directive 2009/31 was partially transposed into national legal order. This legislation also aims to complete the transposition of Directive 2024/1788 by introducing comprehensive rules for the organization of the hydrogen production market, such as provisions relating to the designation and certification of hydrogen transmission network operators, as well as unbundling requirements to ensure market transparency, non-discriminatory access and the effective separation of network management from production and supply activities.

3.Mandatory emission permits for special-purpose installations

Joint Ministerial Decision No. 36060/1155/E.103/13.6.2013 (Official Government Gazette Issue B' 1450) transposed the provisions of Directive 2010/75 on Industrial Emissions into the national legal order. To this end, it has set a framework of rules, measures and procedures for the authorization of the industrial installations that fall into the scope of the Directive. The recent Joint Ministerial Decision No. 146465/6617/2025 (Official Government Gazette Issue B'/7058/30.12.2025) introduced minor amendments to the Joint Ministerial Decision No. 36060/1155/E.103/13.6.2013. In specifically, it introduced Article 11A into the afore-mentioned JMD which sets out that the installations exempted from environmental permitting procedure under Article 1, paras. 2a or 2b, on the grounds that they are exclusively required for emergency civil protection circumstances or serve national defense purposes, must obtain a specific permit (IED) even in these cases, following a relevant application. Furthermore, the JMD transposed into the national legal order only the respective provision of Directive 2024/1785 that provides the discretion to competent licensing authority to set less strict binding ranges for environmental performance or environmental performance limit values. The respective legislative technique to transpose only the provision of the revised Industrial Emissions Directive that concerns the setting of less strict binding values by way of derogation instead of transposing the Directive in its entirety does not seem appropriate, as it contributes to the fragmentation of the respective legislative framework and poses difficulties to its effective implementation.

II. Case law

1. Decision 556/2025 of the Council of State (Fifth Section)

The Court was called to rule on the legality of the environmental permit for a large-scale solar power project and the accompanying works located within Natura 2000 protected areas (Menoikion Mountain, Serres Northern Greece). The Court annulled the respective permit, because it found that it was insufficiently justified, as the competent authority authorized the project, although reasonable scientific doubt regarding potential adverse effects on the integrity of protected sites remained. The scientific doubts concerning the negative effects of the project on the integrity of the protected areas especially to the local hydrogeological balance and protected sub-alpine grasslands were ascertained by the Opinion of the Management Body responsible for the Protected Areas, in which the project was located. Therefore, the Court ruled that the precautionary principle and the prevention principle were violated by the issuance of the permit. Furthermore, the Court ruled that the Special Ecological Assessment (Appropriate Assessment under Article 6 (3) of the Habitats Directive) was vitiated by certain errors which concerned, among others, the failure to failure to assess alternative solutions, including the zero-option. It is worth noting that this decision is characterized by intensive and extensive judicial review of the Special Ecological Assessment within the framework of the legality review. Furthermore, the decision is notable, because the Court aligned clearly with the CJEU jurisprudence on Appropriate Impact Assessment and the Precautionary Principle.

2. Decisions 1188-1190/2025 of the Council of State (Fifth Section)

a) Background of the Case: In its Judgment in Case C-849/19 («Commission v. Greece»), CJEU ruled that Greece failed to fulfill its obligations under Habitats Directive, as it had not set conservation objectives and had not taken appropriate conservation measures in relation to the 239 Sites of Community Importance which are on Greek territory and are included in Commission Decision 2006/613/EC of 19 July 2006. In compliance with the CJEU Judgement, Ministerial Decisions Nos. 24776/985/7-3-2023 (Official Government Gazette Issue B' 1807) and 50146/1786/2023 (Official Government Gazette Issue B' 3118) were issued which established conservation objectives for natural habitats, wild species and wild birds of the Natura 2000 Network.

b) Challenge of the decisions before the Greek Council of State: The Council of State was called to rule on the legality of the above-mentioned Ministerial Decisions, which are classified as regulatory administrative decisions in accordance with the provisions of the Greek administrative law and are therefore subject to the legality control of the Council of State. The reasons for annulment that were claimed by the applicants concerned first that in the determination of the conservation objectives for the areas of terrestrial natural habitat types, the conservation objective which was established, concerned, in the vast majority of cases, the maintenance of the specific area found to be

occupied by the habitat in each Natura area. It was also argued that it was decided in certain cases not to determine a conservation objective due to “insufficient data”, while in other instances, the objective set was foreseen to be achieved in an area larger than the one found to be occupied by the habitat type in the specific Natura area during the mapping procedure. It is, therefore, worth noting that the respective choice, which lies in the setting of a local-level conservation objective for a habitats area that was identified several years ago, presented both technical and legal issues, that constituted the basis of the grounds of annulment in the respective applications for annulment¹.

In its decision 1188/2025, the Council of State held that the determination of the conservation objectives must be based on the best available scientific data and found that the decisions setting the objectives were sufficiently grounded. The Court also rejected the applicants’ arguments on the necessity of a Special Environmental Study that in accordance with the claimants’ view, should have been conducted prior to the establishment of the conservation objectives. In addition to this, the Court ruled that the Ministerial Decisions that define the conservation objectives do not constitute "plans or programs" under the SEA Directive, as long as they are directly connected with or necessary to the management of the site and should not, therefore, be subject to a Strategic Environmental Assessment under Directive 2001/42. Nevertheless, due to the significance of the legal matters, the Court referred the case to its 7-member Chamber for a final ruling.

In its Decision 1189/2025, the Council of State, based on relevant CJEU case law, concluded that the designation of conservation objectives constitutes a necessary intermediate step between the designation of a Special Area of Conservation and the implementation of the appropriate conservation measures. It also ruled that the objectives function as fixed, qualitative or quantitative benchmarks and that the measures are dynamic and adapt to the actual conditions of the site. The Court also considered that administrative authorities acted lawfully by not setting conservation targets in cases in which "insufficient data" existed, as this is in line with EU Commission’s recommendations and reflects the dynamic nature of environmental protection, allowing for future updates as monitoring data improves. Nevertheless, in this judgment too, the Court chose to abstain from issuing a final ruling and referred the case to its 7-member Chamber.

Lastly, in its Decision 1190/2025, the Council of State ruled that, in line with the requirement that conservation objectives are clear, precise, and comprehensive, the authorities acted legally, if they were unable to establish

¹ For further information K. Karatsolis/I. Tsakalogianni/E. Koloventzou (2026), *Protected areas: A legal analysis of the Current Framework*, Nomiki Vivliothiki, pp. 154-168 (in greek).

conservation objectives for habitats and species due to insufficient data. The case is also pending before the Court's 7-member Chamber.

The above cases are closely linked to the ongoing procedure of drafting the Specific Environmental Studies that will lead to the adoption of Natura 2000 areas Management Plans and Presidential Decrees of designation of the protected areas, according to article 21 Law 1650/1986, as in force. By now, several studies have already been submitted to the competent Ministry of Environment and Energy². It becomes, thus, clear that the implementation of the Nature Protection Directives has been very slow.

3. Decision 1533/2025 of the Council of State (Fifth Section) in conjunction with CJEU ruling in Case C-66/23

a) **The history of the case and the request for preliminary ruling by the Council of State:** The Council of State was called to rule on two petitions of annulment, which were submitted by several NGOs and a large number of individuals, against the Joint Ministerial Decision 8353/276/E103/17.2.2012 which amended the Decision 37338/1807/2010 ('Definition of measures and procedures to conserve wild birds and their habitats, in compliance with Directive 79/409/EEC as codified by Directive 2009/147/EC'). The Ministerial Decision under review laid down horizontal measures applicable to all SPAs designated as such under the 2010 ministerial decision. In addition to this, the decision inserted to Article 14 of the 2010 ministerial decision an annex listing the SPAs according to the 'classification species' and laid down special protection measures for the wild birds concerned and their habitat, which may be supplemented by management plans. The decision was issued within the framework of the transposition of the Birds Directive into the Greek legal order. The petitioners argued, *inter alia*, that the decision has incorrectly transposed the Birds Directive into the greek legal order, as it sets out protection measures which apply without distinction to all SPAs. In addition to this, it was argued that the measures set in the Decision do not protect all the species listed in Annex I to that directive and the regularly occurring migratory species that occur there.

The Council of State (Decision 2511/2022) decided to refer the case to the CJEU by submitting the following questions : (1) Must Article 4(1) and (2) of Directive [2009/147], read in combination with Article 6(2) to (4) of Directive [92/43], be interpreted as precluding national regulatory provisions, such as those set out in the grounds for the judgment, which provide that measures for the special protection, conservation and restoration of wild bird species and habitats in special protection areas (SPAs) apply only to the "classification species", that is to say only to the species of wild birds listed in Annex I to Directive [2009/147]

² More details available at <https://ypen.gov.gr/perivallon/viopoikilotita/ektheseis-meletes/>.

and to the regularly occurring migratory birds in each SPA which, combined with the criteria for the classification of SPAs contained in the national legislation, are used as indicators to justify the classification of an area as an SPA? (2) Is the answer to the preceding question affected by the fact that the measures referred to above for the special protection, conservation and restoration of wild bird species and habitats in special protection areas (SPAs) are, in essence, basic preventive measures to safeguard SPAs (“precautionary safeguards”) that apply horizontally, that is to say, to all SPAs, or by the fact that management plans for each specific SPA setting out the targets and measures needed to achieve or ensure satisfactory conservation of each SPA and the species living within it have not been adopted to date in Greek law? (3) Is the answer to the two preceding questions affected by the fact that, based on the obligation to assess the environmental effects of projects and activities in accordance with Directive [2011/92] and to carry out an “appropriate assessment” in accordance with Article 6(2) to (4) of Directive [92/43], all the species listed in Annex I to Directive [2009/147] or the regularly occurring migratory birds in each SPA must be recorded as part of the assessment of the environmental effects of each specific planned public or private project?’

b) CJEU Judgment in Case 66/23 (*Elliniki Ornithologiki Etaireia v. Ypourgos Esoterikon*)³: CJEU ruled that Article 4 (1) and (2) of the Birds Directive and Article 6 (2) to (4) of the Habitats Directive require that Member States establish for each special protection area (SPA), individual conservation objectives and conservation measures for all the protected species and their habitat (paras 47-49). In specific, the Court determined that in establishing the conservation objectives of a site, the national competent authorities must take into account not only the species listed in Annex I to the Birds Directive and the regularly occurring migratory species not listed in that annex, for both of which a SPA was designated, but also other species of birds which must be protected under Article 4 of the of the Birds Directive and which are present in a significant manner in the SPA concerned, in spite of the fact that the SPA has not been designated for those other species (para. 33). A contrary interpretation of Article 6 of the Habitats Directive, read in light of Article 4 of the Birds Directive, according to which the ‘classification species’ alone are to be taken into account, is, in Court’s view, inconsistent with the purpose of the Nature Protection Directives, as it cannot confer all species falling into the scope of Article 4 the specifically targeted protection (paras. 50-51). The Court also ruled that Member States have the responsibility to define priorities, according to the significance of measures that could be envisaged to achieve the conservation objectives in respect of all those species (para.52.)

³ CJEU Case C-66/23, *Elliniki Ornithologiki Etaireia v. Ypourgos Esoterikon*, ECLI:EU:C:2024:733.

c)Decision 1533/2025 of the Council of State: In response to the aforementioned CJEU Judgment, the Council of State ruled that the Birds Directive had not been properly transposed into the national legal order by the JMD under review, as it limited the protective status only to a selected list of species, provided that they meet certain quantitative criteria. Consequently, while the Court maintained the validity of the JMD to ensure continuous legal coverage for those birds, for which conservation measures were set, it annulled the omission of the Administration to establish comprehensive conservation measures for all protected bird species and their habitats that fall into the scope of Article 4 of the Birds Directive (para.19 of the judgment).

The Court also ruled that the JMD was based on extensive scientific studies and cooperation with NGOs and EU bodies and therefore its provisions were not arbitrary (para. 21). Furthermore, the Court clarified that EU Nature Protection Directives do not impose an absolute ban on the deployment of Renewable Energy Sources projects within or near Natura 2000 sites, but on the contrary, permitting is assessed on a case-by-case basis, requiring specialized ornithological data and Special Ecological Assessment (e.g. Appropriate Impact Assessment under the Greek Legislation) (paras.22-26) Lastly, the Court ruled that JMD lawfully balances bird protection with productive and recreational activities (e.g., agriculture, forestry, hunting, and fishing), provided that necessary restrictions and prohibitions are enforced to ensure conservation of the protected species (para.28). In conclusion, the Court partially accepted the petitions for annulment regarding the failure to include all protected species in the conservation framework, while all other grounds were dismissed.

4. Decision 1030/2025 of the Council of State (Fifth Section)

The Court was called to rule on the legality of a ministerial decision, which was issued after the Opinion of the competent authority on Environmental Liability in Greece, and set certain preventive measures to protect a Natura 2000 site (Kyparisia Beach in Peloponnese), following the operator's failure over an eight-year period to implement these measures required by means of a relevant decision by the decentralized administrative authorities. In specific, the preventive measures, which were adopted following an on-site inspection by the competent administrative authorities, required the blocking of vehicular access to the beach through illegally opened roads in the protected area. The Court ruled that the Ministerial Decision under review was legal, as it was based on the environmental liability legislation and was in line with the precautionary and the "polluter pays" principles respectively. The Court also based its reasoning on the grounds that the Greece was convicted by CJEU because of its failure to take protective measures for caretta-caretta in the Gulf of Kyparisia. (CJEU Judgment Case 504/14, European Commission v. Greece, ECLI:EU:C:2016:847).

5. Decision 618/2025 of the Council of State (Plenary)

In the case at hand, the Plenary of the Court examined, after a referral from the Fifth Section, a petition for the annulment against the environmental authorization for the construction and operation of a biogas power plant in Crete in an area which was classified as agricultural land of high productivity. The Court was called upon to address the balance between national energy policy for renewables and the achievement of the respective objectives on the one side and the hierarchical structure of spatial planning on the other, so that it can ultimately decide on the permissibility of the choice to construct a biomass power plant in agricultural land of high productivity. After clarifying the notions of sustainable development, carrying capacity and the environment, encompassing both the natural and the anthropogenic (or artificial), the Court highlighted that spatial planning is in a core State responsibility that aims at promoting sustainable development and protecting fragile ecosystems. The Court also reiterated its constant jurisprudence, according to which agricultural land of high productivity should be protected and conserved as a part of the constitutionally protected natural environment (para. 6). Moreover, it is, in Court's view, a duty of the State to regulate economic activity through a hierarchical system of spatial plans to ensure environmental protection (general, regional and specific).

On the basis of the above, the Court ruled that the establishment and operation of biogas or biomass power plants in an area classified as agricultural land of high productivity is permissible under the Special Spatial Plan for renewable energy sources, as the plants are functionally linked to agricultural activities (utilizing livestock and agricultural waste). In addition to this, the siting of plants is also permissible under the Special Spatial Plan for Industry. It is also worth noting that the Court interpreted the respective provisions of the Special Spatial Plan for renewables that do not have a clear cut meaning with regard to the permissibility of biogas power plants in classified agricultural land of high productivity, in light of the importance of the achievement of the national objectives for the production of energy by renewable sources as a means to combat climate change (para. 13). Finally, the Court ruled that the legislator can, within the margins of the Constitution and the International and EU Law, balance the different aspects of the public interest and prioritize one or more of those aspects, taking into consideration the current circumstances. Given, thus, the urgent need to address climate change, to ensure security of energy supply and to decarbonize the energy sector, the choice of the legislator to allow the deployment of biogas plants in agricultural land of high productivity is constitutionally permissible, provided that the respective plants are of limited production capacity, do not cause significant environmental impacts and use

livestock and agricultural waste from nearby installations (para.18 of the Decision).