



Summary of the International Conference Applying EU Environmental Legislation in the Field of Marine and Coastal Protection

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1. Background

Majestic sea turtles live on the Ionian island of Zakynthos, an island of poets in the Adriatic Sea. The turtles have lived there for millennia 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.

Over the centuries the island population has showed respect for the wonderful and rare animals that belong not only to the island but to the whole Mediterranean and the seas beyond. Nevertheless, now there is significant conflict between the need to conserve the turtles and the unsustainable tourism development taking place. At the same time, the Greek state has made slow progress in its efforts to establish an effective protection framework on the island, bringing about one of the most remarkable legal battles to come before the European Court of Justice. The latter Court case has given Zakynthos high name-recognition throughout Europe. 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. This pressure, it seems, is 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 build mutual comprehension 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. The event was initially supported by the Bellagio Forum, notably the Niarchos Foundation, and Ecologic, as well as later by the European Commission (DG Environment) and the Friedrich Ebert Foundation (Athens Office). 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 National Marine Park of Zakynthos protects an important nesting ground for the endangered loggerhead sea turtle (*Caretta caretta*), the symbol chosen for the conference. The Park was established by a Presidential Decree in December 1999 in order to fulfil the required obligations of the judgement of the European Court of Justice regarding the appropriate protection of the loggerhead sea turtle. The Management Body of the Park, also provided for by the same Presidential Decree, is the first Park Management Body in Greece.

In 1999, Greece was taken to the European Court of Justice (ECJ) for the non-compliance with the Habitats Directive 92/43/EEC, initiated mainly because of the various activities by non-government organisations, especially MEDASSET and Archelon (STPS Greece), submitting official complaints and reports to the European Commission since 1993. Although the National Marine Park has made various efforts to implement conservation measures for the protection of the loggerhead sea turtle, it was nonetheless stated by the ECJ in January 2002 that Greece had failed to establish and implement an effective system of strict

protection for the sea turtle on the island of Zakynthos, with measures taken during the nesting period being regarded as particularly insufficient. At this time, following the submission of a letter of formal notice sent by the European Commission to Greece in December 2002, the case of Zakynthos is still pending.

Against this background, the main objectives of the international conference were:

- To examine procedures of non-compliance with nature conservation legislation of the EU by looking at several European Court cases, with a focus on the court case of Zakynthos;
- To offer a forum to discuss possible actions to achieve compliance with European legislation and the overall aim of sustainable marine protection;
- To provide an opportunity to share best practices and to exchange experiences and know-how concerning the sustainable management of marine protected areas and financial instruments for nature conservation;
- To deliver results which are applicable to the development of the national park administration and an appropriate conservation strategy on Zakynthos.

The number of participants exceeded 80. About one quarter came from outside Greece, half from Zakynthos, and the rest from other areas of Greece. 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 as well as local Greek communities.

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. 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. Thanks to the newly established contacts, the Zakynthos conference will have a lasting impact on international relationships and marine conservation in the Mediterranean. 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, can be found on the conference web site:

<http://www.ecologic-events.de/caretta/en/index.htm>).

The outline of this summary follows the structure of the conference which consisted of the following four sections:

- The Problem of Non-Compliance with European Environmental Legislation
- European Court Cases addressing Environmental Protection
- Sustainable Management of Marine Protected Areas
- Financial Instruments for Nature Conservation

An overview of each session will be provided as well as a short abstract of each presentation. Chapter 7 presents a summary of the discussions of the conference, as well as the outcome of the panel discussions. These discussions covered all the main topics of the conference, such as legal aspects regarding the infringement procedures of the European Court of Justice as well as management and financing issues of marine protected areas. However, the topics mentioned above were discussed mainly in the context of Zakynthos itself in order to find out the applicability of the presented experiences for the National Marine Park of Zakynthos. The main outcomes and conclusions of the international conference on Zakynthos are set out in chapter 8.

2. Opening Speeches

Within the various opening speeches, a broad range of actors and decision-makers confirmed their support of the Park in the future with regard to its obligation to fulfil both the protection of the endangered *Caretta caretta* and to promote the sustainable development of the Park. 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. However, it was stressed as very important to improve public participation and to enforce the co-operation between all relevant stakeholders as well as to improve information on the Park in order to raise the acceptance by illustrating not only the prohibited actions but also the benefits the Park is providing.

Opening addresses:

- His Eminence Metropolitan of Zakynthos Chrisostomos;
- Representative of Zakynthos in Parliament, Mr. Dionysios Gouskos;
- Secretary General of the Ministry of Agriculture, Mr. Panagiotis Kolliris;
- Adviser to the Minister for the Environment, Spatial Planning and Public Works, Mr. Rallis Gekas;
- Hellenic Coast Guard, Ministry of Mercantile Marine, Mr. Markos Koutsourakis;
- Vice-prefect of Zakynthos, Mr. Giorgos Antonakis;
- Mayor of Zakynthos, Mr. Akis Tsagaropoulos;
- Mayor of Laganas, Mr. Dionysios Maroudas;
- President of the Local Union of Municipalities and Communities, Mr. Dionysios Klavdianos;
- Co-ordinator of Medwet, Mr. Spiros Kouvelis;
- Director of Archelon, Mr. Dimitris Dimopoylos;
- President of the National Marine Park of Zakynthos, Mr. John Pantis.

The Foreign Minister of Greece, Mr. Giorgos Papandreou, as well as the Secretary General of the Region of the Ionian Islands, Ms. Anastasia Kanelopoulou, sent personal written addresses to the Conference. The communication from the Foreign Minister was of particular interest, as it placed the conference in the context of environmental diplomacy in the Mediterranean and the Greek EU Presidency. The communication can be found in English on the conference web site: <http://www.ecologic-events.de/caretta/en/index.htm>.

3. The Problem of Non-Compliance with European Environmental Legislation

The main objective of the first session of the Zakynthos conference was to provide information on European environmental policy and European legal procedures with a focus on marine and coastal protection. Regarding the legal background, different kinds of European legal procedures to enforce the compliance with European legislation were presented in order to demonstrate the various possibilities for enhancing the implementation of European environmental legislation. This session benefited from the presence of a representative of the European Commission who was concerned with infringement proceedings but not directly involved in the Zakynthos legal case.

Mr R. Andreas Kraemer (Ecologic – Institute for International and European Environmental Policy, Germany) provided an overview on **"Marine Protection – European Nature Conservation Policy"**. In recent years, the European Union has developed an extensive body of legislation, policies and programmes influencing directly or indirectly the coastal and marine environment such as the Common Fisheries Policy, the Common Agricultural Policy, policies related to nature conservation and the environment (e.g. the Habitat Directive or the Nitrate Directive) as well as policies related to water aspects (e.g. the Water Framework Directive). However, despite some improvements, such as reduced pollution of heavy metals, the policies remain inefficient particularly with regard to over-fishing and eutrophication.

The sector-by-sector approach was identified as the most important obstacle to improving the efficiency of the various instruments, as it leads to a patchwork of policies from the European to the local level. In recent years, the European Commission has undertaken efforts to develop coherent strategies, such as the Strategy on "Integrated Coastal Zone Management" (ICZM). However, there is as of now no comprehensive, integrated marine environmental policy at the European level. In addition to the fragmentation of policies, further problems were highlighted: lack of co-ordination and co-operation between actors, institutions, and policies; lack of public participation; insufficient implementation of existing EU legislation; lack of information on the state and the dynamic of the marine and coastal environment as well as on the effectiveness of the existing measures. In the conclusions, some driving forces for the future development were mentioned, such as the EU-Enlargement in 2004 including the new Mediterranean Member States Slovenia, Malta and Cyprus, the establishment of a "Network of Excellence" on coastal research in support of the ICZM through the 6th Framework Programme of DG Research and the enhanced co-operation between the Mediterranean Action Plan and the Euro-Mediterranean Partnership. At the Conference, Ecologic disseminated a policy brief on "The Mediterranean Action Plan

and the Euro-Mediterranean Partnership: Identifying Goals and Capacities - Improving Co-operation and Synergies", which is available online at http://www.ecologic.de/publications/2003/briefs/Joining_Forces_Medi.pdf.

Mr Cristoph Sobotta (European Commission, DG Environment, Directorate D – Life Program, Legal implementation and Civil Protection) provided an overview of "**Legal Procedures to counteract non-compliance with the EC Treaty and European Environmental Legislation**". The focus of the presentation was set on the infringement procedures under Article 226 and 228 of the EC Treaty. The infringement process is comprised of different steps including the letter of formal notice and the reasoned opinion. Because of the length of the infringement procedures and the permanent consultations between the Commission and the Member State concerned, Member States are given the opportunity to avoid a sentencing by applying appropriate measures. According to Article 226 there are three main types of infringements: failure to communicate transposition measures, nonconformity of transposition measures, and bad application in individual cases. The most simple verification is related to the case of "non-communication" infringements. The infringements concerning the "nonconformity of transposition" require for verification a contentious assessments of national legislation. The last infringement cases, the bad application in individual cases, are most numerous, raise many different issues and are most labour intensive. These cases are often based on complaints. Around 1300 complaints were submitted to the European Commission in 2001, and from these around 50% were related to nature conservation. However, approximately 50% of complaints does not provide sufficient evidence of an infringement to justify substantial investigations. Most of the remaining complaints are closed on the basis of information provided by the Member State in question. In rare cases the Commission will initiate the formal infringement procedure and, just very exceptional, the cases are brought to the European Court of Justice (ECJ). Zakyntos is the only case brought to the ECJ for species protection.

Ms Katy Thiele (Ecologic – Institute for International and European Environmental Policy, Germany) gave an overview on "**Cases with a Focus on Marine and Coastal Protected Areas**". Firstly, an overview of the possible legal procedures against non-compliance with the EC Treaty and European environmental legislation on the European level was given. Within the system of legal proceedings, it was emphasised that it is necessary to differentiate between a legal action taken against a Member State (Art. 226, 227, 228 and 234 ECT) that is not respecting its obligation under European environmental law, and the legal action related to decisions or acts of the Community institutions (Art. 230 ECT). The penalty procedure under Art. 228 paragraph 2 ECT was explained in detail and illustrated by the Court case example of the "Kourouptos river" in the municipality of Chania/Crete in Greece. In this case the ECJ decided the first time under Art. 228 paragraph 2 ECT and sentenced Greece to pay a daily penalty payment of 20,000 Euro. In addition to the presented legal procedures, an overview of non-judicial remedies was given. Ms Thiele also explained in more detail the grievance to the European Ombudsman and the complaint to the European Commission. The latter was illustrated by the case of the "Coastal forests of Is Arenas" which is located on Sardinia/Italy. In this case, the European Commission has already sent a

Reasoned Opinion to Italy because of the non-compliance with Habitats Directive 92/43/EEC.

Ms Elli Apostolopoulou (Aristoteles University of Thessaloniki, Faculty of Biology, Dept. of Ecology) gave a presentation on the "**Evaluation of the Environmental Impact Studies for the Schinias Wetland**". The Case of Schinias illustrates that the legal procedures of the EU can be effective by finding co-operative solutions without bringing the Member State before the ECJ. Schinias is one of southern Greece's most important coastal wetland habitats. The case started because of the plans of the Greek government to develop the wetland into Olympic 2004 rowing and canoeing facilities. In 2000, a group of NGOs started a campaign and submitted a complaint to the European Commission for infringement of the Habitats and Birds Directives. Within the infringement procedures and as a result of the negotiations between the European Commission and Greece, the Greek government included Schinias on the national list of the proposed Natura 2000 sites and the initial development plans were reversed. In 2000, a Presidential Decree was passed setting up the National Park of Schinias and in 2002 a second Decree was passed setting up the Park Management Body. The initial construction plans have also been modified to ensure a minimum flow of water from a local spring towards the marsh, secure the restoration of degraded parts of the wetland, protect the forest and minimize the impact of the development project on the environment. The presentation focused on the results of a study with the goal of investigating the ecological value of Schinias. Based on this, the study aimed to evaluate the environmental impact assessment (EIA) studies carried out for Schinias, the statutory measures and the compatibility of actions with the protection of the wetland. The study concluded that the driving force behind the design and materialisation of the EIA studies and statutory measures was not to provide the essential protection of Schinias wetland but rather to ensure that the Olympic Games in 2004 could to be held without problems.

4. European Court Cases addressing Environmental Protection

In this session an example was provided from the UK illustrating the alternative for a NGO to bring a case to the national court which then can go to the European Court of Justice. The main emphasis of this session was on presentations dealing with the Court Case of Zakynthos in order to set the legal context for the discussions of following sessions.

On behalf of **Mr Duncan Huggett** (Royal Society for the Protection of Birds - RSPB, UK), **Ms Claudiane Chevalier** (IUCN, Centre for Mediterranean Co-operation) provided an overview on the Court Case "Lappel Bank". The case started in 1989 when the 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. Despite being partly successful (e.g. planning application was stopped), the consent to infill Lappel Bank remained. 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 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".

Mr Apostolos Papakonstandinou (Lawyer, Environmental Law, Greece) gave an overview of "**The protection of marine and coastal areas with reference to the Council of State in Greece**". In his introduction, Mr Papakonstandinou stressed that Greece has to implement the "acquis communautaire" and therefore the obligation to ensure adequate protection for the *Caretta caretta* according to the Habitat-Directive. Related to this, the judgement of the ECJ in 2002 was justified. It was emphasised that there is a need to enhance an interdisciplinary approach to solve the problems related to environment and nature and to tackle environmental issues at all levels. The enhancement of "environmental diplomacy" was mentioned as very important as it was also stated in the written address of the Greek Foreign Minister to the Conference. Furthermore, Mr Papakonstandinou provided an overview of the linkages between European legislation and the Greek national and local legislation. As the legislative basis for environmental protection, the Greek constitution was mentioned as well as the Law 1650/1986 setting the statutory framework for environmental protection including the marine and coastal environment. In the conclusions, an overview of the activities undertaken by the Greek Court of State in order to protect the coastal and marine environment as well as on the decision of the ECJ on the Case of Zakynthos was given.

The next presentation on the "**Obligation of the Greek Government to Protect the Sea Turtle on Zakynthos**" was provided by **Mr Christos Chrisomallis** (Greek Ministry for the Environment, Physical Planning and Public Works). First, an overview of the actions undertaken by Greece in order to protect the *Caretta caretta* was given including the Presidential Decree in 1980-81 which recognised the sea turtle as a protected species. In the 80s, various acts of legislation were adopted to control the building activities which were indicated as the bases for the legal protection of terrestrial and marine environment. As the most important event concerning the protection of *Caretta caretta*, the Presidential Decree of 1999 was highlighted leading to the foundation of the Management Body of the National Marine Park of Zakynthos in 2000. Despite of the efforts of Greece, the local authorities and the NMPZ, the protection of the sea turtle was not ensured with regard to both the protection of the species *Caretta caretta* and the habitat for its reproduction which has led to the judgement of the ECJ in 2000.

Mr Marios Chaidarlis (National Marine Park of Zakynthos) provided an overview on the "**National Marine Park of Zakynthos and the European Court Case**". The presentation focused on the requirements of the ECJ and the fulfilment of these requirements by Greece. Concerning the judgement of the ECJ, Mr Chaidarlis characterised it as legally correct and fair but strict. The designation of the decision as "strict" was based partly on the following

argument: the Habitats Directive has two main requirements, i.e. to protect the listed species and to protect their habitats. At the time of the judgement Greece fulfilled the first requirement of the Directive, i.e. it had a population of the protected species in question, but failed regarding the second requirement, i.e. in protecting the habitat of this species. In order to fulfil the requirements of the judgement, the Greek government passed the Presidential Decree in December 1999 aiming at the protection of this specific area and setting the legal framework for the establishment of the National Marine Park, the creation of a Management Body and the development of a management plan. It was concluded that with the Presidential Decree, the requirements of the ECJ are now fulfilled from a statutory point of view. However, in order to fulfil the requirements of the judgement, it is still necessary to find a solution concerning compensatory measures for the landowners mainly of a specific area of the Park, called Daphne Beach, otherwise the protection of the endangered turtle can not be ensured. Compensatory payments are not included within the Presidential Decree of 1999. In the future, this gap in the legislative framework has to be bridged while evaluating further solutions to solve the conflicts with the landowners such as enhanced co-operation or the exchange of land.

5. Sustainable Management of Marine Protected Areas

The main objective of this session was to illustrate best-practices for sustainable management of marine protected areas in Greece and the wider Mediterranean (France, Italy, Spain, Portugal, and the conservation management networks of UNEP, IUCN, and the Ramsar Convention) and to discuss the applicability of the presented best-practices to the Zakynthos case.

In the first presentation, **Mr John Pantis** (President of the National Marine Park of Zakynthos, Greece), provided an overview of the "**Management Measures for the National Park of Zakynthos**". It was emphasised that the NMPZ, as the first National Marine Park in Greece is facing several difficulties such as an incomplete national legislative framework to deal with all problems facing the Park, lack of funds from the national and local authorities, and low acceptance at the beginning and the judgement of the ECJ. Since the foundation, the Park has taken important steps and approximately 30-40% of the planned measures have been successfully implemented. This should be considered as success bearing in mind that the Management Body of the Zakynthos Marine Park is the first of its kind in Greece. Mr. Pantis also pointed out that a park administration generally needs at least 10 years to show its full effectiveness. It was highlighted that despite the strong increase of tourism on Zakynthos, causing a strong pressure on the nesting sites of *Caretta caretta*, the population of the turtles has been stable since 1985 mainly because of the activities carried out by NGOs and local actors. Mr Pantis presented some of the new activities and measures of the Park such as the implementation of the presidential degree regarding the Park, the wardening activity, the public awareness and the sustainable development of the whole area, the promotion of integrated control management and organic agriculture, the establishment of an ecolabel for the products produced in the Park and the first steps regarding the establishment of a long-term co-operation between the Park and NGOs. In his conclusions, Mr Pantis mentioned the problem of the land owners in Daphne and stressed that the only

solution is to integrate the local people and to provide opportunities to promote the active participation of the local people rather than to exclude them from the development and preservation activities of the National Park. Furthermore, Mr Pantis stressed the importance of showing the public the social-economic benefits of the Marine National Park for the local economy in order to raise the acceptance.

The presentation "**Natura 2000 Marine Sites Management in the French Mediterranean: First Steps**", was given by **Mr Sébastien Mabile** (WWF-France, Marine Protected Areas, PhD). In it he stressed the importance and advantages of 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. Some advantages of contractual protection compared to law protection were pointed out. It 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. Some difficulties were indicated, namely the identification of contracting parties, the definition of management regulation and the follow-up of commitments and implementation of sanctions. In France, the contractual protection -"Contracts Natura 2000"- was chosen and implemented by the Decree of December 20th, 2001 and the Circular of May 3^d, 2002 thus complementing the existing lawful regulations. In order to illustrate the first steps to implement the contractual protection, the example Calanques was presented.

Mr Chedly Rais (RAC/SPA, Mediterranean Action Plan, UNEP, Tunisia) provided an overview on "**The Development of Marine Protected Areas within the Framework of the UNEP Mediterranean Action Plan**". The legal framework of the Mediterranean Action Plan (MAP) is the Barcelona Convention, adopted in 1976. In 1995, several amendments to the Convention and the protocol were adopted, including a new protocol addressing special protected areas (SPA) and the conservation of biodiversity in the Mediterranean in both the marine and terrestrial environment. It entered into force in 1999. The Regional Action Centre in Tunis is in charge of co-ordinating and implementing the protocol. Among others, the main objectives of the SPA are to secure the long-term viability of ecosystems and the protection of sites which are important from a scientific, esthetical, cultural or educational point of view. This includes also the conservation of traditional practices. Currently, there are 55 marine protected areas (MPA) in the Mediterranean, most of them of a small size (under 10 000 ha). The main problems facing the MPA are the lack of personnel with adequate skills (80% of the Mediterranean countries provide no corresponding training opportunities) and the lack of planning and management in many countries (only 1/5 of the Mediterranean Countries have management plans for protected areas). Against this background, Mr Rais provided an overview of the various activities of the Regional Action Centre. In his conclusion, it was emphasised that the protected areas have to be placed in the broader context in order to contribute to the local economies and to combat poverty.

In the following presentation „**Marine Protected Areas (MPA's) Sustainable Use and Good Practices in the Mediterranean Region**“, given by **Mr Francois Simard** (IUCN, Centre for Mediterranean Co-operation), the specific conditions of the Mediterranean region were outlined - e.g. the cultural diversity, high demographic pressure and the strong dependence on the environment - which have to be taken into account regarding both the establishment and the management of MPA' s. In order to achieve the sustainable use of MPA' s, three main points were highlighted: the definition of terms of reference including implementation procedures for clear targets and objectives; the establishment of a rigorous management plan and the implementation of control means. For all the points mentioned above, the involvement of all relevant stakeholders was stressed as highly important. Additionally, an overview on the various activities carried out by the IUCN Centre of Mediterranean Co-operation was provided, aiming at the strengthening and enforcement of the sustainable use and Good Practices in the Mediterranean region. As an example, the Whales Sanctuary in the Ligurian Sea was presented.

Mr Robert Philippe (Port Cros National Marine Park, France), outlined in his presentation "**Scientific Research associated to Management**" the development of the National Marine Park Port Cros stressing the different roles of scientists and managers for the development of a protected area. The park, now successful, has completely changed management in recent years. At the beginning, the management focussed on nature conservation and scientific research, virtually excluding the local interests of the various stakeholders and 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. Finally, three types of measures were highlighted as contributing to the success of a protected areas: technical measures aiming at the protection of habitats and species, pedagogical measures for the various users and legal instruments. The pedagogical measures were pointed out as the most important.

An overview on "**Sustainable Management in Protected Areas: Cabrera National Terrestrial Marine Park**", was provided by **Mr Jorge Moreno** (Cabrera National Marine Park, Spain). In his introduction Mr Moreno pointed out that the framework conditions for the management of protected areas in Spain are very good compared to other countries; he indicated as examples the existence of a good legal framework, a powerful legislation as well as the provision of public funds for both the establishment and the management of National Parks including compensation payments. The establishment of a sound management plan was highlighted as a key to success. With regard to Cabrera National Marine Park, the most important activities are fisheries and tourism. After various difficulties in the beginning, the measures to enhance the sustainable use of fish stocks were successfully implemented with

respect to both the protection of the marine environment and the local fisheries. In the protected area, only traditional professional fisheries are allowed. It was stated that the increasing competition in this area, which arose as the area became an interesting fishing ground also for non-local fishermen, helped to raise the acceptance for the management plan which favours and protects local fisheries. In addition to these successes, the Cabrera National Park became furthermore a best practice for the local government of the Balearic Islands, which now supports the creation of marine reserve for fishing activities. The presentation concluded by stressing that it is very important to involve the stakeholders as early as possible in order to raise awareness and acceptance.

6. Financial Instruments for Nature Conservation

The main objectives of this session were to provide an overview on the potential use of financial instruments for marine and coastal protection, as well as to identify best practices, factors of success and the potential "contributors" [EU – funding schemes, local authorities, business (tourism), visitors (ecotax)] and their role. Furthermore, the presentations focussed on the discussion about the applicability of the presented financial schemes for the NMPZ.

Mr Carlos Sunyer (Terra Centro, Spain) provided an overview on "**Nature Conservation Funding Schemes in the EU**". In the last years, the acceptance of protected areas (PA) in Spain has raised significantly due to the increasing contribution of PA to the social-economic development of an area. As the most important condition for getting financial support for PA in an efficient way, the development of a management plan with objectives, priorities, actions and an expected budget was mentioned. 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 (2000). In addition to an enforced collaboration and co-ordination between the relevant actors, it was stressed as important to raise the awareness of the different objectives of the PA including the support for sustainable development as it is set out in Article 2 of the Habitat Directive. Strict protection as a top-down approach was stated as unacceptable for the local communities. A case study for Andalucia was presented in order to illustrate the contribution of a PA to the socio-economic development. It was mentioned, that there are very few studies which address the benefits of Natura 2000 compared to the studies that address the costs of implementation. After giving a short overview on the EU funding instruments, stressing the Community initiative EQUAL (tackling discrimination and inequality) as widely unknown but important, and highlighting the ecotax as a very efficient instrument for nature conservation, Mr Sunyer closed his presentation with a case study of Peneda Geres (Portugal). Within this protected area various funding opportunities are used which demonstrates that protected areas can be a motor for rural development with the result that other local councils will then want to have National Parks or protected areas within their areas too.

Ms Lola Manteiga (Terra Centro, Spain) presented "**Innovative Solutions to Finance Marine Reserves Conservation in Spain**". In the first example Ms Manteiga stated that the establishment of an institutional co-ordination of different administrations has led to an effective management and financial support for the Columbretes Islands, which consist of a natural reserve and a marine reserve of fishing interest. Due to this institutional co-ordination

and co-operation, funds were used which are not specific for nature conservation, such as the Financial Instruments for Fisheries Guidance (FIFG). However, the traditional fishery, being the most important activity in this area, has benefited as well, as have the industrialised fishing fleets, as the fishes from the recovered stocks from the marine reserve move outside. As a result, the measures proved to be effective for both nature conservation and fishery. For this case it was stressed, that the strengthened co-ordination between national, regional and local government allowed for the use of FIFG for a better conservation of the marine reserve. As another example for innovative solution, the Medes Islands – a Marine Natural Park since 1990 - were mentioned. 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 management plan was agreed upon which significantly limited all the activities in the marine reserve. In addition to nature conservation, the management plan aims to keep the marine reserve attractive for the tourists. Regarding this example, it was 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.

Ms Milena Tempesta (Riserva Marina di Miramare, Italy) outlined in her presentation the "*Management and Financing of the Miramare Natural Marine Reserve in Trieste, Italy*". Established as a Marine Park in 1973, the Park became a state reserve in 1986, managed by the WWF-Italy. In addition to the conservation of the marine and coastal environment, one of the main objectives of the "Miramare Natural Marine Reserve" is education and dissemination of scientific information and research. In the last years, the management body has developed and implemented new teaching and scientific methodologies, such as a computerised system with educational software and a teaching laboratory of marine ecology and biology, with the aim to transfer this knowledge to other marine and coastal protected areas. In order to facilitate the transfer of this knowledge, a "Blue School" was established to educate NGO representatives. Before outlining the financial input and output, Ms Tempesta stressed that the financial situation of the Park differs from year to year due to the instability of public funds with regard to both the frequency and the amount of allocations. The financial output of the Marine Park can be divided into the following four categories: ordinary operating costs (e.g. institutional expenses), operating costs for visitor services (e.g. organisation of educational services), costs for scientific and monitoring activities and costs for promotional and advertising projects. Regarding the origin and the share of income, it was emphasised that the over half of the income is provided by the Ministry of the Environment, followed by regional and local public contributions such as local public bodies for fishing surveys. In addition to the public support, the visitors entrance fee contributes significantly to the financial input complemented also by for example materials services for scientific projects. However, in the coming years, the management body of the park has to change the financing structure because of the national financial cuts. These cuts mean that the funds transferred by the Ministry of the Environment to all marine protected areas in Italy will remain constant, despite the fact that the marine protected areas are expected to increase in number. Therefore, the managing body has to draw up new strategies in order to shift the financial

input from the national funds towards regional and local public funds. Furthermore, by widening the offers for visitation of the park, the park intends to increase the number of visitors and the sale of information materials. Additionally, projects with local fishermen's associations to promote sustainable fishing will be encouraged in order to increase the quality for the products and services of the Gulf of Trieste.

In the last presentation, **Ms Ada Vlachoutsikou** and **Ms Nicole Feied** (National Marine Park of Zakynthos, Greece), gave an overview of the "**Development of a Visitor Contribution Scheme on Zakynthos**". In the first part, various kinds of visitor contribution schemes were presented, such as entry fee collections, voluntary charge (e.g. for specific slide shows), donations (collected), sponsorship, membership, participation (e.g. volunteer events and labour or eco-holidays), surcharges (eco-tax), merchandising and services as well as concessions. For Zakynthos, the following visitor contribution schemes were highlighted as the most suitable: the voluntary contribution, participation, surcharges, merchandising and services. Related to this, examples were given in order to illustrate the steps that the NMPZ has already taken. Three information centres have been established which distribute information on the Park and the sea turtles. Regarding merchandising, various products have been developed such as silver and wooden jewellery, T-shirts, or a park guidebook. The NGO Archelon (STPS Greece) is responsible for the merchandising and donates 50% of all profits to the Park for conservation projects. Additionally, a Park Certificate of Compliance was established in order to enhance the co-operation between local companies and the Park. Prior to this, the Park set up some principles, obligations and a guide for good behaviour including different sets of guidelines for each category of tourism enterprises such as tour and boat operators (turtle spotting) or eco-tourism activities. 15 boat owners, carrying about 10, 000 visitors/year, are now involved in the Park Certificate System. A certain percentage of the benefits will be transferred to the Park. With regard to entry fees, a car park at one of the nesting beaches was established, it is run by local tourism entrepreneur in co-operation with the municipality with the agreement that the NMPZ gets 30% of the ticket price. Furthermore, the Park will promote the Eco-Management and Audit Scheme (EMAS) in Zakynthos and has commissioned a study to find out how many hotels in Zakynthos could become candidates for this label. Concerning the future steps of the Park, the promotion and implementation of an integrated quality management were stressed.

7. Questions and Discussions

The discussions of the conference as well as the outcome of the penal discussions will be summarised in the section below. The discussions covered all the main topics of the conference, such as legal aspects regarding the infringement procedures of the European Court of Justice as well as management and financing issues of marine protected areas. However, the topics mentioned above were discussed mainly with relation to Zakynthos in order to find out the applicability of the presented experiences for the National Marine Park of Zakynthos.

1. Regarding the allocation of **responsibilities**, it was stated that the management body of the Zakynthos Park is responsible for (among others duties) informing the respective local public authorities (port authority, local police, forest authority etc.) in the event an

illegal activity is observed within the park. However, the Park does not have the legal authority to forbid illegal activities. It was stressed that there is a continuous struggle against illegal actions. In the short run, prevention is very difficult, and therefore it has to be ensured that there is a fast and effective reaction as soon as an illegal action is observed. Yet, in the long run, the local community should develop a feeling of responsibility, leading to prevention of illegal activities in the first place.

2. In relation to the previous point, it is important to develop **better co-operation** between the Park and the local authorities (police and port authority) for the implementation of the relevant laws. There should be a more effective flow of information from central to local authorities and a sense of responsibility developed on a local level regarding EC legislation which has been transposed into national law. The Park Management Body therefore needs complete support of the local authorities and the national government. The role of the **NGOs** to guard and monitor the Park was stressed as equally important, which leads to the next major theme of discussion, i.e. stakeholder involvement and co-operation.
3. During the discussion, the **progress and efforts of the NMPZ were recognised** but there are still several aspects which have to be improved such as an enhanced involvement of all relevant stakeholders, an improved co-operation as well as the importance of raising awareness.

The experience in other Parks shows that local participation is important in all phases of Park management including setting up and running the Park. 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. Characteristically, in the case of Port Cros Park, there is a "Human Group" which is one of the three groups of the Scientific Committee of the Park showing the importance of social aspects in sustainable park management.

4. The focus of the discussion during the conference was often centred on the issue of "Ownership" especially with regard to **compensation measures** for the 12 landowners on Daphne beach. It was stressed that the inadequacy of spatial planning on Zakynthos is a very relevant issue for resolving the case of Zakynthos. Several proposals were made during the discussion such as the exchange or purchase of land. The Park has already 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. In relevance to this, it was mentioned that the issue of land ownership and compensation is probably too complex to be solved on a national level by the time Greece has to comply with the ECJ. There is a risk that an overall solution regarding compensation measures on a national level might be too late to prevent Greece from being fined in the Zakynthos court case.

5. The discussion on the **effectiveness of infringement procedures** for marine and coastal protection, it became obvious that in most cases the infringement procedures support positive developments. The start of the infringement procedure for Zakynthos in 1998 was regarded as necessary to ensure the protection of the *Caretta caretta* and to initiate activities such as the establishment of the marine Park and its administration. It cannot yet be concluded whether the effect will also be positive in case of a penalty from the ECJ. However, the opinion was expressed that in practical terms, the Court case has until now contributed very little to action being taken on the ground. Due to the unclear distribution of competencies and the incomplete national legislative framework, the local community does not perceive the legal case as an issue of its own but as a responsibility of the national Greek government. Together with the still pending Court Case, this might decrease the motivation and interest of the Zakynthian people to get involved in the activities of the Park. The experience of the international participants on legal aspects was also valuable in the discussion. It was mentioned that in the case of Port Cros Park, a legal framework was the result of a process which should start with a strong technical background and knowledge on a marine protected area, followed by pedagogic measures involving the local population and then leading to a legal statutory framework of protection. The model of Port Cros was in short based on long-term planning and a great deal of interaction with the people of the area.
6. Regarding **financial issues**, it was stressed that the financial sustainability of the Park (e.g. with money generated through collaboration of the Park with businesses) should be the means of accomplishing the objective of sustainable management. The impressive example of the Port Cros Park was given, which now has an economic value of 100,000,000 Euro annually through sustainable activities. An extensive discussion was carried out on the potential use of European Funds and the role of the NGOs to financially support protected areas. The establishment of Natura 2000 sites as well as their costs and benefits were discussed. A new fund for Natura 2000 was mentioned although it was stated that this fund will be very limited compared to the vast range of problems faced by the future implementation of Natura 2000 and the huge extension of Natura 2000 areas including also the Candidate Countries. Member States will have to co-finance Natura 2000 sites. It was noted however that the European Commission should also foresee sufficient funds for nature conservation. Regarding the use of European funds, it was mentioned that the southern Member States have until now received a considerable amount of structural funds, which have been used mainly to finance activities other than nature conservation. Furthermore, the important role of stakeholders was stressed as it can contribute financially to the management of a protected area as most of their activities are financed by public resources. Regarding the benefits of a protected area, it was stressed as very important to raise awareness on this

issue in the public and to share the benefits with the locals in order to raise the acceptance of a protected area.

8. Conclusions

The main conclusions of this conference are summarised as follows:

8.1. Evaluation of effectiveness of ECJ court cases in the field of marine and coastal protection

Regarding the legal questions and especially the effectiveness of the court cases, it was concluded that the European infringement procedures can be regarded as effective in terms of initiating and 'speeding up' developments, as in the case of Zakynthos. European infringement procedures can also be useful for correcting decisions on the national level, as was illustrated in the case of Lappel Bank. Additionally, it was stressed that within the infringement procedure of the Zakynthos case, the European Commission and the ECJ will only consider compliance with the requirements of the Habitat-Directive related to the protection of the *Caretta caretta* and its habitats. Therefore, regional or local conditions and difficulties, such as the problem of the compensation measures, will not be taken into consideration. It is the responsibility of the Greek government and the local authorities to find the right way to protect the habitat and the nesting grounds of the sea turtle. The European Commission is primarily interested in the issue of practical implementation. However, it was emphasised that although legislation plays an important role for enhancing nature conservation it has to be complemented by an effective administration with a well defined distribution of competencies. It was pointed out that in case of a penalty from the ECJ, the Greek government will be responsible for paying it.

8.2. Compensation measures and financial instruments for marine parks

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 and their upcoming authorities.

The importance of the court case of Zakynthos was emphasised specifically with regard to the issue of compensation measures for land in protected areas. The Greek Ministry for the Environment, Spatial Planning and Public Works is in this case responsible for defining a general national policy applicable not only to Zakynthos but also to the other twenty-five protected areas and their administrations to be established soon in Greece.

Regarding financial instruments for Zakynthos, additional ways of financing need to be identified and used. Apart from European funds, it is also important to develop financing sources through cooperation with the tourism industry.

The experiences of other Parks are valuable and should be considered and used widely. With the establishment of the marine Park, Zakynthos is unique as a tourist destination and should use its nature conservation profile for advertising in the international market.

8.3. Issue of time available and time needed for effectiveness of activities

While assessing the effectiveness of EU law application, the issue of time constraints is a crucial one. The ECJ court case of Zakynthos is very advanced and time is running out for solutions. Practical implementation of the agreed rules and the proposed measures is necessary very soon.

While the time allowed for compliance from a jurisdictional perspective (esp. the infringement procedures) is very limited, a much longer time is normally needed for park management bodies to show their effectiveness. It was characteristically mentioned that a park management body needs 10 years to function effectively and be successful on the ground. Strong time pressure for compliance with a pending legal case may hastily lead to the adoption of the wrong strategies.

8.4. Mediterranean networks for marine and coastal protection

Know-how exchange between Parks or protected areas in general was stressed as 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. Related to this, the enhanced use of eco-labelling was highlighted as important. It was concluded that the Marine Park of Zakynthos could play an important role in the network of the Mediterranean and Greek Marine Parks.

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 has become a symbol for the Mediterranean nature conservation.

8.5. Responsibilities of authorities on a national, regional and local level

The unclear distribution of responsibilities has led to various problems during the establishment of the National Marine Park of Zakynthos and the measures for the protection of the *Caretta caretta*. Three years after the establishment of the Park, responsibilities are now clearly allocated on a national, regional and local level. The aim is now to use this framework to build more effective cooperation between the Park and other actors involved. Moreover, human activities in the area of the Park have to be better monitored and the rules agreed have to be applied in a fair but strict way.

8.6. Cooperation and involvement

In coastal and marine protected areas, an enhanced co-operation and the involvement of stakeholders is very important. Local participation and the creation of a feeling of responsibility for the protected area is necessary for the long-term success of measures adopted. Social aspects are equally important as scientific ones in the management of marine parks and, therefore, time should be devoted to awareness-rising and educational activities.

It can be concluded that the conference was a great success, in political and substantive terms, also with respect to the social interaction and network-building among the participants. Direct contacts between the various actors coming from the European Commission, national and local administration of Greece, research institutes, NGOs, from national parks and other protected areas from the Mediterranean were established aiming to initiate or intensify future exchanges and co-operation regarding the compliance with European environmental legislation, the enhancement of sustainable management for protected areas as well as the improvement of their financial situation. Furthermore, the conference raised awareness for nature conservation policies at European and national level.