



Summary of the complaint against the Hellenic Republic filed by ClientEarth, WWF Greece and Greenpeace Greece with the European Commission, regarding general and persistent breaches of EU law in connection with offshore hydrocarbons exploration and exploitation activities

The complaint filed with the European Commission by ClientEarth, WWF Greece and Greenpeace Greece on 14 December 2023 regards general and persistent breaches of EU law by the Hellenic Republic in authorising hydrocarbons activities at sea.

The Hellenic Republic, in authorising such activities, is systematically in violation of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wildlife fauna and flora (the “**Habitats Directive**”), of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (the “**SEA Directive**”), as well as of other legal instruments, including Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC (the “**Offshore Directive**”).

These breaches are particularly relevant in connection with hydrocarbons exploration and exploitation programmes in offshore areas of Greece, where the Hellenic Republic allows their carrying out without having previously “*appropriately*” assessed their impacts on the environment and, especially, on the very sensitive marine biodiversity endemic to the many neighbouring Natura 2000 sites, as required under EU legislation.

It is important to note that the programmes are located in the Hellenic Trench, which represents a critical habitat and marine biodiversity hotspot of global ecological importance, as well as a core habitat for many endangered cetacean species. For these reasons, the Hellenic Trench and the adjacent Ionian Archipelago were also designated as Important Marine Mammal Areas (“**IMMAs**”) by the IUCN. The North Eastern Ionian Sea is also a candidate IMMA. In addition, the programmes are located in close proximity to several marine Natura 2000 sites, which host a plethora of species protected under the Habitats Directive, and notably sea turtles (*Caretta caretta* and *Chelonia mydas*), monk seals (*Monachus monachus*), bottlenose dolphins (*Tursiops truncatus*), as well as other marine mammal species, such as sperm whales (*Physeter macrocephalus*) and Cuvier’s beaked whales (*Ziphius cavirostris*).

Such programmes are likely to have significant impacts on marine biodiversity in the area. The impacts are connected to both the exploratory phase (seismic surveys) and to the production phase, with significant ones likely to propagate in the Natura 2000 sites located in their area of influence, with potential negative effects on the species for which these sites were designated, also in light of their broad mobility. Such impacts are widely disregarded, and in some cases ignored by Greek Authorities. Potential transboundary impacts are also likely to

derive from such activities, particularly in connection with underwater noise, pollution and possible oil spills. The same were not adequately considered as well.

The breaches raised in the complaint are of general and persistent nature, as they concern structural and systemic violations and deficient application of the cited legal instruments, which lead to a scenario of radical and generalised infringement in Greece of EU law requirements in authorising such activities at sea.

Several are the EU law obligations infringed by the Hellenic Republic in this regard. The following are the key violations for which the complainant organisations urge, *inter alia*, the start of an infringement procedure by the European Commission:

- The failure to identify, describe and assess, in the relevant Strategic Environmental Impact Assessment procedures, all likely effects on the environment connected to the implementation of the hydrocarbons exploration and exploitation programmes, as required under the SEA Directive.
- The failure, prior to the approval of the hydrocarbons exploration and exploitation programmes, to carry out an Appropriate Assessment of their impacts on Natura 2000 sites (also in a transboundary context), as required under the Habitats Directive, in combination with the SEA Directive.
- The failure, prior to the conduct of seismic surveys at sea, to carry out, at project level, an Appropriate Assessment of the implications of such activities on Natura 2000 sites, as required under the Habitats Directive.
- The failure, in connection with the approvals of hydrocarbons exploration and exploitation programmes at sea, to assess their impacts on strictly protected species present in the area in which the concession blocks are located and to consequently take the requisite measures to establish a system of strict protection, as required under the Habitats Directive.
- The failure to ensure effective public participation of the possible effects of seismic surveys on the environment, as required under the Offshore Directive.

The factual and legal arguments on which the above infringements are based are broadly detailed in the complaint. The factual arguments are also based on an independent scientific review of the documentation relating to the impact of proposed hydrocarbon-related activities on marine mammals and turtles in Greek seas, prepared by a non-profit scientific organisation.