Enka will not appeal the court verdict – for which Namakhvani HPP construction company was fined

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12



The court found the company guilty of violating a number of conditions set out in the environmental decision.

Varlam Goletiani, one of the organizers of the protest against Namakhvani HPP, considers the court decision to confirm that the activists have been fairly protesting against the activities of Enka for the last 6 months.

"It was established that the company does not have a permit to carry out works at 4 locations. In particular, in the villages of Tskaltubo Municipality, Joneti and Ofurchkheti, camps are set up illegally for employees. The company went beyond the preparatory work and started construction, which we also protested during our stay in the gorge, and Minister Natia Turnava replied that the company was taking on more obligations than it had, and that everything was going according to law. The government's assertion continues to this day, and a Tskaltubo court judge upheld a lawsuit filed by the ministry and fined the company. " – Varlam Goletiani said today after the judge announced the decision to fine "Enka" with 5,000 GEL.

Enka itself did not attend the court hearings today or at previous hearings, and the plaintiff was represented in this process by the Department of Environmental Supervision of the Ministry of Environment and Agriculture. The state agency accused the Namakhvani HPP construction company of failing to comply with the conditions set out in the environmental decision issued by the Minister of Environment on February 28, 2020 # 2-91 and the conclusion of the ecological expertise, more specifically, the plaintiff Enka "did not fulfill up to 15 obligations:

- Prior to the start of construction, the construction transport scheme was not submitted to the Ministry and agreed with the relevant agencies. Bypassing Kutaisi;
- Prior to the construction of the dam, the conditions for the extinction of the flow energy through the deep culverts were not met;
- Prior to construction, the quality characteristics of grapes and wine produced in the Tvish area under the EIA report were not monitored, which was important to ensure data comparison and to implement appropriate mitigation and / or compensation measures. The company did not agree with the Ministry on mitigation and / or compensation measures, which it was also obliged to do;
- Prior to construction, the company did not submit waste rock dump projects to the Ministry and did not agree on construction site / camp projects.

The inspection, which revealed that Enka was not fulfilling its obligations, was carried out at the request of the non-governmental organization Green Alternative and the Young Lawyers' Association. Darine Saldadze, a lawyer with GYLA's Kutaisi office, told RFE / RL today that the points revealed by the Environmental Inspection Department six months ago have not been rectified and the company's obligations are still unfulfilled.

"We are going to apply to the department to carry out additional inspections to get a real result. "As the court decision does not oblige the company to suspend the construction, it continues to operate in violation of a number of conditions." – Explains Darine Saldadze.

The investor company itself believes that the issue discussed in court is related to different interpretations of the terms of implementation of the works provided for in the permit. As of October 2020, the Ministry of Environment Protection has received a number of written justifications and arguments from them on the violations alleged by the Ministry in court.

"Although we do not agree with the content of the complaint, the company does not intend to appeal the court decision to a higher court." – It is said in the written statement submitted by "Enka Riniubels" to Radio Liberty. According to this statement, the resolution of such issues between the parties is regulated by the existing agreement, and the company carries out all its activities within the existing permits.

"Any activity of the company is carried out under constant monitoring by the relevant state structures, as well as by internal monitoring services, in accordance with internationally recognized standards." – They say in "Enka".

Activists of the movement “For the Survival of the Rioni Valley” have been protesting against the construction of the Namakhvani HPP for 184 days. For the last 25 days, the protest has been going on in tents in the village of Gumati. Activists plan to hold a large-scale rally on May 23 in Tbilisi.

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