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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

40<sup>th</sup> meeting  
Strasbourg, 30 November - 4 December 2020

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**Specific Sites - Files open**

**Presumed negative impact of hydro-power plant  
development on the Vjosa river  
(Albania)**

**- REPORT BY THE COMPLAINANT -**

*Document prepared by  
EcoAlbania*

- July 2020 -

Date: 31/07/2020

## REPORT

**Subject:** Update on Complaint No. 2016/5: Presumed negative impact of hydro-power plant development on the Vjosa river (Albania)

### Updates on the issue

- *The Poçem hydropower project*

The Ministry of Energy and Industry as well as the Ministry of Environment appealed on May 4<sup>th</sup>, 2017 the court decision. The process is ongoing, however this cannot prohibit the start of the construction by the company since the claim by EcoAlbania to freeze the construction was refused by the Administrative court. Since the last update to Bern Convention on February 20<sup>th</sup>, 2020 there has been no update on the situation regarding the Poçem hydropower project.

- *The Kalivaç hydropower project*

On the 39<sup>th</sup> Standing Committee Meeting of the Convention was concluded monitoring the implementation of the Decision No. 202 dated on November 30<sup>th</sup>, 2018 and on keeping the file open. The Albanian Ministry of Tourism and Environment was committed to fulfil all the 12 recommendations adopted in this decision.

The recommendation no 2 of the Decision no. 202/2018 foresees the urgency of the preparation of an integrated River Basin Management plan, and strategic environmental impact assessment including social aspects, for the Vjosa river basin (including collaboration with Greece), particularly the potential for ecotourism. The process of the preparation of the Integrated River Basin Management Plans in Albania has started last year and the leader of the process is the respective National Agency for Water Sources Management. The Agency is being assisted by a EU-funded EUSIWM Project in this process. The pandemic situation COVID-19, has slowed down the process for RBMPs preparation. EcoAlbania has followed closely the process so far, which consists in the pre-determination phase of the methodology for the preparation of the RBMPs.

EcoAlbania has followed closely the process of EIA regarding Kalivaç HPP since the last meeting that took place in Memaliaj on January 22<sup>nd</sup>, 2020. In this regard EcoAlbania has sent 4 letters of request for information to:

- National Agency for Environment (Annex 1)<sup>1</sup>
- Regional Agency for Environment in Gjirokastra(Annex 2)<sup>2</sup>
- Municipality of Memaliaj(Annex 3)<sup>3</sup>
- Municipality of Tepelena (Annex 4)<sup>4</sup>

The main request is whether these institutions have received before the meeting of January 22<sup>nd</sup>, 2020 the full EIA Report by the Turkish Company. Unfortunately none of the above authorities made available the full EIA report. National Agency for Environment provided to EcoAlbania only with the Non-Technical Summary of the EIA, while the Municipalities and Regional Agency for Environment in Gjirokastra did not reply.

<sup>1</sup> <https://drive.google.com/file/d/1jmecQ9KE0iPryF51kchjyK5ZNa9eIPkD/view?usp=sharing>

<sup>2</sup> <https://drive.google.com/file/d/1g3qxaDH6kQW9wOsSsNQQasQou3WZ0XLe/view?usp=sharing>

<sup>3</sup> <https://drive.google.com/file/d/1Ci8V4PceHmU3NzV5QA4J49BEZcV87mxU/view?usp=sharing>

<sup>4</sup> <https://drive.google.com/file/d/1W6hsTukV1mekYtRLVelAkX5BeAZx3oR/view?usp=sharing>

Meanwhile, on April 2<sup>nd</sup>, 2020 the Turkish company that owns the Kalivaç HPP concession, applied online at the National Agency for Environment for the Environmental Declaration by providing the full EIA report. This is proven through the letter sent to EcoAlbania by National Agency for Environment on May 20<sup>th</sup>, 2020 (Annex 5)<sup>5</sup>. According to Albanian legislation the public authority must come up with a decision in 60 days after the submission. So far there is no decision made from the National Agency for Environment in this regard.

After an insistence from EcoAlbania and its lawyer, the National Agency for Environment finally made available to us the full EIA report for the Kalivaç HPP project. The document is a voluminous one, circa 500 pages and dates on March 2020.

According Albanian law all the four stakeholders engaged in a Public hearing process (National Agency for Environment, Regional Directorate for Environment, Local Government Unit and the Developer/company) must have and make available to the public in advance the full EIA and the summary of it.

The company as well as the National Agency for Environment, according to their replies, pretend that the legal procedure for the public consultation was correctly followed. In this case it is important to be highlighted the fact that the last public hearing has taken place in January 2020 in Memaliaj where no full EIA was finalized and presented to the attendees, as the law requires.

EcoAlbania and its partners, strongly believe that the public hearing procedure is not followed correctly in the case of Kalivaç HPP.

In this case EcoAlbania has requested to the National Agency for Environment to postpone the decision on issuing the Environmental Declaration until all the stakeholders have consulted and given their objections on the full report of EIA. (Annex 6)<sup>6</sup>. Currently the EIA is being translated and analysed by a wide group of renowned and independent experts of national and international scale.

The answer from the National Agency for Environment dated on June 8<sup>th</sup>, 2020 and on June 21<sup>st</sup>, 2020, clearly states that this authority has sent back the application made from Turkish company on the Environment Declaration due to deficiencies on the fulfilment of the procedure. (Annex 7<sup>7</sup> & 8<sup>8</sup>). In the next update report EcoAlbania will provide more information regarding this process.

Since the last update report, there are new developments that might be useful to the Secretariat regarding the Vjosa case. Lately the International Institute for Sustainable Development has published the study on “Sustainable Asset Valuation of the Kalivaç and Poçem Hydropower Projects” (Annex 9<sup>9</sup>). One of the key outcomes of the study shows that the two hydro assets imply considerable trade-offs. These emerge because of adverse effects on communities, economic sectors (such as agriculture and tourism), and ecosystems along the Vjosa River. Results of the cost-benefit analysis amount to negative EUR 233 million and negative EUR 321 million for the assets Poçem and Kalivaç, respectively. This emphasizes that both Kalivaç and Poçem HPPs are neither economically viable nor environmentally friendly projects.

On June 17<sup>th</sup>, 2020 the Energy Community Secretariat sent to the Albanian Minister for Tourism and Environment the re-dispute letter concerning the HPP Poçem. (Annex 10<sup>10</sup>) The letter is a result of the Complaint that EcoAlbania and its partner organizations has initiated on 26 February 2019. In the letter the Secretariat of the Energy Community raises their concerns regarding the incompatibility of the EIA procedure followed by Albanian authorities on the Poçem HPP. EcoAlbania will follow the also the case of Kalivaç HPP with the Energy Community as well.

Another study which is on the final phase is the “Baseline survey on biodiversity, potential impacts and Legal framework for Hydropower development at river Vjosa, Albania”. The study is one of the most comprehensive on regarding the biodiversity on the Vjosa and the direct linkage with the impact of the hydropower. The study is carried out by a group of experts of the BOKU University in Vienna. EcoAlbania will share the outcomes probably in the next update report.

<sup>5</sup> <https://drive.google.com/file/d/1c1iYC1N7OwwOCIA3SGLRgpFhLgkc84kz/view?usp=sharing>

<sup>6</sup> [https://drive.google.com/file/d/1R8FI2n2PKA-n1IEUdMdroo\\_SGbxaoMyb/view?usp=sharing](https://drive.google.com/file/d/1R8FI2n2PKA-n1IEUdMdroo_SGbxaoMyb/view?usp=sharing)

<sup>7</sup> [https://drive.google.com/file/d/1GWfG5SryT1\\_IOad1N5g0T1XmY6URDd9i/view?usp=sharing](https://drive.google.com/file/d/1GWfG5SryT1_IOad1N5g0T1XmY6URDd9i/view?usp=sharing)

<sup>8</sup> <https://drive.google.com/file/d/1zW5SVGATRWT6HOtvIdOvhvPzVAp1z1X2/view?usp=sharing>

<sup>9</sup> [https://drive.google.com/file/d/19o6Ikps1mVN8NOrq\\_gR4EwxdC8y5GfyJ/view?usp=sharing](https://drive.google.com/file/d/19o6Ikps1mVN8NOrq_gR4EwxdC8y5GfyJ/view?usp=sharing)

<sup>10</sup> [https://drive.google.com/file/d/11\\_YKJzpV9HsDBpio1jiT3WPyCCqx0PNp/view?usp=sharing](https://drive.google.com/file/d/11_YKJzpV9HsDBpio1jiT3WPyCCqx0PNp/view?usp=sharing)

- ***The Vjosë-Nartë Protected Area***

Another crucial development which may impact the delta of the Vjosa River is the project for the urbanization of a considerable part of the already existing Protected Area. The detailed information on this project has been included in the previous update report by EcoAlbania.

Officially and publicly there is not any new development in regarding the Narta Airport apart the public statement of Albanian PM which supports the construction of such project.

On February 17<sup>th</sup>, 2020 after a series of meeting, hearings and debates in the final conference the NAPA in its final study presented the Protected Area Vjosë-Nartë within its original borders and total surface.

However, the risk of these are to be reduced is still realistic, as the final decision of the new boundaries of the Protected Areas in Albania will be decided on a later stage and higher level. The decision has not yet been taken by Albanian Council Ministers.

### **Outlook of the situation**

EcoAlbania and its partners will use all legal means to protect this unique natural heritage from dam construction. In this regard filing lawsuit against Kalivaç project to Administrative Court is under finalization and the EIA and feasibility study as well as the public consultation procedures will be the main pillars where the next lawsuit will stand.

In addition to this, EcoAlbania and its partners are following closely the process of the Vjosa River Basin Management Plan process and is considering possible interference on appropriate proposals.

As part of the Vjosa Wild River National Park vision, there are certain studies which are at the final stage of realization. Habitats mapping, Socio-economic and cultural aspects of the Vjosa River valley assessments are some of the upcoming assessments to be conducted. EcoAlbania will include all the outcomes and results on the next update reports to Convention.

Follow up of the complaint to the Energy Community and to Aarhus Convention especially as regard the Kalivaç HPP, will be a very important tool that EcoAlbania will consider and will be available to inform the Convention in the next Update Report.

The new developments around the planned construction of an international airport within the candidate Emerald site “Protected landscape of the wetland complex Vjosë – Nartë” are increasing the pressure on the valuable Vjosa catchment. Therefor EcoAlbania and its partners will follow closely the decision making process for the definition of the new boundaries of the protected areas network in Albania with the main focus on the Protected Area Vjosë-Nartë.

- February 2020 -

Date: 20/02/2020

## REPORT

**Subject:** Update on Complaint No. 2016/5: Presumed negative impact of hydro-power plant development on the Vjosa river (Albania)

### Updates on the issue

- *The Poçem hydropower project*

The Ministry of Energy and Industry as well as the Ministry of Environment announced on May 4<sup>th</sup>, 2017 the appeal of the court decision. The process is ongoing, however this cannot prohibit the start of the construction by the company since the claim by EcoAlbania to freeze the construction was refused by the Administrative court. In the last 12 months there has been no update on the situation regarding the Poçem hydropower project.

- *The Kalivaç hydropower project*

On the 39<sup>th</sup> Standing Committee Meeting of the Convention was concluded monitoring the implementation of the Decision No. 202 dated on November 30<sup>th</sup>, 2018 and on keeping the file open. The Albanian Ministry of Tourism and Environment was committed to fulfil all the 12 recommendations adopted in this decision.

**The recommendation no 2 of the Decision no. 202/2018 foresees the urgency of the preparation of an integrated River Basin Management plan, and strategic environmental impact assessment including social aspects, for the Vjosa river basin (including collaboration with Greece), particularly the potential for ecotourism. The process of the preparation of the Integrated River Basin Management Plans in Albania has started last year and the leader of the process is the respective National Agency for Water Sources Management. The Agency is being assisted by a EU-funded EUSIWM Project in this process<sup>11</sup> (Annex 1).**

EcoAlbania has followed closely the process of so far, which consists in the pre-determination phase of the methodology for the preparation of the RMBPs. After its launch in early 2018 the project, together with AMBU has lately started the implementation of a series of meetings with different stakeholders. During the last meeting held in November 14<sup>th</sup>, 2019 it was discussed the case of Ishëm-Erzen RMBP. According to the plan of activities of the EUSIWM project and AMBU agenda the Vjosa RMBP will not be discussed before April 2020, while the adoption of the Vjosa RMBP will take years to be prepared and adopted.

Meanwhile, on January 22<sup>nd</sup>, 2020 in the town of Memaliaj was held a Public Hearing in regard the discussion on the Environmental Impact Assessment Report for the Kalivaç hydropower. In the public notification window on the National Agency for Environment website was available the “Non-technical summary of the EIA report”<sup>12</sup>. (Annex 2).

Considering this phase as a highly important one, EcoAlbania has officially requested the full report of EIA to carefully analyse the assessment and the results.

The responsible authority replied with the letter where is stating that the company has not yet prepared the full EIA report at this stage.

During the Public hearing held in Memaliaj with a high opposition tones although there were very few people (not more than 30 people) attending, the group of experts tried to explain to the attendees in a totally technical

<sup>11</sup> [https://drive.google.com/file/d/1b5Z-pneLc\\_UCMjTSNAyRDxObh80IigS3/view?usp=sharing](https://drive.google.com/file/d/1b5Z-pneLc_UCMjTSNAyRDxObh80IigS3/view?usp=sharing)

<sup>12</sup> <https://drive.google.com/file/d/1H4zdZoK6lnxSXucYieglpMI7EIWU9YPh/view?usp=sharing>

and inappropriate language the environmental consequences that the construction of the hydropower would potentially bring.

According Albanian law all the four stakeholders engaged in a Public hearing process (National Agency for Environment, Regional Directorate for Environment, Local Government Unit and the Developer/company) must have and make available to the public in advance the EIA or/and the summary of it.

In this case EcoAlbania has requested to all these stakeholders the full report of EIA and the Minutes of the Public Hearing in Memaliaj.

As a result EcoAlbania received 4 answers:

- From Tepelena Municipality<sup>13</sup> (Annex 3).
- From Memaliaj Municipality<sup>14</sup> (Annex 4).
- From Regional Directorate for Environment – Gjirokastra<sup>15</sup> (Annex 5).
- From National Agency for Environment<sup>16</sup> (Annex 6).

Roughly 780 scientists from 46 countries worldwide signed a petition where they asked the Albanian decision-makers to suspend the construction of the hydropower plants in Vjosa until a thorough and comprehensive assessment is made. A small delegation of them on February 14<sup>th</sup>, 2020 has handed over the petition to the high level of Albanian Decision makers such as:

- Speaker of the Albanian Parliament
- President of the Republic of Albania<sup>17</sup> (Annex 7).
- Ombudsman of the Republic of Albania<sup>18</sup> (Annex 8).
- Vice-minister for Energy and Infrastructure<sup>19</sup> (Annex 9).

A significative opposition on the content on the study “Summary of EIA” for the Kalivaç hydropower was shown by a large community of Albanian and International scientists.

In a press conference held in Tirana on February 15<sup>th</sup>, 2020 the International and Albanian scientific community expressed once again the urge to the Albanian government to carefully follow the process of the Kalivaç hydropower and to refuse giving permission based on the fake EIAs<sup>20</sup>. (Annex 10).

Another important information would be the presentation of the study on the revision of the Environmental Protected Ares Network in Albania.

The process that started by mid 2019 was finalised on February 17<sup>th</sup>, 2020 in Conference held in Tirana and organized by the National Agency for Protected Areas.

At the conference NAPA representatives presented the new study<sup>21</sup> (Annex 11) where a small fraction of the Vjosa River is proposed to be proclaimed as a Protected Area. The proposed zone is listed in the report “*a priori*” without being based in any scientific ground, while the majority of the studies conducted so far have resulted that the most valuable part in regard the conservation is the middle section of the river which is by coincidence the area that would potentially be affected by the Kalivaç and Poçem hydropower plants.

- ***The Vjosë-Nartë Protected Area***

Another crucial development which may impact the delta of the Vjosa River is the project for the urbanization of a considerable part of the already existing Protected Area.

The detailed information on this project has been included in the previous update report by EcoAlbania.

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<sup>14</sup> <https://drive.google.com/file/d/16izJ6Z-r0cnw3SM3004a9h0gMMMM1slC/view?usp=sharing>

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<sup>20</sup> [https://drive.google.com/file/d/1mY1OaM7DHWak3\\_6BPdzYveUmw\\_MhgpV0/view?usp=sharing](https://drive.google.com/file/d/1mY1OaM7DHWak3_6BPdzYveUmw_MhgpV0/view?usp=sharing)

<sup>21</sup> [https://drive.google.com/file/d/1PbAc0kBTyEwi-DVHGp-724fcYk\\_Aob0n/view?usp=sharing](https://drive.google.com/file/d/1PbAc0kBTyEwi-DVHGp-724fcYk_Aob0n/view?usp=sharing)

Officially and publicly there is not any new development in regarding the Narta Airport apart the public statement of Albanian PM which supports the construction of such project.

In October 2019 by the National Agency of Protected Areas in Albania of preliminary results of a study made for the National Network of the Protected Areas, where the Protected Area Vjosë-Nartë, was supposed to be reduced significantly.

After a series of meeting, hearings and debates in the final conference the NAPA in its final study presented the Protected Area Vjosë-Nartë within its original borders and total surface.

However, the risk of these are to be reduced is still realistic, as the final decision of the new boundaries of the Protected Areas in Albania will be decided on a later stage and higher level. The the decision is to be taken soon by Albanian Council Ministers

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