



20.12.2017

NOTICE TO MEMBERS

Subject: Petition No 1078/2016 by Haralambos Billinis (Greek) bearing one signature, on the degradation of the environment, marine life and of an archaeological site in Vatika Bay (Laconia, Greece)

1. Summary of petition

The petition concerns the Vatika Bay, which is a unique site of environmental and cultural value. The petitioner notes that the bay holds tidal area beds of the species *Posidonia oceanica*, which are designated as priority habitats under Annex I of the Habitats Directive. The petitioner explains that while for some decades small vessels have intermittently sheltered in Vatika Bay during periods of bad weather, since year 2000 large vessels have begun to anchor in the bay with increasing regularity. Those vessels have not only anchored in the bay, but also treat it as a location for waste disposal, hull cleaning, lubricant supply, and, in some cases, fuel supply from the land. As a direct result of these activities, and their by-products, the protected *Posidonia oceanica* beds have been harmed (by, inter alia, the disruption of anchors) and the waters of the bay have been polluted. Oily substances have been observed coating rocks in the bay, and washing up as tarry deposits or foamy substances on the bay's beaches. Analysis suggests that the tarry deposits are petroleum products, caused by the discharge of oil from vessels in the bay. The petitioner attaches a comprehensive environmental report dated October 2015 by the Hellenic Center for Marine Research (HCMR) setting out in detail the environmental impacts of the use by large vessels of Vatika Bay, concluding that *Posidonia* meadows in Vatika Bay have suffered considerable adverse impacts as a result of the use of the bay by large commercial vessels, particularly through physical destruction by ship anchors. In addition, the petitioner explains that the use by large vessels of Vatika Bay threatens a world-renowned archaeological site of the underwater city of Pavlopetri, which lies beneath Vatika Bay at a depth of appr. 2-3 metres. The site is believed to be the oldest underwater city in the world, currently dated to the Bronze Age (appr. 5,000 years old). The petitioner also points out that under Greek law such anchorage and servicing for large vessels would only be lawful in territorial waters where a Special Port Regulation specifically provided for it, which is not the case in respect of Vatika Bay. Furthermore, as the use of Vatika Bay by large vessels is unlawful and unregulated, the

vessels do not pay harbour charges to the Greek Coast Guard authorities as those ships ought to in regulated anchorage locations, nor do they pay pollution charges as they should. The petitioners insist that despite the Greek authorities having been made aware of those unauthorized activities, the authorities of the Hellenic Republic have failed to take sufficient action to prevent, remove, or deter large vessels from Vatika Bay and that breach of the law is ongoing.

2. Admissibility

Declared admissible on 11 January 2017. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 August 2017

Posidonia beds are listed in the Habitats Directive 92/43/EEC¹ as a priority marine habitat type and therefore Greece has to ensure that they are maintained or restored in favourable conservation status. To that effect the key mechanism provided by the Directive is the designation of sufficient sites under the Natura 2000 network for that habitat and their effective protection in accordance with the provisions of Article 6 of the Directive. Greece has designated in Vatika Bay a Natura 2000 site ("Periochi Neapolis kai Nisos Elafonisos", GR2540002). However, that site is only terrestrial and therefore does not include *Posidonia* beds for the protection of which the provisions of Article 6 would apply.

The Marine Strategy Framework Directive² (MSFD) requires Greece and other EU Member States to set up marine strategies to achieve 'good environmental status' of their marine waters and ensure their sustainable use. Among other things, Greece has to monitor its marine waters as well as set up programmes of measures to achieve or maintain good environmental status. These would cover impacts from human activity to the marine environment such as damage to the seabed, dispersal of contaminants and others. Greece has only recently submitted its monitoring programme to the European Commission and is still to submit its measures. These have as yet to be assessed, but the programmes may not necessarily address specific issues, but rather provide a general framework for the country's implementation of the MSFD.

As regards Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for pollution offences, Greece, like any other Member State, needs to ensure that ship source discharges of polluting substances, including minor cases of such discharges, into its territorial waters and ports are regarded as infringements if committed with intent, recklessly or with serious negligence.

All Member States are therefore obliged to take the necessary measures to ensure that any natural or legal person having committed such an infringement can be held liable. Exceptions to the prohibition to discharge oil and other noxious liquid substances are defined in the IMO's MARPOL Convention, but do not seem to apply to the situation described in the petition.

¹ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. OJ L 206, 22.7.1992, p. 7.

² Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy.

Conclusion

On the basis of the information provided by the petitioners, the Commission will draw the attention of the Greek authorities to the need to take adequate measures in order to put an end to the damage on *Posidonia* beds from anchoring activities in Vatika Bay.

4. Commission reply REV I, received on 20 December 2017

On the basis of information provided by the petitioners, the Commission raised the matter with the Greek authorities. The Greek authorities responded that no significant marine pollution incident has been recorded in Vatika Bay over the last years, and that this is also confirmed through the satellite monitoring system of the European Maritime Safety Agency (EMSA). They further informed the Commission that a new Port Regulation for Vatika Bay is under preparation: it has been subject to extensive consultation and includes specific provisions for the protection of the marine environment.

Conclusion

On the basis of available information, the Commission cannot identify any potential breach of relevant EU legislation and does not intend therefore to pursue the matter further.