

LAW OF GEORGIA
ON IMPORT, EXPORT AND TRANSIT OF WASTE
Law of Georgia No 4952 of 13 April 2016 – website, 26.4.2016

Article 1 – Definition of terms used in the Law

1. Basel Convention – Basel Convention of 22 March 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
 2. Waste – waste as defined by the Waste Management Code.
 3. Transboundary movement of waste – the import, export or transit of waste.
 4. Import of waste – importing waste into the territory of an appropriate state, except for the purposes of transit.
 5. Export of waste – exporting waste from the territory of an appropriate state, except for the purposes of transit.
 6. Transit of waste – transboundary movement of waste through the territory of one or more states (excluding importer and exporter states).
 7. Disposal – operations provided for by Annex IV (A) of the Basel Convention.
 8. Recovery – operations provided for by Annex IV (B) of the Basel Convention.
 9. Intermediate recovery – operations numbered R12 and R13 provided for by Annex IV (B) of the Basel Convention.
 10. Ministry – the Ministry of Environment Protection and Agriculture of Georgia.
 11. List of waste – the list of waste on the Determination and Classification of the List of Waste by Types and Characteristics, approved by an ordinance of the Government of Georgia.
 12. Permit – a permit issued for importing, exporting and transiting waste in accordance with the legislation of Georgia.
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Law of Georgia No 1660 of 7 December 2017 – website, 14.12.2017

Article 2 – Waste not allowed to be imported, exported or transited

1. The import, export and transit of any kind of waste shall be prohibited in the territory of Georgia (including its territorial waters, airspace, continental shelf and special economic zone) unless otherwise directly indicated by this Law.
2. The following shall be prohibited in the territory of Georgia (including its territorial waters, airspace, continental shelf and special economic zone):
 - a) the import and transit of hazardous waste;
 - b) the import of non-hazardous waste for the purposes of its disposal;
 - c) the export of hazardous waste, unless:
 - c.a) the state where hazardous waste is exported to is not a member of the Basel Convention; or officially prohibits the import of such waste;
 - c.b) there is a written consent of a competent authority (ies) of the importing and/or transiting state(s).

Law of Georgia No 905 of 30 July, 2013 – website 20.8.2013
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Article 3. Waste allowed to be imported, exported or transited

1. The following shall be permitted in the territory of Georgia (including its territorial waters, airspace, continental shelf and special economic zone):
 - a) the import of non-hazardous waste for the purposes of its further recovery;
 - b) the export and transit of non-hazardous waste;
 - c) the export of hazardous waste, with the consent of a competent authority (ies) of the state participating in the transboundary movement of hazardous waste, taking into account the requirements and procedures of the Basel Convention.
2. The transboundary movement of waste shall only be permitted if it meets the strictest requirements of those provided for by the legislations of the states participating in the transboundary movement of waste.
3. The List of Waste Allowed to be Imported into Georgia, Exported from Georgia and Moved Through Transit in the Territory of Georgia shall be approved by an ordinance of the Government of Georgia.

Law of Georgia No 3395 of 13 July 2010 – LGH I, No 41, 21.7.2010, Art. 263
Law of Georgia No 905 of 30 July, 2013 – website, 20.8.2013
Law of Georgia No 4952 of 13 April 2016 – website, 26.4.2016

Article 4. Identification of hazardous and non-hazardous waste

1. For the purposes of this Law, the following shall be deemed hazardous waste:
 - a) groups of controllable waste categories, as defined by Annex I of the Basel Convention, characterised by hazardous features provided for by Annex III of the same Convention;
 - b) groups of waste categories subject to special consideration, as defined by Annex II of the Basel Convention, which are characterised by hazardous features provided for by Annex III of the same Convention;
 - c) waste as defined by Annex VIII of the Basel Convention, characterised by hazardous features provided for by Annex III of the same Convention;
 - d) hazardous waste, as defined by the List of Waste.



2. For the purposes of this Law, the following shall be deemed non-hazardous waste:

- a) waste as defined by Annex IX of the Basel Convention that is not characterised by hazardous features provided for by Annex III of the same;
- b) non-hazardous, as waste defined by the List of Waste.

3. If the Annexes of the Basel Convention and the List of Waste provide for different regulations regarding the hazardous features of waste, the stricter of the two regulations shall be taken into account when making an appropriate decision.

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Article 4¹ – Permit issuer and its powers and obligations

1. Permits shall be issued by the Ministry.

2. The powers and obligations of the permit issuer shall be defined by Article 29 of the Law of Georgia on Licences and Permits.

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Article 5 – Procedure for the issuance of permits

1. Permits shall be issued under simple administrative procedures in accordance with the Law of Georgia on Licences and Permits, this Law, and the requirements of the Basel Convention.

2. A permit for exporting hazardous waste shall be issued provided that the conditions specified in Article 3(1)(c) of this Law are met.

3. For the purposes of exporting hazardous waste, a permit seeker shall submit to the Ministry a written application in order to obtain an appropriate permit. This application shall be submitted, reviewed and accepted for processing in accordance with the procedure established by the Law of Georgia on Licences and Permits. In addition to the documentation provided for by Article 2⁵ of the Law of Georgia on Licences and Permits, the following information shall accompany an application of a permit seeker:

- a) forms of notification and movement completed properly in accordance with Annex V(A) and Annex V(B) of the Basel Convention;
- b) copies of contracts concluded by and between a permit seeker and any natural and/or legal person participating in the movement of waste;
- c) a financial guarantee presented in the form of a bank guarantee or insurance. It shall cover the expenses of the movement of waste and the expenses of waste disposal or recovery (including any necessary intermediate recovery).

4. The notification procedure necessary to obtain a written consent of a competent authority (ies) of importer and/or transit state(s) as provided for by Article 2(2)(c.b.) of this Law shall be implemented by the Ministry in accordance with the procedure provided for by the Basel Convention. An administrative proceeding commenced in the Ministry shall be suspended until a decision of a competent authority (ies) under this paragraph is submitted.

5. The transboundary movement of hazardous waste shall be performed in accordance with the requirements and procedures of the Basel Convention.

6. In addition to the documentation provided for by Article 25 of the Law of Georgia on Licences and Permits, the following information shall accompany an application of a permit seeker to obtain an appropriate permit for importing non-hazardous waste:

- a) the name of the waste;
- b) the code of waste (in accordance with the Basel Convention; the List of Waste; and the Harmonised System (HS));
- c) the volume of the waste (tons);
- d) a description of the waste;
- e) the type of packaging of the waste;
- f) the state from where the waste is being exported;
- g) the waste exporter;
- h) the waste importer;
- i) the name, location and address of the facility providing the recovery of waste;
- j) copies of contracts concluded by and between natural and/or legal persons participating in the movement of the waste;
- k) documentation confirming that waste recovery in the territory of Georgia will be carried out in accordance with environmental requirements.

7. Where it is required for the making of an appropriate decision, a permit issuer shall be authorised to request a permit seeker to submit additional information necessary for providing a thorough check of compliance with requirements determined by law.

8. A permit issuer shall be authorised to refuse the issuance of a permit for importing non-hazardous waste if:

- a) the use of the waste would result in the production of more waste as compared to the use of primary raw materials;
- b) the technology used by the facility providing recovery of waste does not ensure environmentally safe processing.

9. A permit shall be issued in three copies, one of which shall remain with the Ministry, and the other two shall be supplied to the permit seeker.

10. The export and transit of non-hazardous waste shall not require a permit and/or the prior notification procedure provided for by the Basel Convention, unless so requested by an appropriate competent authority of an importer or exporter state. Upon request, the Ministry shall provide appropriate information to an appropriate competent authority of an importer or exporter state in accordance with the legislation of Georgia and the requirements of the Basel Convention.

11. A legal entity under public law within the Ministry of Finance of Georgia called the Revenue Service shall deliver information to the Ministry before 1 September of each year on waste imported into the territory of Georgia, and exported from the territory of Georgia, and moved through transit in the territory of Georgia, during the previous year (such information shall include the following data: the category of waste imported, exported or moved through transit; the name of the waste; the waste



importer/exporter; the waste importer/exporter status; the code of the waste; the waste amount).
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Article 5¹ – Grounds for refusal to issue a permit and the procedure for appealing such refusal

The grounds for refusal to issue a permit and the procedure for appealing such refusal shall be determined in accordance with the Law of Georgia on Licences and Permits.

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Article 5² – Form of permit certificate. Loss of or damage to a permit certificate

1. The form of permit certificate shall be determined by a normative act of the Minister of Environment Protection and Agriculture of Georgia.

2. In the case of the loss of or damage to a permit certificate by a permit holder, the provisions under Article 31 of the Law of Georgia on Licences and Permits shall apply.

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Law of Georgia No 1660 of 7 December 2017 – website, 14.12.2017

Article 5³ – Validity of permits

A permit shall be issued for the period of a year.

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Article 5⁴ – Procedure for controlling the fulfilment of permit conditions and for revoking a permit

1. The fulfilment of permit conditions shall be controlled by the state subordinate agency of the Ministry called the Environmental Supervision Department, in accordance with the procedure established by the legislation of Georgia.

2. The procedure for controlling the fulfilment of permit conditions and for revoking a permit shall be established by the Law of Georgia on Licences and Permits.

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Article 6 – Regulation of the import, export and transit of waste

1. Customs control of waste transboundary movement shall be carried out by the legal entity under public law called the Revenue Service under the Ministry of Finance of Georgia, jointly with authorised state authorities.

2. The functions of a competent state authority provided for in point (6) of paragraph (2) of the Basel Convention in the field of the import, export and transit of waste shall be performed by the Ministry.

3. The procedure for regulating the import, export and transit of waste in the territory of Georgia shall be determined by the requirements of this Law and the Basel Convention.

Law of Georgia No 3806 of 12 November 2010 – LGH I, No 66, 3.12.2010, Art. 414

Law of Georgia No 4407 of 11 March 2011 – website, 17.3.2011

Law of Georgia No 458 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 1029 of 6 September 2013 – website, 23.9.2013

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Article 7 – Environmental requirements with regard to waste

When importing, exporting and moving waste through transit, other environmental requirements provided for by the Waste Management Code, the Law of Georgia on Environmental protection, and other legislative and subordinate normative acts of Georgia shall be observed.

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Law of Georgia No 899 of 1 June 2017 – website, 21.06.2017

Article 8 – Liability for violation of this Law

The liability for the violation of this Law shall be determined by the legislation of Georgia.

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Article 9 – (Deleted)

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The Speaker of the Parliament of Georgia

Tbilisi

8 February 1995

No 631

Vakhtang Goguaдзе

