To

Mr. Frans Timmermans

Executive Vice President of the European Commission

Mr. Virginijus Sinkevicius

Commissioner for Environment, Oceans and Fisheries In Brussels, 15 May 2020

Dear Commissioners,

The new Law on the “modernization of environmental legislation” was voted in the Greek Parliament on 05/05/2020. The draft law was submitted to Parliament for vote on 24/04/202 with fast-track procedures, while the country was still under a very strict COVID-19 quarantine. The Parliament was also functioning with significant restrictions, limiting the participation of MPs in Committees and plenary. Due to the pandemic, public consultation was also severely limited. Furthermore, the original 82 articles under public consultation became 136 in the Law.

The new Law, as voted in Parliament, includes articles that are highly controversial as to their legal basis to international law, to the European acquis and to the Greek Constitution. Furthermore, it weakens crucial environmental policy tools that will significantly undermine the implementation of the European acquis in Greece now and in the future.

It is worth noting that 24 national-level environmental NGOs, more than 80 ecological movements and collectives called for the immediate withdrawal of the draft law. Furthermore, scientific institutions and universities, the Technical Chamber of Greece, the Greek Ombudsman, the Association of Administrative Judges and many other professional organizations, have expressed their significant reservations as to several provisions of the new Law and the problems that its application is expected to create. At the same time, two different petitions have collected more than 60.000 signatures in just a few days. On the first day after the quarantine, some 5000 citizens demonstrated outside the Greek Parliament demanding that procedures cease.

According to the Explanatory Memorandum accompanying the voted Law, environmental licensing is regarded as a "time-consuming administrative process", which needs to be shortened in order to promote investment. For this reason, but without setting provisions for stricter and more regular environmental control, the Law undermines the whole process of environmental licensing and mistakes deregulation for modernization.

In addition, the changes and delays that will affect important environmental tools under implementation (such as the development of Presidential Decrees regulating land use and activities in Natura 2000 areas), will undermine the implementation of environmental legislation in Greece. Furthermore, future investments will also be delayed or deterred, as judiciary procedures will most likely be initiated for a number of projects.

In brief, major setbacks, issues and examples include:

* In contrast with Directives 2011/92 and 2014/52, the spirit of Article 191 of the Treaty on the

Functioning of the European Union and international law (Article 6 para. 10 of the Aarhus Convention), the Law effectively cancels public consultation during the modification of environmental licenses. According to the Law provisions, during the modification process, and if modifications are considered by the competent authority as unsubstantial or result to positive environmental effects, then public consultation is abolished.

* The Law gives the opportunity of by-passing important opinions of Public authorities for the environmental impact of projects by applying a case-by-case, vaguely described approach, which can be further changed through a Ministerial Decision. This violates both the spirit and the provisions of Directives 2011/92 and 2014/52: no project or activity can a priori be exempted from environmental impact assessment, even if environmental impacts are positive.
* The Law brings a major setback in the management of Natura 2000 sites, by abolishing local Management Bodies, formed on the basis of the principles of co-management and participation of Agenda 21, with the involvement of local actors. Now, the management of Natura 2000 sites is placed under a central government appointed organization, potentially in order to control information and opinion on environmental impacts of projects in Natura 2000 sites and on the appropriate assessment required by art. 6 of Directive 92/43/EEC.
* Investments that bear a significant burden on the environment, such as quarries, mines, and even worse oil and gas extraction (!!!), are *a priori* potentially permitted in Natura 200 sites and natural habitats of vulnerable and close to extinct species.

The local community and the municipal authorities are deprived of the right of opinion during the initiation of exploration activities for hydrocarbons in publicly owned areas, which stands in stark contrast to the Aarhus Convention.

* The process of environmental licensing is undermined, with the transfer of cross checking and regulating Environmental Impact Assessments (EIAs) by the state to private "evaluators," who are selected randomly, but paid for by the investors themselves (!), with procedures that will eventually be defined through a Presidential Decree.
* The Law changes the technical specifications for Forest Maps (both for ratified ones and for those that are underway). The “Forest Maps” project is part of the Enhanced Surveillance obligations of Greece, financed by the EU, and linked to the National Cadastre. It is worth noting by 2019, Greece had managed to ratify forest maps for 44% of its territory, up from 1% in 2015 (the remaining part was underway). All this will now have to be re-evaluated, and changed (or cancelled).

Honorable Commissioners, the European Convention on Human Rights and the European Charter of Fundamental Rights ask for the Member States to enact measures that ensure the EU citizens’ inalienable rights to life and a safe environment. Environmental protection must be based on the rule of law and democratic consultation with all relevant stakeholders in due time and must not be handled by fast track processes contrary to the EU’s and international legal heritage.

Honorable Commissioner Timmermans, in your address to the ENVI Committee on 21 April, you mentioned that “the Green Deal is not a luxury that we drop when we hit another crisis. It is essential for Europe’s future”. In the next few months, we as Members of the European Parliament will have to discuss and vote for important files such as the Climate Law, the Just Transition Fund, the new Circular Economy, Biodiversity, and Climate Adaptation Strategies, that will shape the future of Europe for the next decades. A progressive Green Deal that will take into consideration the need for increased climate ambition, sustainable investments, and just transition must work for all or it will not work at all.

Honorable Commissioner Sinkevicius, on your confirmation hearing in the European Parliament on 3 October 2019 you stated that “regarding environmental laws, the President-elect was very clear and it’s stated in the mission letter as well: zero tolerance for incompliance. [...] I will definitely be looking at all the possible tools in the toolbox.”

A few days ago, 17 EU member states, including Greece, signed an open letter calling on the European Commission to plan a post-COVID 19 exist strategy based on the European Green Deal but they also explicitly state that any "urgent action to protect and conserve biodiversity must be a key part of our response to the global health and environmental crisis and a key aspect to ensure the long-term survival and wellbeing of our societies."

The Greek government fails to follow its pledge and thus, fails to ensure the wellbeing of Greek people, their access to sustainable livelihoods, and their right to enjoy a safe and healthy environment.

Honorable Commissioners, from the reasoning provided hitherto, we would like first to inform you of the violation of the international and the EU rule of law and urge you to take action against

the deregulation of the environmental legislation in Greece. We must not allow discounts neither in democratic procedure nor in environmental protection. We ask you to ensure full implementation of environmental laws in the European Union.

Sincerely,

The co-signatories

Petros KOKKALIS, GUE - Jutta PAULUS, Greens

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