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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting
Strasbourg, 28 November – 2 December 2022

Open case-file: 2016/05

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

- REPORT BY THE COMPLAINANT -

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 and Kalivaç hydropower projects***

The Ministry of Energy and Industry as well as the Ministry of Environment appealed on May 4th, 2017 the court decision regarding the cancellation of the Poçem hydropower plant. 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 Report sent to the Bern Convention on February 18th, 2022, and the presentation of the State of Affairs in the 41st Standing Committee Meeting, there has been no update on the situation regarding the Poçem hydropower project.

As regards the Kalivaç hydropower EcoAlbania has followed closely the process of EIA since its presentation to the communities as stakeholders. In August 2020 the Company submitted the EIA for Kalivaç to NEA which was refused by the latest authority and thus the company sued the Ministry and the NEA to the Administrative Court of Tirana.

At the first instance the Court ruled in favour of the NEA by finding the lawsuit groundless and unlawful, leading as such the company to address the case into the Appeal Administrative Court. EcoAlbania is following the process as the third party of interest in the Court. Due to the thorough judicial reform in Albania the Administrative Appeal Court has turned out to be a real “bottleneck” in terms of judge timing.

- ***The hydropower projects on the tributaries***

Considering the Vjosa and its tributaries part of the same system, EcoAlbania has sent to the NEA and to the MoTE another criticism report on the EIA for the 4 small-scale dams planned in the Shushica River, the second-largest Vjosa Tributary. This criticism¹ report has been prepared by a group of renowned scientists based on their on-the-spot data collection during summer 2021.

Thus EcoAlbania as well as the group of Scientists have sent a letter of concern to NEA regarding the 4 small HPPs at Shushica where the arguments have been raised as to why the EIA should follow the Profound EIA procedure and not the Preliminary one.

However in November 2021 the NEA has issued the Environment Permit considering the Preliminary EIA procedure, ignoring as such all the concerns raised by the Scientific community, CSOs as well as all the relevant public authorities that have given their opinion in favour of the Profound EIA.

This has created the ground for EcoAlbania to file another lawsuit² in the Administrative Court of Tirana against the decision of the NEA. The case has been submitted since 06.05.2022, whereas the first preparatory hearing has taken place on 22.07.2022 and it is still ongoing. The next hearing will be held on October 27, 2022.

According to the official communication of EcoAlbania’s lawyers and the public authorities (MoTE, MIE, NEA, NANR), the hydropower plants planned on the other tributaries, are all cancelled or put on hold as the change of the policy direction of the Albanian Government to not go for the construction of the hydropower in the Vjosa anymore, but to establish a Protected Area instead.

- ***Integrated River Basin Management Plan for Vjosa***

On the 41st Standing Committee Meeting of the Convention was concluded monitoring the implementation of the Decision No. 202 dated November 30th, 2018, and on keeping the file open. The Albanian Ministry of

¹ https://drive.google.com/file/d/1GfLZRER1yVFCTmIDsx_FrT0P6sepGBg9/view?usp=sharing

² <https://docs.google.com/document/d/1VOvu2k91waoPeJVbMP6SbAbY66nkocLs/edit?usp=sharing&oid=108332942436103716008&rtpof=true&sd=true>

Tourism and Environment was committed to fulfilling all the 12 recommendations adopted in this decision.

Recommendation no 2 of 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 started last year and the leader of the process is the respective National Agency for Water Sources Management. The AMBU is being assisted by an EU-funded EUSIWM Project in this process.

The first phase of that project is ending by the end of 2022 and has only managed to gather the available information regarding the Vjosa River Basin as the preliminary screening phase. However, a second phase is going to start in mid 2023 -2027 and this phase will have as one of the objectives the preparation of the IRBMP for the Vjosa. EcoAlbania has followed the process closely. In addition, EcoAlbania and its partner organization have just started a program that will aim to bridge the trilateral interface between Policymakers-Science-Society in the process of decision-making on the water management sector with the geographical scope of the Vjosa River Basin.

Thus, the cooperation of EcoAlbania and the AMBU (National Agency for Water Management) is excellent so far.

- ***Vjosa as Nature Managed Reserve (IUCN Category IV)***

The Vjosa has been a key issue on the political agenda over the past 2 years. In this regard, the Vjosa is now seen as a potentially important area for sustainable development. In this context, the public latest announcements from the Albanian Prime-minister show that the Government of Albania is no longer supporting the development of hydropower in the Vjosa valley. Instead, the Government is promoting sustainable development along the Vjosa by even setting a nature protection layer on it. Thus, on February 7th, 2022, the Vjosa is proclaimed³ as a Nature Managed Reserve (IUCN Category IV). This decision is a positive first step towards the preservation of the nature conservation values of the Vjosa but according to EcoAlbania and the scientific community is not enough because **a)** the protection status/category is not appropriate to ensure the long-term preservation of nature of the Vjosa and **b)** it does not include the tributaries which are of significant importance for the entire river ecosystem of the Vjosa.

Thus, EcoAlbania has not agreed with the Decision because it has simply found it insufficient to preserve the natural integrity of the Vjosa river ecosystem. Fortunately, on June 13th, 2022⁴, the Albanian Government changed totally its position as regards the Vjosa by signing a MoU with the US Company Patagonia where both parties committed to work together in an inclusive and comprehensive way to declare the Vjosa and its free-flowing tributaries a National Park (IUCN Category II).

Immediately after the signing of the MoU, the Ministry started the process for the preparation of the necessary studies prior to the proclamation of the future National Park of the Vjosa Valley. The process is driven by the MoTE and is co-managed by the IUCN and Patagonia. After almost 3 months, the working team has been fully established. It is a large team of approximately 30 national and international experts that will deliver the preliminary studies to support the proclamation of the National Park. EcoAlbania is part of the working team with its expertise. The aim is to deliver all the studies by the end of 2022 so the Governmental Decision to come up in early 2023.

- ***Revision of the Environmental Protected Areas Network (EPAN) in Albania***

The proclamation of the Vjosa valley as a protected area has been part of the same process of the holistic revision of the EPAN in Albania. The process has started in May 2019 and is being finalized currently where 2 Decisions of the Government have been already approved and another one is expected to get adopted soon.

The process has been strongly opposed by the CSOs and scientific community in Albania for the past 2 years. In addition, the donor's community has also expressed their deep concerns about how the process has been carried out and what has been the result out of it.

Although the revision is concluding in an increase of the total PAs surface in Albania by expanding inform 18% up to 27% of the entire territory, there is a significant reduction up to 15% of the existing area on the PAs that area lying along the coastline.

The coastal Protected Areas area the biodiversity hot-spots as they host roughly 70% of the biodiversity of Albania. Protected Areas such as *Buna-Velipoja*, *Divjaka-Karavasta*, and *Vjosa-Narta* area significantly

³ <https://qbz.gov.al/eli/fz/2022/19/ebad258d-8c8d-43fa-97cc-0f21d6c0854f>

⁴ https://drive.google.com/file/d/11Gww112xnO_g11KRJAnBPJ1csimCKXNA/view?usp=sharing

reduced to the extent of losing their natural integrity. In addition, the process has not followed the proper consultation and neither the legal provisions.

To conclude, the proposed revision had foreseen the exclusion of the urban and potential development areas within the boundaries of the PAs, creating as such “unprotected enclaves” within the PAs. In this context, the Narta Airport area is also going to be excluded from the protection regime after the Decision will get adopted.

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

Another crucial development that 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 as well as the expected negative impacts on the ecosystem has been included in the previous update report by EcoAlbania.

On February 17th, 2020 after a series of meetings, 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.

Currently, there is only expected to get adopted the decision that finally excludes the airport area from the PA as the finalization of the revision process of the EPA.

However, as initially publicly announced by the Prime-minister of Albania the Vlora International Airport (to be constructed in Narta) officially started the construction on November 28th, 2021, on a symbolic date which is the Albanian National Day. The construction has started without an Environmental Declaration and without a Construction permit.

During the first half of 2022 the construction on the ground had been running low, but after May 2022, the company seemed to be fully dedicated to continue the construction.

In the joint On-the-Spot Appraisal of Bern Convention and the 2 other Conventions, it was obvious that the Construction within the fenced construction site of the Airport was at the very advanced stage. In addition, the area is facing a severe intervention by other projects run by the authorities such as the reconstruction of the roads around the airport, which are widening at the double size of the existing ones, impacting as such the habitats within the existing Protected Area “Vjose-Narte”, a Candidate Emerald Site.

Furthermore, the area is foreseen to be naturally included on the future National Park of the Vjosa, which is being planned in early 2023.

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 a lawsuit against Kalivaç project to the 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 closely following 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 that are at the final stage of realization.

Thus, EcoAlbania will contribute and follow closely the entire process of the proclamation of the National Park for Vjosa. Follow-up of the complaint to the Energy Community and to the Aarhus Convention, especially as regards the hydropower projects will continue until the National Park is in place.

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. Therefore 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.

A possible legal battle to challenge the decisions for the revision of the EPAN is also being assessed in cooperation with the coalition of national and international organizations.

Finally, EcoAlbania is grateful for the On-the-spot Appraisal conducted by the Bern Convention in the Vjosa-Narta Protected Area in late August 2022 and appreciates the report compiled by the independent expert.

- February 2022 -

Date: 18/02/2022

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 4th, 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 Report sent to the Bern Convention on July 31st, 2021, and the presentation of the State of Affairs in the 41st Standing Committee Meeting, there has been no update on the situation regarding the Poçem hydropower project.

- *The Kalivaç hydropower project and the small HPPs on the tributaries*

On the 41st Standing Committee Meeting of the Convention was concluded monitoring the implementation of the Decision No. 202 dated November 30th, 2018, and on keeping the file open. The Albanian Ministry of Tourism and Environment was committed to fulfilling all the 12 recommendations adopted in this decision.

Recommendation no 2 of 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 started last year and the leader of the process is the respective National Agency for Water Sources Management. The AMBU is being assisted by an EU-funded EUSIWM Project in this process. By 2022 is expected the imitation of the preparatory work for the adoption of the Integrated River Basin Management Plan for the Vjosa. In 2021 the process has consisted of the screening phase, aiming to collect all the available information and mapping of the stakeholders that have a say in the process. The pandemic situation COVID-19 has slowed down the process for RBMPs preparation. EcoAlbania has followed the process closely. In addition, EcoAlbania and its partner organization have just started a program that will aim the bridging of the trilateral interface between Policymakers-Science-Society in the process of decision-making on the water management sector with the geographical scope on the Vjosa River Basin.

EcoAlbania has followed closely the process of EIA regarding Kalivaç HPP since its presentation to the communities as stakeholders. In August 2020 the Company submitted the EIA for Kalivaç to NEA.

In September 2020 the Science community undertook a criticism for the EIA of Kalivaç HPP and sent it to the public authorities including the NEA.

Considering the Vjosa and its tributaries part of the same system, EcoAlbania has sent to the NEA and to the MoTE another criticism report on the EIA for the 4 small-scale dams planned in the Shushica River, the second-largest Vjosa Tributary. This criticism⁵ report has been prepared by a group of renowned scientists based on their on-the-spot data collection during summer 2021.

- *Vjosa as Nature Managed Reserve (IUCN Category IV)*

The Vjosa has been a key issue on the political agenda over the past 2 years. In this regard, the Vjosa is now seen as a potentially important area for sustainable development. In this context, the public latest announcements from the Albanian Prime-minister show that the Government of Albania is no longer supporting the development of hydropower in the Vjosa valley. Instead, the Government is promoting sustainable development along the Vjosa by even setting a nature protection layer on it. Thus, on February 7th, 2022, the Vjosa is proclaimed⁶ as Nature Managed Reserve (IUCN Category IV). This decision is a positive first step towards the preservation of the nature conservation values of the Vjosa but according to EcoAlbania

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and the scientific community is not enough because **a)** the protection status/category is not appropriate to ensure the long-term preservation of nature of the Vjosa and **b)** it does not include the tributaries which are of significant importance for the entire river ecosystem of the Vjosa.

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The process has been strongly opposed by the CSOs and scientific community in Albania for the past 2 years. In addition, the donor's community has also expressed their deep concerns about how the process has been carried out and what has been the result out of it.

Although the revision is concluding in an increase of the total PAs surface in Albania by expanding in from 18% up to 27% of the entire territory, there is a significant reduction up to 15% of the existing area on the PAs that area lying along the coastline.

The coastal Protected Areas area the biodiversity hot-spots as they host roughly 70% of the biodiversity of Albania. Protected Areas such as *Buna-Velipoja*, *Divjaka-Karavasta*, and *Vjosa-Narta* area are significantly reduced to the extent of losing their natural integrity. In addition, the process has not followed the proper consultation and neither the legal provisions.

To conclude, the proposed revision had foreseen the exclusion of the urban and potential development areas within the boundaries of the PAs, creating as such “unprotected enclaves” within the PAs. In this context, the Narta Airport area is also going to be excluded from the protection regime after the Decision will get adopted.

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Currently, there is only expected to get adopted the decision that finally excludes the airport area from the PA as the finalization of the revision process of the EPA.

However, as initially publicly announced by the Prime-minister of Albania the Vlora International Airport (to be constructed in Narta) is officially started the construction on the ground on November 28th, 2021, on a symbolic date which is the Albanian National Day. The construction has started without an Environmental Declaration and without a Construction permit.

Both permits have been issued several days after the construction started by breaking this way even the procedural law.

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 a lawsuit against Kalivaç project to the 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 closely following 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. Mapping of potential Natura 2000 sites in the Vjosa River basin will be the next assessment that EcoAlbania will conduct in the next months. In addition there will be a study that will assess the potential for the reforestation programme on the Vjosa basin. And finally in the next months EcoAlbania will also conduct a

study that will aim the mapping of the threats and pressures in the Vjosa basin. 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. Therefore 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.

A possible legal battle to challenge the decisions for the revision of the EPAN is also being assessed in cooperation with the coalition of national and international organizations.

Finally EcoAlbania is fully committed to support the On-the-spot Appraisal to be conducted by the Bern Convention in the Vjosa-Narta Protected Area.