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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

41st meeting
Strasbourg, 29 November – 3 December 2021

Open case-file: 2016/05

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

- REPORT BY THE COMPLAINANT -

Document prepared by EcoAlbania

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 to Bern Convention on July 31st, 2020 there has been no update on the situation regarding the Poçem hydropower project.

- *The Kalivaç hydropower project*

On the 40th Standing Committee Meeting of the Convention was concluded monitoring the implementation of the Decision No. 202 dated on November 30th, 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. Up to the time being the process is continuing on the screening phase, aiming to collect all the available information and mapping of the stakeholders that have a saying in the process. The pandemic situation COVID-19, has slowed down the process for RBMPs preparation. EcoAlbania has followed closely the process.

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

In September 2020 the Science community undertook a [criticism](#)¹ for the EIA of Kalivaç HPP and sent it to the public authorities including the NEA. The Vjosa has been a key issue on the political agenda during September 2020 between the President of Albania and the Prime Minister Edi Rama, pushing the later to [announce](#)² publicly the decision to abandon the HPPs plans for the Vjosa and to declare the National Park instead.

Thus, In September 14th, 2020 the MoTE and NEA came up with a [negative Environmental Declaration](#)³ for the Kalivaç HPP.

In October 2020 the Turkish company that owns the concession for the construction of Kalivaç HPP, initiated a litigation process by suing the MoTE and NEA to the Administrative Court in Tirana.

EcoAlbania requested the Court to get involved in the process as third interfering party and the Court did accept EcoAlbania's request.

After a series of 3 hearings the Court [decided to refuse](#)⁴ the claims of the Turkish Company and upheld the decision of MoTE and NEA to give the negative Environmental Declaration. The Turkish Company has appealed the court decision to the Appeal Administrative Court.

After the public statement of Prime Minister Edi Rama to proclaim the Vjosa as National Park in September

¹ <https://balkanrivers.net/sites/default/files/Kalivac%20EIA%20criticis m.pdf>

² <https://twitter.com/ediramaal/status/1309447756092768256?s=20>

³ https://portavendore.al/wp-content/uploads/2020/09/SHOQERIA-KONCENSIONA RE-A YEN-ALB-firma20200915222102345-1_compressed.pdf

⁴ <http://www.gjykata.gov.al/gjykata-administrative-tiranë/gjykata-administrative-tiranë/cështjet-gjyqësore/cështjet-administrative/>

2020, the MoTE included the proclamation in within the process of the revision of the Environmental Protected Areas Network (EPAN). The process has started in August 2019 in a rapid and suspicious way led by the National Agency for the Protected Areas (NAPA). The revision process has foreseen reduction of a significant amount of the habitats of the coastline PAs such as Vjosë-Nartë PA.

In addition 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 was excluded from the protection regime.

This has caused a [strong opposition](#)⁵ of the CSOs and Academia in Albania because it was not legally based and it created a dangerous precedent of interfering into the boundaries of the PAs.

In the same process the Vjosa valley was proposed as a new protected area that would include the main river from the Greek border to the Adriatic Sea and partly the Drinos River valley. However the category as Nature Managed Reserve chosen was not accepted by the large community of NGOs and Scientists as it is inappropriate to guarantee the long-term conservation of natural values, biodiversity and ecological processes. In addition, the proposed PA in does not include the tributaries of the Vjosa which, are crucial to sustain the biodiversity of the ecosystem.

Despite the opposition, the Government of Albania decided to go further with the adoption of the National Territory Council [Decision](#)⁶ on [determination of the boundaries](#)⁷ and inner zoning of the EPAN. In that decision the Vjosa was foreseen to be proclaimed as a Nature Managed Reserve (IUCN category IV). The NTC Decision was also strongly opposed by the CSOs and Academia in Albania.

In February 2021 EcoAlbania submitted a [full proposal](#)⁸ to MoTE for the [proclamation](#)⁹ of the Vjosa River as National Park (IUCN category II). In that proposal it is evidence-based argued whu Vjosa should become nothing else but a National Park.

In the same logic, in March 2021, the IUCN submitted a [full proposal](#)¹⁰ to MoTE for the proclamation of the Vjosa River as National Park (IUCN category II).

In April 2021 another [study](#)¹¹ was presented: 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.

During the last week of May and the first week of June 2021 the science community of the Universities of Vienna, BOKU, Innsbruck and Tirana had a [rapid research](#)¹² on the Vjosa’s main tributaries: Bënça and Shushica. The purpose was to gather as much info as possible in order to emphasise the scientific importance of the tributaries to the entire Vjosa river ecosystem. The science team will come up with the findings report soon and EcoAlbania will include that information in the next update report.

Another important development is the presentation of the draft Decisions of the Government that have been prepared by the MoTE as the final step of the revision process of the EPAN.

On July 28th, 2021 in a meeting with the representatives of CSOs and expert the NAPA and MoTE presented [44 draft Decisions](#)¹³ that would define the boundaries and inner zoning of the EPAN.

The process was delegitimised from the CSOs as it was not legally based. The CSOs have expressed their [opposition officially](#)¹⁴ to the public authorities.

⁵ <https://www.ecoalbania.org/en/2021/03/20/protected-areas-in-albania-are-threatened-in-order-to-pave-the-way-for-infrastructure-projects/>

⁶ <http://planifikimi.gov.al/index.php?eID=du mpFile&t=f&f=6099&token=cc165dfe23b6652028a4de33944dee2fca23bd8f>

⁷ <http://planifikimi.gov.al/index.php?eID=du mpFile&t=f&f=6098&token=c6c19e064a3ec8bcc0d0736c1d92ddb745655fde>

⁸ <https://www.ecoalbania.org/wp-content/uploads/2021/02/Vjosa-WRNP-proposal-Final-OK.-docx.pdf>

⁹ https://www.ecoalbania.org/wp-content/uploads/2021/02/2021-02-10_Propozim-per-Shpalljen-e-lu mit-Vjosa-Park-Kombetar-AL-1.pdf

¹⁰ <https://www.balkanrivers.net/uploads/files/5/2021-011-En.pdf>

¹¹ https://www.balkanrivers.net/Vjosa_BaselineSurvey_2021.pdf

¹² <https://www.youtube.com/watch?v=P5gi6rR0taI>

¹³ <https://www.konsultimipublik.gov.al/Konsultime/Ekspert>

¹⁴ <https://drive.google.com/file/d/1APThTuAizlRu0HVgD-LxOLHVgYvzZm79/view?usp=sharing>

The Energy Community Secretariat is preparing the second Letter of Concern sent to the Albanian Minister for Tourism and Environment which comes after the [first one](#)¹⁵ sent out in July 17th, 2020. 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 Poçëm HPP. EcoAlbania will follow the also the case of Kalivaç HPP with the Energy Community as well.

- ***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 the information of the [concessionary contract](#)¹⁶ issued by the Government of Albania to the Mabetex Company. In parallel to that there is a process of preparation the SEA for the Vjosë-Nartë area with the purpose on accommodation of development project within the Protected Area. The process has been in the [attention of the CSOs](#)¹⁷ in Albania but so far it has been driven a fully transparent process of fake consultation without proper notification and organization.

Furthermore the if new Decisions of the Government within the frame of the EPAN revision would be adopted, then it will surely open a lot of space for aggressive urbanization of the area and the airport will only be a small part of the interference.

The plan foresees: touristic resorts, harbours, access highways, airport and massive beach.

The natural importance of the Nartë-Vjosë area is described in details in the previous update report.

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, that would include the tributaries like Bënça and Shushica there are certain studies which are at the final stage of realization. Habitats mapping, and sediment transport 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. 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.

¹⁵ https://drive.google.com/file/d/1l_YKJzpV9HsDBpioLjiT3WPYCCqX0PNp/view

¹⁶ <http://openprocurement.al/tenders/agreements/DRAFT%20KONTRATA.pdf>

¹⁷ <https://exit.al/en/2021/03/15/the-impact-of-the-vlora-airport-on-albanias-protected-narta-lagoon/>