

The Alignment of Greece with the Environmental Law of the European Union: Historical Development, Current Trends and Critical Implications with Regard to the Challenge of Intragenerational and Intergenerational Justice

Georgios A. Moutsinas* , Georgios Meletiadis, Zoi Patetsou, Dimitrios S. Prampromis, Konstantinos D. Patitsas, Sofoklis E. Dritsas

Department of Ichthyology and Aquatic Environment, School of Agricultural Sciences, & Department of Special Education, School of Humanities and Social Sciences, University of Thessaly, Volos, Greece

Email: *gemoutsi@uth.gr, gmeletiadis@uth.gr, zoipate@uth.gr, dprampromis@uth.gr, kpatitsas@windowslive.com, dritsas@uth.gr

How to cite this paper: Moutsinas, G. A., Meletiadis, G., Patetsou, Z., Prampromis, D. S., Patitsas, K. D., & Dritsas, S. E. (2022). The Alignment of Greece with the Environmental Law of the European Union: Historical Development, Current Trends and Critical Implications with Regard to the Challenge of Intragenerational and Intergenerational Justice. *Open Journal of Social Sciences*, 10, 476-501.

<https://doi.org/10.4236/jss.2022.102033>

Received: January 6, 2022

Accepted: February 25, 2022

Published: February 28, 2022

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Abstract

We are living in an age, where the connection between the concepts of “environment” and “justice” is disputed in terms of its very existence and practical application. At the same time, the force of environmental law is encountered in a variety of institutional organizations internationally, among which the European Union and its cohesive member states play a pivotal role, albeit with differences amid its Community partners. In the present paper, the compliance of Greek environmental law with the European one is studied in the light of intragenerational and intergenerational justice. Methodologically, a systematic review of 106 institutional documents and scientific bibliographic references was carried out, acquiescing in the instructions of the PRISMA Statement (Moher, Liberati, Tetzlaff, Altman, & The PRISMA Group, 2009; Page et al., 2021). The findings of the research showed both the prevalence of appropriate institutional mechanisms at Community and Greek domestic level, as well as the chronic shortcomings of Greece in relation to the unhindered implementation of the European environmental regulations. Consequently, the need to redefine Greek national policies so as to be characterized by an explicit ecological orientation and to update the investigated issue in the context of the current coronavirus pandemic emerges.

Keywords

Environmental Law, European Union, Greece, Intragenerational Justice, Intergenerational Justice

1. Introduction

In response to ever-increasing international environmental tensions, Environmental Law (EL) aims to the legal protection not only of the natural environment itself but also of its components from human activities, preventing or restoring ecological damage, bolstering up ecological balance and shielding public health (Law No. 1650/1986; Yang & Percival, 2009). The force of the abovementioned legal order indiscriminately covers members of the same generation of people along with individuals from distant generations, in conjunction with the axioms of intragenerational and intergenerational justice respectively (Sanwal, 2004; Rechtschaffen, Gauna, & O'Neill, 2009).

When embracing a sustainable philosophy, views are at odds on the stability, applicability and coherence of ecological justice (Pearce & Warford, 1993; Pearce, Barbier, & Markandya, 1994; Barry, 2004; Flogaiti, 2011). More specifically, the environmental gap either between the developed and developing countries of the world (Chatzikostantinou, 2004; Tegou, 2004) or amidst persons coming from advantageous and disadvantaged socio-economic and socio-cultural backgrounds within each state raises reservations about the fundamental establishment of intergenerational and intergenerational equality on the planet (Athanasiou, 2015). After all, for this reason, the rightful entitlement of environmental justice now enjoys lawful safeguards, enabling citizens to vigorously claim it by means of pluralistic, democratic processes (UN, 1998; Gartens-tein-Ross, 2003; Hayward, 2005; Feinberg, 2007).

The whole of EL includes international treaties, regulations and directives of the European Union (EU), together with national laws. Among these authoritative frameworks, community legislation has been described as particularly dynamic and influential, because it governs as a binding norm an extensive, multifarious and organized subset of countries across the globe, in contrast to other, singular states (Kelemen, 2010). In fact, amongst the countries of the world, the EU has already achieved the reduction of Green House Gas (GHG) emissions in its territory by 18% since 2012, compared to 1990 (European Environment Agency, 2010), as defined by its endorsement of the Kyoto Protocol (UN, 1997). This incidence is eminently crucial, insofar as each average annual aggravation in atmospheric microparticles by one microgram per cubic meter of air ($1 \mu\text{g}/\text{m}^3$) has been estimated to be intertwined with a 5% upsurge in pollution in an area, tantamount to an extra 294 SARS-CoV-2 (coronavirus) infections per 100,000 dwellers every year in the European city of Varese, Northern Italy (Veronesi, De Matteis, Calori, Pepe, & Ferrario, 2022).

Nevertheless, it has been argued that the environmental legislature of Greece, as an EU Member State (MS), is subject to inconsistencies between its legal basis and its corresponding exertion (Hedemann-Robinson, 2015), partly disregarding the requirements of civilians' intergenerational and intergenerational fairness (Venieris, 2013). Therefore, the purpose of the paper at hand is to proceed to a comparative examination of the Community and Greek domestic EL from the perspective of intragenerational and intergenerational justice.

In order to comprehensively outline the objective of the study, the following research question was formulated:

What is the concurrence of the legal order in Greece with the EU EL in terms of the intragenerational and intergenerational equitability of people?

2. Methods (Research Design) and Data Analysis

Methodologically, with a view to identify the sources reviewed in the present study, a systematic bibliographic search lasting approximately one calendar month (i.e., September 2021) was conducted, in an attempt to access its subjects by dint of a methodical, concise, transparent and reproducible approach (Gough, Olivier, & Thomas, 2017). A rich, expansive and eclectic secondary data collection technique was explored for this research (i.e., archival study) (Chandola & Booker, 2021), whereas ongoing inductive and interpretive narrative strategies were practiced to ponder the scholarly/documentary source corpus (Wiles, Crow, & Pain, 2011), perpending that reality is inveigled by the social milieu, being open to fluid manipulation (Azungah, 2018; Osman et al., 2018). In particular, the reviewed references were retrieved through the following 23 international databases: "Academic Search Complete", "EBSCOhost", "Education Research Complete", "Elsevier", "Emerald Insight", "Education Resources Information Center (ERIC)", "HeinOnline", "JSTOR", "MEDLine", "Oxford Public International Law (OPIL)", "Oxford Scholarship Online", "ProQuest", "American Psychological Association (APA) PsycINFO", "PubMed", "Routledge", "SAGE", "ScienceDirect", "Scopus", "Springer", "Taylor & Francis", "Web of Science", "Westlaw" and "Wiley", as well as via the "Google" and "Google Scholar" search engines. "Google Scholar" offered the opportunity to embark on a forward referencing path, approving the accurate discovery of compatible ancillary materials that had quoted the already originally pinpointed items in the search (Rader, Mann, Stansfield, Cooper, & Sampson, 2014).

There, the keywords of the sections and subsections of the paper in the Greek and the English language were typed and combined with each other in various ways. In addition, some phrases conceptually equivalent or similar to the main terms of the inquiry were utilized, seeking its widest possible scope. The search time length was chosen to start from March 25, 1957, erstwhile the EU [on that occasion, the European Economic Community (EEC)] was assembled (EEC Treaty, 1957), stopping at September 30, 2021, the day on which the ulterior bibliography was traced, comprising an interim of roughly 60 years (Booth, Sutton, Clowes, & Martyn-St James, 2021; Rethlefsen et al., 2021; Sarkis-Onofre, Ca-

talá-López, Aromataris, & Lockwood, 2021).

Specifically, the terms that were used were as follows: “περιβάλλον” (“environment”), “περιβαλλοντική πολιτική” (“environmental policy”), “περιβαλλοντικό δίκαιο/περιβαλλοντική νομοθεσία” (“environmental law/legislation”), “Ελλάδα” (“Greece”), “Ευρώπη/Ευρωπαϊκή Ένωση” (“Europe/European Union”), “ενδογενεακή δικαιοσύνη/ισότητα” (“intragenerational justice/equality”), “διαγενεακή δικαιοσύνη/ισότητα” (“intergenerational justice/equality”) and “κριτική προσέγγιση/θεώρηση” (“critical approach/perspective”).

Following this, the electronic search yielded a sum of 235 references dealing with the topic under investigation. The relevance of the content of the sources was then rigorously screened in regard to the issue of the audit and its linkage with the research question (according to certain preconditions, as explained below). In detail, the eligible resources had to deal with EL 1) in Greece and 2) in the EU on a case-by-case basis (institutional texts of international outlook were not excluded as unsuited, provided that they involved our country and the EU in their purport); 3) to deepen their analysis into intragenerational and intergenerational justice; and 4) to critically frame the last two concepts, with respect to ecological arguments (Jesson, Matheson, & Lacey, 2011; Dundar & Fleeman, 2017; Page et al., 2021).

The final body of citations collected consisted of a total of 57 institutional documents pertaining to Greek domestic, Community and international EL, 25 articles published in peer-reviewed scientific journals, four scientific books (monographies), 11 publications (chapters) in collective volumes, two essays in conference proceedings, one doctoral dissertation and six master’s theses. Furthermore, in pursuance of collating synthetically, inductively and critically the reviewed references on the subject of the paper, 27 scientific books in printed form were searched and studied.

The exact structure of the bibliographic material of the study is diagrammatically represented in **Figure 1**.

3. Empirical Results

3.1. Preface

The findings of the study hereunder are surmised to elucidate the intricate and multilateral collocations joining the Greek indigenous and the European EL peculiar to the diachronic refinement of their pertinent policies, their basal contingencies, and the conveniences and frictions of their usage.

3.2. Historical Backdrop of EL in the EU

In parallel with the international consciousness of environmental problems due to vitiation, depletion of natural capital and the contingent energy plight during the 1970s, the EU [at that moment, the EEC] became active in the political and legal protection of the environment, which was gradually shaped in the decades that followed (Doussi, 2001).

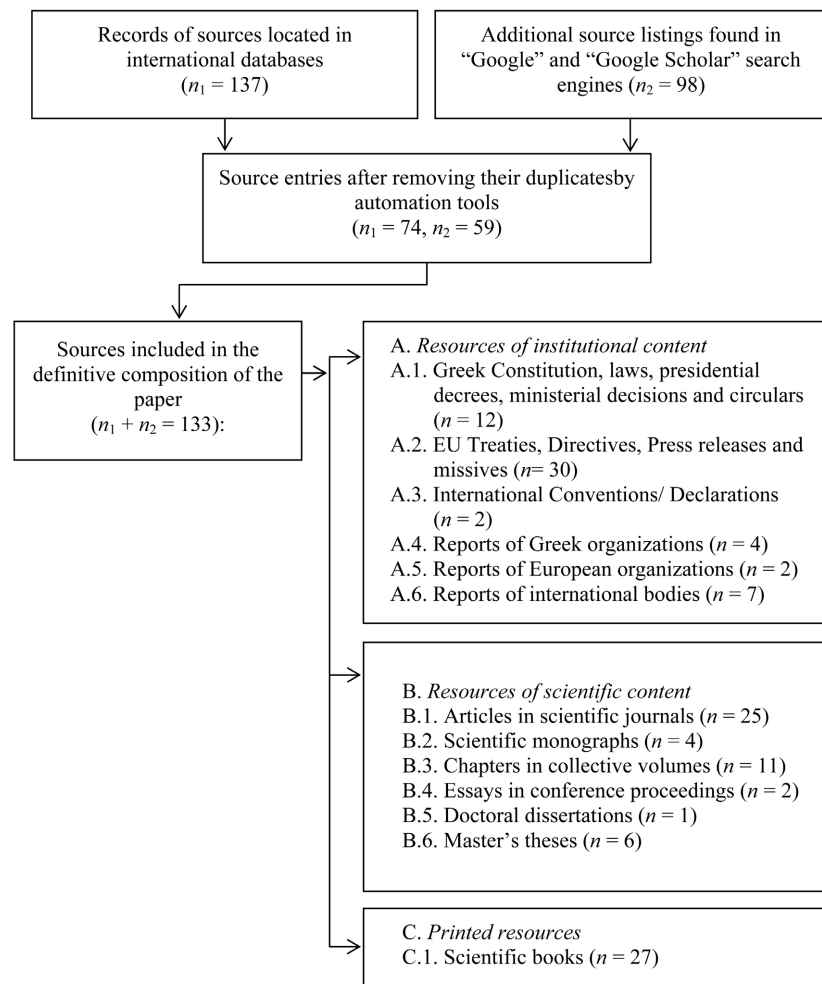


Figure 1. Flow chart expounding the detailed content of the primary bibliographic material (scientific and gray literature) for the scrutiny of Greek EL from the point of view of intragenerational and intergenerational justice [adapted from Moher, Liberati, Tetzlaff, Altman, and The PRISMA Group (2009)].

However, initially, the **Treaty of Rome of 1957** (founding document of the EEC) focalized on indemnifying the proper functioning of the common market, and the conservation of the environment was not established as an independent political goal (Tsantilis & Chatzimbiros, 2007). Subsequently, nonetheless, with **Single European Act of 1986**, the unambiguous necessity for the preservation of the environment was incorporated in the transcript of the above pact (Art. 130) (Papadimitriou, 2006).

3.2.1. Historical Background of Community Environmental Policy: From the Earliest Stages, to Institutional Maturation

Confirmedly, environmental policy in Europe was warranted at the **1972 Paris Summit**; there, environmental armor was determined by empowering the EEC MS to take environmental measures that would promote the quality of life and sustainability of the Community, no longer setting economic growth as an end in itself (Panagopoulos, 2004), given that the magnitude of ecological points in

question on product expenses adversely effected competition (Randos, 2007).

Equally, First “Environment Action Programme” (EAP) (1973) stressed the importance of anticipating any harmful ramifications from the exploitation of agrarian resources. Moreover, the contribution of evolving scientific knowledge in making sound environmental decisions was acknowledged, the function of environmental education toward raising ecological public awareness was accentuated and the “principle of subsidiarity” was introduced for the first time, providing for multilevel and concerted enterprises of environmental responsibility at national, regional and localized scale (Dimadama, 2008).

Since then (1977-2002), five more medium-term and interconnected EAPs have entered into force, directing coordinated movements by EU MS’ governments on, among others, air contamination, waste management, biotechnology and Environmental Impact Assessments (EIA). Those programs merged economic, social and environmental objectives, and through them the adoption of about 200 related legislative acts, regulations was launched (European Parliament, 2021).

The most novel, Sixth EAP (2003-2012), highlighted the tightening of environmental standards as an incentive to magnify economic competitiveness and entrepreneurship with a locus of attention on climate change, nature and biodiversity guardianship, and securing human wellness (Korres, Kotios, & Liargkostas, 2010). Withal, owing to the detection of unsustainable trajectories in the aforementioned utterly pressing purviews, the fulfilment deadline of the Sixth EAP has been extended from 2012 to 2020 (Decision No. 1386/2013/EU), updating the stipulation for a green economy that preserves its wholesome assets and eliminates population inequalities (Liagkas, 2015).

The ratification of the Maastricht Treaty (1992) constitutes a key point in European environmental policy; while preparing for the EEC’s transformation into an economic, political and monetary union, as was the case with this founding EU covenant, the input of environmental sustainability to the equitable economic and social accomplishments of the people by virtue of the diffusion and convergence of environmental policies in all fields of endeavor was formally inaugurated. Coherent cross-sectoral progress was intended to be prosecuted in accordance with the “principle of integration” (Art. 6) and in line with intragenerational justice, which advocates the equal concomitance of all human beings (Baumgärtner & Sievers-Glotzbach, 2012). Notably, in the interest of fortifying the Community ecological wealth (Pavlopoulou, 2007), this avowal catered to the institution of a Structural Cohesion Fund for the co-financing of projects directed at gentrifying the environment as an autonomous legal possession in Spain, Portugal, Ireland and Greece (Art. 130D) (Papadimitriou, 2006).

Ensuingly, the Amsterdam Treaty (1997) strengthened the fusion of environmental parameters into the designation and appliance of Community policies and practices, in contemplation of encouraging viable, noninflationary growth on a permanent footing (Art. 2). Sustainable Development (SD) was declared an indispensable precept, on the grounds that it was deemed the sole expedient so-

cio-economic model that guaranteed the continuous success of the internal market and ecological equilibrium (Doussi, 2016).

Later on, at the **Gothenburg European Council**, in 2001, a SD strategy was agreed with the spotlight on reversing tendencies that threatened potential prosperity; EU MS were called upon to consult and draw up national schemes attended to employment, economic advancement and social cohesiveness, enriching their initiatives with a clear environmental dimension. Chiefly, the priority axes for annual monitoring and evaluation by the Council were the halting of climatological degradation, the induction of nonpolluting transport, the addressing of public health risks and the prudent usage of natural resources. Actually, the EU was committed to mutually assist its trade and environmental policies with universal prospects (Koutoupa-Regkakou, 2008).

3.2.2. Future Orientations of EU Environmental Policy

Beginning in 2007, the EU's strategic occupation to cut down GHG emissions by at least 20% by 2020, in opposition to 1990, was set at the core of European energy policy; an action plan was primarily elaborated to tackle climatic change, decrease the EU's dependence on imported hydrocarbons, and bolster growth and work acquisition, thus putting up collateral for safe and cheap energy for consumers. Yet, the boost of competitive profits for Europe to the maximum degree and the limitation of probable expenditures were articulated as ultimatums (EC, 2007).

Apart from the ethical and tenable elements of this project (Rawls, 2001; Protopapadakis, 2013), its environmental focal point granted the EU a substantial medium for overcoming successive years of austerity posterior to an extensive financial distress (Giotti Papadaki, 2012). In the meantime, the unfolding aspirations of the spoken agenda are in consonance with the rise of an intergenerational isonomy of citizens, who ought to benefit both in the present and in the long run (Hiskes, 2005; Gosseries & Meyer 2009).

Until 2018, the percentage of GHG emissions in the EU diminished by 23.3%, compared to 1990 levels, indicating the realization of the preceding energy design (EC, 2018). Conversely, considering the Community estimations referring to the decline of pollutant emissions in the European continent by merely 30% up till 2030, the European Commission (EC) recently propounded raising the target to 55% by 2050, making allowances for a "climatically neutral" Europe; in an effort to curtail global warming by 1.5 degrees Celsius, zero carbon dioxide emissions are strived to be recorded in Europe, inter alia, with the help of investments in renewable energy and energy efficiency (EC, 2019b).

Adopting an analogous rationale, the **Sixth EAP** has been overlapped by the approval of the next, Seventh Program (2014-2020), where the pursuit of lessening GHG emissions has obtained a long-term capacity by 2050, with an emphasis on sustainable urban planning and international environmental synergy (Decision No. 1386/2013/EU; Endl & Berger, 2014).

Even more afresh, in 2021, the Eighth EAP (2021-2030) was entered into ne-

gotiation betwixt the EU parliamentary confederates, bringing to the fore the value of digital apparatus and provincial ambassadors in facilitating the exercise of environmental array of laws, and the correlation of environmental safety with the integrity of human health, as witnessed in the period of the outbreak of the coronavirus (COVID-19) pandemic (Council of the EU, 2019, 2021).

Table 1 recapitulates the evolution of EL and policy in the EU.

3.3. Basic Provisions of Community EL

3.3.1. EU Jurisdiction over Environmental Matters

EU authority for the environment derives from Articles 2, 6 and 174-176 of the

Table 1. Aggregated data apropos of the course of Community legislation and policy on the environment (Source: authors' processing).

Date	Institutional document/fact	Main content
1957	Treaty of Rome	Insurance of the smooth bargains in the common market. Environmental protection was not authenticated as a distinct political goal.
1986	Single European Act	Unequivocal wording of the urgency to shelter the environment.
1972	Paris Summit	Foundation of environmental security and delegation of leverage to the EEC MS geared toward commencing ecological settlements.
1973	First EAP	Prominence of the prevision of the repercussions from the capitalization on natural resources, appreciation of the gravity of scientific knowledge in environmental decision making, underlining of the duty of environmental education to enhance citizens' ecocentric responsiveness and prime introduction of the "principle of subsidiarity".
1992	Maastricht Treaty	Capturing of the contribution of environmental care to the impartial economic and social coalescence of individuals on the basis of the dissemination and junction of environmental policies throughout all spheres of action. Creation of a Cohesion Fund.
1997	Amsterdam Treaty	Amalgamation of environmental aspects in the demarcation and execution of Community policies and practices, looking forward to the uninterrupted acceleration of SD.
2001	SD stratagem by the Gothenburg European Council	Sectional diligences: the deceleration of climate deterioration, the sanctioning of nondefiling transportation, the tackling of public health hazards and the sensible handling of natural resources.
2007	EC action plan	EU's studious engagement in downsizing GHG emissions by at least 20% by 2020, in contradistinction to 1990.

EU Treaty (1992). Nowadays, on the one hand, Article 2 is reflected in Article 3 (par. 3) of the compendious version of that Treaty (EU, 2010), which dictates the formation of an interior Community market concentrated on the road to SD stemming from the criteria of economic and social durability and amelioration, a socially cognizant and antagonistic economy, full employability, and elevated defense and improvement of the environment, accompanied by scientific and technological flourishing. What is more, keeping in mind that the concept of the environment has social and cultural connotations, the EU fights prejudice against vulnerable population groups, cultivates intergenerational solidarity as a cosmopolitan human right and nurtures its cultural heritage (Karakostas, 2011; Siouti, 2018).

On the other hand, at the moment, the aforesaid Articles 6 and 174-176 are echoed in Articles 11 and 191-193 of the unified EU Treaty (EU, 2010). There, it is imperative that environmental safekeeping requisites be conglomerated into the delineation and effectuation of EU policies and activities categorically to stimulate SD (Art. 11). More precisely, Community environmental policy endeavors to propagate, forfend and optimize the excellency of the environment, to immunize human health, to harness natural resources wisely and lucidly, to precipitate international resolutions in the expectation of combating regional or global environmental hindrances and conspicuously to impede climatological distortion (ibid., Art. 191, para. 1) (Hans & Vedder, 2012).

Contemporaneous EU policy takes into account its available scientific and technical data, environmental restraints in its commonwealth, the amenities and burdens that might arise from ecological action or inaction, and the symmetric economic and social enlargement of the Union either as an ensemble or of its disparate zones (EU, 2010, Art. 191, para. 3; Kyritsaki, 2010). The last variable manifests the desirability for fair progression to delegates of the same generation of citizens (Achterberg, 2001).

3.3.2. The Central Principles That Govern the Union's Environmental Policy

EU environment policy in general elicits from the principles of precaution and preemptive action, remediation of ecological jeopardies with preeminence at source and the "polluter pays" principle (internalization of costs) (EU, 2010, Art. 191, para. 2). Also, the principle of SD stows every human intervention in a proportionately weighted position amid the current benefiting from natural supplies and the blossoming of ecosystems for the sake of upcoming generations, in direct association with the contrivance of intergenerational justice (Agius, 1998; Tremmel, 2009). Remarkably, it has been asserted that the existent generations of people serve both as trustees of the planet in honor of imminent generations and as beneficiaries of the outgoing ones (Brown-Weiss, 1984). On the contrary, the reciprocity of the cooperative affiliations of consecutive generations over time has been questioned in the name of the inherently permanent discrepancy of power amongst the living citizens of the present and the nonliv-

ing citizens of the past and the future (Barry, 1977, 1991; Macklin, 1981; Hiskes, 2009) coupled with the plausible randomness in the stewardship of the environment, instead of individuals' feelings of obligation or debt (Kumar, 2003; Thompson, 2009). Finally, the principle of citizen participation presupposes the two-way exchange of evidence betwixt civilians and the state, deeming the former to be immensely valid agents for controlling Community legitimacy (EU, 2010: p. 133).

In this context, to date, more than 400 regulatory Directives emanating from Community Law have been released from the EU to its MS, honing in a sizeable range of subjects, such as nature, air and water protection, noise pollution, refuse management, dispensation of environmental information and EIA rules (Roukounas, 2015).

3.3.3. Legal Instruments of Community Environmental Policy Making

From a judicial standpoint, the EU asseverates to adequately attain its environmental mission by enacting arrangements predominantly of a fiscal nature, and commandments that impinge upon spatial planning, the quantitative handling of water resources (or mandates that directly or indirectly affect the reserves of the assets at stake) and land uses (except waste manipulation), alongside statutes that obviously impress on the choice of energy sources by a EU MS and the overall configuration of its energy supply (EU, 2010, Art. 192, para. 2).

Although EU partitions are compelled to secure the sponsorship and implementation of Community environmental policy (EU, 2010, Art. 192, para. 4), if a legislative bill incurs a disproportionate budget before the federal sector of a MS, this edict may take the form of temporary derogations and/or pecuniary aid from the EU Cohesion Fund (ibid., Art. 192, para. 5). In closing, MS are permitted to maintain and appoint augmented shielding machinations, supplementary to the anterior ones (ibid., Art. 193; Kramer, 2011).

3.4. The Backlash of European Environmental Policy on Greek Politics: A Critical Appraisal

To start with, the accession of Greece to the EEC (1981) coincided with an era once the Community was on the lookout for compulsory palliatives meant for the predicaments of environmental preservation, prompting our country to reinforce its jurisprudence, repeal/transfigure its abiding proviso in harmonization with the Community and devise a commensurate administrative infrastructure for the discharge of the law (Karantzali, 2007).

3.4.1. Positive Features of the Interaction of Union EL with the Greek Domestic Legal Order

In the wake of the inauguration of the EU and the fastidious penetration of European environmental policy in Greece, its rudimentary germane law making was complemented with monetarist artifacts, for instance, taxes and fees (Directive 2004/35/CE; PD 148/2009), which have been proclaimed to engender more the accumulation of revenues and less the transmutation of persons' attitudes

(Carlsson & Johansson-Stenman, 2012).

Despite that, the enforcement of a scalable drinking water consumption fee in the Greek capital, Athens, has provoked its savings and carbon dioxide emissions have been moderated nationwide, among other things, thanks to the imposition of energy taxation on liters of gasoline (SEEI, 2019). In like manner, the affirmations of Greece apropos of its absolute detachment from lignite by 2028 and the initiation of a National Fund for Fair Transition to renewable energy sources have been interpreted as optimistic incidents in the country's energy policy (WWF Greece, 2019), whilst the assimilation into Greek law of *Community Directive 2019/904/EU* for the withdrawal of disposable plastic utensils manufactured from PolyVinyl Chloride (PVC) one year earlier than the allotted deadline (in 2021, rather than in 2022) (*Law No. 4736/2020*) is favorably evaluated. To boot, the latest draft of the first Greek climatic law has compiled a road map of national green transition, for example, supported by the ban on the installation of heating oil burners from 2030 and the mandatory registration solely of electric taxi vehicles in the two Greek megacities, Athens and Thessaloniki, from 2025 onwards (Chalkiopoulos, 2021; Ministry of Environment & Energy, 2021).

The prior mentioned steps could imply a civic intention to epitomize intergenerational environmental custody with lasting humanitarian merits for the eventual generations in the country, contrasted with the previous and up-to-date ones (Brown-Weiss, 1990a, 1990b; Dobson, 2004; Schuppert, 2011).

3.4.2. Institutional Weaknesses of the Coexistence of the Greek Reality with the EU Environmental Guidelines

Unfortunately, skepticism has been expressed anent the sometimes inefficient deployment of European inflows in Greece, as seems to have occurred in the second Community Support Framework (1994-1999), where miscellaneous technical studies received communitarian funding without being executed or a number of programs were infrequently brought about pending the disbursement of their grant and thereupon they were ceased (namely, the recycling program). Similarly, the Greek domestic EIA, which were set as a sine qua non for the financing of national projects by the EU, but were delivered on request by their instigators, have been controverted appertaining to their quality. The prevenient failings have been attributed to phenomena of unreliability, corruption and customer relationships in the superintendence of ventures at a decentralized, local facet (Koutalakis, 2011; Gatsounia, 2016). Today, these issues have conceivably been normalized, under the aegis of the visible posting of all the acts of the governmental and municipal directorial bodies of the country on the online software "Di@vgeia" (*Law No. 3861/2010*; Mougdi, 2020).

Apart from the formerly enunciated, notwithstanding the unceasing approbation of all Community Treaties by Greece (Pavlopoulou, 2007), the delay in the encompassing of the majority of the Union Directives in the domestic legal order (up to six years overdue) connotes a deficit of government policy weighti-

ness in the domain of the environment (Koutalakis, 2011). In spite of the fact that the Community has periodically disclosed warnings for Greece's recourse to the Court of Justice of the EU [CJEU, hitherto Court of Justice of the European Communities (CJEC)] or for shrinkage in its endowments, our country ranks 23rd when it comes to its conformity to European EL, in all 28 Community partners. Eloquently, in the same pecking order, Greece is classified in the 20th position concerning litter recycling, insisting on landfilling 95% of it, counter to the European average of 45%; hence, deteriorating soil contamination does not allow the country to adhere to an innovative "circular economy" paradigm, maximizing resource reuse and minimizing residual debris (EC, 2019a).

Withal, Greece is positioned last (28th) midst EU MS referring to intergenerational justice ensured, inter alia, by the agency of its policy on the sustainable manipulation of natural capital and environmental conservation (see Figure 2) (Schraad-Tischler, Schiller, Heller, & Siemer, 2017). With relevance to the antecedent determinant, our country is placed in the hindmost position amidst the 41 member countries of the Organisation for Economic Cooperation and Development (OECD), inclusive of the 28 EU partakers, demonstrating low propulsive movement throughout the interval of 2009-2019 (see Figure 3)

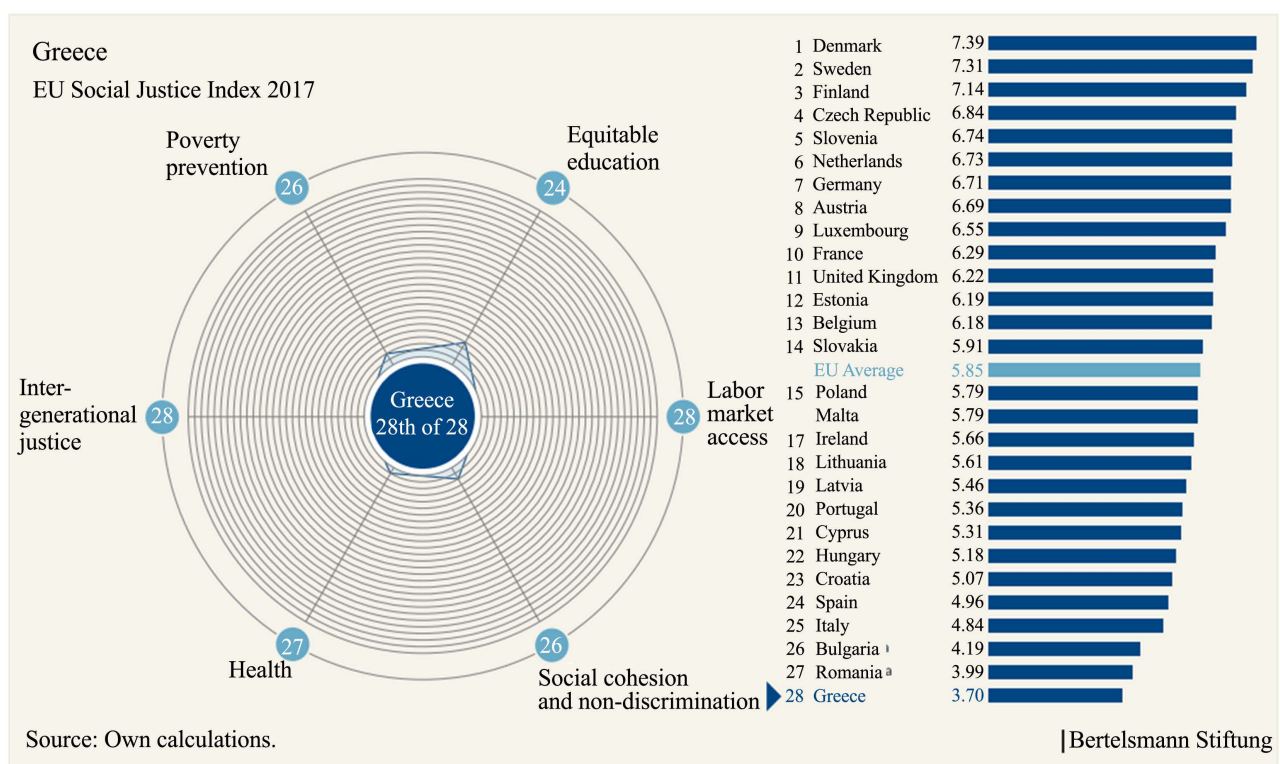


Figure 2. Greece's hierarchical placement for the year 2017 regarding the actualization of six properties (i.e., poverty obstruction, egalitarian education, admission to the labor market, social solidarity and antidiscrimination, health, and intergenerational justice), which mold the index (metric) of social justice spanning the EU MS [Source: Schraad-Tischler et al. (2017: p. 108)]. *Note.* The measurement of intergenerational justice is extrapolated from the weighting of family, pension and environmental policies, GHG emissions, renewable energy consumption, research and development expenditure, Gross Public Debt (GPD), and the ratio of the residents over the age of 65 to the working age citizenry in EU countries (Schraad-Tischler et al., 2017).

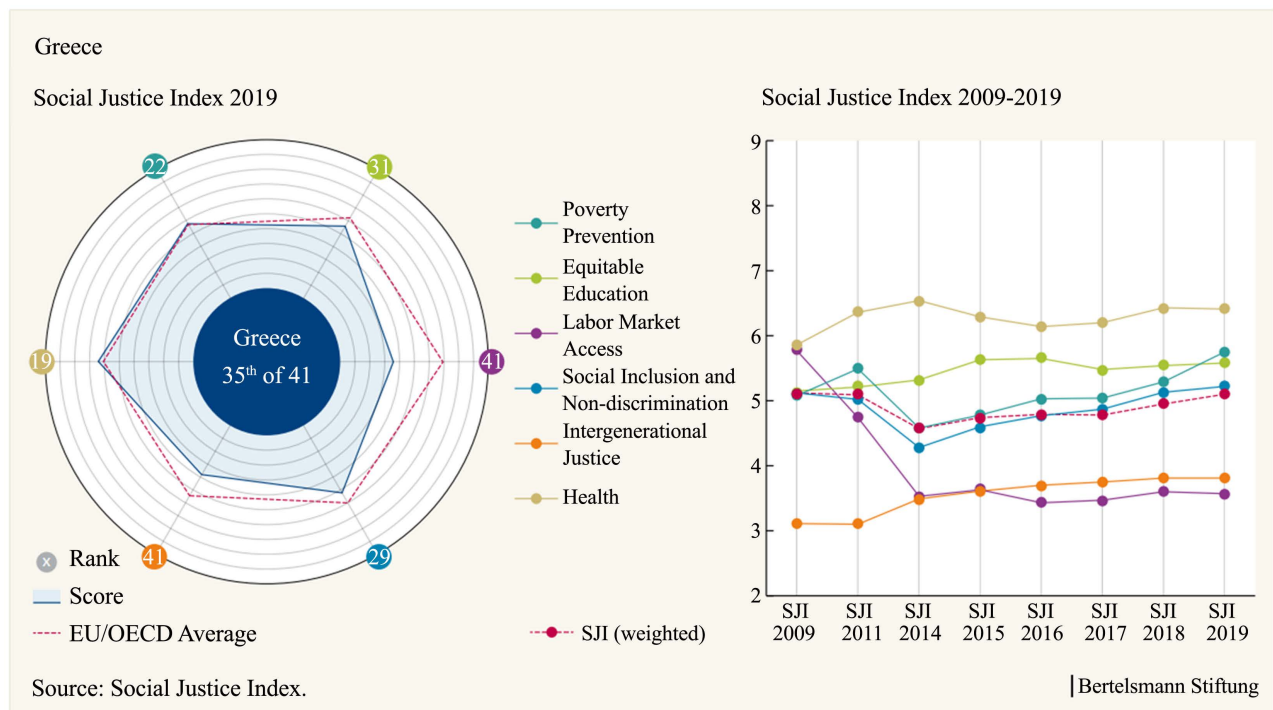


Figure 3. Ranking of Greece for the year 2019 speaking of the materialization of six constituents (like in **Figure 2**, with the omission of the hallmark “social alliance and meritocracy”, which has been revisited as “social affinity and unbiasedness”) that depict the index (touchstone) of social justice in the 41 OECD member countries, containing the 28 EU MS [Source: [Hellmann et al. \(2019: p. 161\)](#)]. *Note.* The sense of intergenerational justice surfaces from the accretive gaging of the factors tabulated in **Figure 2**, plus the per capita ecological and material footprint, the distinguishing touching on doctrinal and private research and development expenditure, and the GPD for each child (under 15 years old) in the 41 inspected nations ([Hellmann et al., 2019](#)).

([Hellmann, Schmidt, & Heller, 2019](#)). In congruence with the deductions in this case, the observance of the rule of law in Greece has been graded with 4 out of 7 for the year 2021, reporting a debilitation and stagnation of regulatory state powers and open government, in tandem with dishonesty of the civil mechanism targeted at defending cardinal human rights (including that of SD) and with a downward trend of 6.3% over the last five years ([TWJP, 2021](#)). Likewise, in 2021, the sustainable mentality of environmental policies in our country has scored 4.7 out of 10 within the 193 MS of the United Nations, displaying political party polarization and negligence in tempering climate change, harboring renewable water sources and fostering forest species diversity ([SGI, 2021](#); [Sotiropoulos et al., 2021](#)). *WWF Greece (2009)* has reached a uniform judgment, apprising the reification of Greek environmental rulings as institutionally incomplete and demarcated by strong legalism, lack of facilities, as well as fragmentation and congestion of accountability bearing upon the predisposed managerial officers.

Consonantly, albeit the lawful onset of the notion of the “Environmental Prosecutor” in Greece, in 1998, having the greatest incumbencies of supervising its judicial subordinates on ecological violations and the ex-officio exercising of appurtenant criminal prosecutions ([PD 151/1998, Art. 18](#)), heretofore this instrument has not yet been put into operation ([Romanou, 2021](#)). The foregoing

attestation contradicts the issue that as soon as in the *Greek Constitution of 1975* and its revisions until 2019 it is decidedly punctuated that the state is impelled to befittingly protect environmental sustainability, which has a deserved nature for every citizen (*Government Gazette 211/A'/24.12.2019, Art. 24*).

Simultaneously, as another incitement for the concoction of the country's environmental policies, the sequence of its recovery from an epoch of budgetary recession in an ambience of strict austerity is annunciated, exploring profitable investments henceforth that maybe have a serious ecological aftermath (*Lekakis & Kousis, 2013*). Indeed, during the year 2019, four offshore plots of an entire amplitude of 50,000 square kilometers were conceded for disquisition and extraction of hydrocarbons from Greece mindful of opaque procedures and a flexible legal framework, opting for oil companies (*Tratsa, 2019*). Such tactics are detrimental to the well-being of the general population, ascribed to pressures from the vantages of a strong minority, and violate the legalized intragenerational freedom of the country's inhabitants (*Shelton, 2008, 2010*).

On top of that, the Greek domestic customizing juridical acts almost “mechanically” and literally track the guidelines of the European Directives and often accommodate the issuance of a new commandment on any discrete themes; ergo, the provisions in circulation are realistically not set in motion whenever a unique judicatory situation appears. The associated legislation has been categorized as askew and ambivalent (*Pavlopoulou, 2007*), whereas it has assumed a “minimalist” amplitude, offering the minimum feasible environmental guarding visualized by the EU (*Gkika, 2004*).

3.4.3. Exemplars of EU Control of the Implementation of Community EL in Greece

From a jurisprudential viewpoint, Greece is the first country in the EU to which a €4.7 million penalty was imposed by the CJEC in 2001, with the justification of excessive foul matter tossing away in an illegal refuse heap in the Kouroupitos area of Chania, Crete, and the nondifferentiation of the country in defiance of its first conviction by the CJEC in 1992 (*Doussi, 2001*). At present, this space has been completely rehabilitated, co-financed by national and Community fiscal stocks (*Manousaki & Konstandakopoulou, 2018*). Secondly, a condemnation sentence for Greece has been promulgated by the CJEU in 2016 for the problematic running of the landfill site of Tembloni, in Corfu, which did not meet the Community legal benchmarks on ecological intendance (*Directive 2008/98/EC*) and sanitary scrap burial (*Council Directive 1999/31/EC*), invoking environmental decay; in contempt of the lodgement of a pretrial protocol by the EC as early as 2011, the country's disobedience of the forenamed EU law led to the levying of forfeits toting up to €353,000 by Greek national services and the Commission (*EC, 2015; Lialios, 2017*).

These events have hampered the state's economic robustness, incrementally encumbering the fulfillment of the triptych of economic abundance, social rectitude and solidity, and the salvation of the environment, as entailed in SD

(Scoones, 2007). Veritably, SD in Greece strikes as ominous wholly succeeding the outburst of the coronavirus pandemic, forasmuch a short time ago our country was assigned to the 50th place in the matter of the caliber of economic and social life of its populace between 53 developed and developing nations worldwide (19 of which belong to the EU) with incomes [Gross Domestic Product (GDP)] of more than \$200 billion apiece (Chang, Hong, & Varley, 2020); those incongruities medially the powerful and the susceptible countries of the planet are envisaged to continue to escalate, contingent upon the duration of the ongoing epidemic crisis (Schiller & Hellmann, 2021).

By the same token, in behalf of an apposite punishment of Greece in front of the CJEC, in 2005, the EC has now referred the country to the CJEU, proffering, among others, the charging of a daily sanction of €71,193 for the roughly 400 unfettered refuse discarding sites that are in working order in Greece or still have not been fully refurbished, awaiting the Greek deference (EC, 2013). Accordingly, the Greek state has been relegated to the CJEU in 2019 for poor tutelage of ecosystem diversity in its habitats that have been encapsulated in the pan-European network of sheltered native localities “Natura 2000” (Council Directive 92/43/EEC) and have been in abeyance all the way back to 2006 (EC, 2019c).

Understandably, the state environmental neglect expands intragenerational and intergenerational moral misgivings, insomuch that the impetus of SD is not reified neither for the coeval generation of citizens nor for the approaching ones (Visser’t Hooft, 1999; Boulanger, 2013).

3.5. Summary

All in all, the findings of the research evinced the gradational escalation of the environmental legal contexture quite concordantly in the EU and in Greece, alongside with the perennial tentativeness and the matching inconstancy of the second involving the admissible operationalization of the Community proclamations.

4. Concluding Remarks and Suggestions for Further Research

Even though both the EU and Greece possess competent legal accoutrements to uphold the environment, ecological strains persist in intensifying, postulating vigilance and the exacerbated, efficacious mobilization of existing legislation with an eye to shift the negative inclinations happening. Illustratively, the non-binding essence (“soft law”) of several Community decisions, such as the abolition of switching from winter to summer time and vice versa all around the EU MS from March 2021 and beyond (Directive 2000/84/EC), perpetuates the energy load imputable to amplified electricity for night lighting, versus resorting to nothing but daylight (Dwyer, 2021; Ta Nea, 2021). Comparably, the impending Greek incipience of a recycling fee (amounting to €0.10) on expendable plastic

products, which are gettable as food and beverage packaging, insinuates an insufficient pragmatic praxis of the precedent statute prohibiting the pronounced containers (Law No. 4736/2020; Ethnos, 2021). By contrast, there is always room for fruitful rectification, modernization and amendment of the Greek domestic legal order (Koutoupa-Regkakou, 2008).

After a cost-benefit analyzation, our country has already been furnished with thorough interdisciplinary know-how that settles upon a policy of mitigation of anthropogenic climate fluctuation as late as 2100 over given politics of passivity, undoubtedly plumping proximate generations of people (Bank of Greece, 2011: p. 518). On the other side of the coin, a broad political consensus on the reclamation of systemic pathogeneses of the Greek public administration in environmental points of departure, for which historical characteristics of the Greek state's evolutionary buildup have been held responsible, needs to preponderate (Koutalakis, 2011; Venieris, 2013; Mougdi, 2020). Intrinsically, the uncomplicated and undebatable enjoyment of the entirety of environmental rights with intragenerational equality by all the citizens of our country lies in the conscientious maneuver of auspicious politics on behalf of the state (Shelton, 2010; Okonkwo, 2017; Jalleta, 2021).

Assuredly, via the horizontal distribution of environmental insight and polyphony in deliberations of ecological upshot, the cognate advertency of the Greek citizenry, which in recent years conveys the impression that has been admirably converted (Portney, 2000), should be corroborated. Under this reasoning, it is proposed to delve into the presumable feedback of the mass media and district civil society consortiums on the illumination and/or solution of environmental hurdles; as an exemplary circumstance, the combustion of waste fuels [i.e., Refuse Derived Fuel (RDF) or Solid Recovered Fuel (SRF)] by the cement industry "AGET-Lafarge" in the provincial Greek city of Volos has lately become apparent, the atmosphere of which is alleged that has experienced inferable polluting episodes caused by exceedances of airborne microparticle values (Sarantis, 2020), in company with the construction of a unit for the fabrication of secondary solid heat sources at the disposal area of the Municipality of Volos in 2022 (Chanou, 2021).

In a connate fashion, the interrogation of the reverberations of the coronavirus pandemic on the "energy imprint" of Greece, taking note of the transitory suspension of numerous potentially sully businesses in the Greek domestic market as segment of emergency paraphernalia to fence public health (Joint Ministerial Decision No. D1a/GP.oik.: 76629/2020), is recommended. By extension, it could be canvassed whether the sophisticated allotment (for the sake of the coronavirus) of the overarching computerized portal for civic administration "gov.gr" (Hellenic Republic, 2020), which is envisioned to acquit as a compound transaction hub of citizens and entrepreneurs with the public sector, will simplify bureaucratic routines that usually interfere with the intendance and/or reconciliation of environmental affairs (Kirchgässner & Schneider, 2003). In fine,

paying heed to the vast demographic and geographical heterogeneity of Greece (Aperghis & Gaethlich, 2006), it is graspable to comparatively probe Greek regions or regional units that exhibit deviating amplitude of pollution, in preparation for the ascertainment of noticeable discordances bounded by these locations' idiosyncratic traits (e.g., geomorphology of their terrain, national and Community funding, earnings per person and disbursal dispersion of dwellers, their educational credentials and profession, whichever industrial undertaking, etc.).

Conflicts of Interest

No presumptive conflicts of interest as respects the publication of this paper are divulged by the authors.

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