



31.1.2019

NOTICE TO MEMBERS

Subject: Petition No 0479/2018 by Efstathios Kouteris (Greek) on the small hydroelectric project (MYHE) Dafnozonaras

1. Summary of petition

The petitioner denounces the non-compliance with national and EU environmental law by the project promoter, and in particular the more than doubling of the permitted capacity of 5 MW to 11.2 MW, as well as the functioning of the dam over the past seven years, which is causing irreparable damage - and posing an immediate threat of destruction - to the bridge of Avlaki, and leading to the destruction of crops, the flooding of forested areas and the destruction of animal habitats in a (partly) NATURA 2000 protected area.

He deplores the lack of any effective action to remedy the situation by the competent national authorities, despite the numerous complaints and initiatives of the local inhabitants, and calls for the revocation of the operation permit of this controversial project

2. Admissibility

Declared admissible on 10 October 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 January 2019

According to information provided by the petitioner, part of the plant, in particular the inundation zone of the dam, is extended within the Natura 2000 site “Koilada Achelouou Kai Ori Valtou”, which is a Special Protection Area (SPA) designated by Greece pursuant to the Birds Directive 2009/147/EC¹. In accordance with the provisions of Article 6 of the Habitats Directive², Member States have to take appropriate measures to prevent the deterioration of

¹ Directive 2009/147/EC (codified version replacing Directive 79/409/EEC), OJ L 20, 26.1.2010, p. 7.

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and

habitats and the disturbance of species for which a Natura 2000 site is designated, while new projects likely to affect its conservation objectives have to be subject to an appropriate assessment and can only be authorised if the integrity of the site is safeguarded. It is a primary responsibility of Greek competent authorities to ensure that these provisions are applied properly in the case of the hydropower plant in question, and that the implementation of the project complies fully with all environmental terms laid down in the permits. The Commission has published guidance on the requirements for hydropower in relation to nature legislation³.

The petition does not provide any specific evidence about impacts from the operation of the dam on the bird species, for the conservation of which the SPA has been designated, and hence a potential breach of the aforementioned provisions of the Habitats Directive, or of any other EU environmental legislation, cannot be assumed. The issues raised concern primarily the impacts on the Avlaki bridge, which is monument protected under national legislation, or various other aspects of non-compliance with the environmental terms of the project, which are a matter of national administrative or judicial authorities.

Conclusion

On the basis of information supplied by the petitioner, the Commission cannot identify any potential breach of the provisions of EU environmental legislation and therefore cannot intervene with the Greek authorities.

flora, OJ L 206, 22.7.1992, p.7.

³ http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm