

# LAW OF GEORGIA ON INDUSTRIAL EMISSIONS

## Chapter I – General Provisions

### Article 1 – Purpose and scope of the Law

1. The purpose of this Law is to prevent emissions from industrial activities into the atmosphere, water, and soil or where this is practically impossible, to reduce and control them, as well as to prevent waste generation.
2. This Law determines the procedure and terms for issuing an integrated environmental permit for industrial activities causing pollution and for controlling the fulfilment of these terms. It also determines the rights and duties of state bodies and natural/legal persons.
3. This Law shall apply to industrial activities causing pollution as specified in Annex I of this Law, and to combustion installations and waste incineration and co-incineration plants.
4. This Law shall not apply to scientific research activities.

### Article 2 – Definition of terms

For the purposes of this Law, the terms used herein have the following meanings:

- a) pollution – a direct or indirect emission of harmful substances, vibration, heat, or noise into the atmosphere, water, or soil as a result of activities that may damage human health, the environment, or property, and restrict the accessibility to the component elements of the environment;
- b) a performer of the activity – a person who either desires to or engages in an activity as specified in Annex I of this Law;
- c) quality standards of environmental condition – environmental standards determined by the legislation of Georgia;
- d) general mandatory rules – emission limit values and other conditions at a sectoral level which may be applied directly to specify integrated environmental permit conditions;
- e) substance – any chemical element and the compounds thereof, except for radioactive substances and genetically modified live organisms;
- f) hazardous substance – a relevant substance and/or compound determined by the legislation of Georgia;
- g) monitoring – the measurement, observation, and analysis of the qualitative condition of the component elements of the environment (soil, water, air);
- h) emission – a direct or indirect emission of substances, vibrations, heat, or noise from a stationary or dispersive source into the atmosphere, water, or soil;
- i) stationary source – an identified place of pollution from where pollutants emit into the environment in the form of organised flow;
- j) dispersive source – an area of pollution from where pollutants emit into the environment in the form of unorganised flow;
- k) emission limit values – the mass, concentration and/or emission level expressed in certain parameters that should not be exceeded in a certain period or time;
- l) the public – one or more natural or legal persons, as well as other organisational forms as specified by the legislation of Georgia that are not legal persons;
- m) the public concerned – the public interested in a decision on issuing an integrated environmental permit or updating the terms thereof, or which is or may be influenced by this decision, as well as a non-entrepreneurial (non-commercial) legal entity registered under the procedure established by the legislation of Georgia whose activities are aimed at promoting the protection of the environment in the country;
- n) integrated environmental permit – an act issued subject to Article 17 of this Law which is a mandatory precondition for activities subject to an integrated environmental permit, and which is based on opinions on the best available technique (if any) and which takes into account the environmental impact, as a whole, including emissions into the atmosphere, water and soil, waste generation, use of raw materials, energy efficiency, noise, prevention of accidents, monitoring, and restoration/remediation measures of the place of activity after terminating the activity;
- o) an activity subject to an integrated environmental permit – one or more activities listed in Annex I of this Law or an activity directly related to them (including technically related activities) carried out at the same place, which may cause emissions or pollution;
- p) person – a person provided for by the Law of Georgia on Licences and Permits;
- q) installation – a stationary technical unit through which the activity subject to an integrated environmental permit is carried out;
- r) essential change – a change of technological and operational conditions, an extension (including an increase) which may have a significant adverse impact on human health and the environment. The duplication of limits referred to in Annex I of this Law shall also be deemed an essential change;



- s) best available techniques – the most efficient and advanced stage in the development of activities and the methods of their implementation, allowing for the definition of integrated environmental permit conditions (emission limit values, etc.) aimed at preventing emissions and environmental impacts in general, or reducing them if this is not technically possible;
- t) technology – the technologies employed, as well as methods for the design, construction, maintenance, operation, and decommissioning of facilities;
- u) available technique – a technique developed at scale that allows its use in the relevant industrial sector, taking into account a cost-benefit analysis, regardless of whether such technique is used or elaborated in Georgia. In addition, where appropriate, this technique should be economically and technically available to the performer of the activity;
- v) the best – most effective in terms of environmental protection;
- w) best available techniques guidance document – a document developed on the basis of information exchanged by the European Commission for a specified activity and describing the techniques used, current emissions and consumption levels, methods for determining the best available techniques and opinions on them, as well as any new techniques, taking into account the criteria listed in Annex III of this Law;
- x) opinions on the best available technique – a document approved by the Government of Georgia that covers the parts of the best available techniques guidance document where there are given opinions, a description, the possibility of application, emissions, and application levels of the best available technique, and, as needed, appropriate measures for remediation of the place of activity;
- y) emission levels of the best available technique – the range of emission levels obtained under normal operating conditions using the best available technique or a combination of the best available techniques expressed as an average over a given period, under specified reference conditions;
- z) innovative technique – a technique intended for industrial activities which in the case of commercial development may ensure a higher or, at least, the same level of environmental protection and better cost saving than the existing best available technique;
- z<sup>1</sup>) baseline report – information on the pollution of soil and groundwater with hazardous substances;
- z<sup>2</sup>) environmental inspection – on-the-spot inspection, examination and appropriate response to an activity;
- z<sup>3</sup>) fuel – any solid, liquid or gaseous fuel material;
- z<sup>4</sup>) combustion plant – any technical equipment in which fuel is oxidised in order to utilise the heat produced;
- z<sup>5</sup>) waste incineration plant – a stationary or mobile technical structure or equipment designed for thermal treatment of waste, with or without recovery of the released combustion heat, by incineration of waste through incineration (oxidation) of waste or through other thermal treatment processes such as pyrolysis, gasification or plasma treatment, provided that the substances resulting from the treatment are incinerated;
- z<sup>6</sup>) waste co-incineration plant – a stationary or mobile technical structure or equipment, primarily designed to generate energy or manufacture material products, that uses waste as a basic or supplementary fuel, or in which waste is thermally treated for disposal through incineration by corrosion (oxidation), or other thermal treatment processes, such as pyrolysis, gasification or plasma processing, provided that the substances resulting from the treatment are incinerated;
- z<sup>7</sup>) the Ministry – the Ministry of Environmental Protection and Agriculture of Georgia;
- z<sup>8</sup>) the Minister – the Minister of Environmental Protection and Agriculture of Georgia;
- z<sup>9</sup>) the Agency – the Legal Entity under Public Law called the National Environmental Agency operating within the system of the Ministry of Environmental Protection and Agriculture of Georgia;
- z<sup>10</sup>) the Head of the Agency – the Head of the National Environmental Agency operating within the system of the Ministry of Environmental Protection and Agriculture of Georgia;
- z<sup>11</sup>) the Centre – the Legal Entity under Public Law called the Environmental Information and Education Centre within the system of the Ministry of Environmental Protection and Agriculture of Georgia;
- z<sup>12</sup>) the Department – the State Sub-Agency of the Ministry represented by the Environmental Supervision Department;
- z<sup>13</sup>) scoping – a procedure determining the list of necessary studies and information to be obtained/studied for an integrated environmental permit application and the preparation of an environmental impact assessment report, and the means for including this information in the said application and the environmental impact assessment report.

### **Article 3 – Competent authorities and their powers in the prevention and control of industrial emissions**

Competent authorities and their powers in the prevention and control of industrial emissions include:

- a) the Ministry – responsible for implementing state policy;
- b) the Agency – tasked with issuing, revoking, and modifying integrated environmental permit conditions, along with addressing related issues;
- c) the Centre – responsible for ensuring the participation of the concerned public in the decision-making process, as stipulated by this Law. It also ensures accessibility to relevant information and conducts public reviews;
- d) the Department – responsible for the implementation of state control.



#### **Article 4 – Principles of activities subject to an integrated environmental permit**

1. Activities covered by an integrated environmental permit cannot be carried out without an integrated environmental permit.
2. If the activities covered by the integrated environmental permit require a license/permit under Georgian legislation and/or the completion of any stage of such license/permit, the license/permit may only come into force and/or the relevant stage of such license/permit may be completed after obtaining the integrated environmental permit.
3. A licence/permit stipulated by the legislation of Georgia may not impose terms that conflict with those of an integrated environmental permit. If licence/permit conditions do not comply with integrated environmental permit conditions, the integrated environmental permit conditions shall take precedence.
4. Activities subject to an integrated environmental permit shall be carried out in compliance with the following principles:
  - a) the implementation of all appropriate preventive measures against pollution;
  - b) the application of the best available techniques;
  - c) the prevention of the causes of significant pollution;
  - d) waste management in accordance with the waste management hierarchy determined by the legislation of Georgia;
  - e) effective energy use;
  - f) the implementation of necessary measures to prevent the further propagation of accidents and other possible incidents/accidents;
  - g) the implementation of necessary measures and the restoration of the place of activity in the case of terminating the activity to prevent any risk of pollution, in accordance with Article 22 of this Law.

#### **Article 5 – Opinions on the best available techniques**

1. Opinions on the best available techniques shall be approved by a normative act of the Government of Georgia, upon the recommendation of the Ministry. These opinions shall be based on the relevant opinions approved by the European Commission.
2. Integrated environmental permit conditions shall be determined based on the best available techniques.
3. If the opinions on the best available techniques do not provide for the activity or production process and/or all possible environmental impacts of the activity or a separate production process, the conditions of the integrated environmental permit shall be determined based on the best available techniques, taking into account the criteria defined in Annex III to this Law and with prior notification to the performer of the activity.
4. If the integrated environmental permit conditions are determined based on the best available techniques not described in the opinions on the best available techniques, such techniques shall be determined taking into account the criteria determined by Annex III of this Law and in compliance with the requirements of Article 6 of this Law.
5. If opinions on the best available techniques do not provide for emission levels, the Agency shall specify in the integrated environmental permit conditions that the techniques should satisfy the environmental level of the best available techniques described in the opinions on the best available techniques.

#### **Article 6 – Emission limit values**

1. The emission limit values determined in an integrated environmental permit shall be based on opinions on the best available techniques without requiring the application of any specific technique or technology.
2. The emission limit values for polluting substances determined by Annex II of this Law shall be set by an integrated environmental permit.
3. The emission limit values and special rules for combustion plants, waste incineration, and co-incineration plants, as well as for activities using organic solvents, shall be set by an ordinance of the Government of Georgia.
4. The emission limit values set for activities in an integrated environmental permit shall not exceed the emission limit values related to the best available techniques, except for the case provided for in Article 7 of this Law.
5. The emission limit values, as determined in an integrated environmental permit, shall be set for the point at which the emissions enter the environment. When setting these emission limit values, the dilution of substances before reaching this point shall not be considered.
6. The Agency shall be authorised to further supplement or replace emission limit values with equivalent parameters or technical measures that ensure the equivalent level of environmental protection.
7. If the quality standards of environmental conditions require more stringent conditions than those attainable through the introduction/application of the best available techniques, the Agency shall be authorised to define additional measures by means of an integrated environmental permit that may contain more stringent conditions.

#### **Article 7 – Derogation from emission limit values**

1. The Agency has the authority to determine less stringent emission limit values only when a cost-benefit analysis and/or another economic analysis show that the attainment of emission level values related to the best available techniques, as described in opinions on the best available techniques, results in disproportionately higher costs compared to the environmental benefit for the following reasons:



- a) the geographic location of the activities or local environmental conditions;
  - b) the technical characteristics of the activities.
2. The Agency shall review the documentation provided for by paragraph 1 of this article and make a relevant decision.
3. Paragraph 1 of this article shall be applicable when there is no significant negative impact on human health and the environment.
4. Paragraph 1 of this article shall not apply to combustion plants, waste incineration and co-incineration plants, nor to activities using organic solvents.
5. While amending the integrated environmental permit under Article 19(1) of this Law, the Agency shall periodically assess/revise the emission limit values established in accordance with paragraph 1 of this article.
6. For the purposes of activities covered by the integrated environmental permit, in the case of testing/applying innovative techniques, the Agency shall be authorised to allow the integrated environmental permit holder to derogate from the requirements determined by Article 4(4)(a) and (b), Article 6(1) and (4) of this Law and paragraph 7 of this article. In addition, the entire period of testing/application of innovative techniques shall not exceed 9 (nine) months. After the expiry of this period, the integrated environmental permit holder is obliged to comply with the emission level values or to stop the testing/application of the said technique.
7. The Agency shall be authorised to determine emission limit values that may differ from the limit values referred to in Article 6(4) of this Law in terms of values, time periods, and standard conditions. In such cases, the Agency shall evaluate emission monitoring results at least once a year to ensure that, under normal operating conditions, emissions do not exceed emission levels related to the best available techniques.

### **Article 8 – Baseline report**

1. The obligation to submit a baseline report applies to activities involving the use, production, or emission of hazardous substances into the environment.
2. A baseline report shall cover:
- a) information on the use of the place of activities and if available, its past use;
  - b) information on study results conducted on soils and groundwater indicating their condition at the time of report preparation and/or information on new study results pertaining to potential soil and groundwater pollution resulting from the activity, if available;
  - c) GIS (Geographic Information System) coordinates (with a shp file) indicating the source(s) of pollution.

### **Article 9 – General mandatory rules**

1. The Government of Georgia shall be authorised to establish general mandatory rules for some categories of equipment, combustion plants, waste incineration and co-incineration plants that ensure an integrated approach and a level of environmental protection equivalent to that achievable through integrated environmental permit conditions.
2. General mandatory rules shall be based on the best available techniques without indicating a specific technology or technique, to ensure their compliance with Articles 5 and 6 of this Law.
3. General mandatory rules shall be periodically updated to align with the development of the best available techniques and to ensure compliance with Article 19 of this Law. General mandatory rules shall be periodically updated to align with advancements in the best available techniques and to ensure compliance with Article 19 of this Law

### **Article 10 – Prevention of incidents/accidents and mitigation of consequences**

1. In the case of any incident/accident that has an impact on the environment, the performer of the activity is obliged to:
- a) immediately notify the Department and deliver appropriate information through the hot line of the Ministry;
  - b) immediately take necessary measures to prevent further escalation of incidents/accidents and to prevent other possible incidents/accidents.
2. The Department shall be authorised to request from a performer of the activity to take additional measures to reduce the environmental impact and prevent possible incidents/accidents.
3. In the case of environmental damage, issues related to the rectification of the environmental damage and any relevant liability shall be regulated by the Law of Georgia on Environmental Liability and subordinate normative acts issued on its basis.

## **Chapter II – Integrated Environmental Permit**

### **Article 11 – Issuance of an integrated environmental permit**

1. For an activity subject to an integrated environmental permit that is not subject to the environmental impact assessment provided for by the Environmental Impact Assessment Code, as well as an activity for which an environmental decision is made, an integrated environmental permit shall be issued in accordance with Articles 13 to 17 of this Law.
2. For an activity subject to an integrated environmental permit that is also subject to the environmental impact assessment provided for by the Environmental Impact Assessment Code, an integrated environmental permit shall be



issued in accordance with procedures established by Articles 12 to 17 of this Law, and the environmental decision/conditions determined on the basis of the environmental impact assessment shall be included in the integrated environmental permit in the form of an annex.

3. A performer of the activity shall be authorised to submit to the Agency an application on the issuance of a scoping opinion for the activity subject to an integrated environmental permit, that is subject to the screening procedure provided for by the Environmental Assessment Code, without passing through the stage of the screening procedure, under the procedure established by Article 12 of this Law. In such a case, the integrated environmental permit shall be issued in accordance with paragraph 2 of this article.

### **Article 12 – Scoping procedure for the issuance of an integrated environmental permit**

1. A performer of the activity is obliged to submit an application to the Agency for the issuance of a scoping opinion at the earliest possible stage of planning the activity and a scoping report prepared in accordance with Article 8 of the Environmental Assessment Code. The scoping application shall cover general information on the issues provided for by Article 13(2)(a) to (k) of this Law. The scoping opinion shall determine the list of studies and information to be obtained/studied for an integrated environmental permit application and for preparing an environmental impact report. The guideline document on Environmental Impact Assessment may be used when issuing a scoping opinion.

2. The Agency shall forward an application for the issuance of a scoping opinion to the Centre within one working day of registration. The Centre is responsible for ensuring, within four working days of receiving the application, the posting of information on this application and the public review on the notice board of the executive body and/or the representative body of the respective municipality. Additionally, the application and its accompanying documents shall be published on the environmental informational portal. Upon request, printed or electronic copies shall be made available in accordance with the procedures established by the legislation of Georgia.

3. In the case of expedited administrative proceedings initiated for the issuance of a scoping opinion, the Agency shall promptly submit the scoping opinion application to the Centre upon its registration. Within one working day of receiving the application, the Centre shall ensure the posting of the application and scoping report on the environmental informational portal and the notice board of the executive body and/or the representative body of the respective municipality. Upon request, printed or electronic copies shall be made available in accordance with the procedures established by the legislation of Georgia.

4. When providing an expedited service, in the case of administrative proceedings, a scoping opinion application shall be accompanied by a document confirming the payment of an expedited service fee. The amount of the expedited service fee shall not exceed GEL 5,000.

5. The Agency shall review the scoping opinion application and the scoping report application under the procedure established by this article and shall issue a scoping opinion under the procedure established by Chapter IX of the General Administrative Code of Georgia. In the case of non-compliance with the procedure established by Chapter IX of the General Administrative Code of Georgia, the norms established by this Law shall apply.

6. Within 15 working days of making the scoping opinion application publicly available under the procedure established by paragraphs 2 and 3 of this article, the public shall have the right to submit opinions and comments to the Agency regarding the application and the scoping report in accordance with the procedure established by Article 16(6)(a) and (c) of this Law. When issuing the scoping opinion, the Agency shall review these opinions and comments, and, if there are appropriate grounds, take them into account.

7. Not earlier than 10 working days and not later than 15 working days after making the scoping opinion application publicly available, under the procedure established by paragraphs 2 and 3 of this article, the Centre shall ensure and be responsible for organising and holding a public review of the scoping report and shall cover expenses associated with organising the public review of the scoping report, including the publication of information regarding the review. The Centre shall manage the procedure for the public review of the scoping report, and an authorized representative of the Centre shall draw up a protocol for the public review of the scoping report and the Centre shall be responsible for its correctness. Information on the public review of the scoping report shall be published no later than 10 working days prior to the public review.

8. If the activity is planned to be carried out within the administrative boundaries of a self-governing community, a public review shall be held in the building of the appropriate administrative body located closest to the place where the planned activity is to be carried out or in the territory adjacent to the building; or if the activity is planned to be carried out within the administrative boundaries of a self-governing city, a public review shall be held in the building of the appropriate administrative body determined by the Centre or in territory adjacent to the building, except for the case provided for by Article 16(11) of this Law. Public reviews shall be open and every member of the public shall have the right to participate in them.

9. Not earlier than the 26<sup>th</sup> working day and not later than the 30<sup>th</sup> day after registration of the application for the issuance of the scoping opinion, the Agency shall issue the scoping opinion which will be approved by an individual administrative act of the Agency.

10. When administrative proceedings are commenced for the purpose of issuing a scoping opinion in an expedited manner, not earlier than the 21<sup>st</sup> working day after registration of the scoping opinion application, the Agency shall issue



the scoping opinion which will be approved by an individual administrative act of the Agency.

11. Before approving the scoping opinion, the Agency shall ensure the participation of the Ministry of Culture and Sports of Georgia, within the scope of its competence, as another administrative body, in the administrative proceedings under the procedure established by Article 84 of the General Administrative Code of Georgia.

12. The scoping opinion issued by the Agency shall be mandatory for the performer of the activity to obtain an integrated environmental permit and prepare an environmental impact assessment report.

13. If, within three years after approving the scoping opinion, the performer of the activity fails to obtain an integrated environmental permit in accordance with the procedure provided for by this Law, the individual administrative act of the Agency approving the scoping opinion shall be declared invalid.

14. If there are grounds provided for by Article 18 of this Law, the Agency is authorised to make a decision to refuse the performance of the activity.

15. Within one working day after completing the scoping procedure, the Agency shall send the scoping opinion application, the scoping report, the scoping opinion, and/or the decision to refuse the performance of the activity to the Centre. Within four working days, the Centre shall ensure the posting of this documentation on the environmental informational portal and the notice board of the executive body and/or the representative body of a respective municipality, and upon request, the availability of its printed copies under the procedure established by the legislation of Georgia.

16. If, during the performance of the scoping procedure, it is established that the implementation of the planned activity may result in a transboundary impact, the procedure provided for by Chapter V of the Environmental Assessment Code shall apply.

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### **Article 13 – Documentation to be submitted for obtaining an integrated environmental permit**

1. An integrated environmental permit application (hereinafter – the application) and attached documentation shall be submitted to the Agency in an electronic form.

2. The application, in addition to the information provided for by Article 78 of the General Administrative Code of Georgia, shall include:

- a) information on the place of activity, indicating GIS (Geographic Informational Systems) coordinates (with a shp file);
- b) information on the activity and equipment/installations used;
- c) information on raw materials, auxiliary and other materials, as well as consumed/generated energy;
- d) information on the source of emission, predictable emissions, and their environmental impact;
- e) a baseline report provided for in Article 8 of this Law;
- f) information on the proposed technology, including the technology used to prevent emissions and, if this is impossible, to reduce them;
- g) waste management issues, including measures for preventing waste generation, and preparing waste for reuse, recycling, and recovery;
- h) where appropriate, information on other additional measures planned to ensure compliance with the principles of the activity subject to an integrated environmental permit, as provided for by Article 4 of this Law;
- i) measures planned for monitoring emissions into the environment;
- j) the main and studied alternatives to the proposed technology, technique, and measures;
- k) proposed measures related to the restoration, remediation, and further maintenance of the place of activity upon termination of the activity;
- l) a brief, non-technical summary of the information provided for by points (a)-(k) of this paragraph.

3. An application shall be accompanied by a copy of the document confirming the payment of the integrated environmental permit fee (in the case of an expedited service, also the document confirming the payment of the expedited service fee).

4. In the cases provided for by Article 11(2) of this Law and by the Environmental Impact Assessment Code, the application shall also be accompanied by an environmental impact assessment report prepared in accordance with Article 10 of the same Code. In the case of a special water supply to a surface water body, the application shall also include the information provided for in Article 17 of the Law of Georgia on Water Resources Management. The time limit and terms for water consumption by the performer of the activity subject to the integrated environmental permit shall be determined by Article 20 of the Law of Georgia on Water Resources Management and the integrated environmental permit.

5. The information contained in the application is public. If the application contains state, commercial, or professional secrets and/or personal information as provided for by the legislation of Georgia, it shall be regulated in accordance with the legislation of Georgia.

6. The performer of the activity shall be authorised to file one application to request an integrated environmental permit for the activity provided for by Annex I to this Law and for another activity directly related to it when these activities are carried out at the same place and are directly interrelated (including, technically).

7. The fee for an integrated environmental permit shall be GEL 5,000.



8. In addition, when providing an expedited service during administrative proceedings:
  - a) in the case provided for by Article 11 of this Law, the expedited service fee shall be GEL 2,500;
  - b) in the case provided for by Article 11(2) of this Law, the expedited service fee shall be GEL 5,000.
9. In cases where the review of the application and the performance of the activity are refused, the fees paid will not be refunded. The procedure for the payment and refund of the service fee is determined by an ordinance of the Government of Georgia.
10. The application form shall be approved by an order of the Minister.

#### **Article 14 – Administrative proceedings related to the issuance of an integrated environmental permit**

1. The procedure for public administrative proceedings related to the issuance of an integrated environmental permit shall be determined by this Law and the legislation of Georgia, and subordinate legislative acts. In the case of an expedited service, an integrated environmental permit shall be issued within the time limits determined by Articles 15 to 17 of this Law.
2. In the case provided for by Article 11(2) of this Law, if it is established that a planned activity may cause a transboundary impact, the procedure provided for by Chapter V of the Environmental Assessment Code shall apply.
3. The application is the basis for the commencement of administrative proceedings related to the issuance of an integrated environmental permit.
4. Within seven working days after submitting an application:
  - a) the Agency shall ensure that an expert commission is set up;
  - b) the Centre shall ensure the publication of the application and any supporting documents, as well as the information on public review, on the environmental information portal (with printed copies or electronic versions available upon request in compliance with the legislation of Georgia) and the placement on the notice board of the executive body and/or the representative body of a respective municipality.
5. The Agency shall be authorised to make a decision on identifying defects as provided for in Article 83 of the General Administrative Code of Georgia at the stage of administrative proceedings related to the issuance of an integrated environmental permit. The Agency may request that the performer of the activity submit additional data in line with the information provided for in Article 13 of this Law, as well as a report on the emission of harmful substances into the atmosphere and/or the quantity of polluting substances discharged into surface water bodies along with waste waters if such data are required for making a decision. The time limits of commenced administrative proceedings for the purpose of issuing an integrated environmental permit shall be suspended until the additional data are submitted. In the case of failure to submit additional data within the time limit determined by the Agency, the Agency shall make a decision to leave the application without consideration.
6. The Agency shall review the application in accordance with this Law and the General Administrative Code of Georgia. In the case of inconsistency between the requirements of this Law and the General Administrative Code of Georgia, the norms established by this Law shall be applied.

#### **Article 15 – Expert commission**

1. The Head of the Agency shall establish an expert commission for each specific case to conduct an expert examination provided for by this Law, which shall prepare an appropriate expert opinion within 85 working days of its establishment (or within 57 working days in the case of an expedited service).
2. The expert commission shall consist of experts. An expert may be a representative of an institution operating within the Ministry or its system and/or a public expert provided for by the legislation of Georgia. Depending on the specifics of the activity, the Agency shall have the right to invite a subject of a foreign country (natural or legal person) or a stateless person as a member of the expert commission.
3. A public expert participates in the expert examination process on the basis of an employment agreement concluded between the Agency and the expert. The Agency shall remunerate public experts within the limits of allocations from the State Budget of Georgia or its own revenues. The procedure for remunerating the labour of public experts shall be determined by an order of the Minister.
4. The functions of the expert commission are as follows:
  - a) to conduct an expert examination of the documentation provided for in Article 13 of this Law and to prepare the relevant expert opinion;
  - b) to carry out scientific research activities in the process of the expert examination.
5. A member of the expert commission shall be authorised to inspect and examine on-the-spot the place where the planned activity is to be/being carried out. The performer of the activity is obliged to ensure the unimpeded movement of the expert commission member at the said place.
6. The expert commission shall be authorised to obtain information from the administrative body, within the scope of its competence, under the procedure established by the legislation of Georgia.
7. The results of the work of the expert commission shall be reflected in the expert opinion, which is prepared by the expert commission and signed by the chairperson and members of the expert commission.
8. The expert opinion prepared by the expert commission is of a recommendatory nature and its consideration in the



decision-making process is not obligatory. Additionally, the Agency must provide justification for refusing to consider the expert opinion.

## **Article 16 – Public participation in the process of issuance of an integrated environmental permit Public review**

1. To promote public participation in the issuance of an integrated environmental permit, the Centre shall ensure that a public review is held not later than 75 working days after registering the application (or not later than 47 working days in the case of an expedited service).
2. The Centre shall be responsible for organising and holding the public review. A representative of the Centre shall manage the public review process, draw up a protocol for the public review, and be responsible for its accuracy. The representative of the Centre shall draw up a protocol of the public review within 5 working days after the public review and forward it to the Agency within 1 day.
3. The public review shall be held in the building of a relevant administrative body located closest to the place where a planned activity is to be carried out or in the territory adjacent to it, in agreement with the relevant body. If the activity is planned to be carried out within the administrative boundaries of a self-governing community, the public review shall be held in the building of a relevant administrative body located closest to the place where the planned activity is carried out or in the territory adjacent to it; if the activity is planned to be carried out within the administrative boundaries of a self-governing city, the public review shall be held in the building of a relevant administrative body determined by the Centre or in the territory adjacent to it.
4. The application for holding a public review shall include the following information:
  - a) the essence and a brief description of the issue to be reviewed;
  - b) the format for reviewing the issue;
  - c) the time, place, and procedure for holding the public review;
  - d) the address of the website where this application and related information are available.
5. Public reviews shall be open and any member of the public shall have the right to participate in them. The public review shall be attended by the performer of the activity and/or a person preparing the necessary documentation for obtaining an integrated environmental permit (if any), as well as a representative of the executive body and/or the representative body of the respective municipality.
6. The public shall have the right to submit opinions and comments to the Agency in the following way not later than 85 working days after making an application publicly available in accordance with the procedure established by Article 14(4)(b) of this Law (or within 57 working days for an expedited service):
  - a) in writing;
  - b) orally (during a public review);
  - c) through electronic means, if this makes it possible to reliably identify the author and the sender.
7. In accordance with the General Administrative Code of Georgia and this Law, the procedure for a public review shall be established by an order of the Minister.
8. In the course of the administrative proceedings initiated for the issuance of the integrated environmental permit, the Agency reviews the proposed opinions and comments and takes them into account if there are relevant grounds.
9. During the administrative proceedings initiated for the issuance of the integrated environmental permit, the Agency shall ensure the participation of the Ministry of Culture and Sports of Georgia in the administrative proceedings, within the scope of its competence, as another administrative body, under the procedure established by Article 84 of the General Administrative Code of Georgia.
10. Where appropriate, the Agency shall send received opinions and comments (in the case of comments made during the public review, after receiving the protocol of the public review) to the performer of the activity, within 5 working days (or within three working days in the case of an expedited service) and determine a period not exceeding 10 working days (or not exceeding 5 working days in the case of an expedited service) for submitting their views on the said opinions and comments.
11. During an epidemic/pandemic as determined by the legislation of Georgia, a public review shall be held in one of the following ways:
  - a) remotely through electronic means of communication;
  - b) in a hybrid format (holding a public review at a place determined by this article through the use of electronic means of communication enabling the public to remotely participate in the public review).

*Law of Georgia No 3879 of 30 November 2023, website 15.12.2023*

## **Article 17 – Issuance of an integrated environmental permit**

1. If an activity complies with the requirements of this Law and relevant legislation, the Agency shall issue an integrated environmental permit as per the established procedure within 120 working days of registration (or within 80 working days for an expedited service), and if the grounds determined by Article 18 of this Law exist, the Agency shall decide to refuse the activity.
2. When issuing an integrated environmental permit, the Agency shall take into account:
  - a) the opinion of the expert commission;





- b) information obtained as a result of the inspection of the place of activity and the environmental impact assessment results (as appropriate);
  - c) environmental condition quality standards and emission limit values;
  - d) the prevention and mitigation of damage to the environment and human health;
  - e) the considerations and comments of the public concerned;
  - f) the technical/economic characteristics of the activity/installation, its geographic location and current condition, along with other data necessary for determining the best available techniques.
3. Within one working day after issuing, revising, and updating the integrated environmental permit or issuing an individual administrative-legal act on refusal to carry out the activity, the Agency shall forward this act to the Centre, which, within four working days after receiving the act, shall ensure that the relevant decision and information on the results of public participation are posted on the environmental informational portal and the notice board of the executive body and/or the representative body of the relevant municipality, and upon request, the availability of their printed copies in accordance with the procedure established by the legislation of Georgia.
4. An integrated environmental permit shall be issued for an indefinite period, except for the cases provided for by this Law. If the performer of the activity does not proceed with the implementation of the activity stipulated by the integrated environmental permit within 5 years, the Agency shall declare the said permit invalid.
5. The form of the integrated environmental permit shall be approved by an order of the Minister.
6. Any representative of the public shall have the right to appeal against a decision adopted by an administrative body, in accordance with the procedure established by the Law if he/she considers that his/her participation in the decision-making process was not ensured or the requirements determined by the legislation of Georgia were otherwise violated.

### **Article 18 – Decision on refusal to perform an activity**

The Head of the Agency shall make a decision on refusal to perform the activity if:

- a) the performance of the activity contravenes the requirements established by the legislation of Georgia or a decision of a court/arbitrage that has entered into legal force;
- b) a scoping report, an environmental impact assessment report, and/or an expert opinion establish the unacceptability of the nature and scale of the environmental impact, the impossibility of preventing the risk of an environmental impact, and/or implementing measures to mitigate the environmental impact;
- c) the proposed technique/technology is not the best available technique and the performer of the activity failed to substantiate the deviation from emission limit values, in accordance with Article 7 of this Law.

### **Article 19 – Introducing changes into the integrated environmental permit**

- 1. The performer of the activity is obliged to notify the Agency about any change or expansion planned in the process of the activity which may have an impact on the environment or human health.
- 2. The Agency shall be authorised to repeatedly revise the integrated environmental permit conditions, on its initiative, and when necessary, make a decision on introducing changes into the integrated environmental permit under the procedure established by the legislation of Georgia if:
  - a) the activity or the industrial process is not provided for in opinions on the best available techniques and the best available techniques have developed so that they significantly reduce emissions;
  - b) the introduction of other techniques/technologies is required for the purpose of safe operation;
  - c) new opinions on the best available techniques have been issued regarding the activity, in accordance with Article 5 of this Law;
  - d) the activity has resulted in significant pollution, which requires a revision of the emission limit values established by the integrated environmental permit or the determination of new emission limit values;
  - e) the quality standards of environmental condition have been changed, based on which the integrated environmental permit conditions need to be revised;
  - f) changes need to be made to the integrated environmental permit to ensure compliance with the requirements of this Law.
- 3. In the circumstances provided for by paragraph 2 of this article (except for paragraph 2(c)), the Agency shall make a decision on introducing changes into the integrated environmental permit, notify the performer of the activity of this decision, and set a reasonable time limit for submitting an application on the planned changes. The Agency, within one working day, shall send this information to the Centre which, within four working days of receiving the information, shall publish it on the environmental informational portal.
- 4. In the cases provided for by paragraphs 1 and 3 of this article, the performer of the activity for whom an environmental decision has been issued in line with the integrated environmental permit is obliged to additionally submit to the Agency a screening application prepared in accordance with Article 7 of the Environmental Assessment Code along with an application on planned changes. If the conditions of water abstraction and/or water discharge change after the issuance of the integrated environmental permit, and/or water abstraction from surface water bodies is required, which changes the production technology of the activity and/or operating conditions, the application on planned changes of the performer of the activity shall include the information provided for in Article 17 of the Law of Georgia on Water Resources



Management. If the performance of the planned activity may result in transboundary impacts, the procedure provided for by Chapter V of the Environmental Assessment Code shall apply. The Agency shall be authorised to use the Environmental Impact Assessment guidance document.

5. The Agency shall forward an application for planned changes to the Centre within one working day of registration and the Centre shall ensure, within four working days of receiving the application, that the documentation is posted on the notice board of the executive body and/or the representative body of a respective municipality and is published on the environmental informational portal, and upon request, its printed copies or electronic versions are available in accordance with the procedure established by the legislation of Georgia. The public shall have the right to submit opinions and comments to the Agency within 30 working days after making the application publicly available under the established procedure. The Agency shall review the opinions and comments submitted by the public and take them into account if there are appropriate grounds.

6. The Agency shall make a decision as to whether the planned change is an essential change and, accordingly, whether the introduction of the change requires the implementation of the procedures determined by Chapter II of this Law, within 60 days of the filing of the application for the planned change. If, after the review of the application on the planned change, the Agency establishes that the planned change is not an essential change, it shall introduce the change into the integrated environmental permit by the same decision. The Agency shall forward this decision to the Centre within one working day and the Centre shall publish it on the environmental information portal within four working days of receipt of the decision.

7. If, after the review of the application on the planned change, the Agency establishes that the planned change is an essential change, a new integrated environmental permit shall be issued and the Agency shall notify this to the performer of the activity. In this case, the performer of the activity is obliged to submit to the Agency an application and relevant documentation as provided for in Article 13 of this Law.

8. In the case provided for by point (c) of paragraph 2 of this article, the Agency shall review the integrated environmental permit conditions within four years after the approval of opinions on the best available techniques and set a further reasonable time limit for the performer of the activity to submit the relevant documentation to the Agency for the purpose of ensuring compliance with the new opinions on the best available techniques. The Agency shall forward this information to the Centre within one working day and the Centre shall publish it on the environmental information portal within four working days after receiving the information. In the case provided for by this paragraph, the performer of the activity shall be exempted from paying the fee for the integrated environmental permit.

9. The Agency shall be authorised to introduce a change into an integrated environmental permit, with the consent of the performer of the activity if the inspection conducted by the Department detects non-compliance of the conditions at the place of the activity with the circumstances specified in the integrated environmental permit and the Agency determines that this non-compliance is not significant. Before introducing the change into the integrated environmental permit, the Agency shall send respective information to the Centre within one working day and the Centre shall publish it on the environmental information portal within four working days after receiving it. The public concerned shall have the right to submit opinions and comments to the Agency within 15 working days. The Agency shall review these opinions and comments and if there are appropriate grounds, it shall take them into account and introduce changes into the integrated environmental permit within 30 working days. The Agency shall forward its decision to the Centre within one working day and the Centre shall publish it on the environmental information portal within four working days after receiving the decision.

10. If the circumstances at the place of the activity are not in compliance with the circumstances specified in the integrated environmental permit, but this non-compliance has not caused damage to the environment, the performer of the activity shall not be liable under this Law if he/she applies to the Agency on his/her initiative, with a request to introduce a change into the integrated environmental permit.

## **Article 20 – Transfer of an integrated environmental permit to another person**

1. The performer of the activity shall be authorised to transfer the integrated environmental permit to another person in full if it does not contradict the requirements established by the legislation of Georgia. The transfer of the integrated environmental permit shall imply the transfer of both the rights and the respective obligations.

2. The transferring party (performer of the activity) and the recipient of the integrated environmental permit are obliged to apply to the Agency with a joint application specifying the details of the integrated environmental permit. The application shall be accompanied by:

a) extracts from the Public Registry of the entities transferring (performer of the activity) and receiving the integrated environmental permit (in the case of a legal entity under private law and an individual entrepreneur) and copies of identification documents as determined by the legislation of Georgia (in the case of a natural person);

b) an agreement or other document provided for by the legislation of Georgia confirming the fact of the transfer of an integrated environmental permit.

3. The Agency shall issue a decision on transferring the integrated environmental permit in an expedited manner within 10 working days. In the case of expedited administrative proceedings for the transfer of the integrated environmental permit to another person in an accelerated manner, a joint application shall be accompanied by the document confirming



the payment of the expedited service fee. The amount of expedited service fee shall not exceed GEL 1,000.

4. The Agency shall review the application for the transfer of the integrated environmental permit to another person under the procedure for simple administrative proceedings established by the General Administrative Code of Georgia. An individual administrative-legal act of the Head of the Agency shall be issued for transferring the integrated environmental permit to another person. Based on the order on transfer of the integrated environmental permit to another person issued by the Head of the Agency, the Agency shall issue a new integrated environmental permit which the Agency shall forward to the Centre within one working day and the Centre shall publish it on the environmental information portal within four working days of receipt.

5. The recipient of the integrated environmental permit is obliged to carry out the relevant activity only after the order provided for in paragraph 4 of this article enters into force.

### **Article 21 – Revocation of an integrated environmental permit**

1. In addition to the grounds provided for in Article 34 of the Law of Georgia on Licences and Permits and Article 61 of the General Administrative Code of Georgia, the grounds for invalidating an integrated environmental permit may include:

a) the failure of the performer of the activity to start the activity provided for by the permit within 5 years of getting the integrated environmental permit;

b) the failure of the performer of the activity to submit to the Agency relevant documentation to ensure the compliance of the activity with opinions on the best available techniques within the time limit determined in Article 19(8) of this Law;

c) the failure of the performer of the activity to eradicate the grounds for termination of the activity within the time limit established by the Department after the decision to terminate the activity has been made.

2. The Agency shall be authorised not to revoke an integrated environmental permit until the performer of the activity fully implements the measures determined by this Law to restore/remedy the place of activity.

3. The Agency shall send a decision provided for by paragraph 1 of this article to the Centre within one working day and the Centre shall publish it on the environmental informational portal within four working days after receiving the decision.

4. The Agency shall immediately notify the performer of the activity, as well as respective bodies concerned about the commencement of the procedure, of the revocation of the integrated environmental permit and the reasons therefor.

5. The performer of the activity shall have the right to appeal against the decision of the Agency on the commencement of the revocation procedure of the integrated environmental permit within one month of receiving the notification.

6. An appeal against the decision of the Agency on the revocation of an integrated environmental permit shall not suspend the validity of the said decision.

### **Article 22 – Termination of activity**

1. The performer of the activity shall assess the condition of soil and groundwater at the place of activity in terms of pollution with hazardous substances prior to termination of the activity as provided for by the first paragraph of Article 8 of this Law.

2. If it is established that soil and/or groundwater are polluted to a greater extent than defined in the baseline report due to the activity performed, the performer of the activity shall take necessary measures, if technically feasible, to eradicate the pollution and restore the place of activity to the condition described in the baseline report.

3. If the performer of the activity is not required to prepare a baseline report, he/she shall take necessary measures, in the case of termination of the activity, to ensure that the place of activity no longer poses a significant danger to human health or the environment due to the pollution of soil and/or groundwater.

4. The holder of the integrated environmental permit is obliged to notify the Agency about the intention to terminate the activity, at least six months prior to termination of the activity.

### **Article 23 – Electronic system for integrated environmental permits**

1. The Agency shall be authorised to create an electronic system of integrated environmental permits.

2. The procedure of operation of the electronic system for integrated environmental permits shall be determined by an order of the Minister.

## **Chapter III – Monitoring and Control**

### **Article 24 – Monitoring of the fulfilment of the integrated environmental permit conditions**

1. The performer of the activity is obliged to fulfil the integrated environmental permit conditions and submit the results of monitoring their fulfilment, at least once a year within the time limit set by the same permit.

2. Emission monitoring requirements (including the methodology of measurement, frequency, and assessment procedure) shall be based on opinions on the best available techniques, if any.

3. The Agency shall determine the periodicity of monitoring individually for the performer of the activity in an



integrated environmental permit or in the general mandatory rules. Periodic monitoring of groundwater shall be implemented, at least once every 5 years, and of soil, at least once every 10 years, except for the cases when such monitoring is based on the systematic assessment of pollution risk.

4. The Centre shall publish on the environmental information portal and make publicly available:

- a) the emission monitoring information submitted to the Agency, in accordance with the integrated environmental permit conditions;
- b) information on measures adopted by the performer of the activity in accordance with Article 22 of this Law (in the case of termination of the activity).

5. The performer of the activity is obliged to keep the documentation related to the integrated environmental permit within 5 years after the revocation of the integrated environmental permit and to ensure its availability in accordance with the procedure established by the legislation of Georgia.

6. The failure to fulfil obligations as determined by this article shall be a violation of the integrated environmental permit conditions.

#### **Article 25 – Control of the fulfilment of the integrated environmental permit conditions**

1. Control of the fulfilment of the integrated environmental permit conditions shall be exercised by the Department.

2. The Department shall develop a draft national strategy for environmental examination which shall be approved by an order of the Minister. This strategy shall be subject to periodic revision and updating.

3. The national strategy for environmental examination shall cover:

- a) a general assessment of important environmental issues;
- b) a list of activities to be examined;
- c) procedures for drawing up planned environmental examination programmes;
- d) information on cooperation between various bodies exercising control (where appropriate).

4. The Department shall develop and submit to the Minister for approval an annual environmental examination programme at the end of each calendar year, based on the national strategy of environmental examination.

5. The periodicity of examination of the fulfilment of the integrated environmental permit conditions shall be based on the environmental risk assessment, with a maximum of 1 year for the highest-risk activities and a maximum of 3 years for the lowest-risk activities.

6. When significant non-compliance with the permit conditions is identified during the examination of the fulfilment of the integrated environmental permit conditions, a repeated inspection shall be conducted within 6 months after such examination.

7. The environmental risk assessment shall be based on, at least, the following criteria:

- a) the potential and actual impact of the relevant activity on human health and the environment, taking into account the level and type of emissions, the peculiarities of the local environment and the accident risk;
- b) the history of compliance with the integrated environmental permit conditions.

8. The environmental risk assessment methodology shall be approved by the Minister.

9. An unscheduled inspection shall be carried out:

- a) on the basis of a decision of the Head of the Department, including on the basis of information received from applications/claims of state agencies, municipalities, organisations, citizens (including information received through the hotline), notifications and other sources;
- b) in the case of accidents, including on the basis of the generation of accidental emissions;
- c) to eradicate a violation of the integrated environmental permit conditions and verify the fulfilment of the conditions determined to carry out a specific activity;
- d) to determine, prior to issuance, the revision or renewal of the integrated environmental permit, and the compliance of the activities covered by the integrated environmental permit with the terms and conditions of the integrated environmental permit (if necessary).

10. After the inspection, the Department shall draw up an inspection report which shall contain the information received on compliance with the conditions of the integrated environmental permit, as well as information on measures to be taken to ensure compliance with the conditions of the said permit.

11. The inspection report shall be submitted to the performer of the activity not later than 4 months after the completion of the inspection.

12. The Department shall make the results of the inspection publicly available in accordance with the legislation of Georgia.

#### **Article 26 – Violation of the integrated environmental permit conditions**

1. In the case of a violation of the integrated environmental permit conditions, the performer of the activity is obliged:

- a) to immediately notify the Department about this through the telephone hotline of the Ministry;
- b) to immediately take measures necessary for the fulfilment of the integrated environmental permit conditions;
- c) to implement additional measures as determined for him/her by the Department, necessary to eradicate circumstances, that do not comply with the integrated environmental permit conditions.



2. If the violation of the integrated environmental permit conditions poses a direct threat to human health or creates a danger of a significant negative impact on the environment, the Department (an authorised person of the Department) shall suspend the operation of the relevant installation/equipment or the relevant part thereof until the measures provided for by points (b) and (c) of paragraph 1 of this article are fully implemented by the performer of the activity.
3. In the case of a violation of the integrated environmental permit conditions, the Agency shall be authorised to revoke the integrated environmental permit under the procedure established by the Law of Georgia on Licences and Permits.
4. Decisions provided for by this Law may be appealed to a court.

## **Chapter IV – Administrative Offences and Administrative Offence Proceedings**

### **Article 27 – Performance of activity without an integrated environmental permit**

The performance of an activity without an integrated environmental permit shall entail a fine in the amount of GEL 25,000 to GEL 30,000.

### **Article 28 – Failure to fulfil the conditions of the integrated environmental permit**

The failure to fulfil the conditions of the integrated environmental permit shall entail a fine in the amount of GEL 10,000 to GEL 15,000.

#### **Note:**

1. Despite the imposition of liability for the failure to fulfil the integrated environmental permit conditions (except for the cases provided for by Article 232 of the Administrative Offences Code of Georgia), the non-fulfilment of the obligation imposed by the Department to eradicate the violation within the set time limit shall entail the tripling of the imposed fine.
2. Despite the imposition of liability following the non-fulfilment of an obligation set by the Department under the first paragraph of this note to eradicate the violation within the established time limit (except for the cases provided for by Article 232 of the Administrative Offences Code of Georgia), the failure to fulfil the obligation reimposed by the Department to eradicate the violation within the set time limit shall entail a fine equivalent to nine times the amount specified by this article.

### **Article 29 – Administrative proceedings**

1. Administrative proceedings shall be conducted and sanctions shall be imposed in accordance with the rules established by this Law and the Administrative Offences Code of Georgia.
2. The imposition of liability provided for by this Chapter shall not relieve the offender from the obligations determined by this Law.
3. The administrative offence reports provided for in Articles 27 and 28 of this Law shall be drawn up by the Department.
4. A district (city) court shall hear administrative offence cases as provided for by Articles 27-28 of this Law.
5. An offender may appeal an administrative offence report, drawn up for an administrative offence provided for by this Law, to a court under the procedure established by the legislation of Georgia.

## **Chapter V – Transitional and Final Provisions**

### **Article 30 – Transitional provisions related to the entry into force of this Law**

1. A planned activity as provided for by Annex I of this Law shall be subject to an integrated environmental permit from 1 September 2026.
2. Existing activities as provided for by Annex I of this Law, for which environmental decisions have been issued, shall require the obtainment of integrated environmental permits under the procedure established by this Law, according to the following time limits:
  - a) activities provided for by paragraph 1 of Annex I of this Law – by 1 March 2029;
  - b) activities provided for by paragraph 2 of Annex I of this Law – by 1 September 2029;
  - c) activities provided for by paragraph 3 of Annex I of this Law – by 1 March 2030;
  - d) activities provided for by paragraph 4 of Annex I of this Law – by 1 September 2030;
  - e) activities provided for by paragraph 5 of Annex I of this Law – by 1 March 2031;
  - f) activities provided for by paragraph 6 of Annex I of this Law – by 1 September 2031.
3. Existing activities as provided for by Annex I of this Law, for which an environmental decision has been issued, shall require the obtainment of integrated environmental permits under the procedure established by this Law, before 1 September 2028.
4. Before issuing an integrated environmental permit, representatives of the Agency, and where appropriate, experts, shall visit and inspect the place of the activity.
5. The environmental decision issued for an existing activity shall be attached to the integrated environmental permit as an annex. The Agency shall be authorised to revise and make changes to the environmental decision in the process of issuing the integrated environmental permit. In the case of inconsistency between the conditions of the environmental



decision and those of the integrated environmental permit, the conditions of the integrated environmental permit shall prevail.

6. In the case provided for by paragraph 5 of this article, the conditions of the environmental decision shall be the conditions of the integrated environmental permit, and their violation shall entail the imposition of liability on the performer of the activity for violation of the conditions of the integrated environmental permit.

### **Article 31 – Subordinate normative acts to be issued and measures to be implemented on the basis of this Law**

1. The Government of Georgia shall issue the following ordinances before 1 September 2025:

- a) on Combustion Plants;
- b) on Activities Using Organic Solvents;
- c) on Waste Incineration and Co-incineration Plants;
- d) Opinions on the Best Available Technique, and shall ensure their updating on a periodic basis.

2. The Minister of Environmental Protection and Agriculture of Georgia shall issue the following orders before 1 January 2026:

- a) on the Approval of Integrated Environmental Permit Application and Integrated Environmental Permit Forms;
- b) on the Approval of Methodology for Environmental Risk Assessment.

3. On the recommendation of respective institutions, the Government of Georgia and/or institutions of executive authority shall ensure the compliance of legal acts with the requirements of this Law and the adoption/publication of relevant legal acts before 1 September 2026.

4. The Legal Entity under Public Law called the State Agency of Oil and Gas shall introduce appropriate changes into the order of the Head of the State Agency regulating the oil and gas resources of Georgia on the Approval of National Rules for Regulating Oil and Gas Operations and other legal acts before 1 September 2016, in order to ensure that the legislation regulating oil and gas operations complies with the procedures established by this Law.

5. The Ministry of Environmental Protection and Agriculture of Georgia and respective agencies operating under its system shall implement appropriate measures from 1 January 2026 to create structural units necessary for the smooth performance of the functions assigned to them by this Law and/or announce appropriate competitions for the appointment of employees to vacant positions. Moreover, the Legal Entity under Public Law called the National Environmental Agency shall ensure the implementation of measures related to reorganisation of its structural unit, the Environmental Assessment Department, including the non-competitive transfer of employees of the Department from their current positions to respective positions.

### **Article 32 – Entry into force of the Law**

1. This Law, except for Articles 1 to 29 and Annexes I to III to this Law, shall enter into force upon its promulgation.

2. Articles 1 to 29 and Annexes I to III to this Law shall enter into force on 1 September 2026.

**President of Georgia**

**Salome Zurbashvili**

**Tbilisi**

**29 June 2023**

**No 3381-XI ობ -X ოპ**

### **Annex I**

#### **List of Activities**

Limits given in this Annex shall mainly apply to production capacities or yield capacities. If several activities with different yield capacities mentioned in the same activity point containing thresholds are carried out on the same facility, their yield capacities shall be summarised. If the activities pertain to waste management, this calculation shall apply to the level of activities provided for by points 5.1, 5.3 and 5.4 of this Annex.

1. Generation of energy:

1.1. Burning of fuel in fuel combustion units (except for units used in oil and gas operations determined by the Law of Georgia on Oil and Gas) with the consumed nominal thermal capacity of 50 megawatts or more;

1.2. Processing of oil and gas;

1.3. Production of coke;

1.4. Gasification or liquefaction:

1.4.1 in coal, or

1.4.2. in another solid fuel-operated unit with a total consumed nominal thermal capacity of 20 megawatts or more.

2. Production and processing of metals:



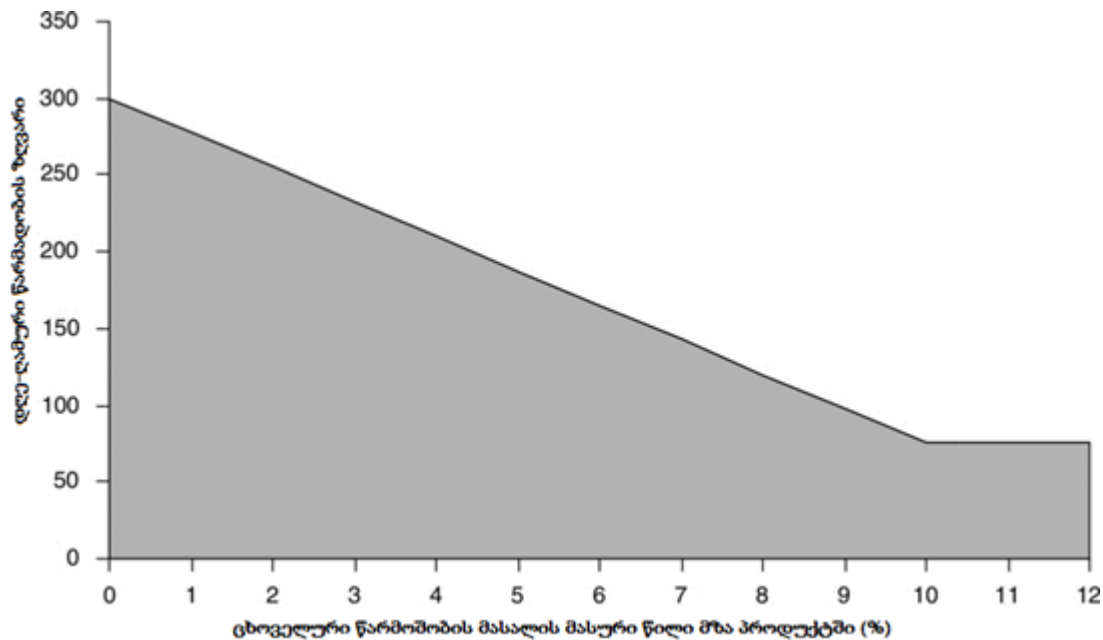
- 2.1. Calcinating or agglomeration of ore (including sulphide ore);
- 2.2. Production of cast iron or steel (primary or secondary alloying), including continuous casting with a yield capacity exceeding 2.5 tons per hour;
- 2.3. Processing of ferrous metals:
  - 2.3.1. Operation of a hot rolling machine with a yield capacity of more than 20 tons of unrefined steel per hour;
  - 2.3.2. Operation of forge hammers with the energy exceeding 50 kJ per each hammer, and with the consumed thermal capacity exceeding 20 megawatts per each hammer;
  - 2.3.3. Application of protective alloyed metal cover where the consumption of unrefined steel exceeds 2 tons per hour;
- 2.4. Operation of casting shops of industrial ferrous metals of more than 20 tons per day;
- 2.5. Processing of non-ferrous metals:
  - 2.5.1. Production of unrefined non-ferrous metals from ore, concentrates or secondary raw materials by means of metallurgical, chemical or electronic processes;
  - 2.5.2. Smelting (including alloying) of non-ferrous metals (including reclaimed products) and operation of casting shops of non-ferrous metals where the alloying capacity for lead and cadmium exceeds 4 tons per day or for all other metals exceeds 20 tons per day;
- 2.6. Treatment of metals or plastic materials by means of electrolytic or chemical processes where the volume of basin used for treatment exceeds 30 m<sup>3</sup>.
3. Processing of mineral raw materials:
  - 3.1. Production of cement, lime and magnesium oxide:
    - 3.1.1. Production of cement clinker in rotating kilns with an industrial capacity exceeding 500 tons per day or in other ovens with an industrial capacity exceeding 50 tons per day;
    - 3.1.2. Production of lime in a kiln with an industrial capacity exceeding 50 tons per day;
    - 3.1.3. Production of magnesium oxide in a kiln with an industrial capacity exceeding 50 tons per day;
  - 3.2. Production of asbestos or asbestos products;
  - 3.3. Production of glass (including fibre glass) where the alloying capacity exceeds 20 tons per day;
  - 3.4. Alloying of mineral substances (including the production of fibre glass) where the alloying capacity exceeds 20 tons per day;
  - 3.5. Production of ceramic products, including tiles, bricks, fire-resistant bricks, slabs, ceramic pieces, or porcelain, involving alloying, with an industrial capacity exceeding 75 tons per day and/or a kiln volume exceeding 4 m<sup>3</sup>, and where the loading density of each kiln exceeds 300 kg/m<sup>3</sup>.
4. Chemical industry:
  - 4.1. Production of organic chemical substances:
    - 4.1.1. Production of simple hydrocarbons (straight-line or cyclic, saturated or unsaturated, aliphatic or aromatic);
    - 4.1.2. Production of hydrocarbons with oxygen such as alcohol, aldehydes, ketones, carbon acid, complex ethers and their compounds, acetates, simple ethers, peroxides and epoxy resins;
    - 4.1.3. Production of hydrocarbons with sulphur;
    - 4.1.4. Production of hydrocarbons with nitrogen such as amines, amides, nitrogen compounds, nitrocompounds and nitrate compounds, nitriles, cyanites, isocyanates;
    - 4.1.5. Production of hydrocarbons with sulphur;
    - 4.1.6. Production of hydrocarbons with halogens;
    - 4.1.7. Production of metallurgical compounds;
    - 4.1.8. Production of plastic materials (polymers, synthetic fibre and cellulose based fibre);
    - 4.1.9. Production of synthetic rubber;
    - 4.1.10. Production of dyes and pigments;
    - 4.1.11. Production of surface active substances and surfactants;
  - 4.2. Production of inorganic chemicals:
    - 4.2.1. Production of gases (ammonia, chlorine or chlorhydrate, fluorine or fluorine hydride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride (phosgene));
    - 4.2.2. Production of acids (chromic acid, fluorine hydride acid, nitrogen acid, hydrochloric acid, sulphuric acid, oleic acid, sulphuric acid);
    - 4.2.3. Production of bases (ammonium hydroxide, potassium hydroxide, sodium hydroxide);
    - 4.2.4. Production of salts (ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate);
    - 4.2.5. Production of non-metals, metal oxides or other inorganic compounds (such as potassium carbide, silicon, silicon carbide);
  - 4.3. Production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
  - 4.4. Production of plant health products or biocides;
  - 4.5. Production of pharmaceutical products, including intermediate products;
  - 4.6. Production of explosive substances.
5. Waste management:



- 5.1. Disposal or recycling of more than 10 tons of hazardous waste per day, which includes one or more of the following operations:
  - 5.1.1. Biological treatment;
  - 5.1.2. Physical and chemical treatment;
  - 5.1.3. Mixing, before performing any of the operations provided for in 5.1 and 5.2;
  - 5.1.4. Repackaging, before performing any of the operations provided for in 5.1 and 5.2;
  - 5.1.5. Recovery/regeneration of solvents;
  - 5.1.6. Recycling/restoration of inorganic materials (except for metals or metal compounds);
  - 5.1.7. Regeneration of acids or bases;
  - 5.1.8. Restoration of components used to reduce pollution;
  - 5.1.9. Recovery of components from catalysts;
  - 5.1.10. Re-refining or other re-use of oil or oil product waste;
  - 5.1.11. Surface discharge;
- 5.2. Waste disposal or recycling in incineration or co-incineration plants:
  - 5.2.1. In the case of non-hazardous waste – when the yield capacity exceeds 3 tons per hour;
  - 5.2.2. In the case of non-hazardous waste – when the yield capacity exceeds 10 tons per day;
- 5.3. Disposal of more than 50 tons of non-hazardous waste per day which includes one or more operations listed below, except for activities related to the treatment of urban waste-waters:
  - 5.3.1. Biological treatment;
  - 5.3.2. Physical and chemical treatment;
  - 5.3.3. Pre-treatment of waste for incineration or co-incineration;
  - 5.3.4. Treatment of slag and ash;
  - 5.3.5. Processing of metal waste, including electronic and electrical equipment and end-of-life vehicles and their components in a crushing unit;
- 5.4. Recovery/recycling and disposal of more than 75 tons of non-hazardous waste per day which includes one or more operations listed below, except for activities related to the treatment of urban waste waters:
  - 5.4.1. Biological treatment;
  - 5.4.2. Pre-treatment of waste for incineration or co-incineration;
  - 5.4.3. Treatment of slag and ash;
  - 5.4.4. Processing of metal waste, including electronic and electrical equipment and end-of-life vehicles and their components in a crushing unit;
- Note:** When waste is processed only through anaerobic decomposition, the yield capacity shall exceed 100 tons per day;
- 5.5. Landfills where more than 10 tons of waste are disposed per day, and landfills with a total volume exceeding 25,000 tons, except for landfills intended for inert waste;
- 5.6. Temporary storage of more than 50 tons of total volume of hazardous waste which is not provided for by point 5.5 of this Annex before the performance of any operation provided for by points 5.1, 5.2, 5.5 and 5.7 of this Annex (this does not include temporary storage and preparation for the collection of hazardous waste at the place of its generation);
- 5.7. Underground storage of more than 50 tons of total volume of hazardous waste.
6. Other types of activities:
  - 6.1. Production of the following products by means of industrial machines:
    - 6.1.1. Cellulose (received from wood or other fibre materials);
    - 6.1.2. Paper or cardboard, with a yield capacity exceeding 20 tons per day;
    - 6.1.3. Wood panels (oriented structural boards, wood particleboards or medium-density fibreboards) with a yield capacity exceeding 600 m<sup>3</sup>;
  - 6.2. Pre-treatment of textile fibre or fabrics (boiling, bleaching, mercerising) or dyeing with a treatment capacity exceeding 10 tons per day;
  - 6.3. Tanning leather with a yield capacity of ready-made products exceeding 12 tons per day;
  - 6.4. Operation of slaughterhouses where the production volume of carcass of meat exceeds 50 tons per day;
  - 6.5. Treatment or processing of raw materials intended for food or animal feed compound (preliminarily treated or not treated) (except for packaging):
    - 6.5.1. Only raw materials of animal origin (except for milk) with a yield capacity of ready-made products exceeding 75 tons per day;
    - 6.5.2. Only raw materials of vegetable origin with a yield capacity of ready-made products exceeding 300 tons per day, or with a yield capacity exceeding 600 tons per day if the duration of the consecutive operation of the machine does not exceed 90 days per year;
    - 6.5.3. Raw materials of animal or vegetable origin in the form of both combined and separate products where the yield capacity of ready-made products exceeds 75 tons per day, if 'A' equals to or exceeds 10 tons or  $[300 - (22,5 \times A)]$  tons, and in any other case, where 'A' means the mass content of animal origin in the yield capacity of ready-made products (in the form of weight percentage). The weight of packaging shall not be included in the final weight of product. This paragraph shall not apply to raw material such as milk.







- 6.6. Treatment and processing of milk only when the average annual volume of milk received per day exceeds 200 tons;
- 6.7. Disposal or recycling of carcass of meat or animal waste when the treatment capacity exceeds 10 tons per day;
- 6.8. Intensive poultry farming or pig farming:
  - 6.8.1. With a shelter for more than 40,000 birds;
  - 6.8.2. With a shelter for more than 2,000 pigs intended for meat production (more than 30 kg);
  - 6.8.3. With a shelter for more than 750 breeding pigs (sows);
- 6.9. Surface treatment of substances, things or products with organic solvents, in particular for the purpose of finishing, printing, applying covering, defatting, hydroisolating, calibrating, painting, cleaning or soaking, where the volume of applied organic solvents exceeds 150 kg per hour or 200 tons per year;
- 6.10. Production of carbon through incineration (combustion) or graphitisation or production of electrographite;
- 6.11. Seizure of carbon dioxide flows from objects provided for by this Law, for the purpose of geological storage, under the procedure determined by the legislation of Georgia, except for activities related to oil and gas operations which is regulated by the legislation of Georgia governing the respective area;
- 6.12. Protection of wood and wood products using chemicals where the yield capacity exceeds 75 m<sup>3</sup> per day, except for treatment of wood against blueness;
- 6.13. Treatment of waste waters discharged as a result of activities determined by this Annex through waste waters treatment facilities functioning independently (except for urban waste waters treatment facilities).

## Annex II

### List of polluting substances

1. Air polluting substances are:
  - a) sulphuric dioxide and other sulphur compounds;
  - b) nitrogen dioxide and other nitrogen compounds;
  - c) carbon dioxide;
  - d) volatile organic compounds;
  - e) metals and their compounds;
  - f) dust, including fine particles;
  - g) asbestos (weighted particles, fibres);
  - h) chlorine and its compounds;
  - i) fluorine and its compounds;
  - j) arsenic and its compounds;
  - k) cyanides;
  - l) substances and compounds that have confirmed carcinogenic and mutagenic properties or properties that may affect reproduction through air;
  - m) polychlorinated dibenzodioxins and dibenzofurans.
2. Water polluting substances are:
  - a) organohalogen compounds and substances which may produce such compounds in the aquatic environment;
  - b) organophosphorus compounds;



- c) tinorganic compounds;
- d) substances and compounds which have confirmed carcinogenic and mutagenic properties or properties which may affect reproduction in or through aquatic environment;
- e) stable hydrocarbons, stable and biocummulative organic toxic substances;
- f) cyanides;
- g) metals and their compounds;
- h) arsenic and its compounds;
- i) biocides and plant protection means;
- j) materials in weighted condition;
- k) substances (in particular, nitrates and phosphates) used in eutrophication;
- l) substances affecting the oxygen balance and measured in parameters such as Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), etc.;
- m) polluting substances determined by the Law of Georgia on Water Resources Management.

### **Annex III**

#### **Criteria for Determining the best available techniques**

Criteria for determining the best available techniques are:

- a) application of low-waste technology;
- b) use of less hazardous substances;
- c) promotion of recovery and recycling of substances generated and used in technological processes, as well as waste, where appropriate;
- d) comparable processes, objects or operating methods used successfully throughout industry;
- e) technological advances and changes in scientific knowledge and scientific understanding;
- f) type, impact and volume of emissions;
- g) dates of putting into exploitation of new and existing equipment;
- h) time limits necessary for introducing the best available techniques;
- i) type, application and energy efficiency of raw materials (including water);
- j) necessity to reduce the overall impact of emissions and to prevent or minimise risks;
- k) necessity to prevent accidents and to minimise the impact of their consequences on the environment;
- l) information published by international public organisations.

