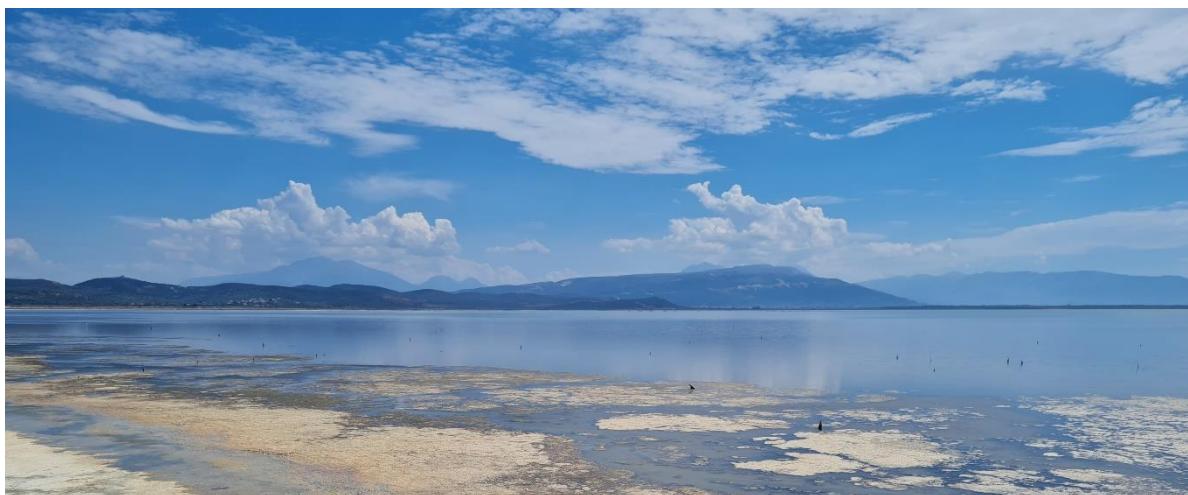




AEWA IMPLEMENTATION REVIEW PROCESS (IRP)
A Joint On-the-spot Assessment Mission by the Bern Convention, AEWA and CMS

29 August - 2 September 2022

**POSSIBLE IMPACTS OF INFRASTRUCTURE AND URBANISATION
DEVELOPMENTS PARTICULARLY VLORA INTERNATIONAL
AIRPORT ON THE VJOSA-NARTA PROTECTED AREA**



FINAL REPORT

11 May 2023

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Picture on the cover: Narta Lagoon © Sergey Dereliev, UNEP/AEWA Secretariat

Disclaimer: The presentation of the material in this document is slightly different to that of the Bern Convention and CMS versions. This is due to the individual house style guides of the three instruments. The content is, however, identical in all three versions of the report.

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1. INTRODUCTION

1.1 Purpose of this report

1.1.1 Bern Convention

The initial complaint concerned the alleged breach of the Bern Convention in the period 2016-2018 resulting from massive hydropower developments on the Vjosa River and its tributaries, in particular the “Poçem” HPP and the “Kalivac” HPP, including additional smaller planned or projected hydro energy installations. The complainant NGO EcoAlbania stated that all HPPs were planned without a proper EIA or SEA which could have disastrous impacts on biodiversity, the fragmentation of habitats and the alluvial systems. The HPPs would:

- block the upstream and downstream of fish species;
- prevent sediment transport downstream to the Adriatic Sea;
- create expected decline in ground water;
- create reduced water quality due to the reduction of self-purification rate.

The complainant further stressed the transboundary aspect of the ecosystem of the Vjosa/Aoos catchments (Albania/Greece), the unique free-flowing nature of the whole river, the biodiversity hotspot it represents and the variety of hydrological –morphological features it holds.

In addition, according to the complainant, a candidate Emerald site “Protected landscape of the wetland complex Vjosa-Narta (IUCN Cat. V and IBA) would be potentially affected by the dam projects. Although the projects were not planned on any national protected area, the whole river system qualifies for many international designations and in particular European ones (Emerald Network and Natura 2000).

Following a signal from the complainant in early 2018, the Bureau mandated an on-the-spot appraisal to send an independent expert to the area to assess the situation on the ground. The ensuing mission resulted in a report ([T-PVS/Files\(2018\)43](#)) and recommendation ([Recommendation No. 202 \(2018\)](#)) on the planned hydro-power plant developments on the Vjosa river (Albania), adopted by the Standing Committee on 30 November 2018). In summary, the 12 points of the text recommended to the Government of Albania to use the precautionary principle and suspend both HPP projects; urgently prepare a River Basin Management plan, develop relevant studies and conduct/repeat necessary environmental assessments; consider carefully the revision of the network of protected areas of the country; and improve collaboration between different stakeholders.

In a second stage, between 2019 and 2021, the government provided regular update reports to the Bureau and Standing Committee on progress related to the points of Recommendation No.202 (2018). During this time, the HPP projects were suspended but a new concerning issue was signalled by the complainant: major infrastructural development plans in the Vjosa-Narta Protected Area, most notably the proposal to construct Vlora Airport.

According to the complainant, the urbanisation of a considerable part of the already existing Protected Area foresees touristic resorts, harbours, access highways, the airport and a beach. Furthermore, the ongoing process of revision of the Environmental Protected Areas Network of Albania could potentially exclude parts of Vjosa-Narta, thus allowing developments to go ahead. The complainant alleged that this process to date has not been carried out in a transparent or legally sound way.

The 41st Standing Committee in December 2021 “*reiterated its deep concern regarding the urbanisation plans for the Vjosë-Nartë Protected Areas, including construction of an airport, and urged the government to rethink these plans. The natural values of this area are evident, and a strong protection regime is needed*”. It decided to mandate a new on-the-spot appraisal to focus on the Vjosa-Delta-Narta Lagoon Protected Area and in particular to assess the situation of Vlora airport and other urbanisation plans, which could have impacts on the Vjosa River delta. The national authorities of Albania supported the mission.

1.1.2 Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)

In October 2021, the Albanian non-governmental organisation Protection and Preservation of Natural Environment in Albania (PPNEA) submitted information to the attention of the AEWA Standing Committee suggesting non-compliance by the Government of Albania with AEWA provisions relating to the protection and management of Vjosa-Narta Protected Landscape, a site of high importance for several populations of migratory waterbirds listed under AEWA. This would translate into non-compliance with the provisions outlined under Article III, paragraph 2(c) of the Agreement as well as with the provisions of the AEWA Action Plan, particularly paragraph 3.2 relating to the identification and protection of sites of importance for migratory waterbird populations covered by AEWA.

Vjosa-Narta Protected Landscape – a protected area under the domestic legislation (Category V according to the IUCN classification) – is an AEWA Critical Site (under the name Narta Lagoon), is a candidate Emerald Site under the Bern Convention (site No. AL0000008) and also meets criteria for listing as a wetland of international importance under the Ramsar Convention to which Albania is also a Contracting Party. Further, the site is an Important Bird Area (site code AL005) and a Key Biodiversity Area (site code ALB24).

In their *petition*, PPNEA provided information of 92 AEWA-listed species, several of which occur in the site with internationally important numbers in different stages of their annual cycles.

The information provided made reference to the planned construction of a new international airport (Vlora *International* Airport). According to the petitioner the construction plot for the airport may have been degazetted as a protected area to allow for the construction, nevertheless, it is located very centrally within the protected area and within immediate proximity to wetland habitats which host AEWA-listed species, including breeding colonies of several species (Map 1 of annex IV). The concern is that this development would pose a threat to the persistence of the area and the populations of AEWA-listed species that occur there.

According to *the* information received, the construction works should have started in November 2021 as declared by the Government of Albania. The petitioner however pointed out that the Environmental Impact Assessment had deficiencies and the status of the procedure was unknown.

In addition, from the papers submitted by the petitioner including the airport master plan, there was indication that there are further plans to develop *tourist* infrastructure within the protected area, such as a coastal resort and a marina.

The AEWA Standing Committee reviewed the information provided by PPNEA and on 14 December 2021 sent a letter to Albania (Ministry of Tourism and Environment) requesting clarification and further information in relation to the case described above, including any actions undertaken and actions foreseen in order to ensure compliance with the indicated provisions under AEWA.

The Ministry of Tourism and Environment responded on 31 January 2022 followed by an offer of the *Standing* Committee to send an on-the-spot appraisal mission jointly with the Bern Convention. The offer was accepted by Albania on 22 March 2022.

1.1.3 Convention on the Conservation of Migratory Species of Wild Animals (CMS)

In April 2021, PPNEA submitted a communication of a possible implementation matter to the attention of the CMS Secretariat under the CMS Review Mechanism. The petitioner claimed that projects planned in Vjosa-Narta Protected Landscape would affect several species listed in CMS Appendix I species and that the Party had failed the implementation of Article III, paragraphs 4 a) and b).

As per the procedure established in CMS Resolution 12.9, the Secretariat informed Albania that a *communication* on a possible implementation matter regarding the Vjose-Narte Protected Landscape had been received and provided the opportunity to respond to the allegations and to submit any relevant information on the development plan and the assessment of its potential impacts on CMS-listed species and their habitats.

After the initial screening of the communication, the Secretariat asked the petitioner for further information on the occurrence and populations of CMS Appendix-I-listed species, types of habitats and uses of the Appendix-II listed species, and maps of the proposed development. The information received indicated that the most affected species would be Appendix-I listed birds. To determine the communication's admissibility, the Secretariat consulted with the two CMS COP-appointed Counsellors for Birds regarding the potential impacts of the project on the conservation of several species and their habitats.

Taking into account that:

- the biological survey data compiled was scarce;
- there was, at that time, no official communication of an Environmental Impact Assessment on the development of the airport
- the planned airport runway extended directly across the flyway between the roosting and feeding locations of the Narta Lagoon, the Delta of Vjosa River and the breeding sites in Divjaka-Karavasta National Park (maps 4, 5, 6 and 7 of Annex IV) and feeding sites in Narta Lagoon;
- there was a high risk of birdstrikes, killing the pelicans and potentially causing serious damage to aircrafts;

the counsellors concluded that the airport development was likely to have a detrimental impact on at least the Albanian breeding population of Dalmatian Pelican (*Pelecanus crispus*), which is listed in Appendices I and II of the Convention. Also, other taxa listed under Appendix I of the Convention that could be affected by development on or near the wetlands, including from the construction of powerlines and other potential obstructions of migratory bird flight paths, included the White-headed Duck (*Oxyura leucocephala*), Ferruginous Duck (*Aythya nyroca*), Lesser Kestrel (*Falco naumanni*) and Greater Spotted Eagle (*Clanga [Aquila] clanga*).

In March 2022, the Secretariat communicated the admissibility of the information received and gave Albania the opportunity to provide comments and/or address the matter within reasonable time limits, if necessary, with the assistance of the Secretariat. In particular, the Secretariat requested information on how Albania would ensure compliance with Article III.4 of the Convention, given the likely impacts of the planned project and any challenges that the Government may face in doing so. After careful consideration of Albania's response in April 2022, the Secretariat concluded that further information was required and proposed a mission with the objective of gathering additional information in order to be able to make an informed assessment of the matter, whether it could be addressed within a reasonable time, if necessary, with the assistance of the Secretariat, or whether it should be brought to the attention of the Standing Committee. The Government of Albania accepted the proposal for the mission.

1.2 Terms of reference

The Secretariats of the three Treaties presented a draft Terms of Reference* of the mission to the focal point at the Ministry of Tourism and Environment and to the complainants/petitioners (henceforth to be known as "the parties") in May which were collectively adapted and accepted in June, as well as a draft programme of the OSA and agreed dates of 29 August to 2 September 2022.

1.3 Objectives of the mission

On the basis of the instructions by the Standing Committees of the Bern Convention and AEWA, and CMS Resolution 12.9, the information provided by the authorities and the NGOs and other stakeholders, and using Recommendation No. 202 (2018) of the Bern Convention as a reference, the objectives of the mission were, through research, on-site assessment, and discussions with relevant competent authorities at national and local level, as well as other stakeholders, including NGOs, local stakeholders and citizen groups, to:

* T-PVS/Files(2022)01 / AEWA IRP case file No. 11 / CMS RM File No.2021/01: <https://rm.coe.int/files01-2022-tor-vjosariver-albania-final/1680a6d09b>

1. Collect information on the process of the revision of the Environmental Protected Areas Network of Albania, taking into account relevant Bern Convention recommendations on the Emerald Network.
2. Within the above process, assess the decision to proclaim the Vjosa River Delta as a Nature Reserve (IUCN category IV) and not as a National Park (IUCN category II) as recommended both by national scientists and IUCN.
3. Collect information on the infrastructure and urbanisation projects planned at the Vjosa-Delta-Narta Lagoon Protected Area and in particular that of Vlora International Airport, and evaluate if comprehensive, objective and inclusive environmental impact assessments have been properly carried out.
4. Assess the projected impact of the infrastructure and urbanisation projects planned at the Vjosa-Delta-Narta Lagoon Protected Area, particularly that of Vlora International Airport, including impact to CMS Appendix-I-listed species, and consider whether these projects are compliant with the provisions of AEWA, CMS and the Bern Convention.
5. Taking into account points 1 to 4, propose recommendations to the national authorities on conforming with the Bern Convention, AEWA and CMS, in particular when:
 - a. finalising the revision process of the national network of protected areas taking into account [Recommendation No. 157 \(2011, revised in 2019\)](#) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, [Recommendation No. 208 \(2019\)](#) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites, and the [Post-2020 Strategic Workplan for the Emerald Network](#); and
 - b. considering infrastructure, urbanisation and other development plans in Vjosa-Delta-Narta Lagoon Protected Area, in particular Vlora International Airport.

The OSA took place from 29 August to 2 September 2022 and the mission team visited Tirana, Fier, Vlora and the Vjosa-Delta-Narta Lagoon Protected Area and its surroundings (see photos in Annex III), including meetings with Ministries, National and Local Agencies, authorities, NGOs and other relevant stakeholders following the programme presented in Annexes I and II. Preparations had begun in May 2022, including the sending of a questionnaire and request for documentation to both parties in June and July 2022. Some final follow-up questions and requests for information were sent after the visit.

Based on the OSA, three sets of findings can be outlined:

- a) The information provided by the questionnaire focusing on:
 - National policies on environment and biodiversity and mainstreaming biodiversity into infrastructure development policies especially in the transport sector;
 - Procedures followed by the government on revising the Environmental Protected Areas Network of Albania;
 - Procedures followed by the government related to the EIA and environmental permit for the construction of Vlora International Airport.
- b) The information collected during the OSA following meetings with the governmental institutions, the Complainants/Petitioners, and other stakeholders.
- c) The observations made during the OSA field visit at the Vjosa-Delta-Narta Lagoon Protected Area and its surroundings.

2. SUMMARY OF COLLECTED INFORMATION

2.1 Process of revision of the Environmental Protected Areas Network of Albania

2.1.1 National process

- i. Brief summary of current scenario as described by Albanian Authorities

According to the Government, the Environmental Protected Areas Network (EPAN) revision was necessary for several reasons:

- Many Protected Area (PA) designations were very old (1966, 1996) and not updated with the new legislation;
- There were no maps accompanying the previous PA limits which led to misinterpretation. As a consequence, there was a discrepancy of more than 20,000 ha between the areas described in the decisions and the maps available for those areas;
- The PAs included a lot of urban and non-natural territories that were not fulfilling the purpose of a PA;
- There were developments inside the PAs that were no longer acceptable for a protected area.

The assessment of the EPAN in Albania was implemented during the period 2019-2021 through:

- An analysis of the biodiversity value of the 54 existing protected areas evaluating their overall territorial extent.
- A consultation process in which all possible stakeholders were met and kept informed during the overall process led by an independent group of experts. Also, other ministries and State Agencies were involved in the final part of the consultation.

The protected areas in the coastal zone of Albania have been the main area of debate with several NGOs. Following the proposed revision of the EPAN, some basic characteristics can be concluded:

1. Changes of the protection status of the coastline:
 - The final proposal includes more than 240 km of coast, equal to half of Albania's coastline.
 - The reduction of the coastal protected areas concerns areas that have been urbanised at a distance of 8-11 km from the coast.
 - There were no natural habitats taken out of the coastal protected areas.
 - The coastal protected areas have been increased, because river deltas and the sea up to 500 m from the coastline have been also included in the system of protected areas.
 - The coastal protected areas include the same areas as before the revision while adding the Bishtkamez area which is to be declared as a Protected landscape.
2. All the coastline areas are part of the EPAN and, recognising the biodiversity value of those territories, none was taken out.
3. Also, some of the buffer zones of certain areas were included thanks to previous mistakes made in the final mapping or taking out of two categories of lands:
 - major urban areas like Divjaka city, Velipoja and Ksamil, where the urbanisation is too high to be compatible as part of a PA, or
 - areas with intensive agriculture such as Fush-Kuqe.

The final proposal from the Ministry of Tourism and Environment for the total surface of PAs in Albania considered 90% of the previously existing areas and identified five new sites. The review meant an increase of the total area protected in Albania, from 18% to 21%. This review did not consider regional and/or municipal areas (3% of Albania's territory).

The preliminary decision of the revision of the EPAN was made by the National Territory Council in 2020 and final approval given by Decision of the Council of Ministers on 26th January 2022 while separate decisions for National and Natural Parks were taken on 1st and 7th February 2022 correspondingly, but not for Protected Landscapes.

ii. Brief summary of comments received from NGOs

Although the revision of the EPAN has led to an increase of the total surface of Protected Areas at national level, there is a significant reduction of the protected area surface by up to 15% in the existing PAs located along the coastline. The coastal PAs are biodiversity hot-spots as they host roughly 70% of the biodiversity of Albania. PAs such as Buna-Velipoja, Divjaka-Karavasta, and Vjosa-Narta are significantly reduced to the extent of losing their natural integrity.

In addition, NGOs stated that the consultations have not been conducted properly and the overall process has not followed legal provisions and has been deficient of transparency and credibility (Annex

V). They claimed that meetings were organised with only selected stakeholders and that feedback from national NGOs with expertise in biodiversity was not taken into account or integrated. Moreover, they claim that Government decisions were taken without a real assessment of the biodiversity and importance of the agricultural and semi-natural areas for the fauna and flora.

2.1.2 Reclassification of the Vjosa Delta Protected Area category

i. Brief summary of the current situation as described by the Albanian Authorities

The Vjosa River Delta is included in the newly proposed Vjosa-Narta Protected Landscape Area. For the management of the Vjosa river basin and following the designation of the new protected area of Vjosa valley, in line with the protected areas law requirements, a management plan of the future National Park of Vjosa river will be elaborated. In 2022 the government started collaborating with the outdoor apparel brand “Patagonia” and IUCN experts on the development of the proposal. The Ministry of Tourism and Environment signed a Memorandum of Understanding with Patagonia and IUCN in July 2022. The new proposed National Park will not include the area of the Delta of Vjosa which is included in the Vjosa-Narta newly planned Protected Landscape.

At local level, there is a Vjosa River Basin Council chaired by the Prefect of Vloara County that provides support for the initiation of the Vjosa River Basin Management Plan and the plan for the National Park of Vjosa river.

ii. Brief summary of comments received from NGOs

The NGOs highlighted the importance of the Vjosa River valley for biodiversity, and shared available scientific publications for the area. They support the development of the Vjosa Basin Management Plan, as well as of the Vjosa River National Park. Both plans can be connected with the idea of keeping Vjosa river as one of the three remaining free European rivers in a cross-border framework of cooperation with Greece. The main concern they expressed is the fact that the Delta of Vjosa River and the Narta Lagoon is not part of the plan for Vjosa River National Park. Both the Vjosa Delta and Narta Lagoon are considered as fundamental parts of the Vjosa River basin and watershed.

2.1.3 Reclassification of the Vjosa-Narta Protected Area category

i. Brief summary of current scenario as described by Albanian Authorities

According to the government, the revision of the limits of the Protected Landscape of Vjosa-Narta was one of the most debated areas and resulted in two zones being excluded from this PA:

- a) the area where the abandoned airport was located and its surrounding urbanised areas;
- b) Areas of intensive agricultural use, that included mainly olive groves and other cultivations located east of the highway which is considered as a physical border of the protected area.

On the other hand, the new resulting area includes the Vjosa river delta as well as Pish - Poro in the Fier district: another nearby PA with similar characteristics. This proposal took out the footprint of the new territory based on the existing law and has been discussed during the meeting for the approval of all the surfaces/borders of the protected areas at the National Territory Council. The changes of the borders of the Vjosa-Narta protected area are presented in Map 1 provided by the Ministry of Tourism and Environment.

Additionally, during 2019 and 2020 the responsibility and ownership of the airport area named "Field Airport" changed. The previous ownership was defined by Decision No. 515/18.07.2003 of the Council of Ministers "On the Approval of the list of the Inventory of state immovable properties, which are transferred to the responsibility of administration to the Ministry of Defence". This Decision was amended by Decision No. 813/16.12.2019 "On the change of responsibility of the Administration from the Ministry of Defence to the Ministry of Infrastructure and Energy, of Property No. 914, named "Field Airport", located in Vloara” to be used for the construction of Vloara International Airport (VIA). Later, Decision no. 10/28.12.2020 of the National Territory Council "On the approval of the

boundaries of protected areas", removed this area from the Protected Area, a decision which came before the final approval of the EPAN.

According to the information received from the meeting with the Prefect of Vlora County there is a national Management Committee of Protected Areas to which the Prefect is a member. The Committee has the right to provide suggestions and opinions without making decisions, but for the revision of the protected areas there is no technical capacity and the relative expertise to cover the technical aspects and needs.

According to the written feedback of the government, as well as findings from the meetings with both the central and local authorities, the area of the airport is considered as a non-productive zone and is not connected with the character of the wetlands of the rest of the Vjosa-Narta PA. In the same approach, agricultural land is considered as a non-natural area.

ii. Brief summary of comments received from NGOs

According to the information received from the NGOs, despite the fact that the Vjosa-Narta Protected Area increased its boundaries to include the Delta of Vjosa river, the changes are not in line with the biodiversity value of the area. This is with respect to both the boundary changes of the protected area and the area of the airport:

- The significant decrease of the east borders excludes semi-natural areas of olive groves (see photo in Annex III) while the central part of the area has been excluded for the purpose of the construction of Vlora International Airport. These changes influence both the quantity and quality of the protected area.
- Concerning the airport area, the NGOs reported that the areas classified as "intensive agriculture" or "urban" are good habitats for ground-nesting bird species such as Calandra Lark (*Melanocorypha calandra*), Greater Short-toed Lark (*Calandrella brachydactyla*), Tawny Pipit (*Anthus campestris*) and Montagu's Harrier (*Circus pygargus*).

They claimed the assessment performed by the government ignores the fact that habitats and ecosystems are open systems interconnected with each other. Similarly, according to the observations during the OSA, the hilly areas on the verge of the Vjosa – Narta PA are not in intensive use but consist of a mosaic of olive groves and natural micro zones that play an important role for biodiversity, notably certain species of birds (photo 19 with view of the salina of Narta Lagoon, Annex III).

The same approach was followed by the EIA as only wetlands were considered important enough to evaluate in relation to major bird feeding areas and micro zones, as presented in map 2. For these ground-nesting species, this semi-natural open "wasteland" is their main habitat. During the field visit, the mission team observed the ongoing loss of this habitat due to the advanced construction of the airport (see photos in Annex III).

The Decisions of the government at this point relate only to revision of the borders of National Parks (IUCN Category II) and Natural Parks (IUCN Category IV). As no decision has been taken yet on the category Protected Landscape (IUCN Category V), no revision of Vjosa-Narta Protected Landscape boundaries has been approved and the original designation is still in force, which means the airport area is still legally a protected area territory. Administrative acts have not been subjected to an environmental impact assessment, in violation of Law No. 10440/2011 "For EIA" (Annex V).

2.2. Environmental Impact Assessment (EIA) of Vlora Airport

2.2.1 Publication of the EIA and public hearings prior to approval

i. Timeline as indicated by the Albanian authorities

During the EIA procedure, the developer has the legal obligation to hold public hearings based on Decision of the Council of Ministers No. 247, dated 30.4.2014 "On determining the rules, requirements and procedures for informing and involving the public in environmental decision-making". According to the discussion, both with the authorities and the NGOs in Tirana, the EIA consultation and the official start of the airport construction took place in the following chronological order:

- 13th Sep 2021: The developer of the proposed project for Vlora International Airport (VIA) submitted to the Ministry of Tourism and Environment the application and appropriate information for the implementation of the EIA.
- 29th Sep 2021: The Ministry gave a positive opinion for the implementation of the EIA by the developer.
- 5th Oct 2021: The Regional Environmental Agency gave a positive opinion for the implementation of the EIA
- 29th Oct 2021: The EIA Application including the non-technical report was made available online by the National Environmental Agency
- 9–28 Nov 2021: Notifications were made on public national television and in the national newspaper about the public consultation and its deadline for feedback of 28th November as well as the public hearing to be held on the 24th of November for the proposed project.
- 16th Nov 2021: The National Environmental Agency sent the non-technical EIA to the Regional Environmental Agency.
- 19th Nov 2021: The Regional Environmental Agency published the non-technical EIA online.
- 24th Nov 2021: The Development Permit was approved as a prerequisite for the Construction Permit (Annex VI)[†].
- 24th Nov 2021: The Public Hearing for the EIA consultation took place.
- 28th Nov 2021: The developer submitted the application for development consent and the official inauguration of the construction was launched with the official presence of the Prime Minister in the framework of the celebration of National Independence Day.
- 28th Nov–6th Dec 2021: The Ministry of Tourism and Environment and the NEA evaluated the application and all the enclosed documents (EIA Report, Technical Report, summary in non-technical language, summary of the consultation with the group of interest and the public hearing), while consulting also other public authorities.
- 2nd Dec 2021: The Regional Environmental Agency visited the site, evaluated the information provided in the EIA and sent their approval back to the National Agency
- 6th Dec 2021: The EIA was approved. The Ministry of Tourism and Environment issued the decision to grant the development consent, which was made public.
- 8th Dec 2021: The EIA was officially signed and dated.
- 10th Jun 2022: PPNEA submitted a request for documentation about the EIA process and the Construction Permit.

[†] **Development permit:** *is the act of determining the development conditions for a certain plot/property, which serves as the basis for the equipment with a building permit. A development permit is required for each plot and is granted upon approval of the detailed local plan. In the case of plots, for which the drafting of a detailed local plan is not foreseen, the development permit is granted with the approval of the general local plan. The mayor is responsible for decision-making regarding applications for development permits and construction permits in the administrative territory of the municipality.*

Construction permit: *is the act of approving the request for the construction permit and permitting the relevant works. The construction permit is necessary for any construction, repair, restoration, or demolition of existing buildings, installation, or erection of temporary constructions, except for the cases for which it is foreseen to be equipped with the preliminary declaration of works. The construction permit document describes all the conditions for carrying out construction works in accordance with the accompanying documentation of the application and the norms and standards defined in the law. The construction permit is issued in accordance with the stipulations of the development permit, planning documents, construction development regulations, and legal provisions that regulate construction activity in the Republic of Albania. According to the law, the constructor is obliged to set up a sign with the Construction Permit at the site and the permission should also be published online.*

25th Jul 2022: The Ministry of Environment answered to the above PPNEA request declaring that *'At the moment, the object has applied for the construction permit but there isn't yet a decision on this, because it wasn't revised by the (National Territory Council (KKT)' [Annex VI].*

The list of parties notified about the public consultation of Vlorë International Airport to whom an official invitation through post and e-mail was sent was the following:

1. Bashkia Vlorë (Municipality of Vlorë).
2. Instituti për Ruajtjen e Natyrës në Shqipëri (Institute for Nature Conservation in Albania).
3. Milieukontakt Shqipëri (Sustainability Albania).
4. Qendra Mjedisore për Zhvillim, Edukim dhe Rrjetësim (Environmental Center for Development, Education and Networking).

The evaluation performed by the Regional Environmental Agency on the information provided did not comment on the issues of biodiversity or the protected area as the Agency did not possess adequate capacity, as stated by the representatives of the Agency.

In the EIA, it is clearly mentioned that the developer must be provided with the relevant permits based on Law 10081, dated 23.2.2009 "On Licenses, Authorizations and Permits in the Republic of Albania". The investor / builder must be provided with a Construction Permit before the start of construction works. However, the mission team, despite requests to all the relevant authorities that it met and was in contact with, was not provided with official information that such a permit exists. In Annex VI a relevant contact exchange between the NGO PPNEA and government is presented concluding that only the Development Permit exists.

ii. Brief summary of comments received from NGOs

According to the relevant legislation (DCM 274/2014 on "The Public Consultation Process for the EIA"):

- The consultation of EIAs has to be announced and be available online to the public for 20 days.
- The consultation hearing with the public is to be organised in a convenient location, as close as possible to the project site and not earlier than the 30th calendar day from the date of the NEA notification by the developer. After the public consultation hearing, there is no set deadline for the developer to prepare and finalise the in-depth EIA Report.
- The whole sequence of the reviews of the in-depth EIA report and the respective documentation and preparation of the draft of the Environmental Declaration should be conducted within 52 days from the submission of the EIA in-depth report from the developer to the Ministry. There is the possibility that the Environmental Ministry and the NEA may act faster and conduct this whole stage in less than 52 days.

According to the NGOs, the overall consultation process was not transparent, lacking direct communication with national NGOs with biodiversity expertise and experience in the area, and their proposals were neglected. For the EIA of Vlorë International Airport a technical summary was available but not the full detailed ESIA which had been officially published on 8th December 2021.

2.2.2 Alternative locations considered by the EIA

i. Brief description of alternatives

In the EIA, four alternatives are presented separately as "do nothing" or zero alternatives. The zero alternative is evaluated in the absence of alternative transport prospects such as highways and/ or high-speed trains.

The four alternatives, presented in map 3 are the following:

- 1) Akërne (within the Vjosa-Narta PA): This location is the old military airport that has operated since 1962 as a training base of the aviation school in Vlorë. The 309-ha area has been owned by the Ministry of Infrastructure and Energy since 1999.

- 2) Risili (Southeast of Akërni): It is located downstream of the Shushica River which is a tributary of the Vjosa river flowing from the south. The population density is high, land quality high, agricultural production intensive and livelihoods would be negatively affected in case of selection.
- 3) Kafaraj (Northeast of Akërni): In the Vjosa valley about 5 km away from the intersection of Levan in the valley of Vjosa river. The high quality of land and especially the intensity of agricultural production would render this irreplaceable natural resource permanently affected by the Airport.
- 4) Levan (North of Akërni): Located in the valley of Vjosa river near Levan at the intersection of the national road Levan - Saranda and the highway Fier – Vlora with high soil quality. Birds could also be affected because of the intersection of flight direction with the bird connecting routes between Narta and Karavasta.

In the evaluation process of the alternatives there was no consideration of the protected areas of special conservation interest. Similarly, there was no comparative evaluation of the difference in risk of bird strike incidents and air safety. On a broader scale, a cost - benefit comparison between the construction of the airport and a highway and/ or high-speed train connecting Tirana with the southern part of the country was missing.

2.2.3 Ecological data compiled during the EIA

i. Brief description of the data gathered

The surveys of terrestrial fauna were undertaken in the months of May and October 2021 and consisted of habitat assessments and targeted fauna surveys. According to the EIA (Table IV-5) the days allocated per survey were as follows:

- Habitats assessment: **3 days**
- Birds survey: **16 days**
- Wetland assessment: **5 days**
- Mammals survey: **3 days**
- Amphibians survey: **3 nights**

According to the information received during the meeting with the authorities in Tirana, the birds survey took place over **6 days in April** and **6 days in October** focusing on migratory birds.

The patterns of bird movements during the migration period in terms of their use of the smaller wetlands by the coastline for feeding is featured in maps 2, 4 and 5. From the data of the characteristics of the birds the EIA determined three general clusters of movements of birds:

1. The most significant movement is that along the coast which corresponds to the areas with the most abundant food including a coastal, wetland and forest/shrub belt. This constitutes the dominant trajectory of bird movements, also because it is a communication corridor between the two lagoons, Narta and Karavasta, particularly for Greater Flamingos and Dalmatian Pelicans.
2. Shorter bird movements within a radius of up to 10 km.
3. Random movements which are difficult to determine. These are mostly omnivorous bird species with a wide range of feeding areas, such as corvids and gulls

The assessment of biodiversity in the EIA was considered inadequate for two reasons:

- The duration of surveys and their timing within the annual cycle as well as the fact that all surveys took place only in one calendar year is insufficient, especially considering that it concerns a large infrastructure project.
- There was a lack of long-term comprehensive scientific data nor use of the limited pre-existing data.

The EIA report does not meet the technical, scientific and methodological criteria defined by the legal and regulatory framework (Annex V).

ii. Brief summary of comments received from NGOs

As reported by the NGOs, several available bird datasets were not taken into account in the overall process of the EIA development. These are:

1. The telemetry data for the Dalmatian Pelican (*Pelecanus crispus*) movements in the area recorded during 2020-2022 in the framework of the project “Monitoring of the movement and areas of distribution of the Dalmatian Pelican in Albania” coordinated by RAPA Fier (Regional Agency of Protected Areas, Fier) and financially supported by UNDP Albania (Unpublished data). An indicative map 6 shows the areas used by the Dalmatian Pelican in the Albanian coastline wetlands network. Additionally, in annex III, photos of Dalmatian Pelicans in Narta Lagoon include dead individuals due to electrocution.
2. The annual winter bird census organised by the Albanian Ornithological Society (AOS) the National Coordinator of IWC (International Waterbird Census) in Albania, PPNEA and other national and international organisations.
3. The breeding birds census organised every 3 years by PPNEA.
4. The Dalmatian Pelican census organised by Noe Conservation and PPNEA.
5. The Greater Flamingo breeding census organised in the area by the AOS.

Additionally, the "proper assessment" process recognized by the EU EIA directive as "Appropriate Assessment" has not been carried out, as required by the EIA law, for an area of special importance (Annex V).

2.2.4 Air traffic bird strikes

i. EIA proposals

According to the EIA, measures to mitigate impacts on terrestrial and aquatic flora and fauna (including endangered and migratory species, endangered populations and threatened ecological communities) during the construction and operation of the proposed airport are based on the hierarchy of avoidance, reduction, and compensation of impacts (Mitigation Hierarchy). According to the EIA, the investor **will prepare the Environmental Management Plan and the Environmental Safety Management Plan which will be submitted for approval before the start of the construction and operation phase of the project.** The plans should summarise the mitigation and management measures outlined in this section. There is no similar plan described in the EIA which must be connected with a long monitoring process in order to obtain the appropriate and adequate data of biodiversity and especially the birds' presences and movements close to and around the airport.

There are several mitigation measures referred to in the EIA such as green overpasses for terrestrial animals which are not relevant or feasible with the perspective of the local road network, nor relevant for the mitigation of impact on bird in line with the Commission Regulation (EU) No 139/2014 and ICAO (International Civil Aviation Organization) guidelines, processes and standards.

ii. Comments and additional data provided by NGOs

According to the results of the meeting with the NGOs and the field visit, the crucial zones for disturbance and bird strikes are the northern part of the Salina of Narta Lagoon adjacent to the runway where there are some ponds with fresh water and fish where pelicans and other species feed. Similarly, the take-off and landing route of the Northwest side of the runway is by the Vjosa Delta and the former course of the Vjosa river. A view of the immediate influence of the flights is presented in map (5), and figure (7) of annex IV and photo (1) in annex III.

Additional concerns expressed by the NGOs are connected to the threats of climate change and the risk of flooding as described in map 8 in annex IV, despite the fact that pumping stations are foreseen to be constructed as clearly mentioned in ESIA (page 139): “**An effective flood protection measure has been proposed by the Developer: the construction of an embankment along the entire perimeter of the airport, on which will be the surrounding fence. In addition, in two locations inside the airport will be installed flood water pumping stations**”. As the ground level of the area is below or close to sea level, flooding of the area of the airport raises the issue of the permanent presence of water as an attraction for waterbirds.

2.3. Current state of the infrastructure planned at the Vjosa-Narta Protected Area

2.3.1 Construction of Vlora International airport

i. Brief summary of the current situation as described by the Albanian Authorities

The project "*Construction of Vlora International Airport*" has been subject to an in-depth EIA procedure, based on Law No. 10440, dated 7.7.2011 "*On Environmental Impact Assessment*", amended, Appendix I, Point 7b: *Construction of airports with runways that have a base length of 2,100 m or more*. The procedure was followed based on DCM No. 686, dated 29.7.2015 "*On the approval of the rules, responsibilities and deadlines for the development of the environmental impact assessment procedure and the procedure for the transfer of the environmental declaration decision*", amended.

After completing all the steps of public hearings (as defined in § 3.2.1: Publication of EIA and public hearings prior to approval), at the proposal of the National Environment Agency, the Minister of Tourism and Environment decided to issue the Environmental Declaration for the investor of the "Vlora International Airport - VIA".

The main reasons and considerations on which the decision is based are the following:

- 1) The strategic importance of the project in terms of infrastructure development and tourism;
- 2) The change of ownership and responsibility of the airport area as described in §3.1.4 on Reclassification of the Vjosa-Narta Protected Area category in order to use the "Property No. 914" for the construction of VIA.
- 3) Decision no. 10, dated 28.12.2020 of the National Territory Council "*On the approval of the boundaries of protected areas*", which excluded this area as a Protected Area.

The approved Environmental Declaration includes a set of conditions to be met by the developer during the airport construction and operation phase, as well as some criteria that must be met during the airport's operating phase, with specific concrete indicators for birds in general and migratory birds in particular. Indicative requirements outlined in the Environmental Declaration include the following:

- During the construction of the airport: The airport lot area is an important area for the nesting of land birds, therefore a "Pre-Construction Survey" should be conducted and measures be taken not to disturb birds during the March-April nesting period.
- During the operation of the airport: The company must formulate and implement an Ecological Management Plan for the entire period of operation of the airport, revisable in 5-year terms, in co-operation with officials of the protected area, and it must provide management and sustainability for the most endangered species located in the area, as well as other species defined in the ecological management plan. The company must be engaged in the management and finance these conservation actions, as well as any other element defined in the EIA report.

ii. Visit to the area and airport construction site.

According to the field visit and meeting with staff of Vlora International Airport (VIA) at the airport construction site on 31st August:

- 1) The construction is ongoing (photos in Annex III) with:
 - Established administrative construction facilities
 - The runway and taxiway have been shaped and excavation and adaptations are in full process
 - The external fence of the airport has started to be constructed.
- 2) Construction started in March 2022 and is planned to be completed by 2025.
- 3) The staff was not aware of any environmental monitoring to be implemented during the construction or about any mitigation measures.
- 4) The person on-site who was in charge of environmental issues was responsible only for logistics and had no environmental expertise.

- 5) Monitoring is the responsibility of Dr Soulece, Director of the Regional Centre for Rural Development and the main author of the EIA, and his team who occasionally visit the construction site.

Also, during the short field visit nearly 40 species of birds were observed in Narta Lagoon, mostly migratory ones, such as Dalmatian Pelican (*Pelecanus crispus*), Greater Flamingo (*Phoenicopterus roseus*), Little Egret (*Egretta garzetta*), Slender-billed Gull (*Chroicocephalus genei*), Eurasian Stone-curlew (*Burhinus oedicnemus*), Curlew Sandpiper (*Calidris ferruginea*), Dunlin (*Calidris alpina*), etc.

iii. Brief summary of comments received from NGOs

According to the NGOs, the decision to approve planning of the airport was a foregone conclusion without considering national legislation nor the provisions of international treaties such as the Bern Convention, AEWA and CMS related to the protected areas of Albania and especially the Vjosa-Narta Protected Area. Additionally, information and data from existing studies for the area were not used, while there is no "Pre-Construction Survey" in the EIA which must be conducted to record landbird species in order to take measures to not disturb birds nesting during the reproductive period.

2.3.2 Additional infrastructure

i. Brief summary of current situation as described by the Albanian Authorities

Concerning the further urbanisation and infrastructure development of the Vjosa-Narta Protected Area, there was no reference of any concrete master plan initiated by the local or national government. During the meeting with the national authorities, it was mentioned that there are several investors who can make proposals but these are not plans of the authorities. Findings of the OSA determined only one ongoing infrastructure project: the widening of the access road which connects the airport with the highway, as well as three Plans as described below.

1) The widening of the access road from the highway to Vlora International Airport

Based on the discussion with the Regional Environmental Agency (ARM) in Fier, the widening of the road was permitted with a process of a preliminary EIA assessment commenting about the level of "significant impact" without the process of public hearing as is not required for such cases of improvement of existing infrastructure. In the meeting with the authorities in Tirana, it was mentioned that the widening would be about two meters, but the OSA recorded that the road is being widened to more than double its original width (photo 18 in annex III).

2) The Local Development Plans

There is a Local General Development Plan which has been amended twice, while a Local Detailed Development Plan will be prepared in the future. According to the Vice Mayor of Vlora:

- The Local General Development Plan was adopted by the Council of Municipality of Vlora in 2019 and does not include specific details related to protected areas.
- There is a River Basin Council with 11 seats of local municipalities and the Municipality of Vlora as chair, but she was not aware of the River Basin Management Plan or other local development plan.

3) The Plan for Areas of Special Interest

According to the information received from the government and the NGOs, there is a broad plan for Areas of National Interest which is at a very early stage, and which includes the coastline of the Vjosa Delta area. In the case of protected areas, the management of the Areas of National Interest will be in line with the Management Plan of the protected areas.

ii. Brief summary of comments received from NGOs

According to the NGOs, the widening of the access road from the highway to Vlora Airport should require an EIA, as the impacts are significant, and the widening is much larger than two meters.

Concerning the Plan for Areas of Special Interest, the coastline area should be given special attention because of the presence of two important species:

- 1) The Loggerhead Sea Turtle (*Caretta caretta*) as nesting of the species has been observed both north and south of the Vjosa River mouth.
- 2) the Monk Seal (*Monachus monachus*) at the beaches of Karaburun Peninsula. Information derived both from the NGOs suggests that the protection of the coastal habitats and especially the dunes is not secured. During the field visit of the OSA, destroyed dunes were observed in the visited part of the coastline (photos 4 and 5 in Annex III). Also, photos of the ESIA show the destruction of dunes in the coastal habitats despite the fact that both the dunes and these habitats have been and still are part of the Core Subzone of the Protected Landscape which has the highest level of protection (photos 6 and 7 in Annex III).

3. ASSESSMENT OF COMPLIANCE WITH THE BERN CONVENTION, AEWA AND CMS PROVISIONS

3.1 Bern Convention provisions

In relation to progress of the points of Recommendation No. 202 (2018), major infrastructural development plans in the Vjosa-Narta Protected Area, most notably the proposal to construct Vlora International Airport came as a concerning new issue. This topic is directly connected with concerns related to the ongoing process of revision of the Environmental Protected Areas Network of Albania which could potentially exclude parts of Vjosa-Narta, thus allowing developments to go ahead. Possible non-compliance with Emerald Network provisions including the species and habitats it protects is most concerning.

The overall evolution of the Vjosa-Narta protected area is critical for a major group of species and their habitats included in the Bern Convention annexes. Four categories of affected fauna species can be outlined:

- 1) Species related and connected to the riverine habitats of Vjosa river including both vertebrates and invertebrates.
- 2) Species related with the wetlands of Narta and Karabasta, as well as the Vjosa Delta: species such as the Dalmatian pelican (*Pelecanus crispus*) are emblematic for the case, but there is a long list of other species which are of special interest for their conservation and also in relation to safety issues such as bird strikes.
- 3) Species related with grass lands, open land and agriculture fields with a natural or seminatural character: species such as larks (*Melanocorypha calandra*), shrikes (*Lanius minor*, *Lanius collurio*) or birds of prey (*Falco naumanni*) were not evaluated as important.
- 4) Species related to the coastline such as the Loggerhead Sea Turtle (*Caretta caretta*) and the Monk Seal (*Monachus monachus*).

The overall revision process of the national network of protected areas didn't take into account [Recommendation No. 157 \(2011, revised in 2019\)](#) on the status of candidate Emerald sites and guidelines on the criteria for their nomination, or [Recommendation No. 208 \(2019\)](#) on detecting, reporting, assessing and responding to changes in the ecological character of Emerald Network sites. The main criteria were more related to administrative and practical approaches on general evaluation of urbanised and agricultural areas. In fact, there was no proper process of the creation of an updated database for the protected areas to increase the appropriate information and knowledge related to the biodiversity in order to be able to take evidence-based decisions on the revision of protected areas.

On a strategic level, progress on implementation of the Emerald Network needs to speed up, as there have been no updates for the 25 candidate sites since 2008. Within a new EU project that will start this year, the Management Plans of the existing Protected Areas will be elaborated.

3.2 AEWA provisions

For AEWA, the ongoing infrastructure and urbanisation projects at the Vjosa-Delta-Narta Lagoon Protected Area and particularly the Vlora International Airport represent non-compliance by the Government of Albania with AEWA provisions relating to the protection and management of Vjosa-Narta Protected Landscape, a site of international importance for several populations of migratory waterbirds listed under AEWA. This particularly concerns non-compliance with the provisions outlined under Article III, paragraphs 2(c) and 2(e) of the Agreement as well as with the provisions of the AEWA Action Plan, particularly paragraph 3.2 relating to the identification and protection of sites of importance for migratory waterbird populations covered by AEWA and paragraph 4.3.1 relating to assessing the impact of proposed projects which are likely to lead to conflicts between human interests and populations of AEWA-listed species and the sites important for them.

3.3 CMS provisions

3.3.1 On the impact to Appendix I and II species and their habitats

The delta and the Narta lagoon complex host at least 71 CMS listed avian species. According to the information provided by the local NGOs in the region, there are breeding or wintering records of 4 Appendix I avian species: Dalmatian pelican *Pelecanus crispus*, Lesser Kestrel *Falco naumanni*, Roller *Coracias garrulus* and Audouin's Gull *Larus audouinii*. There are also 68 Annex II species, including globally near-threatened species such as the Bar-tailed Godwit *Limosa lapponica*, the Eurasian Curlew *Numenius arquata* or the Vulnerable Turtle Dove *Streptopelia turtur*. On top of avian species, the area has been proven as a nesting ground for other CMS species such as the Loggerhead Turtle *Caretta caretta*; Appendix I and II, and as a dispersal area for CMS mammals such as the Monk Seal *Monachus monachus*; Appendix I and II.

The planned construction of the Vjosa airport in a Protected Landscape Area holding and surrounded by important habitats for migratory species represents a serious threat, with permanent and negative impacts on the viability of the local breeding and/or wintering populations of CMS listed species. Additionally, the removal of the protection status of the agricultural areas surrounding the airport, from the highway to the olive groves located in the nearby eastern hills, means that many migrant species such as the Turtle Dove could be threatened by land-use changes at their preferred nesting, feeding and roosting habitats.

Other CMS listed species affected by this infrastructure, with all of them being listed on both Appendix I and II, are the White-headed Duck *Oxyura leucocephala*, the Ferruginous Duck *Aythya nyroca* and the Greater Spotted Eagle *Clanga clanga*. The poor design and very low number of field-days allocated during the elaboration of the Environmental Impact Assessment means that the assessment of all the potential impacts to CMS listed species has been inadequate.

3.3.2 On compliance with obligations set in Article III, paragraphs 4a and 4b

Including the delta of Vjosa river in the protected area could have positive impacts on the habitats and species present in this area, if the area is well managed. This will include species included in both CMS Appendices as mentioned in 4.3.1.

On the other hand, removing the airport airstrip area from such protected designation will have implications for CMS obligations as set in Article III, paragraphs 4a and 4b with regard to endangered migratory species like the Dalmatian Pelican *Pelecanus crispus*, White-headed Duck *Oxyura leucocephala*, Ferruginous Duck *Aythya nyroca*, Greater Spotted Eagle *Clanga clanga*, Lesser Kestrel *Falco naumanni* and Lesser Grey Shrike *Lanius minor*.

4. MISSION'S KEY CONCLUSIONS

Summarising the overall results of the Mission as per its objectives, the following conclusions can be outlined:

A. On the process of the revision of the Environmental Protected Areas Network of Albania

1. It is questionable whether the public consultation process sufficiently adhered to national legislation and international standards as the chronological timeline and lack of inclusion of feedback of key stakeholders raises concerns.
2. The criteria used for the change of the boundaries of the existing protected areas seemed to ignore biodiversity values present.
3. There appears to be inadequate spatial planning for protected areas, with anthropogenic uses seeming to have greater influence than biodiversity values.
4. There is a lack of capacity of local authorities with regard to biodiversity conservation issues.

B. On the revision of the borders of the Vjosa-Narta Protected Landscape area

1. A positive change is the extension of the Vjosa-Narta Protected Area to the coastline zone including the Vjosa Delta.
2. However, the overall size and quality of the protected area has been negatively influenced due to:
 - a. the significant contraction of the eastern borders of the Protected Area, resulting in exclusion of seminatural areas of olive groves without integrating biodiversity elements into sustainable agriculture.
 - b. exclusion of a central part of the Vjosa-Narta Protected Landscape area earmarked for the construction of the Vlora International Airport, without assessing and acknowledging the importance of the area for ground-nesting bird species.
3. Following the overall process of removing the airport construction zone from the protected area before the EIA and evaluation of the 4 alternatives was finalised in December 2021, it seems clear that the zone for the construction of the airport was pre-decided by Decision No. 813/16.12.2019 "On the change of responsibility of the Administration from the Ministry of Defence to the Ministry of Infrastructure and Energy, of Property No. 914, named "Field Airport", located in Vlora" as stated by the government in order to be used for the construction of Vlora International Airport (VIA).
4. The official decision on the status of the category (of Protected Landscapes (IUCN Category V)) has not been approved at the time of writing. The existing Decisions relate only to National Parks (IUCN Category II) and Natural Parks (IUCN Category IV). Therefore, the original designation is still in force and the airport area is legally still a protected area territory.

C. On the Vjosa River Management Plan

1. The Ministry of Tourism and Environment and the National Agency for Territorial Planning (NAPA), in collaboration with IUCN experts, are in a process of declaring Vjosa River as a National Park.
2. The exclusion of the Vjosa delta from the National Park is of particular concern.
3. The idea of keeping Vjosa river in the three remaining free European rivers in a cross-border framework of cooperation with Greece is generally accepted.

D. On the design, approval, implementation and quality of the EIA

1. The construction of the airport was officially launched on 28th November 2021 before any approval of the EIA (on 6th December 2021) in the official presence of the Prime Minister in the framework of the celebration of National Independence Day.
2. The construction of the airport was launched on 28th November 2021 without an environmental or construction permit. The Ministry of Tourism and Environment and the National Environmental

Agency evaluated the application and all the enclosed documents in the period between 28th November and 6th December 2021 and the EIA was signed and published on 8th December 2021.

3. The quality of the biodiversity assessment in the EIA is inadequate, nor did it appear to take into account the status of a protected area of special conservation interest: this is considered insufficient especially considering the large-scale of the infrastructure project.
4. It appears that the overall process of the public hearing for the published EIA was implemented in a very tight time schedule and non-substantial way without the appropriate dedicated time for receiving feedback from stakeholders and integrating it in the final decision-making process: the non-technical report was available on 29th October 2021, the public hearing was on 24th November 2021, the developer submitted the application for development consent on 28th November 2021, the same day that the official construction was launched in the official presence of the Prime Minister in the framework of the celebration of National Independence Day while the full ESIA was published on 8th December 2021.
5. The interaction of the future operation of the airport and the impacts on adjacent wetlands and their use by bird species, has not been assessed appropriately. The 16 days allocated within two seasons of one calendar year for the monitoring and assessment of the impacts and disturbance of the airport to birds in the area is assessed as being insufficient.
6. There are no concrete mitigation measures in the EIA foreseen for the operational phase of the airport in relation to safety and wildlife hazards and particularly regarding bird strikes prevention policy except for a reference to future management plans.
7. The comparison of alternative sites appears inadequate, such as in the comparative evaluation of risk of bird strike incidents and air safety. It is considered that other alternatives sites would have avoided such a significant negative effect on the landscape and biodiversity, but anthropogenic uses seemed to have had a greater influence than biodiversity values.
8. On a broader scale, a cost – benefit comparison between the construction of the airport and a highway and/ or high-speed train connecting Tirana with the southern part of the country (alongside possible enlargement of Tirana Airport) was missing.

E. On the infrastructure and urbanisation projects planned at the Vjosa-Narta Protected Area and in particular that of Vlora International airport

1. The construction of Vlora International Airport is well underway despite the perceived lack of adherence to legal requirements as outlined above.
2. The authorities should have considered requesting a new EIA for the widening of the airport-highway access road, as the widening is far more significant (double) than was reported and will have negative effects on the surrounding areas.
3. No other development or infrastructure project is currently ongoing. There seem to be several proposals from companies for investments in infrastructure development connected with tourism in the area (Annex VII), but these are not formalised to the best of our knowledge. There is a General Local Plan of Vlora Municipality and more details will be developed in the future in the framework of a Local Detailed Development Plan and the National Plan for Areas for National Interest.

F. General conclusions that can be drawn in combination with the meeting with the EU Delegation in Tirana.

1. Mainstreaming biodiversity into the transport sectors is necessary in both strategic planning and implementation by realising the reversibility of the environmental impact as a basic pillar of sustainability.
2. Increasing the knowledge of biodiversity at local level and creating living databases is essential.
3. There seems to be a need for improving the capacities and the resources available at regional and local institutions in Albania, for them to be better equipped for undertaking procedures linked to environmental monitoring and EIA and SEA processes.

4. There is a need for improving the process of public hearings to ensure the real engagement and cooperation with the critical stakeholders that can be classified into four categories: Informed, Consulted, Involved and Fundamentally Collaborative.
5. Investing in natural capital and green infrastructure and not only in grey infrastructure is essential.

5. MISSION'S RECOMMENDATIONS

1. Suspend the construction of Vlora International Airport until a new and sufficient Environmental Impact Assessment (EIA) procedure will be conducted as well as a Proper/Appropriate Assessment;
2. Initiate a comprehensive Wildlife Monitoring Programme to investigate, analyse and make available detailed information on presence and movements of the avifauna (between the breeding, roosting and feeding sites) and other important species such as bats for at least two, but preferably three years, in the complex of habitats around Narta Lagoon - Vjosa Delta – Karavasta Lagoon following, amongst others, the AEWG Guidelines for Waterbird Monitoring, and using modern tools such as bats' detectors. Protected land breeding birds and open land sections used by birds of prey must be included in the monitoring, registering the critical habitats for these species. Also, the use of agricultural fields by the birds during the breeding, wintering and migration periods has to be recorded especially close to the four candidate airport areas. Include the peripheral agricultural or seminatural zones as active zones of the programme evaluating the interaction with the main zones of the monitoring.
3. Re-evaluate carefully the alternative locations for the airport site based on the results and rigorous data of the monitoring programme in two approaches:
 - a. Assess the environmental and safety risks in all alternative locations for the airport based on evidence and long-time comprehensive data and the Wildlife Monitoring Programme as described in point 2 of this Recommendation.
 - b. Consider the alternative choice of avoidance in the Mitigation Hierarchy, by enlarging Tirana International Airport and/or connecting Tirana and southern Albania with a highspeed railway, instead of constructing Vlora International airport.
4. Revise the existing EIA based on the rigorous data of the Wildlife Monitoring Programme in point 2 of this Recommendation and create a draft Environmental Management Plan and Environmental Safety Management Plan for all the alternative sites of the airport evaluating the minimum value of risk and safety for humans, birds and other biodiversity. These plans should be in line with the Commission Regulation (EU) No 139/2014 and ICAO guidelines, processes and standards.
5. In relation to the aforementioned Wildlife Monitoring Programme for all candidate sites in line with the Commission Regulation (EU) No 139/2014 and ICAO guidelines, processes and standards, organise a tender at European level to attract the best expertise on bird and other wildlife strike prevention in order to maximise the assessment of both the conservation and safety risk.
6. Based on the rigorous data obtained by the Wildlife Monitoring Programme, adopt and implement the ecosystem approach that the Convention on Biological Diversity (CBD) advocates on mainstreaming biodiversity into transport infrastructure planning, considering the fact that ecosystems and protected areas are not isolated but interconnected, open and functional systems.
7. In order to recognise the terrestrial, water and avian corridors for wildlife at national level, update the National Transport Master Plan in parallel with a National Green Infrastructure Master plan in order to achieve the balance of the EU Strategies for both Trans-European Transport Network (TEN-T) and Trans-European Nature Network (TEN-N), especially in the framework of the implementation of the EU Green Deal, and to foresee and avoid future infrastructure – biodiversity conflicts in a proactive strategy based on:
 - a. Recommendation No 25 (1991) of the Bern Convention on the conservation of natural areas outside protected areas proper; and
 - b. Article 10 of the EU Habitat Directive on ensuring the ecological connectivity and the coherence of the Natura 2000 Network.
8. Start an intensive capacity building programme on sustainability of infrastructure and biodiversity conservation. An international event such as a workshop or conference inviting experts and organisations from other parts of Europe and beyond could be a fundamental starting point.

9. Support the implementation of the idea of the Free European River of Vjosa in cooperation with Greece, considering:
 - a. The need to develop the River Basin Management Plan ideally at cross-border level including climate change adaptations and biodiversity conservation;
 - b. The initiative to create the Vjosa National Park (IUCN category II) including the Delta of Vjosa and the Narta Lagoon, in relation to the National Plan for Areas of National Importance;
 - c. The development of the Local Detailed Development Plan related to the areas of the Delta and Areas of National Importance with full respect of and priority toward biodiversity conservation.
10. Build a deeper cooperation with the full spectrum of stakeholders who can be engaged in an informative, consultancy, involvement or fundamentally collaborative way in infrastructure development projects. In particular, initiate with the most relevant NGOs a fundamental collaboration using their expertise in order to fulfil the needs and obligations for biodiversity conservation in Albania.
11. Following the Proposal of a post-2020 Workplan of the Evaluation on the 2011-2020 Emerald Network Workplan in Albania as part of the Cluster 4 of the West Balkan countries and taking into account that no progress was recorded on submission of an updated database, and in provision of the list of “typical” activities of Phase I of the workplan, implement:
 - a. A pilot project (full project which includes also inventories and data collection) in cooperation with the relevant NGOs and other stakeholders for the complex of protected areas of Narta-Vjosa Delta-Karabasta in combination with point 2 of this Recommendation;
 - b. A first database submission (data collection, data recording and submission);
 - c. Results and data of the proposed pilot project related with the detailed routes of birds’ movements between the wetlands and of the Wildlife Monitoring Programme can be used during the process of drafting the Management Plan of "Nartë-Pishë Poro" protected area and the development of the Vjosa River Basin Management Plan in the framework of the designation of the National Park of Vjosa River.

6. PROPOSED NEXT STEPS

For the implementation of the proposed recommendations the following Monitoring Plan could be implemented as a detailed **timetable** including at least the following milestones of next steps, the dates of which may be adjusted according to when the recommendations are adopted.

Milestone	Steps to be completed
<p>May 2023</p>	<ul style="list-style-type: none"> • Suspending the construction of Vlora International Airport • Adopting the proposed Recommendations Monitoring Plan which will include: <ul style="list-style-type: none"> ✓ Acceptance of the recommendations. ✓ Acceptance of a minimum timeline of two years monitoring. ✓ Establishment of a Monitoring Plan progress reporting annually with a first semester Progress Report and Annual Report at the end of the year (for CMS and AEWA as well). • Setting up and start a minimum two-year Vjosa Delta -Narta Lagoon Wildlife Monitoring Programme in the area, including: <ul style="list-style-type: none"> ✓ The key species as the main objectives of monitoring. ✓ The key areas of the field work. ✓ The time schedule of the field visits. ✓ The methodology and the scientific protocol that can be followed on recordings (including following relevant AEWA Guidelines) ✓ The Wildlife Monitoring Programme reporting framework with progress reports on semester basis and full reports in annual basis. • Starting preliminary activities of the Vjosa Delta -Narta Lagoon Wildlife Monitoring Programme
<p>July 2023</p>	<ul style="list-style-type: none"> • Completing the draft of the Vjosa Delta -Narta Lagoon Wildlife Monitoring Programme, presenting to the three treaties and starting its implementation in order to support: <ul style="list-style-type: none"> ✓ The update of the existing EIA (Recommendation C1) ✓ The Pilot Project in the area and the first database submission to the Bern Convention in the framework of Proposal of a post-2020 Workplan of the Evaluation on the 2011-2020 Emerald Network Workplan in Albania (Recommendation A2b). The project will include all the initial borders of the Narta lagoon Protected Landscape area with the agricultural and hilly land to the eastern borders. • Starting to Update the National Transport Master Plan in parallel with a National Green Infrastructure Master plan in order to achieve the balance of the EU Strategies for both TEN-T and TEN-N (including their SEA) and to foresee and avoid future infrastructure – biodiversity conflicts. Main objective will be the production of common maps with transport and wildlife (terrestrial and avian) corridors in local-regional and national level and identification of the conflicts' areas.
<p>November 2023</p>	<ul style="list-style-type: none"> • Presenting to the three treaties the 2023 Progress Report
<p>June 2024</p>	<ul style="list-style-type: none"> • Completing the first year of the Wildlife Monitoring Programme. Completing the first year of the Pilot Project in the area and submission of the first database to Bern Convention. • Completing the first year of the Updating the National Transport Master Plan in parallel with a National Green Infrastructure Master plan (including their SEA).
<p>July 2024</p>	<ul style="list-style-type: none"> • Presenting to the three treaties the 1st Annual Report (July 2023- June 2024) • Starting the second year of: <ul style="list-style-type: none"> ✓ The Wildlife Monitoring Programme ✓ The Pilot Project for the Bern Convention

Milestone	Steps to be completed
	<ul style="list-style-type: none"> ✓ The Update of the National Transport Master Plan in parallel with a National Green Infrastructure Master plan.
January 2025	<ul style="list-style-type: none"> • Presenting to the three treaties the 2024 second semester Progress Report
June 2025	<ul style="list-style-type: none"> • Completing the second year (July 2024- June 2025) of: <ul style="list-style-type: none"> ✓ The Wildlife Monitoring Programme ✓ The Pilot Project for the Bern Convention ✓ The Update of the National Transport Master Plan in parallel with a National Green Infrastructure Master plan.
July 2025	<ul style="list-style-type: none"> • Presenting to the three treaties the 2nd Annual Report (July 2024- June 2025). • Starting of the implementation of the National Transport Master Plan in parallel with a National Green Infrastructure Master plan in order to achieve the balance of the EU Strategies for both TEN-T and TEN-N (including their SEA). • Starting to develop Wildlife Hazard Risk Assessment for the 4 alternative areas for the airport in order to define conservation and safety risk. • Starting the third year of: <ul style="list-style-type: none"> ✓ The Wildlife Monitoring Programme ✓ The Pilot Project for the Bern Convention
January 2026	<ul style="list-style-type: none"> • Presenting to the three treaties the 2025 second semester Progress Report
June 2026	<ul style="list-style-type: none"> • Completing the third year (July 2025- June 2026) of: <ul style="list-style-type: none"> ✓ The Wildlife Monitoring Programme ✓ The Pilot Project for the Bern Convention and the updating of the database • Completing the Wildlife Hazard Risk Assessment for the 4 alternative areas for the airport in order to define conservation and safety risk. • Finalising the revision of the alternatives with special value on conservation and safety risk assessment. • Take the final decision based on Multi-Criteria Decision Analysis.
July 2026	<ul style="list-style-type: none"> • Presenting to the three treaties the third year (July 2025- June 2026 Annual Report and the final results.

7. REFERENCES

AEWA Guidelines

Guidelines for a waterbird Monitoring Protocol: https://www.unep-aewa.org/sites/default/files/publication/aewa_conservation_guidelines_no_9_waterbird_monitoring.pdf

Guidelines on the preparation of site inventories for migratory waterbirds: https://www.unep-aewa.org/sites/default/files/publication/cg_3new_0.pdf

Guidelines on how to avoid, minimize or mitigate impact of infrastructural developments and related disturbance affecting waterbirds: https://www.unep-aewa.org/sites/default/files/publication/cg_11_0.pdf

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- Mirjan T., Zydjon V., Ledi Selgjekaj., and Olsion L., 2020. Survey for Breeding and Migrating avifauna in Vjosë-Nartë Key Biodiversity Area in Albania. Technical report under the CEPF funded project “Land of Eagles and Castles: Integrated Participatory Management for Albanian Coastal Biodiversity” (Grant 108570).
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8. ANNEXES

Annex I - Programme of the On-the-Spot Appraisal

29 August - 2 September 2022

Monday 29th August, Arrival in Tirana	
17:00-18:00	Meeting with EU delegation in Tirana <i>Tirana International Hotel & Conference Centre</i>
19:00	Dinner meeting of the mission team
<i>Accommodation in Tirana city</i>	

Tuesday 30th August, Tirana <i>(Ministry of Tourism and Environment, Skanderbeg Square 6)</i>	
Session I: Meeting with Albanian Authorities	
09:15-09.45	Welcome and introduction of the meeting by the Albanian authorities, and opening presentations by the independent expert and representatives of the MEAs
09.45-10.45	Policy matters
10.45-11.45	Vjosa River Basin Management Plan
11.45-12.00 <i>Coffee break</i>	
12:00 -12.45	Vjosa-Delta-Narta Lagoon Protected area in connection with Emerald and Natura 2000 Networks
12.45-13.30	Airport safety management and biodiversity in order to avoid direct killing of species and compliance with the provisions of the concerned international conventions
13.30-15.00 <i>Lunch break</i>	
Session II: Meeting with NGOs, central scientific officers, academia, and relevant civil society	
15.00-15.15	Introduction and opening presentations by the independent expert and representatives of the MEAs, and opening statement of complainant NGO
15.15-15.50	Policy matters
15.50-16.30	Vjosa River Basin Management Plan
16.30-16.45 <i>Coffee break</i>	
16.45-17.30	Vjosa-Delta-Narta Lagoon Protected area in connection with Emerald and Natura 2000 Networks
17.30-18.15	Airport safety management and biodiversity in order to avoid direct killing of species and compliance with the provisions of the concerned international conventions
18.15-19.00	Closing remarks

Accommodation in Tirana city

Wednesday 31st August, Vlora

07.00-09.30 *Travel to Vlora area*

09.30-12.30 Visit strategic and important spots (to be defined) of Vjosa-Delta-Narta Lagoon Protected Area

12.30-14.00 *Lunch break*

14.00-17.00 Visit strategic and important spots of Narta Pishë- Poro Protected Area (to be defined) and/or meetings with local authorities NAPA, and other stakeholders

Accommodation in Vlora city

Thursday 1st September, Vlora & Tirana

09.00-11.00 Meetings with local authorities NAPA and other stakeholders
Vjosa-Delta-Narta Information Center

11.00-11.30 *Coffee break*

11.30-13.00 Complementary field visit or meetings as required

13.00-14.00 *Lunch*

14.00-17.00 *Return to Tirana*

17.00-19.00 Mission Team concluding meeting

Accommodation in Tirana city

Friday 2nd September, Departure from Tirana

Annex II - List of Participants

Participants in the meeting with authorities in Tirana, 30th August 2022

	Name	Institution	Position
1	Klodiana Marika	Ministry of Tourism and Environment	Director
2	Jona Suli	Ministry of Tourism and Environment	Head of Sector
3	Edit Vardhami	Ministry of Tourism and Environment	Expert
4	Arta Gurabardhi	Ministry of Infrastructure and Energy	Advisor
5	Adelna Greca	National Agency for Territorial Planning	General Director
6	Ledia Muraku	National Agency for Territorial Planning	Legal Director
7	Eleonora Shqina	National Environment Agency	Expert
8	Jula Selmani	National Agency for Protected Areas	Head of Sector
9	Ermela Kraja	Water Management Agency	Head of Sector
10	Alba Zhorri	Water Management Agency	Head of Sector
11	Suleiman Sulçe	Regional Centre for Rural Development	EIA specialist

Authorities:

1. Ministry of Tourism and Environment
2. Ministry of Infrastructure and Energy
3. National Environment Agency
4. National Agency for Protected Areas
5. National Agency for Territorial Planning
6. Water Management Agency

Private Consultant:

1. Regional Centre for Rural Development

Participants in the meeting with NGOs in Tirana, 30th August 2022

	Name	Institution	Position
1	Olsi Nika	Eco-Albania	Executive Director
2	Alexander Traje	PPNEA	Executive Director
3	Zydjon Vorpsi	PPNEA	Project Coordinator
4	Xhemal Xherri	PPNEA	Project Manager
5	Taulant Bino	Albanian Ornithological Society	President

Participants in the meeting with EU Delegation in Tirana, 30th August 2022

	Name	Institution	Position
1	Andrea Vera	Delegation of the EU to Albania	Head of section – Sustainable economic and social development
2	Edvin Pacara	Delegation of the EU to Albania	Programme Officer on Environment and Climate Change

Participants in the meeting with the Regional's Environment Agency (ARM) of Fier-Vlorë-Gjirokastë, Fier, 31st August 2022

	Name	Institution	Position
1	Denis Vogli	ARM/Fier-Vlora-Gjirokaster	Director of the Regional Environmental Agency
2	Ervin Buzi	ARM/Fier-Vlora-Gjirokaster	Specialist in the Sector of Environmental Permits and EIA
3	Francesca Zeneli	ARM/Fier-Vlora-Gjirokaster	Specialist in the Sector of Environmental Permits and EIA

Participants in the meeting with the staff on the construction site of Vlora Airport, 31st August 2022

	Name	Institution	Position
1	Rodian Demiry	Perfapesues R.C.R.D.	Perfapesues R.C.R.D.
2	Krit Dymih	VIA	Engineer

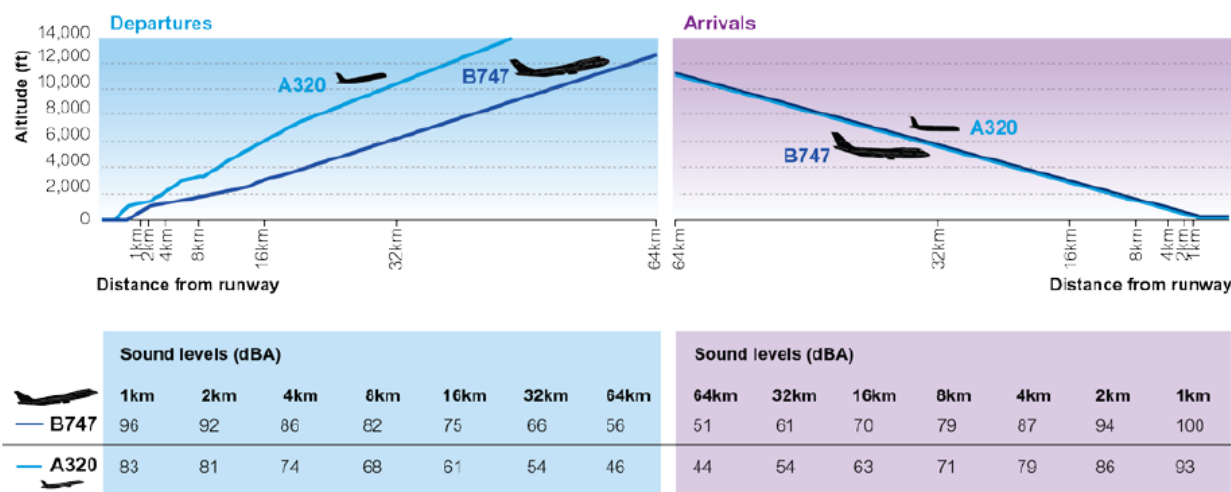
Participants in the meetings with the Municipality of Vlora and the Prefect of Vlora County

	Name	Institution	Position
1	Aulona Veizi	Municipality of Vlora	Vice Mayor
2	Flamur Mamaj	Prefect of Vlora County	Prefect

Mission's team

	Name	Institution	Position
1	Eoghan Kelly	Bern Convention	Programme Coordinator
2	Ivan Ramirez	CMS	Head of Avian Species Team
3	Sergey Dereliev	AEWA	Head of Science, Implementation and Compliance Unit
4	Lazaros Georgiadis	Biologist – Environmental Consultant	Independent expert

Annex III - Photos and figures from ESIA of VIA and the OSA



1) Figure with information on indicative noise levels at certain distances from the runway end of the A320 and B747 aircraft. Estimates represent the height of the aircraft in relation to the runway and do not take into account the local terrain. The indicator noise level was calculated at the runway height. The figure also shows the relation between the distances from the runway and the altitude of take-off and landing of the aircrafts. It's critical the aircrafts need about 10 km to exit the altitude of the 5.500 m which is the higher altitude of birds' migration referred in the table Table V-10: More frequent birds at Vjose – Narte Protected Landscape of ESIA (p 182).
 (source: EcoLëvizja 2015, in ESIA of VIA 2021)



1) Overview of the construction site (South view, photo by RCRD experts) where the airport at its SE side meets directly with the North area of the Narta salina
 (Source: ESIA of VIA 2021)



(2, 3) Overview of old airport field (photo by RCRD experts) where temporal waters are obvious which provide habitat for a variety of birds species
(Source: ESIA of VIA 2021)



(4, 5) View of destroyed dunes during the OSA and field visit in the Vjosa River Delta and close lagoons.



(6, 7) Left photo: View of dunes in the area near Kalenga Lagoon. Right photo: View of the same place where the dunes were damaged as a result of interventions in this Lagoon (Source: ESIA of VIA 2021)



(8, 9) Photos of Dalmatian Pelican (*Pelecanus crispus*) in Narta Lagoon including one dead individual due to electrocution (December 2019, ©A.Koci)



(10) Lesser kestrels (*Falco naumanni*) on migration stop on power lines close to Fier where a stop-over point has been recorded



(11) Great white egrets (*Ardea alba*) on migration stop in agricultural field on the road to Vlora



(12) Meeting with the staff of the construction side



(13) The starting of the fence construction



(14) The runway of the airport from the east side



(15) The runway of the airport from the west side



(16) Soil excavation tasks in progress



(17) The perimetric drainage ditch of the airport



(18) The widening of more than double width of the road which connects the airport with the highway



(19) Panoramic view of the salina of Narta Lagoon and the airport close to its north part



(20) Common Kestrel (*Falco tinnunculus*) foraging in the area of the airport

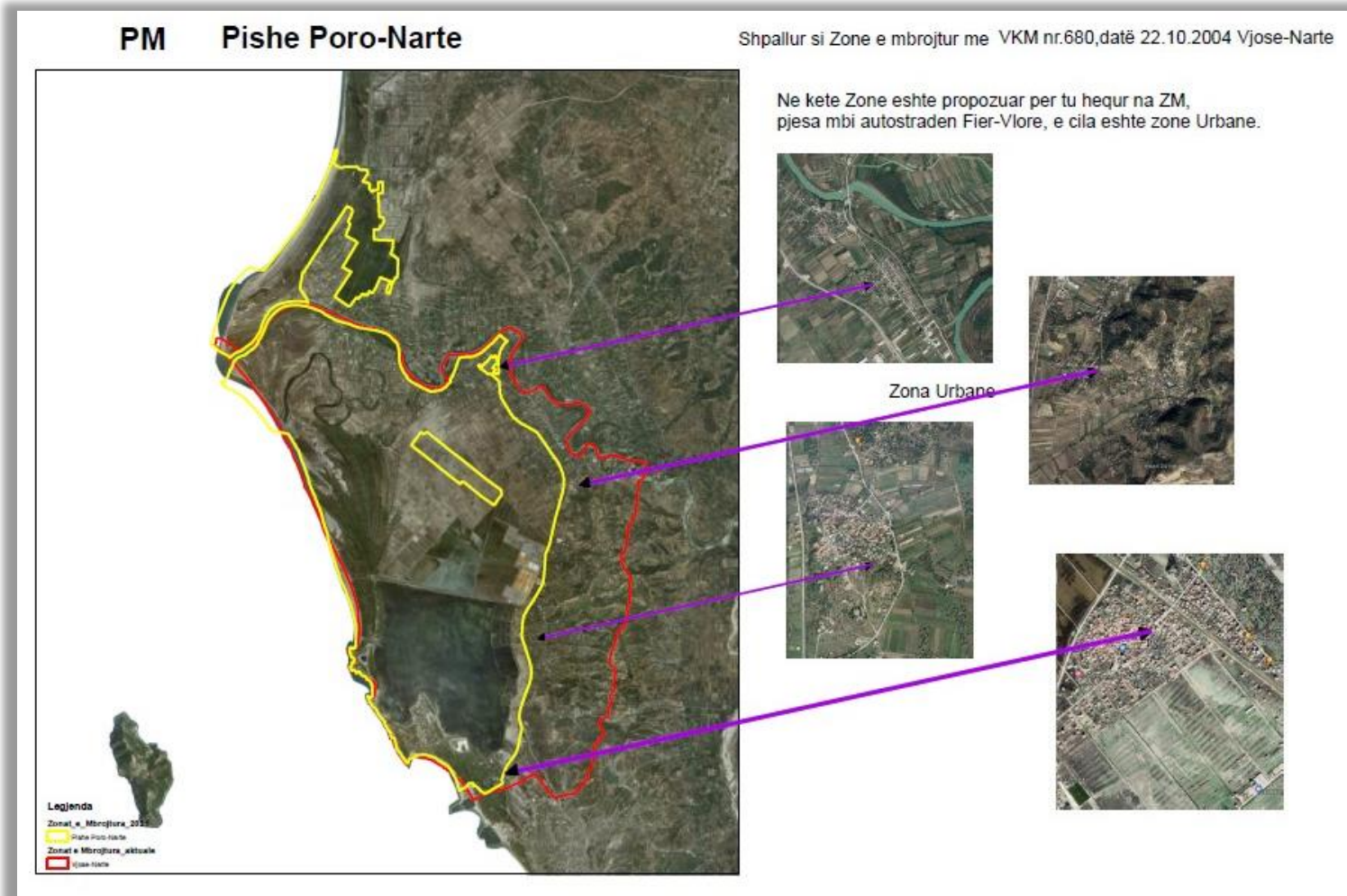


(21) Lesser Grey Shrike (*Lanius minor*) in the area of the airport

Annex IV - MAPS

Map 1. Changes of the borders of Narta Lagoon Protected area.

Red line indicates the previous borders. Yellow line indicates the new borders for the protected areas including the Delta of the Vjosa River and excluding the area of the airport inside of the protected area (Source: Ministry of Tourism and Environment)



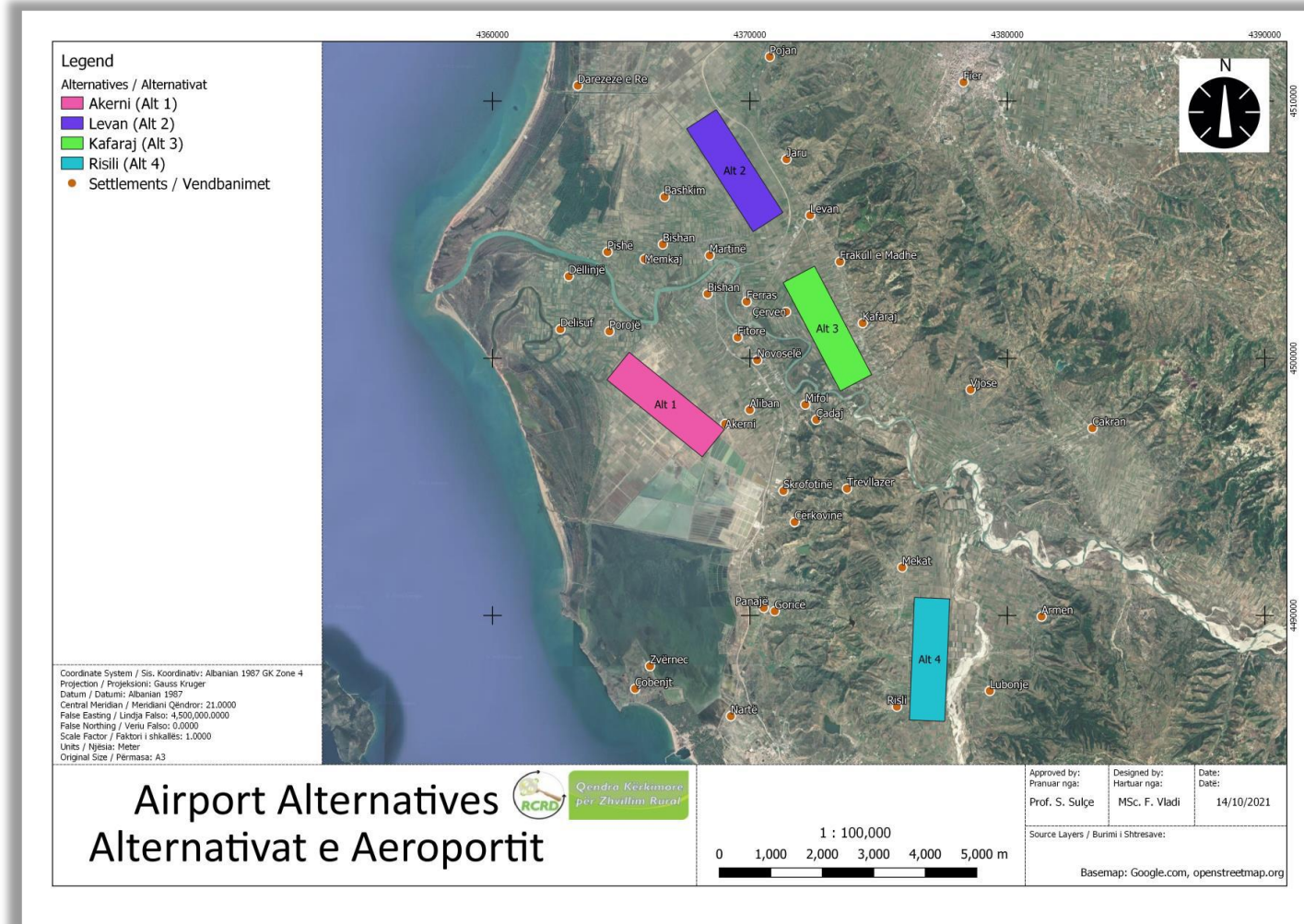
Map 2. Major birds' feeding areas and micro zones

(Source: ESIA of VIA 2021)

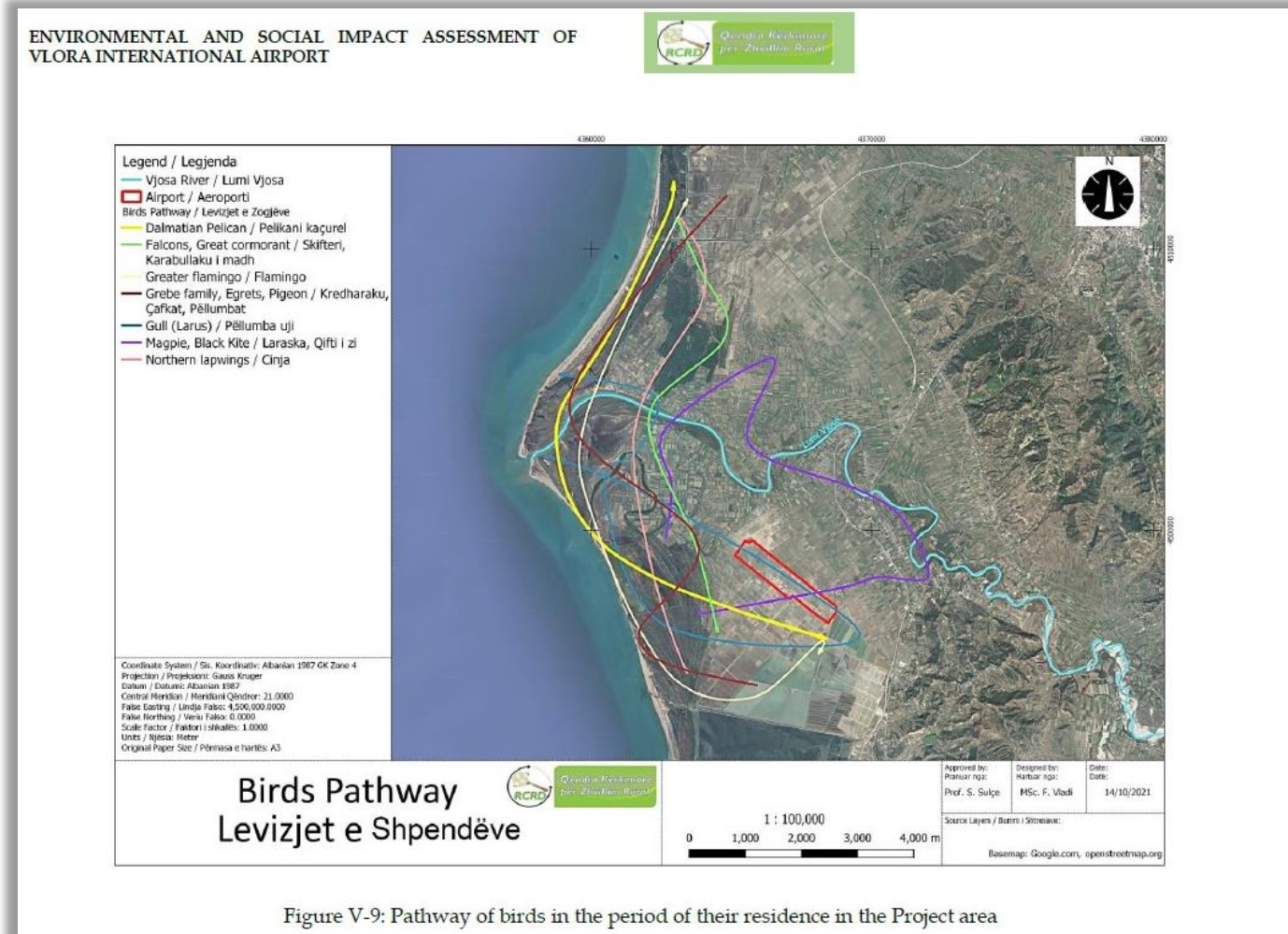


Map 3. Alternative locations considered by the EIA

(Source: ESIA of VIA 2021)



Map 4. Pathways of birds in the period of their residence in the Vjosa airport surrounding area
 (Source: ESIA of VIA 2021)



Map 5. The flow of bird movement in the migration period in the Vjosa airport surrounding area
 (Source: ESIA of VIA 2021)

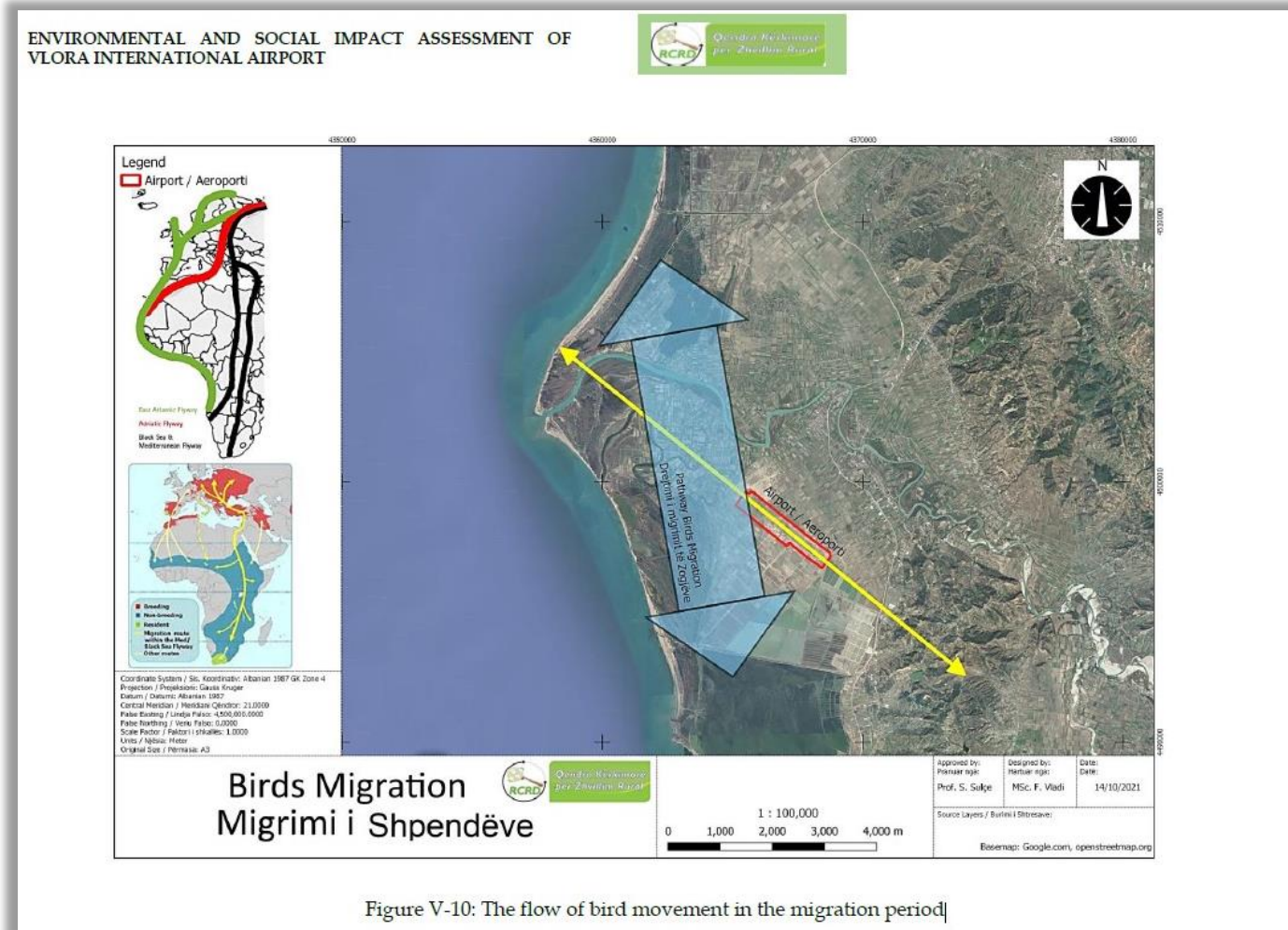
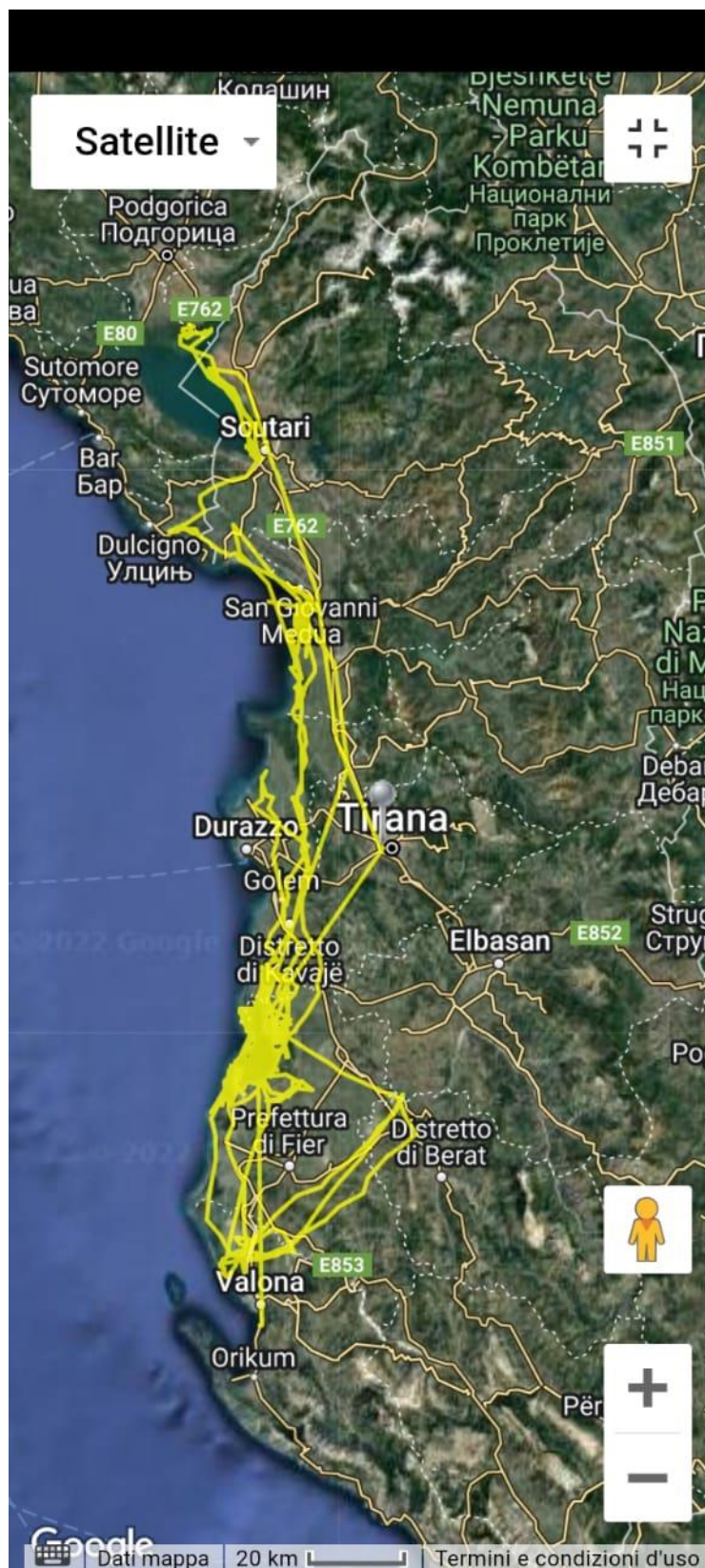


Figure V-10: The flow of bird movement in the migration period

Map 6. Land use of Dalmatian Pelican (*Pelecanus crispus*) in the Albanian coastline wetlands

(Source: Mr Ardian Koci, Director of Regional Agency of Protected Areas of Fier)



Data recorded during 2020-2022 in the project “Monitoring of the movement and areas of distribution of the Dalmatian Pelican in Albania” coordinated by RAPA Fier (Regional Agency of Protected Areas, Fier) and financially supported by UNDP Albania (Unpublished data). The map shows that Dalmatian Pelicans equipped in Divjaka-Karavasta with GPS transmitter do regularly visit Narta lagoon and the salinas of Skrofotina in Vlora. In Vjose-Narte 50-120 specimens of the Dalmatian Pelican (*Pelecanus crispus*) are regularly observed. The site is particularly important for the juveniles of Divjaka-Karavasta colony. Right after fledgling, birds from this colony move to Narta. This is proved by pictures of juveniles present in Narta, as well as ring recoveries. The numbers are particularly increased in Narta are after the breeding season when regularly the pelican reach for feeding in the shallow waters of the Salinas and Narta lagoon. At that time of the year the numbers exceed 120 individuals. A juvenile ringed as pulli in Divjaka-Karavasta Colony in 2019 was found electrocuted in Narta in December 2019 highlighint the press of the intensification of urbanization and infrastructure development of the area. The 80-85 breeding pairs from the breeding colony of in Divjaka-Karavasta and representing more than 1% of the global population of the species. The number of c. 120 Dalmatian Pelicans that are regularly registered in Vjose-Narta is about 1.3-1.4 % of the Black Sea and Mediterranean population. Flyway or European population considering that the European population of the Dalmatian Pelican is entirely occurring in the Black Sea and Mediterranean Flyway.

Map 7. Noise Map of the airport of Flore with noise influence zones of north part of Narta Salina and the Delta zone of Vjosa River
 (Source: ESIA of VIA 2021)

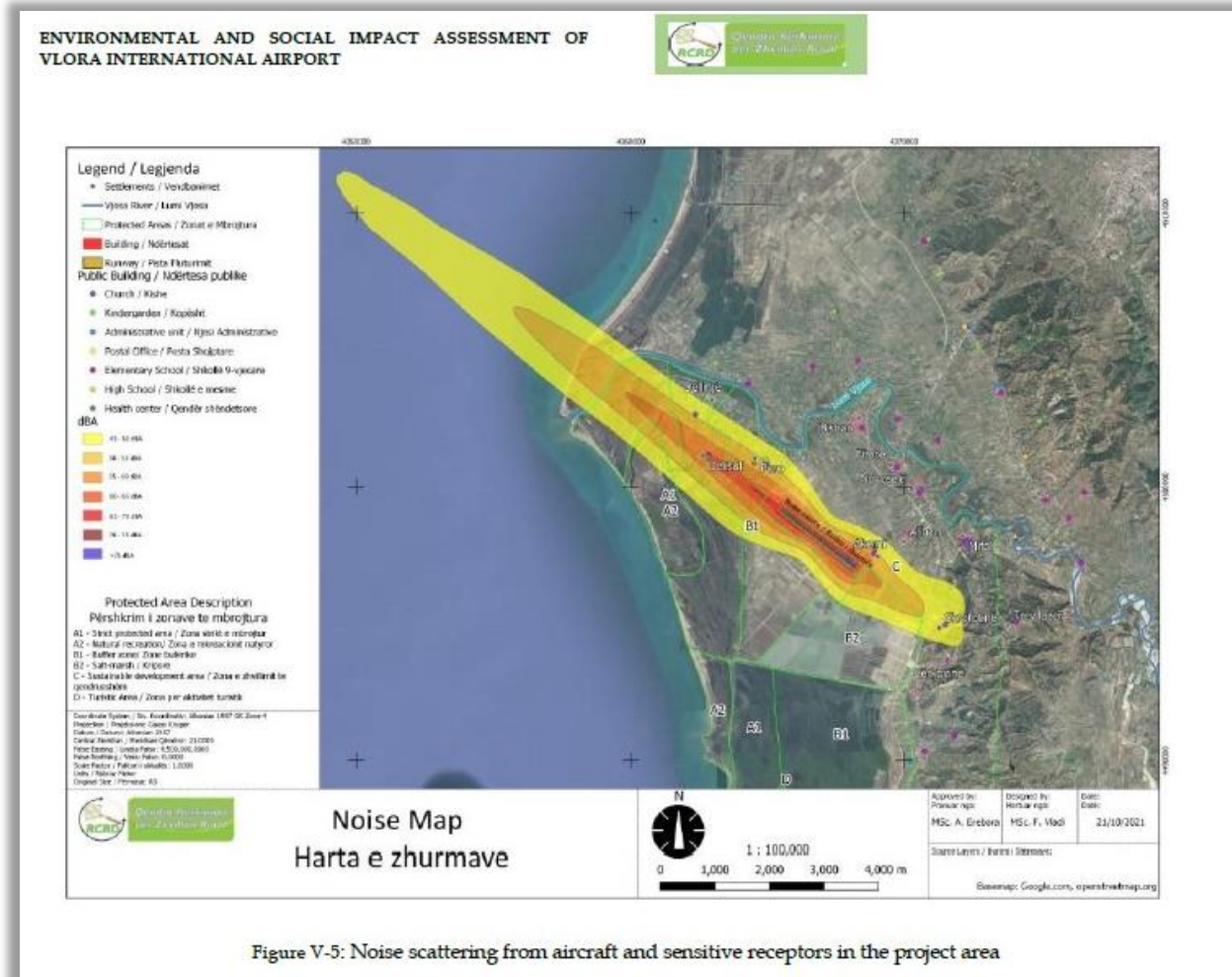


Figure V-5: Noise scattering from aircraft and sensitive receptors in the project area

Map 8. Approximate extent of floods in the Vjosa valley
(source: *EcoLëvizja 2015, in ESIA of VIA 2021*)



Annex V – Law violations according to the complainants

A. Absolute invalidity of the concession contract

- 1) The VIA[‡] project is not in accordance with the development plans (PPV[§], PDZRK^{**}, etc.) according to the legislation for the development of the territory. These do not foresee the development of such an airport in the country where it is designed.
- 2) Every act and administrative action that precedes the concession contract has violated the law 91/2013 "On strategic environmental assessment".
- 3) Every act and administrative action that precedes the concession contract has violated the law 125/2013 "On concessions and public private partnership".
- 4) Every act and administrative action that precedes the concession contract has violated the law no. 81/2017 "On protected areas".
- 5) The administrative procedures that precede the concession contract have violated the law no. 10440/2011 "On EIA".
- 6) The procedures that preceded the concession contract and its approval violated the principle of the rule of law and that of the hierarchy of normative acts.

B. Illegality violations in relation to the EIA and the environmental statement

- 1) The responsible authorities have not implemented the mandatory procedures for carrying out the EIA process.
- 2) The EIA report is different from the point of view of the form (without signatures and certifications required by law).
- 3) The EIA has ignored and has not evaluated the legal restrictions for the development of this project in a protected area, according to the Law on Protected Areas.
- 4) The process of "Proper Assessment" has not been carried out, as required by the EIA law, for an area of special importance - nominated Emerald area and IBA area.
- 5) Content issues - The EIA report does not meet the technical, scientific and methodological criteria defined by the legal and regulatory framework.

C. Illegality related to the issuance of the development permit

- 1) The development permit approved before the issuance of the environmental statement - essential for determining the development conditions.
- 2) The development permit approved in the absence of a PDZRK approved by KKT^{††} and contrary to the provisions of the PPV of the municipality of Vlora.
- 3) The development permit approved before giving the opinion/consent from the public authorities concerned/involved.
- 4) The development permit approved without the VIA project being equipped with the Risk certification, according to the Civil Defence Law

D. VKM^{‡‡} NO 694 DATE 26.10.2022

- 1) Lowers the status of "Pishe Poro - Narte" area from IV to V category

[‡] Vjosa International Airport

[§] PPV: General Local Plan

^{**} PDZRK: Detailed Plan of Areas of National Importance

^{††} KKT: National Council of Territory

^{‡‡} VKM: Decision of Council of Ministers

- 2) Removes the status for a surface of 5.552 Ha
- 3) Reduces the surface of the area by 5.113 Ha

E. Violations in the change of the protected zone

- 1) Acts are not based on a PDZRK, according to Law No. 81/2017 "On Protected Areas" The acts are not in accordance with the law for the protection of biodiversity and the national strategy for biodiversity. The acts are not in accordance with the development plans, (PPK^{§§}, PPV) according to the legislation for the development of the territory.
- 2) These plans do not provide for removal of surfaces, removal of the status of the PA, or reduction of the status in general for PAs, including the present case.
- 3) The network of protected areas, in the reduction of the surfaces and their fragmentation, contradicts the strategic assessments, respectively of the general national plan and the integrated plan of the coast.
- 4) Acts have not respected almost any material and/or procedural requirements required by the law on protected areas and the law on the protection of biodiversity.

F. Violations in the change of the protected zone

- 1) The changes in the status and surface of the protected areas are not supported nor do they refer to the specific plan of the entire protected area.
- 2) Administrative procedures for changing the boundaries of protected areas and their zoning were not initiated by the public authority that has the competence, the Ministry of Tourism and Environment, but by the national agency of protected areas administrative procedures for changing the surface of protected areas, increasing or reducing them, as well as the zoning of each area, is a separate administrative procedure and cannot be done as a whole for the entire territory.
- 3) Administrative acts have not been subjected to environmental impact assessment, in violation of Law No. 10440/2011 "For EIA".
- 4) The consultation with the public, NGOs, scientific institutions was not carried out contrary to the law on protected areas, the law on the environment, the law on biodiversity, the law on EIA and the law on EIA.
- 5) The "proper assessment" process recognized by the EU EIA directive as "Appropriate Assessment" has not been carried out, as required by the EIA law, for an area of special importance.
- 6) The entire process of revising the boundaries of the PAs is supported by the document "Evaluation for the review of protected areas", which does not meet the criteria set by the law on environmental protection, the law on EIA, the law on protected areas, the law on biodiversity and the decisions of the council of ministers in their implementation the KKT and DCM^{***} decision maps do not match each other and the VKM.
- 7) Maps also have serious coordinate errors. In fact, the GIS coordinates of the removed area of the airport do not correspond to the area but result in Iran.

^{§§} PPK: General National Plan

^{***} DCM: Decision of Council of Ministers

Annex VI – Documents about the Development and Construction Permit

Available at the following [link](#).

Unofficial translation

Agency for the Development of the Territory

Nr. 2685/ 1

Date: 25.07.2022

Subject: **Return response to a request for information.**

CENTER FOR THE PRESERVATION AND PROTECTION OF THE NATURAL ENVIRONMENT IN ALBANIA

Executive Director

Dr. Aleksander Trajce

Adresa: Rr. "Janos Hluymiadi", Godina 32, Ap.11-2019

TIRANE

Dear Mr. Trajce,

In response to your request letter dated 10.06. 2022, with the subject "Request for information and availability of documentation", which was delegated to us by the National Agency for Territorial Planning with its letter No. 950/01 Prot. date 24 06. 2022 recorded at the Territorial Development Agency with No. 2685 Prot. 1 date 02 07. 2022, We clarify that:

the National Council of the Territory at the meeting on 24. 11 2021, has approved ***Decision No. 04, "For the approval of the Development Permit for the facility: "Vlora International Airport located in the Municipality of Vlore, with the developer company "Vlora International Airport-VIA" sh.p.k.***

Currently, we are in a situation where the developer has submitted an application for approval of the Construction Permit, on which there is no decision, as it has not yet been reviewed by the National Council of the Territory.

As per above, as well as referring to the request submitted in your letter, please find attached a copy of the above-mentioned decision, as well as the original map The Structural Planning is part of this Decision. Attached we sent also you the technical-legal documentation uploaded to the e-permit system by the developer, which, due to the voluminous material, is available in CD format.

Thank you for your understanding, we remain available for any information requirements

GENERAL DIRECTOR

Ledia Tota

Council of Ministers
National Council of the Territory

DECISION

Nr.04, date 24.11.2021

For

APPROVAL OF THE DEVELOPMENT PERMIT FOR THE OBJECT: "VLORA INTERNATIONAL AIRPORT". LOCATED IN VLORA MUNICIPALITY

In accordance with 27 and 28, of Law Nr. 107, dated 31.07.2014 "For planning and development of the territory, changed; articles 9 and 10/1 the Decision to the Council of Ministers Nr. 408, dated 13.05.2015 "For the approval of the territory development regulation; amended Decision Council of Ministers No. 519. Date 20.09.2017 "For, Definition of the composition of the Council National Territory", amended, with the proposal of the developer company "Vlora International Airport-VIA" sh.p.k, National Council of the Territory.

DECIDED:

1. Approval of the Development Permit for the facility: "Vlora International Airport", located in Municipality Vlora, with subject developer company "Vlora International Airport VIA" sh.p.k
2. The Structural Layout Map is attached as an integral part of this decision.
3. The Territorial Development Agency is in charge in cooperation with the Ministry of Infrastructure and Energy, for the implementation of this decision.
4. This decision comes in immediately into force.

Prime Minister

Edi Rama

Minister of Infrastructure and Energy

Belinda Balluku

Annex VII – Master Plan for the airport construction and the coastline area developed by the investor of the airport

Available at the following [link](#)