

Combating biodiversity loss and wildlife crime through environmental liability

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CRIME



Environmental Liability Directive (ELD) 2004/35/EC is based on “**the polluter pays principle**” for the prevention and remediation of environmental damage.

ELD was transposed into Greek Legislation with **Presidential Decree 148/2009**. The competent authority was established at national and regional level as follows:

- at national level: Ministry for Environment and Energy- Coordination Office for environmental liability (COIEL) on cases (resources) of national importance, incidents that extend to more than one Region or to the territory of other neighboring Member States, cases that exceptional-particular conditions or in cases of extreme urgency for preventing irreversible environmental damage.
- at regional level: decentralized authorities -Committees for environmental liability: for cases within their territorial competency (13 regional committees have been established for 13 Regions).



Scope of dir. 2004/35/EC

ELD applies when environmental damage occurs from activities listed in Annex III (strict liability) :

- **damage to protected species & natural habitats**, which is any damage that has significant adverse effects on their favorable conservation status of such habitats or species (according to dir. 92/43/EEC, 79/409/EEC),
- **water damage**, which is any damage that significantly adversely affects the ecological, chemical and/or quantitative status and/or ecological potential, as defined in Water Framework Directive 2000/60/EC,
- **land damage**, which is any land contamination that creates a significant risk of human health being adversely affected as a result of the direct or indirect introduction, in, on or under land, of substances, preparations, organisms or micro-organisms;

In Greece, damage to protected species and natural habitats caused from non Annex III activities is also included to the scope of national legislation on ELD regardless of operator's fault.



Designated protected areas such as

- 1.Areas of absolute nature protection,
 - 2.Nature protection areas,
 - 3.Natural parks,
 - 4.1 Special areas of conservation
 - 4.2 Special protection zones
- Other areas that habitats are damaged

Species

Priority species of Community interest as well as species of national importance.



Competencies

When environmental damage occurs, the national competent authority:

- › **recommends** to the Minister the appropriate prevention or remediation measures that shall be implemented with the cooperation of the relevant operator,
- › **may take** the appropriate (prevention or remediation) measures and recover the expenses from the responsible operator,
- › **monitors** environmental liability implementation both at national and regional level , collects information of env. liability cases at national and regional level, provides guidelines and training,
- › **recommends** measures for **financial security**, and
- › Since 2016 environmental liability competent authority conducts **environmental inspections** if operators comply with environmental prevention and remediation measures that are imposed. Administrative sanctions are imposed in cases of non-compliance. This legislation is expected to further enhance ELD application in Greece.



Identification of environmental damage and operator through

environmental inspections from national and regional authorities to provide information on environmental damage was caused, link between the activity and the damage caused, if damage is caused to protected species and natural habitats by Annex III or non Annex III activity.

requests from citizens or NGOs to the competent authority with the proper documentation.

.There are cases that fall under a special remediation regime under previous national legislation such as quarries, waste disposal and hazardous waste management. In these cases, a combination of both regimes may be applied.



Information for baseline condition

Remediation studies should be developed according to the criteria of Annexes I and II of Article 21 of the Presidential Decree 148/2009.

For water damage, we refer to the information derived from Management Plans of the respective water basins.

Regarding biodiversity, we refer to NATURA standard data forms and MAP VIEWER site.

Other information may be obtained from Environmental Impact Assessments, and Environmental Terms Decisions, and if they are of good quality may include useful information on:

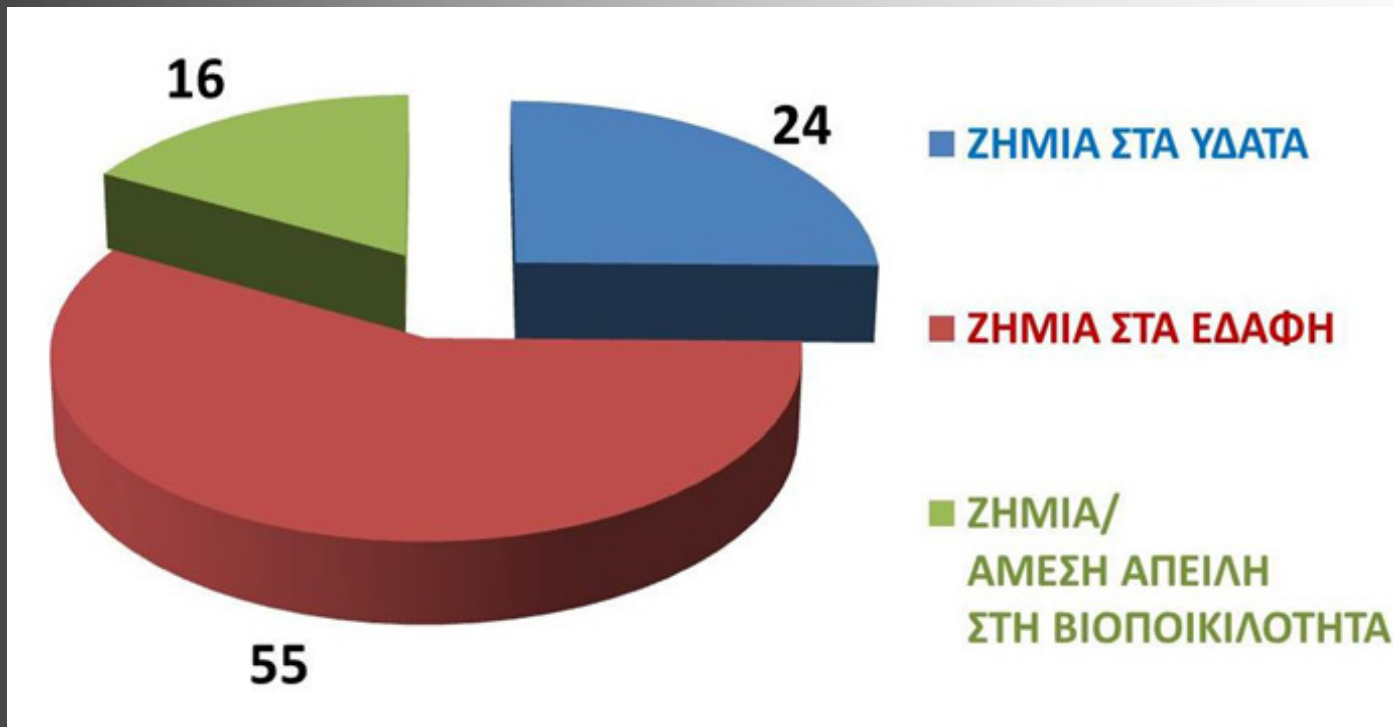
- description of the initial state of the environment,
- description of the production process (link between the activity and the environmental damage).



ELD Cases (2007-2017)

- .82 open ELD cases (damage or imminent threat)
- .21 cases are under investigation if ELD applies
- .26 cases have closed
- .6 cases were rejected

45 cases that operator was unknown (brownfields) have been remediated with funding from the **Green Fund** (1.5 million euros) € in the period 2013-2017.



24% water damage

55 % soil damage

16 % damage to protected species and natural habitats

source: Ministry for Environment and Energy, COIEL



Case study: illegal road construction (Zakynthos)



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Wetland at Legrainia Attica: Illegal use for parking and road construction



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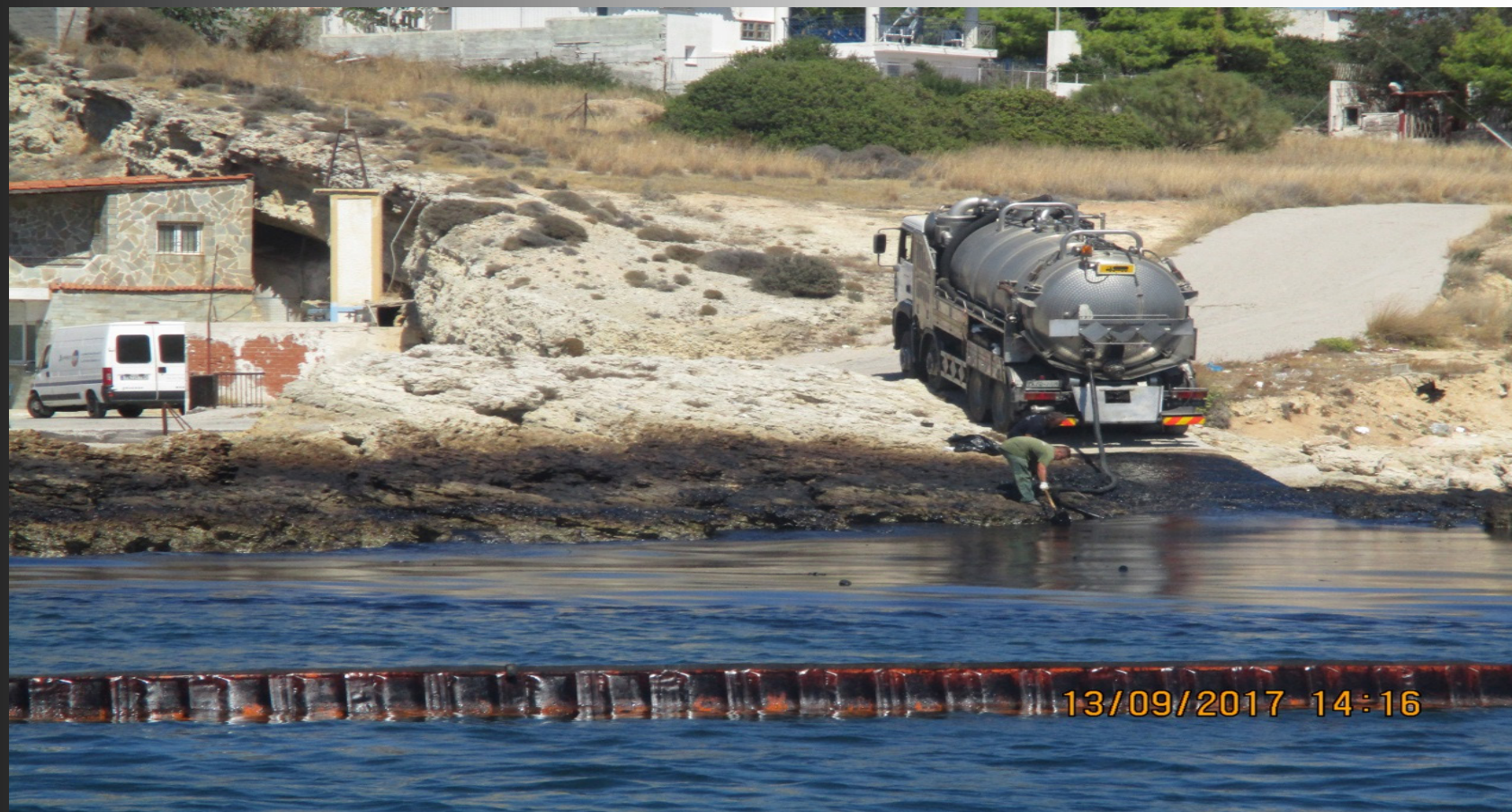


AGIA ZONI tanker. Shipwreck in Saronikos Gulf, September 2017, spill of 250-300 tons of oil.














The Coordination Office for Environmental Liability (COEL) is partner to **LIFE NATURA THEMIS project** "Promotion of awareness of wildlife crime prosecution and liability for biodiversity damage in NATURA 2000 areas in Crete".



Main challenges for a more effective implementation

- Timely environmental inspection: determination of the damage, identification of the responsible operator. Damage to services of the ecosystems cannot be easily evaluated.
- Ensuring financial resources - financial security.
- Awareness from actors (operators, administration, lawyers and judges).

Thank you for your attention!