

Mr. Francesco Starace, Chief Executive Officer and General Manager

Mr. Antonio Cammisecra, Head of Global Renewable Energies and CEO of Enel Green Power

SUBJECT: VEHEMENT PROTEST AND APPEAL FROM THE SOUTH KARYSTIA ENVIRONMENT PROTECTION SOCIETY FOR OBSERVANCE OF LEGALITY IN RELATION TO THE 8 ENEL WIND FARMS IN KARYSTOS, EVIA, GREECE. AUTHORIZATION AND COMMENCEMENT OF WORKS IN VIOLATION OF LEGAL PREREQUISITES. CONTRAVENTION OF EU ENVIRONMENTAL LEGISLATION AND INTERNATIONAL CONVENTION

Sirs, on 28th June 2017 Mr. Antonio Cammisecra announced the commencement of operations for the construction of eight wind farms with a nominal capacity of 167.9 MW and comprising 73 Enercon (E-70 / 2.3 MW) wind turbines in the district of Kafireas, Municipality of Karystos, Evia Island, part of the Central Greece region, through its subsidiary Green Power Hellas S.A., announcing this is to be the construction of the largest wind park in Greece. <https://www.enelgreenpower.com/en/media/press/d201706-enel-starts-construction-of-the-largest-wind-farm-in-greece.html>.

You omitted to acknowledge, however, that your company is in direct violation of the environmental laws of the European Union and the Hellenic Republic as well as the Aarhus Convention, that these wind turbines are to be installed in a wildlife protection zone and that they are part of a larger number of wind turbines (see attached ENEL map from the 3.7.2017 report of the South Karystia Environment Protection Society) whose construction and operation will irreparably damage the ecological integrity of the protected areas of the OCHI region. This may well be the greatest density of wind farms and largest number of wind turbines in a Natura network wild birdlife protection area in all of Europe and our position is therefore **that the case is a major environmental scandal which we intend to give the greatest possible publicity to expose.**

ENEL Public Company together with the Ministry of Energy and Environment of the Hellenic Republic are in direct violation of the existing provisions of Directive 92/43 / EEC, Articles 2-4, the provisions of Directive 2011/92 / EU, Articles 5-6 and the Convention of Aarhus, Article 6.

As is well known, the European Commission's Environment Agency, in its letter of 10 July 2014 to the then Foreign Minister on case (complaint) C (2014) 4713 final, stated that it had examined the August 2010 Environmental Impact Study on Damco Energy S.A. on the basis of which the 203611/21-09-2011 decision approving the environmental conditions had been issued, with online publication number: 4A8H0-8A1¹, and found that it was unable to conclude that the appropriate assessment of the project's impact had taken place in accordance with the Habitats Directive's control system. Enel Green Power Hellas S.A. submitted a new Environmental Impact Study to the licensing authority National Environmental Service of Greece / Ministry of Environment and Energy which, through its document of 11-09-2014 File Number 174822 / forwarded a dossier, **lacking in essential data**, on the Environmental Impact Assessment in question for amendment of the decision approving the

¹<https://diavgeia.gov.gr/decision/view/4%CE%918%CE%970-8%CE%91%CE%99>

environmental conditions for the eight wind farms for electricity generation, to the advisory services for projects and activities in subcategory A1 of the Ministerial Decision 1649 /45/2014 (Government Gazette B / 45), article 19 par. 9 law 4014/2011 and for consultation with the interested public/ environmental organizations.

The South Karystia Environment Protection Society is primarily concerned with protection of the OCHI area, which has been included in the network of Natura areas as an area for conservation its natural habitats and a wildlife conservation area and it has appealed to the Supreme Civil and Criminal Court of Greece for annulment of the decision approving the environmental conditions for the 8 ENEL wind farms and its amendments. Following submission of an application to the licensing authority it was informed of the Environmental Impact Assessment of 2014 Study and did not consider it appropriate to have any further involvement with it owing to its unreliability. It was a restatement of the 2010 EIA and we had expected a retraction of the initial decision approving the environmental conditions following the contact that many environmental associations had had with the Department of the Environment.

From the available data that we have compiled it emerges that as a result of the European Commission's letter of warning of 10-7-2014 on the subject of your company's wind farms, ENEL Green Power Hellas S.A., with its protocol number 220 / WPAP / AG / 17-08-2016 document (protocol number Ministry of Environment and Energy/Directorate of Environmental Licensing / DIPA 40365 / 18-08-2016) withdrew the EIA of which we had been informed and submitted a new EIA (2016) to the licensing authority, in ostensible compliance with the Commission's objections, **but this assessment has never been made public and does not appear to have taken into account the principles of Article 6 (1) of Directive 2011/92 / EU which are relevant to the project because of their specific environmental applicability.** The Environmental Impact Studies of OIKOM Ltd for the years 2010, 2014 and 2016 could **in principle** have the potential to cause irreparable damage to the areas concerned, as they would have contributed to implementation of the project in question.

As evidenced by comparison of the two EIAs (2014 and 2016) with the protocol number 220 / WPAP / AG/17-08-2016 document of ENEL Green Power Hellas S.A., a new EIA and Specific Ecological Assessment studies were submitted (under Article 6.3 of the Habitats Directive), **with significant and substantial additions, as well as with corrections /deletions in relation to 2014, after the end of the process for securing the opinion of the abovementioned environmental licensing and consultation authority.** With responsibility of the company concerned and the licensing authority, the relevant public, including organizations promoting environmental protection of the area in question, such as the South Karystia Environment Protection Society, **were not informed at an early stage of the environmental decision-making process on the content of the 2016 Environmental Impact Assessment on the basis of which the decision to approve the environmental conditions for ENEL's eight wind parks ENEL was justified.**

The abovementioned – in our opinion deliberate - concealment, prevented us from lodging our objections to the submitted information and to the environmental assessments and statements of the research firm that compiled these studies, **excluding us from participation in the above mentioned licensing process.**

We regard **this action** as a violation of Directive 2011/92/EU of 13th December 2011² **directly affecting the rights** that an environmental organization such as the South Karystia Environment Protection Society derives from Article 6 (3) of Directive 92/43, read in conjunction with Article 6 (1) (b) of the Aarhus Convention for prevention of significant damage to the integrity of the sites protected under that directive. See the major case law decision of the Court of Justice of the European Union of 8th November 2016, preliminary ruling Lesoochránárske zoskupenie VLK vs Obvodný úrad Trenčín, in case C-243/15³.

We hereby notify you of the 3-7-2017 report of the South Karystia Environment Protection Society (in Greek) and issue a warning that if your company does not suspend the construction of your eight wind farms in Karystos and does not request resumption of the licensing process and consultation under article 6 of the Aarhus Convention, **in accordance with the existing EU legislation**, we will resort to the Compliance Mechanism of the Aarhus Convention and in addition call upon the competent Public Prosecutor to investigate probable criminal responsibility of the implicated organizations in the light, moreover, of the state assistance that is being accorded to the project.

Please note that we do not desire any transaction with your company. All that we are seeking is observance of legality in relation to the abovementioned. We would therefore request that you adhere to the basic principles of environmental democracy/sustainable development, **taking into account the assurances of your company.**

Gentlemen, ENEL must respect its environmental commitments.

<https://www.unglobalcompact.org/what-is-gc/mission/principles>

<https://www.unglobalcompact.org/participation/report/cop/create-and-submit/advanced/241431>

<https://www.enel.com/en/aboutus/a201608-vision.html>

cc: -Office of the Minister of Environment and Energy of the Hellenic Republic

- Office of the Prime Minister of the government of the Hellenic Republic

-Parliamentarians of the Prefecture of Evia

-Massmedia (Greek and Italian) and European ornithological protection organizations

Yours faithfully,

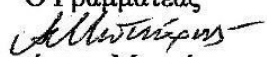
²<http://eur-lex.europa.eu/legal-content/EL/TXT/?uri=CELEX%3A32011L0092>

³<http://eur-lex.europa.eu/legal-content/EL/TXT/?qid=1494958759496&uri=CELEX:62015CJ0243>

Η Πρόεδρος


Χρυσή Μαρρέτη



Ο Γραμματέας

Θανάσης Μπανιάρης

Ο συντονιστής


Αλέξανδρος Μαβής

