

LAW OF GEORGIA

ON ENVIRONMENTAL PROTECTION

SECTION I

GENERAL PART

Chapter I - General Provisions

Article 1 - Scope of the Law

This Law regulates legal relations in the field of environmental protection and the use of natural resources ('environmental protection') between state bodies and natural and legal persons (regardless of their ownership and organisational and legal form) throughout Georgia, including its territorial waters, airspace, continental shelf and exclusive economic zone.

Article 2 - Legislation in the field of environmental protection

The legislation in the field of environmental protection includes the Constitution of Georgia, the treaties and international agreements of Georgia, this Law and other legislative and subordinate normative acts of Georgia.

Article 3 - Main goals and objectives of the Law

1. The main goals of this Law are to:

- a) determine principles and norms of legal relations in the field of environmental protection;
- b) protect fundamental human rights established by the Constitution of Georgia in the field of environmental protection, in particular the right to live in a healthy environment and the right to enjoy the natural and the cultural environment;
- c) ensure the protection of the environment and the rational use of natural resources by the State, and ensure a healthy environment in accordance with the environmental and economic interests of society and taking into account the interests of present and future generations;
- d) support the preservation of biological diversity and of rare, endemic and endangered species of flora and fauna typical of the country, and support the protection of, and ensure ecological balance within, the marine environment;
- e) preserve and protect natural landscapes and ecosystems;
- f) provide a legal framework for resolving common global and regional issues in the field of environmental protection;
- g) ensure appropriate conditions for the sustainable development of the country.

2. The main objectives of this Law are to:

- a) protect and maintain a safe environment for human health;
- b) provide a legal framework for the protection of the environment from adverse impacts;
- c) ensure the maintenance or the improvement of environmental quality;
- d) ensure an optimum balance between (or a harmonious combination of) the environmental, economic and social interests of society;
- e) provide a legal framework for managing the use of natural resources, taking into consideration the principles of potentials and the sustainable development of the environment;
- f) ensure the efficient functioning of the unified system of regulation of genetically modified living organisms.

Law of Georgia No 2383 of 6 June 2003 – LHG I, No 19, 1.7.2003, Art. 132

Law of Georgia No 2657 of 18 September 2014 – website, 2.10.2014

Article 4 - Definition of basic terms

The following terms have the following meanings for the purposes of this Law, unless otherwise specified herein:



- a) environment - the totality of the natural environment and the human-modified (cultural) environment, which includes interdependent living or non-living, or preserved or human-modified, natural elements, and natural and anthropogenic landscapes;
- b) natural environment - a constituent part of the environment, which includes interdependent natural elements and natural landscapes formed by those elements;
- c) human-modified (cultural) environment - a constituent part of the environment, which includes the human-modified natural environment, modified ecosystems and the combined types of ecosystems, interdependent modified natural elements and anthropogenic landscapes formed by those elements;
- d) environmental protection - a set of administrative, economic, technological, political and legal and public measures, which ensures the maintenance and restoration of natural balance in the environment;
- d¹) field of environmental protection - the field of the protection of ambient air, water, soil, subsoil and biodiversity, the use and reproduction of natural resources, waste regulation, chemical safety, and nuclear and radiation safety;
- d²) environmental information – all kinds of information presented in written, visual, electronic, verbal or any material form on the following matters:
- d².a) the state of environmental components such as the air, atmosphere, water, soil, landscape, natural features, including swamp, seashore and maritime territory, biodiversity and its components, including genetically modified organisms, and the interaction of the components;
- d².b) factors such as energy, noise, radiation, and waste, including radioactive waste, chemicals, emissions and other pollutants that affect, or will likely affect the environmental components specified in paragraph d².a) of this article;
- d².c) efforts (including administrative efforts) such as policy, legislation, plans, programmes, environmental agreements, and activities that affect, or will likely affect the environmental components and factors specified in paragraphs d².a) and d².b) of this article, and the measures and actions that aim to protect these components;
- d².d) reports on the implementation of environmental legislation;
- d².e) cost-utility and other economic analyses and assumptions used within the framework of the efforts and activities specified in paragraph d².c) of this article.
- d².f) human health status and safety, including food chain contamination, human living conditions, the state of cultural sites and the related buildings and structures, to the extent that they are affected, or will likely be affected by the state of the environmental components specified in paragraph d².a) of this article, or by the factors, efforts and activities specified in paragraphs d².b) and d².c) of this article through these components;
- e) natural resources - natural components of the natural environment;
- f) state management of the use of natural resources - the regulation, accounting, licensing, supervision and control of the use of natural resources;
- g) activity - an activity determined by the Law of Georgia on Environmental Impact Permits, which is subject to ecological examination;
- h) operator - a natural or a legal person carrying out an activity;
- h¹) object of regulation - a natural person, a legal person or other organisational formation, a licence/permit holder (including an operator) in the field of environmental protection and the use of natural resources, a state or local self-government body, to whom environmental requirements apply that are provided for by the legislation of Georgia and by the international agreements of Georgia in the field of environmental protection and the use of natural resources;
- i) protected territory - a land area and/or a water area of particular importance in terms of the preservation of biological diversity and natural resources, and cultural phenomena involved in the natural environment, which are protected and managed on a long-term and stable legal basis. Protected territories are created to protect and restore the most important national heritage (unique, rare and distinctive ecosystems, plant and animal species, natural formations and cultural areas) and to ensure their use for scientific, educational or recreational purposes and for the purpose of the development of the saving economy of natural resources;
- j) sustainable development - a system of societal development, which, in consideration of the interests of economic development and environmental protection, ensures the increase of the quality of human life and the right of future generations to enjoy the natural resources and environment that are maximally protected from irreversible qualitative and quantitative changes;
- k) sustainable development principles - principles that are integrated into the final documents of the Rio Declaration on Environment and Development, of the 21st Century Global Sustainable Development Program - Agenda 21, and of the Statement of Forest Conservation, Sustainable Development and Management Principles, adopted by the United Nations Conference on Environment and Development (UNCED), Rio de Janeiro, 1992;
- l) system for the integrated control of environmental pollution – a system regulating environmental pollution, which is based on the integrated control of the pollution of the main components of the environment which are able to accumulate pollution: soil, water and ambient air;
- m) best available technology – environmentally the best, most usable and economically available technology that is most effective in terms of preventing, minimising or transforming adverse impacts on the environment; although being not necessarily widespread, its adoption, implementation and use is possible technically; although not being economically expedient due to its considerably higher cost in order to gain marginal environmental benefits, it is, at the same time, economically available for an operator;
- n) best technique - the best available technology and the methods of its management, organisation, supervision and monitoring, and the means of its



implementation;

o) biodiversity - the variety of living organisms, terrestrial, marine and aquatic ecosystems and ecological complexes, which include diversity within species, between species and of ecosystems;

p) business facility - an object of activity;

q) environmentally friendly products - products produced from environmentally safe raw materials through resource-saving and best available technology and best techniques;

r) cleaner production - a manufacturing process, during which an integrated environmental policy is continuously used;

s) Ministry - the Ministry of Environment and Natural Resources Protection of Georgia;

t) environmental protection management system - a constituent of the business strategy and of the management system of an object of activity, which includes all the aspects of the functioning of the object (including the environmental protection management plan, environmental policy, organisation and personnel, and the registry of environmental standards), directly or indirectly related to the issues of environmental impact;

u) (deleted).

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Law of Georgia No 4398 of 11 March 2011 – website, 17.3.2011

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 680 of 31 May 2013 – website, 18.6.2013

Law of Georgia No 4955 of 13 April 2016 – website, 26.4.2016

Article 5 - Main environmental principles

1. When planning and carrying out activities, state bodies and natural and legal persons (regardless of their ownership and organisational and legal form) shall be guided by the main environmental principles.

2. The main environmental principles are:

a) the risk reduction principle - an operator shall, when planning and carrying out his/her/its activities, take relevant measures to prevent or reduce the risk of an adverse impact on the environment and human health;

b) the sustainability principle - the use of the environment and natural resources in a manner where no danger is posed to the development of society and where the protection of the environment and natural resources from irreversible quantitative and qualitative changes is ensured;

c) the priority principle - an action that may have an adverse impact on the environment and human health may be replaced by another, less risky, though more expensive, action. Priority shall be given to the latter if its value does not exceed the costs of compensation of ecological damage caused by a less expensive action;

d) the user pays principle - an operator pays for the use of natural resources of soil, water, forest, flora and fauna, subsoil and fossils;

e) the polluter pays principle - the obligation of an operator or other natural or legal person to compensate damage caused to the environment;

f) the biological diversity preservation principle - activities shall not cause the irreversible degradation of biodiversity;

g) the waste minimisation principle - in the course of activities, preference is given to such technology as ensures the minimisation of waste;

h) the recycling principle - in the course of activities, preference is given to substances, materials and chemical compounds which can be reused or reprocessed, or biologically degraded, or decomposed safely for the environment;

i) the restitution principle - the environment degraded as a result of activities shall be brought as close as possible to its original state (*restitutio in integrum*);

j) the environmental impact assessment principle - an operator shall, in the process of designing or planning his/her/its activities, take into consideration and assess the possible impact of those activities on the environment in accordance with the procedure established by law;

k) the public participation principle - the participation of the public in the process of making important decisions related to the carrying out of an activity;

l) the information accessibility principle - information on the environmental condition shall be open and available to the public.

Chapter II -Rights and Obligations of Citizens in the Field of Environmental Protection



Article 6 - Rights and obligations of citizens in the field of environmental protection

Citizens shall have the right to:

- a) live in an environment that is harmless and sound for their health;
- b) use the natural environment;
- c) receive complete, objective and timely information on the condition of their working and living environment;
- d) receive environmental protection and ecological education and raise their environmental awareness;
- e) join public environmental protection organisations;
- f) participate in the process of the discussion and making of important decisions in the field of environmental protection;
- g) receive compensation for damage caused to them due to non-compliance with the requirements of the environmental legislation of Georgia;
- h) require, through court proceedings, changes to decisions made on the location, design, construction, reconstruction and operation of environmentally dangerous facilities.

Article 7 - Obligations of citizens in the field of environmental protection

Citizens shall:

- a) comply with the requirements of the environmental legislation of Georgia;
- b) protect the natural and the cultural environment;
- c) be concerned about environmental protection;
- d) in a timely manner, notify relevant competent state bodies, or declare publicly, upon the receipt of information, about potential or actual natural and man-made disasters and other ecological disasters.

SECTION II

MAIN PART

Chapter III - Education and Scientific Research in the Field of Environmental Protection

Article 8 - Education in the field of environmental protection

1. A unified system of environmental education shall be set up in order to raise the environmental awareness of society and train relevant specialists. The system includes a network of educational institutions, personnel training and qualification upgrading institutions.
2. The Legal Entity under Public Law (LEPL) – the Environmental Information and Education Centre (the Centre) shall be set up within the system of the Ministry to support the environmental awareness raising in the society, training, retraining, certification, teaching of relevant specialists and the upgrade of their qualification.

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 4955 of 13 April 2016 – website, 26.4.2016

Article 9 - Teaching the fundamentals about environmental protection

1. A unified system of environmental education includes preschool, primary, basic, secondary, vocational and higher education stages.
2. The acquisition of mandatory minimum knowledge of environmental protection and the rational use of environmental resources shall be ensured by the educational programmes of educational institutions.
3. The teaching of environmental protection management, ecology and other subjects of the environmental profile through special courses shall be established in secondary, vocational and higher education institutions.
4. Issues associated with the management and functioning of the environmental education system shall be defined by the legislation of Georgia.



Article 10 - Scientific research in the field of environmental protection

Scientific research programmes and plans are being developed in the field of ecology and environmental protection for the formation and implementation of state environmental policy and for the fulfilment of the requirements of the environmental legislation of Georgia.

Chapter IV - State Environmental Management

Article 11 - Powers of state bodies in the field of environmental protection

1. The powers of the state authorities of Georgia, of the Autonomous Republics of Abkhazia and Ajara, and the powers of local government bodies in the field of environmental protection, are determined by the Constitution of Georgia, this Law and other legislative and subordinate normative acts.
2. The following fall only within the exclusive competence of the higher state authorities of Georgia in accordance with the Constitution of Georgia:
 - a) the environmental observation system;
 - b) land, fossils and natural resources legislation.

Law of Georgia No 465^a of 30 June 2000 – LHG I, No 27, 17.7.2000, Art. 86

Article 12 - Criteria for the delimitation of powers in the field of environmental protection

The main criteria for the delimitation of powers of the higher state authorities of Georgia, of the autonomous republics and of local government bodies in the field of environmental protection are:

- a) financing sources for environmental measures (the State Budget, the budgets of the autonomous republics and of territorial units);
- b) the importance of natural resources (national or local importance);
- c) the extent of an adverse impact on the environment (cross-border, inter-regional, regional or local importance);
- d) the level of subordination of protected areas.

Article 13 - Powers of the Ministry in the field of environmental protection

The powers of the Ministry shall be to:

- a) implement a state policy in the field of environmental protection;
- b) carry out the state management of environmental protection and of the use of natural resources (except for oil and gas);
- c) exercise state control in the field of environmental protection and the use of natural resources (except for oil and gas);
- c¹) participate in the implementation of state management and control in the field of the use of genetically modified living organisms;
- d) organise the monitoring of environmental pollution;
- e) prepare information on on-going and potential hydrometeorological and geodynamic processes and on the assessment of the geo-ecological condition and the environmental condition in the territory of Georgia, in river basins and reservoirs, in the Black Sea territorial waters and on the continental shelf and within the exclusive economic zone of Georgia;
- f) regulate nuclear and radiation activities;
- g) monitor radiation background in the environment;
- h) develop a state policy for the establishment, operation and management of a system of protected areas, and coordinate and control relevant actions;
- i) monitor biological diversity;
- j) regulate the extraction of the objects of the animal world from the environment for scientific and research purposes;
- k) ensure access to information on environmental protection;
- l) support the raising of environmental education and environmental awareness;
- m) prepare a national report on the environmental condition;
- n) prepare a national environmental protection action programme;



- n¹) issue licences for the use of genetically modified living organisms in a closed system;
- o) issue environmental impact permits;
- p) conduct ecological examinations;
- q) issue permits for the export, import, and re-export and introduction from the sea of the species, their parts and derivatives included in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- q¹) issue a permit for the import, export, re-export and transit of ozone-depleting substances;
- q²) issue a permit for the import, export and transit of waste;
- q³) issue a prior reasoned consent to the import of certain hazardous chemicals;
- r) monitor ozone-depleting substances in the territory of Georgia;
- s) organise measures for the adaptation to and mitigation of climate change;
- t) organise waste management;
- u) perform other functions provided for by the legislation of Georgia.

Law of Georgia No 63 of 9 December 1999 - LHG I, No 47(54), 9.12.1999, Art. 239

Law of Georgia No 465^a of 30 June 2000 – LHG I, No 27, 17.7.2000, Art. 86

Law of Georgia No 487 of 13 July 2000 – LHG I, No 28, 24.7.2000, Art. 88

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Law of Georgia No 4398 of 11 March 2011 – website, 17.3.2011

Law of Georgia No 5289 of 24 November 2011 – website, 5.12.2011

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 2657 of 18 September 2014 – website, 2.10.2014

Law of Georgia No 4955 of 13 April 2016 – website, 26.4.2016

Article 14 - National Report on the Environmental Condition

1. The Minister of Environment and Natural Resources Protection of Georgia shall approve the National Report on the Environmental Condition once in every four years in order to further inform the public.
2. State bodies and legal entities under public law shall provide to the Ministry free of charge the information on the environmental condition that is available to them not later than two months after a request.
3. The Government of Georgia shall determine the procedure for drafting the National Report on the Environmental Condition.
4. The principle of accessibility of the National Report to the public shall be observed by ensuring its publication.
5. The costs related to the publication and dissemination of the National Report shall be financed from the State Budget.

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Law of Georgia No 5289 of 24 November 2011 – website, 5.12.2011

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 1028 of 6 September 2013 - website, 23.9.2013

Law of Georgia No 4955 of 13 April 2016 – website, 26.4.2016

Article 15 - Planning environmental protection

1. A system of environmental protection planning shall be set up in order to ensure environmental protection and sustainable development.
2. The system of environmental protection planning shall include a long-term strategic plan (a sustainable development strategy), a five-year plan (a national environmental protection action programme) and an environmental protection management plan drafted for objects of activity.



3. The national environmental protection action programme shall be based on the sustainable development strategy of the country, which shall be developed by the Ministry together with other interested agencies. The Ministry shall also be responsible for the organisation of the preparation of a draft national environmental protection action programme. The participation of the public in the preparation of a draft sustainable development strategy shall be mandatory.

4. The Parliament of Georgia shall consider and approve a draft sustainable development strategy.

5. a) A national environmental protection action programme is part of the indicative plan of the social and economic development of Georgia.

b) The national environmental protection action programme shall be approved by a decree of the Government of Georgia.

6. Environmental protection action programmes are drafted at regional, local and agency levels.

7. The sustainable development strategy is a strategic plan drafted on the basis of sustainable development principles, which shall ensure the balance between the interests of economic development and the interests of the environmental protection of the country.

8. The procedure and the periodicity of drafting the sustainable development strategy of the country, the national environmental protection action programme, the regional, local and agency-level environmental protection action programmes and environmental protection management plans for objects of activity shall be determined by the legislation of Georgia.

Law of Georgia No 5289 of 24 November 2011 – website, 5.12.2011

Chapter V - Economic Framework in the Field of Environmental Protection

Article 16 - Taxes in the field of environmental protection

1. Taxes on adverse impacts on the environment, on the use of natural resources and other taxes are established in Georgia based on the user pays principle and the polluter pays principle.

2. The structure, and the amount of and the payment procedure for, these taxes shall be established by a law of Georgia in accordance with Article 94 of the Constitution of Georgia.

3. The payment of taxes shall not release the operator from liability for the compensation of damage caused to the environment.

Article 17 - Ecological insurance

1. Ecological insurance is applicable in Georgia, which includes the compulsory ecological insurance of ecological objects of activity which are especially dangerous.

2. Fees received through ecological insurance shall be used for the elimination of the consequences of ecological accidents and disasters and for their prevention.

3. The legal framework of ecological insurance shall be determined by the legislation of Georgia.

Article 18 - Economic incentives for environmental protection

1. The purpose of economic incentives for environmental protection is to support the development and implementation of non-waste, environmentally sound, non-polluting and low-waste best technology and best technique, and the use of secondary raw materials and the implementation of efficient environmental projects, which may be carried out through:

a) advertising environmental protection issues;

b) tax benefits;

c) preferential public loans.

2. The legal framework of economic incentives for environmental protection shall be determined by the legislation of Georgia. Tax benefits may be established only by a law of Georgia.

Article 19 - (Deleted)

Law of Georgia No 63 of 9 December 1999 - LHG I, No 47(54), 9.12.1999, Art. 239

Law of Georgia No 487 of 13 July 2000 – LHG I, No 28, 24.7.2000, Art. 88

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406



Article 20 - Environmental audit

1. An internal environmental audit is the analysis of the compliance by an operator with the requirements of environmental legislation and with environmental standards (including the standards established by the operator) and the analysis of the efficiency of the environmental management system, which includes the whole industrial and technological cycle and which is carried out in order to identify ways and means for the environmental assessment of activities and for the minimisation of losses of used natural resources and of adverse impacts on the environment and waste.
2. An environmental audit shall be conducted at the initiative of an operator, or by a decision of the Ministry, in special cases determined by the legislation of Georgia.
3. Expenses associated with the conduct of environmental audits shall be paid by the Ministry if the environmental audit is conducted on the basis of its decision.
4. Members of the public may request to be familiarised with the results of an environmental audit if this information does not contain any state, commercial or industrial secrets.
5. The procedure for the conduct of environmental audits shall be determined by the legislation of Georgia.

Article 21 - Environmental requirements in the process of privatisation

1. An owner of a privatised business facility shall not be released from the environmental obligations that have been imposed on the former owner of the business facility.
2. Every new owner of a privatised business facility shall compensate for damage caused as a result of activities carried out in violation of the environmental legislation of Georgia before the privatisation of the business facility, unless otherwise provided for by law.
3. Environmental audits may be conducted on the basis of a decision of the Ministry to assess the actual environmental condition at privatised business facilities, to determine the environmental risk of activities and the cost of clean-up and rehabilitation works to be performed.

Chapter VI - (Deleted)

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 22 - (Deleted)

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 23 - (Deleted)

Law of Georgia No 465^a of 30 June 2000 – LHG I, No 27, 17.7.2000, Art. 86

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 24 - (Deleted)

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 25 - (Deleted)

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Chapter VII - Informational Support for Environmental Protection

Article 26 - Accounting, reporting and evaluation of the quality and quantity indices of the environmental condition

1. The accounting, reporting and evaluation of quality and quantity indices of the environmental condition shall include the compiling of cadastres, statistics, inventory, passportisation and the mapping of the environmental condition and natural resources.



2. The Ministry together with the Ministry of Labour, Health and Social Affairs of Georgia, the Ministry of Agriculture of Georgia and other relevant agencies shall, within the scope of its authority, supervise and coordinate the state accounting, reporting and evaluation of the quality and quantity indices of the environmental condition in accordance with the procedure established by the legislation of Georgia.

Law of Georgia No 63 of 9 December 1999 - LHG I, No 47(54), 9.12.1999, Art. 239

Law of Georgia No 487 of 13 July 2000 – LHG I, No 28, 24.7.2000, Art. 88

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 27 - Environmental observation system

1. An environmental observation (monitoring) system is the unity of the analysis of information received through the observation of the environmental condition and prediction analysis.
2. The Ministry shall carry out an overall coordination of the environmental observation (monitoring) system.
3. The results of environmental observation (monitoring) shall be available to the public.
4. The legal framework of an environmental observation (monitoring) system, and of the types of observation (monitoring) within the system and the conduct of the observation (monitoring) of these types shall be defined by the legislation of Georgia.

Article 27¹ – The Centre

1. The goals of the Centre are to:
 - a) collect information on the environmental condition and facilitate access to such information by the public;
 - b) organise courses and teaching to train, retrain, certify and upgrade the qualification of experts in respective fields.
 - c) perform other functions provided for by the legislation of Georgia.
2. The amount of fees for services provided by the Centre shall be established by an ordinance of the Government of Georgia.

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 4955 of 13 April 2016 – website, 26.4.2016

Chapter VIII - Environmental Standards

Article 28 - Environmental standards

The purpose of establishing environmental standards is to determine such standards of the impact of activities on the environment as to ensure the ecological balance of the environment. For this purpose the following standards shall be established:

- a) quality standards of the environmental condition;
- b) threshold limit values of emissions of harmful substances into the environment and environmental pollution with microorganisms;
- c) standards for the use of chemicals in the environment;
- d) environmental requirements for products;
- e) environmental load standards.

Article 29 - Quality standards of the environmental condition

1. The quality standards of the environmental condition are:
 - a) threshold limit values of the number of microorganisms and the concentration of substances harmful to human health and the natural environment in ambient air, water and soil;
 - b) threshold limit values of noise, vibration, electromagnetic fields and other types of physical impacts;
 - c) threshold limit values of radiation effects.



2. The quality standards of the environmental condition shall be determined once in every 5 years by the Regulations on the Quality Standards of the Environmental Condition, which shall be developed and approved by the Ministry of Labour, Health and Social Affairs of Georgia in agreement with the Ministry.

Law of Georgia No 63 of 9 December 1999 - LHG I, No 47(54), 9.12.1999, Art. 239

Law of Georgia No 487 of 13 July 2000 – LHG I, No 28, 24.7.2000, Art. 88

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 30 - Threshold limit values of emissions of harmful substances into the environment and environmental pollution with microorganisms

1. The threshold limit values of emissions of harmful substances into the environment and environmental pollution with microorganisms shall be developed for each specific source of pollution taking into consideration their technological characteristics and the background pollution of the location, so that the concentration of emitted substances and microorganisms on site shall not exceed the threshold limit value of concentration.

2. The threshold limit values of emissions of harmful substances into the environment and environmental pollution with microorganisms shall be determined once in every 5 years by the Regulations on the Threshold Limit Values of Emissions of Harmful Substances into the Environment and Environmental Pollution with Microorganisms, which shall be developed and approved by the Ministry.

3. (Deleted - 25.3.2013, No 469).

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 31 - Standards for the use of chemicals in the environment

1. The standards for the use of mineral fertilisers, plant protection chemicals and growth stimulants and other chemicals in the environment shall be established so as not to endanger human health, flora and fauna, and soil.

2. The standards for the use of chemicals (including plant protection and soil fertilisation chemicals) in the environment and the procedures for the transportation, storage and use of these chemicals (substances) shall be developed and approved by the Minister once in every 5 years by the Regulations on the Standards for the Use of Chemicals in the Environment and on the Procedures for the Transportation, Storage and Use of These Chemicals, in agreement with the Ministry of Labour, Health and Social Affairs of Georgia.

3. A unified state registry of chemical substances shall be compiled for the optimum use and consumption of chemical substances and for the reduction, accounting and control of risks associated with the use of chemical substances. The procedure for the compilation of the registry shall be determined by the legislation of Georgia.

Law of Georgia No 63 of 9 December 1999 - LHG I, No 47(54), 9.12.1999, Art. 239

Law of Georgia No 487 of 13 July 2000 – LHG I, No 28, 24.7.2000, Art. 88

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 32 - Environmental load standards

1. In the process of the use and development of natural ecosystems, landscapes and other areas, the threshold limit values of loading (environmental load standards) shall be established.

2. Environmental load standards include the natural resource use quotas, which shall be determined at the state level based on the principles of sustainable development. The natural resource use quotas for certain types of natural resources shall be determined at regional and local levels.

3. Environmental load standards shall be developed and approved by the Ministry once in every 5 years by the Regulations on Environmental Load Standards.

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 33 - Environmental requirements for products

1. In the process of the production, transportation and storage of consumer goods, the threshold limit values of adverse impacts on human health and the environment shall be taken into consideration.

2. The threshold limit values of the quantity of chemical substances in food products shall be determined according to the procedure established by the legislation of Georgia.

Law of Georgia No 63 of 9 December 1999 - LHG I, No 47(54), 9.12.1999, Art. 239

Law of Georgia No 487 of 13 July 2000 – LHG I, No 28, 24.7.2000, Art. 88



Chapter IX - Environmental Requirements for Waste

Article 34 - Environmental requirements for waste

1. An operator shall ensure waste prevention, collection, recovery and disposal in compliance with environmental, sanitary and hygiene, and epidemiological standards and rules.
2. The disposal and burial of waste provided for by the legislation of Georgia shall be permitted in specially designated places, in compliance with environmental, sanitary and hygiene, and epidemiological standards and rules.
3. Radioactive and other hazardous waste shall be disposed of in specially designated places only in compliance with environmental and sanitary and hygiene standards and rules.
4. No waste may be disposed of in the sea and other water bodies.
5. Issues related to the management, import, export and transit of waste shall be regulated according to the procedure established by the legislation of Georgia.

Law of Georgia No 3000 of 26 December 2014 – website, 12.1.2015

Law of Georgia No 4955 of 13 April 2016 – website, 26.4.2016

Chapter X - Environmental Considerations when Making Decisions on and when Carrying out Activities

Article 35 - Environmental impact permits

1. An environmental impact permit shall be required for carrying out activities in the territory of Georgia to take into account the ecological, social and economic interests of the State and the public and to protect human health, the environment, and cultural and material values.
2. The procedure for the issuance of environmental impact permits shall be determined by the Law of Georgia on Environmental Impact Permits.

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 36 - (Deleted)

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 37 - Environmental impact assessment

1. An environmental impact assessment shall be carried out before the issuance of environmental impact permits for the implementation of activities in order to prevent or reduce adverse environmental impacts.
2. An environmental impact assessment shall determine the potential impacts of activity on the environment, and shall evaluate the ecological, social and economic consequences caused by such impacts.
3. An operator shall include the results of environmental impact assessment in an environmental impact assessment report.

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 38 - (Deleted)

Law of Georgia No 5604 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 406

Article 39 - General environmental requirements in the course of carrying out activities

1. In the course of carrying out activities, the environmental safety and public health protection requirements shall be complied with, and measures for environmental protection, for the rational use of natural resources and environmental restoration, as well as the financial means necessary for the implementation of these measures, shall be taken into consideration.



2. An operator shall:

a) have plans agreed with the relevant state bodies on operative and systematic measures for the prevention of the consequences of man-made accidents and natural disasters, and on actions during accidents and disasters;

b) create and have in readiness a service for dealing with emergencies, which is provided with technical means, and, in a timely manner, notify the relevant state bodies and the population of every potential and actual man-made accident and natural disaster.

3. The legal framework of compliance with these provisions shall be regulated by the legislation of Georgia.

Article 40 - Environmental considerations when putting business facilities into operation

Business facilities may not be put into operation unless the following are ensured:

a) the smooth operation of hazardous waste disposal and neutralisation equipment, and treatment facilities and means of environmental control;

b) the availability of means for the implementation of environmental measures provided for by a project.

Article 41 - Environmental considerations during the liquidation of business facilities

Operators shall comply with the requirements of this Law and other requirements provided for by the legislation of Georgia during the partial or complete liquidation of business facilities.

Chapter XI - Environmental Emergencies

Article 42 - Emergencies during ecological disasters

1. During ecological disasters, a state of emergency shall be declared in the whole territory of the country or in certain parts of it.

2. In the territory where a state of emergency is declared, an environmental emergency zone or an ecological disaster zone shall be created.

Article 43 - Environmental emergency zone

1. The territory where the environmental condition worsens and human health and flora and fauna are endangered due to an activity or a natural disaster shall be declared an environmental emergency zone.

2. Environmental emergency zones shall be declared and cancelled by the President of Georgia.

3. The regime for an environmental emergency zone shall be determined by the legislation of Georgia.

Article 44 - Ecological disaster zone

1. The territory where ecological balance is disturbed and human health endangered, due to an activity, an accident, a catastrophe or a natural disaster, shall be declared an ecological disaster zone.

2. Ecological disaster zones shall be declared and cancelled by the President of Georgia.

3. The regime for an ecological disaster zone shall be determined by the legislation of Georgia.

Chapter XII - Protection of Natural Ecosystems

Article 45 - Purpose of the protection of natural ecosystems

1. Natural ecosystems, landscapes and areas shall be protected from pollution, disturbance, damage, degradation, depletion and decomposition.

2. The following shall be subject to protection:

a) sea coastlines;

b) bogs, well springs, water reservoirs, sources of rivers, glaciers, caves;



- c) subalpine forests and groves;
- d) high conservation value forests;
- e) Green Zone Forests;
- f) sanitary protection zones and areas.

3. Any activity associated with the use and management of natural ecosystems, landscapes and areas, and the regime of their management, shall be implemented in consideration of environmental standards and requirements.

4. Issues of the use and management of natural ecosystems, landscapes and areas (including land-use planning and zoning) shall be defined by the legislation of Georgia.

Article 46 - Protection of wildlife

1. Taking wildlife resources from the wild is strictly limited and shall be subject to licensing for the purpose of their self-reproduction and the maintenance of biodiversity.
2. Any action that may cause damage to wildlife, habitats, breeding areas and migration routes shall be prohibited.
3. The procedure for the protection and use of wildlife in Georgia shall be determined by the legislation of Georgia.

Article 47 - Protection of endangered wildlife

1. Endangered wild animals and wild plants shall be registered in the Red Book and the Red List of Georgia.
2. (Deleted - 8.11.2011, No 5201).
3. The procedure for the compilation of the Red Book and the Red List of Georgia shall be determined by the legislation of Georgia.

Law of Georgia No 2383 of 6 June 2003 – LHG I, No 19, 1.7.2003, Art. 132

Law of Georgia No 5201 of 8 November 2011 – website, 14.11.2011

Chapter XIII - Protected Territories

Article 48 - Purpose of the creation of the system of protected territories

The formation of the system of protected territories shall serve the protection and preservation of the original natural and cultural environment and its individual components.

Article 49 - Categories of protected territories

1. The following are the categories of protected territories: state reserve, national park, natural monument, managed reserve, protected landscape, multiple use area.
2. The existence of the categories included in the International Network of Protected Areas (a biosphere reserve, a world heritage site, a high humidity area of international importance) shall be permitted in Georgia.
3. Protected territories shall be created by a decision of the Parliament of Georgia.
4. Protected territories shall be managed in accordance with the Law of Georgia on the System of Protected Territories.

Chapter XIV - Global and Regional Management of Environmental Protection

Article 50 - Provision of a legal framework for solving global and regional problems of environmental protection

State authorities, natural and legal persons (regardless of their ownership and organizational and legal form) shall, within the scope of their authority and international obligations undertaken by Georgia, implement additional measures for solving global and regional environmental problems throughout the territory of Georgia.



Article 51 - Protection of the climate from global changes

1. In order to protect the climate from global changes, an operator shall comply with the standards of the emission of greenhouse gases into the atmosphere and take measures for their reduction.
2. The emission of greenhouse gases shall be regulated on the basis of the system of the integrated control of environmental pollution.
3. A legal framework for the protection of the climate from global changes within the jurisdiction of Georgia shall be established by the legislation of Georgia.

Article 52 - Protection of the ozone layer

1. An operator shall reduce or terminate the production or use of chemical agents (substances) that affect and decompose the earth's ozone layer.
2. Products containing such chemical substances may be imported into Georgia only with a special permit.
3. A legal framework for the protection of the ozone layer within the jurisdiction of Georgia shall be established by the legislation of Georgia.

Article 53 - Protection of biodiversity

1. No activity shall be permitted which causes irreversible quantity and/or quality changes to biodiversity and its degradation.
2. A legal framework for the protection of biodiversity in Georgia shall be established by the legislation of Georgia.

Article 54 - Protection of the Black Sea from pollution

1. Each operator shall, for the protection and preservation of the environment of the Black Sea, implement measures that will ensure the prevention, prohibition, reduction and control of the pollution of the seas with hazardous substances and materials from land-based pollution sources, from vessels, due to activities on the continental shelf, during the carriage of transboundary cargo, from the atmosphere, due to the discharge of waste waters and the burial of waste at sea.
2. A legal framework for the protection of the Black Sea from pollution within the jurisdiction of Georgia shall be established by the legislation of Georgia.

Chapter XV - International Cooperation in the Field of Environmental Protection

Article 55 - International cooperation in the field of environmental protection

Georgia shall, under the procedure established by legislation, sign, ratify, denounce or join those treaties and international agreements which regulate the relations of Georgia in the field of environmental protection with other states, unions of states, and other international organisations.

Article 56 - Treaties and international agreements in the field of environmental protection

The treaties or international agreements of Georgia shall take precedence over domestic normative acts, unless they contradict the Constitution of Georgia.

Chapter XVI - State Control in the Field of Environmental Protection and Use of Natural Resources

Law of Georgia No 4653 of 5 May 2011 – website, 13.5.2011

Article 57 - State control

1. State control in the field of environmental protection and use of natural resources (except for oil and gas), within the powers granted by the legislation of Georgia, shall be exercised by the Ministry, by the state subordinate agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Department of Environmental Supervision ('the Department'), and by the following legal entities under public law within the system of the Ministry: the National Forestry Agency, the Agency of Protected Areas, and the Nuclear and Radiation Safety Agency.
2. In order to ensure the exercise of state control in the field of the environmental protection and the use of natural resources, the Department shall carry out inspections that include:



a) planned or unplanned inspections;

b) examinations.

3. The basis for the conduct of an inspection of an object of regulation shall be an individual administrative act issued by the Minister of Environment and Natural Resources Protection of Georgia, or the head of the Department (or an authorised person from the Department) according to the procedure established by the legislation of Georgia. Appealing such act shall not result in the suspension of the inspection of an object of regulation. The examination of an object of regulation shall not require the issuance of an individual administrative act.

4. The periods of the conduct of an inspection in the border line shall be agreed with the Border Police of Georgia, a state subordinate agency of the Ministry of Internal Affairs of Georgia.

5. The Department shall be authorised to:

a) carry out, without hindrance and at any time during the day and night, the examination of the places of extraction or primary processing of natural resources, including in the border line, on the basis of a preliminary agreement with the Border Police of Georgia, in order to use natural resources, to establish the compliance of natural resources with the documents confirming their origin or legality during transportation, to examine the extracted natural resources and the applied tools and means, and to identify illegally extracted natural resources; in the case of the existence of data on other offences falling within its authority, in order to control the compliance with the requirements of the legislation of Georgia, stop individuals, and means of transportation, including floating crafts, and require from citizens the presentation of their identity documents, and the documents of means of transportation and of natural resources placed in them, as defined by the legislation of Georgia, and conduct a visual inspection of the means of transportation, including the items and objects placed in them, and conduct a personal inspection. In the case of the disobedience of a person (including a person who drives the means of transportation), an authorised employee of the Department may use coercive measures in accordance with the procedure established by the legislation of Georgia;

b) exercise other powers provided for by the legislation of Georgia.

6. When inspecting or examining an object of regulation, the Department shall suspend the activities of the object of regulation (including floating crafts and/or the functioning of its technical means), only for a reasonable period of time, and only for the part of the activities which are necessary for the control of compliance with the requirements of the legislation of Georgia in the field of environmental protection and the use of natural resources, and shall, under the established procedures, take the responsive measures provided for by the legislation of Georgia.

7. If the activities of an object of regulation are carried out illegally in the field of environmental protection and the use of natural resources and/or if the activities may pose an immediate and direct threat to national security, human life or health and/or evidence, the Department may temporarily suspend the activities of the object of regulation in that part (and, if necessary, lock a facility, equipment, unit, device) and immediately file an appropriate motion with a court in accordance with the procedure established by the legislation of Georgia. When filing a motion, the Department shall substantiate the urgency of the suspension of the activities of an object of regulation. If it is impossible to suspend the activities of the object of regulation, or this causes significant damage to the object of regulation, the Department may, within 24 hours after these grounds are identified, file an appropriate motion with a court in accordance with the procedure established by the legislation of Georgia.

8. Other requirements and procedures for state control by the Department in the field of environmental protection and the use of natural resources shall be defined by the Procedure for the Exercise of State Control by the State Subordinate Agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Department of Environmental Supervision.

9. Expenses for the performance of laboratory measurements and tests, on the basis of which the violation of the requirements of the legislation of Georgia in the field of environmental protection and use of natural resources has been proven, shall be paid by the violating object of regulation (except for a budgetary organisation).

10. An authorised person of the Department may apply a service firearm, physical force and special remedies in the cases provided for by the Law of Georgia on Police. When using firearms in the border zone and border line, he/she shall be guided by Ordinance of the Government of Georgia on Approval of the Procedures for the Regime and Protection of the State Border.

Law of Georgia No 3049 of 4 May 2010 - LHG I, No 26, 20.5.2010, Art. 177

Law of Georgia No 4398 of 11 March 2011 – website, 17.3.2011

Law of Georgia No 4653 of 5 May 2011 – website, 13.5.2011

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 680 of 31 May 2013 – website, 18.6.2013

Law of Georgia No 4489 of 11 November 2015 – website, 24.11.2015

Law of Georgia No 4955 of 13 April 2016 – website, 26.4.2016

SECTION II¹

LIABILITY FOR ENVIRONMENTAL DAMAGE AND COMPENSATION OF DAMAGE

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Chapter XVI¹ - Imposition of Liability for Environmental Damage



Article 57¹ - Liability for violation of the legislation of Georgia in the field of environmental protection and the use of natural resources

1. Liability for violation of the legislation of Georgia in the field of environmental protection and use of natural resources shall be determined by the legislation of Georgia.
2. The imposition of liability shall not release an offender from the obligation to compensate for damage caused to the environment in the established amount and manner.

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Article 57² - Limitation period of claims for the compensation of environmental damage

1. The limitation period of a claim for the compensation of environmental damage shall be 10 years from the moment when the right to a claim arises.
2. The right to claim for compensation for environmental damage shall arise from the moment when the body exercising state control in the field of environmental protection and the use of natural resources ('controlling body') has knowledge of the environmental damage and of a person responsible ('responsible person') for compensating for the environmental damage.

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Article 57³ - (Deleted)

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Chapter XVI² - (Deleted)

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 57⁴ - (Deleted)

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 57⁵ - (Deleted)

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 57⁶ - (Deleted)

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 57⁷ - (Deleted)

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013



Article 57⁸ - (Deleted)

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 57⁹ - (Deleted)

Law of Georgia No 5640 of 27 December 2011 – website, 12.1.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

SECTION II² (Deleted)

Law of Georgia No 5916 of 20 March 2012 – website, 30.3.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Chapter XVI³ - (Deleted)

Law of Georgia No 5916 of 20 March 2012 – website, 30.3.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 57¹⁰ - (Deleted)

Law of Georgia No 5916 of 20 March 2012 – website, 30.3.2012

Decision No 2/1/524 of the Constitutional Court of Georgia of 10 April 2013 - website, 19.4.2013

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 57¹¹ - (Deleted)

Law of Georgia No 5916 of 20 March 2012 – website, 30.3.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 57¹² - (Deleted)

Law of Georgia No 5916 of 20 March 2012 – website, 30.3.2012

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

SECTION III

TRANSITIONAL AND FINAL PARTS

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Chapter XVII – Transitional and Final Provisions

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Article 58 - Normative acts of Georgia to be repealed upon the entry into force of the Law of Georgia on Environmental Protection



The Law of the Georgian SSR on Environmental Protection of 28 November 1958 (Gazette of the Supreme Council of the Georgian SSR, 1958, No 5, Art. 1) and subordinate normative acts adopted on its basis shall be repealed upon the entry into force of the Law of Georgia on Environmental Protection.

Article 58¹ - Normative acts to be adopted (issued) in relation to this Law

In relation to this law:

a) an ordinance of the Government of Georgia on the Procedure for the exercise of state control by the state subordinate agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Department of Environmental Supervision shall be adopted within one month after the entry into force of this article;

b) the following subordinate normative acts of the Ministry of Environment and Natural Resources Protection of Georgia shall be issued within six months after the entry into force of this article:

b.a) on the approval of environmental damage determination (estimation) methods;

b.b) on the approval of the logo, the special clothing (uniforms) with insignia for employees, the workplace ID card, and the seal samples of the state subordinate agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Department of Environmental Supervision;

b.c) on the approval of the forms of documents necessary for the conduct of administrative proceedings by the state subordinate agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Department of Environmental Supervision and of the general procedure for their completion;

b.d) on the approval of the procedure and deadlines for the submission of a report on compliance with licence conditions by a holder of a licence for the use of natural resources;

b.e) on the approval of the list of service firearms, special remedies and ammunition in the arsenal of the state subordinate agency of the Ministry of Environment and Natural Resources Protection of Georgia called the Department of Environmental Supervision.

Law of Georgia No 469 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 680 of 31 May 2013 – website, 18.6.2013

Article 59 - Time of entry into force of the Law of Georgia on Environmental Protection

The Law of Georgia on Environmental Protection shall enter into force upon its promulgation.

President of Georgia

Eduard Shevardnadze

Tbilisi

10 December 1996

No 519_IS

