

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Petitions*

20.03.2009

## NOTICE TO MEMBERS

Subject: Petition 0442/2007 by George E. Karlos, Greek, on fish farming and marine pollution in Greece

### 1. Summary of petition

The petitioner condemns the lack of transparency in, and the shortcomings of, Greek legislation on marine pollution. As regards fish farming, he believes that this industrial activity currently poses a serious threat of marine pollution because it produces enormous quantities of organic effluents which, so he claims, have been underestimated by the Greek marine research authorities. He refers in particular to documents and studies marred by blatant errors which, although he has repeatedly drawn their attention to them, the authorities concerned have not taken into account, with the result that the sea area in question is in danger of being irreversibly contaminated by eutrophication of the waters.

### 2. Admissibility

Declared admissible on 20 September 2007. Information requested from the Commission under Rule 192(4).

### 3. Commission reply, received on 17 April 2008.

On 31 August 2004, the European Commission received a letter drawing its attention to the environmental situation in the Argostoli Gulf on the Greek island of Cephalonia, where pollution was being caused particularly by the aquaculture units in that maritime region.

It should first be noted that Community policy on the protection of the environment imposes obligations on the Member States, pursuant to Article 211 of the Treaty establishing the European Community, to ensure that Member States apply Community law.

Several items of Community legislation are applicable to coastal waters, whether to define the quality standards to be achieved (for example Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters<sup>1</sup>), or to regulate certain activities having an impact on quality (for example Council Directive 91/271/EEC of 21 May 1991, concerning urban waste-water treatment<sup>2</sup>).

After considering the matter, the Commission contacted the competent Greek authorities to obtain further information on the situation complained of in the above letter, in order to ensure that Community law was being complied with in this instance.

In their reply, the Greek authorities confirmed that there were three aquaculture units in the Argostoli Gulf (the Gulf is 14 km long and 4 to 6 km wide). The units operate in accordance with Greek law and hold the necessary licences. The Greek authorities also referred to a study carried out in 1998 by the Institute of Marine Biology of Crete ('ITHABIK', a State institute). The study did not indicate that the aquaculture activities were causing any significant pollution in Argostoli Bay.

The Commission nonetheless asked the Greek authorities to carry out a further study to assess current environmental conditions in the bay. In fact, it insisted that the study should be carried out by an independent body.

The Greek authorities were perfectly willing to act on that suggestion and sent the Commission the study requested. This had been carried out by the Greek Marine Research Centre, (EL.KE.TH.E), a large body whose reliability and good reputation are well known.

The study, which was based in particular on measurements of physico-chemical parameters on site, concluded that there was no evidence of eutrophication in Argostoli Bay and that the aquaculture units were not a decisive factor in the contamination of the bay.

On 18 April 2007, the Commission received a letter from the petitioner, expressing the opinion that the study by the Greek Marine Research Centre (EL.KE.THE) was inaccurate. Furthermore, the petitioner considered that the Commission should take action to correct the study.

Since the study had been carried out by an independent Greek institute and commissioned by the Greek Ministry of Rural Development, the Commission took the view that the petitioner should address his remarks to the Greek institute that had written the study and not to the Commission. It replied to him several times to that effect.

In conclusion, in the light of the facts set out above, the Commission is of the opinion that it cannot be assumed that the Greek authorities have applied Community law incorrectly in this particular case.

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<sup>1</sup> OJ L 281 of 10.11.1979, p. 47.

<sup>2</sup> OJ L 135 of 30.05.1991, p. 40-52.

**4. Additional Commission reply** received on 20 March 2009

Further to its previous communication, the Commission would point out that regional planning, and in particular determining the use to be made of coastal areas and the granting of operating licences for aquaculture units, do not fall within the competence of the Communities.

Furthermore, according to information in the possession of the Commission, for legal reasons unrelated to the substance of the petitioner's letter, the Greek regional authorities have adopted two decisions providing for the location of the aquaculture unit to be changed (decisions nos 16/16 and 18/18 of 22 January 2009 of the Department of the Ionian Islands region).

The justification for these regional decisions was a recent decision by the Greek Council of State (No 2434 of 17 September 2008) annulling the operating licence for the aquaculture unit (licence no. 7152 of 5 August 2003 granted by the District of Cephalonia and Ithaca), essentially because of the absence of development plans determining the use of the coastal and maritime area.