



First Sub-regional Meeting on Environmental Assessments in a Transboundary Context Mediterranean Sea

Examples of sub-regional cooperation
Small hydropower plants on the Cijevna River

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- Case: *sHPP on Cijevna river*
- Non listed in Apendix of the Espoo Convention or in Annex I to the Protocol
- In Montenegro: Information on sHPPs on Cijevna river was received from NGOs and media
- Strong interest from public and NGOs, media
- Communication between parties started via diplomatic channel
- Environmental impact assessment documentation for sHPPs was requested

Non Espoo, non SEA case

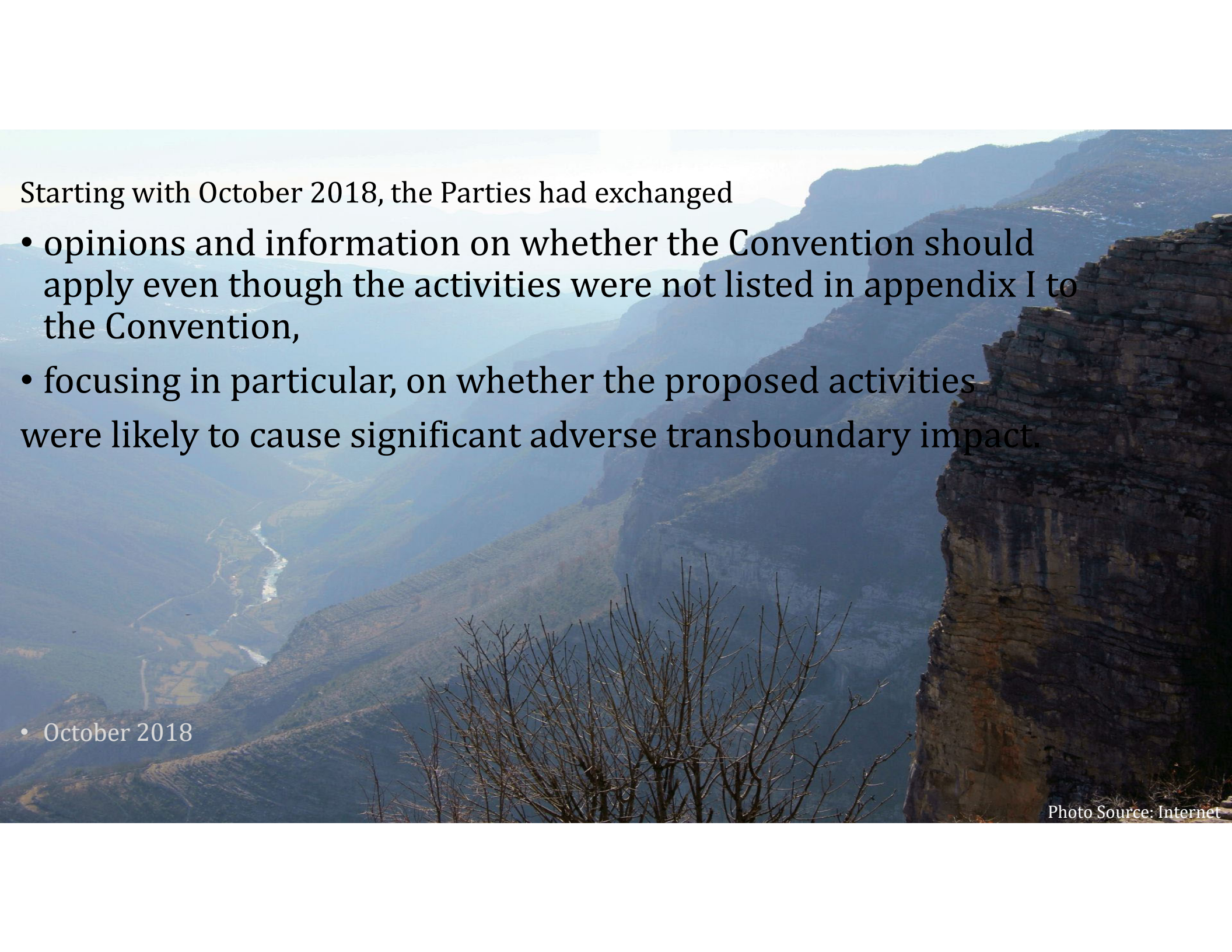
- Communication (Official letters via diplomatic channels and meetings between relevant institutions)
- Advisory procedure (Water Convention)
- Compliance procedure (Espoo Convention)
- Platform to exchange information (Joint Commission)

The Cijevna River ("Cem") originates in Albania on the northern side of the Prokletije Mountains and has a total length of 56 km, of which 33 km are on the territory of Montenegro;

The river's canyon forms the border between Montenegro and Albania and is a nature protection site in Montenegro.



Photo Source: Internet

A scenic view of a mountain range with a river valley in the distance and a rocky cliff face in the foreground. The image is used as a background for the text.

Starting with October 2018, the Parties had exchanged

- opinions and information on whether the Convention should apply even though the activities were not listed in appendix I to the Convention,
- focusing in particular, on whether the proposed activities were likely to cause significant adverse transboundary impact.

- October 2018

Photo Source: Internet

- In November 2018, a reply was received indicating that *construction permits had already been obtained for three small hydropower plants, with an additional three activities having received preliminary approvals (6 sHPP)*.
- In February 2019, at a meeting between
 - the Ministry of Agriculture and Rural Development of Montenegro and the Water Resource Management Agency of Albania in Shkodra (Albania) was held regarding the establishment of a Joint Commission,
 - Communication through the Ministry of Foreign Affairs to Albania,
 - a meeting between the Ambassador of Montenegro and the Minister for Infrastructure and Energy of Albania held at the end of February 2019.

In July 2019, Albania submitted to Montenegro the EIA documentation for Vriela, Dobrinje and Muras hydropower plants:

- No information about the other planned activities was provided.

Following the examination of the documentation, it was concluded that documentation did not contain any information on the likely impacts of the activities on the environment of Montenegro, concluding that such impacts had not been assessed.

The first meeting of the Joint Commission* held in Podgorica, September 2019,

- Parties agreed to continue to communicate and to exchange information regarding the activities in accordance with the applicable international and national legislation.

* The Joint Commission established under the 2018 Framework Agreement on Mutual Relations in the Field of Management of Transboundary Waters between Montenegro and Albania (Joint Commission).

On 25 September 2019, the Government of Montenegro made a Submission to the Implementation Committee expressing our concerns about the compliance of Albania with its obligations under the Espoo Convention and its SEA Protocol

- in respect of the planned construction of a number of small hydropower plants on the Cijevna River,

sHPPs:

- Broja (total capacity of 1.97 MW);
- Dobrinje (total capacity of 0.8 MW);
- Grabom (total capacity of 1.97 MW);
- Muras 1 and 2 (total capacity of 2 MW each);
- Peshtan (total capacity of 1.97 MW);
- Vriela (total capacity of 0.5 MW).

- Montenegro considered that although the planned activities were not listed in appendix I to the Convention,

cumulatively they were likely to cause a significant adverse impact on the environment of Montenegro;

In particular, concern was expressed about the impact of the planned activities on the Cijevna River canyon,

- which was recognized as an ***area of exceptional natural value*** under the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and a potential Emerald Network site.
- Furthermore, there was no possibility to exchange information on the planned activities in a transboundary context.

The submission:

No notification about any related plans or programmes, or, subsequently, about its planned activities in accordance with the Protocol and the Convention;

- In particular, no information on the number of the planned small hydropower plants and their likely impacts on the environment of Montenegro.

Among others:

- Article 2 (5) of the Convention, which states that:

“Concerned Parties shall, at the initiative of any such Party, enter into discussions on whether one or more proposed activities not listed in appendix I is or are likely to cause a significant adverse transboundary impact and thus should be treated as if it or they were so listed”;

Montenegro made Submission to the Implementation Committee in September 2019;

- The Committee decided to consider the matter,
- including to facilitate the related information exchange between the two Parties; and
- its consideration started in March 2020.

In addition, *Montenegro had initiated an advisory procedure under the Water Convention concerning the same matter* (Implementation Committee under the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) in May 2020;

Both parties continued to exchange information within the Implementation Committee procedure;

Furthermore, meetings were organized within the Implementation Committee under the Water Convention procedure.

Advisory procedure initiated by the Implementation Committee under the Water Convention

An advisory procedure was initiated by the Implementation Committee under the Water Convention, following a request from Montenegro in November 2019

and

agreement of Albania in January 2020 to participate in the procedure

related to concerns of Montenegro about the likely impacts of the planned construction of the small hydropower plants on the Cijevna River in Albania – the same planned activities as those subject to the submission to the Implementation Committee.

Advisory procedure initiated by the Implementation Committee under the Water Convention

In the framework of its advisory procedure, the Implementation Committee under the Water Convention received information about the activities from both Parties and

held consultation sessions with Montenegro and Albania (2020 -2022).

Based on the information provided by both Parties, and in the absence of sufficient monitoring information and data, the *Implementation Committee under the Water Convention was unable to confirm or deny the likelihood of cumulative transboundary impact* of the planned construction by Albania of a number of small hydropower plants on the Cijevna/Cem River within the meaning of article 1 (2) of the Water Convention.

- Within the advisory procedure the Implementation Committee under the Water Convention recognized the lack of information and data as the key challenge for the assessment of any transboundary impact of small hydropower plants in the Cijevna River basin.

During the consultations, the Parties agreed:

- (a) That the existing Joint Commission should establish a joint technical working group on “Monitoring and assessment”, define the mandate of that working group based on pressures in the Cijevna/Cem River basin and ensure its regular meetings;
- (b) To develop and implement an information-exchange protocol;
- (c) To use the meetings of the Joint Commission to exchange information, including on existing and planned uses of water and related installations;
- (d) To convene the next meeting of the Joint Commission in the third week of March 2021, with a view to setting up the joint technical working group.

- In May 2021 the Committee examined the information, and the report of the Implementation Committee under the Water Convention containing information on the outcome of its advisory procedure;
- Based on the information the Espoo Convention Implementation Committee *concluded that there were no grounds for it to pursue its consideration of the matter further,*
- In June 2021, the Committee informed Albania and Montenegro and proceeded with the preparation of its draft findings and recommendations.

- The findings and recommendations as an official document was adopted at the Meetings of the Parties to the Convention and the Protocol (Geneva, 12–15 December 2023)



Source: Internet

Conclusions:

- Parties agreed to make use of the Joint Commission as a platform for carrying out the discussions on the matter,
- platform for the exchange information and for holding discussions among the competent authorities and relevant environmental and sectoral experts from both Parties,
- Existence of communication,
- Willingness and efforts by both Parties to cooperate,

- Espoo/SEA and Water Convention Committees.



Meeting of the Joint Commission and Technical Working Group for Cijevna river, 24.04.2024, Podgorica, Montenegro



Thank you for your attention!