

Promoting awareness of wildlife crime prosecution and liability for biodiversity damage in NATURA 2000 areas in Crete



**“Public access to environmental information in Greece
through the experience of
the Environmental Law Observatories of Crete”**

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**Right and Liability
for the Environment**

**International Perspectives on Preventing Wildlife Crime
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The LIFE14/GIE/GR/000026 project is funded at a percentage of 60% from the LIFE financial instrument “Environmental Governance & Information” of the European Commission, while a part of the Associated Beneficiaries own funds was covered by the Greek Green Fund.



Main Goal/ Plan of the presentation

GOAL: To approach the gap between the desired and the current status of the right on public access to environmental information in Greece

PLAN:

1. Legislation on public access to environmental information
2. The Aarhus Convention National Implementation Report of Greece (2016)
3. The LIFE 14/GIE/GR/000026 Project (LIFE NATURA THEMIS) and the Environmental Law Observatories of Crete
4. Evaluation of the level of public access to environmental information in Greece
6. Are there things we can change for a more effective public access to environmental information?




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Legislation on public access to environmental information

1. The Aarhus Convention on access to information, public participation and access to justice in environmental matters (1st pillar) - The Convention was ratified by the Greek Parliament in December 2005 through Law 3422/12-12-2005 (Official Journal of the Government (OJG) A 303/2005)
2. The Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC
3. The Greek Ministers' Decision Nr. 11764/653/2006 (Official Journal of the Government (OJG) B 327/2006) that incorporated the Directive 2003/4/EC into National Law



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The Aarhus Convention

National Implementation Report of Greece (2016)

OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3 (access to environmental information – passive environmental information)

The obstacles and problems identified by the involved public authorities are:

- 1. Lack of resources (staff, funds, material and technical infrastructure, legal services, limited interoperability between data bases and/or registries etc.)**
- 2. Delays due to the complexity of the requested information, requiring time consuming, collaboration with other authorities**
- 3. Limited difficulties, concerning the interpretation and management of the definition "environmental information"**
- 4. According to Greek Ombudsman, in some cases the public does not know what information is available as well as the competent services which are responsible to provide such an information. In some cases there is also no further classification and specification of information.**
- 5. Distance of the competent authority from the place of residence of the citizen, (in case no database is available and the citizen has to travel on his own expense to the seat of the county).**



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The Aarhus Convention

National Implementation Report of Greece (2016)

OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5 (collection and dissemination of environmental information- active environmental information)

Possible problems may occur from:

- 1. Delayed flow of information to the central administration**
- 2. Delays in rendering of reports and data to the public.**
- 3. Lack of staff and resources.**
- 4. Not systematically kept records by some Authorities**
- 5. Legal Complexity**
- 6. In some cases there is a misunderstanding as far as the rights of public is concerned as well as the obligations of public servants**
- 7. In some cases, a lack of cooperation between public services is reported**
- 8. In some cases, more than one environmental data bases are available for the same region with differentiated inputs.**



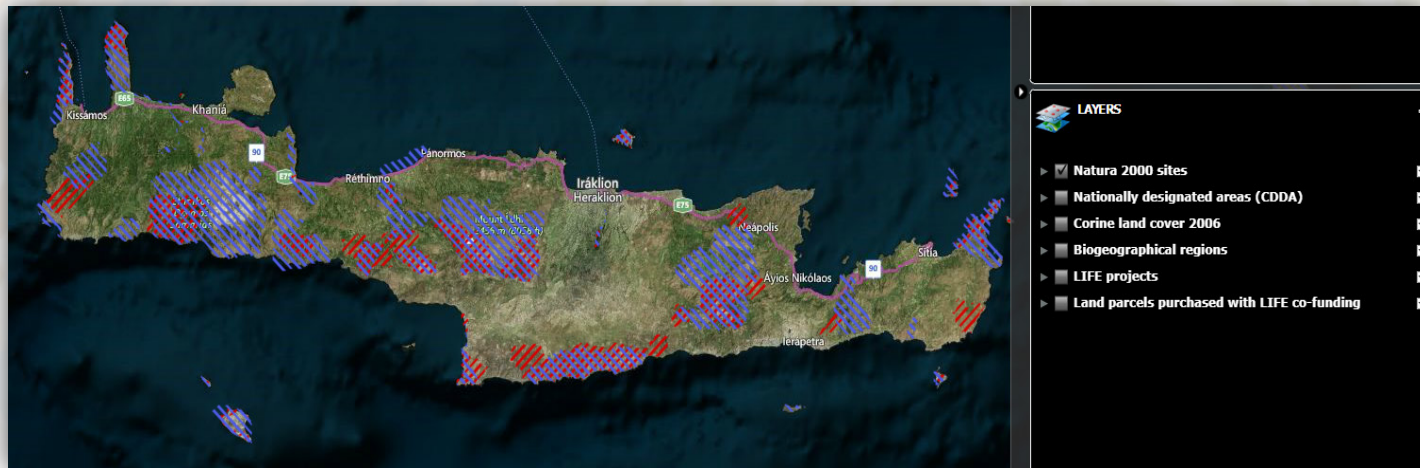
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The LIFE 14/GIE/GR/000026 Project (LIFE NATURA THEMIS) and the Environmental Law Observatories of Crete

Why in Crete?



30% of the total area of Crete belongs to
NATURA 2000 network (53 protected areas)

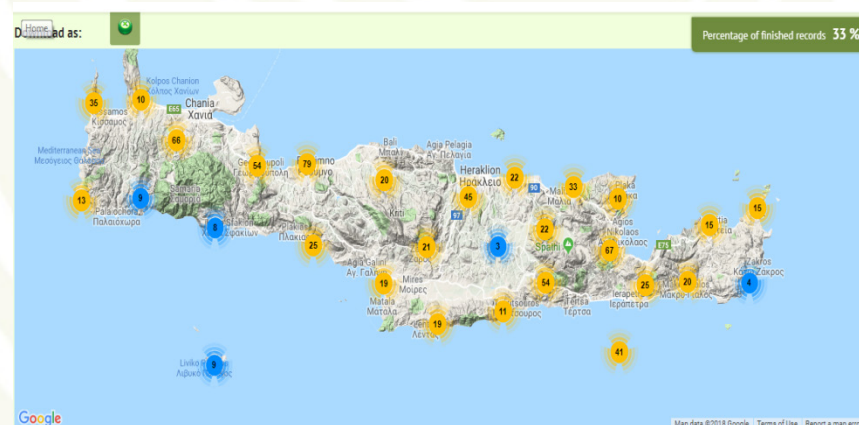


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The unique characteristics of the Environmental Law Observatories of Crete

1. First time a Lawyers' Bar Association gets involved in a European Project
2. The Lawyers' Bar Association is responsible for the operation of the Observatories: independent operation, objective information
3. Record and analysis of Criminal Environmental Law Court Cases and the imposed Administrative Fines, regarding the respective regions, with emphasis on NATURA 2000 sites
4. Import of collected data in a geo-informatics (GIS) map, accessible to the public, through the project's website (<http://www.lifethemis.eu>)



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The experience of the Environmental Law Observatories of Crete

- Since 2016, 12 Public Services in West Crete have been constantly addressed for the collection of Data regarding Environmental Law Compliance
- We have created a form for the Public Authorities for the successful collection of data:

Εντοπισμός Παράβασης Κατόπιν Καταγγελίας; (ΝΑΙ/ΟΧΙ/ΑΓΝΩΣΤΟ)	Παράβαση (εφαρμοζόμενο Νομοθέτημα)	Χρόνος Τέλεσης Παράβασης	Τόπος Τέλεσης Παράβασης	ΠΕΡΙΟΧΗ NATURA 2000 Η' ΟΜΟΡΗ NATURA 2000 (ΝΑΙ/ 'ΟΧΙ)	Τρόπος τέλεσης (περιληπτικά)	Ιδιότητα Παραβάτη (π.χ Δήμος, Ελαιοτριβείο, Ξενοδοχειακή Μονάδα κλπ)	Επιβληθείσα Κύρωση-ύψος προστίμου με τη σημείωση εάν ο παραβάτης προσέφυγε κατά αυτής δικαστικά ή όχι	Υπότροπος Παραβάτης; (ΝΑΙ/ΟΧΙ/ΑΓΝΩΣΤΟ)
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The experience of the Environmental Law Observatories of Crete

The example of the Environmental Law Observatory of West Crete:

Year 2016:

4/12 of the Public Services collected themselves requested data, one of them partly

5/12 of the Public Services provided us direct access to their files (access to Court files with special license from the Data Protection Authority)

3/12 of the Public Services provided us requested data with the help of our team

None of the Public Services had electronic registers

Year 2017 and 2018:

5/12 of the Public Services collected themselves requested data, one of them partly

4/12 of the Public Services provided us direct access to their files (access to Court files with special license from the Data Protection Authority)

3/12 of the Public Services provided us requested data with the help of our team

The Central Fire Service of Greece had uploaded analytical electronic registers about fires in forest areas in its central website.



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The experience of the Environmental Law Observatories of Crete (ELO)

Obstacles confronted by ELO West Crete

1. During the first year of the collection of data some of the public officers looked us with suspiciousness
2. One of the public authorities sent us 2,5 months after our written request, the opinion of its lawyer (72 pages) denying our requested data (it was not according to his opinion "accessible environmental information"), whereas the same department of the nearby prefecture had fully accepted it.
3. We needed a lot of time consumption to collect all necessary data (due to lack of staff and electronic updated data bases)



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The experience of the Environmental Law Observatories of Crete (ELO)

General problems observed

1. Confusion of public services' competencies, who is competent to give the necessary information?
2. Lack of cooperation between authorities
3. Lack of specialized officers
4. Lack of codified environmental legislation
5. Lack of electronic updated databases/ Unclassified and not shared databases→ simple citizens unable to extract usable information!



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Evaluation of the level of public access to environmental information in Greece

There is still much to be done!

Key points of Directive 2003/4/EC that are still not fulfilled:

Article 3 par. 5 of the Directive 2003/4/EC:

Member States shall ensure that:

- a) Officials are required **to support the public** in seeking access to information;*
- c) Practical arrangements are defined for ensuring that the right of access to environmental information can be effectively exercised such as:*
 - *the **establishment and maintenance of facilities** for the examination of the information required*
 - ***registers or lists of environmental information** held by public authorities or information points, with clear indications of where such information can be found*



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Evaluation of the level of public access to environmental information in Greece

There is still much to be done!

Key points of Directive 2003/4/EC that are still not fulfilled:

Article 7 par.1 and 2 of the Directive 2003/4/EC:

- *Member States shall take the necessary measures to ensure that public authorities **organize the environmental information** which is relevant to their functions and which is held by or for them, with a view to its active and systematic dissemination to the public*
- *The information to be made available and disseminated **shall be updated as appropriate.***



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Evaluation of the level of public access to environmental information in Greece

GENERAL FEELING OF UNEASINESS TOWARDS PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION LEADING CITIZENS TO “WAIVE” FINALLY FROM THE RIGHT OF PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION

**RESULT:
ENVIRONMENTALLY UNCONCERNED, TRUSTLESS AND
CONFUSED CITIZENS!**



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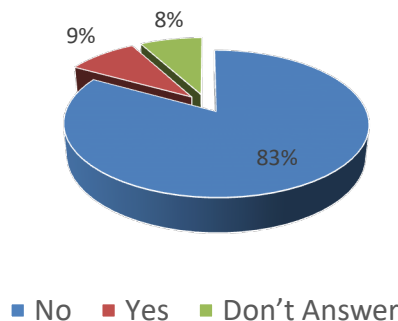
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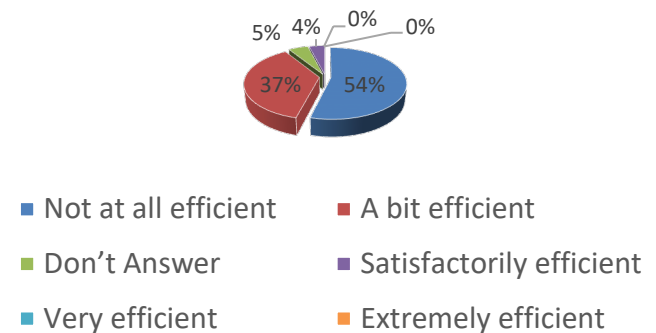
LIFE NATURA THEMI'S Baseline Survey confirms our observations!

(totally 3131 people related to environmental crime from 10 different target groups took part in it)

Have you ever complained for an environmental degradation incident?



Effectiveness of the prosecution of environmental infringements



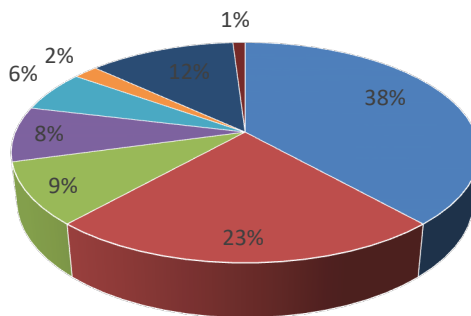
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LIFE NATURA THEMI'S Baseline Survey confirms our observations! (totally 3131 people related to environmental crime from 10 different target groups took part in it)

To whom could you report a case of environmental degradation?



- Ombudsman
- Environmental NGOs
- Forest Services
- Police
- Prosecutor
- Don't Answer
- Prefectural Environmental Department
- Forest Organizations



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Are there things we can change to support public access to information and environmental awareness?

Example:

- If people actually knew that they are welcomed by public authorities and their questions will be answered regarding biological diversity issues and relevant legislation, they would be more motivated to report environmental crimes such as illegal waste, illegal constructions etc.

However:

- According to our baseline survey 88% of the public officers of the Decentralized Administration of Crete, Prefecture of Crete and Municipalities of Crete are totally unaware or know very little about biodiversity issues and legislation!



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Are there things we can change to support public access to information and environmental awareness ?

- ✓ Recruitment of public environmental authorities with specialized officers
- ✓ Codification of environmental legislation
- ✓ Greater transparency and regulation, so that trust of the public to the NGOs would be rebuilt (a national register of NGOs necessary).



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Are there things we can change to support public access to information and environmental awareness ?

- ✓ Classification of available databases/ Constant update
- ✓ Use of Public Environmental Information Systems (PEIS) based on Geographical Information Systems (GIS) to support social and political processes
- ✓ Greater use of interactive applications in smartphone devices

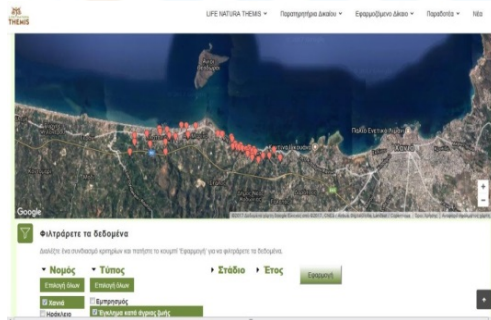
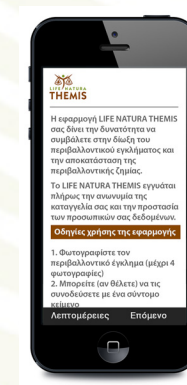
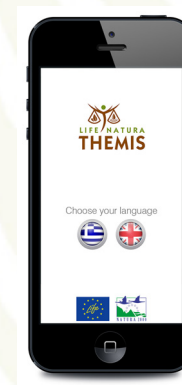


Fig. 1: The example of violation of *Caretta-caretta* protection rules in Chania region



*"We Athenians regard him, who takes no part in civic duties not as unambitious but as **useless**"*

(Pericles' Funeral Oration in Thucydides' History of the Peloponnesian War)



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Thank you for your attention!
Questions?

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