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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

Specific Sites - Files open

**Hydro power development within the territory of
Mavrovo National Park
("the former Yugoslav Republic of Macedonia")**

- REPORT BY THE COMPLAINANT -

*Document prepared by
Eko-Svest, "the former Yugoslav Republic of Macedonia"*

UPDATE OF THE OPEN CASE FILE “MAVROVO NATIONAL PARK AND PLANNED HYDROPOWER PROJECTS ON ITS TERRITORY”

With this letter we would like to provide you with an update on the open case file “Mavrovo National Park and planned hydropower projects on its territory”. This update covers the period between February 2018 and October 2018.

1. Low performing Hydro power plant development

As we previously informed the Standing Committee, there are 19 low performing hydro power plant (LPHPP) projects planned in Mavrovo National Park out of which 4 LPHPPs are already built and operational and the others are in different stages of preparation and planning. At its 37th meeting, the Standing Committee:

“expressed its concern with the continued development of low-performing hydro power plants in the area of the National Park and reminded that the development of an SEA on the cumulative impact of all planned activities on the territory of the Park, as recommended, should be developed prior to the construction of new facilities, which will inevitably have an effect on biodiversity.”

However, the Government has still not suspended the 15 LHPPs. We are very concerned with the ongoing activities for the upcoming construction of the following 4 LPHPPs:

- Zirovnicka 1 (ref. No. 5);
- Zirovnicka 2 (re. No. 6);
- Ribnicka (ref. No. 7);
- Jadovska (re. No. 9).

The concession agreements for these LPHPPs were signed in the period of May/June 2015. According to the concession agreement the investor has a maximum of 3 years to finalize the activities and put the LPHPPs into operation. As these LHPPs were not constructed within the above-mentioned deadline, the concession agreement should have been terminated in May/June 2018.

Unfortunately, in contrast to the Bern Convention Recommendation No. 184 (2015), in January 2018 the Government signed an Annex to the concession agreements and extend the deadline until the 07.05.2019 for LPHPP Ribnicka and until 03.01.2020 for LPHPPs Zirovnicka 1 and 2. According to their written response, for LPHPP Jadovska the Government plans to publish a new public call for concession.

The justification for this step is bound to changes of the locations of the intakes and the power house. Extension of the deadline and changing the locations raise the following additional issues/questions:

- What shall be the impact of the new location? The intakes are located deeper in the zone of strict protection; additional supporting infrastructure e.g. new 500m road will be needed for the LPHPP Ribnicka, etc. Maps with new coordinates are added as Annex I of this letter)
- Shouldn't there be a new environmental study? According national legislation, all LPHPPs are subject to an approved Elaborate for Environmental Protection (EEP). Changing the location and including more supporting infrastructure means that the impact on nature as well as prescribed measures differ from the originally approved plan. To our knowledge, there is no newly approved EEP for the revised location of the LPHPPs which is a breach of the national Law on environment.
- Is the deadline realistic? The short period available for construction leaves a possibility that mitigation measures are not implemented/respected fully during the construction phase. This is especially the case with respecting winter/spring season for the breeding of specific species. We have witnessed that the lack of implementing mitigation measures was a practice in the construction of the already built and operational LPHPP within the Park (photos included in Annex II of this letter);

Additionally, in mid-October 2018 we were approached by the local community of village of Zirovnica. Zirovnica village is the second largest village within the park with 1.608 inhabitants. The village water supply comes for the Zirovnica river.

The community strongly opposes the construction of the LPHPPs on Zirovnicka river as it will directly impact the water supply of the village as well as the village landscape. At the moment, the community is facing serious pressure from the investor to allow the start of preparatory activities for the construction of LPHPP Zirovnica 1 and Zirovnica 2.

2. New law for the proclamation of Mavrovo National Park

The complainant NGO and partner NGOs held meetings with the National park Authority and the Deputy Minister for environment and physical planning, Mr. Jani Makraduli and discussed the possible next steps with the Law on Mavrovo national Park proclamation. The conclusion was that the new Law is the first step for a permanent and sustainable solution for the national park protection. Therefore, we jointly agreed with the Deputy Minister that the Draft Law needs to be revised in line with the Recommendation No. 182 (2015) as well as IUCN guidelines for category II protected area – National park. We strongly support the Ministry in seeking expert help for this revision process and we remain at the disposal of the Ministry in the following steps of the process, such as consultations and public hearing.

3. Reaction to Governmental report

As we have been building a constructive relationship with both the Ministry of environment as well as the National park authority over the past year, we were surprised to read the Government's report¹ submitted to the Bern Convention Secretariat (September 18 2018) where the Government stated that

“The Government's position has continuously been that the claims in the Complaint were exaggerated, contain inaccurate and often misleading information put forward by the complainant.”

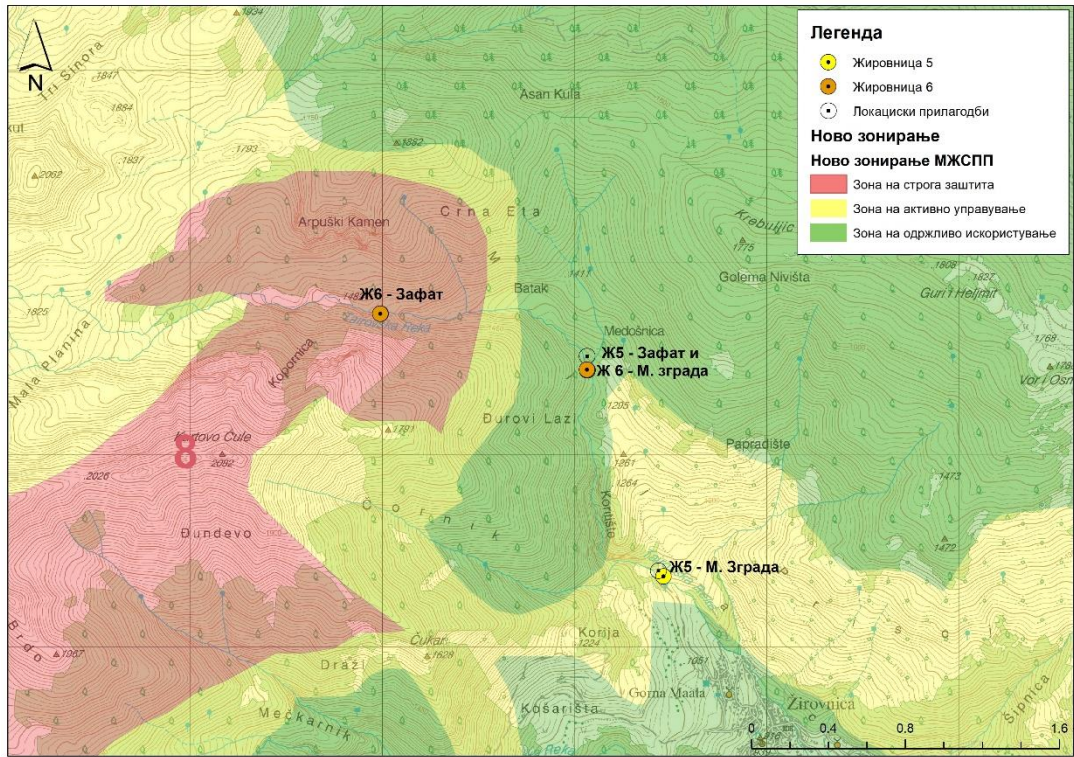
Eko-svest, through their member in the Council for cooperation between the Government and CSOs raised this particular issue and demanded that the Government corrects its report, excluding this type of non-constructive criticism addressing the work of civil society organizations. We strongly believe that by joint efforts and constructive cooperation, both parties can contribute to the successful resolution of the issue and closing of the case file.

Sincerely,
Ana Colovic Lesoska
Executive Director
Eko-svest

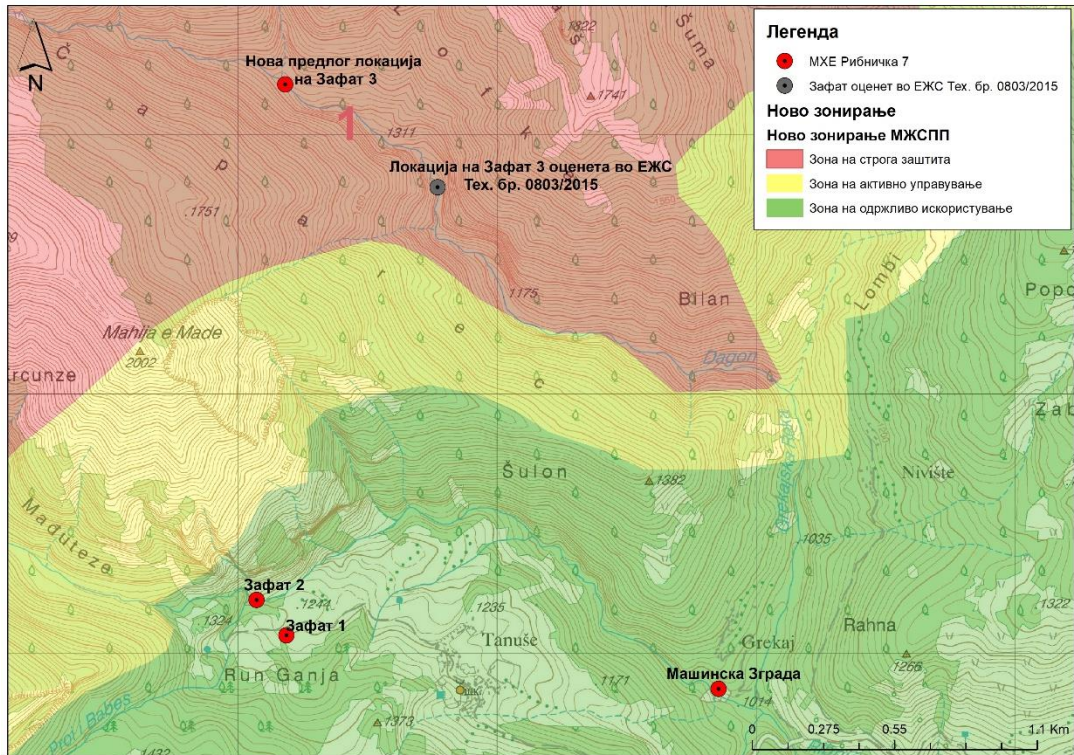
¹ <https://rm.coe.int/file-open-hydro-power-development-within-the-territory-of-mavrovonati/168078d136>

Annex I

Maps with the new coordinates for LPHPPs and the conflict with the draft protection zones in NP Mavrovo (Зафат = Intake, М. Зграда= Powerhouse), red zone- strict protection, yellow zone- active management, green zone- sustainable use)



Map 1. LPHPP Zirovnica 1 and 2 within the draft zoning of the NP Mavrovo. Conflict with zone of strict protection and zone of active management.



Map 2. LPHPP Ribnichka within the draft zoning of the NP Mavrovo. Conflict with zone of strict protection.

Annex II

Photos of construction practice in NP Mavrovo



Picture 1. LPHPP construction on Tresonecka River



Picture 2. LPHPP construction on Tresonecka River



Picture 3. LPHPP construction on Kakaacka River



Picture 4. LPHPP construction on Kakaacka River



Picture 5. Biological minimum on Kakacka River after the construction of the intake