



Strasbourg, 1st June 2022

T-PVS/Files(2022)01
AEWA IRP case file No. 11
CMS RM File No.2021/01

**TERMS OF REFERENCE FOR A JOINT BERN CONVENTION /
AEWA / CMS ON-THE-SPOT APPRAISAL**

**Possible impacts of infrastructure and urbanisation developments
on the Vjosë-Nartë Protected Area**

in the framework of the

*Bern Convention Open case-file no. 2016/05: Presumed negative impact of hydro-power
plant development on the Vjosa river (Albania)*

*AEWA Implementation Review Process case file No.11: Airport construction at Vjosa-
Narta Protected Landscape, Albania*

*CMS Review Mechanism File No.2021/01 - Project development at Vjosa-Narta Protected
Landscape, Albania*

*Document prepared by
the Secretariats of the Bern Convention, AEWA and CMS*

1. BACKGROUND OF THE COMPLAINT / PETITION

1.1. Bern Convention

1.1.1. 2016-2018

The initial complaint concerned the alleged breach of the Bern Convention resulting from massive hydropower developments on the Vjosa River and its tributaries, in particular the “Poçem” HPP and the “Kalivac” HPP, including additional smaller planned or projected hydro energy installations.

The complainant NGO EcoAlbania stated that hydropeaking on this last free flowing river in Europe could have disastrous impacts on biodiversity. Secondary impacts linked to infrastructure development, such as fragmentation of habitats and alluvial systems were also expected. The HPPs would:

- block the upstream and downstream of fish species;
- prevent sediment transport downstream to the Adriatic Sea;
- create expected decline in ground water;
- create reduced water quality due to the reduction of self-purification rate.

The complainant further stressed the transboundary aspect of the ecosystem of the Vjosa/Aoos catchments (Albania/Greece), the unique free-flowing nature of the whole river, the biodiversity hotspot it represents and the variety of hydrological –morphological features it holds.

In addition, according to the complainant, a candidate Emerald site “Protected landscape of the wetland complex Vjosë-Nartë (IUCN Cat IV, RAMSAR site and IBA) would be potentially affected by the dam projects. Although the projects were not planned on any national protected area, the whole river system qualifies for many international designations and in particular European ones (Emerald Network and Natura 2000).

Furthermore, according to the complainant, all HPPs on the river were planned without a proper EIA or SEA having been undertaken.

Following a signal from the complainant in early 2018 that concession contracts were being developed, the Bureau, deeming the situation urgent, mandated an on-the-spot appraisal to send an independent expert to the area to assess the situation on the ground.

The ensuing mission resulted in a report ([T-PVS/Files\(2018\)43](#)) and recommendation ([Recommendation No. 202 \(2018\)](#)) on the planned hydro-power plant developments on the Vjosa river (Albania), adopted by the Standing Committee on 30 November 2018). In summary, the 12 points of the text recommended to the Government of Albania to use the precautionary principle and suspend both HPP projects; urgently prepare a River Basin Management plan, develop relevant studies and conduct/repeat necessary environmental assessments; consider carefully the revision of the network of protected areas of the country; and improve collaboration between different stakeholders.

1.1.2. 2019-2021

Between 2019 and 2021, the government was asked to send regular update reports to the Bureau and Standing Committee on progress related to the points of Recommendation No.202 (2018). During this time, a new concerning issue was signalled by the complainant: major infrastructural development plans in the Vjosë-Nartë Protected Area, most notably the proposal to construct Vlora Airport.

According to the complainant, the urbanisation of a considerable part of the already existing Protected Area foresees touristic resorts, harbours, access highways, the airport and a beach. Furthermore, the ongoing process of revision of the Environmental Protected Areas Network of Albania could potentially exclude parts of Vjosë-Nartë, thus allowing developments to go ahead. The complainant alleged that this process to date has not been carried out in a transparent or legally sound way.

The 41st Standing Committee in December 2021 “*reiterated its deep concern regarding the urbanisation plans for the Vjosë-Nartë Protected Areas, including construction of an airport, and urged the government to rethink these plans. The natural values of this area are evident, and a strong protection*

regime is needed'. It decided to mandate a new on-the-spot appraisal to focus on the Vjosa-Delta-Narta Lagoon Protected Area and in particular to assess the situation of Vlora airport and other urbanisation plans, which could have impacts on the Vjosa River delta. The national authorities of Albania supported the mission.

1.2. AEWA

In October 2021, the Albanian non-governmental organisation Protection and Preservation of Natural Environment in Albania (PPNEA) submitted information to the attention of the AEWA Standing Committee suggesting non-compliance by the Government of Albania with AEWA provisions relating to the protection and management of Vjosa-Narta Protected Landscape, a site of high importance for several populations of migratory waterbirds listed under AEWA. This would translate into non-compliance with the provisions outlined under Article III, paragraph 2(c) of the Agreement as well as with the provisions of the AEWA Action Plan, particularly paragraph 3.2 relating to the identification and protection of sites of importance for migratory waterbird populations covered by AEWA.

Vjosa-Narta Protected Landscape – a protected area under the domestic legislation (Category IV according to the IUCN classification) – is an AEWA Critical Site (under the name Narta Lagoon), is a candidate Emerald Site under the Bern Convention (site No. AL0000008) and also meets criteria for listing as a wetland of international importance under the Ramsar Convention to which Albania is also a Contracting Party. Further, the site is an Important Bird Area (site code AL005) and a Key Biodiversity Area (site code ALB24).

In their *petition*, PPNEA provided information of 92 AEWA-listed species, several of which occur in the site with internationally important numbers in different stages of their annual cycles.

The information provided made reference to the planned construction of a new international airport (Vlora *International* Airport). According to the petitioner the construction plot for the airport may have been degazetted as a protected area to allow for the construction, nevertheless, it is located very centrally within the protected area and within immediate proximity to wetland habitats which host AEWA-listed species, including breeding colonies of several species. The concern is that this development would pose a threat to the persistence of the area and the populations of AEWA-listed species that occur there.

According to *the* information received, the construction works should have started in November 2021 as declared by the Government of Albania. The petitioner however pointed out that the Environmental Impact Assessment had deficiencies and the status of the procedure was unknown.

In addition, from the papers submitted by the petitioner, it became evident that there are further plans to develop *tourist* infrastructure within the protected area, such as a coastal resort and a marina.

The AEWA Standing Committee reviewed the information provided by PPNEA and on 14 December 2021 sent a letter to Albania (Ministry of Environment, Forestry and Water) requesting clarification and further information in relation to the case described above, including any actions undertaken and actions foreseen in order to ensure compliance with the indicated provisions under AEWA.

The Ministry of Environment, Forestry and Water responded on 31 January 2022 followed by an offer of the *Standing* Committee to send an on-the-spot assessment mission jointly with the Bern Convention. The offer was accepted by Albania on 22 March 2022.

1.3. CMS

In April 2021, the Albanian non-governmental organisation Protection and Preservation of Natural Environment in *Albania* (PPNEA) submitted a communication of a possible implementation matter to the attention of the CMS Secretariat under the CMS Review Mechanism. The petitioner claimed that projects planned Vjosa-Narta Protected Landscape would affect several Appendix I species and that the Party had failed the implementation of Article III, paragraphs 4 a) and b).

As per the procedure established in CMS Resolution 12.9, the Secretariat informed Albania that a *communication* on a possible implementation matter regarding the Vjose-Narte Protected Landscape had

been received, and provided the opportunity to respond to the allegations and to submit any relevant information on the development plan and the assessment of its potential impacts on CMS-listed species and their habitats.

After the initial screening of the communication, the Secretariat asked the petitioner for further information on the occurrence and population of CMS Appendix I species, types of habitats and uses of the Appendix I species, and maps of the proposed development. The information received indicated that the most affected species would be appendix I listed birds, so to determine the communication's admissibility, the Secretariat consulted with the two COP-appointed avian counsellors regarding the potential impacts of the project on the conservation of several species and their habitats. The counsellors concluded that *“While noting that the survey data are few and that there is currently no Environmental Impact Assessment concerning the development, we nevertheless consider that the airport development is likely to have a detrimental impact on at least the Albanian breeding population of Dalmatian Pelican *Pelecanus Crispus* which is listed under Appendices I and II of the Convention. In particular, the planned airport runway extends directly across the flyway between the breeding sites in Divjaka-Karavasta National Park and feeding sites in Narta Lagoon. This means that there is a high risk of birdstrike, killing the pelicans and potentially causing serious damage to the aircraft. The sites favoured by the pelicans in Narta Lagoon are also directly adjacent to the development zone and may be rendered unsuitable for feeding without appropriate mitigation. Dalmatian Pelicans have low fecundity and are likely to be long-lived birds (generation time 11 years) so that mortality in excess of natural rates can have long term demographic implications. While there have been some increases in the population of the European population, these have been the result of careful management of the species. There would appear to be some potential for the airport to put these successful conservation investments at risk.*

*Other taxa listed under Appendix I of the Convention that may be affected by development on or near the wetlands, including from the construction of powerlines and other potential obstructions of migratory bird flight paths, include the White-headed Duck *Oxyura leucocephala*, Ferruginous Duck *Aythya nyroca*, Lesser Kestrel *Falco naumanni* and Greater Spotted Eagle *Clanga [Aquila] clanga*. However, data are too few to assess the impact, if any.”*

In March 2022, the Secretariat communicated the admissibility of the information received and gave Albania the opportunity to provide comments and/or address the matter within reasonable time limits, if necessary, with the assistance of the Secretariat. In particular, the Secretariat requested information on how Albania would ensure compliance with Article III.4 of the Convention, given the likely impacts of the planned project and any challenges that the Government may face in doing so. After careful consideration of Albania's response in April 2022, the Secretariat concluded that further information was required and proposed a mission with the objective of gathering additional information in order to be able to make an informed assessment of the matter, whether it could be addressed within a reasonable time, if necessary, with the assistance of the Secretariat, or whether it should be brought to the attention of the Standing Committee. The Albania Government accepted the proposal for the mission.

2. OBJECTIVES OF THE MISSION

On the basis of the instructions by the Standing Committees of the Bern Convention and AEWA, and CMS Resolution 12.9, the information provided by the authorities and the complainant / petitioning NGOs and other stakeholders, and using Recommendation No. 202 (2018) of the Bern Convention as a reference, the objectives of the mission are, through research, on-site assessment, and discussions with relevant competent authorities at national and local level, as well as other stakeholders, including NGOs, local stakeholders and citizen groups, to:

1. Collect information on the process of the revision of the Environmental Protected Areas Network of Albania, taking into account relevant Bern Convention recommendations on the Emerald Network.
2. Within the above process, assess the decision to proclaim the Vjosa River Delta as a Nature Reserve (IUCN category IV) and not as a National Park (IUCN category II) as recommended both by national scientists and IUCN.
3. Collect information on the infrastructure and urbanisation projects planned at the Vjosa-Delta-Narta Lagoon Protected Area and in particular that of Vlora airport, and evaluate if comprehensive, objective and inclusive environmental impact assessments have been properly carried out.
4. Assess the projected impact of the infrastructure and urbanisation projects planned at the Vjosa-Delta-Narta Lagoon Protected Area, particularly that of Vlora airport, including impact to CMS Appendix I species and consider whether they are compliant with the provisions of AEWA, CMS and the Bern Convention.
5. Taking into account the above, propose recommendations to the national authorities on conforming with AEWA, CMS and the Bern Convention, in particular when:
 - a. finalising the revision process of the national network of protected areas taking into account [Recommendation No. 157 \(2011, revised in 2019\)](#) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, [Recommendation No. 208 \(2019\)](#) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites, and the [Post-2020 Strategic Workplan for the Emerald Network](#); and
 - b. considering infrastructure, urbanisation and other development plans in Vjosa-Delta-Narta Lagoon Protected Area, in particular Vlora Airport.

3. MISSION DELIVERABLES

Based on the findings of the mission, the independent expert shall submit a written report of max. 20 pages including a monitoring plan for the implementation of the proposed recommendations, which shall be presented to the Standing Committees of the Bern Convention and AEWA for discussion and possible adoption. The report shall be the basis for the CMS Secretariat to make an informed assessment of the matter, whether it can be addressed within a reasonable time, if necessary, with the assistance of the Secretariat, or whether it should be brought to the attention of the Standing Committee.

4. MISSION TEAM PARTICIPANTS, NATIONAL AUTHORITIES AND OTHER STAKEHOLDERS TO BE INVOLVED

4.1. Mission team

- International independent expert
- Bern Convention Secretariat
- AEWA Secretariat
- CMS Secretariat

4.2. Governmental authorities

- Ministry of Tourism and Environment of Albania
- Other relevant ministries/agencies/institutions, e.g. Ministry of Energy and Industry, National Territory Council, Transport Ministry/Agency, National Agency for the Protected Areas, National Agency for Water Sources, etc
- Regional and local authorities

4.3. Other stakeholders

- EcoAlbania (complainant to the Bern Convention)
- Protection and Preservation of Natural Environment in Albania (PPNEA) (petitioner to AEWA and CMS)
- Other relevant NGOs
- Central scientific officers, academia
- Local community representatives
- Relevant international organisations, e.g., IUCN, Ramsar Convention

5. FUNDING AND ORGANISATION OF THE MISSION

Funding for covering costs of the on-the-spot appraisal will be borne by the Bern Convention, CMS and AEWA Secretariats, and international logistical arrangements will also be coordinated by the Secretariats. The Albanian Ministry of Tourism and Environment is kindly requested to organise and provide local logistics, such as arranging meetings scheduled with all stakeholders, field visits, providing local transportation for the mission team free of charge, providing interpretation and translation of documents if required.

Should the Covid-19 pandemic mean that an on-site visit is impossible during 2022, this mission may be transferred into an online advisory mission.

6. PREPARATORY PHASE AND CONTACT POINTS

The preparatory phase for the on-the-spot assessment mission will commence once the Terms of Reference have been agreed between the Secretariats and the Ministry of Tourism and Environment of Albania. Throughout this phase the Ministry, and possibly other stakeholders, will be requested to provide information, references and documentation in English to the mission team in order to allow for effective preparation.

The contact point for the mission will be the Bern Convention Secretariat represented by Mr Eoghan Kelly. The contact point at the UNEP/AEWA Secretariat will be Mr Sergey Dereliev. The contact points for the CMS Secretariat are Mr Ivan Ramirez and Ms Maria Jose Ortiz. The contact point for the Ministry of Tourism and Environment of Albania will be Edit Vardhami.

7. TENTATIVE SCHEDULE

May-August 2022	Preparatory phase
end August/ early September 2022	Visit of the mission to Albania

September 2022	Production of the draft report and consultation with the parties
November/December 2022	Submission of the report to the Standing Committee of the Bern Convention
November 2022	CMS Secretariat decides whether the matter has been addressed or whether it should be brought to the attention of the Standing Committee
January 2023	Submission of the report to the Standing Committee of AEW