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Commissioner for Environment
Oceans and Fisheries

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Ms Jutta Paulus
Member of the European Parliament
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Dear Ms Paulus,

Thank you for your email of 22 June 2021, in which you ask to be informed about the measures the Commission has taken following the launch of infringement procedure 2014/4073 concerning windfarm planning in Greece.

As you know, a Letter of Formal Notice (LFN) was sent to Greece on 11 July 2014 as the Commission considered that the Greek Special Framework for Physical Planning and Sustainable Development for Renewable Energy Resources (SFPPSD-RES) did not satisfy all the relevant requirements of Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment¹ and of Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora². The Commission also used an individual project (the DAMCO windfarm project in Evoia) to illustrate, at project level, the breach that originates from the planning level.

Since the sending of this LFN, the Commission discussed the case with the competent Greek authorities on several occasions and at various levels.

¹ OJ L 197, 21/07/2001, p. 30–37

² OJ L 206, 22.7.1992, p.7

Following the sending of the LFN the DAMCO project, in its original design, was abandoned.

Furthermore, the Commission was informed that a case had been brought before the Greek Council of State and that the Supreme Administrative Court of Greece ruled on 22 June 2016 (2306/2016) that the SFPPSD-RES satisfies the minimum requirements of Directive 2001/42/EC. In this context, I would like to emphasise that the national courts are the ordinary judges of the application of EU law and, in this context, are the first ones called upon to decide on all actions directed against improper implementation of EU legislation within their respective jurisdictions.

Despite the ruling of the Supreme Administrative Court of Greece, the Greek authorities agreed that the SFPPSD-RES needs to be updated and have initiated the process. The new Plan will, before being formally adopted, be subject to an environmental assessment (in accordance with Directive 2001/42/EC) and to an appropriate assessment of its impacts on all Natura 2000 sites in Greece (in accordance with Directive 92/43/EEC). The Commission will be kept informed by the Greek authorities.

In order for this update to be fully in line with the requirements of the EU environmental legislation, the Commission assisted the Greek authorities in the process. A joint seminar took place in Athens on 30 November – 1 December 2017. Actors coming from various areas (national and regional authorities, representatives from companies promoting windfarm projects, consultancies that are in charge of preparing Environmental Impact Assessment studies and appropriate assessments in Greece, NGOs, experts from other Member States etc.) were brought together in order to share information and expert knowledge on good practices, also from other countries (e.g. on selection of suitable locations for windfarm projects, on the importance of robust procedures for assessments, public consultation and decision making, etc.). The Commission indicated its availability should the Greek authorities need any further assistance.

Beyond the case of windfarm projects, the Commission nevertheless considers that there is a wider issue of inadequate assessment of the impacts of plans and projects on the Natura 2000 network in Greece. Following the adoption of the new Law 4685/2020 on 7 May 2020 the Commission received complaints pointing to the non-conformity of the Greek legal framework with the requirements of Article 6(3) of Directive 92/43/EEC (i.e. the obligation to carry out an appropriate assessment for all projects and plans that are likely to have a significant impact on a Natura 200 site and to authorise them only when such a significant impact can be excluded). On that basis, the Commission has opened a new EU Pilot file (2021/9806) and has requested clarifications from the Greek authorities. Should the replies demonstrate that the current Greek legal framework is not in line with EU legislation, the Commission will take any action that it deems necessary, including the possible launch of a new infringement procedure.

Yours sincerely,



Virginijus Sinkevičius