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European Commission

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Ref.: 21/094

SUBJECT: "Contribution to the consultation on the list of candidate Projects of Common Interest in electricity infrastructure concerning project named "Southern Aegean Interconnector" (TYNDP project number: 293)"

Dear Madam/Sir,

We, the undersigned 12 Environmental NGOs and the Citizens' Initiative for the Protection of Aegean Islets, are hereby taking part in the consultation on the list of candidate Projects of Common Interest, and our answer to the question *"In your opinion, is the proposed project significantly contributing to market integration / sustainability / security of supply and therefore needed from an EU energy policy perspective?"* concerning the project "Southern Aegean Interconnector" (TYNDP project number: 293) is **"NO"**, based on the following grounds and arguments:

The proposed project is **not environmentally sustainable** according to the Regulation (EU) 2020/852 since it **significantly harms the protection and restoration of biodiversity and**

ecosystems, as the project is detrimental to the conservation status of habitats and species, including those of Union interest. (Article 17 (1) (f) / Regulation (EU) No. 2020/852). It is recalled that each environmental objective of the Regulation (Article 9) should avoid significant harm to any of the other environmental objectives set out therein (Article 3 (b)). This is in order to prevent investments qualifying as environmentally sustainable in cases where the economic activities benefitting from those investments cause harm to the natural environment to an extent that outweighs their contribution to an environmental objective (see recital 34 of the Regulation).

The proposed investment, albeit proclaiming to serve the environmental objective of climate change mitigation (Article 10(1)(a) of the Regulation), is in fact detrimental to the conservation status of habitats and species of EU interest (Articles 15 and 17(1)(f) of the Regulation), and, furthermore, runs contrary to EU legislation which provides for specific obligations prior to authorizing a project which is likely to have significant effects on a Natura 2000 site. More specifically, on the harm to the conservation status of habitats and species and the violation of EU law:

According to the technical screening criteria for determining the conditions under which an economic activity of type “4.3. Electricity generation from wind power” causes no significant harm to any of the other environmental objectives¹, an Environmental Impact Assessment (EIA) or screening needs to be completed, for activities within the Union, in accordance with Directive 2011/92/EU. Where an EIA has been carried out, the required mitigation and compensation measures for protecting the environment are determined and implemented. Furthermore, for sites/operations located in or near biodiversity-sensitive areas (including the Natura 2000 network of protected areas, UNESCO World Heritage sites and Key Biodiversity Areas, as well as other protected areas), an appropriate assessment (hereinafter, “AA”) in accordance with Directives 2009/147/EC and 92/43/EEC, where applicable, should be conducted and, based on its conclusions, the necessary mitigation measures should be implemented. Those measures have been designed to ensure that the project, plan, or activity will not have any significant detrimental effects on the conservation objectives and the integrity of the protected area. Nonetheless, under Article 6(3) of Directive 92/43/EEC, where a project is likely to have a significant effect on the site, it should be rejected.

Please note that Greece has been recently condemned (C-849/19) by the Court of Justice of the EU (CJEU) because of its failure to protect biodiversity adequately. While Greece has designated Special Areas of Conservation to protect natural habitats and species included in the Natura 2000 network, **it has failed to establish the necessary conservation objectives and measures corresponding to the ecological requirements of the natural habitat types and of the species present in all these sites.**

Furthermore, the European Commission has decided to open a new EU Pilot file (EUP(2021)9806) since the Commission services having analysed the Greek legal order, lately modified by Law 4685/20, have concluded that it is not in full conformity with EU legal requirements. More specifically, **the current legal framework does not fully and adequately**

¹ Ref. Ares (2020)6979284 - 20/11/2020 https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12302-Climate-change-mitigation-and-adaptation-taxonomy#ISC_WORKFLOW

transpose all the obligations contained in Article 6(3) of Directive 92/43/EEC. The Commission services have raised several points: the absence of the screening stage, **the improper use of compensation measures in the framework of the appropriate assessment procedure**, the lack of fulfillment of the obligations under Article 6(3) when a presidential decree or a ministerial decision has not been adopted yet etc.

Taking the above into account, we would like to draw your attention to the following:

- The proposed project, as discussed at length in point 1 below, is not licensed by the Member State and its EIA (which includes the AA study) has been rejected by the competent authority, the Directorate of Environmental Management and Biodiversity of the Hellenic Ministry of the Environment and Energy.
- Having no established conservation objectives, any environmental assessment for this project is insufficient in addressing its impact on the habitats and species concerned.
- In terms of site management, the Ministry of Environment and Energy has allocated EUR 17.5 million to develop special environmental studies, at a national scale targeting all Natura 2000 sites, and draft presidential decrees and management plans to ensure adequate protection of the Natura 2000 network by 2022. When this project is complete, it is more than certain that **the South Aegean Islets will be identified as areas of absolute nature protection.**

In the same vein, we would like to inform you, that the Hellenic Ornithological Society (HOS)/BirdLife Greece has provided substantial documentation during the public consultation stage which strongly supports the rejection of the project. More specifically, besides highlighting the critical ecological value of the islets and their extremely high vulnerability to human activities, HOS has documented that the Special Ecological Assessment Study, an integral part of the EIA (which is supposed to correspond to the AA) is inadequate since it has failed to address properly, among others, the following critical elements:

- It was carried out without focusing on the conservation objectives of the sites on the basis of habitats/species for which they have been designated, since such objectives have yet to be defined in Greece, as mentioned above.
- It was not based on the best available scientific data and knowledge. More specifically, it did not include complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt that the project will not affect the integrity of the sites.
- Although the EIA identifies at first that the project could have significant impacts on the habitats/species and the integrity of the site, on the basis of implementing inadequate mitigation measures, it finally concludes that the effects of the project will be of low impact.
- It did not consider the cumulative impacts.
- It did not properly justify the rejection of the zero alternative.
- The Special Ecological Assessment Study was conducted following an inadequate field survey with insufficient field data. According to the Special Ecological Assessment the

researchers visited several islets on the same day and therefore spent only a few hours on each islet at a time.

In addition, the Hellenic Ornithological Society/BirdLife Greece has also stressed that the construction and operation of wind farms on these islets, as well as the constant human presence related to these, will directly threaten all protected species inhabiting the islets with collision, displacement and habitat loss. Specifically: more than 650 pairs of Eleonora's Falcon in 12 islets (over 4.5% of the global population), 120-160 pairs of Audouin's Gulls in 6-8 islets (over 28% of the Greek population), hundreds (probably over 1,000s) of pairs of Scopoli's and Yelkouan Shearwaters in at least 5 islets, many tens of pairs of Mediterranean Shag in 10 islets, and at least one pair of Bonelli's Eagle.

Scientific Societies (Ecological, Herpetological, Zoological and Botanical) and University professors have also opposed the project. Furthermore, in November 2019, in a joint letter to the Prime Minister of Greece and the Ministry of Environment and Energy, 13 environmental NGOs and Scientific Societies called for the cancellation of this catastrophic windfarm development plan which would irreversibly destroy the protected islets.

The small remote islets of the Aegean, also known to the scientific community as the "Galapagos of the Mediterranean", are one of Europe's last intact natural refuges functioning as a unique natural "laboratory" of evolution in terms of insular speciation. Their isolation and the absence of human activities render them invaluable safe havens for entire rare bird colonies, endemic fauna and flora, as well as unique insular habitats. Due to their high ecological value, all these 23 islets, on which wind farms are to be built, have been identified as Important Bird Areas (IBAs) and consequently also designated as Special Protection Areas for Birds (7 SPAs) and Special Areas of Conservation (SACs) for habitats and species (5 SACs), within the Natura 2000 network. Please bear in mind that **on these islets even scientific research is allowed only under strict conditions**.

It should be pointed out that **the whole project is planned to be constructed within the core of protected areas**. The proposed project exhibits "originality" in that it ignores the main feature/criterion for which these islets are protected: the absence of human activities. All over the world, such islands are strictly protected and the only activity allowed is scientific research (and this with many precautions so that researchers cause minimum disturbance and leave as soon as possible - especially at night, when it is extremely important not to use lights).

If this project goes forward, Greece, Europe and the whole world will lose a unique ecosystem, considered one of the last authentic "evolutionary workshops", where ecosystems and species still function under natural processes.

1) The proposed project has not been authorized by the competent authority but has been rejected instead as unsustainable

Based on its EIA report, the project **has been rejected by the Directorate of Environmental Management and Biodiversity of the Hellenic Ministry of the Environment and Energy**

(MEEN) as detrimental to the conservation status of habitats and species². The Directorate rejected the project because it concluded that: *“The investment under examination, if implemented, is likely to deteriorate permanently and irreversibly the undisturbed island environment, irreversibly destroying the protected ecosystems and displacing bird species, removing the protection status and the reasons for including these areas in the Natura 2000 network.”*. Furthermore, *“the potential impact of the project is evaluated as significant and detrimental to islet ecosystems and more generally on the integrity of Natura 2000 sites. Our service concluded that a detrimental impact on protected bird species and habitat types cannot be ruled out, nor is there much certainty that the foreseen intervention will not affect the area in terms of its integrity and that it will not lead to the permanent displacement of bird species from the islets.”*. Therefore, the proposed project is **not environmentally sustainable** according to the Regulation (EU) 2020/852 since it **significantly harms the protection and restoration of biodiversity and ecosystems, as the project is detrimental to the conservation status of habitats and species, including those of Union interest.**

Furthermore, the EIA carried out on behalf of the project proponent has been **rejected by both Management Bodies of the Protected Areas of Cyclades and Dodecanese**³ as detrimental to islet ecosystems and generally to the integrity of Natura 2000 sites. It is worth noting that the Management Body of the Protected Areas of Cyclades⁴ concluded that the proposed project *“is really a sacrilege, an action that undermines the value of our country in the context of the natural heritage of the whole of Europe and obviously cannot be in any way compatible with the existence of the Natura 2000 network.”* The Management Body noted that *“It can be considered unique at a European level that a development project is so emphatically in contradiction to European legislation on nature protection, i.e. the Birds (2009/147/EC) and Habitats (92/43/EEC) Directives, as well as the core logic of the Natura 2000 network.”* and concluded that *“the only possible Alternative to the problem presented is the ‘do-nothing’ scenario”*.

Even in the hypothetical scenario that the Administration changes its position on the issue and ultimately decides to authorize the project, this will be done in violation of Article 6(3) of Directive 92/43/EEC, as it has been consistently interpreted by the case-law of the CJEU. According to the CJEU, the competent national authorities can authorize an activity on a protected site only if they have ascertained – meaning that there is no reasonable scientific doubt – that the activity concerned will not adversely affect the integrity of that site. In the case of the project in question, there is ample scientific evidence that the integrity of the site will be affected and, therefore, in any case, the project cannot be authorized.

² https://files.ornithologiki.gr/docs/nisides/Gnomateysi_YPEN_ASPHE_14_nisides.pdf

³ https://drive.google.com/file/d/1DrBXmr3AYL31PjXHti3awCh7cHkss_R8/view?usp=sharing

⁴ <https://drive.google.com/file/d/1eshYBQ4VsxiBTjH7GkQJsAjly0LZFEQR/view?usp=sharing>

2) The proposed project has been rejected as not environmentally sustainable even by the Environmental Impact Assessment report submitted by the project promoter

The proposed RES plant project (23 islands – 138 wind turbines – 582 MW)⁵ has been evaluated by the project promoter in the context of an EIA report commissioned to Enveco S.A.⁶. The report evaluated the environmental impact of three (3) alternative solutions and concluded that the above solution (named “alternative solution X2”) **has very significant impacts on the environment during construction and/or operation phase**. Based on this assessment, the project promoter decided to exclude some islets due to very significant impacts on the environment and reduce the total number of wind turbines installed on some other islets, in an attempt to mitigate the significant environmental impacts that emerged during the assessment.

Thus, in the preferred Alternative solution (14 islets instead of 23), 9 islets that were initially examined were not included, since -according to the EIA report submitted by the project promoter - their inclusion had very significant impacts on the environment, and major adjustments were made to the project design on 4 other islets. The major adjustments involved reducing the number of wind turbines to be installed, in an effort to mitigate the very important effects on the environment and especially on bird fauna. In addition, on another islet, the accompanying works were relocated in order to reduce the significant effects caused by the occupation of a protected habitat type (*EIA report*, p. 7-19).

The aforementioned, allegedly more environment-friendly Alternative (14 islets – 106 wind turbines – 486 MW) according to the EIA report submitted by the project promoter, has already been rejected by the Directorate of Environmental Management and Biodiversity of MEEN as having “*significant and detrimental impacts to the islet ecosystems and more generally on the integrity of Natura 2000 sites*”. In the above context, **it is worth noting that the project promoter has proposed for inclusion in the candidate list of the 5th Projects of Common Interest an Alternative solution (23 islands – 138 wind turbines – 582 MW) rejected due to very significant impacts on the environment not only by Greek authorities, but even by the EIA report conducted by the project promoters themselves.**

3) The islands acting as the main energy hub of the whole project (Levitha and Kinaros) are not uninhabited, as the project promoter claims

The island Levitha, where the main conversion station will be built acting as a hub for the whole project, connecting the island via an HVDC link to both the metropolitan area of Athens and the island of Crete, **as well as the nearby island Kinaros, are not uninhabited, as the project promoter claims. The permanent habitation of the two islands is undisputedly proven by a multitude of official documents**⁷, as well as visits of high-ranking Greek officials to the inhabitants of the islands, with the most notable being the **recent visit of the President of the Hellenic Republic, Katerina Sakellariopoulou, to the island of Kinaros, where she met**

⁵ <https://eunice-group.com/projects/aegean-project/>

⁶ EIA study: <https://drive.google.com/file/d/1u08U37OPiQxewSI791szMmbYnG5eazZO/view?usp=sharing>

⁷ <https://diavgeia.gov.gr/doc/%CE%92%CE%99%CE%9A%CE%9D%CE%99%CE%94%CE%9E-%CE%99%CE%99%CE%A6?inline=true>

with its only inhabitant, Eirini Katsotourhi⁸. The claims of the project promoter are based on the fact that the permanent inhabitants of these islands were erroneously not enumerated and recorded -for the first time in recent history- by the 2011 population Census, since the personnel responsible for conducting the Census did not visit the aforementioned islands. This discrepancy will be corrected in the upcoming 2021 Census, which will be conducted during the second half of 2021. The enumeration of the inhabitants in the upcoming Census will significantly reduce the total number of wind turbines allowed to be installed on the two islands, making the current project proposal invalid.

4) The Hellenic National Defence General Staff (HNDGS) has rejected the installation of wind turbines on 7 of the 14 islands included in the EIA study conducted by the project promoter

The HNDGS has rejected the installation of wind turbines on 7 of the 14 islands included in the EIA report conducted by the project promoter due to national security reasons, as well as navigation safety issues, making the current project proposal invalid.⁹

5) The proposed project's contribution to security of supply (indicator B6) has not been assessed by ENTSO-E, therefore it cannot be concluded if it contributes significantly to security of supply from an EU energy policy perspective

In the TYNDP detailed project sheet¹⁰ (including project description and outcomes of the Cost-Benefit Analysis) **indicator B6 concerning security of supply has not been assessed by ENTSO-E** neither for 2025 (scenario National Trends 2025), nor for 2030 (three scenarios: National Trends, Distributed Energy and Global Ambition), **therefore it cannot be concluded if the project contributes significantly or not to security of supply from an EU energy policy perspective.**

6) The proposed project is redundant from the security of supply and EU energy policy perspective due to other, overlapping interconnection projects expected to be completed shortly

All projects aiming to improve the cross border inter-connectivity between Greece and Africa or the Middle East are routed through the island of Crete. The interconnection of Crete with mainland Greece, where major consumption centers and storage sites are located, is already under way by the Greek Independent Power Transmission Operator S.A. (IPTO). The 150 kV AC 2x200 MVA interconnection between the island of Crete and eastern Peloponnese peninsula will be completed within 2021¹¹, **while the large interconnection of Crete with mainland Greece (Attica), comprising of a bipolar 500 kV HVDC link with a rated capacity of**

⁸ <https://www.ekathimerini.com/news/260610/president-visits-sole-inhabitant-of-kinaros/>

⁹ <https://drive.google.com/file/d/1iGjxOGGkd3wadU7EAm2PoERyaYge4sp/view?usp=sharing>

¹⁰ <https://tyndp2020-project-platform.azurewebsites.net/projectsheets/transmission/293>

¹¹ <https://www.admie.gr/en/erga/erga-diasyndeseis/diasyndesi-tis-kritis-me-tin-peloponniso>

1000 MW, is expected to be completed within 2023¹², making the proposed Southern Aegean Interconnector transmission project totally redundant.

7) The proposed project is not cost-efficient

The inefficiency of the proposed project is evident by the total route length needed for the interconnection of Crete, which serves as the main access point for all cross-border interconnections, and mainland Greece. The interconnection expected to be completed by the Greek IPTO within 2023 has a total length of 335 km. Contrary, the proposed project requires a total route of 495 km for the interconnection of Crete to the Greek mainland via the Levitha converter station (245 km for the Lavrio - Levitha and 250 km for Levitha - Crete offshore DC transmission cable)¹³. Therefore the proposed solution will require an almost **50% longer transmission cable than the solution already being implemented by the Greek IPTO for the same interconnection.**

CONCLUSION

All in all, the proposed project does not constitute an environmentally sustainable economic activity under Regulation 2020/852, given that it significantly harms the objective of protection and restoration of biodiversity and ecosystems (Article 3b) and also fails to contribute substantially to the environmental objective of climate change mitigation (Article 3a) (see above, under points 5-7). Furthermore, the proposed project runs contrary to EU legislation and especially Directives 92/43/EEC and 2009/147/EC.

Signed by:

ANIMA

ARCHELON

ARCTUROS

CALLISTO

CITIZENS' INITIATIVE FOR THE PROTECTION OF AEGEAN ISLETS

ELLINIKI ETAIRIA - SOCIETY FOR THE ENVIRONMENT & CULTURAL HERITAGE

GREENPEACE

HELLENIC ORNITHOLOGICAL SOCIETY/BIRDLIFE GREECE

HELLENIC SOCIETY FOR THE PROTECTION OF NATURE

MEDASSET/MEDITERRANEAN ASSOCIATION TO SAVE THE SEA TURTLES

MOM/HELLENIC SOCIETY FOR THE STUDY AND PROTECTION OF THE MONK SEAL

SOCIETY FOR THE PROTECTION OF PRESPA

WWF HELLAS

¹² <https://www.admie.gr/en/erga/erga-diasyndeseis/diasyndesi-tis-kritis-me-tin-attiki>

¹³ <https://tyndp2020-project-platform.azurewebsites.net/projectsheets/transmission/293>