



Strasbourg, 8th August 2023



T-PVS/Files(2023)38

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

43rd meeting

Strasbourg, 28 November - 1 December 2023

Complaint on stand-by: 2021/8

**Possible threat to Rioni River from the Namakhvani Hydropower
Project (Georgia)**

- GOVERNMENT REPORT -

Document prepared by

Ministry of Environment Protection and Agriculture of Georgia



**MINISTRY OF ENVIRONMENTAL PROTECTION
AND AGRICULTURE OF GEORGIA**

31 July 2023



N 6223/01

To: Mr. Mikaël Poutiers Secretary
Bern Convention on the Conservation of European Wildlife and Natural Habitats

Cc: Permanent Representation of Georgia to the Council of Europe

Subject: Complaint on stand-by no. 2021/8: Georgia: Possible threat to Rioni River from the Namakhvani Hydropower Project

Dear Mr. Poutiers,

The Ministry of Environmental Protection and Agriculture of Georgia is sincerely thankful for the ongoing dedication of the Bern Convention in safeguarding biodiversity and for their unwavering support in helping Georgia implement the Convention within our borders. Regarding the Bureau decision (15-16 September 2022) on " **Complaint on stand-by no. 2021/8: Georgia: Possible threat to Rioni River from the Namakhvani Hydropower Project**", we would like to provide the Bureau with the requested information update:

- In response to the request by the Bureau to inform it about a long-term Energy Policy Document and its expected timeline, The Ministry of Economy and Sustainable Development of Georgia has declared that Georgia's Energy Strategy is under development. The policy document delineates the key objectives and rationale for developing the energy sector, aiming to minimize import dependence and transform the nation into a net energy exporter with a focus on e-commerce.
- According to the Ministry of Economy and Sustainable Development of Georgia, the construction of the Namakhvani HPP (Hydropower Plant) is currently in a pending status, and negotiations among the parties are still ongoing.
- In response to the Bureau decision to update on the status of the court claim "On annulment of Environmental Decision N2-191 of the Minister of Environmental Protection and Agriculture of Georgia of February 28, 2020, on the changes to the operating conditions in the construction and operation project of the cascade of two-stage HPPs on Rioni River, by the "Green Alternative" – As of now, there hasn't been a court claim update to provide.
- Regarding the complainant's report on their field trip, during which they observed landslides and flooding in the post-project area, we took action by contacting the Environmental Supervision Department to inquire about any potentially penalizable activities. We received information confirming that the company had violated the conditions outlined in the environmental decision №2-191 approved by the order of the Minister of Environment Protection and Agriculture of Georgia. Subsequent inspection revealed that the company had failed to meet several obligations, leading to the imposition of an administrative fine. The significant environmental damage caused as a result was

thoroughly assessed and documented for the prosecutor's office.

- Based on the mandate assigned to Georgia by the Bureau of the Bern Convention in April 2021 and the commitment made by the Georgian authorities, the draft legislation titled "On Water Resources Management" was formulated to align with the obligations stipulated in the Association Agreement with the European Union. The law officially came into force in 2023 (Document number 3423-XI06-X03).
- In recent years, with the support of the World Wildlife Fund (WWF Caucasus), a study was conducted to assess the potential of the Rioni River in safeguarding sturgeon breeding grounds and preserving the natural habitat of one of the last sturgeon populations. This study aligns with the primary objective of the "Pan-European Action Plan for Sturgeons". Based on these findings, the Government has passed a draft law aimed at expanding the Kolkheti protected area. The main focus was to enlarge the protected area in both the sea and river zones, particularly by including the river estuary under protection. This step is essential to safeguard the estuary and maintain a 3 km protective radius around it to support sturgeon conservation goals. Consequently, the complainant's concern for delta expansion has been fulfilled, leading to a total expansion of the protected area by 671 hectares.
- The draft monitoring program was prepared for Sturgeon species conservation as per, Objective 5 (Result 5.1 "Monitoring programs are designed and implemented") of the Pan European Action Plan for Sturgeons with great support of the World Wildlife Fund (WWF Caucasus).
- In 2023, the Ministry has assigned funds from the State budget for Sturgeon Monitoring, Recommendations, and the development of the Sturgeon Action Plan. The plan's endorsement is set to take place after consultations within the Sturgeons Stakeholders' Platform. At present, we are actively engaged in negotiations with the relevant authorities to establish Rioni Managed Reserve (IUCN category IV) based on the WWF's research results. The Rioni Managed Reserve will serve as a designated area along the river suitable for Sturgeon spawning grounds.
- As per the Ministry's report August 1st, 2022 (№7626/01), concerning the official translation of the requested Namkhvani HPP mitigation measures, specialized working groups were established following the Bureau's September 2022 decision. These teams collaborated to create a comprehensive document outlining the "Significant mitigation measures derived from environmental impact assessment reports and relevant documentation related to the Namakhvani hydroelectric power station project." The document has been completed and can be found at the following link: <https://rm.coe.int/annex-critical-mitigation-measures-envisaged-by-eia-regarding-namakhva/1680ac6b5b>.
- Based on the Ministry's reports from February 28th, 2022 (№1870/01) and August 1st, 2022 (№7626/01) and subsequent actions taken, such as expanding the Kolkheti Protected Area, conducting further research for Sturgeon conservation, and progressing towards establishing the Rioni Managed Reserve, the advancements made in the development of the sturgeon monitoring program, the adoption of the Law on "Water Resources Management", the project development activities have been halted, the Environmental Supervision Department is overseeing and imposing penalties on the company, the project area being outside of the Emerald Network, in light of these developments, the Ministry urges the Bureau to close the case file, contingent on biennial monitoring.

Sincerely,
First Deputy Minister
Nino Tandilashvili

