

Adopted resolution

The protection of the Greek forests

A process of amendment of the Greek national Constitution is currently being undertaken under the initiative of the Government of Greece. The provisions under review include article 24 and 117 regarding constitutional protection of the environment and forest areas, as well as article 100 regulating the control of constitutionality of national legal acts.

In their current form:

- Articles 24 and 117 protect forest areas from urban development, in view of the intense relevant pressure aggravated by the absence of forest inventories and the extensive possibilities of diffuse building development in the country. The review proposal submitted would abrogate this protection and at the same time would also set limits to the invocation of evidence on the forest character of each particular area. Estimations about the land to be stripped of its current constitutional protection vary from 3,5 to 5 million acres (about one quarter of the total national space). A similar attempt to amend the same article – in order to serve short-term political interests - had also taken place in the period 2000-2001, but failed due to the reaction of civil society in Greece.
- Article 100 establishes the right and obligation of every Greek court to check the constitutionality of legal acts. In this context a body of well-documented jurisprudence has been developed by the supreme administrative court of the country (Council of State) concerning issues of sustainability, based on the interpretation of the national Constitution and European and international law. At the international level, EU and OECD have commended this case law as a pioneering and innovative contribution to sustainability law. A study by Michael Decleris (ex-vice president of the Greek Council of State) detailing the guidelines of this jurisprudence, was officially published by the European Commission, with an enthusiastic foreword by Jacques Santer calling it “a valuable tool beyond Greek borders”. Within Greece, on the other hand, powerful political lobbies have described it as “extreme” and annoying, claiming that it unduly limits their legislative jurisdiction. With the proposed review, the authority to check the constitutionality of legislation would be taken away from courts, such as the Council of State, in favour of a new Constitutional Court, which is expected to be less stringent .

Authority to review a national constitution undoubtedly lies within the domestic political and legal jurisdiction of the respective member state. On the other hand, even national constitutional procedures are limited by commitments undertaken in the framework of the Community *acquis*. In this context, the Commission is asked:

- The European Greens call upon the Greek government to
- Strengthen the protection of forests and NATURA 2000 sites in Greece.
 - Protect the independence of Justice in Greece and the right of citizens to address to courts defending the environment.