

DRAFT REPORT

On

“Quality of EIA/SEAs of hydropower projects in Albania”

Under the Project “Quality of EIA/SEAs of hydropower projects in seven Western Balkan countries (Croatia, Bosnia and Herzegovina, Montenegro, Serbia, Kosovo¹, Macedonia and Albania)”

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¹This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table of Content

1. INTRODUCTION	4
1.1 Goal	5
1.2 Objectives	5
2. EXECUTIVE SUMMARY	6
3. METHODOLOGY USED	8
4. QUALITY OF EIAs/SEAs	14
4.1 Assessment of draft report.....	14
4.2 Discussion on qualitative weaknesses of the assessments analyzed	14
5. PART B – ROOT CAUSES OF WEAK EIAs/SEAs	19
5.1 Short description of EIA/SEA lifecycle with emphasis on all participants to and mechanisms of approval process.....	19
5.2 EIA/SEA quality control at a national level.....	29
5.3 Root causes behind the low quality of EIAs/SEAs.....	30
5.4 Conclusions and recommendations	37
6. Annexes.....	40
7. References.....	53

List of acronyms

DCM	Decision of the Council of Ministers
EIA	Environmental Impact Assessment
HPP	Hydropower Project
LGUs	Local Government Units
MEI	Ministry of Energy and Industry
MoE	Ministry of Environment
NANR	National Agency of Natural Resources
NEA	National Environmental Agency
NLC	National Licensing Center
REAs	Regional Environmental Agencies
REC	Regional Environmental Center
SEA	Strategic Environmental Assessment
SIEFW	State Inspectorate of Environment, Forests and Waters

1. INTRODUCTION

Since 2005 WWF focused its attention on hydropower in the Western Balkans and the life cycle of several hydropower projects have been closely monitored, participating in several consultation processes related to Environmental Impact Assessments and Strategic Environmental Assessments.

None of the EIA/SEA monitored can be considered of satisfactory quality, lacking basic standards and failing in taking into any serious consideration the comments submitted. The common denominator was low information quality, major data gaps, no alternative assessment, weak assessment of impacts and often a conclusion of no significant environmental impact without a well elaborated assessment. The most controversial EIA/SEA studies are usually produced by the same companies with obvious bias towards unsustainable hydropower development.

This is the reason why WWF undertook the initiative to conduct an assessment by identifying the situation in more detail in each of the seven Western Balkan countries.

The Report gives an overview of the situation regarding EIA/SEA in the Albania paying special attention to the EIA/SEAs of hydropower projects (HPPs).

First part of the Report which is focused on the quality of EIAs/SEAs, highlights main qualitative weaknesses of the assessments analyzed. Four hydropower projects are screened and analyzed against EIA/SEA national standards and EU Directives. A detailed assessment is carried out for these HPPs, consisting in an administrative procedure assessment and the content of EIA applications.

Second part investigates the root causes of weak EIAs/SEAs.

Identification of main weaknesses led to conclusions and recommendations to improve the critical situation aiming at sustainable hydropower development in the country.

1.1 Goal

The goal of the consultancy is to contribute to improving the quality of EIA/SEA of hydropower projects in the Western Balkans (Croatia, Bosnia and Herzegovina, Montenegro, Serbia, Kosovo¹, Macedonia and Albania).

1.2 Objectives

- To propose legal procedures that would set up possibilities to repeal the licenses to the companies that repeatedly produce controversial EIAs.
- To identify the scientific, technical and procedural/legal quality of a critical mass of EIAs/SEAs carried out in the past five years on hydropower plants in the seven countries against relevant national legal framework and EU standards in order to identify major weaknesses in the quality of the assessments;
- To identify loopholes in existing technical and legal mechanisms for carrying out and approving EIAs/SEAs which lead to the poor quality of the assessments;
- To recommend baseline performance criteria for ensuring that future EIA/SEA meet EU quality standard;
- To recommend key actions for resolving major causes of poor EIAs/SEAs quality to ensure that they are carried out transparently through a process that meets EU standards.

2. EXECUTIVE SUMMARY

The measures undertaken by the Albanian Government in completing the environmental legal base by transposing the EU directives, resulted in the establishment of a considerable number of environmental laws and bylaws. The environmental legal framework and legislation on renewable sources of energy, concessions and integrated management of water resources etc. is analyzed in detail in the frame of this assessment.

The Cross - Cutting Strategy, part of the National Strategy for Development and Integration of Ministry of Environment (2007), is in place as main government document that outlines the state policy in the field of environment protection.

Adequate strategies and policies are missing and even if they exist, they are not updated. The new National Water Strategy as well as the Energy Strategy are still in the preparation phase. Their and other relevant strategies' finalization and development are an imperative duty, considering the situation related to HPPs development in the country. Action Plans should be developed in order to ensure strategy implementation.

Furthermore strategic environmental assessments are not carried out and strategic alternatives are not considered at high level of decision making, neither at project level stressing the need to consider them at this stage. Another issue of concern is related to the legal and institutional framework. As stated above, there is a good legal base which has been prepared by transposing the relevant EU directives, but nevertheless this fact, it is evident that Albania continues to suffer implementation problems. By analyzing all these strategic documents, it is evident that the promotion of sustainable development and the environmental protection by one side and the situation created due to the unsustainable use of nature resources and unsustainable developments by the other side show that in most of cases the set objectives are not achieved or could not be achieved. Specifically this is referred to the situation created due to the problems arising from the concessions given for the construction of Hydro Power Plants (HPPs).

Analyzing the situation, the problems do not arise since the project proposal phase, the selected area which in most of cases is not based on the alternatives consideration, neither the "Do nothing" option nor the cumulative impacts considerations. Albania suffers from the missing of land use plans, master plans, management plans for protected areas etc. Even in case such

plans exist it is not provided any reference, either there are weak references, or they are only listed as existing plans, but the conformity of the proposed project for HPPs with these existing plans and projects is not done or it is done superficially. Moreover the conformity with the approved plans, projects and the respective expected developments are not taken into consideration. Sometimes they are just mentioned and listed, but not analyzed and considered in the frame of the project proposal. The HPPs proposals in most of the cases are seen separated from other developments. It is identified that in most of cases, it is not done a real inventory of the area proposed for the development of hydro power projects. It contains a general description of the area to be developed, while peculiarities and specific data and information on plants, species etc. are not known/given. As result the potential impacts not identified properly and respective measures to mitigate or/and eliminate negative impacts, are not considered.

Even though hydropower plants are important as renewable source of energy, the significant adverse impacts in case they are proposed/constructed in the nearby sensitive areas may result in irreversible changes and loss of such areas or its important environmental characteristics.

It is obvious that actual efforts are mainly concentrated in the selection of the potential HPP locations, while the impacts on the environment and sensitivity of the areas/river basins, where every single HPP will be constructed is not considered at the required level. There are prepared only two river basin management plans, while the preparation of these plans for the three remaining river basins should be done as soon as possible.

There are analysed EIA applications and there are identified main weaknesses. Specific and detailed identified issues regarding quality of EIAs/SEAs, EIA approval procedures and environmental declarations/decisions issued are given below as well as recommendations to improve the situation.

3. METHODOLOGY USED

The scope of this consultancy is to contribute to improving the quality of EIA/SEA of hydropower projects in Albania.

To contribute in improving the quality of EIA/SEA of hydropower projects, it is assessed and analysed the current situation, specifically:

- legal and institutional framework;
- policy documents;
- EIAs/SEAs carried out on hydropower plants;
- decisions, consents, permits, licenses issued;
- other relevant documents which help to perform the assessment.

The methodology used consisted the following tools and techniques:

- collection of relevant data and information;
- meetings and interviews with identified key actors;
- site visits;
- desk analysis.

The steps undertaken to perform the analysis consist in the:

- identification of necessary information and documentation to be reviewed and analysed;
- identification of ways and means for the provision of important data and information;
- identification of main parties involved in the EIA/SEA process;
- identification of key actors to be met and interviewed;
- framing questions on the issues to be addressed during meetings and interviews;
- organization of meetings and interviews with key actors;
- assessment of the documents reviewed;
- conclusions on the documents reviewed and meetings performed and relevant recommendations.

The information and documentation reviewed and analysed comprise:

a) *Legal framework:*

- Law No. 10431, dated 9.06.2011 "On environmental protection";
- Law No. 10440, dated 7.7.2011, "On environmental impact assessment";
- Law No. 91/2013 "On strategic environmental assessment"
- Law No. 10081, dated 23 February 2009, „on licenses, consents and permits in the Republic of Albania
- Law No. 8906, dated 6.6.2002 "On Protected Areas";
- Law No. 111/2012 "On integrated management of water resources";
- Law No. 138, dated 2.5.2013 "On renewable sources of energy";
- Law No. 125/2013, changed with the Law No.88/2014 "On Concessions and private public partnership";
- *Law No. 8906, dated 6.6.2002 "On Protected Areas", amended by the Law No. 9868, dated 04.02.2008*
- *DCM No.13, dated 04.01.2013 "On the rules, responsibilities and deadlines for the development of environment impact assessment procedure"*
- *DCM No. 994, dated 02 July 2008, "On the seeking of public opinion in the environmental decision making"*
- *DCM No. 16, 04 January 2012, "On the right of public to obtain environmental information"*
- *DCM No. 46, dated 4 January 2013, "On the approval of rules, responsibilities and timelines regarding the environmental impact assessment procedure"*
- *DCM No. 47, dated 29 January 2014, "On the definitions or rules for the organization and functioning of National Agency and Regional Environmental Agencies"*
- *DCM no. 1631, dated 17.12. 2008 "On the proclamation of the "Bredhi Hotovës" National Park";*
- *DCM No. 640, dated 21.05.2008 "On the proclamation of the National Park" of Shebenik-Jabllanica";*
- *DCM No. 576, dated 10.07.2013 "On the approval of rules for the identification, assessment and granting the concessions for the HPPs"*
- *DCM No. 27, dated 30.4.2014 "Setting the rules, requirements and procedures for informing and public involvement in environmental decision-making"*

- *DCM No. 1124, dated 30.07.2008 “On the approval of rules, procedures and criteria for the specialists to be certified for the Environmental Impact Assessment and Environmental Auditing”*
- *Order of the Minister of Energy and Industry No. 1, dated 30.10.2013 “On rules and procedures for reviewing applications to obtain construction permit for energy, mining, and industrial facilities and objects with high risk in this field, as well as establishment of commission for reviewing requests and issuing permits”*
- *Order of the Minister of Energy and Industry No.130, dated 20.03.2014 “On the establishment of Technical Opponent Commission in the National Agency of Natural Resources, for the construction of the HPPs with concession”*
- *Order No. 1, dated 22.02.2011 “Defining programs and procedures for the development and evaluation of exams, for providing specialist certificate for environmental impact assessment and environmental audit”*
- *The other relevant legislation: Law No 119/2014 dated 18.9.2014 "On the right to be informed"*
- *Decision of Council of Ministers No. 16, dated 4.1.2012 “On the right of public to obtain environmental information;”*
- *Decision of Council of Ministers No. 46, dated 29.1.2014 “On the establishment and organization and functioning of the State Inspectorate of Environment, Forests and Waters”*

b) Policy documents:

- *Cross - Cutting Strategy of Ministry of Environment, 2007, part of the National Strategy for Development and Integration;*
- *Second National Environmental Strategy for the period 2006-2020;*
- *Biodiversity Strategy and Action Plan, 1999*
- *National Strategy of Energy, 2003;*
- *Energy Sector Strategy 2006 – 2020;*
- *National Water Strategy, 2003;*

Meetings with the parties involved in the EIA/SEA process:

- key public stakeholders: MoE/NEA, ministries, public institutions, licensing authorities,
- other parties: EIA experts/developers, public in general and NGOs.

Specifically:

- Ministry of Environment/National Environmental Agency;
- Ministry of Energy and Industry;
- National Agency of Natural Resources;
- Technical Opponent Commission National Agency of Natural Resources
- Institute of Geosciences, Energy, Water and Environment;
- "EKOLEVIZJA", "EGNATIA", EDEN NGOs;
- Consultants/EIA Experts, Companies.

Site visits at Vjosa river basin where there are granted the permits for the construction of 13 HPPs

Desk analyses:

- Assessment and analysis of the strategies; regulations; EIA reports; decisions, consents, permits and licenses issued; environmental declarations; openences; decisions etc;
- assessment of the quality of EIAs/SEAs against relevant national legal framework and EU standards;
- conclusions and recommendations

During the meetings and interviews, information and data from the interviewed persons are requested. These documents are made available to this report. This is done in order to assure and support the raised and discussed issues, during these meetings.

The information and data obtained are cross checked to verify they are accurate and therefore suitable to be used for making conclusions and recommendations.

A lot of information is collected and used to support the analyses performed. Only a part of it, only the substantial information representing the main key issues, is mentioned as reference.

There are met representatives from different parties involved in the EIA/SEA process, comprising governmental bodies' representatives involved in the policy and decision making in the Ministry of Environment and Ministry of Energy and Industry. There are met relevant authorities in charge of approving EIA/SEAs, other relevant permits, consents, concession agreements and members of the Technical Opponent Commission of NANR.

Furthermore, a very important source of information is considered the one obtained from the interviews with NGOs, journalists, environmentalists involved specifically in the HPP matters. Amongst the people met, is the group of scientific and research field, consultants and EIA experts, CSOs representatives, institutions providing data, etc. Data and information were collected by observation and in a form of survey by asking the same questions and seeking their general opinion regarding EIA/SEA process and specific questions according to their specific position and role in this process.

There are used some data, information and records collected previously by NGOs and these were made available during the interviews with these NGOs.

Attached to this Report as Annex I, there is the full list of persons which were met.

Site visits at Vjosa river basin are carried out to observe the area, in order to obtain an overview of present situation, its values, the activities (legal and illegal during years) affecting these values and the potential effects of the expected activities especially the HPPs which may compromise it.

There are collected and analysed different documents such as: strategies, EU Directives, documents, environmental legislation, especially the one related to EIA/SEA, relevant legislation on energy, waters etc., relevant legislation related to permits/consents/concessions etc., application formats, EIA reports, approval formats, environmental declarations, opinions, decisions, complaints, publications, newspapers, court decisions, videotapes/recordings from the protests of residents, documents provided by NGOs etc.

Meetings organized with representatives of governmental authorities helped to obtain information on the policies, strategies, legislative and institutional framework, the implementation status, identifying weaknesses and limitations on the basis of consultations with the representatives from these institutions.

There are met relevant authorities in charge of reviewing and approving EIA/SEAs and other permits and consents/concession agreements, members of the Technical Opponent Commission at National Agency of Natural Resources (NANR) aiming the identification of situation regarding SEA/EIAs procedures and other permitting procedures and HPPs concessions.

Furthermore discussions and meetings followed with NGOs representatives, especially: EKOLEVIZJA, EDEN, EGNATIA and other environmentalists. Environmental declarations, permits issued, oponences, decisions, complaints, publications, newspapers, court decisions, videoptapes/recordings from the protests of residents, documents provided by NGOs etc. are reviewed and discussed with these representatives. A very important feedback was the one from the activity organized by EGNATIA NGO with the support of REC Albania, where several NGOs took part including EKOLEVIZJA, EDEN etc. During this activity a film/documentary on HPPs at Jabllanice - Shebenik National Park was released and discussions followed on the situation by all participants.

4. QUALITY OF EIAs/SEAs

4.1 Assessment of draft report

4.2 Discussion on qualitative weaknesses of the assessments analyzed

The aim of such analyzes is to identify the weaknesses of the of the four EIA applications analyzed. While previous chapter provided analyzes for each of the EIA application, this chapter is concentrated on the weaknesses of all cases analyzed to be able to identify the phenomenon.

Despite the fact that there are analyzed only four cases, the aim was to identify which are the common weaknesses. Of course that this should not be generalized but as far as the weaknesses are nearly similar for four EIA applications it means that such weaknesses more or less are the primary cause of the situation related to unsustainable HPPs development in the country. Only Lengarica HPP represent a better elaborated EIA report, but still problematic.

- There are restrictions related to law understanding and interpretation. The four EIAs analyzed show the same problem: the classification of HPPsin the Appendix II of the EIA Law without considering that due to the characteristics of the project, the characteristics of the environment in the project area and the characteristics of the potential impact on the environment, they should be classified in Appendix I. As result there are not addressed the issues of a profound EIA;
- The four cases suffer the relevant description of the baseline situation and environment which is not appropriate (general data and informant, based on some existing data and information, with missing references and dates. There are missing scientific reports prepared by relevant experts for each EIA application;
- The EIA reports for HPPs have not considered all economic, social, and environmental issues;
- It is not given the methodology for ecological flow calculation. In case of missing baseline data and information, lack of information on other activities nearby or downstream. Regarding the Lengarica case there are not given arguments why the quantity of water 200l/sec is suitable for the river and ecosystem and for the other projects, activities. If the other activities are not considered and analyzed it is not possible to come to such conclusions. Furthermore it is cited in the EIA report that the hydrogeological information

is not sufficient, so it means that the calculations may give other figures. Can we then be sure that Lengarica HPP will not impact the thermal waters and the whole ecosystem?;

- It seems that the analyzes for the identification of potential impacts represent only the potential impacts that HPPs may generate in general. It is not sure how many of the potential impacts really relate to the given situation;
- Maps and drawings to support the conclusions that the HPPs do not belong to a protected area are missing. Within or outside the boundaries of a protected area, the analyzes for the potential effects should be carried out in order to come to conclusions and then proposals for mitigation should be given; There is no description of the alternatives considered and no explanation on the main environmental reasons for choosing the selected alternative (only Lengarica presented some weak and superficial analyses);
- The environment likely to be affected is not fully described, particularly the protected species or areas (National Parks). The same for the identification of impacts on flora, fauna, habitats etc and prediction of their effects as well as the measures to mitigate or eliminate significant adverse environmental impacts.
- Even in case the HPPs would be outside the boundaries of the National Parks, the EIA report should contain information on the potential impacts and measures proposed to mitigate or eliminate them;
- It is not clearly given the list of activities applied for. There are mentioned the roads and transmission lines, but no explanation if a permit is obtained already for them or these are part of the EIA application;
- There are mentioned potential impacts in general. The EIA applications have not the right answer if all potential impacts are identified, direct indirect, cumulative, interaction between impacts. As result the mitigation measures, at least for those identified impacts seems to be inappropriate;
- The quality of these reports with a lot of uncertainties put in a very difficult situation NEA/REA staff during reviewing process. It may happen that they refuse to grant an environmental declaration/decision, request additional information or approve it even in case they have doubts;
- NEA/REA will face difficulties for setting conditions and requirements in the environmental declarations/decisions if the impacts are not identified properly and the mitigation measures not foreseen;

- There are not given plans for construction, rehabilitation, monitoring; How it is supposed that the developers will comply with the standards and regulations if this is not done? How will the Regional Environmental Agencies and State Inspectorate of Environment, Forest and Waters will check compliance?
- The references are given for data and information, the opinion of the same experts or any other expert of the same subject should give the opinions on the issues raised and the potential impacts due to proposed HPP developments. Only these experts may
- The reference with existing strategies, plans, projects at national, regional, or local level is not done or mentioned, neither the compliance with these or expected developments in the area;
- The reference towards special protection areas and other environmental sensitive areas is vague, as result the legal requirements deriving from the legislation on these areas are not considered, or considered superficially;
- The environmental implications of other activities such as construction of roads, temporary activities during construction works are given shortly or are missing at all;
- No biodiversity expert is part of the EIA group preparing the EIA report;
- Implications for other traditional activities in the area are not analysed and the potential impacts not considered and the appropriate mitigation measures not proposed;
- There are not given potential changes in water characteristics, the effects on habitats, fish spawning, on animal migration, flooding mitigation, siltation, implications of downstream such as alluvial loss etc, implications for vector breeding, potential damage to, or destruction of, archaeological historical or cultural sites, the effects on biodiversity and wildlife;
- There are not analysed the potential implication for the existing or expected activities in the area such as agriculture, manufacturing, fishing, etc.;
- There are not analysed impacts on landscape;
- The transmission lines, access roads, prospective routes are just mentioned or very superficial analyses is carried out;
- Measures for clearing of the construction waste, vegetation restoration and the rehabilitation of the area after the construction phase is finalized are very weak. They contain only few words on the construction waste that will be used for construction purposes and no rehabilitation plans available;
- No information on monitoring and rehabilitation plans are available;

- It is not given any list of the main possible measures to avoid and mitigate adverse impacts;
- No indications if there is any potential transboundary environmental impact;
- There are not analyzed impacts due to associated activities such as roads etc.
- There are no data and information on the expected type and quantity of waste, especially construction waste generated (Lengarica HPP gives some information on the construction waste);
- It is not given the list the potential project links with other existing projects close to the HPPs. There are two reasons for that: either the developer/EIA expert did not consider it, or they could not provide available information on the existing and expected developments;
- Nothing is mentioned whether cumulative impacts may occur. It is obvious that cumulative impacts are potential due to other projects present and a number of HPPs within one river basin. None of the analyzed cases mentioned the other existing or expected projects in the area, neither the other HPPs. So the cumulative impacts of HPPs and the effects in water flow, volume, temperature and as consequence at the whole ecosystem's habitats are not known.
- The methods and tools for assessment of indirect and cumulative impact as well as impact interaction are not discussed and defined;
- The control to check compliance with legislation and permit requirements and conditions is weak. One of the permit conditions is to maintain the defined ecologic flow. The reality shows that there are problematic cases due to the missing compliance with these conditions (the lack of water necessary to be used by for agriculture and other activities in the area);
- The location coordinates seem to be not correct. The potential adverse impacts are not considered appropriately within and outside the project area;
- Sometimes it is not clear in the applications, which are the associated activities/projects (temporary or permanent) accompanying the main activity. There are cases when such activities/ projects are not mentioned at all. (such as new roads, transmission networks etc);
- Alternatives are not considered, as result it is not selected the best alternative according to environmental, social and economic point of view;
- It is not given any reference or conformity with the existing approved plans or foreseen ones. To be mentioned here there are the special protection areas etc;

- There are not mentioned and considered other activities and projects in the area where the HPP is going to be constructed, even those of the same type are not mentioned and considered (other HPPs in the area);
- The information on the vegetation cover, flora and fauna, endangered species, endemic species, detailed information on waters, soil, landscape, rivers which is likely to be affected by the HPPs is insufficient;
- It is not provided detailed information on the amount of soil and wastes generated and how they will be managed;
- Sometimes there are missing relevant aspects of the current state of the environment characteristics of areas that are likely to be significantly affected;
- The interaction of the HPPs with the environment in most of cases is vague and given in general terms. As result, the impacts are not clearly identified and the mitigation measures result are not suitable;
- Sometimes there are not given programs for construction, nature conservation, rehabilitation and monitoring plans etc.

5. PART B – ROOT CAUSES OF WEAK EIAs/SEAs

5.1 Short description of EIA/SEA lifecycle with emphasis on all participants to and mechanisms of approval process

Description of EIA/SEA lifecycle with emphasis on all participants to and mechanisms of approval process

According to the Law No. 10081, dated on 23.2.2009 “On licenses, consents and permits in the Republic of Albania” and the Law No. 10137, dated on 11.05.2009 “On some changes in the legislation in force on licenses, consents and permits in the Republic of Albania” and Law No. 10440, dated 07.07. 2011, “On Environmental Impact Assessment”, the EIA applications are submitted at the National Licensing Centre (NLC). This intends to facilitate the procedures of obtaining permits in general by minimizing timeframes and most of all avoiding corruption by reducing direct contacts and communication with institutions issuing permits.

With the entrance in force of the Law No. 91/2013, “On Strategic Environmental Assessment”, the strategic environmental assessments (SEA) for plans and programs, are submitted directly at the Ministry of Environment.

The EIA applications are submitted at NLC where and administrative check is performed. The valid applications are forwarded to the relevant Competent Authority. At the end of process NLC submits the response to the developer/applicant.

National Environmental Agency (NEA) is the overall coordination body for the whole EIA process and for the provision of compliance with legislation in force.

NEA is a subordinate structure of the Ministry of Environment. NEA has under its jurisdiction the whole Albanian territory, through the central office and regional branches, the regional environmental agencies (REAs).

Being responsible for the EIA decision making process, NEA:

- decides whether projects would be likely to have significant effects;
- decides if EIA is required, preliminary EIA/profound EIA;

- defines the issues to be considered in the EIA report;
- reviews the applications;
- provides consultations with necessary institutions;
- defines the environmental permit conditions (requirements).

NEA reviews the EIA report in accordance with EIA Law and the criteria of the DCM No. 13 dated 04.01.2013 "On the rules, responsibilities and deadlines for the development of environment impact assessment procedure", as well as best EU practices.

NEA recommends and imposes conditions that are binding for the developers and clearly define the responsibilities of the developer.

The other relevant legislation consists in the following:

- Decision of Council of Ministers No. 46, dated 29.1.2014 "On the establishment and organization and functioning of the State Inspectorate of Environment, Forests and Waters";
- Decision of Council of Ministers No. 47, dated 29.1.2014 "On the definition of rules for the organization and functioning of NEA and Regional Environmental Agencies";

EIA Procedure

General provisions on EIA/SEA are part of the Law "On Environmental Protection".

Law "On environmental impact assessment" defines requirements, responsibilities, rules and procedures for the assessment of the adverse significant environmental impacts of the proposed projects, private or public.

According to the Law "On environmental impact assessment" the private or public projects listed in the Annex I and II of the Law are subject to the environmental impact assessment. The decision whether a proposed project is subject to any of these Annexes, is depended by the nature of the proposed project, its scale, location and if it is likely to have significant impacts on the environment. The EIA should be carried out before the respective permit is issued by the responsible authority providing the final construction/development consent.

The EIA procedure includes:

- a) Preliminary environmental impact assessment process;
- b) Profound environmental impact assessment process.

Preliminary EIA process

- The developer submits the EIA application and complementary documentation to the National Licensing Centre (NLC) where initial administrative compliance check is done by NLC. The valid application is submitted from NLC to the National Environment Agency (NEA);
- NEA assesses the application and decides if the proposed project due to the potential significant impact on the environment, should be subject to a profound EIA procedure or not;
- NEA's and consultation with other institutions (at national level: Ministry of Planning, Protection of Public Health, Agriculture, Economic Development, Public Infrastructure Development and institutions responsible for permitting/licensing or responsible for natural and civil emergencies; at local level through REAs: with LGU's). In case the institutions at central and local level do not give their comments within time limits, it means that they agree with the proposed project. Publication of the application at NEAs website (for 20 consecutive days);
- NEA notifies on the decision taken the MoE, the NLC, the relevant involved parties and publishes the decision at NEA's website.

Profound EIA process

- Notification by the developer of intention to submit a profound EIA;
- NEA consultation with other institutions (at national level: Ministry of Planning, Protection of Public Health, Agriculture, Economic Development, Public Infrastructure Development (and institutions responsible for permitting/licensing or responsible for natural and civil emergencies; at local level through REAs: with LGU's); at local level through REAs: with LGU's), the public and NGOs on the issues to be addressed in the profound EIA report. Publication of the profound EIA application at NEAs website (for 20 consecutive days); Public opinion: submission of public opinion during 20 days of application;
- NEA communication with the developer on the issues the consulted parties require to be addressed in the profound EIA report;

- NEA to REA to LGU to organize public hearings following notification from developer for the preparation of profound EIA Preparation of the profound EIA report by the developer, and organization of public hearings. REA forwards to NEA, within 5 days from the end of the public hearing, a report on public hearing carried out and records of comments/suggestions raised during public hearing. NEA publishes REA report on NEA's website as soon as it receives it;
- Preparation of the environmental declaration (approval or a refusal) by NEA and its issuance, after the Minister's signature. The environmental declaration is submitted to the NLC and parties involved in the EIA process. The environmental declaration is published at NEA's website.

NEA assesses the EIA applications and at the end of preliminary EIA procedure, issues a decision for preliminary EIA, and an environmental declaration at the end of the profound EIA procedure. The environmental declaration is endorsed by the Minister of Environment.

The decision may be an approval/refusal of the preliminary EIA or a request for profound EIA. The environmental declaration includes the reasons and considerations where NEA's opinion is based, the opinion of public and consulted institutions and description of the proposed measures to eliminate or mitigate potential adverse environmental impacts.

Parties involved and consulted during EIA process

- Developer of the project;
- Ministry of Environment and its subordinate structures;
- Line ministries and subordinate structures;
- Local government units;
- Public and NGOs;
- Responsible institutions to be included in the EIA process;
- Neighbor countries in case of EIA in transboundary context.

Planning & Licensing Authorities

The relevant planning ministry and licensing authorities take into account the Environmental Declaration issued and the relevant environmental conditions.

Planning authorities and other institutions issuing permits for the projects which are subject of EIA, inform immediately the MoE for the approval of development permit or not, aiming the monitoring of environmental requirements as result of project development and the preparation of the law implementation report.

Ministry of Energy and Industry

The construction and operation of hydropower plants in Albania, is done through concessions.

Main authorities responsible for Renewable Energy Resources (RER) in Albania are: the Albanian Parliament, Ministry of Energy and Industry and its subordinate structure the National Agency of Natural Resources, the MoE, local government units , while parties involved are the developers and private investors, financing institutions etc.

MEI is responsible for the assessment of the HPPs concession requests, while NANR advises the Minister, the government and other ministries on energy issues.

As stated above, the Ministry of Economy and Industry is responsible for the assessment of the HPPs concession requests, while NANR advises the Minister, the government and other ministries on energy issues. One of the main responsibilities of NANR is to provide within its scope, to the government critical opinions over projects in the area of energy that have been presented by government or private entities from the country or abroad. In special cases, NANR requests/invites specialized assistance. NANR monitors the concessionary contracts for HPPs.

Based on the Order of the Minister of Energy and Industry No.130, dated 20.03.2014 “On the establishment of Technical Opponent Commission for the construction of the HPPs with concession in the NANR”, it is established the Technical Opponent Commission.

The Commission is composed by 9 members (Chairman, Deputy Chairman and representatives from NANR and external experts with relevant professional expertise) and a secretary

According to Article 9 of the Law No. 138, dated 2.5.2013 “On renewable sources of energy”, duties and responsibilities of the authorized agency, responsible for the renewable sources of

energy is the National Agency for Natural Resources, which, in addition to the duties and responsibilities provided in other laws, must have, also, the following tasks:

- Drafting and submission to the responsible ministry for energy, draft National Action Plan for Renewable Energy which should be approved by the Council of Ministers and monitoring the implementation of this Plan;
- Drafting authorization process guidelines, permitting, certification and licensing the new projects/plants, with the aim to promote the use of renewable sources of energy;
- Monitoring renewable sources fund.

Concession identification

Article 7 “Concessions for hydropower plants”, of the Law No. 125/2013, amended by the Law No.88/2014 “On Concessions and private public partnership” states that: the projects for granting concessions for the production and distribution of electricity can be realized on the basis of an unsolicited proposal. To the proponent of the unsolicited proposal may be given a bonus to a maximum of 10% of the rating scale scores calculated in accordance with the criteria for granting the concession / private public partnership, set in the tender documents and the contract notice for the award of such a contract.

According to DCM No. 576, dated 10.07.2013 “On the approval of rules for the identification, assessment and granting the concessions for HPPs”, the bonus has to do with the selection procedure which favors the applicant's unsolicited proposal, giving a bonus based on the technical and financial results achieved during the selection process up to a maximum of 10% of the points.

It is evident that no environmental criteria are considered at this stage.

The identification of a HPP project in case of unsolicited proposals is done by the developer. The decision to start the procedures for granting a concession for HPPs is based on the analysis of the profitability and financial suitability.

Environmental criteria and requirements are not mentioned but should be considered as important as the above mentioned ones for deciding whether to start the procedures or not.

This is a very important moment to avoid waste of time and money and most of all decisions which may compromise the environmental values and special protection areas at a later stage. It is the responsibility of the MoE to cooperate at this stage and the responsibility of MEI to consider MoE since the beginning of the process itself.

According to Article 16 of the above mentioned Law, the preparatory actions/activities for granting the concession which precede the concession partnership procedure are:

- Identification of potential concession projects;
- Nomination of the commission for granting the concession;
- Preparation of a concession feasibility study etc.

The contracting authority may engage the Concessions Assessment Unit at MEI and, if necessary, external advisors/consultants to ensure support for the experts in the preparation, issuance and implementation of concession projects. The Concessions Assessment Unit is a subordinate structure of the responsible minister for the economy, for promoting and assisting contracting authorities while drafting, assessing and negotiating the concessions.

The concession feasibility study should be drafted by the contracting authority and includes, in particular:

- Operational summary and general description of the project;
- Technical, financial, economic and legal analysis;
- Environmental studies and the implications in the nature;
- Accompanying appendices, required supplements, conclusions and recommendations.

In the feasibility study, should be taken into account in particular the public interest, environmental impact and environmental protection, sustainability, financial adaptability of the project etc.

At the moment when the most favorable economic offer is declared one of the quality criteria for granting the concession contract, is the environmental one.

Despite the fact that is foreseen in the legal requirements the conduction of environmental studies and the consideration of environmental criteria for granting the concession contract for HPPs, the reality shows that there are non-compliances with the provisions deriving from the above mentioned law. The concessions granted for HPPs at special protection areas show it.

At MEI's website it is available for the applicants the following application forms:

- Application form for concessions where amongst others is requested the EIA report;
- Application form for permit in the HPP sector: documentation for development permit for the construction of HPP's with concession;
- Minister of Energy and Industry' order No. 1, dated 30.10.2013 "On rules and procedures for reviewing applications to obtain construction permit for energy, mining, and industrial facilities and objects with high risk in this field, as well as establishment of commission for reviewing requests and issuing permits".

Despite those cases when it is predicted differently in the contract, the contracting authority may terminate the contract when it can prove that the concessionaire cannot perform its obligations, due to insolvency, serious violations or other issues that prevent or do not allow the continuation of the contract in accordance to the technical standards and other accepted standards.

The cooperation of contracting authority and relevant inspection structures including SIEFW and National Urban-Planning and Construction Inspectorate should be strengthened. These structures should cooperate and check the compliance of HPPs concessionaires with contractual obligations and apply relevant sanctions in case of non-compliances. .

Transboundary issues

Albania is a signatory party to ESPOO Convention on Environmental Impact Assessment in a Transboundary Context and to KIEV Protocol on Strategic Environmental Assessment and a ratifying party to the ESPOO Convention.

In compliance with the provisions of the ESPOO Convention, is drafted the Law No. 9700, dated 26.3.2007 "On the protection of the environment from transboundary impacts". The Law aims the protection of health and environment from transboundary impacts in the territory of Albania.

Chapter VI of the EIA Law deals with EIA in a transboundary context. In case NEA identifies potential environmental transboundary impacts from a proposed project, or in case of such notification is done by a neighbour country, immediately notifies the NLC and MoE. In case NEA is notified, or has received an EIA report from a neighbour country (Kosovo, Montenegro, Macedonia and Greece), for a project proposal that may have potential impacts in the Albanian

environment, immediately notifies the MoE for starting discussions with this neighbour country, procedures and timeframe for submitting opinions on the proposed project.

Public Participation

Albania is a signatory party and a ratifying party to the AARHUS Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Ministry of Environment, in compliance with Aarhus Convention provisions has adopted a Strategy and Action Plan for the implementation of the Convention. Strategy and Action Plan is approved by the Government in 2005.

The following legal documents are in place for the provision of transparency and public involvement:

- Law No 119/2014 dated 18.9.2014 "On the right to be informed";
- Decision of Council of Ministers No. 16, dated 4.1.2012 "On the right of public to obtain environmental information;"
- DCM no.994, dated 02.07.2008 "On the seeking of public opinion in environmental decision making";
- DCM no. 16, dated 4.1.2012 "On the right of public to obtain environmental information";
- DCM No. 27, dated 30.4.2014 "Setting the rules, requirements and procedures for informing and public involvement in environmental decision-making"

In order to inform the public and NGOs, NEA publishes the preliminary EIA application on its website for 20 consecutive days. The publication outlines the procedure and the expected timing of the publication of the NEA decision. The information contains the means and timeframes in case of complaints against the decision.

NEA should publish on its website full information on the project submitted by the developer.

At the end of preliminary EIA procedure, NEA should publish its decision as well.

In case of profound EIA, NEA should communicate with the developer on the issues to be included in the profound EIA report. NEA should publish the communication with the developer at NEA's website and a copy should be submitted to the consulted institutions;

NEA should publish the communication with the developer on issues to be addressed in the profound EIA, including the opinions of the requirements of input from the public.

Public hearings

NEA, after receiving the notification from the developer, should ask REAs to cooperate with the Local Government Units as well as the developer to complete the public information requirements.

REAs should seek the opinion from the LGUs and local institutions in the District. REA where the project is proposed to be implemented sends a copy to the representative of the relevant institutions in the District and to the LGU that administers the territory of the proposed project.

REA forwards to NEA the outcomes of the consultation process.

REA is present on the day of the public hearing and has a supervisory role, by recording independently the opinions and the requests from the public meeting and parties present. Within five days from the end of the hearing, REA convey the information to NEA about how the procedure is implemented and the opinions and requirements of the public and the parties present. The information provided by REA is immediately published on the website of NEA.

At the same time, NEA should publish the non-technical summary on its website for 20 consecutive days, in order to give the opportunity to the public, NGOs and other interested parties, to express their opinions before the environment declaration is issued. The Environmental Declaration is published at NEA's website.

5.2 EIA/SEA quality control at a national level

The licensing procedure for consultancy firm to be able to develop EIAs/SEAs

According to EIA Law, the developer assigns certified EIA experts duly licensed by the National Licensing Centre for EIA and environmental auditing or/and individuals certified by the MoE for EIA and environmental auditing, for the preparation of the EIA reports. Only the EIA report which has been signed by a certified EIA expert should be accepted as such EIA report.

The EIA expert assesses, on behalf of the developer, the significance of the environmental impacts, mitigating measures, preparation and submission of the EIA report in compliance with legislation, guaranteeing the reliability of the information and compliance with regulations.

Regarding procedures and criteria for certifying EIA experts, a bylaw is in force, the DCM No. 1124, dated 30.07.2008 “On the approval of rules, procedures and criteria for the specialists to be certified for the Environmental Impact Assessment and Environmental Auditing”.

When appointed certified specialist in public administration, in a task that carries a conflict of interest, the certificate is not used by him for as long as it is in that position.

Except the necessary documents to be submitted, the applicants seeking to be certified should be subject to examination.

For identification of specialists possessing a certificate, the MoE should establish a national registry of certified specialists, duly approved by the Minister.

The list of EIA experts published at MoE website, which is relatively a very long one (approximately 200 experts) doesn't include all the certified experts. This issue was raised by EIA certified experts that don't find their name in the list.

It is raised as well the issue that sometimes there are the same EIA experts preparing the EIAs for HPPs and some of them don't have the necessary background to be able to prepare the EIA reports which results to be very weak but sometimes approved by the respective authorities.

Order No. 1, dated 22.02.2011 “Defining programs and procedures for the development and evaluation of exams, for providing specialist certificate for environmental impact assessment

and environmental audit” signed by the Minister of Environment and the Minister of Education and Science. According to this Order, there are defined the specialists who have the right to apply for certification, necessary documentation for application as well as information on the exams that the specialists, fulfilling the above criteria, should undergo. There are defined the Universities where the Evaluation Commissions are established. The results of the exams are submitted to the Minister of Environment. Based on the achieved results, the Minister of Environment issues the certificates.

According to EIA Law there are defined some sanctions;

The developer is in charge of legal responsibilities, according to legislation in force, in case of unproved facts, data presented and the documentations accompanying his application and when submits false documents or falsifies the documents.

In case of non-professional and weak EIA reports, the Minister of Environment applies sanctions for the EIA expert, temporary retrieval up to retrieval of the certificate, informing the NLC for the respective decision taken.

5.3 Root causes behind the low quality of EIAs/SEAs

The analyses carried out stress the need for further investigation to identify the reasons of low quality EIAs/SEAs. In the sections above there are listed a number of issues influencing the complicated situation regarding EIAs/SEAs in general and in particular related to HPPs.

Policy framework

The main problem identified is that one related to national policy documents on environment, energy and waters. The following strategies are analyzed in the frame of this report:

- Cross - Cutting Strategy of Ministry of Environment, 2007, part of the National Strategy for Development and Integration;
- Second National Environmental Strategy for the period 2006-2020;
- Biodiversity Strategy and Action Plan, 2009;
- National Strategy of Energy, 2003;

- Energy Sector Strategy 2006 – 2020;
- National Water Strategy, 2003;
- Strategy and Action Plan for the implementation of the Convention, 2005.

There are missing clear strategies and policies and even if they are available they are not updated. The new National Water Strategy and Energy Strategy are under preparation.

Another weak point is the lack of river basin management plans for all river basins. Only two river basin management plans are prepared;

There are prepared management plans for some protected areas, but not for all of them.

Missing strategies and plans creates a difficult situation because there are not clear visions on the developments in the country. One of them is the development of HPPs.

Despite this fact it seems that the coordination and cooperation between institutions has not been very fruitful, particularly while drafting sector strategies. This is due to the fact that, the integration of environment has not been considered properly and since the initial stages of strategy drafting. Their finalization and respective Action Plans are an imperative duty, considering the situation regarding HPPs development in the country. Coordination and cooperation between institutions should be established since the early stages of strategy drafting.

Legal framework

- Although Albania has drafted a comprehensive legal framework transposing the relevant EU Directives, the present legal base represents a relatively complicate situation. While primary environmental legislation represents a very good legal framework in general, the new bylaws drafted and entering into force complicate the situation;
- There are identified some gaps and overlaps in the EIA/SEA legislation, permitting legislation and relevant legislation on HPPs (energy, waters, planning/construction).
- Another issue remains the secondary legislation which needs to be completed particularly that one of EIA/SEA and water management;

- Legal base on protected areas: The Law “On Protected Areas”, Regulation of the Minister of Environment No. 1, dated 25.02.2013 “On the functioning of the protected area management committee”, a long list of DCMs for the proclamation of protected areas, a long list of Minister’s orders on the establishment of management committees of protected areas, comprise a relatively good legal base. Despite the fact that there is a legal base available, there are structures responsible for the management of these areas, the management committees, relevant authorities at national level, the situation related to the HPPs development within the boundaries of these protected areas or close to them, results to be problematic;
- The regulations on EIA experts’ certifications are weak. At the same time it is not predicted any deadline for the license duration in the existing legal framework on EIA certification;
- It is predicted if the certified specialist is appointed in public administration, in a task that carries a conflict of interest, the certificate is not used by him for as long as it is in that position, but it is not mentioned anywhere in the relevant legislation that the employee in civil service cannot be licensed;
- It is not foreseen in the legislation the establishment of any authority in charge of reviewing licenses and deciding their removal in case of breaching regulations;
- There are not foreseen in the legislation clear circumstances when the issued certificate should be declared invalid (according to EIA Law: In case of non-professional and weak EIA reports, the Minister of Environment applies sanctions for the EIA expert, while according to above mentioned DCM: in case it is proved that the specialist has cheated with the data presented in the documents);

Institutional framework

Regarding the institutional framework, a weak point in the EIA/SEA process is the coordination between the different institutions at national and local level. As far as this process involves different parties, the main is the coordination and cooperation between parties. Due to complexity of issues, sometimes this implies even internal cooperation within institutions

Another weak point is that there are not defined clear tasks and responsibilities for the subordinate structures of the MoE dealing with EIA/SEA and inspections. Furthermore regulations, procedures and guidelines are not in place.

Law implementation

- Problems are identified during the screening process (preliminary EIA process, according to the EIA Law). The projects which may have significant effects on the environment and subject to EIA are listed in Annex I to EIA Law, while Annex II to the EIA Law lists projects that may have significant impacts depending on their characteristics, location and potential impacts. Nearly all EIAs for HPPs directly or indirectly, or due to cumulative impacts tend to be included in the Annex I the EIA Law, while EIAs list them in Annex II to avoid profound EIA procedure where the most important part is the public hearing process;
- Scoping process (profound EIA referred to EIA Law). During the scoping the process, consultations should be carried out with the relevant institutions and the publication of the matters to be covered in the profound EIA report. This is very important for the HPP applications, in order to provide that an in-depth analysis is carried out, considering the sensitivity of the areas where the project proposals are. Ministries and public institutions should provide the necessary environmental information needed, requested expertise, opinions, comments etc. assisting the competent authorities in the decision making process. Despite the well-defined requirements and legal obligations, the Scoping phase results to be ineffective and not implemented properly due to:
 - limit timeframes;
 - difficulties in submitting EIA applications to all parties;
 - difficulties to publish the EIA applications in the website (especially at local level);
 - relatively low level of awareness;
 - missing response/opinions. ;
- During profound EIA procedure, it is identified that, due to limitations to make public the information and EIA applications and due to very tight timeframes, not all informed parties are involved, so they do not participate in the public hearings. It is not clear whether the public suggestions/comments are taken under consideration in the decision making process. It is not clear whether REAs are able to identify such issues when

submitting them to NEA. It is not clear, whether NEA itself considers comments and/or issues' raised before granting the environmental declaration;

- Different legal acts are in place in compliance with the provisions of the Aarhus Convention, while their implementation is not at the required level (public not informed due to missing publication of documents, it is not evident if the comments obtained from the public are considered or not in the decision making process etc.);
- EIA experts in some cases are not the most experienced ones able to prepare a proper EIA report. Sometimes the selected experts by the developer are not the relevant ones which can offer the right expertise and are not very competent;
- Considering the complexity of the HPPs, especially regarding the sensitivity of the areas proposed for this type of development, the background of the selected experts is not appropriate;
- The EIAs, for certain type of projects should be prepared by certified companies and not by single EIA experts. Provisions should be foreseen in this regard. There is a scarcity of data and information available. Sometimes there are missing the qualitative and quantitative data, and sometimes the data are relatively old. Sometimes it is reported that EIA experts/developers face difficulties in ensuring the necessary information, even if it is available. As a result, many EIA reports are based on general data and information;
- There is a scarcity of data and information available. Sometimes there are missing the qualitative and quantitative data, and sometimes the data are relatively old. Sometimes it is reported that EIA experts/developers face difficulties in ensuring the necessary information, even if it is available. As a result, many EIA reports are based on general data and information. It is identified that the location coordinates of the HPPs differ from those given in the EIA application. So the legal requirements on the description of baseline environment are not respected;
- The list of EIA experts published at MoE website, doesn't include all certified experts as requested by the relevant legislation;
- According to legislation, in case of non-professional and weak EIA reports, the Minister of Environment should apply sanctions for the EIA expert such as temporary retrieval up to retrieval of the certificate, informing the NLC for the respective decision taken. It is not evident any case of certificate retrieval. But by the other side there are cases when EIAs for HPPs assessed NANR (National Agency for Natural Resources) are not accepted and EIAs are reconsidered and additional information is requested by NANR. These

cases, and those identified during screening of the EIAs for HPPs, show that there is a great number of weak EIAs and at the same time some non-compliances verified at HPPs under construction or operation;

- There is no system for complaints management or authority for managing complaints in case of identified issues regarding EIAs and experts preparing such EIA reports.

Human resources and competence

- Weak EIA/SEA reports due to limited competences of certified EIA experts;
- The EIA experts in some cases are not the most experienced ones able to prepare a proper EIA report. Sometimes the selected experts by the developer are not the relevant ones which can offer the right expertise and are not very competent;
- Considering the complexity of the HPPs, especially regarding the sensitivity of the areas proposed for this type of development, the background of the selected experts is not appropriate;
- The EIAs, for certain type of projects are prepared by single EIA experts and not the relevant ones in terms of their background and field of expertise. To be mentioned there are cases of EIA applications analyzed. None of the EIA experts was biologist. The EIAs/SEAs should be prepared by certified companies (a multidisciplinary team) and not by single EIA experts. Provisions should be foreseen in this regard;
- Relatively weak expertise and competence of staff reviewing and analyzing EIA applications, particularly at local level. The environmental declarations/decisions issued contain weak conditions and requirements that do not impose law enforcement;
- In general there is a low environmental awareness of the parties involved in the EIA process, particularly the public affected and public in general. Even in case they are informed and participate in consultations and public hearings they are not able to play an important role in the decision making;
- NEA/REAs suffer the lack of training. At the same time the number of staff in charge of reviewing EIA applications and issuing permits is very limited.

Law enforcement

- Poor logistic to carry out inspections and check the compliance with the standards and permits' conditions;
- Weak competences and lack of training of SIEFW;

5.4 Conclusions and recommendations

- Due to the missing of clear strategies and policies it is an imperative duty the drafting of new strategies and revision of the existing ones. Respective Action Plans should be prepared as well.
- As result of missing the river basin management plans for some river basins and management plans for all protected areas, their preparation should be definitely performed in order to prevent unsustainable developments and implications for protected areas. Furthermore, the strengthening of capacities for the staff managing these areas would increase their expertise in the process of approval/opinions provided during the permitting process;
- Given that the cooperation between institutions is considered a weak point, such cooperation should be established since the early stages of strategy, plan drafting. All actions should be coordinated leading to sustainable HPP development in the country. Mutual agreements should be established;
- Due to the fact that permitting process in general involves many institutions, there are in place considerable number of legal acts on EIA/SEA, permits, relevant legislation on HPPs, waters, energy etc. The revision of the legal base should be done carefully to ensure unification, uniformity, avoiding any potential overlap or contradict. The secondary legislation related to SEA/EIA need to be drafted, especially the EIA methodology for the preparation of EIA reports;
- Regarding the institutional framework, clear tasks and responsibilities should be defined for subordinate structures of MoE involved in the EIA process. Furthermore regulations, procedures and guidelines should be prepared for these structures;
- Considering the strategies analyzed above it is identified that some of them have not taken into consideration the integration of the environment. This should be definitely ensured while drafting or revising these documents. Furthermore this is a legal requirement deriving from the SEA Law;
- As one of the weaknesses is identified the low awareness of the parties involved in the EIA process, the increase of awareness of the parties, should be provided to make sure that they effectively participate in the decision making process;
- As result of the situation created with the HPPs, the Environmental declarations/Permits/Concessions given for HPPs must be revised to check compliance and propose respective measures:

- For those HPPs which have not started the activity yet, within a two-year period from the date of the issued environmental declaration, all documentation should be considered invalid.
 - REAs should collect and verify the monitoring reports provided by the developers and verify the compliance with standards and regulations and undertake legal actions in case HPPs are not in compliance with these standards.
 - The State Inspectorate of Environment Forests and Waters (SIEFW) should inspect the activity of the HPPs (construction and operation) and undertake measures according to legislation in force in case these companies do not comply with environmental declaration conditions and requirements,
 - For those Hydropower plants, within the boundaries of protected areas, that already started the construction operations, it is necessary to check if they have damaged these areas. According to “Polluter pay principle”, for all identified issues, the developers should be responsible for the damages that they have caused to the environment, especially to the endangered species, natural habitats etc.
 - Application of sanctions for the developers as well as EIA experts that have provided/submitted false and wrong data (wrong coordinates, description of the impacts, etc.)
- The assessment of the situation should be done and measures should be undertaken to improve the damaged areas due to unsustainable use of resources and unsustainable developments;
 - NEA should seek expertise from EIA certified experts or establish a similar structure such as the Technical Opponent Commission of National Agency of Natural Resources (NANR)/Ministry of Energy and Industry (MEI). This would provide better expertise, independent technical and scientific opinion, avoidance of subjectivism and corruption, better decision making and provision of the highest environmental protection;
 - It is needed the identification of the environmental declaration conditions, which should be clear, transparent, specific not general, referred to standards and legislation, leading towards law enforcement;
 - The other secondary legislation should be drafted in terms of duties and responsibilities of the subordinate structures of the MoE in the EIA process; Format for the preparation and publication of the annual report on the EIA law implementation; National EIA

methodology: methodology and requirements for the preparation of the EIA reports, especially EIA methodology for HPPs;

- The EIA law itself needs to be revised as well in the frame of new the EIA Directive. Such revision should be referred especially to the screening procedure; the quality and analysis of the EIA, the EIA process itself; related to other legislation (environmental legislation, especially protected areas legislation, even other relevant legislation such as permitting/consents/authorizations etc). To be revised also the regarding timeframes (the new EIA Directive provisions in this regard);
- The legislation should be revised in terms of timeframes which should be extended in order to give sufficient time to all parties to effectively participate in the EIA/SEA process. Institutions which should be consulted at national and local level will be given more time to review and provide opinions. Their cooperation and responsibility in this process should be enhanced in order to avoid that practice of “no reply” and “if they do not reply it means that they agree...”; To the NGOs will be given more time to be informed, participate and provide comments, suggestions. To the competent authority, NEA will be given sufficient time to review, analyze and set conditions and requirements in the environmental declarations/decisions;
- Cooperation between authorities reviewing, assessing and granting environmental declarations, permits, consents, licenses should be ensured and strengthened;
- Undertake sanctions for the EIA experts providing weak EIA reports, weak competence and professionalism by suspending and revoking certificates;
- Establish performance indicators for EIA staff of NEA and REA's and a system for undertaking administrative measures on case of questionable EIA approvals/issuance of environmental declarations which proof to lead to breach of environmental regulations and standards or in case of imposing not legally binding conditions;
- Establishment of control & audit structure within NEA organizational chart;
- Establishment and increase coordination and cooperation with other permitting and inspection authorities;
- Strengthen the capacities of SIEFW to improve law enforcement and increase cooperation between inspectorates;
- Increase the capacities of NEA/REAs staff to review, assess EIAs and issue environmental declarations/decisions;
- Increase the involvement of the NGOs in the decision making process following the good experience of involving NGOs in the development of the environmental legislation;

- Due to the lack of REA's websites and logistic tools it is difficult to inform and involve public in the decision making process. NEA should be supported by its regional agencies REA's in order to get feedback on the conformity of the proposed projects with existing expected development plans. REAs face difficulties in the process of consultations with LGUs either by LGU' indifference, or by weak/lack of competence by both sides. As result the consultation process seems to be ineffective. Sometimes poor competences of REA's staff and difficulties to check the areas where the proposed project is going to be developed due to the missing cars doesn't provide the necessary expertise and useful information for NEA regarding specific conditions and requirements to be included in the environmental declaration/decision. The competences of REA staff should be increased. The lack/poor logistic as well, especially the lack of websites should be definitely arranged. They should be provided with logistic and websites to perform effectively their duties and ensure the information of public and its involvement in the decision making process;
- Arrangements should be done aiming the provision of information and effective consultation process by involving as much as possible the public concerned, making sure that necessary information is placed on places where the information can be consulted, finding and using all potential methods to make sure that public is informed thus avoiding as much as possible the developers discretion which proved to be very selective in this process;

6. Annexes

ANNEX 1

I. LIST OF PERSONS MET

Mr. Agim Biloshmi	Giornalist "EGNATIA" NGO
Mr. Genci Hoxhaj	Member of Opponent Commission National Agency of Natural Resources

Mr. Molnar Kolaneci	Institute of Geosciences, Energy, Water and Environment Head of Hydrology Sector; Member of Opponent Commission National Agency of Natural Resources
Mr. Xhemal Mato	“EKOLEVIZJA” NGO
Mrs. Evis Melonashi	Head of Environmental Impact Assessment Sector, National Environmental Agency
Mrs. Majlinda Aruçi	Deputy National Agency of Natural Resources
Mrs. Etleva Kondi	Director of Concessions, Procurements, Expropriations and Privatization, Ministry of Energy and Industry
Ms. Etleva Sinojmeri	Specialist, Environmental Impact Assessment Sector, National Environmental Agency
Ms. Olkida Mersini	Specialist, Environmental Impact Assessment Sector, National Environmental Agency
Ms. Rita Strakosha	“EKOLEVIZJA” NGO

EIA certified experts/companies

II. Presentation of EIAs/SEAs analyzed

There are selected four Hydropower projects to be screened against EIA/SEA national standards and EU Directives, as following;

- Lengarica (Vjosa river basin);
- Zalli Qerrishte (Shkumbin river basin).
- Sheje (Shkumbin river basin);
- Zanore (Shkumbin river basin).

The selection criteria:

- Due to the difficulties in accessing EIA applications, there are analyzed only the four above mentioned applications. According to the legislation in force, it is possible to access such documents. There are exceptions only in case the EIA application submitted contains confidential information;
- Due to the sensitivity of the areas proposed to be developed for HPPs, is analyzed/screened the EIA report of “Lengarica” HPP. This HPP results to be within the boundaries of “Bredhi i Hotoves” National Park;
- The two HPPs, “Sheje” and “Zanore”, are old applications (2006, before the new EIA law entered in force) but to this date these two HPPs are not built. These two cases are analyzed due to the fact that they represent some typical and critical issues which are explained below. By analyzing these two typical cases, it is possible to offer relevant proposals for handling other similar cases nowadays;
- The last HPP (“Zalli Qerrishte”) belongs to a project which is more complicated in terms of environmental, social and economic point of view, the “Zalli Qerrishte” HPP. Beside the significant environmental impact on a National Park, it represents a typical case in terms of negative social impacts.

Lengarica HPP

The EIA report has classified the proposed project for HPP Lengarica in the Appendix II of the Law No. 10440, dated 7.7.2011, “On the Environmental Impact Assessment”. This decision should be done after undertaking some analysis in compliance with the DCM 04.01.2013 "On the rules, responsibilities and deadlines for the development of environmental impact assessment procedure" (against Annex 1 of this DCM: Auxiliary criteria for decision making during preliminary EIA procedure). This is necessary to be done as far as the HPP singly or in conjunction with other plans and projects, can cause significant adverse effects in special protection areas, cumulative impacts etc.

It is identified that according to the EIA applications analyzed, - the HPPs are classified in the Appendix II of the EIA Law without considering that due to the Characteristics of the project, the characteristics of the environment in the project area and the characteristics of the potential impact on the environment, should be classified in Appendix I.

The competent authority for reviewing the EIA application should decide at the end of preliminary EIA (screening process) whether the project should be listed in Annex 1 and a profound EIA is needed. The competent authority should proceed for granting an environmental declaration/decision only in case the legal requirements are fulfilled and a profound EIA report is submitted by the developer/EIA expert.

Furthermore the competent authority, after is being consulted should decide and give opinion to the developer/EIA expert on the information to be supplied in case a profound EIA is needed. It is obvious that neither the developer has done so, nor the competent authorities.

The NGOs were not informed on time or not informed at all, they did not provide opinions, comments, not all public has had the opportunity to be informed and participate in consultations and public hearings. It is reported that only Lengarica HPP underwent a public hearing. The EIA application competent authority has not classified the HPP project in Annex I of the EIA law. No scoping procedure. It is not sure if consultations with institutions at national/local level are carried out and if yes which institutions cooperated and what was their feedback and how it taken into consideration in the final decision.

Lengarica EIA report contains the relevant Albanian environmental legal framework, while the listed EU Directives in the report are not the relevant, meaning that the listed ones are not related to the HPP. It seems that they belong to another project proposal.

The analyzed alternatives are not related to the location as needed. The same goes for the "Do Nothing" alternative, which is not considered. There are analyzed only two alternatives in terms of tunnel length but this doesn't mean that this is the best alternative for the construction of Lengarica HPP. Anyway it is mentioned that the selected alternative, causes minimal interventions at the forest. Of course, alternatives can be considered at a more detailed level (such as tunnel length alternative), but first it is important to analyze all the potential location alternatives and reasons for the chosen alternative.

In the EIA report it is mentioned that a new road of 10km is already reconstructed by the developer, but no information on its impacts on environment is provided. A new bridge will be constructed and a 300 m new road as well. Regarding the impacts of the already constructed road and expected associated activities, there are not reported any potential adverse environmental impacts. The HPP, the main activity and the other activities should be mentioned and considered in the EIA report, before the activity starts. Most probably the developer possesses an environmental permit which was obtained before the road is constructed, but nothing is mentioned in the EIA report regarding this issue.

There are three alternatives proposed regarding the transmission line. The best alternative is mentioned to be that one of installing 38 columns in an area where some high trees are present. There is no data or information about the vegetation cover of this area which comprises 283 m².

It is mentioned that the previous project proposal had foreseen the construction of two HPPs, and they decided to construct only one of them. This was considered to be the best option in economic and geological terms, so the concession contract was changed. This option is perceived to be not convenient due to the fact that the activity is next to the thermal waters at the tunnel exit. Besides that, the benefit of choosing this option is that it avoids the cascade.

It is reported another HPP 70 km downstream of Legarica HPP. No other activity, project is mentioned in the area.

It is given some information on the protected areas, birds, endangered species etc., but this is short and very general information. It is not given the source of information (only one reference for vertebrates). There is not any expertise provided by the relevant expert on the above mentioned issues.

It is given the type and quantity of waste generated, only the construction wastes and their expected quantity.

Public consultations: Questionnaires for the residents of the commune are prepared by the developer's EIA expert/s. In the public consultation there are also invited interested people from the city of Permet, which is close to this area. 100 filled in questionnaires are collected and their results are presented in a table. Different opinions were expressed, especially concerning water issues. The developer's justification in this case, is that people are confused by the provided alternatives which they didn't understand quite well. In reality the main residents' concern was the limitation of the water flow due to the construction of HPP. The construction of the HPP can prevent the construction of a curative center, close to the thermal waters, in the future.

It is mentioned, that a local development plan is approved for the commune of "Petran", and the HPP infrastructure can affect positively the tourism development in this area. This is considered/perceived as a positive social impact by the developer.

As mentioned above there is reconstructed a road of 10 km and it is believed to bring positive social impacts for the area. But there is nothing mentioned about the environmental impacts of this activity, considering the implications that associate the new roads construction/reconstruction, especially for the important habitats of the area.

The problem of construction waste: it is mentioned in the EIA report, that the majority of the construction waste will be used during the construction works. The remaining wastes will be removed in cooperation with the commune of Petran. It is not provided the expected quantity of construction wastes and there is no information whether there is any approved landfill for construction wastes to be used for the construction remains.

A gravel fractioning is proposed to take place close to the river bed. In the EIA report there are mentioned only positive social impacts for the residents of Petran commune, in terms of job opportunities. Nothing is written regarding the potential environmental impacts due to gravel fractioning, discharges and emissions into water, soil and air, noise pollution etc. As result no mitigation measures are proposed.

There are foreseen landscape impacts, but the chosen alternative is reported to cause less negative landscape impacts. It is reported that 346 trees will be cut in a forest area of 6300 m². The vegetation cover is not mentioned and analyzed here as well.

It is mentioned that the interventions in the water regime should be very careful to make possible the presence of the water flow of 200l/s minimum necessary for habitats, wildlife, water species etc. In teh EIA report it is mentioned as well that the HPP will function 4-5 months during the year (or 137,8 days/yea)r. This is calculated and determined by the experts of the technical project and EIA experts through a case-by-case examination.

According to Article 39 of the Law "On the integrated management of water resources, each user of water is obliged to allow in the natural flow, the minimum ecological flow by not including it in the amount of water that is authorized to use.

The minimum ecological flow to any natural water body is determined by the basin management plans and other legal acts, based on the specific characteristics and natural and ecological values of the water basin.

Despite the ecological flow determined in the basin management plans, it can not be smaller than the flow rate to 355 days a year durability (Q355).

In the Environmental Impact Assessment report is stated that "Lengarica hydropower project" does not belong to the "Protected Areas" of Përmeti zone, such as the National Park of "Bredhi i Hotovës". The HPP project is prepared in 2011, two years after the area is declared National Park. On page 84, EIA states that "the aquatic ecosystem area of Lengarica River is not in the protected area". Despite the fact that the area is proclaimed National Park two years later this is not an issue to escape responsibilities. The obligations to protect the environment and sensitive areas should be done in case any project potentially may affect such areas having or not a special legal status. The inventories done should have identified that. It is the obligation of EIA experts to identify the potential risks for such areas and either avoid the location of project nearby them or propose relevant mitigation measures.

On page 140, Annex II, to the question no. 8 "Is there any risk of negative impacts on protected areas the answer is "No. There are no protected areas in the vicinity of the project", while the company itself "Lengarica & Energy" Ltd accepts in its presentation that the HPP is within the National Park of Bredhi i Hotovës (issue raised by NGO).

The MoE, in 4.10. 2011, refused to issue the environmental declaration for Lengarica HPP, stating that "From the layout of the project it is concluded that this project is proposed to be implemented within the area of National Park Bredhi i Hotovës".

Issues raised by NGOs

There are listed 37 environmental legal acts in the EIA report, as the relevant legal framework for the project but it is not included the DCM no. 1631, dated 17.12. 2008, "On the proclamation of the "Bredhi i Hotovës" National Park. The fact that, near the construction area there is a National Park is mentioned for the first time only on page 51 of the EIA report.

Are there any impacts on the flora and fauna in the area of the project? EIA has stated that due to the Kalivac's HPP, being built 70 km from HPP "Lengarica", there is an aquatic ecosystem fragmentation of the Vjosa River and consequently the downstream of the Lengarica River. For many migratory and endemic aquatic species, it results on the habitat reduction according to the EIA. But according to the EIA expert, "Lengarica river's water fauna and especially fish, doesn't have any economic exploitation importance. It just has value as a natural ecosystem for several endemic species living in stressed natural conditions because of water's high salinity". In other words, aquatic fauna of Lengarica does not give us anything, even that small/modest that it is, is stressed, almost to extinction, most probably will disappear even without our help.

According to the EIA report, in the Lengarica River there are identified fish species that can be damaged more than other fish. But not only fish are affected, other species as well. "Reducing the flow in the river bed will limit the habitats aquatic species of flora and fauna. The most vulnerable will be some rare floral species along the river, especially in the downstream, near

thermal sources. The same situation is for some rare species and endangered species of fauna.

The Lengarica residents are allowed to undertake only seasonal activities and not affect the ecological integrity of the area, such as grazing and gathering medicinal plants, while the EIA report does not mention this fact.

Reasonably, the MoE didn't issue the environmental declaration, refusing the environmental permit (4.10.2011), stating that the permit couldn't be granted for the proposed HPP location. Nearly three months later (21.01.2012), the MoE reconsidered the decision and issued the environmental permit revoking its previous decision. This revocation was made without giving any justification for the causes of revocation, without any consultation with stakeholders, as required by the Administrative Procedure Code. It is not clear whether there are differences between two EIA applications as well as if the approved location is different from the previous ones. The case was not sent to court due to the fact that the MoE was requested to provide information/access to the original documents but they refused to provide this information (they didn't reply).

At the conclusions and recommendations part of the EIA report, it is mentioned that the information regarding hydrogeology and underground waters should be more comprehensive. This information should be completed in the frame of the interaction of river flow with karst phenomenon and deep geothermal resources which are present in the fragmented area of Lengarica River. The minimum amount of water should be maintained during the whole year. The quantity of water of the river flow at the dam should be maintained at the level of 200l/s. The river flow should not be used for energy production during the period 15 June-15 September.

Conclusions: the EIA report doesn't identify all the potential impacts and as a result it doesn't propose the respective measures to mitigate or eliminate the adverse negative impacts. It has not carried out any real inventory of the values of this area; especially in taking into consideration its peculiarities, such as National Park presence, thermal waters and the whole ecosystem, the potential implications and losses due to the HPP construction and operation. It doesn't include as well the positive and negative impact in mitigation/adaptation of CC and CO2 reduction

Zalli Qerrishte HPP

The EIA report is prepared by a certified EIA Company.

The project proposal for Zalli Qerrishte includes 6 HPPs and all of them have the same EIA report.

This EIA report does not have any big difference from the ones of Zeje and Zanore HPPs analyzed below. In this case the situation is more problematic due to the fact that there are 6

HPPs but there are no specific data, information and inventory undertaken specifically for each of them. The description of the area, aquatic flora and fauna are in general. And there are not given specifications for the area considered for the construction of every HPP. It is not clear which are the associated activities to the main activity of the construction HPPs and their operations (roads, temporary activities etc).

The area which belongs to Librazhd, experiences already social problems (water problems, agriculture as well), and the damages which were already caused to the Shebenik-Jabllanica National Park deteriorate the situation. In the Shebenik-Jabllanica National Park there are approved a considerable number of HPPs which are perceived as harmful and some of them are already constructed and they are operating for the moment (even though they have negative impacts in the area). These approved HPPs are worsening the situation even more.

The EIA report is classified in the Appendix II of the EIA Law. This decision should be made after undertaking some analyses in compliance with the Decision of Council of Ministers 04.01.2013 "On the rules, responsibilities and deadlines for the development of environment impact assessment procedure" (against Annex 1 of this DCM: Auxiliary criteria for decision making during preliminary EIA procedure). This is necessary to be done as far as the HPPs may have significant adverse effects in these areas, cumulative impacts. Especially the consideration of cumulative impacts in this problematic area, should be taken of under high consideration. In other words, the EIA report is not even close on meeting the standards.

Below there are given comments obtained from the civil society regarding this project proposal and respective EIA report:

- The hydropower plants are proposed to be constructed within the boundaries of the protected area, in the National Park of Shebenik-Jabllanica. Law on Protected Areas, no. 8906, dated 6.6.2002, determines that in national parks, economic activities are carried out with an environmental permit (Article 6, paragraph 3). Law on Protected Areas defines the national park's degree of protection of second level (Article 6). Meanwhile, the DCM No. 640, dated 21.05.2008 "On declaration of the National Park" of Shebenik-Jabllanica, delineates park in 4 areas, where the last two areas, the recreational use and traditional use areas have respectively third and fourth level of protection. This is against the law. The same problem is repeated in the DCMs of all national parks, where the DCM gives certain areas of the park another/different protection degree of what a national park should have according the law. The level of protection affects the decision-making on environmental permit;
- Law on Protected Areas states that amongst the activities that may be allowed in a national park are those which aim the "change of the natural state of water resources, lakes and wetland systems". These activities are allowed only in case an environmental permit is issued. It is not clear if HPPs are allowed;
- National park's map of Shebenik-Jabllanicë has an undetectable zoning in the Official Journal. It is difficult to judge whether HPPs are within the central zone or not;
- EIA report declares that HPPs are not in the National Park. It is dated on 2013, while Shebenik- Jabllanica park was proclaimed in 2008. The stream of "Zalli i Okshtunit" is within the park boundaries;

- According to EIA in the area there are no wild birds, that should be protected under EU directives for “wild birds” (page 15, dubious assertion, given the fact that it is a wild forest area, National Park);
- The stream water will be inserted/put in 5 km long pipelines, something that will reduce the access to water of wildlife and vegetation in the stream bed, but according to EIA report there is no impact on flora and fauna;
- It is not provided any list of wildlife of the area, even though the area is rich considering the fact that is a National Park;
- EIA determines as ecological flow, 15% of the water of stream, referring to the EU directive, without citing the obligations that the Albanian legislation defines. As stated above, this is usually calculated and determined by the experts of the technical project and EIA experts through a case-by-case examination. No information is given on the method used or approached to calculate and determine the ecological flow. According to Article 39 of the Law “On the integrated management of water resources, each user of water is obliged to allow in the natural flow, the minimum ecological flow by not including it in the amount of water that is authorized to use;
- There is no Biodiversity specialist in the staff of Company who prepared the EIA report. Neither appears to be consulted any biodiversity specialists. Biodiversity expert should be part of the calculations for the ecological flow defined;
- Regarding the aspects related to environmental issues raised in the EIA Report it is concluded: Legal basis need to be reevaluated because there are noticed legal references which are not in force anymore; On page 86 of the report, it is stated that a portion of the construction is located within the National Park. On page 96, this fact is not mentioned. Determine in which part of the protected area is the project, in which internal subzone it is.

Sheje (Dragostunje) HPP

The EIA report is prepared by only one expert. The EIA report contains a relatively long description, regarding the situation of energy sector in Albania and the importance of relying on renewable sources of energy. Reference is made to the Energy Strategy mentioning the potential of small HPPs.

It is not clearly identified which one is the main activity, the construction of HPP or other proposed activities such as road construction and transmission line as well other temporary activities during the construction phase (they are mentioned in the EIA report but not listed and analyzed). It is not evident where the exact location is, the coordinates).

The project proposal is very general. They provide only general data about the HPP, when it is necessary more information or data about the road to be constructed, its length, location etc. The same for the transmission line (the only information given is the number of columns).

The description of the area is done in general terms. In the report it is referred to the Shkumbini River basin, Korab mountain, Rrajca area, while the data and the information on what this area represents in terms of vegetation cover, habitats, wildlife etc. is not provided (there are given some endangered species of Shebenik).

During the identification of impacts, it is stated that it will not be affected the area that has high ecological values. Even though is not evident which are these areas and how the potential impacts will be avoided, mitigated etc.

Everything is given in general terms, even the proposed mitigation measures, so called "Monitoring Program" and "Rehabilitation Measures". The same issue is for the final Conclusions and Recommendations.

Zanore (Dragostunje) HPP

The EIA report is prepared by only one expert (the same one who prepared the EIA report for Sheje HPP). Nevertheless the fact that the HPPs proposed are in the same Shkumbini River basin, (but in different locations of it), there are no differences in the EIA reports of these two HPPs. It seems that is the same EIA report, just changed the name of HPP and the characteristics of the HPP technical project. The case is more or less similar with the recent proposals for HPP construction where there are listed for example 3, 4, 5 HPPs in the same EIA report, even in cases when they are not very close to each other.

The EIA report contains a relatively long description regarding the situation of energy sector in Albania and the importance of relying on renewable energy sources. Reference is made to the Energy Strategy mentioning the potential of small HPPs.

It is not clearly identified which one is the main activity, the construction of HPP or other proposed activities such as road construction and transmission line as well other temporary activities during the construction phase (they are mentioned in the EIA report but not listed and analyzed). It is not evident where the exact location is, the coordinates).

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During the identification of impacts, it is stated that it will not be affected the area that has high ecological values. Even though is not evident which are these areas and how the potential impacts will be avoided, mitigated etc.

Everything is given in general terms, even the proposed mitigation measures, so called "Monitoring Program" and "Rehabilitation Measures". The same issue is for the final Conclusions and Recommendations.

The findings for each of the screened EIAs/SEAs are summarized in the table attached to this Report.

III. Scandals related to EIA/SEA developed

The problems deriving from the HPPs in the special protection areas are raised by NGOs, residents, journalists etc. Some of them are listed below:

Mr. Xhemal Mato, Director of EKOLEVIZJA NGO, raised the issue of problematic HPPs at Natural Park of Shebenik-Jabllanicë in the Parliamentary Commission of Productive Activities and Environment on 16 July 2014. In the Natural Park of Shebenik-Jabllanicë there are given concessions for 47 hydropower plants. Water is taken directly from the source where there are tunnels drilling the mountain to get the water from inside the mountain by using steel tubes. No any park in the region such as the Shebenik and Jabllanica is, which can be used for tourism, and other sustainable developments.

Many municipalities in Librazhd started the protests, because it is obvious, that the village is remaining without water, because the water is considered as a property of the hydropower plant. The question raised is, if there is carried out any socio-economic analysis, other than the environmental ones. Due to these HPPs, in the coastline it is identified the loss of miles of land. Kilometers of land are lost only by the failure/mistreatment of the catchment, rivers and all their streams. This happens in special protected areas, but there are cases when are given concessions of 80 hydropower plants.

This process does not promote the development of the country, but is merely for the sake of some businesses, and corruption is the main cause of damage. Sometimes, the implementation of hydropower projects is done quite differently from the project. As a result, such developments should be stopped.

Complaints of residents of the Krane village: *Head of Mesopotam's Municipality, Delvine raised the issue of the problematic situation of irrigation for the community where there are planted 400ha of corn. Head of Finiq Municipality, Delvine complaining for the Bistrica 3 HPP where the municipality gets the water from. It is about 450ha that is in need of water.*

Municipalities of Mesopotami and Finiq in Delvina have problems related to irrigation for the agricultural products, due to the difficulties related to the construction of Hydropower 3 next to the bridge of Krana. Water flows into the sea, while the fields are not irrigated. 850 ha planted area are in danger of being dried.

In terms of legislation: Law "On integrated management of water resources" determines that irrigation has priority over the use of water for energy. Water Basin Council provides permits for the water use. The problem is that HPP has access to water, and if the water is delayed for a few days, something that already happened with the HEC Bistrica 3, damages the agricultural products. (issue raised by EKOLEVIZJA NGO)

Documentary Agim Blloshmi "EGNATIA"

- Around 47 concessions for HPPs;
- The concessions given since 2006, aim to increase the energy capacity as well as the social and economic benefits but the reality is sadly different: there are no economic, social and energy benefits for the area.
- From the permits provided since 2006, only 30% of them are running (built) and the situation is dramatic for the people living there, fauna and flora, damaged ecosystem etc.
- The actual government is aiming to withdraw these licenses, but is difficult to cancel the ones that already started their activity because these private entities can easily send the case to the international court and easily win the case due to the licenses approved from the previous government. However, the actual government succeeded to withdraw 11 contracts, but these ones were easier because they did not start the activity yet, based on the law that punishes those HPP that did not start their activity during a two year period.

PPNEA complain regarding Shebenik – Jabllanicë National Park and HPPs there

Complain sent to Council of Minister; Prime minister of Albania Mr. Edi Rama; local, national and international NGOs on "On the abuse of granted concessions for the construction of hydropower plants in the National Park of Shebenik – Jablanica", dated on 10th of September 2013.

Association of Protection and Preservation of Natural Environment in Albania (PPNEA), through this complaint/letter seeks to attract the attention of the above mentioned parties and public opinion about the serious environmental situation emerging in the National Park Shebenik – Jablanica, as a result of granted concessions for the construction of hydropower plants (HPP).

The Council of Ministers of the Republic of Albania is asked to correct the situation by undoing the abusive decisions on construction of HPPs in the National Park of Shebenik – Jablanica.

Currently in the Librazhd area there are given about 84 permits for the construction of hydropower plants, where 70% of HPP affect the National Park of Shebenik - Jablanica. Concession permits are given in the complete absence of a strategic environmental assessment for rivers. Construction of so many power plants will bring unrecoverable damage to the gorgeous natural scenery of the area, its biodiversity, and will create socio-economic problems to the community. Planned HPPs will inevitably affect the flow Shkumbini River.

The Shebenik- Jabllanica natural ecosystem was declared a National Park on 21.05.2008 and for being so it has all the privileges, the legal minimum, to protect its territorial integrity from direct interferences in its environment. The park territory occupies the central part of "Balkan Green Belt" and represents a wide cross-border area. This area forms an important ecological corridor for wildlife, which have incalculable value in preserving the biodiversity of the Balkan region, and beyond.

The National Park of Jabllanica-Shebenik is known for a unique wealth of biodiversity. There are rare creatures which are protected by national legislation and international conventions.

Based on all the reasons mentioned above, PPNEA appeals to immediately prohibit the construction of HPPs in the National Park Shebenik- Jabllanica. PPNEA will monitor the situation, constantly inform the public on the progress of abusive activities and will increase the efforts to protect the National Park of Shebenik- Jabllanica.

7. References

1. *Directive Specific Implementation Plan for, Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, Technical Assistance for Strengthening the Capacity of the Ministry of Environment in Albania for Law Drafting and Enforcement of National Environmental Legislation.* Available from: <
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