



Impacts on Environmental Prosecution after the EU-IMF SAP's in Greece

PROTECTING HABITATS AND ENDANGERED SPECIES IN EU THROUGH TACKLING ENV. CRIME
23-24/10 /18, NATURAL HISTORY MUSEUM OF CRETE

Dr iur. Georgios Smpokos

Head of the environmental Committee at the Heraklion Bar
Coordinator HB "Life Natura Themis" (GR/14/GIE/000026)



RODZAJ I WYKONAWCA





rich



adjusting



poor



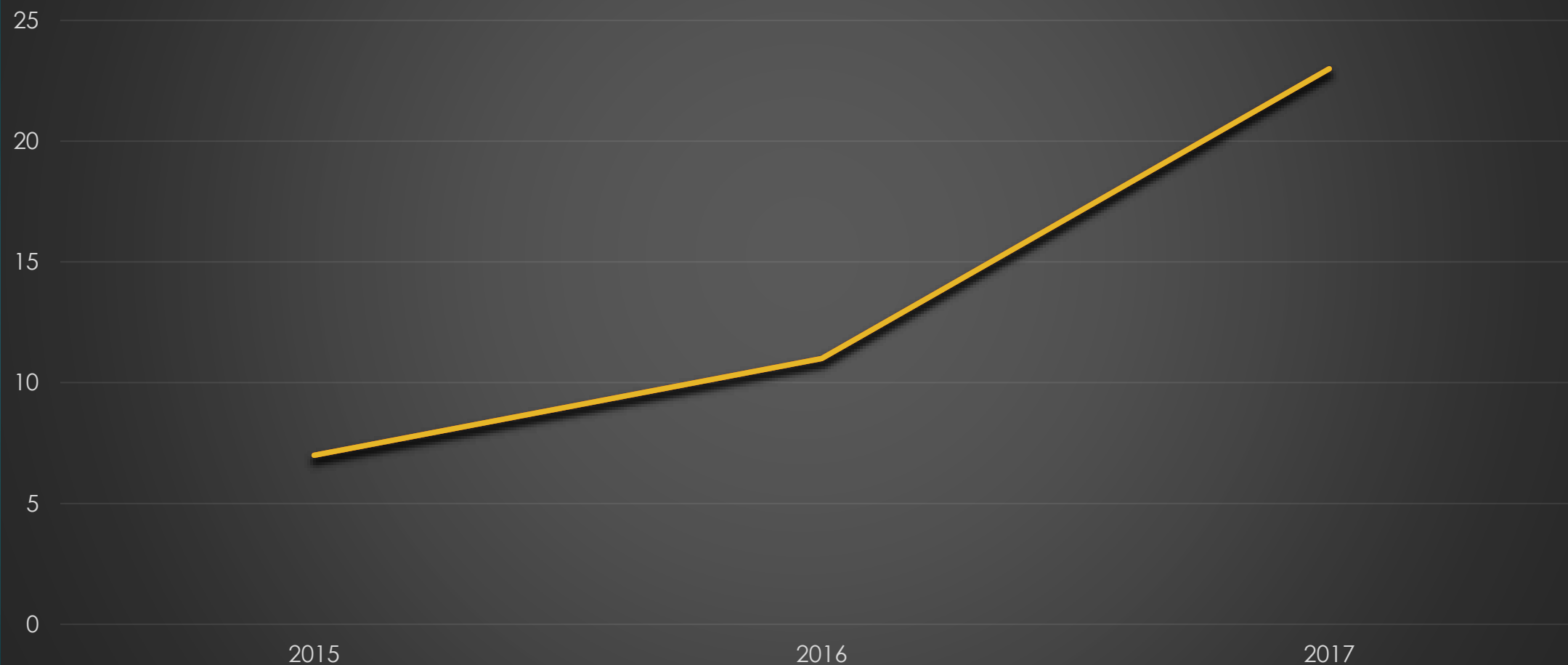


adjusting



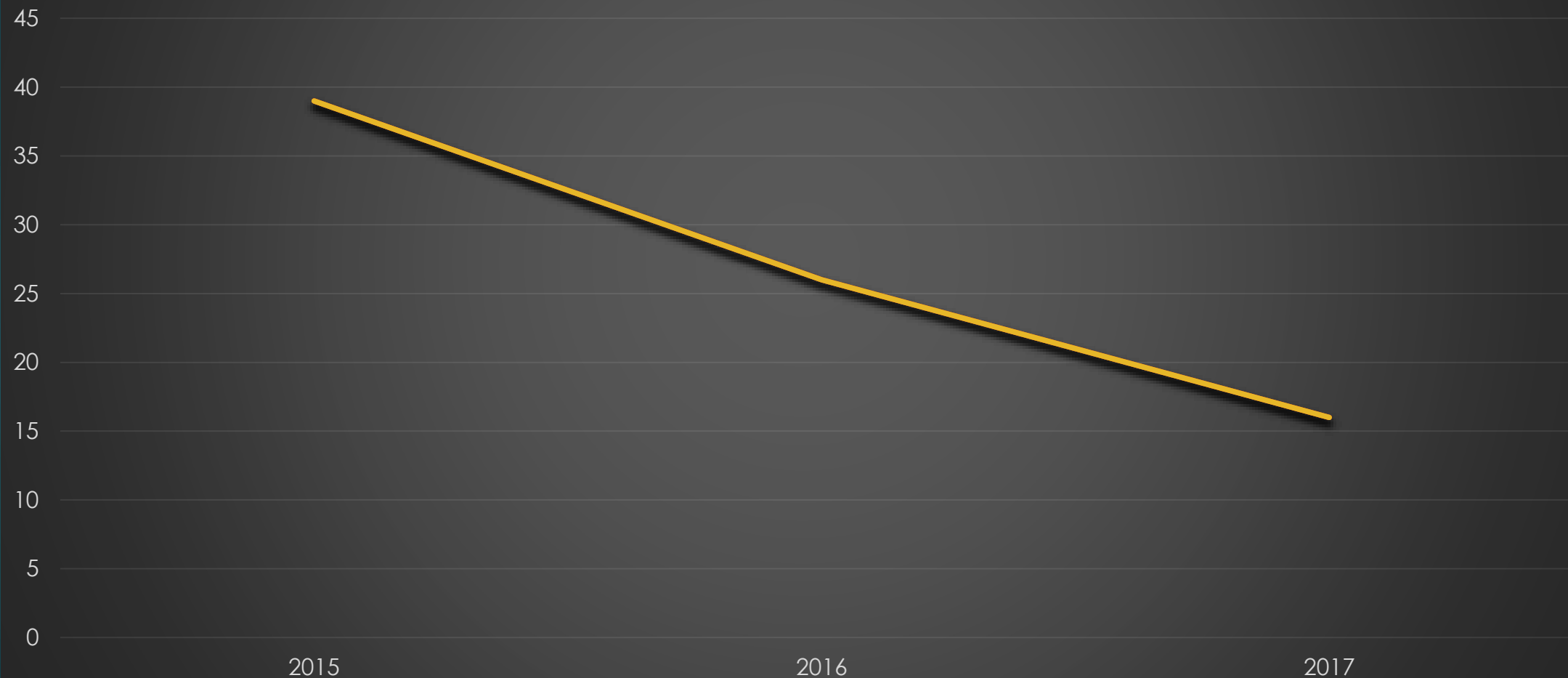


Prosecution termination in environmental crimes (Eastern Crete – Three year comparative data)



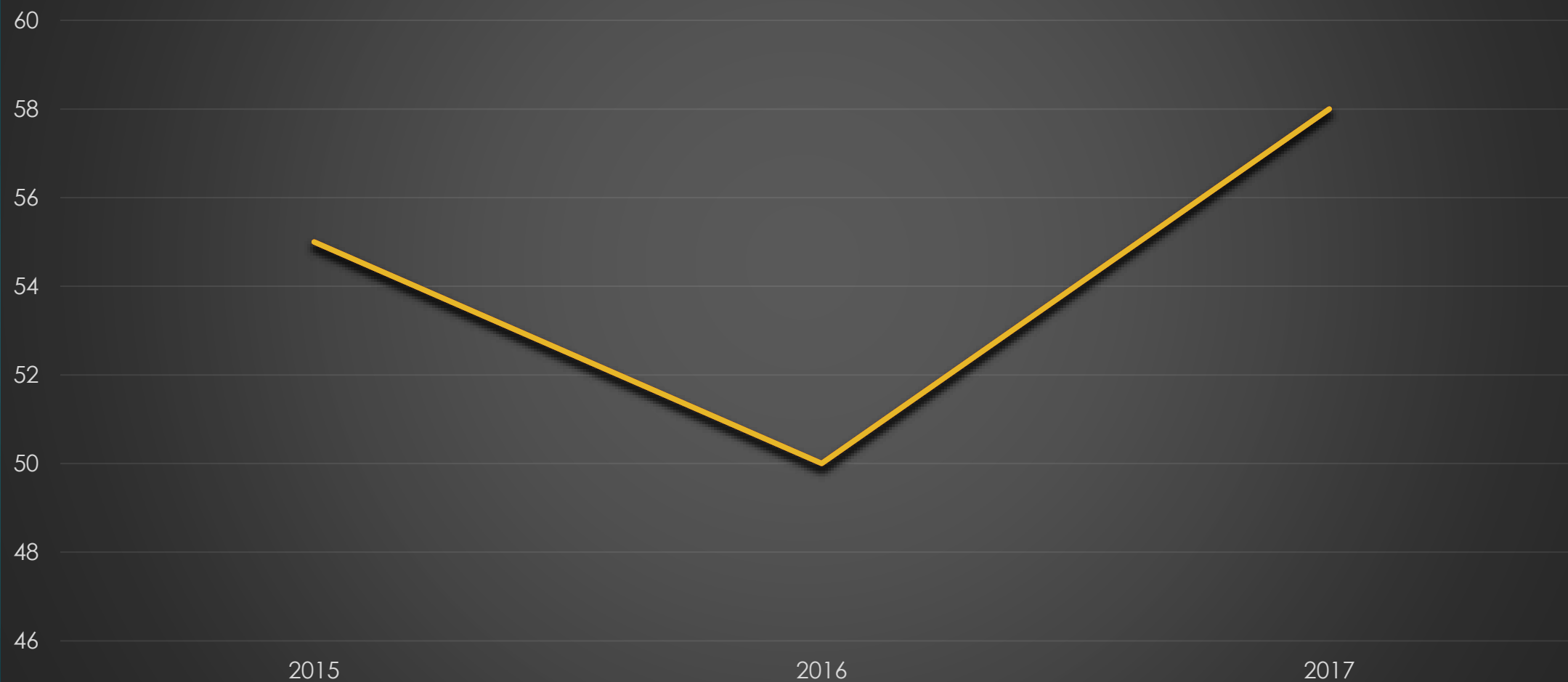


Environmental convictions (Eastern Crete – Three year comparative data)





Environmental crime acquittals (Eastern Crete – Three year comparative data)





create value in
scientific knowledge

decisionmakers

academia

citizens



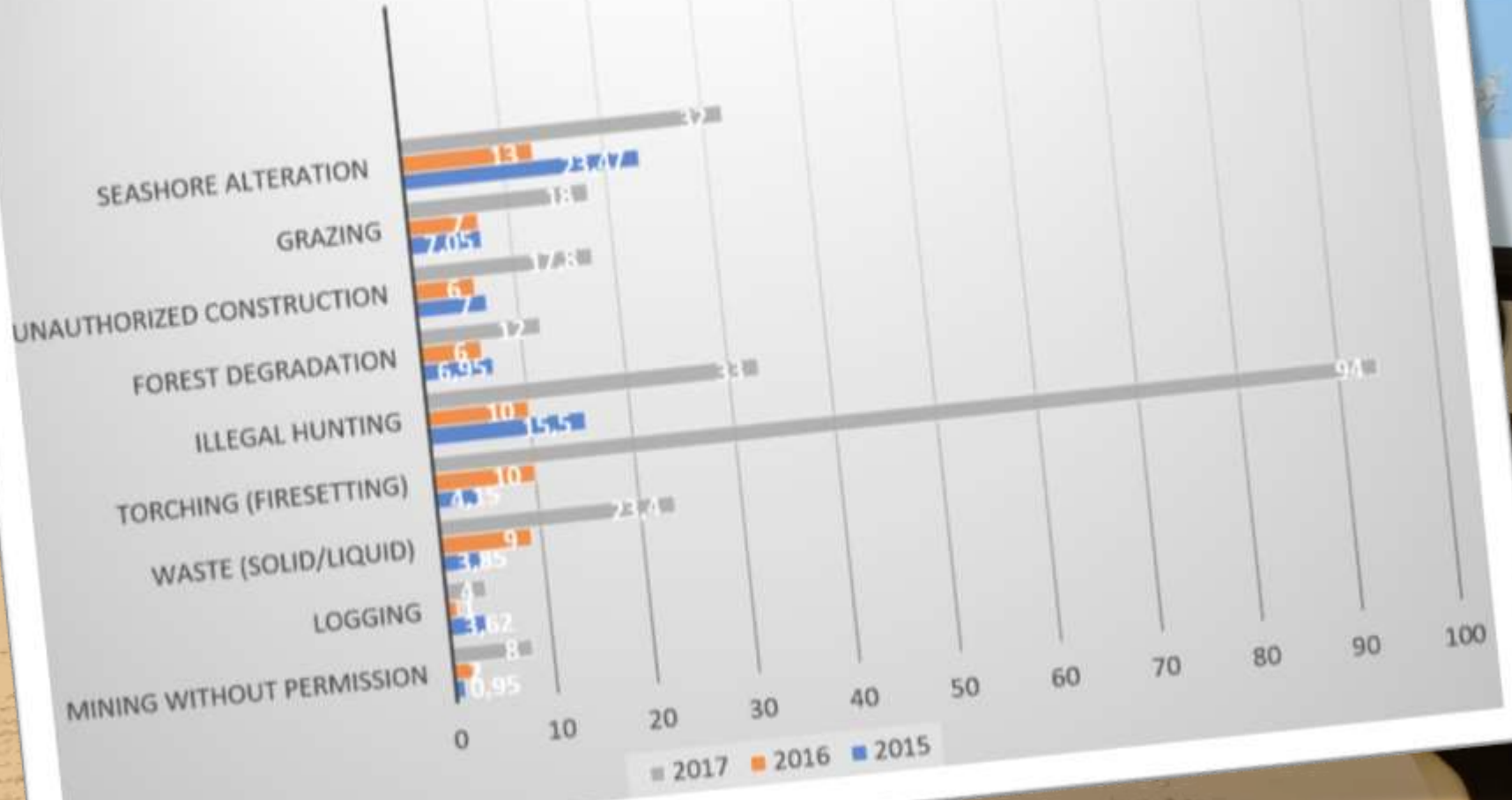
relate



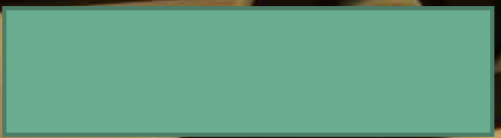
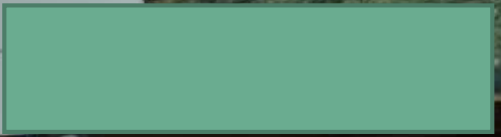
- ▶ 5. So what?
- ▶ 4. Environmental cases are like all other.
- ▶ 3. 70% acquittal is usual in our court.
- ▶ 2. Mister lawyer, we are not living in Sweden.
- ▶ 1. You are sure you will not sell me any books afterwards?



Frequently prosecuted crimes (Three year comparative data)



ng



Handwritten notes on a piece of paper, including a list of names and dates, partially obscured by the redaction boxes.

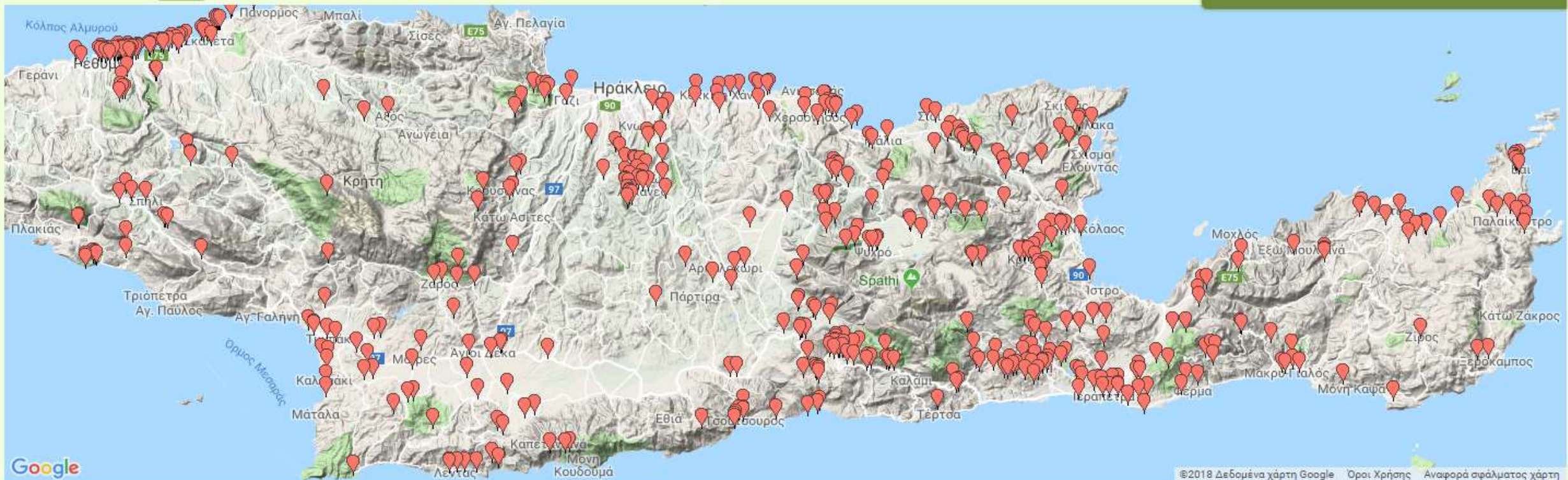
Γεωπληροφορικός χάρτης παρακολούθησης περιβαλλοντικής παραβατικότητας

Αρχική | Γεωπληροφορικός χάρτης παρακολούθησης περιβαλλοντικής παραβατικότητας

Κατέβασμα ως:



Ποσοστό καταγεγραμμένων περιστατικών **33 %**



Google

©2018 Δεδομένα χάρτη Google Όροι Χρήσης Αναφορά σφάλματος χάρτη



Φιλτράρετε τα δεδομένα

Διαλέξτε ένα συνδυασμό κριτηρίων και πατήστε το κουμπί 'Εφαρμογή' για να φιλτράρετε τα δεδομένα.

[► Νομός](#)
[► Τύπος](#)
[► Στάδιο](#)
[► Έτος](#)

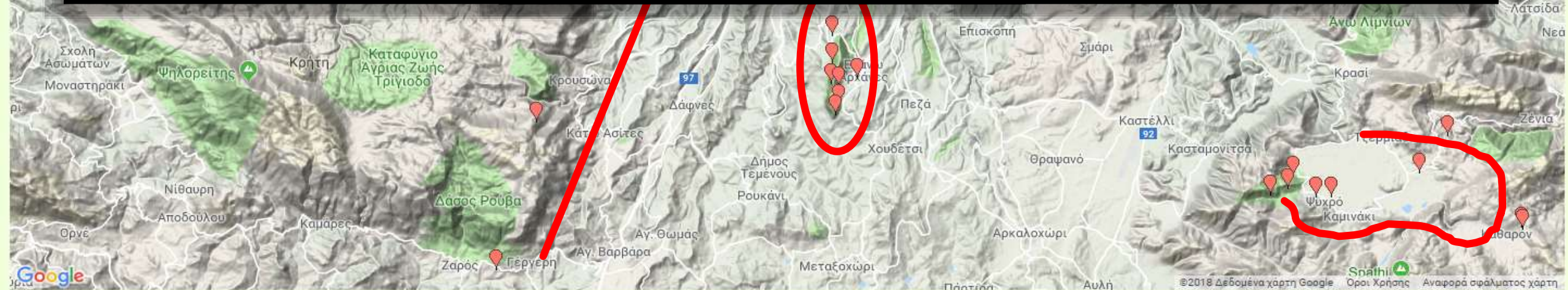
Εφαρμογή

Κατέβ

Λιανά
Ε
Μονή
καδίου



33 %



Φιλτράρετε τα δεδομένα

Διαλέξτε ένα συνδυασμό κριτηρίων και πατήστε το κουμπί 'Εφαρμογή' για να φιλτράρετε τα δεδομένα.

► **Νομός**

▼ **Τύπος**

► **Στάδιο**

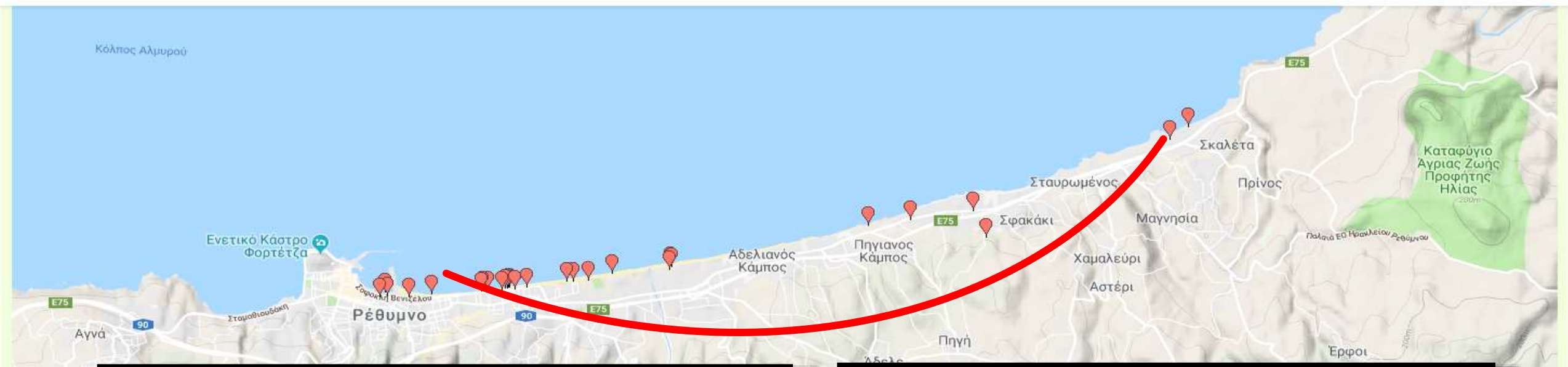
► **Έτος**

Εφαρμογή

Επιλογή όλων

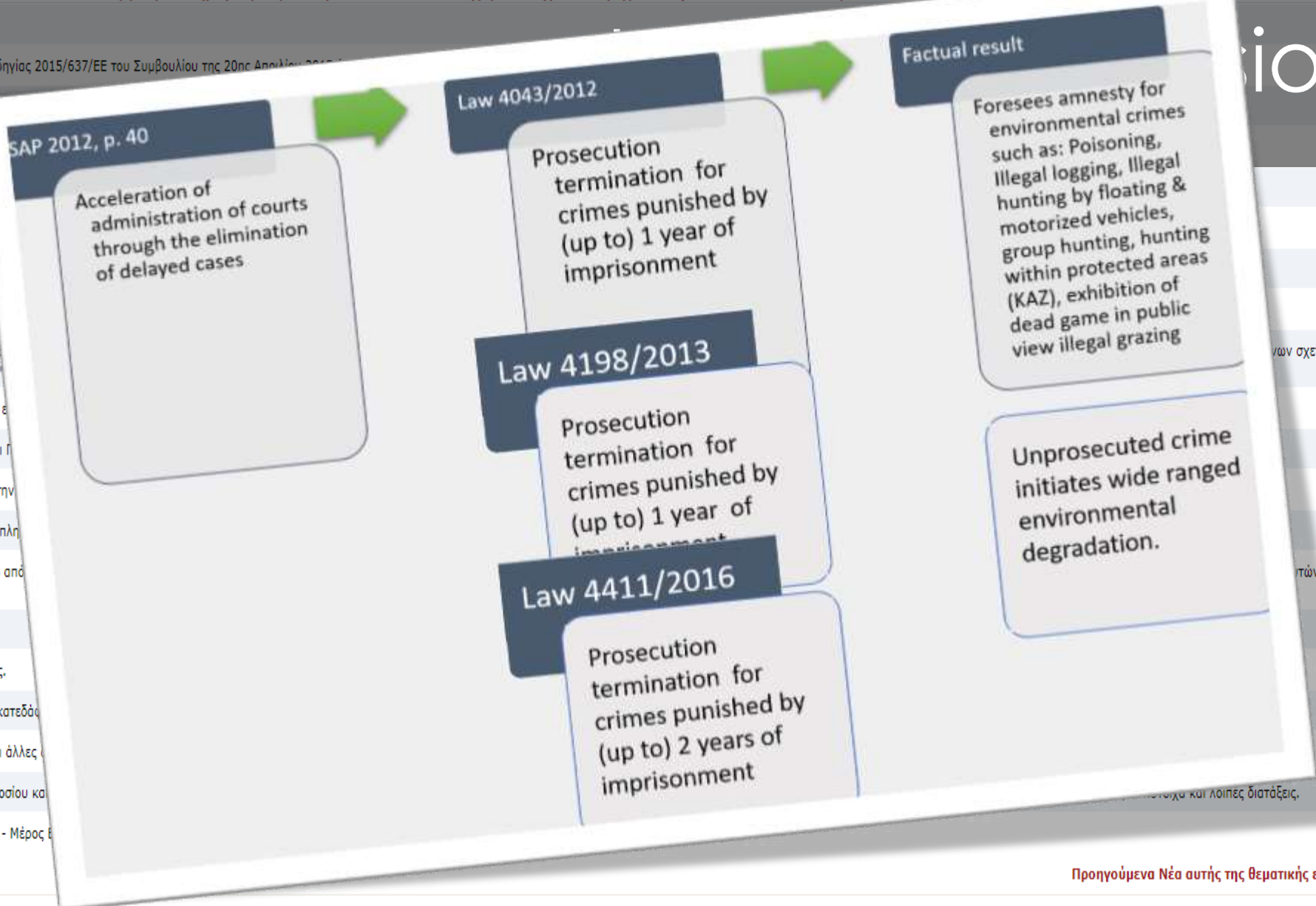
- Εμπρησμός
- Έγκλημα κατά άγριας ζωής
- Βόσκησι παρανόμη
- Θήρα παράνομη

ILLEGAL HUNTING



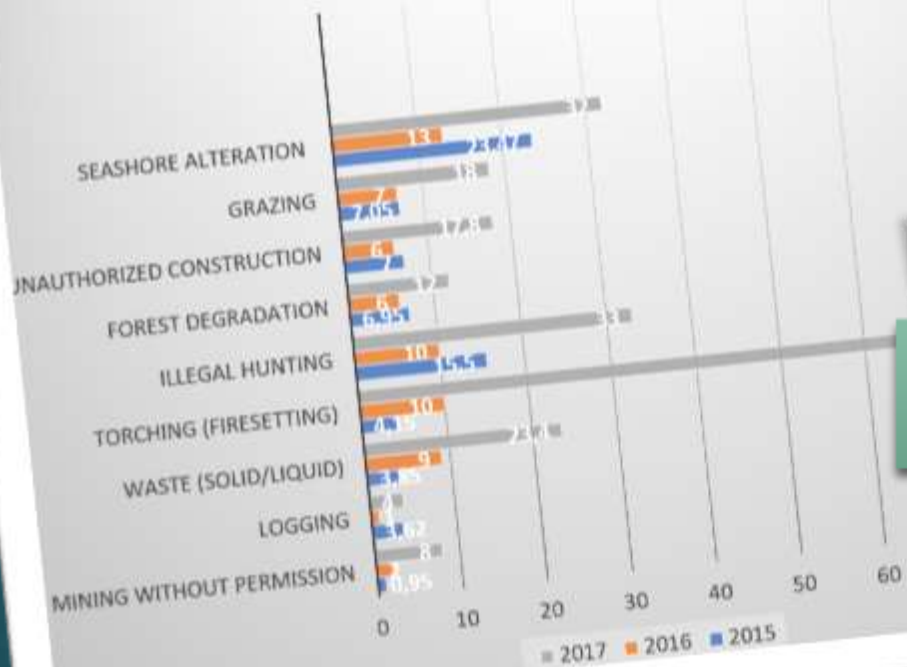
ΠΡΟΣΟΧΗ: Στα ΝΕΑ δεν εμφανίζονται τυχόν μεταβολές των κειμένων ΝΟΜΟΘΕΣΙΑΣ. Αναζητήστε αυτές μόνο εντός της ΝΟΜΟΣ (στα ΝΕΑ είναι αποκλειστικά βάσει του ΦΕΚ)

Νέοι Νόμοι, Προεδρικά Διατάγματα, ΠΝΠ & ΠΥΣ	Νέοι Νόμοι, Προεδρικά Διατάγματα, ΠΝΠ & ΠΥΣ (10-10-18) Ν 4566/18: Ενωσμάτωση στην ελληνική νομοθεσία της Οδηγίας 2015/637/ΕΕ του Συμβουλίου της 20ης Απριλίου 2015...
Νέες Υπουργικές Αποφάσεις & Εγκύκλιοι	(26-9-18) Ν 4564/18: Κύρωση της Σύμβασης Δωρεάς μεταξύ του... (26-9-18) Ν 4561/18: Σύμβασης με Υπουργείο Οικογένειας, Τρίτης...
Επίκαιρη Νομολογία	(24-9-18) Ν 4562/18: Κύρωση των τροποποιήσεων της Σύμβασης...
Φορολογικά (Νόμοι, ΑΥΟ, ΠΟΛ, ΑΑΔΕ, ΔΕΔ)	(24-9-18) Ν 4560/18: Κύρωση της τροποποίησης που έγινε στο Κι... (24-9-18) Ν 4563/18: Πρόσβαση των μόνιμων κατοίκων των περιοχ...
Ασφαλιστικά (ΕΦΚΑ, ΕΟΠΥΥ κλπ) & Εργατικά (ΥΠΕΚΑΑ, ΣΣΕ, ΣΣΠΕ κλπ)	(12-9-18) ΠΔ 90/18: Αρμόδια διοικητικά όργανα, διαδικασίες και προ...
ΥΠΕΣ, ΟΤΑ, Διοικητική Ανασυγκρότηση	(11-9-18) ΠΔ 86/18: Ανασύσταση του Υπουργείου Δημόσιας Τάξης και Π...
Μεταναστευτικό & Προσφυγικό	
Μνημόνια & Εφαρμοστικά	
Κτηματολόγιο	
Μηχανικοί, Ενέργεια (ΥΠΕΝ), Υποδομές & Δίκτυα (ΥΠΥΜΕΔΙ)	(7-9-18) Βουλή: Τροπ/ση της κατά τη ΜΕ Συνεδρίασης της 15.12.1994 από επαρχίας». (29-8-18) ΠΔ 84/18: Οργάνωση της Αρχής Πολιτικής Αεροπορίας.
Πολεοδομικά	(28-8-18) ΠΔ 85/18: Οργανισμός της Υπηρεσίας Πολιτικής Αεροπορίας.
Τράπεζες & Δανειολήπτες	(21-8-18) ΠΝΠ 10-8-18: Επείγοντα μέτρα για την εκτέλεση πράξεων κατεδά...
Προσωπικά Δεδομένα	(8-8-18) Ν 4559/18: Πανεπιστήμιο Ιωαννίνων, Ιόνιο Πανεπιστήμιο και άλλες... (7-8-18) Ν 4558/18 : Κύρωση συμβάσεων μεταξύ του Ελληνικού Δημοσίου κα...
Επίκαιρη Νομολογία ΔΕΕ, Κανονισμοί & Οδηγίες ΕΕ	(6-8-18) Βουλή: Τροποποίηση διατάξεων του Κανονισμού της Βουλής - Μέρος Β...
Προστασία Περιβάλλοντος & Ζώων, Θήρα	



Προηγούμενα Νέα αυτής της θεματικής ενότητας...

Frequently prosecuted crimes (Three year comparative data)



Law 4043/2012

Prosecution termination for crimes punished by (up to) 1 year of imprisonment

Law 4198/2013

Prosecution termination for crimes punished by (up to) 1 year of imprisonment

Law 4411/2016

Prosecution termination for crimes punished by (up to) 2 years of imprisonment

Factual result

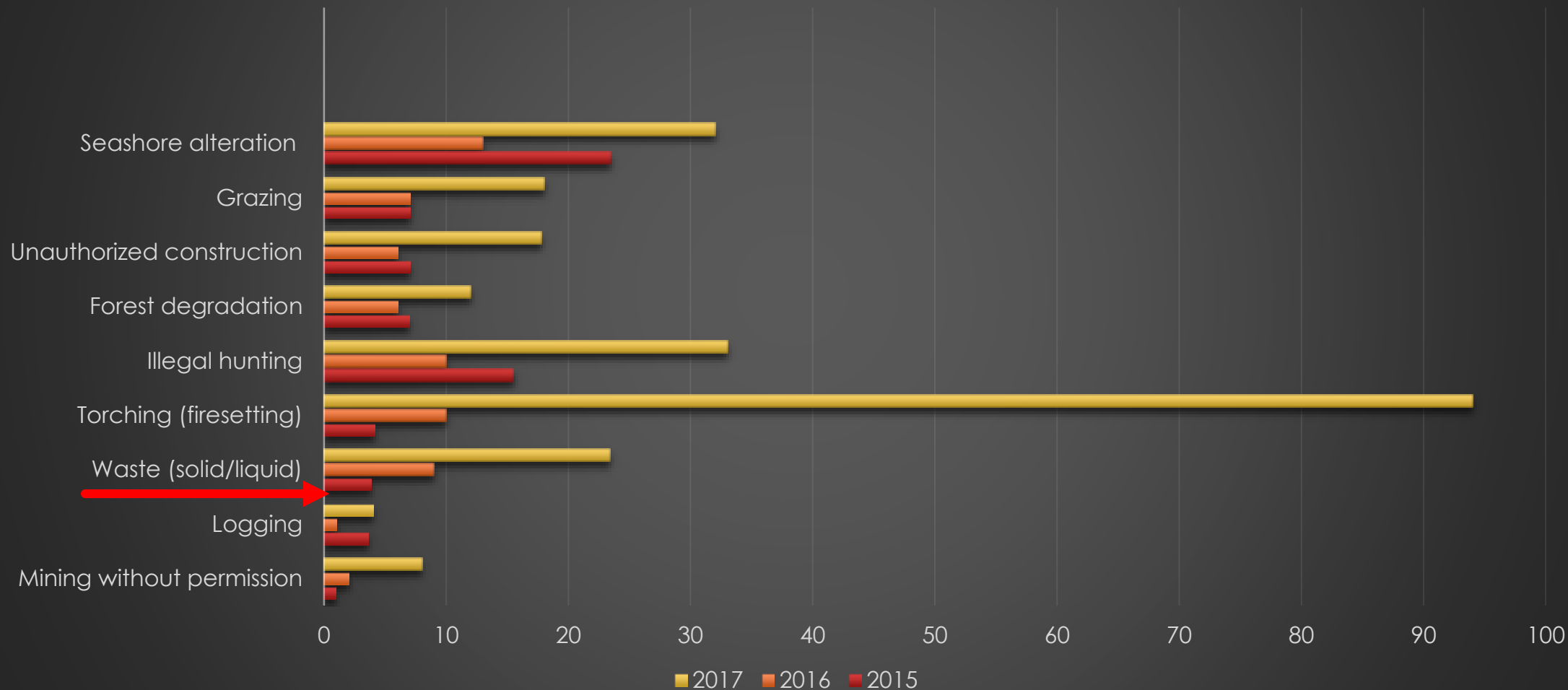
Foresees amnesty for environmental crimes such as: Poisoning, illegal logging, illegal hunting by floating & motorized vehicles, group hunting, hunting within protected areas (KAZ), exhibition of dead game in public view illegal grazing

Unprosecuted crime initiates wide ranged environmental degradation.





Frequently prosecuted crimes (Three year comparative data)



SAP 2012, p. 33

- *„Abolition of legislation that unnecessarily restrict economic activity“*



Law 4512/2018

- Renames control to audit and removes competence from EnvMin to FinMin



Factual result

- Control mechanism is deactivated

Controls solely during working hours and on appointment

Denial of control due to workload

A vertical silver chain with oval links runs down the left side of the slide.

Preliminary investigator

cannot perform an emergency control in an economic activity

Prosecutor

cannot order the emergency control

Judge

cannot reason a breach of duty



ORDERING
IN REM PROSECUTION
OF LAND OWNER
ENGAGES LOCALS

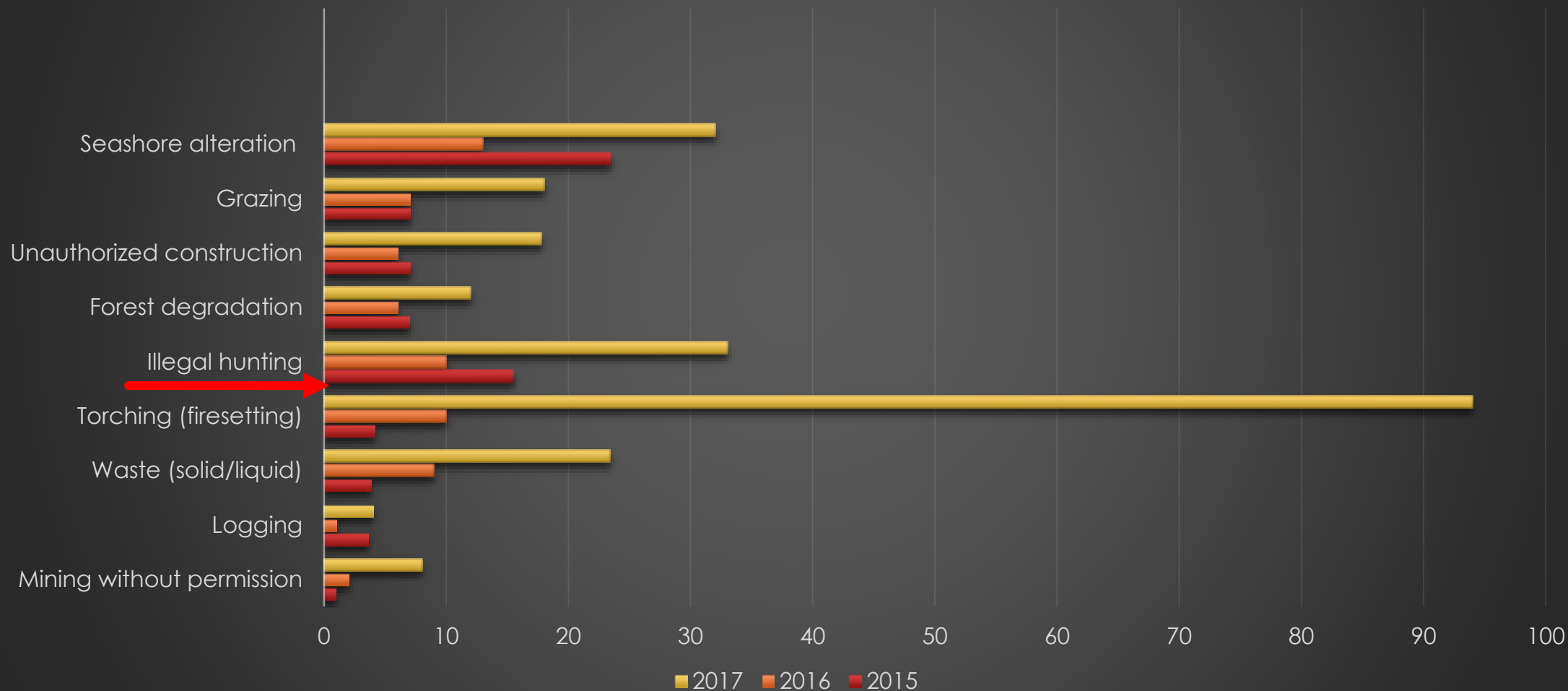
find out more at www.lifethemis.eu



surpass actor and
activate self regulation



Frequently prosecuted crimes (Three year comparative data)



SAP 2012, p. 40

- Acceleration of administration of courts through the elimination of delayed cases

Law 4043/2012

- Prosecution termination for crimes punished by (up to) 1 year of imprisonment

Law 4198/2013

- Prosecution termination for crimes punished by (up to) 1 year of imprisonment

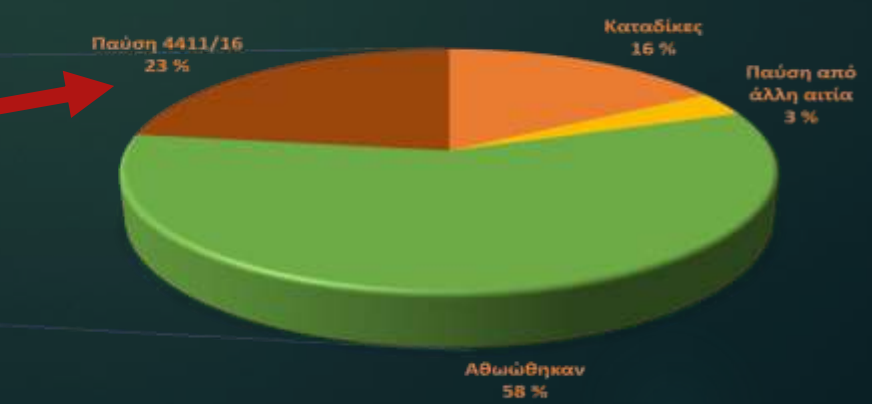
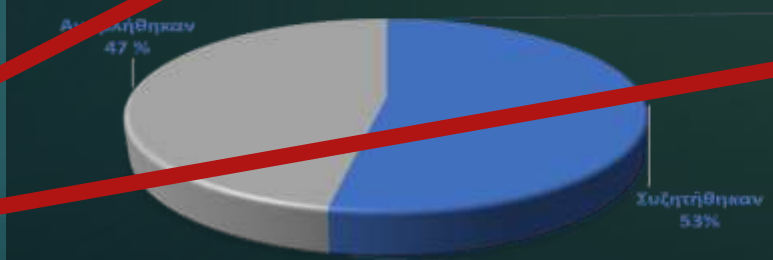
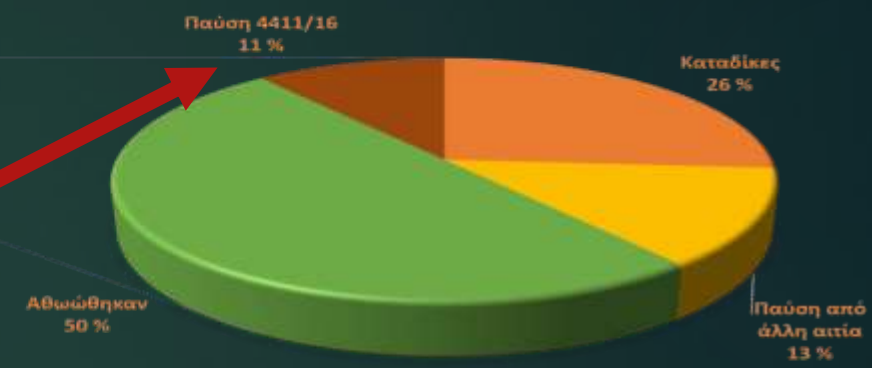
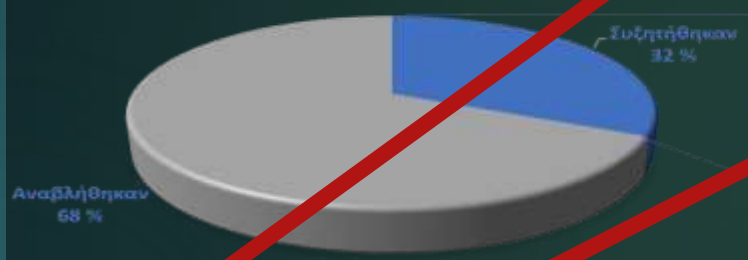
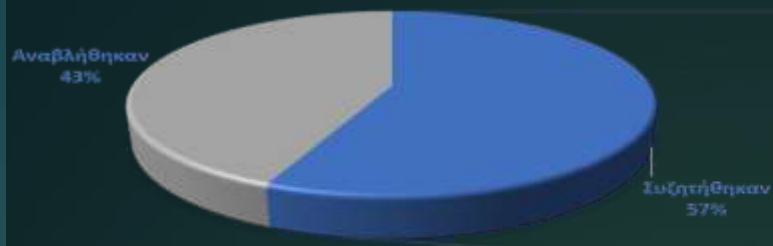
Law 4411/2016

- Prosecution termination for crimes punished by (up to) 2 years of imprisonment

Factual result

- Foresees amnesty for environmental crimes such as: Poisoning, Illegal logging, Illegal hunting by floating & motorized vehicles, group hunting, hunting within protected areas (KAZ), exhibition of dead game in public view, illegal grazing

Prosecution de lege terminated.





Preliminary investigator

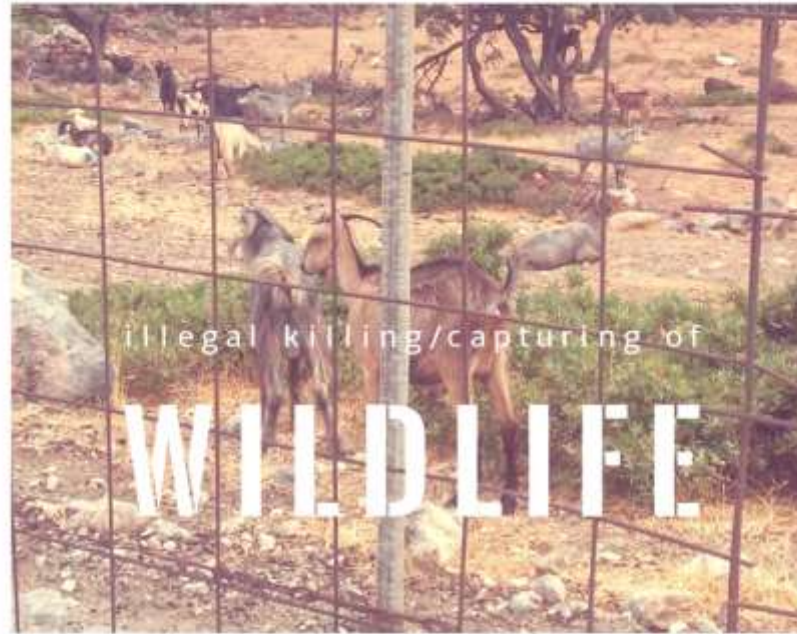
is discouraged to file a case

Prosecutor

is bound to terminate prosecution

Judge

is bound to dismiss the offender

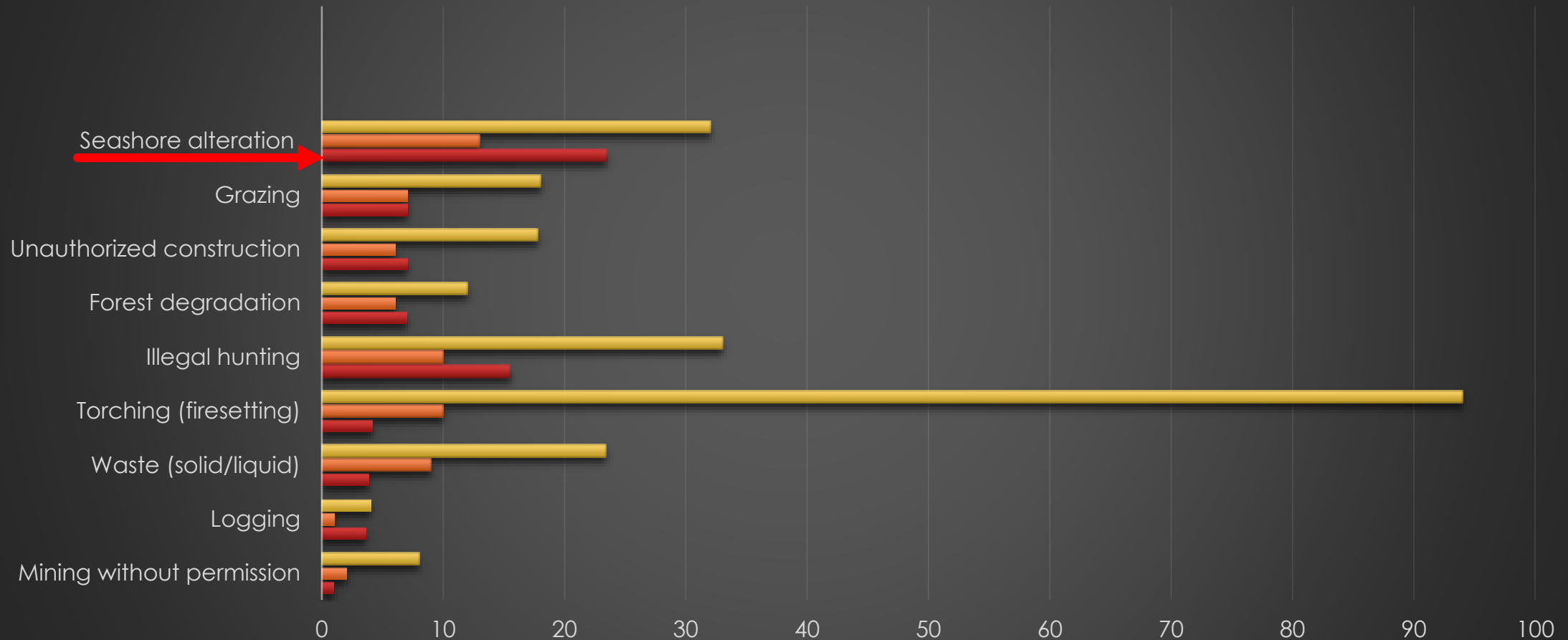


**REFORMING
AMNESTY LAW 4411/16
STRENGTHENS
PROSECUTION**

find out more at www.lifethemis.eu

add exemptions for
environmental crime

Frequently prosecuted crimes (Three year comparative data)



SAP 2010, p. 22

- Simplification of environmental licensing



Law 3843/10

- Legalization of illegal constructions



Factual result

- Illegal turns legal

Law 3982/2011

fast track construction and operation

Law 4014/2011

a posteriori licensing of unauthorized activities



Preliminary investigator

is discouraged to file a case

Prosecutor

cannot charge the offender

Judge

declares not guilty



AUDITING
TOURIST HOTSPOTS
SHARES
INVESTIGATION
CONCERNS

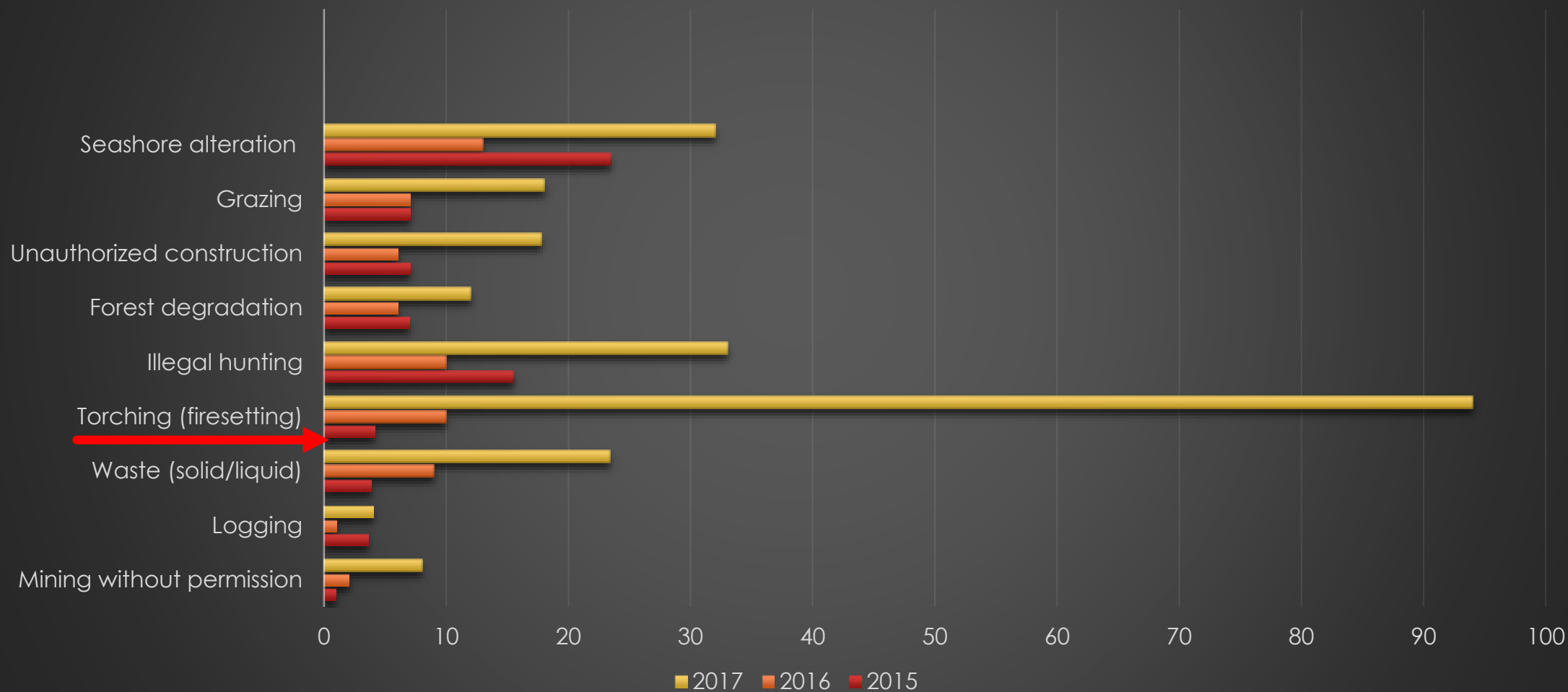
find out more at www.lifethemis.eu



strengthen licensing of
touristic activities



Frequently prosecuted crimes (Three year comparative data)



SAP 2012, p. 32

- Review and Codification of Forestry and Forestry Legislation

Law 4467/2017

- Legalization of illegal constructions in forests and protected areas

Factual result

- Abolition of Forest Status

De facto
recognition
of private
landplaning

Tolerates
mass
trespass in
forests

A vertical silver chain with oval links runs down the left side of the slide.

Preliminary investigator

cannot distinguish between legal and illegal constructions

Prosecutor

confronts the legal uncertainty of grey zones

Judge

is obliged to tolerate delinquency



CROSSCHECKING
GRANTS & ARSONS
DISCOURAGES
CRIME

find out more at www.lifethemis.eu



pursue cross-sectoral
cooperation



- Environmental crime prosecution fails under a SAP.
- Deregulation simplifies investments in the short term.
- A corrective mechanism is needed (IMF/EU/UN?) to safeguard habitats
- Effective environmental crime can be pursued through cross-sectoral cooperation, GIS auditing, public EIA's and in rem prosecution.
- Scientific data is the only tool to create value in arguing pro environment when economy and ecology collide.
- **Local observations provide global solutions.**



- Environmental crime prosecution fails under a SAP.
- Deregulation simplifies investments in the short term.
- A corrective mechanism is needed (IMF/EU/UN?) to safeguard habitats
- Effective environmental crime can be pursued through cross-sectoral cooperation, GIS auditing, public EIA's and in rem prosecution.
- Scientific data is the only tool to create value in arguing pro environment when economy and ecology collide.
- **Local observations provide global solutions.**



Read more about the project at:
www.lifethemis.eu

Contact for more info:
observatoryeastcrete@gmail.com



LIFE 2014-2020



LIFE/MATURA
THEMIS





70 %

1896 species
169 unique

33 %

40 %

12 %



23 species



8 species



53 areas



126 species





Main environmental pressures on Crete

- ▶ Tourism (no spatial plan)
- ▶ Industrial wind energy units (positioned inside protected habitats)
- ▶ Biodiversity/ wildlife crime (environmental police missing)
- ▶ Sewage/Illegal landfills (waste management fail)
- ▶ Atmospheric pollutants (measuring stations missing)
- ▶ Nitrogen pollution due to agriculture (water quality is not audited)
- ▶ Water scarcity (no civil protection plans are applied)