



Strasbourg, 26 November 2019
[files20e_2019.docx]

T-PVS/Files(2019)20

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

39th meeting
Strasbourg, 3-6 December 2019

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, Albania*

- November 2019 -

Date: 08/11/19

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 4th, 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*

After the decision No. 202 dated on November 30th, 2018, by the Bern Convention Standing Committee to open the case file with Albania, the Albanian Ministry of Tourism and Environment was committed to fulfil all the 12 recommendations adopted in this decision.

In this regard the Ministry of Tourism and Environment was supposed to co-organize the workshop initiated by the University of Tirana and the University of Vienna on the topic of the Biodiversity values of the Vjosa River Catchment.

The workshop took place on December 6th, 2018, in Tirana, where the Ministry of Tourism and Environment was represented. In that occasion the Ministry's representatives acknowledged the scientific work undertaken in the last 3 years by the researchers and were committed to consider the findings during the evaluation of any possible EIA procedure for potential hydropower projects. The outcomes of the research are collected and published in a special volume (Annex 1)¹

On February 25th, 2019, EcoAlbania together with its partner organizations Euronatur and Riverwatch filed a complaint to Energy Community Treaty against Albania regarding the construction of the 2 hydropower projects in the Vjosa River. (Annex 2)². The complaint states clearly the infringements of the Energy Community law from Albanian Government regarding these projects. The submission of the complaint was followed by a meeting between the Complainant parties and the Energy Community held on March 12th, 2019 in Vienna. The Complainant parties raised once more the urgency of the case as the concessionary company is pushing forward for the projects.

On February 28th, 2019, EcoAlbania has requested the information to National Agency of Environment whether the Turkish Company AYEN-ALB has requested the initiation of the EIA procedure. The response from National Agency of Environment was negative. (Annex 3)³.

¹ <https://drive.google.com/file/d/11wEdIBHOjgiu9Hwjc2UMOqpX7SKioPNt/view?usp=sharing>

² <https://drive.google.com/file/d/1D5km2vf1LJZi84lqTXZqxBXFAbR5ykhk/view?usp=sharing>

³ https://drive.google.com/file/d/1o6eFAGMidpswCxrZTx0Xq2YXRSpOMW3_/view?usp=sharing

The Turkish concessionary Company AYEN-ALB, that was awarded the concession for the construction of Kalivaç hydropower plant, has sub-contracted the consultant company, Abkons for the preparation of the Environmental Impact Assessment study. The study must follow the IFC performance standards according to the concessionary contract between Ministry of Infrastructure and Energy and AYEN-ALB.

In this regard the consultant company has held several meetings with various stakeholders to build up the Scoping Report of the EIA.

On March 27th, 2019 the company has been in the affected areas to communicate the project to the local communities (Qesarat, Anëvjosë etc.). The company has faced the strong opposition of the local community in all these meetings. There was not much discussion in the meetings as the local community were completely against the hydropower project.

On April 5th, 2019, The consultant called in a meeting in Tirana, the Albanian NGO community to present the content of the work towards the preparation of the Environmental Impact Assessment study. In the meeting there were present almost all the active NGOs that are operating in the field of environment protection in Albania. In the meeting there was not presented any information regarding the project but only the planning phase towards the procedure of the EIA preparation. Once again the NGOs opposed the hydropower project.

On April 8th, 2019, EcoAlbania requested the Feasibility Study to the AYEN-ALB Company and received no answer. (Annex 4)⁴

On April 14th, 2019, the study on measuring the sediment load on the Vjosa River was presented in Tirana. The study was carried out by University of Natural Resources and Life Sciences in Vienna (BOKU) and the Polytechnic University of Tirana. The main outcomes of the study are as follows:

- The filling up of Vjosa reservoirs with sediments is calculated within 30 – 40 years for Poçëm and 45 – 60 years for Kalivaç.
- High economic cost are expected for sediment management and treatment
- River bed incision will be the consequence
- Coastal (Lagoon) erosion will increase due to lack of sediment transport
- Degradation of ecology, loss of European sea-side tourism as well as of eco-tourism in the Vjosa catchment must be expected

The outcomes of the study state once more the unviability of both Kalivaç and Poçëm hydropower projects, Kalivaç and Poçëm would cause a “lose-lose-lose” situation in terms of biodiversity loss-social conflicts generation-economic loss in mid and long term. (Annex 5)⁵

On June 6th, 2019, EcoAlbania and its partner organizations Euronatur and Riverwatch announced in Tirana the vision for the proclamation of the Vjosa River National Park. (Annex 6)⁶ Although the vision was welcomed by the scientific community, Local Government Units, and Touristic agencies, it was not considered by the representatives of the Ministry of Tourism and Environment that were present.

On July 30 the consultant Abkons, presented the first draft of the ESIA-Scoping report in Memaliaj to around 10-15 attendees. Without considering the local community concerns, the concessionary company has applied on September 19th, 2019 for the initiation of the EIA procedure to the Ministry of Tourism and Environment.

⁴ <https://drive.google.com/file/d/1bo86g3eEpOHu9Fux3QoCxmIPVJmrdqGV/view?usp=sharing>

⁵ <https://drive.google.com/file/d/1ase8ZeSjX4130e6rrVdeTRwf6ofMBuEm/view?usp=sharing>

⁶ https://drive.google.com/file/d/1tE1Sa6ESq9E0pSWxkv7k9Sg_wkTw3Y6c/view?usp=sharing

The NGOs raised once more the concern to prevent the Hydropower plants in the Vjosa and to declare the First Wild River National Park instead. (Annex 7)⁷

On 1st of October 2019, The Ministry of Tourism and Environment forwards the Concessionary company request for the initiation of the EIA procedure to the National Agency of Environment.

On October 3rd, 2019, Abkons presented in Memaliaj the final Scoping Report in regarding the Environmental and Social Impact Assessment Report for the Kalivaç hydropower project, in which they state that Kalivaç dam would be demolished after 50 years. (Annex 8)⁸

Another important event that took place in October 18th, 2019 in Tirana was the International Symposium on Wild Rivers ISWR 2019⁹. This event was hosted by the University of Tirana in cooperation with the University of Vienna. About 120 scientists from all over the world discussed the critical condition of rivers worldwide **and the** need to protect the last intact river systems. A special focus was given to rivers in the Balkans and the Vjosa river in Albania in particular. In a declaration, the participating scientists call upon European Institutions, political leaders in South-East Europe and the Albanian Government specifically to protect the remaining intact rivers in Europe. (Annex 9)¹⁰

Furthermore a petition regarding the Vjosa was also started by the international scientists, demanding the Albanian government to:

- agree on a time period of two years (2020/2021) for a thorough review of the current hydropower development plans in the Vjosa River basin.
- jointly explore economically feasible options for a sustainable 'Vjosa River Strategy' within the framework of the evolving River Basin Management Plan.
- establish a 'Vjosa River Science Round Table' involving national and international experts in order to allow for informed decision making on key identified issues related to the Vjosa River catchment.
- follow Albania's political and legal commitments to meet international conventions as well as EU requirements. (Annex 10)¹¹

- ***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 Albanian Government plans to construct an international airport within the boundaries of the Protected Area Vjosë-Nartë (**Protected Landscape/IUCN category V**). In the meantime, this site has been officially nominated by the Albanian Government as a **candidate Emerald** site under the Bern Convention as “Protected landscape of the wetland complex Vjosë – Nartë” (site ID AL0000008, surface: 19.412,00 hectares. In addition, the site is recognized as an **Important Bird Area** named as “Narta Lagoon” with ID“AL005” as it fulfils the criteria A1. A4i, A4iii, B1i.

Moreover, this site is recognized as **Key Biodiversity Area (KBA)** at global level named as “Vjosë - Nartë (Vjosë-Pishë Poro-Laguna e Nartës)” with ID ALB24. Furthermore, the area fulfils the criteria to be classified as a “**Wetland of International Importance**” under the “Ramsar” Convention that Albania has ratified.

“Vjosë-Nartë” is an outstanding wetland complex of tremendous importance for the international bird migration system. The “Vjosë-Nartë” wetland is among the most important wetlands and stop-over sites

⁷ <https://drive.google.com/file/d/1Ygdmqca3WQohtozjGmYJmjREBkYiSJ7l/view?usp=sharing>

⁸ <https://drive.google.com/file/d/10ewx7JyZl01O515XIEBWB1-UOXaEvUAS/view?usp=sharing>

⁹ <https://balkanrivers.net/en/news/two-days-wild-river-science-albania>

¹⁰ https://drive.google.com/file/d/1Nr9r3W-8ediIo-X-zfZLAfTx7YpWyKR_/view?usp=sharing

¹¹ https://drive.google.com/file/d/1A55mJgSudUi6pSdZg_jMQrr-Ec7B32ov/view?usp=sharing

along the entire Adriatic Flyway with up to 81,000 water birds counted during the International Water Bird Census.

Construction of the airport, encroaches on the natural breeding habitats of many bird species of international importance. Furthermore, this area is used by hundred thousands of birds as a stop-over or passing site along migration. Moreover, construction of such infrastructure is expected also to affect the respective segment of the coastline which is used by rare and endangered water mammals, such as the Mediterranean Monk Seal. A list of around 170 birds and 17 mammals species, part of the Bern Convention annexes that use the area and might be negatively affected by the construction of the Airport and other supportive infrastructure is given in the (Annex 10)¹²

The first public announcement was made by mid of January 2018. Since then, the Ministry of Economy has proposed the agreement for the construction of the Vlora Airport to the Council of Ministers. The Ministry of Tourism and Environment (including the National Agency for Protected Areas) has agreed with the proposed agreement, the Council of Ministers has approved the agreement and sent it for approval to the Parliament, and several parliamentary commissions have debated and approved the agreement. Finally the Albanian Parliament has approved the respective law on 1st February 2018: "On the determination of the special procedure for the negotiation and contract signature among the Albanian Government and the enterprises "CENGIZ CONSTRUCTION & KALYON CONSTRUCTION" with the object of planning, constructing, operating, maintaining and managing the airport of Vlora city". In that time the Prime Minister of Albania announced that the works will start within June 2018.

The negotiation with the above mentioned company did not succeed and nothing was heard about these plans in the public. Lately, high government officials such as the Prime Minister of Albania Mr. Edi Rama and the Minister of Infrastructure and Energy Mrs. Belinda Balluku have publicly declared that "within October 2019, the government will open and finalize the tender procedures and by spring 2020 the construction works will start". Further to that, the Prime Minister, has publicly stated that "if no agreement with private companies will occur, the government will start the construction of the airport with state budget".

The announced plan is to construct the largest airport of Albania, at least twice the size of "Tirana International Airport Mother Teresa". The airport will be international, will also include cargo service and also a significant sector for maintenance of airplanes.

According to our current information neither a Strategic Environmental Assessment nor an Environmental Impact Assessment was elaborated. Furthermore, in October 2019 the National Agency of Protected Areas of Albania has presented preliminary results of a reform made for the National Network of the Protected Areas. With regard to the Protected Area Vjosë-Nartë, the surface where the airport and other infrastructural objects (that have planned to be constructed) has been removed from the protected area and the borders adjusted accordingly. (Annex 12)¹³

Outlook of the situation

The battle for the protection of the Vjosa River is reaching a very decisive stage and considering this 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

¹² <https://drive.google.com/file/d/15OMQ7PJpiaLNjPxscJPafJx46jPTj53x/view?usp=sharing>

¹³ <https://drive.google.com/file/d/1K7nZLw7a9gLZ0X4Oo6aOYHd3Yi1LhHS3/view?usp=sharing>

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 being/will be carried out in this regard. Habitats mapping, Stakeholder analysis, 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 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.

- February 2019 -



Date 27.02.2018

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 4th, 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.

- *The Kalivaç hydropower project*

On June 8th, 2018 the Albanian **Ministry of Infrastructure and Energy** signed the concessionary contract with the joint venture "AYEN- ALB" (a consortium of Albanian company "Fusha sh.p.k" and the Turkish AYEN ENERJI") for the construction of Kalivaç hydropower in a B.O.T form (built-operate-transfer). The concession duration is foreseen to last 35 years.

After a series of efforts made by EcoAlbania to receive any information regarding this concession or regarding the EIA procedures, yet there is no information provided by the public authorities. Please refer to the last update on 23.10.2018.

So far the last developments show that the concessionary company has already appointed the consultant company to prepare the EIA. The consultant company appointed, is the Albanian ABCONS company. In the very beginning of their work for EIA procedures for Kalivaç, they have faced difficulties on setting up the expert team, as almost all of the renowned national experts refused to be part of the team. Most of these expert mentioned that there is no place for hydropower construction on the particular part of the Vjosa River, due to high risk for environmental impacts. Many of them are part of the "Memorandum for Vjosa", Please refer to the last update on 23.10.2018.

On January 17th, 2019 the team of experts hired by the consultant company went at the dam construction site as the first field visit on the study area.

They have been reserved towards the media interest. The only information we have unofficially is that the EIA will be concluded in not less than 3 months - time and it will be consulted with the local and national stakeholders.

So far no studies have been conducted on the ground and no draft of EIA is presented to the National Agency for Environment by the concessionary company regarding the Kalivaç hydropower project.

Rr. e Kavajës * P. Qendra “GLOBE”, Sh.1, Ap. 11, Tirana – Albania * Tel. +355 4 4317720 * e-mail: contact@ecoalbania.org

However in we assume that no proper EIA can be done in that short period of time (3 months) as stated by the consultant company and we call on Bern Convention to increase the pressure towards Albanian Government, precisely towards the Ministry of Environment to follow carefully the process of EIA study preparation as regard the Kalivaç project.

EcoAlbania’s position upon the situation

The Kalivaç hydropower project is not planned to be constructed in a protected area. However, in the Complaint no. 2016/05, sent to the Bern Convention by EcoAlbania, the project area is shown to be of high importance in terms of biodiversity and conservation (Please refer to the last update on 23.10.2018). The fact that the area is not under protection is due to limited scientific knowledge so far. In this regard the scientist’s initiative on conducting research in the area is ongoing. In the last two years, there have been three scientific collecting data field trips.

So far the findings are impressive with more than 40 species reported for the first time in Albania and one new species of stonefly named *Isoperla Vjosae*. (Annex 11 of T-PVS/Files (2018)19).

In spring 2018 several scientific field trips took place in the Vjosa watershed, which will be followed by a publication on the species, habitats and the impact of hydropower that will be drafted and published by the group of independent scientists from Albania, Germany, Austria etc.

All findings are gathered and published in a special edition book of Acta ZooBot Austria 155/1 under the title “*The Vjosa River in Albania – a riverine ecosystem of European significance*”¹⁴.

Considering on-the-spot appraisal for the affected area from Kalivaç and Poçem hydropower and the decision to open a case file for the Vjosa case by the Standing Committee as an important commitment shown by the Convention to highlight the urgency of acting immediately, we are looking forward to more pressure to Albanian Government and especially to a more close follow of the procedures regarding the hydropower projects of Kalivaç and Poçem. Thus the Convention is taking action on the protection of the last free flowing river of Europe.

In addition to that, during this spring – summer 2018 there have been conducted “*in situ*” measurements of the sediment transport of the Vjosa River near the Kalivaç-Poçem area by a group of researchers of During the spring-summer period 2018, a sediment transport study has been conducted by the Leibniz Institute of Freshwater Ecology and Inland Fisheries (Germany). So far, the preliminary data shows that, the construction of the Kalivaç and Poçem hydropower projects would cause a “lose-lose-lose” situation in terms of biodiversity loss-social conflicts generation-economic loss in mid and long term. However, the full publication of the data will be published in mid-March 2019

The National Agency of Water Management is a recently founded authority that will be in charge of preparation of the River Basin Management Plans for all 7 Albanian River Basins. The Agency is closely cooperating with an EU founded project that has recently started implementation. The plans are to start first with the preparation of the Vjosa River Basin and the foreseen time to have the first final draft of this plan is after 2023. This indicates that both Kalivaç and Poçem hydropower are taking place without proper planning.

Outlook of the situation

The battle for the protection of the Vjosa River is reaching a very decisive stage and considering this EcoAlbania and its partners will use of all legal means to protect this unique natural heritage from dam construction.

¹⁴ https://balkanrivers.net/sites/default/files/Acta155-1_Web_FINAL.pdf

In this regard, the lawsuit against Kalivaç project will be sent soon to the Administrative Court in Tirana. In the court will be challenged procedures the followed by the company for the EIA preparation and the public consultation.

Filing a complaint to the Energy Community¹⁵ is another tool, which is used in parallel with the domestically legal battle in the Albanian Court.

Another important step that will take place in the second half of 2019 is the Scientific Conference for Vjosa River system. The conference will serve as a tool to share all the scientific data collected in the last 2-3 years of field work and scientific research in the Vjosa river basin and mainly in the 2 affected area of Poçem and Kalivaç where potentially that dams will be constructed.

In addition to that the conference will be an opportunity for riverine scientific community to come together and to exchange the know-how and the experience on the free flowing river importance and river management.

The Conference will serve also as an opportunity to invite the decision-makers to be aware of the scientific importance of this special ecosystem.

15 Complaint to Energy Community: EcoAlbania, EuroNatur, RiverWatch 2019,
<https://drive.google.com/file/d/14IORdWvVuLyspGvTkgIvmi2gNQMY7KSp/view?usp=sharing>