

What are the impacts of European infringement procedures regarding the non-compliance with nature conservation legislation on certain areas? To what extent are infringement procedures capable of enforcing the implementation of this legislation? And, on the other hand, to what extent can protected areas contribute to fulfil the requirements of the nature conservation legislation by means of sustainable management with appropriate financing?

This policy guide examines procedures of non-compliance with nature conservation legislation of the EU and the possible actions to achieve compliance with these legislation. In addition, sustainable management of marine protected areas and financial instruments for nature conservation are discussed. Best-practices are included in order to illustrate the topics presented in this paper. The policy guide is based on the international conference "Applying EU Environmental Legislation in the Field of Marine and Coastal Protection" which took place on the Ionian Island of Zakynthos on May 19th and 20th, 2003. The preparation and organisation was carried out by Ecologic in co-operation with the National Marine Park of Zakynthos.

## Ecologic Briefs

### ► Applying EU Environmental Legislation

Learning from European Court Cases and the Example of the National Marine Park of Zakynthos



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## Ecologic Briefs

### Applying EU Environmental Legislation

#### Learning from European Court Cases and the Example of the National Marine Park of Zakynthos

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## Foreword



The majestic endangered loggerhead sea turtles (*Caretta caretta*) live on the Ionian island of Zakynthos and are part of a natural heritage now entrusted to the Greek state to protect.

The home of the turtles, their nesting beaches, are now under threat due to the recent rapid development of local tourism business.

Various stakeholders and NGOs have committed themselves to an enhanced and appropriate protection of this sea turtle with diverse actions including official complaints and reports to the European Commission. Due to this lobbying pressure, the European Commission started an infringement procedure against Greece for the non-compliance with the Habitats Directive (92/43/EEC). In 1999, Greece was taken to the European Court of Justice (ECJ). In order to fulfil the required obligations of the judgement, the Zakynthos National Marine Park was established in 1999 as the first National Marine Park in Greece.

Although the Park has made various efforts to implement conservation measures, it was nonetheless stated in a second case concerning Zakynthos by the ECJ in January 2002 that Greece had failed to establish and implement an effective system of strict protection for the turtle. The case Zakynthos, still pending, can be regarded as one of the most remarkable legal battles to come before the ECJ concerning infringement procedures with EC nature conservation legislation. The legal framework and redress provided by the European Union is now perhaps the most important pressure on national and local authorities to rescue the turtles on the nesting beaches of Zakynthos. By giving Zakynthos a high name-recognition throughout Europe, the Court case seems to have a greater influence than the turtles themselves, despite the fact that they constitute the unique selling point of the island in attracting visitors.

In this context, and in order to promote dialogue and develop mutual understanding among the various competing interests, the International Conference "Applying EU Environmental Legislation in the Field of Marine and Coastal Protection" took place on Zakynthos on May 19th and 20th, 2003, within the framework of the Greek Presidency of the European Union. The preparation and organisation were carried out by Ecologic in co-operation with the National Marine Park of Zakynthos. We would like especially to thank Ms Ada Vlachoutsikou for her strong efforts and contributions as regards the organisation of the conference.

The event was supported by the Bellagio Forum, notably the Niarchos Foundation, and Ecologic, as well as by the European Commission (DG Environment) and the Friedrich Ebert Foundation. A number of local authorities and small and medium-sized enterprises on the island gave additional support and local flavour by providing services and local organic products.

The main objectives of the international conference were:

- to examine procedures of non-compliance with EC nature conservation legislation by looking at several European Court cases, with a focus on the court case of Zakynthos and discuss possible actions to achieve compliance with EC legislation;
- to present best practices and to exchange experiences concerning the sustainable management of marine protected areas and financial instruments for nature conservation.

The conference brought together a wide range of actors, experts and decision-makers related to marine and coastal protection. This diverse group of participants represented the European Commission, the national administration of Greece (Ministries of the Environment, Spatial Planning and Public Works, Agriculture, and Mercantile Marine), research institutes, non-governmental organisations, national parks and other protected areas from the Mediterranean as well as local Greek communities. The number of participants exceeded 80.

The conference was a great success, both in political and substantive terms, and with regard to the social interaction and network-building among the participants. Within various opening speeches, a broad range of actors and decision-makers confirmed their support of the National Marine Park of Zakynthos – among them his Eminence Metropolitan of Zakynthos Chrysostomos. This was an important development in view of recent attempts to weaken its administration, showing now that the acceptance of the Park on Zakynthos is increasing. Additionally, the Foreign Minister of Greece Giorgos Papandreu sent personal written addresses to the Conference which can be found in English on the conference web site mentioned below.

During the conference, direct contacts were made between several parks and between the Mediterranean-wide networks that might lead to an enhanced co-operation in promoting marine conservation as part of sustainable economic and social development in the region. Additionally, the extensive media coverage of the event – on television and radio, and in the press – ensured that the proceedings could be conveyed to a wider audience, thus broadening the conference's impact.

The presentations and documents related to the conference, as far as they exist in electronic form, as well as the background paper prepared for the conference by Ecologic, can be found on the conference website: [www.ecologic-events.de/caretta/en/index.htm](http://www.ecologic-events.de/caretta/en/index.htm)

R. Andreas Kraemer, Director of Ecologic, Berlin, October 2003

## Introduction



The European Union's coastal and marine regions produce much of the Union's economic wealth by providing important economic, transport, residential and recreational functions. At the same time, the coastal zone provides some of Europe's most fragile and valuable habitats. Today, almost half of the Union's population lives within 50 km of the sea, which has led to growing pressure on the environment. As many of the environmental pressures have a larger transnational dimension, the degradation of the coastal and marine areas cannot be solved by the Member States alone. Therefore, the European Union has developed an extensive body of legislation, policies and programmes contributing directly or indirectly to the protection of the coastal and marine.

In Chapter 3, a summary of European policies influencing the coastal and marine environment will be provided concluding with the main implementation gaps regarding both the implementation of the European legislation as well as the promotion of a sustainable development of the coastal areas and a sustainable use of coastal and marine resources.

One opportunity to enforce nature conservation measures, especially regarding the implementation of the European legislation in the field of nature conservation, consists of non-judicial remedies and legal procedures of the EU, which can be applied in cases of non-compliance with the EC-Treaty and European legislation.

Chapter 4 provides an overview of infringement procedures in the cases of non-compliance with the EC-Treaty, such as the complaint to the European Commission and the grievance to the European Ombudsman, as well as some examples which illustrate the procedures with a special focus set on the Court case Zakynthos. The Zakynthos court case was examined and discussed in depth at the International conference "Applying EU Environmental Legislation in the Field of Marine and Coastal Protection" which took place on Zakynthos on May 19th and 20th, 2003. The conclusion of this chapter will analyse the effectiveness of the different legal procedures. In Chapter 5, an overview of the sustainable management of marine protected areas and financial instruments for nature conservation will be provided. Some best-practices regarding sustainable management and sustainable financing of marine protected areas in the Mediterranean will be presented for a better illustration. The examples were presented at the conference and can be found in more detail on the conference website [www.ecologic-events.de/caretta/en/index.htm](http://www.ecologic-events.de/caretta/en/index.htm). The focus of the conclusion of this chapter is placed upon enhanced co-operation and public-participation, financing and an enforced exchange of knowledge between the protected areas.

## Marine and Coastal Protection in European Policy

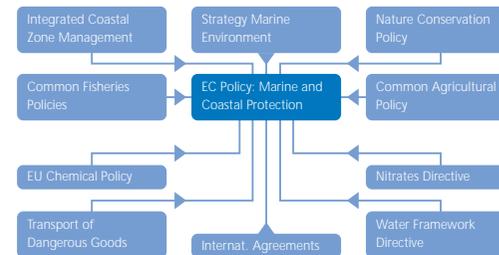
The European Union's coastal and marine regions are under constant pressure. Today, almost half of the Union's population lives within 50 km of the sea, which has led to growing conflicts between environmental protection/nature conservation and various activities, such as urbanisation, fishery, shipping and tourism. Coastal as well as marine resources produce much of the Union's economic wealth by providing important economic, transport, residential and recreational functions. At the same time, most of Europe's most fragile and valuable habitats, such as salt marshes, the wadden sea and wetlands, are situated in the coastal zone.<sup>1</sup>

Importance of European Coastal Regions

The increasing demand for coastal and marine resources has led to various impacts on the coastal and marine environment, e.g. reduced water quality by land- and sea-based pollution, loss or degradation of biodiversity and changes in its structure, loss of habitats and reduced fish stocks. Besides causing environmental degradation, this development has also produced negative social and economic consequences. The degradation of the coastal and marine areas cannot be solved by the Member States separately as many of the problems have a larger dimension, such as the transfer of pollutants, tourist flows or maritime safety. Furthermore, various policies of the European Union have an impact of coastal and maritime areas, e.g. the Common Fisheries Policy, the Common Agricultural Policy and policies related to transport, tourism, energy or industry<sup>1</sup>.

Impacts on the Environment

European Policy with a direct or indirect influence on the coastal and marine environment:



<sup>1</sup> Eight of the forty priority habitats listed in the Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora are coastal and 30% of the Special Protected Areas designated under the Directive on the Conservation of Wild Birds are situated in the coastal area.

European Policies

The European Union has developed an extensive body of legislation, policies and programmes contributing directly or indirectly to the protection of the coastal and marine environment which has resulted in some improvements, such as the reduced pollution of heavy metals<sup>2</sup>. However, in other areas, the current policies provide insufficient protection for the marine and coastal environment, especially concerning over-fishing, eutrophication and marine pollution through hazardous substances. As of this point, the measures to control and reduce these impacts were developed in a sector-by-sector approach, resulting in a patchwork of policies, legislation, programmes and action plans at the regional, national, European and international level. Additionally, the geographic scope of the different policies and measures varies significantly. Only in recent years has the European Commission undertaken considerable efforts to develop coherent strategies for the coastal and marine environment. However, as of now, there is no overall, integrated marine environmental policy at the European level.

Within the scope of this paper, it is not possible to present all policies at the European level which have a direct or indirect influence on the coastal and marine environment. The emphasis will be placed on the strategy on "Integrated Coastal Zone Management" (ICZM)<sup>3</sup>, issued by the European Commission in 2000, the Communication "Towards a strategy to protect and conserve the marine environment"<sup>4</sup>, published in 2002, and the Natura 2000 Network as well on the regional and international agreements of the EU. An overview of the current EU policies and legislation as well as the regional and international agreements will be presented in Annex I and II.



### European Strategy for the Marine Environment

Following its commitment laid down in the 6th Environmental Action Programme<sup>5</sup>, in December 2002 the European Commission presented the first Communication towards a comprehensive and coherent strategy for the protection of the marine environment. Based upon this proposal, a thematic Strategy will be developed by 2004.

Objectives of the European Strategy for the Marine Protection

The main objective of this strategy is to promote the sustainable use of the seas and the conservation of the marine ecosystems by replacing the sector-by-sector approach with an ecosystem-based approach and by applying the precautionary principle. According to the strategy, implementation and enforcement of both existing and new legislation and the coherence of the different policies, programmes and initiatives at the EU level have to be improved in an integrated way. One important aim is also to enhance the co-ordination between the different organisations and stakeholders as well as the different funding instruments towards the protection of the marine environment. In order to achieve these objectives, specific sectoral actions and time-lines are set out within the strategy, such as to halt the decline of biodiversity by 2010, to reverse the decline in fish stocks, to ensure sustainable fisheries and to eliminate the human induced eutrophication problems by 2010.

The objectives shall mainly be achieved by the enhanced implementation of existing legislation such as the Water Framework Directive<sup>6</sup>, the Urban Wastewater Directive<sup>7</sup> and the Nitrates Directive<sup>8</sup>. Furthermore, marine environmental issues shall be integrated in European chemicals and pesticides policies.

Review

Although the strategy addresses the main pressures of the marine environment and sets ambitious objectives, some of the actions are described in a very general way, lacking a time-line or indicators for measuring the progress e.g. regarding the biodiversity decline. More attention should be paid to the current work of OSPAR<sup>9</sup> on the protection of threatened and declining species and habitats and the commitment to establish a representative

network of well-managed marine protected areas in the North Sea by 2010 (Bergen Declaration) and in all European Seas by 2012 (WSSD Plan of Implementation)<sup>10</sup>.

### Integrated Coastal Zone Management in Europe

Since 1996, the European Commission has been working to identify and promote measures to improve the overall situation of Europe's coastal zones in ecological, economic and social terms. From 1996 to 1999, the Commission launched a Demonstration Programme on Integrated Coastal Zone Management (ICZM) including 35 demonstration projects and 6 thematic studies. Based on the experiences and results of these projects, the Commission adopted two documents in 2000: a strategy on "Integrated Coastal Zone Management" outlining the instruments and programmes of the European Commission to promote ICZM and a proposal<sup>11</sup> providing recommendations for the development of the national ICZM by the Member States by 2006.

The aim of the ICZM is to enhance the environmentally sustainable planning and management of coastal resources and coastal space built upon an integrated, territorial approach including not only coastal areas but also river basins and other parts of the hinterland. The strategy emphasises the importance of bringing together all the different sector policies which have an effect on the coastal regions and to involve in this dynamic process the different stakeholders at the national, regional and local level. While national and regional policies and programmes should provide a coherent and integrated legal and institutional framework, local authorities and stakeholders are regarded as the key actors for integrated planning and management. Regarding the Community, efforts to meet the obligations and commitments under regional and international conventions related to marine and coastal areas receive particular emphasis.

Where possible, the strategy builds on existing instruments and programmes emphasising the need to enforce and improve their implementation and to make EU sectoral policies more compatible with the ICZM. The existing instruments will be complemented by various measures and actions such as the establishment of a European Coastal Stakeholder Forum; the creation of a Coastal Practitioners Network; as well as the commitment of the Member States to undertake National Stocktaking exercises analysing which actors, laws and institutions influence the planning and management of the coastal zones<sup>12</sup>. An overview on the progress of ICZM development in the European Countries is outlined in an EUCC (Coastal Union) pilot study<sup>13</sup>, the Coastal Guide<sup>14</sup> and a report published by the European Environment Agency (EEA)<sup>15</sup>.

Although in most of the regions some progress has been made to implement the ICZM, only the ICZM has been fully established in a few regions, mainly by incorporating it into the ongoing harmonisation and co-ordination of administrative and legislative frameworks and physical planning systems and not by developing specific legislation and policies. In addition, a lack of environmental legislation addressing ICZM can be noted, therefore biodiversity and environmental issues are not sufficiently covered in the planning and management of coastal areas. Up to now, there is also a significant lack of co-ordination and co-operation<sup>16</sup> as well as insufficient instruments to secure public participation in the decision-making process.

Objectives of the Integrated Coastal Zone Management



Review

<sup>10</sup> Due to the lack of co-ordination within the coastal science community, the establishment of a network of excellence on coastal research was almost removed as a priority from the 6th Research and Development Programme by the European Commission in March 2003.

**Objectives of the Habitat Directive**

**Natura 2000**

The most important policies and actions addressing the protection of marine species and habitats at the EU level are the Habitat and Birds Directive<sup>16</sup>, the Biodiversity Action Plans and the Common Fisheries Policies. In this chapter, the focus will be set on the Habitat and Birds Directive. The Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora aims at conserving biodiversity across Europe through a coherent network of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Through the designation of SACs, rare, endangered or vulnerable natural habitat types, listed in Annex I, and the habitats of species, listed in Annex II, shall be maintained or restored in a "favourable conservation status". Along with the SPAs, classified under the EC Birds Directive, the SACs form the Natura 2000 network. Annex I and II of the Directive includes also coastal and marine habitats and species. For marine sites, the regulation allowed for a management scheme to be developed through the consultation between a range of interested parties in order to take into account the complex system of rights and responsibilities that exists in the marine environment<sup>17</sup>.

However, due to significant delays in the submission of site proposals by the Member States (which were originally due by June 1995), the completion of the Natura 2000 network has fallen seriously behind schedule<sup>18</sup>. Due to this, the European Commission has already taken several legal actions against those Member States which have not complied with the commitments of the Habitat and Birds Directives (see "Enforcing European Environmental Legislations").<sup>18</sup>

Regarding coastal and marine areas, various Member States have already designated substantial portions of their coastal waters, whereas the application of the FFH Directive in the offshore marine environment is currently the subject of a highly controversial discussion. One main problem is the identification of Natura 2000 sites in these areas, mainly due to the lack of basic scientific data<sup>19</sup>. Against this background, the Habitats Committee set up an informal Marine Working Group, which met for the first time in March 2003, aiming at the development of a common understanding of the provisions of Natura 2000 relating to the marine environment in order to facilitate the designation and future management of these areas by the Member States<sup>19</sup>.



### Overview of European Policies related to Marine Protection

Threat Pressure	Legislation, policy or programme <sup>20</sup>
Biodiversity Decline Habitat Directive	<ul style="list-style-type: none"> <li>• A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development (SDS);</li> <li>• Directive on the conservation of natural habitats and of wild fauna and flora (92/43, Habitats Directive);</li> <li>• Directive on the conservation of wild birds (79/409, Birds Directive);</li> <li>• Council Regulation establishing a Community system for fisheries and aquaculture (No 3760/92 on 20 December 1992, Common Fisheries Policy);</li> <li>• Common Agricultural Policy (CAP);</li> <li>• Directive establishing a framework for Community action in the field of water policy (2000/60, WFD);</li> </ul>

<sup>16</sup> For current statistics on infringements see: [http://europa.eu.int/comm/secretariat\\_general/sgb/droit\\_com/index\\_en.htm#infractions](http://europa.eu.int/comm/secretariat_general/sgb/droit_com/index_en.htm#infractions)

<sup>17</sup> See also outcomes of the workshop Offshore Natura 2000 Seminar, 17–18 June 2002. [www.jncc.gov.uk/marine/offnat/pdf/meeting\\_0602.pdf](http://www.jncc.gov.uk/marine/offnat/pdf/meeting_0602.pdf).

Threat Pressure	Legislation, policy or programme <sup>20</sup>
Biodiversity Decline Habitat Directive	<ul style="list-style-type: none"> <li>• Draft Recommendation concerning the implementation of Integrated Coastal Zone Management in Europe (ICZM);</li> <li>• Proposed Directive amending the Recreational Craft Directive 94/25 to include noise and exhaust emission limits for engines used in recreational craft.</li> </ul>
Chronic Oil Pollution	<ul style="list-style-type: none"> <li>• Directive on port reception facilities for ship-generated waste and cargo residues (2000/59);</li> <li>• Community Framework for co-operation in the field of accidental or deliberate marine pollution.</li> </ul>
Eutrophication	<ul style="list-style-type: none"> <li>• Council Directive concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676, Nitrates Directive);</li> <li>• Council Directive concerning urban waste-water treatment (91/271, UWWT);</li> <li>• Water Framework Directive;</li> <li>• Common Agricultural Policy;</li> <li>• Emissions legislation/national emission ceiling.</li> </ul>
Hazardous Substances	<ul style="list-style-type: none"> <li>• Directive on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (67/548) and related legislation;</li> <li>• Directive 76/769 relating to restrictions on the marketing and use of certain dangerous substances and preparations;</li> <li>• Directive concerning the placing of plant protection products on the market (91/414);</li> <li>• Directive concerning the placing of biocidal products on the market (98/8);</li> <li>• Directive on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (76/464, plus daughter Directives);</li> <li>• Directive concerning integrated pollution prevention and control (96/61, IPPC);</li> <li>• Water Framework Directive;</li> <li>• Chemicals Policy;</li> <li>• Emissions legislation, especially national emission ceiling.</li> </ul>
Radionuclides	<ul style="list-style-type: none"> <li>• Basic safety standards established under the Euratom Treaty establishing the European Atomic Energy Community.</li> </ul>
Health and Environment	<ul style="list-style-type: none"> <li>• Directive concerning the quality of bathing water (76/160),</li> <li>• Council Directive concerning urban waste-water treatment (91/271, UWWT)</li> <li>• Directive 91/492 on shellfish;</li> <li>• Directive 91/493 on fish and fishery products;</li> <li>• Directive 96/23 on monitoring of residues on food (Food Safety Framework);</li> </ul>

Threat Pressure	Legislation, policy or programme
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Health and Environment	<ul style="list-style-type: none"> <li>• Directive laying down the health conditions for the production and the placing on the market of live bivalve molluscs (91/492);</li> <li>• Commission Strategy with regard to Dioxins, Furans and PCB;</li> <li>• Proposed Directive amending the Recreational Craft Directive 94/25 to include noise and exhaust emission limits for engines use in recreational craft (COM (2000) 639);</li> <li>• Proposal for a Directive on the Protection of the Environment through Criminal Law (COM (2001) 139).</li> </ul>
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Maritime Transport (selections)	<ul style="list-style-type: none"> <li>• Directive 2000/59 on port reception facilities for ship-generated waste and cargo residues;</li> <li>• Regulation 417/2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers.</li> </ul>
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### International Agreement

International and Regional Agreements of the European Union

The European Union participates in numerous regional marine environmental agreements, such as the Barcelona, OSPAR and Helsinki Conventions. Furthermore, the Community plays a major role in more than 20 regional fisheries organisations. A detailed list is attached in Annex II. Regarding the Mediterranean region, the EU and the Mediterranean states are jointly combating environmental pollution and degradation in the Mediterranean region under the Mediterranean Action Plan (MAP), an initiative set up in 1975 under the auspices of UNEP as part of its Regional Seas activities. At their 12th Ordinary Meeting in Monaco on 14-17 November 2001, MAP Contracting Parties decided to take steps towards closer co-operation with the Euro-Mediterranean Partnership (EMP), a process initiated by the EU for improved political, economic and cultural co-operation and thus peace and stability in the Mediterranean region. Since the launching of the EMP in Barcelona in 1995<sup>v</sup>, a co-operation between MAP and Euro-Med has been envisioned on both sides. In order to enhance the co-operation, the MAP Contracting Parties requested in 2002 that the MAP secretariat elaborate proposals for improved operational synergies between MAP and the EMP<sup>23</sup>. However, co-operation so far has been very limited despite the overlapping goals to enhance sustainable development. Furthermore, practical achievements in terms of environmental protection and sustainable development are very small on both sides<sup>24</sup>.

### Overview of Conventions and Organisations<sup>25</sup>

Convention for the Protection of Marine Environment of the North East Atlantic (OSPAR)

Convention for the Protection of the Marine Environment of the Baltic Sea (HELCOM)

<sup>v</sup> The "Euro-Mediterranean Partnership" or the "Barcelona Process" was launched by EU and Foreign Ministers from Algeria, Cyprus, Egypt, Israel, Jordan, the Palestinian Authority, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey at a Conference in Barcelona on 27-28 November 1995.

Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (BARCELONA)

Convention for the Protection of the Black Sea against Pollution (BUCHAREST)

UN Convention of the Law of the Sea (UNCLOS)

Convention on Biological Diversity (CBD)

Food and Agriculture Organisation (FAO)

Agreement on the conservation of small cetaceans of the Baltic and the North Seas (ASCOBANS)

Agreement on the conservation of cetaceans in the Black an Mediterranean Seas and contiguous areas of the North East Atlantic (ACCOBAMS)

International Baltic Sea Fisheries Convention (IBSFC)

North East Atlantic Fisheries Commission (NEAFC)

North Atlantic Salmon Conservation Organisation (NASCO)

International Commission for the Protection of Atlantic Tunas (ICCAT)

Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)

Convention on the Conservation of Wildlife and Natural Habitats in Europe (Bern Convention)

Convention on the Prevention of Marine Pollution by Dumping Wastes and other Matters (London Convention)

Stockholm Convention on Persistent Organic Pollutants (POPs)

International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)

UN-ECE Convention on Long-range Transboundary Air Pollution (LRTAP)

Rotterdam Convention on Prior Informed Consent for Certain Hazardous Chemicals in International Trade

Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances (Bonn Agreement)

Agreement concerning Co-operation in taking Measures against Pollution of the Sea by Oil (Copenhagen Agreement)

Agreement for Co-operation in Dealing with Pollution due to Hydrocarbons or Other Harmful Substances (Lisbon Agreement, not yet in force)

International Maritime Organisation (IMO) administering several global conventions related to maritime transport

Main implementation gaps for the protection of the marine and coastal environment

### Main Implementation Gaps

One of the major problems concerning the protection of the coastal and marine environment seems to be the fragmentation and the lack of co-ordination and communication between actors, institutions, and policies. Policies related to marine and coastal zone management should be regarded in an integrated way and not on a sector by sector basis. In both the coastal and the marine strategies of the Community, the enforcement of the implementation of existing EU legislation has to be strengthened. Concerning regional and international agreements, there is also a need to improve the ratification of existing agreements and the implementation of the required commitments by the European Community as well as an improvement regarding the co-ordination and coherence between the European Policy and international and regional agreements, such as OSPAR or HELCOM. As for the European level, there is also a need to develop specific policies and legislation for the sustainable use of marine and coastal areas at the national level. Despite the aim of the EC strategies to involve stakeholders at the local and regional level in the design and the implementation of programmes and policies affecting coastal and marine areas, there is as of now a very limited involvement of the different stakeholders. Regarding information and knowledge, there is a lack of information on the state of the marine environment as well as coastal processes and dynamics as well as a lack of information on the interactions between environmental pressures and their impacts. Appropriate indicators have to be developed for measuring the progress and the effectiveness of coastal and marine related policies.

## Enforcing European Environmental Legislation



The following chapter deals with the different kinds of non-judicial remedies and legal procedures in case of non-compliance with the EC-Treaty and European legislation. It points out which procedure is used by and against whom

and whether the procedure is effective or not. A special focus is set on the Court case *Zakynthos* which has been examined and discussed in depth at the conference *"Applying EU Environmental Legislation in the Field of Marine and Coastal Protection"*.

### Non-Judicial Remedies

#### Right of Petition

The right to petition was introduced to provide European citizens with a simple way of contacting EU institutions with requests about matters that fall in the Community's field of action<sup>19</sup>. It has its legal basis in Art. 21 and 194 of the EC Treaty. Any European citizen and any natural or legal person residing or having a registered office in a Member State may appeal to the European Parliament, either individually or in association with others. Because of the inter-institutional agreement from 12 April 1989<sup>27</sup> between the European Commission, the Council and the European Parliament, the Commission and the Council committed to co-operating actively with regard to the treatment of the petitions. In order to determine whether a petition is admissible it is necessary to make clear that the petition concerns matters which come within the Community's fields of activity and especially affect the petitioners directly. In the following procedure, the Committee on Petitions decides whether a petition is admissible or not. In every case the petitioner receives a reply setting out the result of the action taken. Regarding the environmental sector, 131 petitions in 1999 dealt with environmental issues. Thus, it was the second largest group after social affairs<sup>28</sup>.

Procedure regarding the Right of Petition

#### The Grievance to the European Ombudsman

The institution of the European Ombudsman<sup>29</sup> was created by the Maasricht Treaty in 1992. It has its legal basis in Art. 21 and 195 of the EC Treaty. The European Ombudsman usually conducts inquiries on the basis of complaints but can also launch inquiries through his own initiative<sup>18</sup>. Any citizen of the Union or any natural or legal person residing or having a registered office in a Member State is entitled to complain to the Ombudsman. Because of the Ombudsman's wide powers of investigation, the Community institutions and bodies must supply him with the information he requests and give him access to the files concerned. The Member States have the same duty to assist him with information that may help to clarify instances of maladministration by the Community institutions and bodies. However, the Ombudsman is not able to investigate the complaint if it concerns national, regional or local administration in the Member States. About 30% of the 6638 examined cases (between 1 January 2000 and 31 March 2003) were within the mandate of the Ombudsman. Most of these cases concerned lack or the refusal of information, undue administrative delay or delayed payment and recruitment procedures. The main institutions

Procedure regarding the Grievance to the European Ombudsman

<sup>19</sup> Between 1998 and 1999, the European Parliament received 1005 petitions; available at [www.europarl.eu.int/factsheets/2\\_5\\_0\\_en.htm](http://www.europarl.eu.int/factsheets/2_5_0_en.htm).

<sup>18</sup> The total caseload from 1 January 2000 to 31 March 2003 was 6711 cases (284 complaints inquiries not closed on 31 December 1999; 6420 complaints registered, and 7 own initiatives opened from 1 January 2000) from: European Ombudsman Statistics, [www.euro-ombudsman.eu.int/stats/en/text.htm](http://www.euro-ombudsman.eu.int/stats/en/text.htm).

which have been the subject of inquiries are the European Commission with 573 cases, the European Parliament with 59 cases and the Council of the European Union with 22 cases<sup>viii</sup>. In the field of environment there have been several inquiries on complaints against the Commission and the European Investment Bank<sup>ix</sup>.

Procedure regarding the Grievance to the European Ombudsman:



### The Complaint to the European Commission

The complaint process – which was not foreseen in the original EC Treaty – was introduced in 1960. A complaint is a written document addressed to the European Commission which aims to notify the Commission that European legislation has not been lawfully applied in the Member State concerned and requests that the Commission act against this infringement. The complaint is admissible in every field of European law but is most used in the field of environment<sup>x</sup>. Although every European citizen or association can censure infringements against European legislation with a complaint, even if they are not affected personally, the author of the complaint is entitled neither to demand specific action by the European Commission nor to bring a claim before the ECJ<sup>xi</sup>. If the indications of the complaint are sufficiently specific, the European Commission will initiate an examination of the facts by appealing to the Member State (informal consultations – bilateral talks). After this examination and consultation, the European Commission will decide whether to take legal action against the Member State concerned. The follow-up of the complaint shall be finished within one year according to unofficial guidelines. The number of complaints in the environmental sector has risen steadily in the last years<sup>xii</sup> and can thus be regarded as an important tool to satisfy the information needs of the European Commission<sup>xiii</sup>.

<sup>viii</sup> All data from the European Ombudsman Statistics, [www.euro-ombudsman.eu/int/stats/en/text.htm](http://www.euro-ombudsman.eu/int/stats/en/text.htm).

<sup>ix</sup> These decisions can be found at [www.euro-ombudsman.eu/int/DECISION/EN/env.htm](http://www.euro-ombudsman.eu/int/DECISION/EN/env.htm).

<sup>x</sup> 45,15% of the 1300 complaints sent to the Commission were complaints in the environmental sector; Nineteenth Annual Report on Monitoring the Application of Community Law (2001), Annex 1 p. 12, COM(2002) 324 final.

<sup>xi</sup> The European Commission developed a questionnaire that shall help the complainant and assure them of procedural warranties like confidentiality of the name and informing of the complaint's development, OJ 1989, No. C 26, p. 6. In 1999 a modified version was published, OJ 1999, No. C 119, p. 5.

<sup>xii</sup> Complaints in the environmental sector: 1998: 432, 1999: 453, 2000: 543, 2001: 587, from the Annual Reports on Monitoring the Application of Community Law 1998-2001.

### Effectiveness of Non-Judicial Remedies

With regard to the preceding brief description and analysis of the non-judicial remedies, the following conclusions can be drawn.

- The Petitions Committee itself does not exercise a significant monitoring function regarding the implementation of environmental law, but petitions submitted to the Committee have served as a resource for informing the Commission on the practical implementation of environmental law. The pre-requisite that the petitioner has to be directly affected by Community action hampers a wider usage of the petitions right for individuals and non-governmental organisations (NGOs).

- Since 1995, the European Ombudsman has handled a total of 11.000 complaints, 44 of which concerned environmental issues and could be solved by the Ombudsman's action. Taking into account the few complaints so far in the environmental sector, the complaint proceedings to the Ombudsman seem not to be an attractive instrument to uncover non-compliance and violation of European environmental law. This is especially remarkable keeping in mind the easy accessibility and the low cost of the complaint procedure.

- The complaints procedure to the European Commission is, in comparison to the two former mentioned possibilities, a very valuable tool. This complaint is of utmost importance to individuals and NGOs because of its accessibility and its inexpensive nature. However, because of these advantages, there are an enormous number of complaints which cannot be handled by the Commission in a prompt way. Furthermore, legal uncertainty exists whether and how the Commission will react vis-à-vis the Member State concerned. With a legally fixed procedure, these disadvantages could be abandoned and a possible political interference could be at least reduced.

### Legal Procedures

The focus of this chapter will be on the relevant proceedings that can be taken against a Member State that is not respecting its obligation under European environmental law.

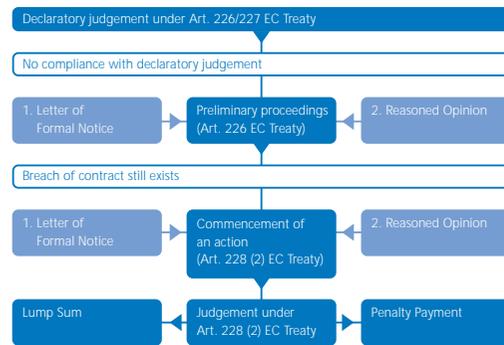
### Infringement Procedure under Article 226 EC Treaty

Art. 226 EC Treaty proceeding can be initiated if the European Commission considers that there may be an infringement of Community law. There are different ways in which the Commission receives notice of possible infringements. First, the Member States have the duty to notify the Commission of the directive implementation. With this information the Commission can control and advise the Member States as the implementation of the EC directives acquires different national legislation levels. However, as regards the reports, the Member States often do not fulfil the requirements and do not provide the reports in the given time (non-communication), or the reports show a lack of information about if and how the law is effectively implemented in individual cases (failure of nonconformity or bad application). In addition, the European Commission cannot systematically control all of the implementation activities in every Member States due to the limitations on finances and a lack of personnel with inspection authority. In order to bridge parts of this control gap, the complaint process to the European Commission was introduced as shown above. After the examination of facts, the European Commission decides whether to take legal action against the Member State concerned under Art. 226 EC Treaty.

Before a case of non-compliance comes before the Court of Justice, it follows legal proceedings which include a letter of formal notice and a reasoned opinion by the European Commission to the Member State in which the case is claimed.

Procedure under Article 226 EC Treaty

Infringement procedure under Article 226 and 228 (2) of the EC Treaty:



Letter of Formal Notice The infringement proceedings officially begin with sending the letter of formal notice. The purpose of the letter is to summarise the real and legal facts from the Commission's point of view and to guarantee the Member State's right to be heard. The Member State has two months to formulate its reply with the opportunity for a two-months extension. If its reply is insufficient or it does not reply at all the European Commission can take the next step by sending a reasoned opinion to the Member State concerned.

Letter of Reasoned Opinion This reasoned opinion is a formal summary of facts, proofs and legal grounds of a violation of the EC Treaty and/or European legislation, which has to be concretely indicated. The Member State has two months to reply to the reasoned opinion with the opportunity to extend the period to five months. The last step of the infringement procedure is the taking of legal action before the Court of Justice. However, it has to be taken into account that permanent consultations between Commission and Member State concerned are included in the proceedings aiming to avoid the sentencing of a Member State. The action of Art. 226 EC Treaty finishes with a declaratory judgement if the Court of Justice arrives at the conclusion that there exists a breach of Community law. The Court has powers neither of intervention nor of order. However, the Member State concerned is to be bound under Art. 228 (1) EC Treaty to take appropriate measures to compensate for its breach of contract<sup>31</sup>.

Judgement of the European Court of Justice

### Penalty Procedure under Article 228 (2) EC Treaty

Every non-compliance of a conviction is an interference in the basic structure of the Community. As the European Court of Justice renders only a declaratory judgement, there has to be an enforcement instrument. Therefore, the Maastricht Treaty changed Art. 228 EC Treaty so that if a Member State does not comply with a previous judgement of the Court, Art. 228 (2) allows the Court to impose a lump sum or penalty payment on the Member State concerned. The Court decides in the case after the preliminary proceedings which entail again a letter of formal notice and a reasoned opinion accomplished by the European Commission under the above mentioned Art. 226 proceedings. As of now the Court delivered only once a sentence in connection with Art. 228 EC Treaty and imposed a penalty payment<sup>32</sup>. On 31 December 2001, 20 proceedings were instituted in the environmental sector<sup>33</sup> which is the highest rate in comparison to all other policies. Critics who stated that the risk of a penalty payment would be a "blunt weapon" because of the long proceedings period<sup>34</sup> were disproved by the fast reactions of the Member States concerned. These show that the bare threat of a payment penalty is an effective instrument to improve the implementation of the Community law<sup>34</sup>.

Procedure under Article 228 (2) EC Treaty

### Case "Kouroupitos River" (Art. 226 and Art 228 (2) EC Treaty)

The case of the "Kouroupitos River" in the prefecture of Chania at Crete/Greece presents the first penalty procedure of the European Court of Justice (ECJ) under Art. 228 paragraph 2 EC Treaty. In 1987 the Commission received a complaint by several municipalities in the prefecture of Chania (Crete) drawing its attention to uncontrolled waste disposal in the river Kouroupitos. In 1992, the ECJ pronounced the first judgement under Art. 226 EC Treaty (C-4/91) stating that Greece had failed to implement the Council Directive 75/442/EEC on waste and Council Directive 78/319/EEC on toxic and dangerous waste. Since the Commission was not notified of any measures to comply with the judgement by the Greek authorities, it decided in 1995 to initiate a new proceeding under Art. 228 (2) EC Treaty. In this following judgement, the ECJ found that Greece had adopted only insufficiently fragmentary legislation and that waste was still thrown in an uncontrolled manner into the Kouroupitos river. Greece was then sentenced by the ECJ. According to the judgement, Greece had to pay Euro 20 000 for each day of delay in complying with the first judgement from the day of the second judgement. After the second judgement, several measures were undertaken by Greece such as the closure of the Kouroupitos site in February 2001, the development of a waste management plan for the area and an installation of temporary waste facilities until permanent installations could be constructed. Because of this development, the Commission announced that Greece should stop the daily fine from the date of the closure of the site. The Greek authorities paid in total a penalty payment of Euro 5.400.000 between July 2000 and March 2001. Furthermore, Greece will also have to pay for the rehabilitation of the site. On the other hand, Greece received or will receive EU funding to build two permanent waste installations.

<sup>34</sup> The two proceedings of Art. 226 and 228 take several years with their letters of formal notice, reasoned opinions and actions

Ruling  
under Article 234  
EC Treaty

### Preliminary Ruling under Article 234 EC Treaty

The preliminary ruling under Art. 234 EC Treaty gives every national court the possibility to request an opinion from the Court of Justice about the application of Community law. The rationale for this procedure is that a consistent application of Community law can be ensured in every Member State. In the context of this procedure, individuals and legal persons have the possibility – as parties in a national court proceeding – to assert the invalidity of Community action that is relevant to the national proceeding. Furthermore, on numerous occasions the Court has offered third parties, such as interested environmental associations, the possibility to play a role in preliminary rulings<sup>xiv</sup> although it is not provided for in the EC-Treaty<sup>35</sup>. Only the national court is entitled to request that the Court of Justice gives a ruling on the raised question or whether it considers that a decision on this question is necessary to enable the court to give judgement. The parties of the original proceeding do not have the competence to bring the question directly before the Court of Justice, but they can propose the request. If the national court decides in a proceeding in which the judgement cannot be appealed, the court is obliged to bring the question before the Court of Justice (Art. 234 (3) EC Treaty). The non-observance of this obligation can lead to an infringement procedure under Art. 226 or 227 and 228 EC Treaty.

### Court Case “Lappel Bank” (Art. 234 EC Treaty)

The Court Case “Lappel Bank” started in 1989 when the Royal Society for the Protection of Birds (RSPB) challenged the decision of a local authority to grant planning permission to the Port of Sheerness to infill “Lappel Bank” for port use because the area was of high importance for wintering waders and wildfowls. In 1993, the Medway Estuary including the “Lappel Bank” was classified as a Special Protection Area (SPA) under the EC Birds Directive. However, “Lappel Bank” was omitted from the SPA by the Secretary of State on socio-economic grounds. After this was challenged again by RSPB, the House of Lords referred the matter to the ECJ (Art. 234 EC Treaty) in 1995. The ECJ finally delivered its ruling in July 1996 (C-44/95) judging that a Member State may not take economic, social and cultural requirements or regional and local characteristics into account when selecting and defining the boundaries of the sites to be proposed to the Commission as Sites of Community Importance. In 1997, the House of Lords ordered that the UK Government had acted illegally when designating the Medway SPA. As a result, the UK Government must provide compensatory habitat for the loss of “Lappel Bank”. In order to avoid any further court action, the UK Government chose also to compensate the loss of 32 hectares of “Fagbury Flats” at Felixstowe and has additionally published proposals for the creation of about 170 ha of new coastal habitats providing intertidal habitats for the number and range of bird species displaced as a result of the loss of “Lappel Bank” and “Fagbury Flats”.

Further information: [www.ecologic-events.de/caretta/en/presentations.htm](http://www.ecologic-events.de/caretta/en/presentations.htm)  
[wildlife@rspb.org.uk](mailto:wildlife@rspb.org.uk)

<sup>xiv</sup> Art. 234 EC Treaty: “The Court of Justice shall have jurisdiction to give preliminary rulings concerning: a) the interpretation of this Treaty; b) the validity and interpretation of acts of the institutions of the Community and of the ECB; c) the interpretation of the statutes of bodies established by an act of the Council, where those statutes so provide...”

### Effectiveness of Legal Procedures

With regard to the aforementioned brief description and analysis of the legal procedures, the following conclusions can be drawn.

- The procedure under Art. 226 EC Treaty is the most effective instrument of the prosecution of European environmental law violations. The Member States try to avoid a conviction in order to preserve their reputation. However, the wide discretionary power of the Commission regarding the question whether to take legal action before the Court of Justice or not and the longitude of the procedure have to be criticised mainly because latter is especially ill-suited to environmental cases.
- As of yet, there was only one Art. 228 (2) EC Treaty penalty procedure but it is still an interesting tool. It was shown in some cases that the bare threat of a payment penalty is an effective instrument to improve the implementation of the Community law. As well as in the cases under Art. 226 EC Treaty proceedings, the Member States are aware of tainting their reputations and paying a huge amount of money for penalty payments.
- Art. 234 EC Treaty gives the parties that are not able to raise an action before the Court the possibility to ask it indirectly about disagreements with regard to European law. Furthermore, Art. 234 EC Treaty as interpreted by the Court gives third parties, like environmental NGOs, the possibility to give their interpretation of European law. Even if NGOs are not able to claim before the Court, they are at least able to give their opinions about special issues to the Court and can possibly influence it to their favour.

### Århus Convention

A more expansive, positive development regarding access to justice can hopefully be achieved through the fast implementation of Art. 9 of the Århus Convention<sup>36</sup> into Community law. As of yet, a proposal for a directive on access to justice by the Commission and two related working documents already exist. From the working documents and the meetings with interested parties it could be noted that there are important differences between the positions of Member States and NGOs. The latter plead for an “actio popularis” for individuals and environmental organisations whereas the Member States were shown to actually oppose a privileged standing for groups without legal personality<sup>37</sup>.

### Zakynthos before the European Court of Justice

The loggerhead sea turtle (Caretta caretta) is an endangered species whose habitat is the Mediterranean. One of the most important nesting sites of this sea turtle can be found on the island Zakynthos. Today, the sea turtle is under the direct threat of extinction from the increasing tourist industry on the island of Zakynthos. In 1994, the Mediterranean Association to Save the Sea Turtle (Medasset) made a first formal complaint to the European Commission against the Greek government for its failure to apply the Council Directive 92/43/EEC (Flora-Fauna-Habitats) and renewed this complaint each year. In 1998, because of non-compliance with the Habitats Directive, the European Commission started an infringement procedure against Greece.

On 30 October 1999, the Commission announced that it would take Greece to the European Court of Justice for non-implementation of the Habitats Directive especially regarding the necessary protection measures for the nesting sites of the loggerhead sea turtle.

The Sea Turtle  
Caretta caretta on  
Zakynthos

The Complaint  
to the European  
Commission

<p>Actions of the European Commission against Greece</p>	<p>This EC-action against Greece was a significant outcome of lobbying and pressure applied by non-governmental organisations, mainly Medasset and Archelon in the form of official complaints and reports to the European Commission and an appeal to the EC Ombudsman in 1999. Immediately after the EC announced its action against Greece, the first Presidential Decree to set up the Zakynthos National Marine Park was signed in December 1999. The European Court of Justice considered the case of the protection of the loggerhead sea turtles on Zakynthos on 12 July 2001 and set the end of December 2001 as the date for its final decision on the case.</p>
<p>First Judgement of the European Court of Justice</p>	<p>On 30 January 2002, it declared that Greece failed to adequately protect the endangered sea turtle on the island of Zakynthos<sup>36</sup> by not taking measures to “establish and implement an effective system of strict protection” for the animal during the period it lays its eggs on several beaches of the Laganas Bay. In reaching its verdict the Court rejected as inadmissible Greek government claims that it had approved a decree in late 1999 classifying the areas as a national park with much stricter protection requirements. It charged that these changes came too late after the directive’s implementation deadline. The ruling carried no immediate sanctions.</p>
<p>Efforts of the National Marine Park of Zakynthos</p>	<p>On 4 and 5 September 2002, another official mission was conducted by representatives of the European Commission. The representatives recognised the efforts which had been made such as to hire an architect-civil engineer who is responsible for monitoring the building activity within the Park area, reporting any illegal building activity to the relevant authorities, and creating a database listing all existing buildings in the Marine Park area. Furthermore, three information stations have been built up in order to increase the public awareness and a contractual agreement defining a “code of good practice” established in order to strengthen the co-operation with the “turtle-spotting” companies<sup>39</sup>. Although the NMPZ made good progress in safeguarding the protected area and informing the public, gaps in the protection system remain. No funds were made available for the operation of the Marine Park and Management Agency until the near end of the main nesting season in July 2002: consequently, the Management Agency could be said to have been rendered inoperable<sup>40</sup>. Within the boundaries of the Park, new road construction have been undertaken in addition to continuing sand-extraction, horse-riding and building<sup>41</sup>. Furthermore, no solutions were found with regard to compensation payments to landowners affected by the protection measures<sup>42</sup>. Although it was recognised that Greece has undertaken efforts to comply with the judgement, it was stated that there was “still some distance to go to get the satisfactory solution” for the National Marine Park. In the following month, Greece failed to comply with the required obligations of the judgement of the European Court of Justice. Therefore, the European Commission continued the procedure under Art. 228 by submitting a letter of formal notice to Greece in December 2002. In September 2003, the case of Zakynthos was still pending.</p>
<p>Implementation Gaps</p>	<p>It can be concluded that there has been much improvement regarding the protection of the loggerhead sea turtle since the National Park was established in 1999. But there is still the need for many measures and financial assistance to improve the living conditions of the sea turtles. Without the pressure through the 226 and 228 EC Treaty procedure and the decision of the Court, the living conditions of the endangered animal and its chances for survival would not have been improved in this significant way.</p>
<p>Ongoing Actions of the European Commission</p>	<p>It can be concluded that there has been much improvement regarding the protection of the loggerhead sea turtle since the National Park was established in 1999. But there is still the need for many measures and financial assistance to improve the living conditions of the sea turtles. Without the pressure through the 226 and 228 EC Treaty procedure and the decision of the Court, the living conditions of the endangered animal and its chances for survival would not have been improved in this significant way.</p>



<p><b>Public Participation in Infringement Procedures</b></p> <p>Every European citizen or association can censure infringements against European legislation with a complaint, even if they are not affected personally. In 2001, 59.66% of the detected infringement cases originated in complaints<sup>43</sup>. Thus, it follows that the complaints are generally the most effective instruments for exposing community law infringements. 45.15% of the 1300 complaints sent to the Commission were complaints in the environmental sector and the percentages indicate that most of the infringements are exposed by NGOs or individual persons.</p> <p>Environmental NGOs are lobbyists and watchdogs on behalf of the environment. They possess a great range of experience and expertise and, as survey results have shown, the trust of the European citizenship. In response to the question of whom European citizens trust most when it comes to environmental problems, 48% of the interviewees answered with “environmental protection associations”<sup>44</sup>.</p> <p>This trust is founded in the action of the NGOs especially because they keep an eye out for situations in which individuals, companies or governments are not complying, or regarding the cases mentioned below, when governments are not enforcing these laws. Furthermore, NGOs have the possibilities to attract the media, report offenders to the national authorities or to the European Community and among other things litigate themselves where this is permitted.</p>	
<p><b>Enforcing European Legislation – Conclusions</b></p> <p>In the following chapter, the results of the discussions of the conference “Applying EU Environmental Legislation in the Field of Marine and Coastal Protection” regarding the effectiveness of the court cases will be summarised.</p>	
<p><b>Effectiveness of the Court Cases</b></p> <p>Regarding the legal questions and especially the effectiveness of the Court cases, it can be concluded that the European infringement procedures are effective in terms of initiating and “speeding up” developments, as shown in the Zakynthos and the Koroouptios River cases. European infringement procedures can also be useful for correcting decisions on the national level, as illustrated with the Lappel Bank case. As regards the infringement procedures, it has to be taken into account that the European Commission and the European Court of Justice (ECJ) only consider compliance with the requirements of the EC legislation. Therefore, regional or local conditions and difficulties will not be taken into consideration. It is the responsibility of the national government and the local authorities to find the right way to comply with the requirements of the European Commission and the judgement of the ECJ. Although legislation plays an important role, the European Commission is primarily interested in the issue of practical implementation. Thus the legislation has to be complemented by an effective administration with a well defined distribution of competencies.</p>	

<sup>44</sup> In comparison to this result only 9% of the interviewees expressed trust in newspapers, and companies were ranked last in this vote of confidence with a mere 1%. European Opinion Research Group (EORG), “The attitudes of Europeans towards the environment”, December 2002, p. 26.



**Distribution of Responsibilities and enhanced Co-operation**  
In order to comply with the requirements of the EC legislation or a judgement of the ECJ, the distribution of responsibilities has to be clarified as early as possible. In the case of Zakynthos, the unclear distribution of responsibilities has led to various problems. Only three years after the establishment of the Marine Park of Zakynthos, the responsibilities are now clearly allocated on a national, regional and local level in order to fulfil the requirements of the ECJ judgement as regards the protection of the *Caretta caretta*. In addition, it is important to develop better co-operation between the various stakeholders and the local authorities to enhance the implementation of the relevant laws. An effective flow of information from central to local authorities is needed with a sense of responsibility developed on a local level regarding EC legislation which has been transposed into national law.

#### Time Constraints

The issue of time constraints as regards the effectiveness of infringement procedures within marine and coastal protected areas were considered as crucial. As outlined in the court case of Zakynthos, the case is already very advanced and time is running out for finding solutions. Practical implementation of the agreed rules and the proposed measures in the near future is needed. However, in the case of Zakynthos, it is necessary to differentiate between the time allowed for compliance from a jurisdictional perspective and the time which is needed for park management bodies to show their effectiveness. It is apparent that a park management body needs several years to function effectively and to be successful on the ground. Strong time pressure for compliance with a pending legal case may lead to the hasty adoption of the wrong strategies.

#### Compensation Measures

In the case Zakynthos, finding a solution with regard to compensation measures could play a crucial role with respect to the pending Court case Zakynthos. Without a solution with the landowners within the area of the national marine Park of Zakynthos, an appropriate protection of the sea turtle cannot be ensured. At the beginning, the inadequacy of spatial planning led to several problems within the boundaries of the Marine Park. Recently, the Park has presented several proposals to the landowners in order to find a solution, including the establishment of a company of eco-development activities together with these landowners. A major difficulty however in finding a solution is the lack of a legal national framework dealing with the issue of land compensation measures specifically for protected areas for Greece in general. With regard to this, political will is needed and it has to be taken into account that the final solution for the Zakynthos Park will be important not only for Zakynthos but also for the all upcoming management bodies to be established in Greece as well as for other protected areas in the Mediterranean. However, given the advanced stage of the legal procedure, the problem for the case of Zakynthos has to be solved very soon. Otherwise the procedure of the European Court of Justice will continue, resulting in the conviction of Greece. Therefore, Zakynthos constitutes an example case of the difficulties in establishing compliance with the EU environmental and nature conservation requirements in the Mediterranean region and especially in Greece. It will be important to draw lessons from both the legal and practical procedures in order to improve future policies and management strategies also for other Greek protected areas.

## Management and Financing of Protected Areas



Achieving the goal of a sustainable use of Europe's natural resources requires an appropriate legal and administrative framework. Altogether the EU has launched a wide variety of initiatives and programmes, of which some

can contribute significantly to the sustainable use and protection of Mediterranean marine ecosystems.

#### Sustainable Management of Marine Protected Area

With regard to the threats to which the marine environment is subject, such as for instance loss of biological diversity and destruction of habitats, the 6th Environment Action Programme of the EU<sup>44</sup> advocates the development of a thematic strategy for the protection and conservation of the marine environment. This strategy shall contribute to the efforts "to promote sustainable use of the seas and conserve marine ecosystems". The 6th Environment Action Programme points out that the extension of the Natura 2000 network to the marine environment will be essential step towards achieving this aim for this purpose<sup>45</sup> Protected Areas (PA) can be an important and effective instrument to make use of the world's natural heritage in a sustainable manner. The World Conservation Union's (IUCN) defines a PA as "an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means". Thus the purpose of a PA goes far beyond protecting species and habitats<sup>46</sup>.

Marine PAs pose a special challenge to site managers. The high connectivity between marine and terrestrial ecosystems makes it difficult to consider such sites in isolation. Consequently management has to be integrated into an overall conservation strategy taking into account this cross linking<sup>47</sup>. Experts consider it as obvious that the current number and extent of marine PAs is insufficient to meet basic conservation objectives and further designation of marine areas seems indispensable.

Establishing a management plan for a protected site is a crucial step towards a sustainable management of the area. While policy provides a legal framework for a PA, a management plan through planning policy gives this framework a structure by which it can be applied.

It is an instrument for a park to lay down its conservation objectives, the possible use of the PA as well as plans for its development and management. To avoid conflicts with stakeholders, such as neighbouring communities, planning should always include public participation<sup>48</sup>.

#### Port Cros National Marine Park in France

The Port Cros National Marine Park shall be presented in order to highlight the importance of the different roles and responsibilities between scientists and managers for the development of a protected area. After being rather unsuccessful, e.g. regarding the practical implementation of measures to protect habitats and species or with gaining the acceptance of the local population, in recent years the Park has completely changed the management. At the beginning, the management focussed on nature conservation and scientific research, virtually excluding the local interests of the various stakeholders and therefore leading to a low local acceptance of the Park. In order to improve the acceptance and the sustainable use of the marine resources, the involvement of the different stakeholders became increasingly important. Furthermore, scientific activities now better address the needs of the management of the Park and of its users. In addition to carrying out

inventories and monitoring, one important task of the scientists is to provide useful information and guidance for the Park as well as for the public. It was stressed as highly important to carry out concrete and visual actions for users, especially children, in order to legitimate the protected areas and to raise awareness of the marine environment. Additionally, it deemed important to show the public the economic natural value of marine sites. From the experience from the Park Port Cros it can be concluded that three types of measures are important for a successful and accepted protected area: technical measures aiming at the protection of habitats and species, legal instruments and most importantly the pedagogical measures for the various users.

*Further information: Philippe Robert, Port Cros National Marine Park, France, presentation see at: [www.ecologic-events.de/caretta/en/presentations.htm](http://www.ecologic-events.de/caretta/en/presentations.htm)  
Port Cros National Marine Park: [www.portcrosparcnational.fr/site.asp](http://www.portcrosparcnational.fr/site.asp)*

The requirements of a sustainable management of marine PAs in the Mediterranean with the aim to conserve some of Europe's most valuable coastal and marine environments, however, go beyond the establishment of PAs and the preparation of management plans. Site specific characteristics always have to be considered. The involvement of stakeholders and awareness of the particular sociological and cultural conditions of the region have a significant impact on the success of the work of a site manager. Co-operation and networking between managers of marine PAs across the entire Mediterranean will play an essential role. Sharing best practice and exchanging experience among management agencies, park managers and other stakeholders, as it was the case at the Zakynthos conference, will be of great value for the establishment of viable marine protected sites around the Mediterranean.

#### **Natura 2000 Marine Sites Management in the French Mediterranean**

The Natura 2000 Marine Sites Management in the French Mediterranean will be presented in order to show the importance and advantages of a contractual management of Natura 2000 marine sites. According to the Habitat-Directive (92/43/EEC, Article 6, §1) Member States have two possibilities to establish the management of marine sites: law protection and contractual protection. In France, the contractual protection – "Contracts Natura 2000" – was chosen and implemented by the Decree of December 20th, 2001 and the Circular of May 3rd, 2002, thus complementing the existing lawful regulations. The contractual protection is a voluntary approach which brings together various stakeholders within a Steering Committee defining common agreements and contractual measures for the management of Natura 2000 marine sites. This includes commitments of both measures within Good Practices and measures going beyond these codes which opens the right to financial counterparts. In order to be effective, contractual protection should have a character of real obligation, comprise a clause of denunciation by the administration and include true sanctions in the case of non-compliance. However, for an effective operation of the contractual protection, the identification of contracting parties, the definition of management regulation and the follow-up of commitments and implementation of sanctions are particularly important.

*Further information: Sébastien Mabile, WWF-France, presentation see at: [www.ecologic-events.de/caretta/en/presentations.htm](http://www.ecologic-events.de/caretta/en/presentations.htm)*

#### **Financial Instruments for Nature Conservation**

Government budget allocations have traditionally been the most common method for the funding of PAs. However in a situation in which state budgets are increasingly under pressure, available funds for nature conservation often do not provide a sufficient source of funding for sustainable PA management. Therefore the issue of financial sustainability for nature conservation is high on the agenda<sup>49</sup>. A diversification of funding sources has taken place. With a lack of public funding for biodiversity conservation, private sector investment opportunities have been explored intensively.

The methods of financing PAs can be placed under three categories. These are governments' budget allocations, grants and donations (from individuals, co-operations, foundations and international donor agencies) as well as user fees, conservation taxes and fines<sup>50</sup>.

For further information we recommend visiting the following site [www.conservationfinance.org/Training\\_guide.htm](http://www.conservationfinance.org/Training_guide.htm). Only a small number of instruments will prove to be feasible and viable in a particular PA and the area manager has to assess the applicability of each instrument. Most PAs do not have the potential to become businesses and it is questionable whether this is desirable or always compatible with the objectives of a PA. But it seems reasonable for PAs to develop a business approach to financing. In some cases they have become important revenue earning entities that at the same time provide benefits to surrounding economies.

It is of great importance that the sustainable management of a site utilises adequate financial resources efficiently in order to achieve its conservation objectives. Long-term financing mechanisms, which can effectively supplement short term grants, are difficult to obtain but are indispensable for sound long-term planning.

#### **Nature Conservation Funding Schemes in the EU**

One of the objectives laid out in the EU Sustainable Development Strategy is to halt the decline in biological diversity by 2010<sup>51</sup>. The objective is highlighted by the major role the chapter "Nature and Biodiversity" plays in the Communities' 6th Environment Action Programme as one of the four priority areas. In order to achieve this ambitious goal the programme identifies possible actions as inter alia "implementing the necessary technical and financial instruments" <sup>52</sup> for the establishment of the Natura 2000 network. This objective was once again emphasised in the El Teide Declaration which recognises that the objectives of the Natura 2000 network "require targeted resources" <sup>53</sup>.

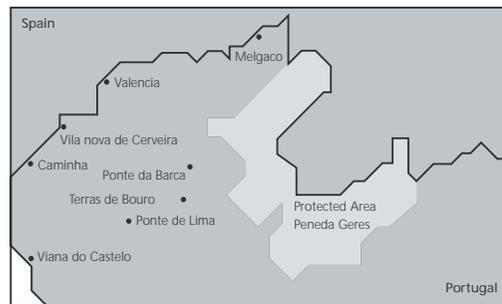
Article 8 of the Habitats directive recognises the financial burden that Member States will have to bear in implementing the directive and calls for a contribution from the European Commission to co-finance Natura 2000<sup>54</sup>. The results of a working group on Article 8 of the Habitats directive predict annual costs of Euro 3.4-5.7 billion for the Natura 2000 network<sup>55</sup>. They will have to be shared among Member States and the EU Commission. The question will be how effective and appropriate funding can be guaranteed. A number of nature conservation funding instruments are currently in place in the EU as

- the European Agricultural Guidance and Guarantee Funds (market regimes, rural development),
- Structural Funds (European Regional Development Fund, European Social Fund, Financial Instruments for Fisheries Guidance, European Agricultural Guidance Fund, Leader+, Interreg III),
- LIFE-Nature and LIFE-Environment,
- other funds (Cohesion Funds, Sixth Framework Programme on Research and Technological Development).

**Best-Practice from Portugal for Nature Conservation Funding Schemes – Peneda Geres**

In the last years, the acceptance of protected areas (PA) has raised significantly in Spain due to the increasing contribution of PA to the social-economic development of an area. The most important condition for getting financial support in an efficient way is a management plan with objectives, priorities, actions and an expected budget of a PA. Until now, 59% of the PA in Spain do not have a management plan and less than 25% have detailed information on their expected budget (in 2000). In addition to the management plan, an enforced collaboration and co-ordination between the relevant actors is of vital importance as well as is raising awareness of the different objectives of the PA, including the support for sustainable development, which is often neglected (Article 2 of the Habitat Directive). A strict protection and a top-down approach would be unacceptable for the local communities. A best-practice example regarding the use of various funding opportunities is the protected area of Peneda Geres (Portugal). Peneda Geres demonstrates that protected areas can be a motor for rural development. Beside enforcing rural development, Peneda Geres is now a best-practice for other local councils which want to have National Parks or protected areas within their areas too.

Further information: Carlos Sunyer, Terra Centro, Spain, presentation see at: [www.ecologic-events.de/caretta/en/presentations.htm](http://www.ecologic-events.de/caretta/en/presentations.htm)



**Financing Sources of Protected Area “Peneda Geres”**

Education Leonardo Programme	Nature Conservation O.P. Environment Peneda-Geres Management Plan (5.422.000 Euro)
Rural Development O.P. Support Rural Development (EAGGF) “Rural Centre Soajo-Lindoso” (1.250.00 Euro) Local productions and local livestock races	Leader 4 programmes are affecting the Park (13.000.000 Euro) Promotion of local products
O.P. North of Portugal (ERDF) Promotion of local products (60.989 Euro)	Life Forest management Elimination of alien species (727.266 Euro)
O.P. Modernisation of Economic Fabric (ERDF) Wolf and livestock (12.820 Euro) Local dog races and livestock (153.846 Euro) Sustainable development and rural income	Interreg ADERE Built heritage (343.851 Euro)  Agri-Environmental programme Most agriculture surface is included

The existing range of EU co-financing instruments is considered insufficient for the implementation of Natura 2000; some of them for technical purposes, as they are not suited to deliver against the objectives of Natura 2000, others because they do not provide the necessary financial resources.

All funds do have in common that they are not designed for a long-term financing. In light of these findings several options have been proposed to assure EU co-financing of Natura 2000.

Three possible options should be further examined, according to the EU Working Group on Article 8 of the Habitats Directive:

1. The use of the already existing EU funds. This would necessitate the adjustment of the EU funds to the requirements of the Natura 2000 management.
2. Enlargement and modification of the LIFE-Nature instrument, which is already the main mechanism for nature conservation in the EU.
3. Creation of a new instrument that is dedicated exclusively to Natura 2000 and is suited to deliver the objectives of the habitat directive in the long run.

Huge changes or new instruments in the system of EU nature conservation funding schemes cannot be expected at the moment, however, as the overall budget of the EU is fixed until 2006.

**Support from national or regional administration**

Governmental budget allocations on national as well as on regional levels are difficult to obtain in times of decreasing public budgets. In addition, those funds alone are normally insufficient to guarantee the long-term viability of a PA and to enable the management to achieve its conservation aims.

**Innovative Solutions to Finance Marine Reserves Conservation**

The PA of the Columbretes Islands will be presented as a successful example regarding the establishment of an institutional co-ordination of different administrations, which has led to an effective management and financial support for these Islands. The Columbretes Islands consist of a natural reserve and a marine reserve of fishing interest. Due to an institutional co-ordination and co-operation of the administration concerned, funds were used which are not specific for nature conservation, such as the Financial Instruments for Fisheries Guidance (FIG). As a result, the traditional fishery, being the most important activity in this area, has benefited, as have the industrialised fishing fleets, as the fishes from the recovered stocks from the marine reserve move outside. Thus, the strengthened co-ordination between national, regional and local government proved to be effective for both nature conservation and fishery. As another example for innovative solution, the Medes Islands will be presented. Since 1990 the Medes Islands have been a Marine Natural Park. The marine reserve improved the image of the region and made the neighbouring town more attractive for tourists, thus leading to an improved economic situation for this area with diving and boat trips as the most important activities. Due to a strengthened co-operation between the relevant stakeholders and the local authorities, an effective and successful management plan was agreed with the main objective of keeping the marine reserve attractive for the tourists while establishing measures for nature conservation, including a significant limitation of various activities in the marine reserve. Regarding this example, it can be concluded that the key element for the protection of the Medes Islands lies in the compatibility of concepts, the rational use of resources and the support and commitment of the local co-operations initiative.

Further information: Lola Manteiga, Terra Centro, Spain, presentation see at: [www.ecologic-events.de/caretta/en/presentations.htm](http://www.ecologic-events.de/caretta/en/presentations.htm), [Parque Natural Islas Columbretes: www.internatura.uji.es/espais/en\\_ic.html](http://www.internatura.uji.es/espais/en_ic.html) [The marine wildlife reserve of Medes Islands: www.ddgi.es/tdm/medes/e1.htm](http://www.ddgi.es/tdm/medes/e1.htm) [Terra \(Centro para la politica ambiental\): www.terracentro.org](http://www.terracentro.org)

Government funding, however, offers certain advantages. In comparison, for example with funding from donors, it may be a more reliable solution in the long run as government funding priorities are more persistent over a number of years. Furthermore donors usually support a project for a certain span of time. Government allocations in contrast normally provide a long-term source of financing. However, it will be difficult to persuade governmental institutions to increase their nature conservation in times of economic difficulties<sup>56</sup>.

The Habitats Directive, the main piece of legislation in the field of Nature Conservation on the European level, not only obliges the EU to take measures to finance Natura 2000. Community funding will only be a source of co-financing. The Member States of the EU will have to prepare their own funding schemes to ensure that the Directive can be implemented successfully. The Member States are currently getting ready for the next phase of the implementation of the Habitats Directive now that site designation is about to be finalised. The question arises how appropriate financial and administrative resources for the management of Natura 2000 can be made available on the national and regional level. At this new stage, emphasis will have to be given to the increasingly important issue of national co-financing instruments for the network. Member States are already providing a certain level of funding on the national scale, but it is probably insufficient and additional funding will have to be provided.

#### Environmental Taxes

Economic Instruments, such as for example environmental taxes or charges, can be a major way of raising revenues for nature conservation purposes. They can be classified according to the principal objectives they aim to fulfil. They can be incentive-based in case they aim at influencing the behaviour of users by providing e.g. incentives for biodiversity conservation. When the primary aim of an environmental charge or tax is not to create incentives but to raise revenue, the relevant distinction lies in whether the revenue is earmarked or simply added to the general government budget. A charge (or tax) fulfils a financing function if the revenue is allocated for specific environmental purposes (earmarked), e.g. if the money raised from hotel room surcharges are spent on the costs of PA management.

The tourism sector can be a target group for environmental charges. Hotel room surcharges or hotel room taxes are potential possibilities. The best known current example in Europe for such a tourism related charge scheme is perhaps the ecotasa (environmental tax) on the Balearic Islands/Spain. The plans of the regional government for a charge faced fierce resistance from the hotel industry that feared a drop of tourism numbers, as well as from the central government in Madrid, which challenged the charge in court. Finally the charge had to be put through by the Spanish constitutional court and was introduced on the islands of Mallorca, Menorca, Ibiza and Formentera in the year 2002. After elections in the spring of 2003 the new regional government decided to abolish the ecotasa from October 2003. Tourism related taxes seem an interesting option that could also be considered by other tourism regions around the Mediterranean. Politically however it may prove difficult to establish a tax or charge for a service that was free of charge before, as the example of Balearic islands has proven. Strong political support from stakeholders, including regional administrations and governments, will usually be required to establish an environmental tax successfully.



Further examples for revenue generating instruments that have been introduced to serve nature conservation purposes are:

- Taxes on hunting;
- Fishing;
- Camping equipment;
- Fuel taxes;
- Property taxes.

Taxes or charges can generate large amounts of money from sources that have not been exploited before. They are therefore highly interesting for the purposes of nature conservation. Besides, if the revenue is earmarked they are an effective means for implementing the "user pays" and "polluter pays" principle, by fairly apportioning environmental costs to the user/polluter. It can be ensured that environmental taxes or charges contribute to the objectives of nature conservation and will not be used for other purposes only if the revenues are specifically allocated to nature conservation or PAs<sup>57</sup>.

#### Tourism

The tourism industry is considered to be the largest and fastest growing industry in the world. Ecotourism, as an environmentally responsible form of tourism with a low visitor impact, is among the fastest growing market segments in the tourism sector<sup>58</sup>. Recognising the importance of Ecotourism for nature conservation and the sustainable management of PAs the year 2002 was declared International Year of Ecotourism by the UN. Revenues from tourism based activities can be raised through market-based mechanisms known as tourism user fees. The advantages of such user fees are that they are relatively simple to implement and that many of them can be applied on site-level. User fees have been introduced in many PAs and have proven to be very successful in many of them. In some cases fees could provide up to 50% of the operating costs of an area<sup>59</sup>. Naturally this will only be the case in areas that are a popular tourism destinations and consistently visited by a high number of tourists. Fees can either be collected by the park management authority itself or through concessionaires.

The advantage of raising fees is that the money can, depending on national legislation, go more or less directly into site protection. The pricing of fees has to be fair and appropriate in order to be accepted by visitors and the acceptance has to be promoted among all stakeholders. Again revenues will have to be earmarked for nature conservation purposes in order to turn fees into a success. The PA management will have to acquire the necessary expertise in the field of marketing to be able attract a sufficient number of tourists. The site will also have to provide additional staff to cope with the challenges of tourism. The tourism market comprises a diversity of visitor segments.

In order to be able to understand their needs and expectations it is necessary to analyse those segments carefully<sup>60</sup>, especially when their willingness to pay for goods and services of a PA is concerned. Tourists would generally agree to contributing financially to the management of a PA; in fact, they are usually willing to pay even more than locals<sup>61</sup>. To facilitate the use of tourism as a financial instrument in PAs, managers should aim to develop their own long-term tourism policy that takes into account the long-term development of tourism and maximises the benefits that arise from tourism. Tourism produces not only benefits but also costs, however, and depending on the level of tourism in the area might become a serious threat to nature conservation objectives<sup>62</sup>. Minimising the negative impacts while maximising the benefits is the challenge management authorities have to face when using tourism as a source of revenues in PAs.



### Sustainable Management and Financing – Conclusions

The discussions of the conference “Applying EU Environmental Legislation in the Field of Marine and Coastal Protection” will be summarised in the section below.

#### Enhanced Co-operation and Public-Participation

An enforced co-operation and communication between the management of a protected area and the local authorities as well as the various stakeholders is of vital importance and can be regarded as a key factor for an effective and sustainable management of protected areas. A strong involvement of all stakeholders is also crucial to raise the acceptance of the local people regarding the nature conservation and environmental protection measures as well as the sustainable use of the natural resources. However, in order to assure a long-term viability of a protected area, an enhanced co-operation and the involvement of stakeholders should be ensured in all phases of a protected area as regards planning, establishment, managing and monitoring. This can contribute to an increased feeling of responsibility of the local people and a long-term success of the measures adopted in the protected area. Therefore, the collaboration with NGOs and other stakeholders should be organised and if possible formalised, as in the case of contractual management in French Natura 2000 marine sites. Regarding the management of protected areas, social aspects have to be regarded as equally important as scientific ones. Therefore, more time should be devoted to awareness-raising and educational activities as illustrated with the case of the Port Cros Park where the management body established a “Human Group” within the Scientific Committee of the Park with the objective of demonstrating the importance of social aspects in the sustainable park management. A strengthened co-operation with the local authorities is also vital for a more effective control concerning the implementation of the relevant laws. In addition to sufficient support of the local authorities and the national government, the support from NGOs and other local stakeholders is equally important for the control and the monitoring. It can be concluded that protected areas should not be established with the aim of keeping the local people out and depriving them of their traditional rights, but rather involving them in all phases of a protected areas and raising awareness about the values and the services they render to society.

#### Financing

The interactions between the management body and the local people is crucial. On the one hand, a long-term viability of protected areas can only be assured with a serious involvement of the local people. On the other hand, conservation measures can improve the livelihoods and economic position of local and indigenous people. As the most important condition for an efficient fund-raising strategy as well as for an effective management of a protected area, the development of a management plan with objectives, priorities, actions and an expected budget is crucial. On the basis of this management plan, the management bodies of protected areas should try to establish and to develop the protected area on the basis of diverse sources of finances in order to achieve a sustainable financing. Funds should not only be applied for nature conservation and environmental protection measures but also for rural development. Therefore, funding opportunities should be raised also to support agricultural activities, activities related to rural development such as the production of local products and education. By using different funding opportunities, protected areas can play a key role for the social-economic development of an area, as illustrated in the case of Peneda Geres (Portugal) with the result that other local councils want to have National Parks or protected areas within their areas as well.



Additional financing opportunities can also be made available by an enhanced co-operation between administrations, as shown in the case of the Columbretes Islands. In this case, the establishment of an institutional co-ordination of different administrations has led to an effective management and financial support for this area by freeing up funds which are not specific for nature conservation. Due to this institutional co-ordination, funds from the Financial Instruments for Fisheries Guidance (FIGG) were used for nature conservation measures, resulting in benefits for both nature conservation measures and local fisheries and tourism. Thus, a win-win solution could be attained for all stakeholders concerned. Furthermore, by providing benefits not only for nature conservation issues but also for the local economy, an increased acceptance of the local population can be expected. Therefore, it is of vital importance to show that protected areas can improve the image of a region and, for example, make the area more attractive for tourists. The financial sustainability of protected areas should be the means of accomplishing the objective of sustainable management. For this, an impressive example is the Port Cros Park, which now has an economic value of 100,000,000 Euro annually through sustainable activities. As regards an enhanced co-operation, it has to be taken into account that stakeholders, especially NGOs, can play a crucial role in the financial contribution to the management of a protected area as most of their activities are financed by public resources.

#### Exchange of Knowledge among Protected Areas

An enhanced exchange of best-practices and knowledge between the protected areas is very important. It is necessary to use the experiences from other protected areas in a more efficient way by enhancing networking as well as sharing more information and experiences concerning the management, financing and also the marketing of protected areas such as the enhanced use of eco-labelling. Related to this, the island of Zakynthos as well as the National Marine Park of Zakynthos should use the unique situation of the Park. It is the first National Marine Park in Greece with an institutionalised authority and the first Greek member of Europark. Last but not least, the Park can contribute its unique experience and lessons learned being the most important nesting area for the endangered *Caretta caretta* in combination with the infringement procedures of the ECJ related to the protection of the sea turtles. Because of this Court case, the Park can become a symbol for all of the Mediterranean nature conservation.

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This Ecologic Brief is based on a background study and the International Conference "Applying EU Environmental Legislation in the Field of Marine and Coastal Protection" which took place on Zakynthos, Greece, on May 19th and 20th, 2003.

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Further information is available free of charge at the website [www.ecologic-events.de/caretta/en/index.htm](http://www.ecologic-events.de/caretta/en/index.htm).

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