

Contribution to the Call for Evidence on the Environmental Implementation Review by the European Commission

July 2024

The Green Tank is an independent think tank aiming to develop policy solutions for a sustainable future. We monitor and research scientific, political and legal developments and build our work on facts and data analysis. Being based in Athens, Greece, we participate in this [Call for Evidence](#), providing insights and documentation relevant to the implementation of EU environmental law in Greece, which can complement information that the European Commission already gathers.

Based on the structure of Greece's Country Report of the 2022 Environmental Implementation Review, our contribution relates to the following thematic areas:

- **Biodiversity and Natural Capital**
- **Climate Action**
- **Environmental Governance**

Biodiversity and Natural Capital

- **Adoption of legally binding nature conservation and restoration targets**, in line with the 2030 EU Biodiversity Strategy and the new Nature Restoration Law (NRL) (Law 5043/2023, A 78/29.3.2023, Articles 173-177). At the time of adoption, Greece was the first EU Member State to have done so, more than a year before the final approval of the NRL at the EU level. In terms of the restoration targets, while not all the provisions of the EU Biodiversity Strategy and the NRL are included in the national law (e.g. provisions on agricultural ecosystems and river restoration are not included), some of the targets included (esp. in relation to protected terrestrial and marine habitats within and beyond Natura 2000 sites) are more ambitious than those included in the final text of the NRL.
- More recently, during the 9th Our Ocean Conference, Greece committed to furthering the expansion of its marine protected areas (MPAs) to cover **32% of its national waters**, announcing the planned designation of two new national parks¹. The commitment noted that to further develop the scientific knowledge about these MPAs and proceed with their detailed demarcation, ecological surveys will be carried out, through the **LIFE MareNatura**² project - a project that aims to provide documentation and proposals for the designation of new marine Natura 2000 sites in Greece.
- **Adoption of conservation objectives** as provided by the Habitats Directive and following the ECJ C 849/19 ruling against Greece. The adoption of the conservation objectives was based on ministerial decisions that were issued in stages, based on available data, input

¹ Greece. Commitments at the 9th Our Ocean Conference: https://www.ourocean2024.gov.gr/wp-content/uploads/2024/04/A5_OOC-9_PROPOSED-COMMITMENTS_12.4.pdf

² <https://www.lifemarenatura.eu/>

from scientific groups coordinated under the LIFE IP 4 NATURA project and opinions of the Nature 2000 committee:

- **Adoption of national conservation objectives.** Decision ΥΠΕΝ/ΔΔΦΠΒ/30339/982 (Β΄ 1375/7.4.2021) «Καθορισμός εθνικών στόχων διατήρησης φυσικών τύπων οικοτόπων και ειδών ενωσιακού ενδιαφέροντος» as amended by decision ΥΠΕΝ/ΔΔΦΠΒ/18722/795 (Β΄ 1091/28.2.2023).
- **Adoption of site-specific conservation objectives, based on available data and following input by scientific groups under the LIFE IP 4 NATURA project and the opinion of the Nature 2000 committee.** These were adopted with 4 distinct ministerial decisions
 - **Decision on the designation of conservation objectives for all SCIs-SACs in Greece:** ΥΠΕΝ/ΔΔΦΠΒ/24776/985 «Καθορισμός στόχων διατήρησης φυσικών τύπων οικοτόπων του Παραρτήματος Ι και ειδών του Παραρτήματος ΙΙ της Οδηγίας 92/43/ΕΟΚ σε Ειδικές Ζώνες Διατήρησης και Τόπους Κοινοτικής Σημασίας του εθνικού οικολογικού δικτύου NATURA 2000» (Β΄ 1807/22.3.2023).
 - **Decisions on the designation of conservation objectives for SPAs:**
 - ΥΠΕΝ/Δ ΔΦΠΒ/27952/1121 «Καθορισμός και έγκριση στόχων διατήρησης για είδη ορνιθοπανίδας του άρθρου 4, παράγραφοι 1 και 2, της Οδηγίας 2009/147/ΕΚ στις Ζώνες Ειδικής Προστασίας (ΖΕΠ) του εθνικού οικολογικού δικτύου NATURA 2000» (Β΄ 2007/29.3.2023).
 - ΥΠΕΝ/ΔΔ ΦΠΒ/33758/1323 «Καθορισμός και έγκριση στόχων διατήρησης για είδη ορνιθοπανίδας του άρθρου 4, παρ. 1 και 2, της Οδηγίας 2009/147/ΕΚ στις Ζώνες Ειδικής Προστασίας (ΖΕΠ) του εθνικού οικολογικού δικτύου NATURA 2000» (Β΄ 2138/3.4.2023).
 - ΥΠΕΝ/ΔΔΦΠΒ/50146/1786 «Καθορισμός και έγκριση στόχων διατήρησης για είδη ορνιθοπανίδας των παρ. 1 και 2 του άρθρου 4, της Οδηγίας 2009/147/ΕΚ στις Ζώνες Ειδικής Προστασίας (ΖΕΠ) του εθνικού οικολογικού δικτύου NATURA 2000» (Β΄ 3118/10.5.2023).
- **Delays in the definition of conservation measures.** Despite the progress noted above relating to the adoption of conservation objectives, delays are noted in the conclusion of presidential decrees and management plans for the Greece's 416 Natura 2000 sites. From November 2021 to date, 16 of the 23 Special Environmental Studies (Ειδικές Περιβαλλοντικές Μελέτες) that will lead to presidential decrees and management plans have been put up for public consultation on the website of the Ministry of Environment and Energy³. None of these have led to consultation on presidential decrees and management plan. Consequently, the definition of conservation measures and the implementation of management plans and measures remain pending.

³ <https://ypen.gov.gr/diavouleusi/forums/forum/dimosia-diavouleysi-toy-ergoy-ekponisi-eidikon-perivallontikon-meleton-syntaxi-proedrikon-diatagmaton-prostasias-kai-schedion-diacheirisis-gia-tis-perioches-toy-diktyoy-natura-2000/>

- The Nature Committee 2000 with its opinions⁴ as well as environmental NGOs in a recent briefing⁵ addressed to the European Commission note the significant progress towards Greece's legal requirements, despite the delays that led to the ECJ ruling against Greece. At the same time, both quantitative and qualitative concerns are raised that need to be addressed, in order for Greece to be fully compliant with the Nature Directives and the ECJ ruling.

Climate Action

- **Adoption of National Climate Law.** In May 2022, Law 4936/2022 (A' 105/27.5.2022) on the transition to climate neutrality and adaptation to climate change was adopted. The law includes a **legally binding target to climate neutrality by 2050 and a reduction of emissions by at least 55% by 2030**. The law makes also binding the formal announcement of Greece's lignite phase out at the latest by 2028. Since then, the date of the legal phase out has been moved to 2026⁶ by the Public Power Corporation (PPC), the owner of all of Greece's lignite assets. The law also provides for the development of seven sectoral carbon budgets every five years.
- While drafting of the revised National Energy and Climate Plan is still ongoing and a public consultation is pending, significant progress on Greece's climate performance is noted. Looking specifically at the ETS 1 sectors, an **all-time low in emissions from electricity and heat production was recorded in 2023 (-71% compared to 2005 levels)**⁷. This is particularly linked to Greece's power sector⁸ and the **rapid decline in the use of lignite⁹ and the rise of renewables¹⁰**. At the same time, while industry had the second lowest emissions in the last decade, little progress in terms of emissions reduction is shown as the industrial emissions profile remained almost flat, while emissions in the aviation sector are rising.
- This progress took place despite the challenges of the energy crisis and led to a **reduction of Greece's dependence on both lignite and fossil gas¹¹ and to a consistent**

⁴ Nature 2000 committee: <https://ypen.gov.gr/perivallon/viopoikilotita/epitropi-fysi-2000/> See Annex I to this document.

⁵ Briefing of 10 environmental NGOs sent to the DG Environment, European Commission: <https://thegreentank.gr/en/2024/04/09/joint-memorandum-environmental-law/>

⁶ Beyond Fossil Fuels (2024 (10.06.2024) Greece's renewable energy surge sparks record low coal use. <https://beyondfossilfuels.org/2024/06/10/greeces-renewable-energy-surge-sparks-record-low-coal-use/>

⁷ The Green Tank. 2024. Trends in the Emissions Trading System in the EU and in Greece 2005-2023. <https://thegreentank.gr/en/2024/06/27/ets-report-2023/>

⁸ The Green Tank. https://thegreentank.gr/en/emissionswatch_en/

⁹ The Green Tank. 2023 (September). Greece and the European Union 4 years after the decision to phase out lignite, Analysis. <https://thegreentank.gr/en/2023/09/22/greece-and-the-european-union-4-years-after-the-decision-to-phase-out-lignite/>.

¹⁰ The Green Tank. https://thegreentank.gr/en/trends_electricity_en/.

¹¹ The Green Tank. 2023 (June). Addressing the energy crisis: Greece's performance and the utilization of funds, Briefing Note. <https://thegreentank.gr/en/2023/06/08/addressing-the-energy-crisis-performance-funds/>

interest among citizens for self-production solutions and energy communities¹². However, **current developments involving fossil gas** and in particular plans for new LNG terminals, new fossil gas power plants, and new infrastructure for building heating and district heating, **put at risk the sustainability of the energy model** and the finances of households in Greece.¹³ Another major contradiction in the Greek energy plan is the insistence on the exploitation of domestic hydrocarbon deposits, particularly fossil gas.

Use of ETS revenues. Greece's revenues from the auctioning of emission allowances under the EU ETS in recent years have been increasing. This is particularly true since the revised ETS Directive came into force which increased climate ambition, limiting available allowances, and, in turn, leading to a jump in carbon prices. The beneficiaries of the public revenues from the auctioning of greenhouse gas emission allowances are determined each year by a respective Ministerial Decision (MD). The ETS revenues provide important additional resources for a series of activities (renewable energy, energy efficiency, just transition, etc). We highlight the following good uses of the ETS revenues in recent years:

- **Just Transition Fund:** In 2018, Greece became the first European country to employ the relevant provision of the Directive governing the operation of the Emissions Trading System (ETS)¹⁴, in order to direct a percentage of the EU ETS funds to the Just Transition of Greece's lignite regions. From 2018 to 2022, the revenues collected from GHG emissions allowances auctions to support the lignite areas amount to €127,661,144, provide an indispensable supplement of national funds to the EU financed, Just Development Transition Program (PDAM) 2021-2027.¹⁵
- **Allocation to the Natural Environment and Climate Change Agency:** EU ETS revenues are allocated to the Natural Environmental and Climate Change Agency (NECCA) which is responsible for the management of Greece's protected areas, providing a significant contribution the funds that Greece has available for nature actions.

However, not all are directly or indirectly linked to climate action. Specifically:

- **Indirect cost compensation** of polluting industries remains a significant percentage of the allocation. The latter cannot be considered as "climate action" since the emissions profile of industries has remained essentially flat over the years.
- Moreover, during the energy crisis and in particular during the 16 month period between September 2021 and December 2022, a significant percentage of Greece's ETS revenues (approximately 75%), amounting to 1776 million euros, was channeled to a new **Energy Transition Fund (ETF)**¹⁶ that was established in order to relieve

¹² The Green Tank. 2024. Energy Communities & Self-production in Greece and its Lignite Areas. <https://thegreentank.gr/en/2024/02/29/self-produced-energy-steps-into-the-frame-of-energy-transition-in-greece/>

¹³ Mantzaris, Nikos. [Can Greece decouple from fossil gas?](https://thegreentank.gr/en/2024/03/06/can-greece-decouple-from-fossil-gas/), Inside Story & MacroPolis, 06.03.2024. <https://thegreentank.gr/en/2024/03/06/can-greece-decouple-from-fossil-gas/>

¹⁴ Directive 2018/410 amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814. European Commission, <https://bit.ly/2K2TqVB>

¹⁵ The Green Tank. 2023 National Resources for the Just Transition, Policy Brief <https://thegreentank.gr/en/2023/05/04/national-resources-for-the-just-transition/>

¹⁶ Law no. 4839/2021 (Article 61) A 181/02.10.2021

citizens of the unexpected and sudden increase in energy prices. The ETF, with a total of more than 10.7 billion euros, was used to subsidize directly and indirectly the use of fossil fuels¹⁷, without offering assistance for structural improvements of households so that they would no longer be dependent on fossil fuels¹⁸. Although in line with provisions of the ETS Directive to utilize funds to support financially low- and middle-income households, this use cannot be considered “climate action”.

Environmental Governance

- **Public participation and consultation:** The Aarhus Convention and relevant EU law provides for public participation and consultation processes in environmental decision-making. Greece has ratified and transposed the relevant instruments and has established several processes to comply with the specific provisions.
- A mapping of these processes that was completed within the scope of an analysis of environmental public consultations in Greece revealed that, while OpenGov.gr is the country's central portal for online consultations, distinct ministries carry out consultations on various issues separately from those posted on OpenGov.gr.¹⁹ In addition, local and regional authorities and other public entities, such independent authorities or special services such as the Regulatory Authority for Energy, Waste and Water (RAEWW), the Independent Power Transmission Operator (IPTO), and the Special Services for the Management of programs co-funded by the Regional Development Partnership for each programming period (e.g. 2014-2020 and 2021-2027), among others, conduct their own public consultations. This makes participation difficult even to the most interested citizen.
- Further analysis was undertaken focusing only on the public consultations on environmental issues uploaded on the OpenGov.gr national platform, during its 12 years of formal operation (2012-2024). This analysis revealed that while a **third of all public consultations posted on OpenGov.gr can be classified as environmental**, with most being organized by the Ministry of Environment and Energy, **comments submitted in environmental consultations (64,386) account for 22.8% of all consultation comments**. Participation in most (87.9%) environmental consultations is **low** (0-100 comments) or **moderate** (100-500 comments).
- Several factors, including the timing of the consultations in the decision-making cycle, the inadequate notification on the launch of a consultation, the inconsistent and mostly short duration of the consultations, the insufficient provision of supporting material, operational difficulties and the lack of **transparency and accountability** with respect to the outcome of the consultation process, reduces citizens' ability to participate in consultations, and Greece's effective compliance with its relevant obligations.

¹⁷ The Green Tank. 2023 (June). Addressing the energy crisis: Greece's performance and the utilization of funds, Briefing Note. <https://thegreentank.gr/en/2023/06/08/addressing-the-energy-crisis-performance-funds/>

¹⁸ Facets & The Green Tank (2024) Strategies for reducing the carbon footprint and tackling energy poverty in Greek households. <https://thegreentank.gr/en/2024/02/15/measures-to-protect-households-against-the-energy-and-climate-crisis/>

¹⁹ The Green Tank. 2024. 12 years of public consultation on the environment through OpenGov: Citizen participation and the opinion of young people. <https://thegreentank.gr/en/2024/04/30/learn-participate-protect-environment-closing/>

ANNEX I

Nature 2000 committee: <https://ypen.gov.gr/perivallon/viopoikilotita/epitropi-fysi-2000/> opinions related to the designation of Natura 2000 conservation objectives:

- [Γνωμοδότηση επί του Σχεδίου Υπουργικής Απόφασης \(ΥΑ\) για τον «καθορισμό στόχων διατήρησης για είδη ορνιθοπανίδας του άρθρου 4, παράγραφοι 1 και 2, της Οδηγίας 2009/147/ΕΚ στις Ζώνες Ειδικής Προστασίας \(ΖΕΠ\) του εθνικού οικολογικού δικτύου NATURA 2000» \(Απρίλιος 2023\)](#)
- [Γνωμοδότηση επί του Σχεδίου Υπουργικής Απόφασης \(ΥΑ\) για τον «καθορισμό στόχων διατήρησης σε Ειδικές Ζώνες Διατήρησης \(ΕΖΔ\) και Τόπους Κοινοτικής Σημασίας \(ΤΚΣ\) του εθνικού οικολογικού δικτύου Natura 2000 για φυσικούς τύπους οικοτόπων και είδη ενωσιακού ενδιαφέροντος \(Παραρτήματα I και II της Οδηγίας 92/43/ΕΟΚ\)» \(Μάρτιος 2023\)](#)
- [Γνωμοδότηση σχετικά με την τροποποίηση της με αριθμό ΥΠΕΝ/ΔΔΦΠΒ/30339/982/2021 Απόφασης του Υφυπουργού Περιβάλλοντος και Ενέργειας “Καθορισμός εθνικών στόχων διατήρησης φυσικών τύπων οικοτόπων και ειδών ενωσιακού ενδιαφέροντος” \(Φεβρουάριος 2023\)](#)
- [Γνωμοδότηση επί του Σχεδίου ΥΑ για τον «Καθορισμό στόχων διατήρησης φυσικών τύπων οικοτόπων του και ειδών σε περιοχές του εθνικού οικολογικού δικτύου NATURA 2000». \(Σεπτέμβριος 2022\)](#)
- [Γνωμοδότηση επί του Σχεδίου ΥΑ «Καθορισμός εθνικών στόχων διατήρησης φυσικών τύπων οικοτόπων και ειδών ενωσιακού ενδιαφέροντος» \(Μάρτιος 2021\).](#)