Environmental Liability Directive: what happens in Greece- an administrative perspective.







Stavroula Pouli

Ministry of Environment and Energy Coordination Office for the Implementation of Environmental Liability

Protecting habitats and endangered species in Europe through tackling environmental crime

Heraklion 22-24 October 2018.

















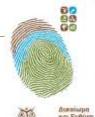


Administrative organization

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 ELD on cases of national importance, exceptional-particular significance or cases between regions.
- at **regional level**: decentralized authorities -Committees for ELD: for cases within their territorial competency (13 regional committees have been established).





















Scope of dir. 2004/35/EC

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

- 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 are also included to the scope of national legislation on ELD.





















What ELD competent authority does

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 ELD implementation both at national and regional level,
- recommends measures for <u>financial security</u>, and



















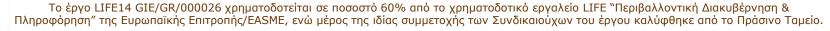


Environmental inspections

with Law 4409/2016:

❖ The scientific personnel of COELD was given the duties of Environmental Inspectors. In this respect, COELD inspects if operators comply to administrative decisions by which environmental prevention and remediation measures are imposed. Environmental inspections conducted in this framework may also include the identification and assessment of the environmental damage. Administrative sanctions are imposed in cases of non-compliance. This legislation is expected to further enhance ELD application in Greece.





















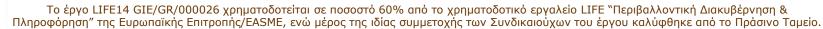


National Coordination and Monitoring

The national authority (COELD) in the framework of coordination provides for:

- collection of information and registration of the ELD cases at national and regional level,
- cooperation with other public services,
- guidelines to regional committees on ELD,
- basic equipment for inspections to regional authorities,
- organization of training seminars on ELD in collaboration with European Commission 2014-2016.

























Reporting ELD cases 2012- mid 2018 at national level

- 82 open ELD cases (damage or imminent threat), in 16 cases damage to habitats and/or protected species was reported,
- 21 cases are under investigation if ELD applies, in 10 cases damage to habitats and/or protected species was reported,
- 26 cases have closed, in 2 cases damage to habitats and/or protected species was reported,
- 6 cases were rejected, in 2 cases damage to habitats and/or protected species was reported,
- plus 45 brownfields have been remediated with funding from the Green Fund (1.5 million euros) € in the period 2013-2017.

























Reporting ELD 2007-2013 at EU level

- 1245 ELD cases in the period 2007 2013
- 2 MS reported 86% of the cases:

- Hungary: 563

- Poland: 506

- 6 MS reported rest of the ELD cases:
 - Germany (60),
 - Greece (52),
 - Italy (17),
- 11 MS reported 0 cases
- It was reported an average cost of remediation 42.000 €.















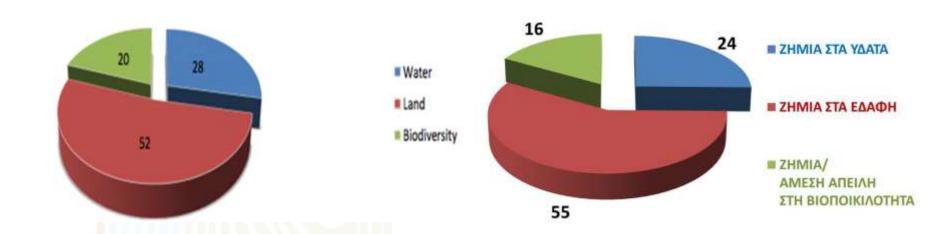








Cases at EU level - Cases at national level 2007-2013



28% water damage 52 % soil damage 20% protected species and natural habitats, Source: Eur. Commission report, 2016 24% water damage 55 % soil damage 16 % protected species and natural habitats

source: Ministry for Environment and Energy, COELD















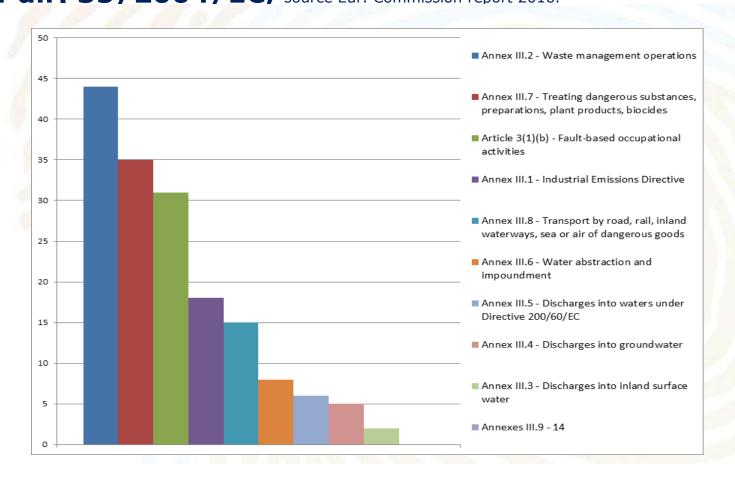


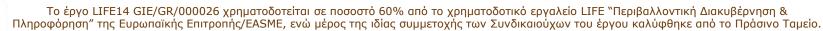






Damages from occupational activities of Annex III of dir. 35/2004/EC, source Eur. Commission report 2016.

























Financial security

According to ELD, MS should enhance financial security (guarantees, insurance).

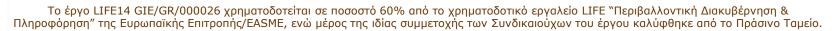
Mandatory financial security

Bulgaria, Greece, Czech Republic, Hungary, Portugal, Slovakia, Spain, Romania.

Voluntary schemes for financial security

Austria, Belgium, Cyprus, Denmark, Finland, Estonia, France, Germany, Ireland, Italy, Luxemburg, Malta, Latvia, Lithuania, Netherlands, Poland, Slovenia, Sweden, UK.

























LIFE NATURA THEMIS

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". In the framework of the project, data on environmental crimes are collected in cooperation with the competent authorities and courts, by the two Observatories of Environmental Crime in Heraklion and Chania.























LIFE NATURA THEMIS

An environmental crime map has been created for Crete and is intended to facilitate the planning and the conducting of criminal prosecution in the mentioned region, established in the framework of the project. This material is available to the public on the official website of the project providing information on the following categories (incidents 2010-2015):

- Waste dumping
- Crime against wildlife
- Grazing illegal
- Hunting illegal
- Illegal camping
- Illegal economic activity
- Logging illegal
- Marine environment degradation
- Oil factory sewage
- Poison baits
- Road construction
- Seashore degradation
- Soil degradation
- Stone pit illegal
- Surface water degradation
- Unauthorized construction
- Illegal land clearing
 - Conflagration





















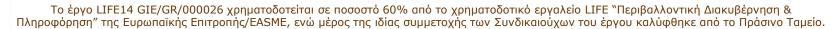


Significant cases of Coordination Office for ELD

AGIA ZONI tanker. Shipwreck in Saronicos Gulf, September 2017 250-300 tn of oil. Oil spill was spread at Attica beaches. Supervision of the cleaning procedures and determination of monitoring measures.



























The ministerial decision required from the responsible operator in a timeframe of 12 months to:

- a. investigate the sediments of the affected area Gulf using submarine systems (eg ROV) in order to gather more information about the possible presence of oil residues in the seabed,
- b. continue monitoring of the quality of sea water in the existing network of coastal sampling stations by conducting water sampling and measurements of total petroleum and polycyclic aromatic hydrocarbons,
- c. if pollution is found to sediments, then extra monitoring will be required,
- d. document the status of the biotope of the *Phalacrocorax aristotelis* desmarestii (shag) in cooperation with a scientific organization .

Cleaning of the beaches was monitored until March 2018.





















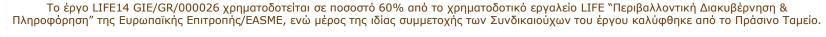




Illegal logging for road construction at Legraina wetland, Attica region, Natura 2000 site for access and parking. Remediation measures were imposed at the expense of the responsible municipality.



























Main challenges for a more effective implementation

- ✓ Timely environmental inspection: determination of the damage identification of the responsible operator
- √ Time consuming procedure
- ✓ Ensuring financial resources financial security.

Thank you for your attention!

Stavroula Pouli, poulis@prv.ypeka.gr Coordination Office for the Implementation of ELD Ministry of Environment and Energy

















