

## **Decision IX/4a-V/4a on compliance by Albania with its obligations under the Convention and the Protocol in respect of the planned construction of several small hydropower plants on the Cijevna River**

*The Meeting of the Parties to the Convention and the Meeting of the Parties to the Protocol, meeting in joint session,*

*Recalling* articles 11 (2) and 14 bis of the Convention on Environmental Impact Assessment in a Transboundary Context and article 14 (4) of the Protocol on Strategic Environmental Assessment,

*Recalling also* decisions IX/4<sup>1</sup> on general issues of compliance with the Convention, adopted at the ninth session of the Meeting of the Parties to the Convention, and V/4<sup>2</sup> on general issues of compliance with the Protocol, adopted at the fifth session of the Meeting of the Parties to the Protocol (Geneva, 12–15 December 2023),

*Having considered* the findings and recommendations of the Implementation Committee on compliance by Albania with its obligations under the Convention and the Protocol in respect of the planned construction of several small hydropower plants on the Cijevna River,<sup>3</sup>

*Having considered also* the report on the activities of the Implementation Committee to the Meeting of the Parties to the Convention at its ninth session, in particular, the section concerning Albania,<sup>4</sup>

1. *Welcome* the steps taken by Albania and Montenegro to enter, further to article 2 (5) of the Convention, into discussions on whether the proposed activities by Albania referred to in the submission by Montenegro of 25 September 2019 were likely to cause a significant adverse transboundary impact;

2. *Establish* that, in discussions under article 2 (5) of the Convention, Parties should exchange information in a way that allows them to identify whether significant adverse transboundary impacts on the environment could occur, and that both the Party of origin and the affected Party are responsible for the timeliness and quality of their information exchange;

3. *Endorse* the findings of the Implementation Committee that, in accordance with the information provided to the Committee:

(a) Albania and Montenegro properly fulfilled their obligations under article 2 (5) of the Convention by entering into discussion with each other on the matter;

(b) In the absence of an agreement by the concerned Parties under article 2 (5) of the Convention, Albania was not in non-compliance with article 2 (2) and (6) of the Convention, as those provisions were not applicable;

(c) Albania was not in non-compliance with article 10 of the Protocol, as, in the absence of a plan or a programme by Albania in the meaning of article 4 (1) of the Protocol, the Protocol was not applicable;

4. *Encourage* both Parties to continue their dialogue under article 2 (5) of the Convention, ensuring that the cumulative impact of the proposed activities is properly assessed, and the criteria listed in appendix III to the Convention are properly applied during the assessment, including with regard to the environmental sensitivity of the Cijevna River basin;

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<sup>1</sup> ECE/MP.EIA/2023/6.

<sup>2</sup> ECE/MP.EIA/SEA/2023/8.

<sup>3</sup> ECE/MP.EIA/IC/2023/9.

<sup>4</sup> ECE/MP.EIA/2023/13–ECE/MP.EIA/SEA/2023/13.

5. *Invite* Albania to continue to provide Montenegro with information on all planned activities at the Cijevna River referred to in the above-mentioned submission for the purposes of the assessment of their transboundary impacts;

6. *Invite* Montenegro to provide Albania with any further reasonably obtainable information relating to the potentially affected environment from the proposed activities, if requested;

7. *Acknowledge* that Albania expressed its willingness to apply the Convention should it, as a result of the discussions under article 2 (5) thereof, agree that the activities in question cause significant adverse transboundary impacts;

8. *Encourage* Albania to take into account, in the context of any future assessment of transboundary environmental impacts of any further small hydropower plants on the Cijevna River, the cumulative impacts of all existing and planned hydropower plants, and to provide the related information to Montenegro;

9. *Encourage* Montenegro to provide Albania with any reasonably obtainable information relating to the potentially affected environment from any future relevant planned activities on the Cijevna River, if requested;

10. *Request* Albania and Montenegro to apply the Protocol as an environmental protection instrument at an early stage of development of plans and programmes, such as energy strategies or plans and joint river basin management plans that cover any future developments in the Cijevna River basin or other areas of outstanding nature and environmental value, as well as to ensure that cumulative impacts of the planned activities, including those in a transboundary context, are properly addressed.

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