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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

**Standing Committee**

41<sup>st</sup> meeting  
Strasbourg, 29 November - 3 December 2021

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**Hydro power development within the territory of  
Mavrovo National Park  
(North Macedonia)**

**- TERMS OF REFERENCE FOR A BERN CONVENTION  
ADVISORY MISSION -**

*Document prepared by  
the Directorate of Democratic Participation*

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## 1. BACKGROUND OF THE CASE-FILE

The case concerns the plans for the development of hydropower projects within the territory of Mavrovo National Park, an Emerald candidate site since 2011. According to the complainant, the Center for environmental research and information 'Eko-svest', the construction of several hydropower plants (HPPs) and supporting infrastructures (roads, bridges and transmission lines) would result in the direct destruction of forests, severe disturbance of water sources and fragmentation of wildlife habitats – the home of numerous strictly protected species of plants, mammals, birds, amphibians and reptiles listed in Appendix I and II<sup>1</sup> of the Bern Convention. In addition to the provisions of the Convention, Recommendations [No. 162 \(2012\)](#) on the conservation of large carnivore populations in Europe requesting special conservation action and [No. 157 \(2011, revised in 2019\)](#) on the status of candidate Emerald sites and guidelines on the criteria for their nomination were pointed out as of relevance to the case.

In December 2014, following a number of reporting requests to the authorities and submission of such reports on the state of planning and implementation of two large HPPs, Boshkov Most HPP and Lukovo Pole HPP, the Standing Committee took note of the latest updates on the case, noted the importance of the area as a key biodiversity hotspot, its status of National Park and candidate Emerald site, and the concerns expressed by a number of international organisations and delegates over the negative impact of hydropower developments on the biodiversity of the area. The Committee further noted the pending adoption of a Management Plan for the Park, the pending lawsuit on the Environmental Impact Assessment for one of the hydropower plant's projects as well as the expected finalisation of the assessment for the second one.

The Committee decided to open a case file and instructed the Secretariat to seek the agreement of the Party for the organisation of an on-the-spot appraisal to the area in 2015, with the objective of collecting more information and data for the preparation of a draft recommendation to be submitted to the next Standing Committee meeting.

On 4<sup>th</sup> March 2015, the Minister of Environment and Physical Planning sent an official letter to the Secretariat confirming his agreement on the organisation of the on-the-spot appraisal. The visit took place on 24-25 June 2015, led by an independent expert in charge of the mission. The European Union, the IUCN and WCPA participated in the appraisal as Observers. The European Bank for Reconstruction and Development (EBRD), financing one of the projects, also joined the mission. The mission produced a report and a draft recommendation. At its 35<sup>th</sup> meeting in December 2015, the Standing Committee adopted [Recommendation No. 184 \(2015\)](#) on the planned hydropower plants on the territory of the Mavrovo National Park, inviting North Macedonia to suspend the implementation of the hydropower plants foreseen and related infrastructure until a Strategic Environmental Assessment is completed and to keep the Standing Committee regularly informed about the progress in the implementation of this Recommendation.

A spontaneous report sent by the complainant in February 2016 informed that the World Bank had dropped one of the questioned HPP projects (Lukovo Pole) and that the European Bank for Reconstruction and Development had pledged to comply with the recommendation and put the Boskov Most HPP project on hold until the Strategic Environmental Assessment could be completed. The Boshkov Most HPP was later abandoned.

On 21<sup>st</sup> March 2016, the Government informed that it was working on the implementation of Recommendation No. 184 (2015), in particular by launching a national programme for monitoring and recovery of the Balkan lynx and promised to keep the Secretariat updated on the progress.

In March 2016, the Bureau took note of this information, stressing that the building of small plants is in line with the recommendation adopted by the Standing Committee and instructed the secretariat to ask by the end of June 2016 for reports from both the authorities and the complainant. The Bureau encouraged the government to fully implement the recommendation of the Standing Committee.

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<sup>1</sup> Since 2018, the *Lynx lynx balcanicus*, present in the area of the National Park, is also included in the Convention's Appendix II.

In 2016 and 2017, the complainant organisation warned that the number of approval or plans to grant concessions to private investors of small hydropower plants in the area of the Park was increasing.

In 2017, the national authorities informed that the management plan of Mavrovo NP would be completed once the Law for the Re-Proclamation of the NP is adopted in Parliament. The outcomes of the recommended SEA would be reflected in the Management Plan. The authorities also reminded on several occasions that the implementation of privately funded small/micro hydro plants in development before December 2015 are not subject to the Recommendation but that confirmed concessions for the remaining planned small/micro plants within the territory of the National Park are suspended.

In 2018, at its 38<sup>th</sup> meeting, the Standing Committee noted again that the development of both large HPPs which were subject of the initial complaint had stopped, while the Government had ceased further promotion of concessions of small and micro HPPs in the area. The Standing Committee further welcomed the letter sent by the national authorities to the Secretariat, requesting advice and support in the implementation of the Recommendation and in particular the finalisation of the Law for the re-proclamation of the National Park, which is a prerequisite for the development of the SEA.

The Standing Committee decided to keep the file open and to mandate the Secretariat to seek the best possible avenues, including entrusting the task to an expert, to provide advice and guidance to the national authorities which would efficiently facilitate and accelerate the implementation of Recommendation No. 184 (2015).

In summer 2019, the national authorities of North Macedonia contacted the Secretariat with a request for Terms of reference of the mission in order for the authorities to be able to prepare accordingly.

The Bureau to the Convention, at its second annual meeting in September 2019, instructed the Secretariat to respond to the authorities and to seek the organisation of the mission in 2020. It advised that the issue of the management and conservation of the Balkan Lynx should also be included in the terms of reference of the mission.

In addition, due to the complaint on stand-by before the Bern Convention *No. 2017/2: North Macedonia: Alleged negative impacts to Lake Ohrid and Galichica National Park candidate Emerald Sites due to infrastructure developments*, which also concerns North Macedonia, the Bureau requested the Secretariat to consider broadening the scope of the mission to allow it to also collect information from both the authorities and the Complainant and NGO community on this other specific case.

The Bureau further proposed that the terms of reference of the mission could also include discussions on the protection and status of all other candidate Emerald Network sites in the country.

At its 39<sup>th</sup> meeting in 2019, the Standing Committee acknowledged the complainant organisation's concerns about the newly developed Energy Strategy in the country which could affect Mavrovo and other Emerald Network sites. It agreed that the draft Terms of reference for the expert mission should be extended to allow collection of information on all Emerald Network and case-file sites. It instructed the Secretariat to seek the agreement of the national authorities for the mission, to ideally take place in the spring/summer 2020. Meanwhile, the authorities were urged to suspend all developments, concession and permitting processes for new HPPs until the expert mission delivers its recommendations.

During 2020, due to the Covid-19 pandemic resulting in severe travel and work disruptions, the mission could not take place. Nevertheless, the Secretariat and national authorities continued to develop the Terms of Reference, with the Bureau following up on progress. The latter at its Spring meeting advised that the mission should consider the recently adopted [Recommendation No. 208 \(2019\)](#) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites when drafting the conclusions of the evaluation.

At its 40<sup>th</sup> meeting in 2020, the Standing Committee took note of the delay of the mission and expressed its hope that the visit could take place as soon as possible in 2021 pending the pandemic situation. It appreciated the cooperation and initiative of both the authorities and complainant to replace in the short-term a traditional on-the-spot appraisal, which could be further disrupted in 2021, with online consultative sessions and meetings with all relevant stakeholders.

## 2. OBJECTIVES OF THE MISSION

On the basis of the instructions of both the Standing Committee and its Bureau, and information provided by the authorities and the NGO, the objectives of the mission are to:

- 1) review the progress made so far by the Government of North Macedonia in response to Recommendation No. 184 (2015) of the Standing Committee on the planned hydropower plants on the territory of the Mavrovo National Park and corroborate the information provided by the authorities and the complainant in their respective reports;
- 2) collect information on the state of development of the Law for the Re-Proclamation of the Mavrovo National Park;
- 3) look at the SEA standards in North Macedonia and understand procedures, relevant actors and responsibilities in the development of SEAs and assess the extent to which it complies with [Recommendation No. 208 \(2019\)](#) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites.
- 4) collect information on the state of protection of the Mavrovo National Park in the field, including possible threats from energy production installations, the enforcement of the legal protection status, the boundaries and zoning of the National Park, how supervision and warding is organised, the state of conservation of the main species and their habitats, the effectiveness of existing protective regulations vis-à-vis internal and external threats, and land-use planning;
- 5) collect information on the state of conservation of the *Lynx lynx balcanicus* and on the measures put in place by the national authorities for ensuring the species' long-term conservation;
- 6) collect information on the state of protection of Lake Ohrid and Galichica National Park candidate Emerald Sites, which are subject to a pending case-file under the Convention;
- 7) discuss with relevant competent authorities at national and local levels, including the NGOs, local stakeholders and citizens' groups;
- 8) prepare recommendations to the North Macedonian authorities on actions to undertake to:
  - a. further enhance the conservation of Mavrovo NP,
  - b. develop a SEA with specific emphasis on the cumulative impacts from all planned development activities in Mavrovo NP
  - c. ensure the successful conservation of *Lynx lynx balcanicus*,
  - d. ensure the necessary safeguards are in place to avoid clashing with biodiversity priorities when developing hydropower or other infrastructure projects;
- 9) draft recommendations for the overall setting-up of the Emerald Network at national level, for the protection and implementation of management measures for the candidate Emerald sites in the country, including for the Lake Ohrid and Galichica National Park; these recommendations should be grounded on [Recommendation No. 208 \(2019\)](#) of the Standing Committee on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites.

## 3. MISSION DELIVERABLES

Based on its findings and discussions with national and other relevant authorities and stakeholders, the mission shall submit a written report of max. 20 pages.

The report will include:

- proposed recommendations to assist national authorities in implementing Recommendation No. 184 (2015) of the Standing Committee on the planned hydropower plants on the territory of the Mavrovo National Park;

- proposed recommendations to ensure the conservation of the *Lynx lynx balcanicus*;
- proposed recommendations to enhance the state of protection of Lake Ohrid and Galichica National park as candidate Emerald Network sites;
- proposed recommendations based on the findings on Lake Ohrid and Galichica National park which would contribute to enhancing the conservation of Emerald Network sites and in planning and developing projects on the territory of nationally designated protected areas and Emerald Network sites, in conformity with the Bern Convention;

The recommendations will be accompanied by a monitoring plan for their implementation and will include proposals for further technical support by the Bern Convention in their realisation.

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

##### **4.1. Mission team**

- International expert on protected areas' management
- International expert on large carnivores (*lynx lynx*)
- Bern Convention Secretariat
- Other relevant international organisations, e.g. the Energy Community, IUCN, RAMSAR Convention, UNESCO (to be confirmed)

##### **4.2. National authorities**

- Ministry of Environment and Physical Planning
- Other Ministries/agencies/institutions: Ministry of Economy (Energy Sector, Tourism Sector), Ministry of Agriculture, Forestry and Water Supply, Hydrobiological institute Ohrid (to be confirmed)

##### **4.3. Other stakeholders**

- Local authorities, when relevant: Municipality of Mavrovo, Municipality of Ohrid, Municipality of Debarca, Municipality of Struga, Mavrovo National Park representatives, Lake Ohrid and Galichica National Park representatives
- Center for environmental research and information 'Eko-svest'
- CSO "Front 21/42"
- Macedonian Ecological Society

#### **5. FUNDING AND ORGANISATION OF THE MISSION**

The costs of the on-the-spot assessment mission will be borne by the Bern Convention and international logistical arrangements will be coordinated by the Bern Convention Secretariat. These include the hiring of experts, travel and subsistence.

The Ministry of Environment and Physical Planning will be kindly asked to organise and provide local logistics, such as arranging meetings scheduled with all stakeholders, including meeting rooms as well as local transportation for the mission team.

Following the decision of the 40<sup>th</sup> Standing Committee, a part of the mission can be organised online. The Bern Convention Secretariat will coordinate with the national authorities, complainant and other relevant stakeholders to organise virtual meetings and activities.

## **6. TENTATIVE DATES**

The virtual part of the mission could take place across several time slots in the beginning of 2021, to be agreed between the organisers and relevant stakeholders.

The eventual on-the-spot part of the mission could last 2 to 3 days and take place as soon as the Covid-19 pandemic situation will allow for safe travel, hopefully during 2021. The situation will be continuously assessed during the year.