



Strasbourg, 29 July 2024

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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

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**Standing Committee**

44<sup>th</sup> meeting  
Strasbourg, 2-6 December 2024

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**Bureau of the Standing Committee**

Strasbourg, 10-12 September 2024

**Complaint on Standby: 2021/08**

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

**-GOVERNMENT REPORT-**

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

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

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29 July 2024



N 5862/01

**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,

On behalf of the Ministry of Environmental Protection and Agriculture of Georgia, I would like to express sincere gratitude for the Convention's steadfast commitment to biodiversity protection and ongoing support in enforcing its principles. Regarding the Bureau's decision on the "**Complaint on stand-by no. 2021/8: Georgia: Possible threat to Rioni River from the Namakhvani Hydropower Project**," we wish to provide the requested update:

We have thoroughly addressed the Bureau's decision in 2023, presenting all our efforts and compelling arguments as to why the complaint should be dismissed. We believed that the comprehensive information provided in our report justified dismissing the case. However, we regret that the Bureau did not acknowledge our request, as detailed in the government report.

The complainant has requested the cancellation of environmental permits; however, there is no legal basis for such action. The complainant's report does not mention any valid grounds for canceling the permits, yet this request is also noted in the Bureau's decision. Notably, all legal bases for cancellation of environmental decisions are defined in the national legislation. As you are aware, there is a current legal case (by the "Green Alternative") regarding the annulment of Environmental Decision N2-191, issued by the Minister of Environmental Protection and Agriculture of Georgia on 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. **We firmly believe that this complaint should not be considered by the Bureau of the Bern Convention until the national court reaches a decision on the matter.**

We acknowledge the Bureau's decision, which emphasizes several concerns, including the call for enhanced nature protection and complete cancellation of the Namakhvani projects. Georgia remains strongly committed to nature conservation, evident through recent initiatives such as expanding the Kolkheti Protected Area, progressing on establishing the Rioni Protected Area, generally, improvements Georgia made on the Emerald Network in recent years. However, it's crucial to note that the Namakhvani project area falls outside the Emerald Network's scope, and deeming it detrimental to the network's ecological integrity would be unjustified. The primary species at risk, according to the complainant, are sturgeons, yet several HPPs, starting with the Vartsikhe HPP, create barriers preventing their upstream migration, which is several dozen kilometers away from the project area.

Efforts to safeguard sturgeon migration include extension of the Kolkheti Protected Areas by 671 hectares in 2022 and enhancing capacities of Kolkheti Protected Area administration for continuous monitoring during critical sturgeon periods. Kolkheti National Park is legally established under national legislation as a second-category protected area – a national park. It holds the distinction of being one of the earliest Ramsar sites and UNESCO World Heritage sites, ensuring the highest standards of protection on both national and international levels. Given these robust protection measures, immediate inclusion of the Kolkheti extension into the Emerald Network is not essential at this time. Instead, efforts should focus on supporting the administration in enhancing monitoring capabilities, particularly during sturgeon migration, through capacity building initiatives.

As emphasized in the Bureau's decision, protecting sturgeon spawning grounds upstream of the Rioni River aligns with Georgia's Development Strategy - Vision 2030, a national multi-sectoral strategy aiming for sustainable and inclusive economic growth. Significant progress has been made through negotiations, resulting in the developed draft law on the "Rioni Managed Reserve." The recent study

“Sturgeon species population in Georgia and habitat assessment” suggests recommends specific part of Rioni river to be protected for sturgeons. There is no research work suggesting that the entire Rioni River should be protected, thus it is not clear why complainant suggests to put the “whole Rioni river in the Emerald Network”.

### **Economic Perspective:**

On June 27, 2024 the Government of Georgia has adopted the National Energy Policy and integrated National Energy and Climate Plan (NECP) 2030 of Georgia to guide sustainable energy sector development, prepared by the Ministry of Economy and Sustainable Development of Georgia. The complainant states that “civil society had no participation in the working groups” however, as per report of the Ministry of Economy and Sustainable Development, 15 meetings were held from fall 2021 through 2023, promoting public engagement through transparent dissemination of information, public hearings, and document accessibility. Draft documents were circulated, incorporating stakeholder feedback, fostering collaborative dialogue. The information on public hearing is accessible on the following links:

- <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-erovnuli-integrirebuli-gegms-strategiuli-garemosdacviti-shefasebis-angarishis-saharo-ganxilvis-shesaxe/>
- <http://ozurgeti.mun.gov.ge/?p=20951>
- <https://chokhatauri.gov.ge/?p=6252>
- <https://akhmeta.gov.ge/ge/sgsh-skopingis-gancxadeba-sakartvelos-saxelmcipos-energetikuli-politika-da-misi-danarti-energetikisa>
- <https://sagarejo.gov.ge/ge/sakartvelos-saxelmcipos-energetikuli-politikisa-da-misi-danartis-energetikisa-da-klimatis-erovnuli-0>
- <https://vani.gov.ge/saqarthvelos-sakhelmtsiphos-energetikuli-politika-da-misi-danarthi-energetikisa-da-klimatis-erovnuli-integrirebuli-gegma/>
- <https://ei.gov.ge/ka/info/ce31e2ef-816e-44dc-9171-dd06a8f52db4>

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.

Additionally, The SEA report was developed in accordance with Georgia's "Environmental Assessment Code," (decision of National Environmental Agency 9.02.2024, №72/ბ) ensuring that the information contained therein fully aligns with the respective 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.

As previously reported, construction of the Namakhvani HPP remains pending, with ongoing negotiations among stakeholders, as confirmed by the Ministry of Economy and Sustainable Development.

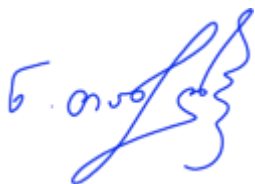
Our unwavering commitment remains centered on nature conservation and safeguarding sturgeon habitats. Ongoing initiatives focus on developing national policy on "Protected and other Conservation Areas," emphasizing the Emerald Network as a pivotal ecological framework.

In conclusion, based on the information provided and the Namakhvani HPP's exclusion from the Emerald Network, we respectfully urge the Bureau of the Bern Convention to dismiss the case. We appreciate your continued support as Georgia fulfills its commitments under the Convention.

Sincerely,

**First Deputy Minister**

**Nino Tandilashvili**



<https://edocument.ge/mea/public/#/5862-01-2-202407291819>

