

THE PROTECTION AND MANAGEMENT OF COASTAL AREAS IN GREECE. EVALUATION OF RECENT LEGAL FRAMEWORK (L. 5092/2024)

DOI: 10.26341/issn.2241-4010-2025-9a-4-K02105

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Abstract

The protection and management of the coast and beach as public goods derives directly from article 24 par. 1 of Greek Constitution. The State is obliged to protect the natural environment, part of which is the coasts and beaches, which belong to the public property (article 967 of the Civil Code). Also, the State should take particularly preventive or statutory measures to preserve the vulnerable ecosystem of coastal areas, to protect their natural beauty and, at the same time, to ensure their public character in a beneficial manner.

After two decades of the implementation of the previous legal framework (L. 2971/2001) regarding the protection of coastal areas, the legislator deemed it necessary to reform it completely. The main goal is to achieve a more integrated and effective framework for the protection and management of coastal environment in Greece. Thus, L. 5092/2024 was enacted in March 2024.

The main objects of the new institutional framework is to ensure, on the one hand, the free access for all citizens to the beaches with the greatest possible assurance of their common character in combination with the protection of the natural environment, and, on the other hand, to allow their exploitation by the State to strengthen the national economy with more transparent and accelerated procedures.

The new Law regulates the conditions and restrictions that can be applied to the coasts and beaches included in the network «Natura 2000» protected areas and introduce the term «trackerless beaches». Also, it establishes a transparent digital procedure for the leasing of beaches, flexible digital tools (drones and satellites) for effective controls, stricter rules and penalties for their management.

In the present article, an attempt is made for a first evaluation for the new rules which were established recently, in combination with the policies and practises that have been applied until the recent revision with L. 5092/2024.

Key words: *coastal areas, public good, management, protection, revision, legal framework, evaluation, policies*

Introduction

The protection and management of the seashore and the beach² as public goods, derives directly from article 24 par. 1 of Greek Constitution³. According to the interpretation of the article, the State is obliged to protect and safeguard the natural environment, part of which is the seashore and the beach, and furthermore, it has the obligation to take special preventive or repressive measures within the framework of the principle of sustainability for their protection. These measures are necessary to preserve the fragile ecosystem of the coasts and protect their natural beauty. At the same time, the measures ensure their public character⁴, because, as it emerges from the above article of the Constitution, unhindered access and enjoyment by all citizens is a right that should be protected. Also, their protection in every beneficial way serves the public interest.

The main legislation that regulated the issues of the protection of coastal ecosystems and included provisions for the definition of the seashore and the beach and the permitted uses of them, was the Compulsory Law (A.L.) 2344/1940 (Government Gazette FEK A 154). The law was applied for sixty (60) years and regulated with its provisions issues and problems that arose only along the coastline towards the land area, that is, at the point where the sea meets the land. With this institutional framework, there was no comprehensive framework for the overall planning and management of the coastal zones. According to Kokosis, X, Beriatis, H., (2016:7) «The practical result of its application, for over half a century, was the demarcation (topographic demarcation) of the seashore on only 12% of the Greek coastline». The above law was repealed in 2001 by Law L.2971/2001 (Government Gazette FEK A 285). The philosophy of this institutional framework has also failed to address the important issues of coastal zones management as a whole. However, it set a more integrated framework for the

² Papapetropoulos, A. (2009) "SPATIAL PLANNING OF THE COAST AND THE BEACH. THEORETICAL AND LEGAL APPROACHES (June 2009)", LAW AND NATURE, nomosphysis.org.gr at <https://nomosphysis.org.gr/11749/o-xorotaksikos-sxediasmos-tou-aigialou-kai-tis-paralias-theoritikes-kai-nomologiakes-proseggiseis-iounios-2009/>: Our country with a coastline length of 15,000 kilometers has the largest ratio of coastline length per square kilometer of land in the world, after Norway. The coasts, therefore, as well as the seashore and the beach, constitute an extremely important national resource and an important comparative national advantage at EU level.

³ Decision of the Council of State (S.T.E.) 2370/2023: "As it is consistently accepted, with the provisions of Article 24 of the Constitution, the natural and cultural environment have been reduced to independently protected goods. Coastal ecosystems are an essential part of the natural environment, and indeed vulnerable, which, according to the settled case-law of the Court, must, within the meaning of the abovementioned constitutional requirement, be subject to a special regime of mild management and development, in accordance with the constitutionally enshrined principle of sustainable development. This status is usually the subject of a special law, in any case, however, the coasts are directly subject to the protection imposed by Article 24 of the Constitution

⁴ The coasts and beaches are public (except for transactions) and for public use. Their main purpose, as public use, is "the free and unhindered access of the public to them, as well as the communication of the land with the sea, lake or river". In accordance with the provisions of Article 967 of the Civil Code (CC) and Articles 1 and 5 of the Compulsory Law (Law 2344/1940) and Article 2 of Law 2971/2001, the seashore and the beach are included in the common property, which are intended for the direct service of a public purpose, and their management is an exercise of public power.

seashore and the beach, for the process of delimitation of coastal zones, for the ownership and permitted activities on the seashore and on the beach. Law 2971/2001 was amended in some of its provisions, in part, by various pieces of legislation (Law 4281/2014, 4321/2015, 4607/2019, 4676/2020, 4787/2021). After two decades of implementation of the above law, it was necessary to reform the institutional framework for a more integrated and effective framework for the protection and management of the coastal natural environment. This because the new legal framework had to be adapted and comprehensively solve the problems caused to the seashore and the beach by the great environmental and man-made pressures, the major natural disasters due to climate change and also, it was necessary to rationalize and prudently manage the exploitation of the natural wealth of the seashore and the beaches of the country by the intense tourist activities. At the same time, to contribute economically to the national economy and to adapt to European standards and global data for the management of the coastal areas.

The new institutional framework (L. 5092/2024 Government Gazette FEK A 33), repealed most of the provisions of the previous law (2001). It includes provisions that ensure the free access of citizens to the seashores and the beaches enhance their public character and protect them as sensitive ecosystems. Also, provisions set for their simple use by the State in order to strengthen the national economy with transparent and expedited procedures.

The reforms of the new law concern the redefinition of the concepts of the seashore and the beach, define the terms and restrictions to be applied for seashores and beaches that are included in the "Natura 2000" protection areas and introduce the term «trackerless beaches». It also introduces a transparent digital procedure for the lease and economic exploitation of beaches and stricter rules for their management. Furthermore, the framework of penalties becomes stricter when the law is violated by the offenders. New, flexible digital tools (drones and satellites) are being introduced to make them more efficient.

In this article, an attempt is made to study and record the new provisions of the L.5092/2024 and demonstrate the spirit of the new institutional framework compared to what the previous institutional framework provided. Also, a first assessment is made, in relation to its policies and applications.

The public character of the seashore and the beach according to the long-standing legislation in force

The public character of the seashore and the beach has already been determined by the basic institutional framework of Law 2344/1940 (FEK A 154). It was a post-war law and the first to describe that the seashore is a public good, belongs to the State, which manages it.⁵ The concept of the public character of the seashore and the beach and its acquisition by the State of the above law was maintained with the force of the Civil Code and the latter includes in its provisions the elements of public use and the public acquisition and management of the seashore and the beach until today.

The provision of Article 966 of the Civil Code⁶ stipulates that things outside the transaction are common to all and are intended to serve public needs (public, municipal, community, religious). These needs serve the general interest of the population. As goods

⁵Compulsory Law 2344/1940 (FEK A 154): "The seashore, i.e. the land zone surrounding the sea, which is wet from the largest but usual waves rises, is common property, belongs as such to the State and is protected and managed by it".

⁶According to Article 966 of the Civil Code: "Things other than transactions are those common to all, those common and those intended to serve public, municipal, community or religious needs".

(things) outside the transaction, they are not the subject of real relations and their exploitation is subject to restrictions.

The provision of Article 967 of the Civil Code⁷ provides that seashores are public things that can be natural or artificial and are available for free access and use by an indefinite number of people. These public spaces are used freely, unhindered, with accessibility. In this way, a public law relationship is created between the citizen and the State and the citizen's relationship with the common use of the seashore and the beach with their public character. Article 968 of the Civil Code⁸ public property belongs to the state and only when it is defined by law can they belong to a Municipality, a Community, a private individual. In the above sense, the use of the seashore and the beach may be public for the citizens, but the latter can't be the owners in terms of ownership. This because the seashore and the beach belong to the public property of the State which includes things that serve purely public purposes. Any right in rem of the citizen to them (seashore and beach) will be determined only by a special law. Thus, according to Article 971 of the Civil Code,⁹ things outside the transaction, such as the seashore and the beach, lose their public character only when they cease to serve public purposes. Also, as public property, they are not subject to special rules to determine their public character. No special administrative Act is required. Seashores and beaches are included in the public property of the State.

In the urban planning legislation of Law 1337/1983 (Government Gazzete FEK A 33), which is the first integrated legal framework for the urban planning organization for the cities, there is a special reference to its provisions for the seashore and the beach.

Thus, Article 23 of the law refers to a variety of regulations that protect the coasts and consequently the seashore and the beach from building within them and from their land development and use by the owners who own real estate near the coast. The construction of buildings within the seashore and the beach is not allowed and if such buildings are constructed are demolished. Also, in areas that there is no approved urban plan or in cities or settlements that have been anointed before the year of 1923 and within a zone 500 meters wide from the shores of the sea (or from the shores of public lakes), fencing is not allowed and demolished as arbitrary. Only in exceptional cases can fencing be allowed and if a presidential decree is issued with terms and conditions. Furthermore, the right granted by the basic Compulsory Law (L. 2344/1940) to the owners to erect villas for private use and to construct kiosks, or to install tents on the seashore, was prohibited. It was also defined that the beach zone starts from the fixed boundary of the seashore to the land. In cases where the seashore cannot, due to the nature of the continuous land, serve the rules of urban planning of an area to be built, it can be widened and built from the adjacent land after a width of 50 meters and not 20 meters as was the case in basic Law 2344/1940.

The construction on the seashore and on the beach and the cancellation of their communal character was the subject of appeals by the owners of properties they owned near or next to or on the coast. These issues were decided by the Supreme Court of the Council of State (STE), which with numbers of decisions examined the cases in accordance with the provisions of Article 24 of the Constitution for the protection of the natural environment, and,

⁷ According to Article 967 of the Civil Code: "Things of common use are in particular waters with free and perpetual flow, roads, squares, seas, ports and bays, banks of navigable rivers, large lakes and their banks".

⁸ According to Article 968 of the Civil Code: "Public utilities, if they do not belong to a municipality or a community, or the law does not stipulate otherwise, belong to the State".

⁹ According to Article 971 of the Civil Code: "Things outside the transaction shall cease to have this status from the moment they cease to be intended for common use or for public, municipal, community or religious purposes".

consequently, the coast, the seashore and the beach. The Supreme Court (STE) applied the principle of proportionality and the condition of compliance with urban planning legislation on the way that a real estate can be built in coastal areas, in conjunction with Article 17 of the Constitution, which protects the right to property. In any case, it was decided that the State should take care of the organization and the operation, recording, management, supervision and control of the coasts and that there should be an integrated planning system for the coastal area of the country.

The institutional framework for the seashore and the beach from Law 2971/2001 to Law 5092/2024

As mentioned, Law 2971/2001 repealed the Law 2344/1990, systematically and comprehensively regulated the framework for the seashore and the beach. The concept of the seashore and the beach, the procedure by which the coastal zones are demarcated, the ownership and the permitted uses of the seashore, i.e., the process of granting the simple use for the exercise of activities within the seashore to serve the widest number of persons (tourist activities, public recreation) has been redefined.

Article 1 states that the seashore is the zone of land that is washed by the sea during the longest and usual waves of its waves. Also, the seashore is an essential element of the natural environment, which is protected by the State, which manages it, according to its nature and its communal character. Its meaning and content is the same as the basic Law 2944/1940.

In Article 2, the beach is the land zone that is added to the seashore to serve the communication of the land with the sea and vice versa, as well as for the preservation and protection of the coasts from erosion and the protection of the seashore in general. A newer addition was made with an amendment by article 23 par. 2 of Law 4607/2019 (Government Gazette FEK A 65), which determined the minimum and maximum width of the beach from the shoreline, which cannot be less than 30 meters and more than 50 meters from the line. There was also an exception by which the Determination Committee (provided for in article 3 of the law) could, after examining every parameter and with a reasoned judgment, determine a smaller width for the beach. Also, it is reiterated in the amendment that these are common things (goods) that belong to the State, according to the principles of sustainability and spatial planning. For the first time, this provision should draw up a list of the prices of the concession of the simple use of the seashore for economic activities in order to have a uniform policy on concessions throughout the country. Their shared use ensures the unhindered access of an indefinite number of people to the seashore and the beach. Also, the construction of buildings and structures on the seashore is prohibited. Exceptionally, only the execution of projects and the facilitation of access for persons with disabilities are allowed. Arbitrary buildings are demolished (article 27 of the law) and a demolition protocol and an administrative fine are issued by the Land Service. Also, in addition to the demolition protocol and the imposed administrative fine in case of violation of the provisions of the law on illegal construction, prison sentences of at least one year are also provided.

The seashore and the beach are mapped in accordance with the provisions of articles 3 and 4 of the law, through administrative procedures through the Mapping Committee. This is the Committee, which is constituted by decision of the Minister of Finance and consists of members of the public administration (head of the Land Service, engineer of the Land Service, the competent Port Authority, the director of the Urban Planning Directorate, etc.). The elements that the Commission takes into account in determining the boundary line of the seashore are, in addition to the orthophotomaps (technical maps), the geomorphology of the soil, the natural boundary of the vegetation, the boundaries and type of coastal natural resources, the findings from the assessment of the meteorological data of the area, the

morphology of the seabed, the sector of wave development in relation to the coastal front, the existence of technical works in the area, which legally exist, any approved spatial planning directions and land uses affecting the coastal zone, the existence of public lands of any category that are in the immediate vicinity of the coastal zone, any existing Land Registry and the existence of vulnerable ecosystems and protected areas. The inspection also requires an autopsy in the determination area. The drawing is done *ex officio* either by the Determination Committee, or after an application submitted by each interested party.

Also particularly important are the regulations for the definition of the old seashore in a coastal area, when it results from movement coastline to the sea and which is due to natural silts or legal technical works. It is determined by the new shoreline and the boundary of the previously existing shoreline (Article 6 of the Law). The Commission determines the old location of the seashore that existed until the year 1884, if there are occupations by private individuals, but also before, if there are no such occupations, provided that the location of the old seashore results from indications on the ground or other evidence, with the exception of witness testimony. It also seeks and takes into account all the elements required for the exact delimitation of the old seashore which it cites in its report, in particular natural indications (such as sandy, marshy or swampy areas contiguous of the seashore), aerial photographs, maps and geological studies of various years.

The Commission also defines the beach zone and draws the boundary line in yellow, either on its own initiative or at the request of the interested party (Article 6). The rights in rem of private individuals over the properties of the beach are expropriated due to public benefit on the condition of compensation. Legal entities under public law (N.P.D.D.) grant to the State their rights in rem over real estate located on the beach without compensation. An exception exists for hotels, organized tourist camps (camping) and complex tourist accommodations which can apply for the expropriation of the part of the beach zone, located in front of and along the property of the hotel accommodation and pay the entire compensation provided for by them, without the obligation of the relevant Municipality or the State to compensate the owner. In addition, under Article 10, where individuals assert ownership rights over land designated by the Commission as belonging to the seashore, those rights are to be regarded as necessarily expropriated in favour of the State in order to be included in the seashore. Compensation is determined in accordance with the legislation applicable to forced expropriations.

Its redefinition of the seashore, the beach and the old seashore, can be done when the boundary line has been incorrectly defined, or when the boundary line has been changed due to natural or technical works. The procedure is carried out either *ex officio* or upon request of each interested party to the competent Land Service. All documents proving the error of the initial demarcation of the boundary line (Article 7) are required.

Article 13, as amended by subsequent provisions of law and before 2024, regulates the issues of the simple concession of the seashore and the beach. Simple use is that by which they are not intended as common things and there is no alteration in their physical morphology and their biotic elements. The concession is made for a fee; the concession of the simple use is made for the purposes of leisure of the public on the beach and for related activities. The law mentions the placement and rental of umbrellas, marine recreation, umbrella seats and a canteen. The area of each concession may not exceed five hundred (500) square meters and must remain a free area of the seashore at least fifty percent (50%) of its total area, depending on the quality characteristics of the seashore. The space does not include spaces that are inaccessible and cannot be used. In neighboring businesses, businesses located towards the seashore and the beach can be made a simple concession without an auction, for a period of up to three (3) years. The limitation of the area of each concession for the simple use of the seashore, beach, of five hundred (500) meters does not apply to concessions adjacent to

the public area of hotels, organized tourist camps (camping) and complex tourist accommodations that operate legally. Each business should leave a free zone of at least two (2) meters from the boundaries of the other. If the façade of the business is less than six (6) meters, the free zone is reduced by fifty percent (50%) at its limits.

In addition, special cases of simple concession of use for financial consideration are provided and the Placement in the sea, without intervention on the coast, of floating platforms with a surface area of up to one hundred and fifty (150) square meters for seasonal use up to nine (9) months each year, for cultural purposes and for recreational purposes. It is forbidden to use the platforms for the installation and operation of restaurants or leisure centers.

Concessions, except in the cases of neighboring businesses, are made through an auction which can also be electronic. These can be done by decision of the Minister of Finance and a reasoned opinion of the Municipality. Furthermore, a direct concession of use can be made by a joint ministerial decision of the Minister of Finance and Foreign Affairs, when a concession is made to Municipalities. And the Municipalities can grant the use of the seashore and the beach by auction and financial consideration.

The coasts and beaches that belong to the European Ecological Network "Natura 2000" are not completely excluded from the concession process. A special protection regime is provided and the concession of their simple use is allowed, provided that only 30% of the concessional space can be covered with umbrella seats.

The new regulations of Law 5092/2024 "Terms of Use of Public Property in Coastal Areas and Other Provisions" – Similarities and Differences with the Previous Legal Framework

The new provisions of the law were enacted in order to modernize the institutional framework for the management of the country's coastal areas, based on the public interest and the most advantageous use of the coasts. The new law is more coherent and simplified than the previous law. It includes innovative regulations in terms of transparency and the acceleration of the procedures for the concession of the simple use of the seashore and the beach for the enhancement of the economy, new digital technologies for the delimitation and control of violations, prohibits the concession for economic exploitation of beaches belonging to the European Network "NATURA 2000" and introduces the term "untouched beaches", stipulates that these should be recorded in a national list and urbanizes the fines for violators of the legislation. At the same time, it maintains and restores older provisions regarding the private possession of the old seashore.

The concepts of seashore, beach and old seashore still remain the same with some variations. According to Article 2, the seashore is defined as the zone land "washed by the sea during the longest and usual waves The seashore is an essential element of the natural environment, protected by the State, which manages it, according to its nature and its communal character.". The beach has the same meaning and purpose as the previous law. Thus, a beach is defined: "The land zone, continuous towards the coast, which is defined for the purpose of preserving and protecting the coasts from erosion and to serve the communication of the land with the sea and vice versa, which may not extend more than fifty (50) meters from the boundary line of the seashore". The only difference is that the provision for the minimum width of 30 meters is abolished. The old seashore is: "The land zone, which results from the displacement of the coastline towards the sea, is due to natural causes (natural silts) or legal technical works and is determined by the new coastline and the boundary of the previously existing coastline». The definition remains the same as the pre-existing institutional framework.

In Article 4, a new classification is introduced in the protection of coasts and beaches located in areas within the European network "NATURA 2000". Innovation is also introduced for the first time in the concept of the "untouched beach". These are coasts and beaches of high protection which are of special aesthetic, geomorphological or ecological value. On trackerless beaches, the concession of simple use is prohibited, as well as any other action that may endanger their morphology and their integrity in terms of their ecological functions. 238 untouched beaches have already been recorded and included in the lists. In contrast to the previous regime of Law 2971/2001 which allowed the concession of their use provided that the objectives of conservation and protection of these beaches are not affected, in these areas (untouched beaches) which were included in the European network "NATURA 2000", the concession of simple use is absolutely prohibited, in contrast to the previous regime of Law 2971/2001.

As far as their ownership status is concerned (article 6), the seashore and the beach remain in the ownership of the State and are public property. They are protected and managed by the Land Service. Especially the coasts and beaches that have been characterized as tourist public estates in accordance with the provisions of the current legislation are managed by the Public Real Estate Company S.A. (E.A.D. S.A.).

The differentiation focuses on the ownership status of the old seashore, which reverts to the previous regime of Law 2971/2001, according to which, the old seashore belongs to the private property of the State. That is, the provision that the old seashore belongs to the property of the state is abolished, i.e., the provision that amended in 2019 (article 24 of Law 4607/2019) the private acquisition of the state by law and which was in force in recent years and reverts to the previous legal status. Thus, with this restoration and in accordance with what is in force in the Civil Code and Article 966, the old seashore is not considered a "thing outside the transaction". Therefore, it can be economically exploited and become the subject of private transactions. Its management is under the control of the Public Private Property Development Fund S.A. (T.A.I.P.E.D.) and the Public Real Estate Company S.A. Therefore, in this sense, their public character is negated and contradicts the requirements of the Constitution of Article 24 for their protection and management by the State and the assurance of their public character, accessible to all citizens. However, if a private property is inserted between the seashore and a public road, the owner is obliged to provide free entry to anyone who requests access to the seashore and the beach. An exception to the transfer of the old seashore to the private property of the State exists only in those cases in which the areas of the old seashore bordering on untouched beaches belong to public property and are public property, ineligible for private rights (Article 5).

The procedure for determining the boundaries of the seashore, the beach and the old seashore is deleted in the provisions of Article 5 (par. 1 to 9), applying the same procedure in cases of redefinition of these sections due to an error or if the boundary line is changed due to lawful technical works or natural causes. The new law, maintains the criteria taken into account for the delimitation of the seashore and the beach and adopts the same indicative enumeration as the previous law (soil geomorphology, vegetation, waves, bottom morphology, etc.). However, a regulation is introduced that the alignment of the beach line cannot exceed the building line in traditional settlements, in settlements before 1923 and in settlements with a population of less than 2,000 inhabitants where there is no approved street plan. It is also provided that where there is a city plan; the boundary line cannot exceed the approved street line. For the definition and redefinition of the old seashore, the law preserves the evidence and scientific indications such as the indications on the ground or the natural indications (sandy, marshy or marshy character of the contiguous areas of the seashore), geological studies, diagrams, aerial photographs, autopsy. The time limit of the year 1884 for the characterization

and marking of the old seashore is deleted. Instead of this year, it is planned to issue a presidential decree that will determine the entire process of defining the old seashore.

The procedure and restrictions on the concession of the simple use of the seashore and the beach are provided for in Articles 8 to 14. The competent bodies for the concession are the Real Estate Service and the Public Real Estate Company S.A. The difference is that there is no longer provision for the concession by the State to Municipalities, in order for them to proceed with a concession, as was the case with the previous legal regime of Law 2971/2001. The provisions of the concession of simple use refer to the recreation of the public and the service of citizens for leisure activities on the seashore and on the beach, however, there is no indicative enumeration as in the previous Law 2971/2001. The auctions are electronic and are held by the Land Service until March 31 of each year after bidding through the electronic "Register of Concession Contracts for the Simple Use of the Seashore and the Beach". This simplifies the process; there is speed and greater transparency in all procedures.

According to Article 8, concessionaires have an obligation to ensure safe and free passage for all and to install special platforms for access for persons with disabilities. In order to ensure the vertical and parallel passage of the public to the sea and to keep the 4-meter zone free, the umbrella seats can be developed by businesses up to 60% of the area of the concession area or 30% if it is protected seashore. They will also have to post a sign in a prominent place so that the public has access to all the details of the concession, in accordance with the MyCoast digital complaints system, in which citizens can file a complaint for violation of the terms of the concession and the legislation. Also, they should ensure the existence of a lifeguard in case the Municipality has not placed. The costs incurred by the concessionaires for the installation of the special platforms and the lifeguard's remuneration are offset against the concession fee.

Article 9 provides the limitations and conditions for the concession of simple use. Thus, the maximum area of each concession is 500 sq.m. and cannot occupy more than 50% of the area or the length of the front of the discrete section. Between the sections of the seashore and the beach that are allowed to be granted, there is a distance of 6 m., regardless of the time or the procedure. The total number of coastal and beach sections granted in accordance with par. 1 and in accordance with Article 11 it shall not cover more than fifty percent (50%) of the area or length of the front of the distinct section. Seashore and beach are not granted for simple use after a bidding auction when its length or width is less than four (4) meters or when the total area of the seashore is less than one hundred and fifty (150) square meters. The restrictions also apply to concessions of simple use to neighboring businesses or associations. In the event that there are consecutive neighboring businesses, the free zone of 6 m width between their boundaries is observed. The area of the concession space may be reduced by half, so that at least 50% of the area or length of the front of the discrete section is left free. Also, when the business is less than 6 meters long, then the width of the free zone is reduced to 50%.

Article 15 provides the technological tool that monitors the compliance of concessionaires with the terms of the contract. It is about the information system "Register of Concession Contracts for the Simple Use of the Seashore and Beach" which identifies the illegal and arbitrary occupations of the seashores and beaches in relation to the sections that have been granted for simple use, in order for public bodies to be informed, either after a complaint by citizens, or automatically. The system keeps the data (descriptive and geospatial) regarding auctions, concessions for the simple use of coastal and beach sections, complaints and autopsies, as well as geospatially determined photographic material that is used to carry out controls.

Public complaints are provided for in Article 16 and shall be made by electronic means in particular by using a "QR code" on software that is freely available and can be installed on

computers, tablets, mobile phones and other corresponding devices of the interested parties. The software is interconnected with the electronic platform "Register of Concession Contracts for the Simple Use of the Seashore and the Beach" and concerns the diagram of the part of the seashore and the beach that is granted. The "QR code" corresponding to each concession for simple use is posted on the website of the Ministry of National Economy and Finance and on the website of the Municipality. It is also mandatory to be depicted on the seashore or beach signage and on the website of the Ministry of National Economy and Finance.

Checks for violations are carried out by the Land Service, the Municipalities, which quickly transmit their findings and reports to the Land Service, the tax authorities, the Financial Police and the Ministry of National Economy and Finance. The Greek police authorities and the public prosecutor's offices are responsible for criminal offences (Article 17).

Administrative penalties are particularly severe (Article 19) and administrative fines are determined by a mathematical formula and depending on the type of violation. The fine for obstructing the free access of the public to the sea, the seashore and the beach, range from a fine from two thousand (2,000) euros to sixty thousand (60,000) euros. The fine for obstructing the audit work of any body, a fine of ten thousand (10,000) euros. Failure to post the sign for the type of concession results in the imposition of a fine of one thousand (1,000) euros on violators. The software provides the ability to immediately send a complaint by anyone who notices an arbitrary occupation of the seashore and beach or an exceedance of the concession. Criminal sanctions (Article 20) carry a one-year prison sentence and a fine to anyone who makes any change on the seashore or beach without or in excess of it or with a permit issued illegally, regardless of damage or damage. Furthermore, if the change causes significant ecological, environmental or geomorphological disturbance or damage, it is punishable by a prison sentence of at least two (2) years and a fine.

Conclusions

As can be seen from the review of the older legislation and the current legislation for the protection of coastal areas, it seems that the new institutional framework modernizes the system of management of coastal areas.

The new law is comprehensive in its provisions and places particular emphasis on the simplification of the procedures for the simple concession of the use of seashores and beaches, through the electronic auction process, which enhances transparency and speed.

The digitalization of the control tools for any arbitrary violation and illegal occupation of the seashores and beaches and its interconnection with the central public administration, simplifies all the lengthy procedures required for the imposition of administrative and criminal sanctions and for the collection of revenues from concessions. In this sense, the objective of the law to strengthen the economy in a beneficial way for everyone involved in the concession of the use of the seashore and the beach appears to be fulfilled. Severe fines and sanctions act as a preventive and repressive measure.

As far as the protection of coasts and beaches is concerned, their protection as sensitive ecosystems is strengthened with the institution of trackerless beaches, however, the framework is incomplete and needs improvements. The fact that the old seashore has returned to the private property of the state, this negates the constitutional requirement of Article 24 of the Constitution by which the seashores belong to its public property and therefore cannot be the subject of a private transaction and also negates their public character. Consequently, the unhindered access to the seashore and the beach by an indefinite number of people.

Also, the technological tools for carrying out automated and remote controls, through satellite images, drones and cameras, as well as the use of the "Register of Concession

Contracts for the Simple Use of the Seashore and the Beach", contribute decisively to the limitation of the phenomenon of arbitrariness of the seashore and to the protection of the environment. More integrated management is needed, taking into account an integrated spatial marine planning and management for the protection of coastal areas with emphasis on the ecosystem of beaches and coasts, their rapid delimitation and protection, in terms of resilience and in accordance with the natural and unexpected disasters brought about by the climate crisis.

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