

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 217 (2022) of the Standing Committee, adopted on 2nd December 2022, on the possible negative impact of hydropower plant development on the Neretva River (Bosnia and Herzegovina):

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that Article 3 of the Convention provides that each Contracting Party shall take steps to promote national policies for the conservation of the habitats of wild flora, wild fauna and natural habitats, with particular attention to endangered and vulnerable species, especially endemic ones, and endangered habitats;

Recalling that Article 4, paragraph 1 of the Convention provides that each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild fauna species, especially those listed in Appendix II to the Convention;

Recalling that Article 4, paragraph 2 further stipulates that Contracting Parties, in their planning and development policies, shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimise as far as possible any deterioration of such areas;

Recalling its previous recommendations related to hydropower plant development such as Recommendation No. 184 (2015) and Recommendation No. 202 (2018);

Recalling that Gornji tok Neretve (Upper Neretva) has been officially nominated as a candidate Emerald Network site in 2011 in accordance with national legislation, and as such, it is subject to Recommendation No. 157 (2011, revised in 2019) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, requiring national authorities to “take the necessary protection and conservation measures in order to maintain the ecological characteristics of the candidate Emerald sites” until their full inclusion in the Emerald Network;

Recalling Recommendation No. 208 (2019) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites;

Considering other relevant international guidelines on hydropower/biodiversity conflicts such as the Energy Community Treaty’s Policy Guidelines on small hydropower projects, and also the due diligence requirements for protected areas of the International Hydropower Association in cooperation with IUCN and UNESCO;

Noting the delicate ecosystem of the whole Neretva River and its surroundings, and the rich variety of wildlife reported to inhabit the river, the areas of the planned catchments and their terrestrial

environment, including numerous rare, endangered and endemic species listed in the Convention's annexes;

Taking note of the report of the on-the-spot appraisal carried out by an independent expert on 18-20 October 2022 (document T-PVS/Files(2022)72);

Recommends to the Government of Bosnia and Herzegovina to:

1. Officially declare "Gornji tok Neretve" (BA0000002) as an adopted Emerald Network site;
2. Develop a new regulation of a residual flow regime based on scientifically founded studies as the current regulation is inadequate: the regulation should be aligned with the ecological requirements of the important flagship species like Adriatic brown trout (*Salmo farioides*), sculpin (*Cottus gobio*), minnow (*Phoxinus phoxinus*), stone loach (*Barbatula barbatula*) and eventually marble trout (*Salmo marmorata*);
3. Ensure that no hydropeaking operations will be performed as an obligatory condition for commissioning of the power plant (to be officially stipulated in advance by the authorities); Should hydropeaking still be performed, the operation must be stopped immediately;
4. Elaborate mitigation measures for the destroyed habitats such as C 3.55 Sparsely vegetated river gravel banks (Habitats directive code 3220, F 9.1 Riverine shrub (Habitats directive code 3240), G 1.11 Riverine *Salix* woodland and G1.21 Riverine *Fraxinus - Alnus* woodland, wet at high but not at low water (Habitats directive code *91E0), E 5.4 Moist or wet tall-herb and fern fringes and meadows (Habitats directive code 6430), E 2.2 Low and medium altitude hay meadows (Habitats directive code 6510), G1.A4 Ravine and slope woodland (Habitats directive code 9180);
5. Implement an absolute ban on fish stocking;
6. Formulate monitoring measurements for the affected species and habitats.
7. Halt the construction of the hydropower plant Ulog until:
 - a. the Bureau or Standing Committee have assessed that the recommendations under paragraph 1-6 of this recommendation are implemented and complied with; and
 - b. the assessments pursuant to paragraph 11 of this recommendation have been completed and, taking into account these assessments, compliance with Article 4 II of the Convention is demonstrably ensured.
8. Prohibit implementation of the hydro-electric system Gornja Neretva (both Phase I and Phase II) and cancel the granted concessions, due to the profound negative impact, very long stretch of the Upper Neretva River affected and additional negative cumulative effects, that are deemed incompatible with the objectives of the candidate Emerald Network site BA0000002. Remove the concerned projects from the Spatial plan.
9. Prohibit implementation of the currently dormant hydropower plant projects Glavatičevo and Bjelimići due to the profound negative impact, very long stretch of the Upper Neretva River affected including downstream effects and additional negative cumulative effects, that are deemed incompatible with the objectives of the candidate Emerald Network site BA0000002. Remove the concerned projects from the Spatial plan.
10. Concerning planned hydropower plants along the Upper Neretva tributaries, halt all planning and permitting of the projects until the area is officially declared as an adopted Emerald Network site.
11. Perform detailed assessments of potentially affected protected resources (habitats and species) as the current available data situation does not allow any detailed statements on the environmental impacts, thus it is strongly assumed that the deterioration will be dramatic.

12. Following the rapid official proclamation of Gornji tok Neretve” (BA0000002) as a protected area (point 1.a): formulate a management plan for this Emerald Network site.
13. Implement a ban on development of further hydropower plants in the candidate Emerald Network site BA0000002 and all other candidate Emerald sites in the Neretva River basin (BA0000001, BA0000002, BA0000003, BA0000004, BA0000005, BA0000006, BA0000007, BA0000008, BA0000012, BA0000023, BA0000024 and BA0000025).
14. Improve the collaboration with relevant NGOs, scientists, academia, local communities and other affected stakeholders in this and other similar future projects.
15. Establish an official Focal Point for the Bern Convention on the state level.