



Press and Information

Court of Justice of the European Union
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Judgment in Case C-504/14
Commission v Greece

The Court finds that Greece has failed to fulfil its obligation to protect the sea turtle *Caretta caretta* in the Bay of Kyparissia

The turtle *Caretta caretta* (also known as the loggerhead turtle) is a sea turtle which, on average, is 90 cm long and weighs 135 kg and which is found, amongst other places, in the Mediterranean Sea. A particular feature of this turtle is that it only lays eggs every two to three years, during the period from May to August. The turtle leaves the sea at night and moves towards the driest area of the beach where it digs a hole of between 40 and 60 centimetres in which it lays an average of 120 eggs. Two months later the eggs hatch and the young turtles then emerge from the sand and head towards the sea. They are vulnerable and a large number of them die.

An EU Directive¹ requires the Member States to contribute to ensuring bio-diversity through the conservation of wild fauna. In this context the Member States must take all the measures necessary to establish a system of strict protection for certain animal species. The turtle *Caretta caretta* is recognised by that directive as an animal species of Community interest which is in need of strict protection and whose conservation requires the designation of special areas of conservation. In 2006 the Dunes of Kyparissia ('Thines Kyparissias (Neochori-Kyparissia)') were among the sites which the Commission placed on the list of sites of Community importance, in particular because the area is one in which the *Caretta caretta* turtle is present.

In 2011 the Commission complained that Greece had not complied with its obligation to protect the *Caretta caretta* turtle in the Bay of Kyparissia. Since it was not satisfied by Greece's response, the Commission decided to bring an action against Greece before the Court of Justice for failure to fulfil obligations. This is not the first time that the Commission has brought such an action in connection with the protection of *Caretta caretta*. In 2002² and 2014³ the Court thus found that Greece had failed to fulfil its obligations in this regard. Unlike the cases in 2002 and 2014, which concerned one of the Ionian Islands (Zakynthos), the present case relates to the Bay of Kyparissia, which is in Messinia in the Peloponnese region.

In today's judgment, the Court largely upholds the Commission's action and finds that Greece has failed to fulfil its obligation to protect the *Caretta caretta* turtle in the Bay of Kyparissia. In particular, the Court considers that certain infrastructure (for example, building projects and residential construction) and its subsequent use are liable to have a significant effect on the habitats in the Kyparissia area. Similarly, the construction and use of such infrastructure, particularly because of the noise, light and human presence entailed, are likely — as are 'wild' camping and the operation of bars — to significantly disturb the *Caretta caretta* sea turtle during breeding. In addition, unregulated car parking and the asphaltting of certain tracks cause damage to the turtles' dune habitats, exacerbating noise and light and disturbing them during egg laying and at the time the

¹Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7) as modified by Council Directive 2006/105/EC of 20 November 2006 (OJ 2006, L363, p.386).

²Case: [C-103/00](#) Commission v Greece, see also Press Release No [8/02](#): 'Greece has failed to adopt an effective system of protection for the sea turtle *Caretta caretta* on Zakynthos'.

³Case: [C-600/12](#) Commission v Greece, see also Press Release No [104/14](#): 'By not prohibiting the uncontrolled management of a landfill site in the National Marine Park of Zakynthos (Zante), Greece has infringed EU environmental legislation'.

young turtles hatch. In addition, the Court finds that light from restaurants, hotels and shops located around the Kyparissia area also disturbs the turtles.

The Court further states that the finding of such infringements gives reason to suppose that a comprehensive and coherent preventive legislative framework was lacking in the Kyparissia area during the period of the pre-litigation procedure conducted by the Commission. The supposition that the national legislative framework was incomplete is confirmed by the fact that Greece adopted certain legal acts after the procedure initiated by the Commission. Finally, the Court notes that those responsible for the disturbance associated with the building projects at least accepted the possibility of the *Caretta caretta* turtle being disturbed during its breeding period; the disturbance was thus deliberate and prohibited by EU law.

NOTE: An action for failure to fulfil obligations directed against a Member State which has failed to comply with its obligations under European Union law may be brought by the Commission or by another Member State. If the Court of Justice finds that there has been a failure to fulfil obligations, the Member State concerned must comply with the Court's judgment without delay.

Where the Commission considers that the Member State has not complied with the judgment, it may bring a further action seeking financial penalties. However, if measures transposing a directive have not been notified to the Commission, the Court of Justice can, on a proposal from the Commission, impose penalties at the stage of the initial judgment.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Holly Gallagher ☎ (+352) 4303 3355