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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Bureau of the Standing Committee

18-19 March 2024
Strasbourg

Complaint on stand-by: 2016/09

**Possible threat to Svaneti 1 Emerald site from
Nenskra HPP (Georgia)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
the Ministry of Environmental Protection and Agriculture of Georgia*

N 838/01

12/02/2024

To: The Secretary of the Bern Convention

To: Mr. Mikaël Poutiers

Copy: Permanent Representation of Georgia to the Council of Europe

Subject:

Complaint on stand-by No. 2016/9: Georgia: Possible threat to “Svaneti 1” Candidate Emerald Site (GE0000012) from Nenskra Hydro Power Plant development

Dear Mr. Poutiers,

In response to the decision of the Bureau of the Standing Committee on 29-30 March, 2023, I would like to respond on behalf of Ministry of Environmental Protection and Agriculture of Georgia. First of all, I would like to express my appreciation for your diligence in handling the complaint on stand-by **No. 2016/9: Georgia: Possible threat to “Svaneti 1” Candidate Emerald Site (GE0000012) from Nenskra Hydro Power Plant development** – progress report by Georgia. We understand the importance of resolving such matters promptly to ensure transparency and maintain trust in our processes.

After a comprehensive review of the complaint and careful consideration of the concerns raised by group of complainants and the Bureau, we had taken significant steps to address each point in accordance with the established procedures throughout past years.

- I am pleased to inform you that our team has successfully resolved the issues raised in the complaint. Our conclusions confirm that the Nenskra HPP project development complies with all national regulations and standards. The environmental permit remains valid, and there are no plans to cancel it. Furthermore, there was no request by the Bureau to cancel the permit since 2016/9. We have taken measures to ensure that any potential environmental impact is minimized, and the project aligns with our commitment to the obligations of the Bern Convention.
- Furthermore, in response to concerns, Georgia has proposed and adopted three compensatory sites (covering over 387 000 ha), which have higher ecological value compared to the initial site – Svaneti 1. Initial proposal was developed in collaboration with various organizations and has been widely accepted as a positive step towards environmental conservation. Thus, currently the Nenskra HPP is located outside of Emerald Network.
- Addressing the specific concern regarding the exclusion of large rivers from the Emerald Network, we recognize Georgia’s unique circumstances with an extensive network of 26,000 rivers. Balancing economic development and environmental protection on a global scale, especially for a developing country presents challenges, and we appreciate the understanding of the complexities involved.
- The Ministry of Economy and Sustainable Development has elaborated the National Energy Policy document and Integrated National Energy and Climate Plan (NECP) of Georgia to further plan energy sector development based on sustainable development principles. In the latest draft of the National Integrated Energy and Climate Plan, four scenarios are considered. The document presents an analysis of the alternatives along with their pros and cons. In regards with the concerns raised by the complainant on civil society participation in the NECP

development, as per report of the Ministry of Economy, a total of 15 meetings were held from the fall of 2021 until the end of 2023. Promoting public awareness through dissemination of information regarding public hearings, documents, and pertinent links serves to ensure engagement within the community:

- <http://www.moesd.gov.ge/index.php?page=projects&s=49>
- <https://ei.gov.ge/ka/info/ce31e2ef-816e-44dc-9171-dd06a8f52db4>
- <https://www.facebook.com/photo.php?fbid=349066137781781&set=pb.100080351917616.2207520000&type=3>
- <https://nea.gov.ge/Ge/Download/PublicFile/3134>
- <https://test.ncdc.ge/Handlers/GetFile.ashx?ID=2efd1118-cd49-42a1-a0b9-9cacd5ba8c8a>
- <https://rustavi.gov.ge/saqartvelos-saxelmwifo-energetikuli-politikis-energetikisa-da-klimatis-erovnuliintegrirbuli-gegms-strategiuli-garemosdacviti-shefasebis-angarishis-saharogaxilvis-shesaxeb/>
- <http://ozurgeti.mun.gov.ge/?p=20951>
- <https://chokhatauri.gov.ge/?p=6252>
- <https://akhmeta.gov.ge/ge/sgsh-skopingis-gancxadeba-sakartvelos-saxelmcpis-energetikuli-politika-da-misidanarti-energetikisa>
- <https://sagarejo.gov.ge/ge/sakartvelos-saxelmcpis-energetikuli-politikisa-da-misi-danartis-energetikisa-daklimatis-erovnuli-0>
- <https://vani.gov.ge/saqarthvelos-sakhelmtsiphos-energetikuli-politika-da-misi-danarthi-energetikisa-daklimatis-erovnuli-integrirbuli-gegma/>

After every public hearing, attendees were provided with presentations and meeting reports. Furthermore, the Ministry supplied draft documents to attendees and considered their comments and recommendations. This fostered mutual communication between the Ministry and stakeholders. It is noteworthy that the level and format of communication regarding strategic documents with the general public at this stage set a precedent in the realm of strategic documents. This initiative was solely undertaken by the Ministry of Economy and Sustainable Development. The SEA report was developed in accordance with Georgia's "Environmental Assessment Code," ensuring that the information contained therein fully aligns with the legal requirements. The Environmental Assessment Code is fully in line with the requirements of the relevant EU directives and regulates public participation in decision-making processes in Strategic Environmental Assessment procedures, ensuring public involvement at the earliest possible stage. The Code sets out the means by which information should be disseminated on ongoing SEA procedures. The use of these mechanisms ensures the effective public information at an early stage and throughout the decisionmaking process. For the SEA procedure, the planning authority organizes public hearings and draws up the minutes of the results of the public review of the SEA report. In addition to the submission of the opinions and remarks to the Agency in written form, they can be voiced out verbally during the public hearing. In view of the above, the remarks received, including the opinions expressed at the public hearing, are reflected in the respective recommendations with respect to the SEA report and the draft strategic document (issued by the National Environmental Agency and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs). The scoping opinion of the strategic environmental assessment (SEA) of the Energy Policy of the State of Georgia and its Annex, the Integrated National Energy and Climate Plan was issued by the National Environmental Agency on 9 February 2023, which also reflected the comments/opinions presented by the public. Received remarks/opinions were also sent to the Ministry of Economy and Sustainable Development of Georgia in order to be reflected in the SEA report. As it was mentioned, administrative proceedings are currently underway to issue recommendations on the SEA report and strategic document. At the stage of administrative proceedings, two public hearings were held - first public hearing was held on 11 December which was organized in a hybrid mode and the public had the opportunity to participate

both on-site and online, the second public hearing was held on 15 December in an online format. It should be noted that the current legislation does not provide for holding public hearings in a hybrid or online mode; this decision was taken for the purposes of ensuring effective participation and information of the public.

On December 29, 2023 the Energy Community Secretariat issued recommendations on the National Integrated Energy and Climate Plan. The aforementioned recommendations are being processed (Link: <https://www.energycommunity.org/dam/jcr:f10eeadb-d6e6-4a1caf1a13f828d5849e/EnCS%20Recommendations%20draft%20GE%20NECP%20FINAL.pdf>).

Nevertheless, it appears that the complainant introduces new elements into the discussion of the HPP complaint. While these issues are not directly applicable to the complaint, we are still addressing them in the report for comprehensive coverage.

- As previously communicated, the small HPPs operating in Svaneti are legal, with all necessary environmental decisions in place. The information from the complainant suggesting that they operate without legal permits is **misleading**.
- Draft "Law of Georgia on Biological Diversity" has been elaborated and submitted to the Parliament of Georgia for adoption.
- Additionally, Georgia has developed the "Concept of Protected and other Conserved Areas," a policy document where the Emerald Network, along with national protected areas, is a targeted focus. The policy document has been submitted to the Government Administration for adoption.
- The recent adoption of the draft law on "Water Resources Management" aligns our practices with the EU Water Framework Directive, reflecting our commitment to responsible governance.
- In current year, we have planned to continue studies of species and habitats and update the databases accordingly. In 2024, Georgia starts to assess state of species and habitats which are to be reported by the country for 2019-2024.

In light of the resolution of the complaint, **we kindly request the Bureau to officially close the case.** We believe that the information provided, along with the major steps taken to address the concerns, demonstrates our commitment to the implementation of obligations of Bern Convention.

We appreciate the Secretariat's attention to this matter and express our gratitude for your assistance in bringing it to a satisfactory conclusion. If any additional information or clarification is required, please do not hesitate to contact us.

Best regards,

First Deputy Minister

Nino Tandilashvili

