

LAW OF GEORGIA ON ENVIRONMENTAL IMPACT PERMITS

Chapter I - General Provisions

Article 1 - Scope of the Law

1. The scope of this Law is an organised activity or act that is related to an indefinite group of persons and characterised by an increased risk to human life or health.
2. This Law defines a complete list of activities that are subject to mandatory ecological examination in the territory of Georgia, and legal grounds for awareness raising and participation of the public in processes for issuing environmental impact permits for implementation of the activities, conducting an ecological examination when issuing permits, assessing environmental impacts, and making a decision to issue permits.

Article 2 - Goals and objectives of the Law

1. Goals of this Law shall be to:
 - a) protect, in the course of carrying out activities, human health, the natural environment, as well as cultural and material values;
 - b) ensure a fundamental right of a citizen under the Constitution of Georgia to obtain complete, objective and timely information about conditions of his/her working and living environment, as well as the involvement of the public in making significant decisions by the State in the field of environmental protection;
 - c) take account of the ecological, social, and economic interests of the State and public in the course of making significant decisions in relation to implementation of activities.
2. Objectives of the Law shall be to:
 - a) establish and protect rights and duties of persons implementing activities, the public and the State in the field of issuing permits for activities;
 - b) facilitate protection of the environment and natural resources from irreversible quantitative and qualitative changes, and their rational use.

Article 3 - Definition of terms

The terms used in this Law shall have the following meanings:

- a) environmental impact permit ('the Permit') – the right granted by the Ministry of Environment and Natural Resources Protection of Georgia ('the Ministry') for an indefinite term under the procedures and forms established by the legislation of Georgia, which is issued to persons implementing activities and serves as a legal basis for starting activities;
- b) persons implementing activities – a natural or a legal person, as well as any other statutory organisational units (which is not a legal person) initiating an activity that is subject to ecological examination and applying to an appropriate body to obtain the right to perform an activity subject to ecological examination;
- c) construction permit – a permit issued under Article 3(v) of the Law of Georgia on Licences and Permits;
- d) environmental impact assessment (the 'EIA') – a procedure for studying and examining a planned activity that is intended to protect individual components of the environment, people, as well as landscapes and cultural heritage. The EIA shall examine, identify and describe direct and indirect impact of an activity on human health and safety, vegetation and the animal world, soil, air, water, climate, landscape, ecosystems and historical monuments, or on a combination of all the above factors, including the impact of these factors on cultural values (cultural heritage) and socioeconomic factors;
- e) environmental regulations – environmental regulations under the Law of Georgia on Environmental Protection;
- f) technical summary – a design decision for a planned activity.

Law of Georgia No 3051 of 4 May 2010 - LHG I, No 26, 20.5.2010, Art. 179

Law of Georgia No 4400 of 11 March 2011 - website, 17.3.2011

Law of Georgia No 478 of 25 March 2013 - website, 5.4.2013

Chapter II - Procedures for Permit Issuance



Article 4 - Activities subject to ecological examination and bodies authorised to grant permits for the implementation of activities

1. Activities subject to ecological examination shall be:

- a) processing of mineral deposits (processing of construction materials (including inert materials) are not subject to ecological examination except for those provided in subparagraph (c) of this paragraph);
- b) any production technology involving asbestos;
- c) production of cement, asphalt, lime, carbonic calcium gypsum, plaster and brick;
- d) production of glass and glassware;
- e) processing of solid household waste (including setup of waste incineration plants), and/or setup of landfills;
- f) disposal of toxic and other hazardous waste, setup of waste burial facilities and/or recycling and waste detoxification;
- g) production of any capacity related to coal gasification, liquefaction, briquetting and carbonisation;
- h) construction of trunk oil and gas pipelines;
- i) arrangement of storage facilities and terminals for oil and oil products, also for liquid and natural gas; capacity of one tank located on the territory of facilities and terminals is more than 1 000 cubic meters or total capacity of all tanks exceeds 1 000 cubic meters;
- j) construction of international and intrastate highways and railways, and bridges and underway crossings over them, as well as structures for engineering protection of highways, railways and their territories;
- k) laying of high voltage (35 kW and more) aerial and cable power lines, and placement of substations (with 110 kW and higher voltage);
- l) placement of a hydro power plant (with 2 MW and higher capacity) and a thermal power plant (with 10 MW and higher capacity);
- m) construction of an underground railway;
- n) arrangement of water reservoirs (with the volume of 10 000 cubic meters and more);
- o) arrangement of wastewater treatment facilities (with the capacity of 1 000 cubic meters and more per 24 hours), as well as placement of trunk sewage;
- p) arrangement of airdromes, airports, railway stations, and sea ports;
- q) construction of dams, harbours, berths, piers, and wing dams;
- r) chemical industry, in particular: chemical treatment of semi-finished products (transition products) and production of chemical substances; production and processing of pesticides, mineral fertilisers, paints, lacquers, peroxides, and elastic substances (rubber or plastic substances), production of gun powder and other explosive substances, production of batteries; and manufacturing of graphite electrodes;
- s) oil and gas processing industries (producing more than 500 tons per 24 hours);
- t) any metallurgical industry (with production capacity of more than one ton per hour), except for cold processing of metals and production of jewelry;
- u) arrangement of storage facilities for toxic and other hazardous substances.

2. Construction related to the types of activities defined in paragraph 1 of this article, or replacement of current production technology with a different technology resulting in a change of operation conditions shall also be considered to be an activity subject to ecological examination.

3. If a construction permit is required for an activity under paragraph 1 of this article, a construction permit issuing administrative body shall ensure involvement of the Ministry in an administrative proceeding initiated for the issuance of a construction permit as another administrative body in the manner determined by the Law of Georgia on Licences and Permits.

4. In a case under paragraph 3 of this article, for documents submitted by a construction permit issuing administrative body, the Ministry shall issue a conclusion of ecological examination approved by an administrative-legal act of the Minister for Environment and Natural Resources Protection of Georgia ('the Minister'). In this event, an application submitted by an applicant for a construction permit to the construction permit issuing administrative body must also meet the requirements of Articles 6 and 7, and Article 8(4) of this Law.

5. In a case defined in paragraph 3 of this article, a conclusion of ecological examination shall be issued at the second stage of a construction permit issuance. The conclusion of ecological examination shall be part of the construction permit, and its observance (conclusion of the ecological examination) shall be mandatory for an applicant for (or a holder of) a construction permit. In this case, the conditions under the conclusion of ecological examination shall be a condition of the construction permit.

6. If no construction permit is required for an activity under paragraph 1 of this article, on the basis of the conclusion of ecological examination, a permit shall be issued in relation to which the Minister shall issue an administrative-legal act. The Ministry shall conduct an ecological examination according to the procedures established by the legislation of Georgia.

7. Conclusion of ecological examination and its conditions shall be permit conditions.

Law of Georgia No 3051 of 4 May 2010 - GLH I, No 26, 20.5.2010, Art. 179

Law of Georgia No 4400 of 11 March 2011 - website, 17.3.2011



Article 5 - Environmental technical regulations

1. Environmental technical regulations must be observed when implementing types of activities not under Article 4(1) of this Law.
2. Environmental technical regulations for activities under paragraph 1 of this article shall be approved by a subordinate normative act on Environmental Technical Regulations of the Minister.

Article 6 - Public review of the EIA reports

1. Persons implementing activities shall be obliged to arrange a public review of the EIA reports before they are submitted to a permit issuing administrative body (and in the case defined in Article 4(3) of this Law, persons implementing activities shall be obliged to arrange a public review of the EIA reports before a permit issuing administrative body initiates the second stage procedure for issuing a construction permit as defined under the Law of Georgia on Licences and Permits).
2. To arrange a public review of the EIA reports persons implementing activities shall be obliged to publish the information about their planned activities. The information must be published in a central periodic print media and in a periodic print media (if any) existing within the administrative territory of a self-governing unit where the activity is planned to be implemented.
3. The information about the planned activity must include:
 - a) goals, name and location of the planned activity;
 - b) the address where members of the public shall have access to the documents related to the planned activity (including EIA report);
 - c) the deadline for submitting opinions of the public members;
 - d) the time and place for a public review of an EIA report.
4. A person implementing activities shall be obliged to:
 - a) submit the hard and soft copies of the EIA report, within one week after the information on the planned activity is published in a print media, to a permit issuing administrative body (and in the cases defined in Article 4(3) of this Law, to a construction permit issuing administrative body as well);
 - b) receive and review, within 45 days after information on the planned activity is published, comments and opinions submitted in writing by the members of public;
 - c) arrange, at the earliest 50 days and at the latest 60 days after the information on the planned activity is published, a public review of an EIA report concerning its planned activity;
 - d) ensure that written invitations to the public review of the EIA report are sent to the representatives of appropriate local self-governing bodies, the Ministry, the Ministry for Economy and Sustainable Development of Georgia, and other interested administrative bodies.
5. Any member of public may attend a public review of an EIA report.
6. The public review of an EIA report shall be arranged in the administrative centre of a self-governing unit where the activity is to be implemented.

Law of Georgia No 4400 of 11 March 2011 - website, 17.3.2011

Article 7 – Documenting the results of the EIA report public review

1. Persons implementing activities shall, within five days after the public review of an EIA report, be obliged to prepare a protocol of the results of the EIA report public review to reflect in detail the comments and opinions expressed during the public review. The protocol shall be signed by the persons implementing the activities (or their authorised representatives) and the representatives of appropriate local self-governing bodies, the Ministry and the Ministry for Economy and Sustainable Development of Georgia (if they have attended the public review of the EIA report).
2. Persons implementing activities shall review the written comments and opinions of the public members and shall take account of their arguments in the course of finalising the EIA report.
3. If persons implementing activities fail to take account of the comments and opinions of the public members, the persons implementing activities shall be obliged to provide a written substantiation for disregarding the comments and opinions, and to ensure that the substantiation is sent the author (authors) of the comments. The persons implementing activities must submit this written substantiation (along with relevant written comments and opinions) together with a protocol of the results of the EIA report public review and the EIA Report to the permit issuing administrative body (and in the cases defined in Article 4(3) of this Law – to the construction permit issuing administrative body). The documents referred to in this paragraph shall constitute an integral part of the EIA report.
4. After arranging a public review of the EIA report, preparing a protocol of the review results, and finalising the EIA report, the persons implementing the activities shall be authorised to submit, within one year, an application to the permit issuing administrative body (and in the case defined in Article 4(3) of this Law – to the construction permit issuing administrative body) for a permit (or a construction permit) under the procedures established by



this Law and the legislation of Georgia.

Law of Georgia No 4400 of 11 March 2011 - website, 17.3.2011

Article 8 - Documents for application for permits

1. To obtain a permit, a person implementing activities shall submit a written application to the Ministry. An application for a permit shall be submitted, considered and accepted for processing under the procedures established by the Law of Georgia on Licences and Permits.

2. In addition to the information determined by the Law of Georgia on Licences and Permits, a person implementing activities shall be obliged to submit the following documents with an application for a permit:

- a) an EIA report (five hard copies and a soft copy) prepared according to the standards set by the legislation of Georgia;
- b) a layout plan of a planned activity site (with indication of distances);
- c) volume and types of anticipated emissions (draft (in four copies) maximum permissible spraying/discharge rates for hazardous substances);
- d) an abstract of an activity (as a technical summary);
- e) a statement on confidential parts of the submitted application.

3. A person implementing activities shall be obliged to submit a complete scheme of the technological cycle to the permit issuing administrative body even if the activity comprises any commercial and/or state secret. A person implementing activities must submit this part of the application separately, under paragraph 2(e) of this article.

4. In cases defined in Article 4(3) of this Law, an applicant for a construction permit must submit to a construction permit issuing administrative body the following documents in addition to the documents required for a construction permit:

- a) a layout plan of a planned activity site (with indication of distances) – the document must be submitted at the first stage of a construction permit issuance;
- b) an abstract of an activity (as a technical summary). This document must be submitted at the first stage of a construction permit issuance;
- c) an EIA report (five hard copies and a soft copy) prepared according to standards set by the legislation of Georgia – the document must be submitted at the second stage of a construction permit issuance;
- d) volume and types of anticipated emissions (draft (in four copies) maximum permissible spraying/discharge rates for hazardous substances) – the documentation must be submitted at the second stage of a construction permit issuance;
- e) a statement on the confidential parts of the submitted application – the document must be submitted at the second stage of a construction permit issuance.

Law of Georgia No 3051 of 4 May 2010 – LHG I, No 26, 20.5.2010, Art. 179

Law of Georgia No 478 of 25 March 2013 – website, 5.4.2013

Article 9 - Procedure for the issuance of permits

1. The Ministry shall make a decision to issue a permit under the simple administrative procedures established in Chapter VI of the General Administrative Code of Georgia and in compliance with the Law of Georgia on Licences and Permits, within 20 days after registration of an application for a permit.

2. The Ministry shall, under the Law of Georgia on Ecological Examination, ensure that an ecological examination of the appropriate documentation submitted by a person implementing activities is performed, based on which a conclusion of the ecological examination is drawn up.

3. The permit shall be issued only in case of a positive conclusion of the ecological examination.

Article 10 - The EIA procedure

1. The EIA is the definition of the nature and level of sources of all potential impacts on the environment during the course of creating documents that substantiate a planned activity and of making an environmental decision for this activity. The EIA is also the assessment of ecological, social, and economic implications of the planned activity.

2. The responsibility for the arrangement and performance of the EIA shall be borne by a person implementing the activity.

3. The EIA report shall be drawn up on the basis of the EIA.

4. EIA procedures and the requirements for contents of an EIA report shall be established by the legislation of Georgia and the Regulation on the Environmental Impact Assessment approved by the Minister by a subordinate normative act.



5. A person implementing activities shall pay the expenses of conducting an EIA procedure.

Article 11 - Exemption of activities from the EIA

1. An activity may be exempted from an EIA if the national interests require that the activity be started and that an appropriate decision be timely made.
2. An application of a person implementing an activity for exemption from an EIA shall be considered and an appropriate proposal shall be worked out by the Special Environmental Impact Council, composition of which and the rules of procedure is established by the Minister.
3. In cases under paragraph 1 of this article, the Minister shall make a decision with respect to proposals worked out by the Special Environmental Impact Council in agreement with an interested agency.

Law of Georgia No 1918 of 3 November 2009 – LHGI, No 35, 19.11.2009, Art. 228

Article 12 - Rights and obligations of persons implementing activities

1. Persons implementing activities shall be obliged to submit objective data to a permit issuing body (and in cases defined in Article 4(3) of this Law – to a construction permit issuing body).
2. After a permit (or a construction permit) is obtained, a person implementing an activity shall be obliged to:
 - a) perform the activity in accordance with the conditions of the conclusions of the ecological examination;
 - b) carry out, after starting implementation of the activity, measures for mitigation of environmental impacts that are deemed necessary by a permit issuing body;
 - c) observe, after a construction permit is obtained, the permit conditions established under the conclusions of an ecological examination, both in the course of construction and in operation of the enterprise (the facility);
 - d) carry out, when implementing the activity, measures contained in the EIA report that are considered to be necessarily implemented during the course of the ecological examination and/or that are approved by experts, which must be appropriately included in the conclusion of ecological examination and/or its conditions.
3. Persons implementing activities shall be entitled to apply to the Ministry for changing a condition of the conclusion of ecological examination if they prove that observance of that condition cannot ensure mitigation or prevention of the environmental impact, or prove that replacement of their permit condition with another one is necessary and efficient in terms of mitigation or prevention of the environmental impacts.
4. In cases defined in paragraph 3 of this article, a person implementing the activity shall be obliged to submit to the Ministry a well-founded request which will be considered and appropriate proposals will be worked out by a consultative body within the Ministry – the Commission for Reviewing Changes in the Conditions of the Conclusion of Ecological Examination ('the Commission'). The list of documents to be submitted to the Commission and the rules of procedure of the Commission shall be established by the Minister under a subordinate normative act on Approval of the Regulation of the Commission for Reviewing Changes in the Conditions of the Conclusion of Ecological Examination.
5. After considering the issue, the Commission shall submit an appropriate recommendation to the Minister. In the case of a positive recommendation of the Commission, the Minister shall raise the issue with the Government of Georgia. In the case of consent of the Government of Georgia, the Minister shall issue an appropriate individual administrative legal act.

Law of Georgia No 3051 of 4 May 2010 - LHGI, No 26, 20.5.2010, Art. 179

Law of Georgia No 3780 of 28 October 2010 - LHGI, No 63 10.11.2010, Art. 407

Article 13 - Grounds for refusal to issue permits

A permit shall not be issued if:

- a) the requirements of the Law of Georgia on Licences and Permits and of the legislation of Georgia in the field of environmental protection are violated;
- b) there is a negative conclusion of an ecological examination on the planned activity.

Article 14 - Appealing a refusal to issue permits

The decision of a permit issuing body refusing to issue a permit may be appealed to a higher administrative body (with an official) or a court.

Article 15 - Rights and duties of permit issuing bodies

The rights and duties of permit issuing bodies shall be determined under Article 29 of the Law of Georgia on Licences and Permits.



Article 16 – Form of permits

The form of a permit shall be defined by a subordinate normative act of the Minister.

Article 17 - Loss or damage of permits

1. If a permit is lost or damaged, the permit holder shall submit a written application to the Ministry for a duplicate permit.
2. The Ministry shall, within two days after the application under paragraph 1 of this article is received, issue a duplicate permit, enter the appropriate information in the departmental permit register, and in the cases provided by law, notify the body responsible for maintaining the national permit register to make respective changes in the national permit register.
3. The duplicate permit shall be equally as effective as the original.
4. The amount of fee payable for the issuance of a duplicate permit shall be determined under the Law of Georgia on Licence and Permit Fees.

Article 18 - Transfer permits to other persons

1. A permit holder shall be authorised to transfer the permit to another person.
2. If a permit is transferred, the permit holder and the permit receiver shall submit a joint application to the Ministry indicating the type and the registration number of the permit to be transferred. The application shall also be accompanied with:
 - a) extracts from the register of entrepreneurial and non-entrepreneurial (non-commercial) legal persons for a permit holder and a permit receiver – for legal persons under private law and for individual entrepreneurs; and copies of ID cards determined by the legislation of Georgia – for natural persons. Legal entities under public law must submit an application along with certified copies of their foundation documents;
 - b) the documentation evidencing transfer of the permit.
3. The Ministry shall consider an application for transfer of a permit under a simple administrative procedure established by the General Administrative Code of Georgia, and, based on an appropriate decision, make changes to the permit register, and issue an appropriate permit.
4. A permit receiver shall be entitled to perform the activity only after the decision under paragraph 3 of this article is made.
5. A permit receiver shall be obliged to observe conditions under the permit.

Law of Georgia No 1970 of 3 November 2009 - GLH I, No 35, 19.11.2009, Art. 259

Article 19 – Supervision of the observance of permit conditions

1. Supervision of the observance of permit conditions, except as provided by this Law, shall be carried out under procedures established by the Law of Georgia on Licences and Permits.
2. Supervision of the observance of permit conditions by a permit holder shall be carried out by a state sub-agency under the Ministry – the Environmental Supervision Department ('the Department').
3. In cases defined in Article 4(5) of this Law, a permit issuing body shall immediately notify the Ministry of the permit issuance.
4. In cases defined in Article 4(5) of this Law, the Department shall carry out supervision of the observance of the conditions of a conclusion of ecological examination.
5. The Department shall carry out supervision of the observance of permit conditions through selective inspections.

Law of Georgia No 3051 of 4 May 2010 - LHGI, No 26, 20.5.2010, Art. 179

Law of Georgia No 4400 of 11 March 2011 – website, 17.3.2011

Law of Georgia No 4659 of 5 May 2011 – website, 13.5.2011

Law of Georgia No 478 of 25 March 2013 – website, 5.4.2013

Article 20 - Liability for the breach of permit conditions and cancellation of permits

The liability for breaching permit conditions and the procedures for cancellation of permits shall be established by the Law of Georgia on Licences and Permits.



Article 21 - Legal status of persons holding environmental permits or positive conclusions of state ecological examinations for activities under this Law before entry into force of the Law of Georgia on Licences and Permits

Persons who obtained environmental permits or positive conclusions of state ecological examinations for activities under Article 4(1-2) of this Law before the Law of Georgia on Licences and Permits entered into force may, based on an application, require that environment impact permits be issued to them. The Ministry shall be obliged to make a decision to issue permits on the basis of the conclusions of a state ecological examination. In this case, applicants shall be exempted from payment of a permit fee.

Chapter III - Transitional and Final Provisions

Article 22 - Transitional provisions

1. Environmental or environmental impact permits issued before entry of this Law into force for activities that are subject to ecological examination under Article 4(1-2) of this Law shall remain valid and the regulations established by this Law shall apply to them.

2. For the activities under Article 4(1-2) of this Law that are subject to ecological examination and implementation of which started before the Law of Georgia on Environmental Permits entered into force, it shall be required that environmental impact permits be obtained before 1 January 2010 in compliance with the plan (programme) agreed upon with the Ministry.

2¹. For operating non-hazardous waste landfills that started to operate before this Law entered into force, it shall be required that permits be obtained before 1 January 2014.

3. In cases defined in paragraphs 2 and 2¹ of this article, an EIA report submitted to obtain a permit must include an analysis of the current state of the environment (ecological audit) and a plan of measures for mitigation of the environmental impacts caused by the ongoing activities.

Law of Georgia No 1174 of 12 June 2009 – LHGI, No 12, 29.6.2009, Art. 48

Law of Georgia No 4458 of 22 March 2011 – website, 1.4.2011

Law of Georgia No 1980 of 6 February 2014 – website, 17.2.2014

Article 23 - Normative acts to be issued in connection with entry of the Law into force

1. The following subordinate normative acts of the Minister shall be issued before 1 January 2008:

- a) on Environmental Technical Regulations;
- b) on approval of the regulation on Environmental Impact Assessment;
- c) on Regulations for the Special Environmental Impact Council.

2. Before 1 September 2011, the subordinate normative act of the Minister on Approval of the Regulation of the Commission for Reviewing Changes in the Conditions of the Conclusion of Ecological Examination shall be issued.

Law of Georgia No 3780 of 28 October 2010 – LHGI, No 63, 10.11.2010, Art. 407

Law of Georgia No 4400 of 11 March 2011 – website, 17.3.2011

Article 24 – Invalid normative acts

The following shall be declared invalid after this Law enters into force:

- a) the Law of Georgia on Environmental Permits of 15 October 1996 (The Parliament Gazette, No 27-28/4, 21 November 1996, p. 5);
- b) Resolution No 154 by the Government of Georgia of 1 September 2005 (The Legislative Herald of Georgia, No 104, 2.9.2005, Art. 1161) on Approval of the Regulation on the Procedure and Conditions for Issuance of Environmental Impact Permits;
- c) Order No 59 by the Minister for Environment and Natural Resources Protection of Georgia on Approval of the Regulation on Environmental Impact Assessment of 16 May 2002 and the Attached Guidelines for the Trunk Pipeline Projects (The Legislative Herald of Georgia, No 50, 24.5.2002, Art. 470);
- d) Order No 139 by the Minister for Environment and Natural Resources Protection of Georgia on Approval of the Regulations for the Special Environmental Impact Council under the Ministry of Environment and Natural Resources Protection of Georgia of 15 June 2005 (The Legislative Herald of Georgia, No 74, 2005, Art. 791).

Article 25 – Entry into force



This Law shall enter into force on 1 January 2008.

Acting President of Georgia

N. Burjanadze

Tbilisi

14 December 2007

No 5602-ES

