



**Organising for EU Enlargement**

A challenge for member states and candidate countries

**MULTILEVEL GOVERNANCE**

Implementing the Habitats Directive in Greece

OEUE PHASE II

Occasional Paper 4.3 – 08.04

George Andreou

National and Kapodistrian University of Athens



FIFTH FRAMEWORK PROGRAMME



Dublin European Institute  
A Jean Monnet Centre of Excellence



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## **ORGANISING FOR EU ENLARGEMENT:**

### **Challenge for the Member States and the Candidate Countries**

The Dublin European Institute, University College Dublin,<sup>1</sup> was awarded, in 2001, a research contract under the EU's Fifth Framework Programme<sup>2</sup> to carry out a comparative study of the impact of the EU on the structures and processes of public policy in six small countries: **Ireland, Greece, Finland, Estonia, Hungary** and **Slovenia**. The Project's partnership, under the direction of Professor Brigid Laffan, Dublin European Institute, University College Dublin<sup>3</sup>, includes: Professor Dr. Wolfgang Drechsler, University of Tartu; Professor Teija Tiilkainen, University of Helsinki; Professor Calliope Spanou, University of Athens; Professor Attila Ágh, Budapest University of Economic Sciences and Public Administration; and Professor Danica Fink-Hafner, University of Ljubljana.

The aim of the research project was to deepen our understanding of the processes of Europeanisation in a number of the existing member states and some of the candidate states.

The research project encompassed the following three objectives:

- The conduct of research which offers immediate policy relevance to key stakeholders in the enlarging Union;
- The conduct comparative, theoretical and empirical research on the management of EU public policy making in three existing member states – Ireland, Greece and Finland – and three candidate states – Estonia, Hungary and Slovenia;
- The shedding light on the capacity of smaller states to adjust and to adapt to the increasing demands of Europeanisation on their systems of public policy-making and thus to identify the barriers to effective, efficient and accountable management of EU business.

### **Research Strategy**

The research design consisted of two phases and within each phase, two levels of analysis.

**Phase I** analysed the management of EU business at the macro level of the core executive and was complemented by a micro case study of a recent policy negotiation using decision analysis.

**Phase II** of the research broadened the analytical focus to encompass other levels of government – the EU and sub-state – through multi-levelled governance. Here attention was centred upon the emergence of policy networks and the interaction between public actors and the wider civil society in specific, discrete policy sectors.

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<sup>1</sup> National University of Ireland, Dublin (University College Dublin).

<sup>2</sup> European Commission, Community Research Fifth Framework Programme (Socio-Economic Research).

<sup>3</sup> This project forms part of the Governance Research Programme, Institute for the Study of Social Change, University College Dublin, [www.ucd.ie/issc/](http://www.ucd.ie/issc/) and [www.ucd.ie/govern/intex.htm](http://www.ucd.ie/govern/intex.htm).

## **Methodology**

The study employed two specific methodologies: historical institutionalism and rational institutionalism in a new and innovative fashion. The use of combined perspectives provided a theoretically innovative and new approach to the study of the Europeanisation process. Both approaches could be used as they were applied to different elements of the empirical research.

## **Academic and Policy Implications**

This study's findings provide insight into the manner in which diverse state traditions, institutions and political and administrative cultures influence national adaptation to EU governance and how the interface between national policy processes and the Brussels arena is managed. It is expected that these findings will assist those making and managing policy, thus facilitating adjustments to the changing European Union while also contributing to the growing academic debate on Europeanisation.

At various stages during the course of this project the research findings and analysis were presented to a range of stakeholders and academics to facilitate feedback and enhance the analytical process. Further details about the Organising for EU Enlargement (OEUE) project are available on the project web site [www.oeue.net](http://www.oeue.net), along with i) the Project Report, ii) the OEUE Occasional Papers and iii) a selection of papers by the research partners which draw on various aspects their project research.

## **ABSTRACT**

Greece did not have a comprehensive national system for the protection and management of biodiversity when the EU Habitats Directive was agreed. Therefore, rather than the reform of Greece's existing structures and practices to transpose and apply the Directive new institutions had to be established under the core domestic institutional framework. Importing the new policy paradigms and creating the new institutions necessitated under the Habitat Directive is but one step, ensuring effectiveness is another. The research analysis presented in this paper suggests that a combination of insufficient institutional and financial resources, public indifference, the development priorities will mean that effective implementation of the Habitats Directive in Greece involves a long term process of reform with unpredictable outcomes.

## **INTRODUCTION**

This paper studies the impact of the requirements associated with the transposition and application of the Habitats Directive upon the Greek policies, structures and politics. However, before engaging in details, one should stress two important points:

First, it is still impossible to speak of re-steering in the case of the Habitats Directive. As it is explained in the following pages, significant delays in the transposition of the Directive and in the designation of the protected areas in all member states have led to the postponement of the first stage of implementation (i.e. the establishment of the Natura 2000 network).

Second, in contrast to more conventional cases, implementing the Habitats Directive in Greece did not signify that application followed transposition. Given the demanding and time-consuming character of the initial phase of implementation, the Greek authorities initiated the application of the Directive long before they attempted to draft the legal instruments of transposition. On top of this, transposition was further delayed due to intense disagreements between the main responsible ministries, namely the Ministry of Environment, Physical Planning and Public Works (YPEHODE) and the Ministry of Agriculture. As a consequence, the first stage of application (i.e. the formulation of a draft national list of Natura 2000 sites) was completed *before* the main transposition act was communicated to the Commission. In this sense, one should not refer to transposition and application as Stages 1 and 2 respectively, but rather as two distinct and partially overlapping processes.

## **THE DOMESTIC STATUS QUO ANTE: LEGAL, POLICY AND INSTITUTIONAL MISFITS**

Up until 1980, habitat and biodiversity protection and management was the responsibility of the forestry administration (General Secretariat of Forests and Natural Environment) under the Ministry of Agriculture. The situation changed in the 1980s, when the Ministry of Environment, Physical Planning and Public Works (YPEHODE) was created and when an Environmental Protection Law (Law 1650/86) was introduced. Since then, the forestry administration is mainly responsible for the protection of inland areas, while the Directorate of Environmental Planning of the Ministry of YPEHODE has the formal overall responsibility for protected areas, and has also taken over protection and management responsibilities in urban, coastal and marine areas. Several other Ministries (the Ministries of Culture, Defense, Development, Foreign Affairs, Interior and Merchant Marine) are also involved in specific aspects of policy making and/or policy implementation.

The domestic legal framework for biodiversity and nature conservation is provided by Law 1650/86, which introduced a new categorization of protected areas and laid down the terms for extending these areas and upgrading their protection and management. However, Law 1650/86 did not abolish pre-existing legislation. As a consequence, various specific aspects of nature conservation are covered by a plethora of laws and implementing legislation dating from 1950. Indeed, there are several categories of protected areas:<sup>4</sup>

- *Inland national parks* are forested areas of special conservation interest because of their flora and fauna and, together with marine parks, are enjoying the strictest protection status. 10 national parks have been established from 1938 to 1974; surprisingly, little has changed ever since. They are placed under the jurisdiction of the Ministry of Agriculture.
- *Aesthetic forests and landscapes of natural beauty* are of value for recreation and tourism. The former were established in 1973 and fall under the competence of the Ministry of Agriculture, while the latter were created in 1950 and are placed under the Ministry of Culture.
- *Natural monuments* are areas (or even particular trees, woods, wetlands and rare plant species) of special botanical, ecological, aesthetic, historical or cultural value. They exist since 1975 and fall under the competence of the Ministry of Agriculture.
- *Game reserves, game breeding stations and controlled hunting areas* are mainly devoted to protecting/ or conserving birds and mammals; they were established in the 1970s and are also subject to the Ministry of Agriculture.
- *Marine parks* include coastal and marine areas of special conservation interest. Their establishment became possible under Law 1650/86. So far, there are only two marine parks; they are supervised by YPEHODE.
- *Zones of urban control* fall under 1984 building and land regulation, setting a range of restrictions in the use of coastal areas. They are placed under the jurisdiction of YPEHODE.

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<sup>4</sup> See also Table 1 in the Annex.

- *Nature reserves* are part of urban control zones and are subject to management plans. They were established in 1990 and fall under the competence of YPEHODE (Ministry of Agriculture 1998: 6-17; OECD 2000: 93 - 94).

It has been commonly accepted that the domestic system of protection suffered from many weaknesses. First, the total area under protection was too small and the protected areas are fragmented. Thus, the areas under the competence of YPEHODE are not endowed with capable and stable protection and management mechanisms and the areas under the competence of the Ministry of Agriculture, while enjoying some degree of protection thanks to the efforts of the forestry service, are still managed according to a "protectionist" tradition that is obviously at odds with the spirit of the Habitats directive. Second, there is insufficient knowledge of the flora, the fauna and of the various habitats and, on top of that, scientific research is promoted only on a sporadic basis; equally insufficient are the measures for raising very public awareness and for exploiting the recreation potential of the protected areas Third, the available enforcement mechanisms are inadequate, or even-non existent (characteristically, some sites are "protected" only on paper, no measure having been taken for their protection and/or management). Fourth, there is no coherent national strategy; since the implementing provisions of Law 1650/86 were never put into operation,<sup>5</sup> the national regime is the outcome of a series of incremental reforms. Finally, and the demarcation of competences between the responsible authorities was far from clear (Ministry of Agriculture 1998: 17 -19). The latter issue merits some more comment.

It is no exaggeration to say that the policy area of biodiversity protection and management in Greece has been largely shaped by the institutional rivalry between the Ministry of Agriculture and YPEHODE. This conflict was the inevitable outcome of the government's failure (and unwillingness) to identify the respective spheres of responsibility of the two Ministries with any degree of precision and to establish functional coordination mechanisms. As a result, whereas YPEHODE has the formal overall responsibility, the Ministry of Agriculture has been systematically defending its pre-established prerogatives, thus sabotaging any attempt to rationalize policy making. On the other hand, while YPEHODE is very weakly staffed at the subnational level, it has consistently sought to engage in management operations and to create separate management bodies. Given the above, one might speak of a fragmented and inadequate policy regime dominated by two competing bodies, each of which is pursuing its own policy agenda, with deleterious consequences for overall policy performance.

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<sup>5</sup> Until 1998, the only exception was the establishment of a new marine park in the Sporades islands that however lacked a management authority. The second Greek national marine park to be created -the National Marine Park of Zakynthos- was established in 1999, when the Greek government was legally bound to meet the requirements of the Habitats Directive.

## TRANSPOSITION

The transposition of the Habitats Directive was originally due for June 1994. Most member states were late; infringement procedures were initiated on 8 cases and two Member States – Germany and Greece- received ECJ judgements. On June 1997, the ECJ judged against Greece for having failed to adopt the necessary legal measures and to communicate them to the Commission (case C-83/97); following this judgement, the European Commission issued a Letter of Formal Notice and a Reasoned Opinion under Article 228 of the Treaty, before, finally, the transposition was communicated by the Greek authorities. On the other hand, in contrast to many Member States, so far Greece has had no conformity problem with the Habitats Directive; in other words, Greece has not been found wanting in transposing the Articles of the Directive into national law (Commission 2002: 23-24).<sup>6</sup>

The Directive 92/43 was transposed into national law in December 1998 through a Joint Ministerial Decision (JMD)<sup>7</sup> of the Ministries of Environment (YPEHODE), Agriculture, Home Affairs, National Economy, Development, Merchant Marine and Culture. The choice of this legal instrument suggests that the issue was never brought to the Parliament (as would have been the case if the Directive had been transposed by Law) and that the relevant consultations never went beyond an "inner circle" of ministerial delegates. Despite this, there was a significant time lag in the transposition. Available evidence<sup>8</sup> suggests that this occurred because of the dispute that had ensued between the two most interested ministries: YPEHODE -the institution that would gain new competences from the setup of new protection and management structures and procedures if the transposition was consistent with the spirit of the Directive- and the Ministry of Agriculture -the institution that was expected to be relegated to a secondary role as opposed to its hitherto dominant position. In fact, the consultations between the two ministries led into deadlock and only thanks to the intervention of the Prime Minister's Office did the two parties consented to a text that largely reproduced the body of the Directive. This solution mostly favored YPEHODE that was officially designated as the competent authority for the national participation to the establishment of the "Natura 2000" network.<sup>9</sup>

Apart from copying the articles of the Directive and allocating national competences between YPEHODE and the Ministry of Agriculture, the JMD linked the establishment of the Natura 2000 network with the provisions of the national framework environmental Law (Law 1650/86). Moreover, it provided for the creation of a Natura 2000 Committee that would review scientific data, contribute to the formulation of the national list, propose general guidelines on the management of the Sites of Community Importance (SCIs) etc. In addition, the JMD stipulated that each Greek SCI will be designated as a Special Area of Conservation (SAC) through a

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<sup>6</sup> However, there are some problems with the Birds Directive (see also the section on complaints and referrals to the ECJ).

<sup>7</sup> JMD 33318/ 3028/ 28.12.1998.

<sup>8</sup> Interviews with officials from YPEHODE, the Ministry of Agriculture, WWF Greece and the Hellenic Ornithological Society.

<sup>9</sup> Article 3 of the JMD.

Presidential Decree;<sup>10</sup> hence, the final act of introducing any Greek site into the Natura 2000 network necessitates the formal accord of all competent ministries.<sup>11</sup>

As mentioned earlier, in general terms the JMD has been faithful to the spirit of the Habitats Directive. However, it is not devoid of weaknesses. First, the translation of the various Articles of the Directive is not of a very high quality; this may create interpretation and application problems. Second, the Annexes attached to the JMD are incomplete (in particular, Annex IV does not appear at all); this omission leaves considerable gaps in species protection (WWF Greece 2002: 1). Third, Article 6 of the JMD stipulates that Environmental Impact Assessments (EIAs) are compulsory for the approval of projects and not for the approval of plans -as the Directive dictates. Fourth, the new terminology for protected areas differs from the categorization of national legislation (WWF Greece 2001: 81-82). Finally, the articles of the Directive relating to species protection -within or outside the territory covered by the Natura 2000 network- have been only transposed partially.<sup>12</sup>

While attempting to create the legal instruments that would initiate the establishment of Natura 2000 network, the Greek authorities tried also to modernize the national system of nature protection with the ultimate goal of integrating the various national and Community sites in a unique network. A first step was taken with Law 2637/98 that transformed game reserves to wildlife reserves. Far more important was the Law on Spatial Planning and Sustainable Development of 1999 (Law 2742/99); this Law brought about a shift in the philosophy of national policy-making from protection to management (at least in theory).<sup>13</sup> More specifically, the Law dedicated an entire chapter to provisions on the creation of Management Authorities (MAs) in protected areas, as well as on their competences,<sup>14</sup> their staffing and their mode of operation.<sup>15</sup> Moreover, although no mention of the Natura 2000 network was made, the -still inoperative- Natura 2000 Committee was given the responsibility of monitoring and evaluating the performance of the MAs. The first MA was created in the previous year by Presidential Decree<sup>16</sup> and the second one was set up two years later.<sup>17</sup>

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<sup>10</sup> According to the Article 4 of the Directive, Member states were to propose an initial list of SCIs; then, the Commission was to establish, in agreement with each member state, a draft list of SCIs drawn from the national lists. Finally, once a SCI was adopted, the Member State was to designate it as a SAC "within six years at most". On the other hand, once a Special Protection Area for wild birds (SPA) under the birds' Directive is communicated to the Commission, it is automatically included in the Natura 2000 network.

<sup>11</sup> The JMD gives the opportunity to ministries that are in charge of significant "projects or activities" in a given site to have a say in the designation process.

<sup>12</sup> Interview with a WWF-Greece official

<sup>13</sup> Law 2742/99 is based on the principles of sustainable development and integrated spatial management and attempts to rationalize the competences and processes of the public sector on spatial planning, development and the environment (Doussi 2001: 93-94).

<sup>14</sup> These involve formulating management plans and regulations, monitoring and assessing the implementation of these regulations, controlling human intervention in the sites under their jurisdiction, delivering opinions on environmental permitting, producing studies, implementing projects and research activities, and raising public awareness.

<sup>15</sup> It was YPEHODE that was entrusted with the supervision of the Management Authorities.

<sup>16</sup> The creation of MAs was already possible under Law 1650/86; however, it took 13 years for the first MA to be created, and this happened largely because of the threat of EU sanctions. More precisely, the first Greek MA is in charge of the National Marine Park of the island of Zakynthos, in an area that contains breeding resting places for a species of rare turtles (*Caretta caretta*). This site has a rich record of

In the same year that Law 2742 was issued, YPEHODE produced a master plan study that sought to amalgamate the sites protected under national and Community legislation. According to this plan, all protected sites were to be divided into two categories: a) sites belonging to a national protection network and b) sites of regional and local significance –the protection and management of the latter would be delegated to other bodies, such as local governments, the forestry administration, universities and NGOs. The overall network (consisting of 162 extended protection areas, each one covering more than one SPA or SAC) was envisaged as the cornerstone of a national system of management and administration that is also to include all Greek SPAs and SACs. As a consequence, the master plan advocated the creation of 40 MAs that would cover 79 protected sites and “the greater part of Natura sites”. The most appropriate solution for the remaining sites, it was argued, would be either the adoption of special Management Contracts<sup>18</sup> or their inclusion in neighbouring MAs.

In 2002, under a new Minister<sup>19</sup>, YPEHODE passed a law (Law 3044) that modified Law 2742/99<sup>20</sup> in two ways. First, it provided for the foundation of 25 new MAs. According to YPEHODE (2003: 76), these MAs are destined to manage approximately 100 Natura 2000 sites. The legality of this provision has been seriously contested: Law 2742/99 had stipulated that MAs must be created on an individual basis through Presidential Decrees, while Law 3044 instituted a two-step process, whereby the collective designation of all MAs would be followed by the issuing of JMDs establishing the framework of action for each MA (in essence the limits of protected areas under their jurisdiction, the zones of protection and the permitted activities). This legal oversight has been justified in the name of both policy effectiveness and political expediency. Given Greece’s already tardy response to the setup of the Natura 2000 network and the exceptionally time-consuming procedures related to the adoption of a Presidential Decree, YPEHODE decided to sacrifice legality for the sake of policy effectiveness.<sup>21</sup> On top of this, YPEHODE chose to establish 25 MAs in one step (and not on an individual basis) in order to minimize opposition from local interests.<sup>22</sup> On the other hand, one cannot but notice that the new formula establishes a separation between the formal designation and the effective operationalisation of a MA, thus giving Greek authorities the opportunity to postpone the activation of any individual MA;<sup>23</sup> moreover, setting the terms of operation of MAs by JMD increases the margins for governmental control, since, in contrast to Presidential Decrees, a

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environmental law transgressions and Commission interventions that led up to a referral to the ECJ. More details are provided in the two sections on referrals to the ECJ and on the record of the MA of Zakynthos.

<sup>17</sup> It is responsible for the National Park of Schinias in Attica; the relevant Presidential Decree was issued in 2000.

<sup>18</sup> Article 15 of Law 2742/99 stipulates that, in the absence of a Management Authority in a certain protected area, its management can be delegated to public agencies, local governments, universities or research centres in the form of a Management Contract. No such contract has been so far.

<sup>19</sup>In 2001, Kostas Laliotis was replaced by Vaso Papandreou at the head of YPEHODE. Having served as Commissioner for social affairs in the Delors Commission, Papandreou was expected to attach more importance to the European dimension of Greek environmental policy. So far, she has at least shown greater determination in promoting the fulfilment of Greece’s environmental obligations under Community law (this view is shared by officials from YPEHODE, WWF Greece and the Hellenic Ornithological Society).

<sup>20</sup> The political leadership of YPEHODE had changed in 2000.

<sup>21</sup> Interviews with YPEHODE and WWF Greece officials.

<sup>22</sup> Interview with an YPEHODE official.

<sup>23</sup> This is indeed the case: so far, no JMD has been issued for any of the 25 MAs.

JMDs can be amended simply with the consent of the involved Ministers. Second, Law 3044 entrusted Natura Committee 2000 with an additional task, namely to issue opinions on the yearly allocation of available (i.e. both national and European) financial resources to all MAs.

The last piece of legislation that was necessary for the completion of the Natura 2000 network on paper was the act establishing the Natura 2000 Committee; this was made in December 2002 (JMD FEK 1589 B'). It can be argued that the passing of this JMD signals the end of the stage of transposition.

## APPLICATION

The first step towards the implementation of the Habitats Directive in Greece was taken in 1994, when the European Commission gave the green light to the launching of a research project titled "inventory, identification, evaluation and mapping of the habitat types and species in Greece". This project was undertaken by the Greek Biotope/ Wetland Centre, a new research centre situated in Thessaloniki,<sup>24</sup> in cooperation with the Departments of Biology of the Universities of Athens, Thessaloniki, Patras and Crete. 75% of its financing was covered by the LIFE-Nature programme and the remaining funding was provided by YPEHODE and the Ministry of Agriculture; the two ministries also assumed a monitoring role. Even though this project was based mainly on published and existing data, it produced a good quality "scientific list"<sup>25</sup> of 296 sites containing types of habitats and species that presented the characteristics specified in Annexes 1 and 2 of the Directive.<sup>26</sup> As its name testifies, this list represented a "scientific point of reference" for the Commission and the national authorities in view of the formulation of the definitive national list (YPEHODE 2003: 33).

In March 1995, the "scientific list" and its attached maps were sent to the Commission. At the same time, a working group, comprising administrators from YPEHODE (Department of Management of Natural Environment and Natural Resources) and the Ministry of Agriculture (Department of Aesthetic Forests, National Parks and Hunting), was put in charge of consulting all interested public agencies and of elaborating the final national list. Hence, the scientific list was disseminated to various departments of certain ministries;<sup>27</sup> the local stakeholders were not involved in this consultation process at all. This working group produced the *first part* of the expected national list, consisting of 164 sites of Specific Community Interest (SCI) and 29 SPAs. After having been approved by the Deputy Minister of the Environment, this list was forwarded to the Greek Permanent Representation in July 1996, i.e. one year after the official deadline had expired. Understandably, the European Commission's official reaction was to send a letter of formal notice to the Greek government. Under the threat of a referral to the Court of Justice, the working group resumed its work and, in April 1997, the overdue part of the initial national list –containing 81 SCIs and 23 SPAs) was sent to Brussels. After the amalgamation of the two parts and the ensuing revisions, the Greek national list included 230 SCIs and 52 SPAs. However, in the following years the draft national list was subject to successive additions following recommendations from the first and the second Mediterranean bio-geographical seminars, held in February 1998 and November 1999 respectively.

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<sup>24</sup> This institution was set up by the Goulandris Natural History Museum; however, the Life-Nature programme covered 75% of the costs relating to the establishment and the first phase of operation of the Centre (Papagiannis & Kouvelis 1996: 222-3).

<sup>25</sup> This assessment comes from WWF Greece (WWF 2000: 72).

<sup>26</sup> These areas were found to fulfill the criteria mentioned in the Annex III of the directive; they amounted to approximately 18,2% of the country's land area (YPEHODE 2003: 33)

<sup>27</sup> These were the Ministry of Merchant Marine, the Ministry of Foreign Affairs, the Ministry of Industry, Research and Technology (later incorporated into the Ministry of Development) and the Ministry of Defense; the General Secretariat of Public Works of YPEHODE was also informed.

Nowadays the draft national list contains 239 SCIs and 154 SPAs.<sup>28</sup> The boundaries of the former and the latter often overlap, and the percentage of overlapping varies from 10% to 100%. In addition, there are still significant problems in defining the exact boundaries of each site; for this reason, it is impossible to provide an accurate estimation on the total size of Natura 2000 sites (the percentage of Greece's land area covered by these sites lies somewhere between 18% and 20%<sup>29</sup>). On top of this, it should be mentioned that the available knowledge of habitats and species distribution and conservation status is still limited and incomplete (WWF 2000: 71).<sup>30</sup>

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<sup>28</sup> A comparison between the numbers for 1997 and 2003 demonstrates that, while the number of SCIs has grown only marginally, the number of SPAs has almost tripled. It goes without saying that the Commission's letters of notice contributed greatly to this spectacular increase (see also the section on complains and referrals to the ECJ).

<sup>29</sup> Interview with an YPEHODE official.

<sup>30</sup> This estimation is shared by all major stakeholders (interviews with YPEHODE and WWF Greece officials).

## COMPLAINTS AND REFERRALS TO THE EUROPEAN COURT OF JUSTICE

Up until July 2003, the total number of complaints against Greece on Directive 92/43 -and also on the birds' Directive- that were actually examined by the Commission was 34.<sup>31</sup> There were also 7 complaints that are primarily related to the bad application of the Environmental Impact Assessment Directive (Directive 85/337) and in which Directive 92/43 also appears. Therefore, it can be deduced that the overall number of complaints was 41,<sup>32</sup> with the occurrence per year as follows: 1995: 1; 1996: 0; 1997 : 2; 1998 : 4; 1999 : 4; 2000 : 11; 2001 : 7; 2002 : 9; and 2003 : 3. Overall, the small number of complaints must be attributed to two factors. First, no complaint based on Article 6.2 - 4 was possible before June 1998 -when the original deadline for the designation of Special Areas of Conservation (SACs) and for the establishment of effective protection mechanisms expired. Indeed, since 1998 there is a visible increase in the number of complaints. Second, the substantiation of an infringement is a very difficult exercise because it necessitates time-consuming and technically demanding analysis.<sup>33</sup> As a result, the majority of complaints in Greece have been submitted by NGOs (WWF Greece 2002: 2). So far, none of the above complaints has ended up before the European Court of Justice. However, there are some cases that merit attention.

First, two cases reached the stage of the second written warning under Article 226 of the Treaty.

- In 2002 Greece received a second written warning for designating an insufficient number of special protection areas (SPAs) under the Wild Birds Directive as a contribution to the Natura 2000 network. While some progress had been made and the number of designated SPAs stood at 110 (against 52 in 1997), the European Commission (I would suggest a reference to the exercise of the Important Bird Areas that provided these numbers) considered that a further 76 sites merited designation. In response to this verdict, the Greek authorities decided to raise the total number of SPAs to 154:<sup>34</sup> according to the most recent estimations, we are moving towards a number of 170 to 175 SPAs.<sup>35</sup>
- In the same year, Greece received a second written warning for failing to properly protect the lagoon of Messolonghi-Aitolikon, a wetland that is internationally recognised as an important habitat for wild birds.<sup>36</sup>

Second, there are a couple of significant complaints that are still pending, though not likely to reach the European Court of Justice.

- A complaint on the duration of the hunting period (based on the violation of the Birds Directive) reached the stage of reasoned opinion 10 years after being submitted to the DG

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<sup>31</sup> Information on complaints was provided by a Commission official (DG environment).

<sup>32</sup> 4 of the above are related to Article 12, 34 to Article 6 and 3 to both Articles 6 and 12.

<sup>33</sup> Interview with a Commission official.

<sup>34</sup> The designation of Spas was made by a joint committee of YPEHODE and the Ministry of Agriculture with the participation of one representative of the Hellenic Ornithological Society.

<sup>35</sup> Interview with an official of the Hellenic Ornithological Society.

<sup>36</sup> The appropriate legal framework for ensuring the effective protection of the habitat was still not in place. In addition, the site was being adversely affected as a result of illegal construction projects and inadequate controls on waste disposal.

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- Environment. The European Commission had subsequently decided to bring court action against Greece, but the execution of this decision was postponed after a modification of a ministerial decision related the hunting period.<sup>37</sup>
- A complaint on the impact of 2004 Olympic constructions on the Schinias coastal wetland induced the European Commission to ask officially for the inclusion of the area in the Natura 2000 network and for the taking of measures in order to avoid the downgrading of the area (WWF Greece 2002: 2). In response, the Greek government communicated its intention to comply with the European Commission's demand, but so far nothing concrete has been done in this direction.<sup>38</sup>

On the other hand, the most prominent case related to Directive 92/43 has been based on a European Commission's own initiative report and thus is not officially classified as a complaint. It concerns Greece's failure to adopt and apply adequate measures to protect the breeding and resting places of the rare Mediterranean sea turtle, *Caretta caretta*, on the island of Zakynthos. On 30 January 2002, Greece was condemned by the Court of Justice for this very reason (Case C-103/00).<sup>39</sup> On top of this, on December 2002, having certified that the situation remained unsatisfactory,<sup>40</sup> the European Commission decided to send Greece a first written warning under Article 228 of the Treaty, for not complying with the Court judgement. Nonetheless, the future of this particular case has been closely linked with the performance of the Managing Authority of the National Marine Park of Zakynthos.

## **THE EMERGING POLICY NETWORK**

### **The Natura 2000 Committee**

As has been previously illustrated, the competences of the Natura 2000 Committee were progressively enhanced in the period between late 1998, when the Habitats Directive was officially transposed, and early 2003 at which time the Committee was convened. Initially the Committee was envisaged as a consultative body supporting the national authorities on issues related to the obligations arising from the Habitats Directive. However, before the Committee was actually established, its status had been considerably upgraded. At present, the Committee is also expected to operate as the focal point of both the Natura 2000 network and the National Protection and Management System. In this respect, the Committee's first priority is to support, supervise and coordinate the fledgling Management Authorities (MAs). Hence, its immediate tasks include:

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<sup>37</sup> According to an official of the Hellenic Ministry of Foreign Affairs, the Greek Ministry of Agriculture (that is responsible for hunting regulation) is traditionally too generous towards Greek hunters.

<sup>38</sup> Interview with an official from WWF Greece.

<sup>39</sup> This is the first ECJ judgement related to Article 12 of the Directive (protection of Species); it underlines the necessity to establish and implement an effective system of strict protection for species listed in Annex IV (a) (Commission 2003b: 16).

<sup>40</sup> Most of the regulatory and implementing measures provided for by Greek framework legislation (Presidential Decree) were still not in place. Furthermore, illegal constructions had not been removed from an important turtle beach at Daphni. Finally, the placing of parasols and deckchairs on this beach, as well as on two other beaches at Kalamaki and East Laganas, continued to present problems (NMP-Z 2003).

- the organization of seminars for the members of the Administrative Boards and for the staff of the MAs;
- the issuing of methodological guidelines for the benefit of the MAs on various issues (such as financing, eco-tourism, possible business initiatives, the monitoring and management of protected areas etc.);
- the provision of models for the regulations pertaining to the administration and the function of the MAs;
- the creation of timetables for the monitoring and the evaluation of the MAs and of all agencies involved in the protection of habitats and species;
- the co-ordination of the actions and the measures under the Regional and the Sectoral Operational Programs of the Community Support Framework relating to nature protection and the sustainable development of protected areas; and
- the monitoring and evaluation of all public programs, actions, studies, projects and actions affecting the protected areas and species (YPEHODE 2003: 136-137).

The Natura 2000 Committee was convened for the first time in the beginning of 2003. It consists of 15 regular members and 12 alternate members. Its president, Yannis Boutaris, also presides one of Greece's more active environmental NGOs.<sup>41</sup> Out of the remaining 14 regular members, six represent central government agencies (Ministries of Development, Agriculture, Home Affairs, Culture, Merchant Marine and YPEHODE), six are university professors and two are representatives of environmental NGOs.<sup>42</sup> Out of the 12 alternate members, four represent central administration (Ministries of Home Affairs, Culture, Merchant Marine and YPEHODE), four are university professors and two are representatives of NGOs.<sup>43</sup>

The participation of civil servants and university professors with no prior experience on the conservation and management of habitats given provoked some criticism on behalf of both the YPEHODE administration and the involved NGOs.<sup>44</sup> Another cause for concern is the fact that two representatives of national ministries (the Ministry of Development and the Ministry of Merchant Marine) have never attended the Committee.<sup>45</sup> Nevertheless, the single most important problem is that the Committee currently lacks any supporting infrastructure and thus is devoid of operational capabilities. The creation of a Technical Secretariat is indeed on the agenda (YPEHODE 2003: 136, 139), but at this point YPEHODE is completely behind schedule. Moreover, the question of financing has not been settled and even the legal status of the Committee remains open (YPEHODE 2003: 135). As long as these problems remain unresolved,

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<sup>41</sup> Boutaris is the president of Arcturos, an NGO aiming at the protection of wild bears in Greece.

<sup>42</sup> These are WWF and the Hellenic Ornithological Society.

<sup>43</sup> These are Arcturos and the Society for the Study and Protection of the Mediterranean Seal.

<sup>44</sup> It has been argued that "the Committee's competences have not been well understood by everybody" (interview with a WWF official) and that "certain members of the Committee had to take special lessons on their responsibilities" (interview with an YPEHODE official).

<sup>45</sup> They are systematically failing to attend because they were not properly informed in the first place (interview with WWF officials).

the Committee will be unable to perform its tasks,<sup>46</sup> and the Natura 2000 policy network will remain virtually an empty shell.

### **The Management Authorities (MAs)**

According to the Law 2742/1999, the main task of the MAs is to manage the areas falling under their competence. However, this “managing mission” is subject to contrasting interpretations. On the one hand, environmental NGOs maintain that the MAs are the primary instruments for all managing activities, including the preparation and the implementation of a Master Plan,<sup>47</sup> the supervision of the relevant regulatory terms and restrictions, the gradual establishment of a System of Scientific Monitoring and effective decision making for all pertinent issues. On the other hand, some YPEHODE officials adopt a much more restrictive view, arguing that the basic mission of these bodies is not the management of the Natura 2000 sites *per se*, but rather the co-ordination of the activities of the various public and private agents whose activities are affecting the habitats and species in a given protected area.<sup>48</sup> Moreover, in this line of argument, it would be unwise to burden MAs with direct management tasks while they are still not operational and their financial viability is not guaranteed.<sup>49</sup> It must nevertheless be said that, according to the letter of the Law 2742/1999, the latter view is clearly unfounded.

As it has been previously mentioned, the national legislation provides for the creation of MAs on an individual basis a by Presidential Decree. However, only two MAs were created according to this procedure and in 2002 YPEHODE passed the Law creating 25 new MAs. Up until now, out of the 27 MAs existing on paper, only the first to be created, the MA of the national marine park of Zakynthos, can be characterized as truly operational: it is composed of a Director and an Administrative Board, has its own personnel, has produced a Master Plan (though not for the whole park) and has undertaken some policy initiatives in order to mobilize all stakeholders towards its basic aim (the protection of the rare sea turtles). The great majority of the remaining MAs have not gone beyond the stage of the designation of their Administrative Board (the relevant decisions of YPEHODE were issued in the summer of 2003).

In sum, a lot remains to be done before the existing MAs become fully operational. Taking into account the considerable delays in the actual establishment of the prescribed system (and one might argue, the underlying lack of political commitment), it seems very likely that, for the

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<sup>46</sup>Thus, it will run the danger of being used as a scapegoat by the national authorities in their dealings with the Commission and other international bodies (interview with a representative of the Hellenic Ornithological Society).

<sup>47</sup> Each Master plan must a) delineate the characteristics of the area under the jurisdiction of the MA, b) assess the factors that affect the natural and human environment of the area, c) put forward management options regarding the habitats and the species of the area, d) identify the main management objectives and e) specify these objectives in the form of operational measures, including timetables, needs in personnel and equipment, quantitative indicators of implementation, financial cost and possible sources of financing (YPEHODE 2003: 86-89).

<sup>48</sup> This is not to say the MAs cannot be engaged in management tasks. However, in almost all cases, it is argued, the management and/or protection of protected areas is the task of various public authorities (the forestry administration and the YPEHODE services at national, regional and prefectural level, the port authorities, the police, the regional and the local authorities). Moreover, direct management can also be undertaken by private actors (such as NGOs).

<sup>49</sup> Interview with an YPEHODE official.

foreseeable future, most MAs will probably limit themselves to the roles of consultation *fora* and information centres. On top of that, one should bear in mind that the current institutional network is designed to cover only a small percentage of the Greek protected areas; even if all 27 MAs are able to perform effectively, the great majority of the Natura 2000 sites will remain under the present, manifestly inadequate, regime unless further reform initiatives materialize.

### **Financing Natura 2000**

In theory, funding for biodiversity conservation planning and projects is available through European and national channels. The major sources of EU financing<sup>50</sup> are currently: a) two sectoral Operational Programs of the third Community Support Framework, the Operational Programmes for the Environment and the OP for Rural Development, b) the 13 regional Operational Programmes and c) the Life-Nature programme.<sup>51</sup> On the other hand, national funding is available through ETERPS, the Special Fund for the Application of Regulatory and Spatial Planning Projects.

It is very hard to formulate an accurate picture of the financial volume, the number and the identity of projects that have been actually carried out for the purposes of the Habitats Directive since 1994.<sup>52</sup> All the same, four general points can be made.

- First, the contribution of Community funds is overwhelming: the great majority of the related projects receive Community support, and the EU financing rate is set normally at 75%.
- Second, the effectiveness of past projects has been severely circumscribed because of the lack of an overall strategy, the inadequacy of control and evaluation mechanisms, bureaucratic inertia, the insufficient participation of the relevant stakeholders, and the limited time horizon of planning.<sup>53,54</sup>
- Third, the only secure source of EU funding that is currently at the disposal of the Greek MAs is the Measure 8.1 of the Operation Programme for the Environment; this Measure,

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<sup>50</sup> There are also certain funding opportunities through the Community Initiatives Interreg and Leader; in practice, however, this potential has not been exploited.

<sup>51</sup> According to the Life-Nature's electronic database, the number of projects financed by this programme in Greece since 1992 is the following: 1992: 2; 1993: 2; 1994: 3; 1995: 5; 1996: 4; 1997: 3; 1998: 4; 1999: 6; 2000: 0; 2001: 0; 2002: 0; and 2003: 4. In most cases, the ultimate beneficiaries are Greek NGOs (such as Arcturos, Archelon and the Hellenic Ornithological Society), local governments and local development S.As, public agencies and private institutions (such as the Natural History Museum and its affiliate Greek Biotope/ Wetland Centre).

<sup>52</sup> In a press conference in December 2000, Kostas Laliotis, then Minister of YPEHODE, estimated that, between 1994 and 2000, total expenditure for the financing of management authorities, monitoring programs and publicity activities rose to approximately 57.2 million euros (19.5 billion drachmas). This amount included the contributions of the OP Environment -44 million euros (or 15 billion drachmas)- and of ETERPS -13.2 million euros (or 4.5 billion drachmas).

<sup>53</sup> It is noteworthy that this view is shared by the authors of the Programming Complement of Measure 8.1 when they assess "the current situation" in the field of biodiversity protection (YPEHODE 2001:2).

<sup>54</sup> The story of the program for the creation of 30 information centres under the second CSF is indicative. This program was implemented through contractual agreements between YPEHODE, the Ministry of Agriculture, regions and local authorities. Today, only one centre is still operating thanks to the support it has been receiving from the local Association of Municipalities and Communities -a body whose existence was provided for in the initial contractual agreement. Out of the remaining envisaged centres, some were never set up because the partnership agreements were not signed, and the rest operated until the funding from the second CSF was exhausted. It is also worth noting that, in most cases, no local Association was ever set up either (interview with a WWF Greece official).

amounting to 54,88 billion euros, explicitly supports the establishment and operation of the Natura 2000 network and of the 25 new MAs in particular.<sup>55</sup> The only national source of funding is ETERPS, which has recently called for financing proposals for projects beyond the territory of the MAs running for the next three years.<sup>56</sup>

- Fourth, the available resources are clearly inadequate to cover the costs that an effective conservation and management policy would entail. There are two separate cost assessments supporting this view. The 1999 Master Plan contained the estimate that the minimum necessary expenditure on management of Natura 2000 sites for 5 years would be 82 million euros (28 billion drachmas) (WWF Greece 2001: 82). According to a different estimate, carried out upon the Commission's request, 142.3 billion euros would be needed to cover management planning and administration costs from 2003 to 2012 (Commission 2000b: 13). Assuming that the amount of 54.88 million that is available through the OP Environment is spent during a seven-year period, the annual available resources are 7.84 billion euros, while the minimum annual needs are 16.4 billion euros according to the first estimation and 14.23 billion euros according to the second estimation.
- Fifth, YPEHODE states that the MAs should become financially self-sufficient in the long run. However, many stakeholders are convinced that this proposition is both unrealistic and erroneous: it is widely argued that management authorities rely on public funding, and complete reliance on non-public sources could distort the nature and jeopardise the mission of the MAs.<sup>57</sup>

### **Issues of co-ordination and participation**

Apart from adequate financial support and planning, the most crucial condition for the success of any strategy regarding the conservation and management of biodiversity is the commitment and the active cooperation of all major stakeholders, be it private actors, local communities, regional authorities, the various departments of national administration, or the national representatives. This is an equally daunting task for the MAs as, it must be mentioned, present conditions are far from auspicious: in most cases, the actual relations between the various stakeholders are characterized by fragmentation, intense scarcity of information and distrust both at the horizontal and at the vertical level (i.e. both in the relations between stakeholders acting at the same spatial level and in the relations between stakeholders from different levels).

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<sup>55</sup> Theoretically, the new MAs are also eligible for assistance under the regional OPs, the Life-Nature programme and Interreg. In practice, however, they are excluded because: a) the implementation of the OPs has progressed and b) they still do not exist legally, since the JMDs designating their respective territory have still not been issued (interview with WWF Greece officials).

<sup>56</sup> Interview with an official from WWF Greece.

<sup>57</sup> Interviews with officials from the Ministry of Agriculture, WWF Greece and the Hellenic Ornithological Society.

<sup>58</sup> This is not to say that there are not cases of successful cooperation between all interested parties; such occurrences, however, are clearly an exception to the rule.

First, co-ordination at the macro level is seriously wanting, not only because of the inherent shortcomings of the Greek administration, the fragmentation of competences between YPEHODE and other sectoral Ministries, the inexistence of co-ordination structures and the overlapping of competences across the vertical level, but also due to on-going conflict between YPEHODE and the Ministry of Agriculture. With the benefit of hindsight, it is evident that the initiatives YPEHODE took advantage of the application of the Habitats Directive in order to achieve three closely interrelated goals, namely:

- a) to accelerate the hitherto extremely slow pace of implementing the Directive;
- b) to take advantage of Greece's European obligations in order to modernize the pre-existing national system; and
- c) to promote the dissemination and institutionalization of the dominant ideas and policy practices at the European level in order to create a new policy network that would be placed under its immediate control.

This strategy has certainly born fruit, in the sense that YPEHODE has been placed in the centre of the emerging management system. However, the Ministry of Agriculture has retained a large number of competences (for instance it is primarily responsible for species protection), has far more operational capabilities and the control of a significant amount of funds; as a consequence, there is clearly a dualism in terms of decision taking and policy making<sup>59</sup> that is being reproduced at the regional and local levels.

Second, the absence of any substantial consultation process with local authorities and stakeholders during the designation of the Natura 2000 sites and the insufficiency of information<sup>60</sup> have not promoted local support for conservation and management activities. On the contrary, ignorance, coupled with the resentment caused by the blocking of certain development projects within SCIs, has caused growing and widespread concern among local communities and members of Parliament (WWF Greece 2002: 4).

Third, while YPEHODE uses occasionally the Directive as an alibi in order to prevent selected development projects (such as wind parks), it does not take it systematically into account when planning major construction projects. In addition, the other Ministries and the regional authorities fail to consider the content and the implications of the Directive and tend to regard it as an environmental piece of legislation that is irrelevant to their own planning (WWF Greece 2002: 4) despite the fact that they have been officially committed to do so.<sup>61</sup>

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<sup>59</sup> Interviews with officials from YPEHODE, the Ministry of Agriculture, WWF Greece and the Hellenic Ornithological Society.

<sup>60</sup> Until recently, information on the Directive was limited to two information leaflets published in 1998 and a series of regional seminars also organized in 1998. In addition, apart from the list of sites included in the scientific list, which is accessible through the web page of YPEHODE, no other information is available for the public (WWF Greece 2002: 4).

<sup>61</sup> All OPs of the third CSF contain a clause expressing the commitment to ensure compliance with the aims of the Habitats Directive.

### **The role of NGOs**

Up until now, many of the most manifest problems and insufficiencies of the national protection system were systematically tackled by NGOs. There are many Greek NGOs acting at the local level or having a local mandate. All the same, the most influential NGOs are the ones operating at the national level or projecting their localized concerns nationwide. One could identify 8 such organizations: Arcturos (whose task is the protection of wild bears), WWF Greece, the Hellenic Ornithological Society, MOM (the Society for the Study and Protection of the Mediterranean Seal), Archelon (the Sea Turtle Protection Society), the Hellenic Society for the Protection of the Environment and Cultural Heritage, the Hellenic Society for the Protection of Nature and the Hellenic Centre for the Treatment of Wild Animals. Over the last years, these NGOs, apart from engaging in various projects and undertaking diverse initiatives at an individual basis, have developed a common policy platform and have been attempting to influence decision making and policy making as both outsiders and insiders. On the one hand, they have sought to maximize their political leverage through several joint initiatives (like the promotion of information or protest campaigns, the organization of conferences and the publication of priorities for action) aiming at increasing public awareness and mobilizing potential national, subnational and supranational allies. On the other hand, these NGOs have gained membership in both the Natura 2000 Committee and the MAs (each Administrative Board of the latter includes one regular and one alternate member representing the NGOs) and thus are (will be) given the opportunity to combine the roles of policy expert, policy maker and environmental activist.

### **Case Study: The Management Authority of the National Marine Park of Zakynthos**

The National Marine Park of Zakynthos (NMPZ) is situated at the southern part of the island of Zakynthos. It was established on December 1999 thanks to the combined pressure of environmental NGOs and of the European Commission, which brought the issue of the (non) protection of the local sea turtles to the ECJ and suspended payments by the Structural Funds in the island as a means of exerting pressure on the government and the unsympathetic local authorities.<sup>62</sup> Its aim is to preserve the natural environment and conserve the ecological balance of the marine and coastal area of the Bay of Laganas and the neighbouring Strophades Islands, focusing on the conservation of the Mediterranean turtles.

The uniqueness of the NMPZ lies in the fact that it is the only protected area in Greece that is actually run by a MA. This body, established in 2000, consists of a Director and a nine-member Administrative Board (that includes representatives from the local authorities and society, YPEHODE and environmental NGOs), has hired its own scientific personnel, has been employing a number of guards on a seasonal basis, has produced a preliminary Master Plan and has been actively engaged in protecting the rare sea turtles and their nesting habitats. Of particular importance has been the engagement of two environmental NGOs, WWF-Greece and Archelon,

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<sup>62</sup> Interview with a member of the MA of the NMPZ.

that have taken over the management of the park's core zone<sup>63</sup> and the monitoring of the turtle's nesting respectively and have concluded cooperation pacts with the MA for these purposes.

Apart from ensuring the reproduction and the survival of the turtles by its own means, the MA of the NMPZ has also focused on promoting integrated management and sustainable development through local initiatives and on raising public awareness through information campaigns. These activities are of particular importance, given the economic significance of the area around (and within the peripheral zones of) the NMPZ<sup>64</sup> and the particular configuration of political power of the island.<sup>65</sup> In fact, during the early stages of its existence, the new MA faced the opposition by all local stakeholders, who tended to view it as an intruder threatening their economic wellbeing.<sup>66</sup> However, since 2001 the situation started to improve, especially after some local stakeholders realized that the extension of conservation and management could contribute to the long-term economic development of the island. As a consequence, the NMPZ has gained the acceptance of the local society and local authorities.<sup>67</sup>

The second major challenge for the MA has been to ensure the financial viability of the park.<sup>68</sup> For this purpose, it had initially to rely on annual grants by ETREPS, on the resources of a project in the framework of Life-Nature, as well as on its own (limited) resources. An additional, and long anticipated source, would be the assistance by Measure 8.1 of the Operation Programme for the Environment. Unfortunately, YPEHODE has not been able to meet its annual funding commitments with consistency. In addition, in late 2003 the implementation of Measure 8.1 was postponed in view of the impending national elections. To make matters worse, the appointment of a new government in March 2004 led to the suspension of all payments towards the NMPZ. Inevitably, on May 2004 the MA ceased all operations, with disastrous consequences.<sup>69</sup>

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<sup>63</sup> As a matter of fact, WWF-Greece had bought this area in 1994 (interview with an official from WWF Greece).

<sup>64</sup> This very area is by far the most popular seaside tourist resort of the island.

<sup>65</sup> In national elections, Zakynthos represents a single-seat constituency that has been closely contested by the two major Greek parties for the last 25 years; since 1994, elections for the local prefect also follow a very similar pattern. As a consequence, some local politicians had been inclined to tolerate illicit practices in order to maximize their electoral appeal.

<sup>66</sup> There were frequent instances of vandalism of the park's property; moreover, an arson occurred in the park area in 2001 (interview with a member of the MA of the NMPZ).

<sup>67</sup> This change has been manifested in the eagerness of local politicians to participate in the management board. However, this development is not necessarily positive, as it might lead to the politicization of the MA.

<sup>68</sup> It has been estimated that the fixed operating cost for that body would be about 146,000 euros per annum and that the additional management expenditure for the five first years of its operation would be 587,000 euros per annum (Commission 2003a: 53).

<sup>69</sup> In an Open letter to Margot Wallstrom, EC Commissioner for the Environment, the President of MEDASSET, a Greek environmental NGO, concludes: "It is clear that the provisions of the EC Directive are not being implemented or even considered by the Greek State. Turmoil and chaos reign in Laganas Bay, as the list of violations in NMPZ continues to lengthen."

## CONCLUSIONS

At first glance, the transposition and application of the Habitats Directive in Greece does not confirm the “lag hypothesis”; overall, Greek performance has not been worse than the EU average and in some cases it has been markedly better. This phenomenon must be attributed to two main factors:

First, up until now, the application of the Habitats Directive has not progressed beyond the stage of designating the sites that are going to become part of the Natura 2000 network. Thus, the European Commission priority has been to assure that member states are producing national lists that include all the types of habitats and species that are mentioned in Annexes 1 and 2 of the Directive. As it has been demonstrated, Greece has responded satisfactorily enough to these requirements. Nevertheless, it is highly doubtful that the Greek performance will be equally satisfactory when we reach the *post-designation phase* and this assertion is reinforced by the following point.

Second, the establishment of the Natura 2000 network was a top-down process that took place in a conflict-ridden framework. The formulation of the Greek national list has been the task of a very limited number of people (essentially officials from YPEHODE and the Ministry of Agriculture, assisted by academics, researchers and occasionally scrutinised by certain influential ecologists). Similarly, the establishment of the MAs and the appointment of their administrative boards were carried out by YPEHODE –practically by a small team of ministerial advisors.<sup>70</sup> The absence of consultations with stakeholders at the national and even more important at the local level has surely simplified and accelerated decision-making at the cost of leaving the national and subnational administration, the most interested actors and the wider public in ignorance.<sup>71</sup> This cost is surely going to materialise once the new MAs attempt to formulate local conservation and management strategies. Besides, YPEHODE managed to impose an institutional arrangement that suited its preferences against the persistent opposition of the Ministry of Agriculture. However, as YPEHODE possesses very limited operational capabilities, the new system will be impossible to manage without the active support of the Ministry of Agriculture, which certainly is not to be taken for granted.

Both of the above arguments support the hypothesis that the most important application problems will materialise in the immediate future. On top of this, policy effectiveness may be further hampered because of the very nature of the infant network. More specifically, the creation of MAs signifies a break with the prevalent tradition of “command-and-control” (Getimis

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<sup>70</sup> On top of this, in some cases the directors of the MAs were chosen according to political criteria (to this point there is a common NGO press release signed by all the large Greek NGOs interview with officials from WWF Greece and the Hellenic Ornithological Society).

<sup>71</sup> This is not to say that the areas belonging to the Natura 2000 network were chosen in a hurry. As a matter of fact, these very areas were “mature”, in the sense that they included all Ramsar sites and the vast majority of national parks, as well as areas already hosting information centres and areas that had been included in joint agreements and had received EU funding. On the other hand, given the lack of policy effectiveness in the past years, one can assume that, in most cases “maturity” does not signify “social awareness” or even “social acceptance”.

et. al. 2002); instead of having to comply with commands from “above”, the local stakeholders will be asked to contribute actively to the formulation and implementation of common strategies and initiatives. However, it is far from certain that the MAs will be in a position to persuade their interlocutors to adopt a radically different policy stance, especially if they themselves are the product, or the embodiment- of the “status quo of Athens”. Hence, one should expect a great degree of *variation* in terms of policy results: some MAs are going to be successful and some not, depending on the quality of the MA’s leadership and personnel, the degree of local environmental awareness and cohesion, the strength of the opposed interests and the particular characteristics of each protected site. That being said, the single most crucial factor for the future of the new MAs is the degree of support by central authorities and especially by YPEHODE.<sup>72</sup>

Despite the preceding comments, one should not demote the impact of the Habitats Directive to Greek practices, structures and politics in the field of biodiversity conservation. It can be argued that, since the Directive has entered into force, the policy content of this particular policy area is being gradually *transformed*. On the other hand, the Directive has had a less spectacular effect upon domestic structures: in broad terms, national institutions have managed to *adjust* to the new policy environment. This particular pattern of evolution must be primarily attributed to the poor “legacy of the past”; contrary to its more advanced European partners, Greece did not possess a comprehensive national system for the protection and management of biodiversity when the Habitats Directive appeared. Hence, compliance, while entailing the institutionalisation of novel policy rules and practices, did not directly necessitate the reform of pre-existing structures and practices (that were anyway unable to perform the functions spelled out in the Directive), but the establishment of *new institutions* that were to be placed within the core domestic institutional framework. In the final analysis, the main point of contention between YPEHODE and the Ministry of Agriculture was not the specification of the mission and the competences of the new institutions, that were taken as given, but their political control. Furthermore, as has been argued, the Directive has had a minimal impact on national policy style; despite their rhetorical commitment to the logic of consensus, national and local policy makers never ceased to operate according to the traditional logic of command-and-control.

Importing new policy paradigms and creating new institutions that embody them is one thing; taking steps to ensure that the new structures become *effective* is another. It is surely too early to judge the performance of the Natura 2000 Committee and the 27 Greek MAs. Nevertheless, recent developments are not very encouraging; given the lack of sufficient institutional and financial backing on behalf of YPEHODE, public indifference to environmental concerns and the prevalence of development priorities at all political and societal levels, it would be overoptimistic to expect substantial policy results in the short term. In any case, the present state of affairs should be viewed as the beginning of a long reform process, whose outcome is still impossible to predict.

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<sup>72</sup> The example of the National Marine Park of Zakynthos is indeed very instructive.

## REFERENCES

- Commission (2003a), *Report on the Implementation of the Directive 92/43 EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora; Part II: Summaries of Member States Reports*, Brussels, 31.7.2003.  
[europa.eu.int/comm/environment/nature/nature\_conservation/monitor\_indic\_reporting/reporting/habitats/index\_en.htm]
- Commission (2003b), *Fourth Annual Survey on the Implementation and Enforcement of Community Environmental Law; 2002*, Luxembourg: Office for Official Publications of the European Communities.
- Commission (DG Environment) (2003b), *Handbook on the implementation of EC Environmental Legislation; Chapter 6: Nature Protection*  
[europa.eu.int/comm/environment/enlarg/handbook/nature.pdf]
- Commission (2002), *Third Annual Survey on the Implementation and Enforcement of Community Environmental Law; January 2000 to December 2001*, Luxembourg: Office for Official Publications of the European Communities.
- Commission (2002b) (Working Group on Article 8 of the Habitats Directive), *Final Report on Financing Natura 2000*.  
[europa.eu.int/comm/environment/nature/final\_report\_en.pdf]
- Doussi, E. (2001), *Community Environmental Policy and its effects in the case of Greece*, Athens: Papazisis (in Greek).
- Getimis, P., Demetropoulou, L, Alexandropoulou A. (2002), *ADAPT: Greek National Report*, Athens: UEHR.
- Ministry of Agriculture (General Secretariat of forests and natural environment) (1998), *Protected Areas – Report on the Current Situation and Submission of Proposals for the Improvement of the System of Protected Areas*, January (in Greek).
- NMP-Z (National Marine Park of Zakynthos) (2003), *Official Mission to Zakynthos from European Commission (information leaflet)*, 28/7/2003.  
[www.nmp-zak.org/en/EU\_court/climakio\_ee\_en.html]
- OECD (2000), *Environmental Performance Reviews: Greece*, Paris: OECD Publications.
- Papagiannis, T. & Kouvelis, S. (1996), 'The Community Programmes', in: Papaspiliopoulos, S., Papayannis, T. & Kouvelis, S. (eds.), *The Environment in Greece, 1991-1996*, Athens: Citizens Movement/ Association of Greek Town and Country Planners/ Worldwide Fund for Nature (in Greek).
- YPEHODE (Ministry of Environment, Physical Planning and Public Works) (2001), *Programming Complement of the OP Environment; Technical File of Measure 8.1* (in Greek).  
[www.epper.gr/documents/sp/TEXNIKO%20DELTIO%20METROU%208.1.doc]
- YPEHODE (Ministry of Environment, Physical Planning and Public Works) (2003), *Protected Natural Areas; Towards an Integrated Management System*, Athens (in Greek).
- World Wildlife Fund (WWF) Austria (1999), *Natura 2000; Opportunities and Obstacles*, Vienna.
- World Wildlife Fund (WWF) Europe (2000), *Habitats Directive WWF European Shadow List*, 15 June.

World Wildlife Fund (WWF) Greece (2001), *The Management of Protected Areas in Greece; Opportunities and Difficulties*, Athens (in Greek).

World Wildlife Fund (WWF) Greece (2002), *WWF European Snapshot Report on the Status of Implementation of the Habitats Directive; Greece*, Athens (in Greek).

*Interviews with officials from the European Commission, YPEHODE, the Ministry of Agriculture, WWF Greece and the Hellenic Ornithological Society.*

**Annex**

**TABLE 1**

**Protected Areas in Greece, 2000**

Source: OECD (2000)

	<b>Year established</b>	<b>Ministry</b>	<b>Number of sites</b>	<b>Surface area (%)</b>
<b>National parks (inland)</b>	1938	Ministry of Agriculture	10	0,6
<b>Aesthetic forests</b>	1973	Ministry of Agriculture	19	0,2
<b>Natural monuments</b>	1975	Ministry of Agriculture	51	0,1
<b>Landscapes of natural beauty</b>	1950	Ministry of Culture	264	-
<b>Controlled hunting areas</b>	1975	Ministry of Agriculture	7	8,2
<b>Game reserves</b>	1979	Ministry of Agriculture	584	7,4
<b>Game breeding stations</b>	1976	Ministry of Agriculture	20	0,2
<b>Zones of urban control</b>	1987	YPEHODE	10	0,1
<b>Nature reserves</b>	1990	YPEHODE	2	-
<b>National parks (marine)</b>	1992	YPEHODE	2	0,1