

LAW OF GEORGIA

ENVIRONMENTAL ASSESSMENT CODE

Article 1 – Scope of the Code

1. This Code regulates matters related to strategic documents and public or private activities which may have significant effects on the environment, human life and/or health.
2. The procedures for environmental impact assessment, strategic environmental assessment, transboundary environmental impact assessment, and public participation in decision-making, as well as the conduct of expert examinations, fall within the scope of this Code.

Article 2 – Aims and objectives of the Code

1. This Code aims to:
 - a) promote the protection of the environment, human life and/or health, cultural heritage and material assets, in the implementation of strategic documents or activities which may have significant effects on the environment, human life and/or health;
 - b) ensure, for the purpose of the promotion of the country's democratic development, the exercise of a fundamental human right to obtain timely complete and objective information on the state of the environment, guaranteed by the Constitution of Georgia, as well as ensure public participation in environmental decision-making;
 - c) proportionally take account of the environmental, social and economic interests of the State and the public in decision-making on the implementation of strategic documents or activities which may have significant effects on the environment;
 - d) apply standards of best international practice in the implementation of environmental assessment procedures.
2. The objectives of this Code are to:
 - a) determine the rights and obligations of persons carrying out activities, and planning authorities and public and competent administrative bodies in decision-making related to issues provided for by this Code;
 - b) ensure public access to information on all likely effects of the implementation of strategic documents or activities to maximally prevent, reduce or mitigate adverse effects on the environment, human health and safety, cultural heritage and material assets;
 - c) determine procedures which shall be carried out in the case of transboundary impacts.

Article 3 – Definition of terms

The terms used herein have the following meanings for the purposes of this Code:

- a) non-technical summary – a brief description of the environmental impact assessment report/strategic environmental assessment report, which includes information on the planning authority, the persons carrying out activities, the place of implementation of the strategic document/activity, the potential impact on the environment/human health, and any other issues provided for by the report, executed in a non-technical language and to which graphics and illustrations are attached;
- b) environmental decision – an act issued taking into account Article 13 of this Code which is a mandatory precondition for the implementation of activities that are subject to an environmental impact assessment. If the implementation of the activities requires a licence/permit provided for by the legislation of Georgia that depends on an environmental decision, and/or requires the



completion of any stage of a licence/permit, the licence/permit may enter into force and/or the respective stage of such licence/permit may be completed only after the environmental decision has been issued, except as provided for by Article 5(2) of this Code;

c) environmental impact – any impact on the environment resulting from the implementation of strategic documents or activities, which may include effects on the following: human health and safety, biodiversity and its components, water, air, soil, climate, landscape and protected areas. An environmental impact also includes the impact on cultural heritage or socio-economic factors resulting from changes to them;

d) environmental impact assessment ('EIA') – a procedure for the identification and examination of potential impacts on the environment, based on respective studies, for the planned activities that may have significant effects on the environment and that fall within the scope of the activities provided for by Annex I to this Code, and of the activities provided for by the Annex II to the same Code, according to a screening decision. An EIA includes scoping, preparing an EIA report, public participation, carrying out consultations with competent administrative bodies, and preparing an expert opinion on the basis of the evaluation of the results obtained, and taking account of the expert opinion in issuing an environmental decision under this Code and/or a respective enabling administrative act as provided for by the legislation of Georgia;

e) EIA report – a document prepared by a person carrying out activities and/or by an adviser for the person carrying out activities in the EIA process, which includes information provided for by this Code;

f) public concerned – the public which may have an interest in a decision on the implementation of a strategic document or activities or which will or is likely to be affected by such decision. The public concerned also includes non-entrepreneurial (non-commercial) legal entities registered in accordance with procedures established by the legislation of Georgia, whose goals of operation are to promote environmental protection in the country;

g) planning authority – an administrative body or any other competent organisation which, pursuant to a relevant normative act, is responsible for preparing a strategic document;

h) environmental audit – a comprehensive analysis of the technical, ecological and social indicators of the current activity in the process of implementation of this activity, which includes the entire production and technological cycle, and is performed in order to identify means for minimising negative effects on the environment and to ensure the compliance of the activity with environmental standards, and which is followed by an environmental audit report;

i) expert examination – for the purpose of preparing an expert opinion, a combination of scientific and research activities carried out by an expert commission established in accordance with procedures determined by this Code;

j) adviser – a person holding the qualifications necessary for preparing an EIA/strategic environmental assessment report and having scientific, technical and methodological proficiencies;

k) decision granting the right to continue a current activity – an order of the Minister authorising a person to continue a current activity;

l) Minister – the Minister of Environmental Protection and Agriculture of Georgia;

m) public – one or more natural persons or legal persons, as well as other organisational forms (which are not legal persons) provided for by the legislation of Georgia;

n) Ministry – the Ministry of Environmental Protection and Agriculture of Georgia;

o) day – a work day provided for by the legislation of Georgia;

p) activity – construction, production and installation works, and other activities provided for by this Code, including the extraction/processing of mineral resources which have an effect on the environment;

q) person carrying out activities – a person, an administrative body, or other organisational form (which is not a legal person) provided for by the legislation of Georgia, which intends to carry out an activity provided for by Annex I and/or Annex II to this Code or continue a current activity;

r) scoping – a procedure to determine the list of information to be obtained and studied for an EIA/strategic environmental assessment, and the means to include this information in the EIA report/strategic environmental assessment report;



- s) scoping report – a preliminary document prepared by a person carrying out activities and/or an adviser, on the basis of which the Ministry issues a scoping opinion;
- t) scoping application – a preliminary document prepared by a planning authority and/or an adviser, on the basis of which the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia issue scoping opinions;
- u) screening – a procedure to determine the need to perform an EIA/strategic environmental assessment;
- v) strategic environmental assessment ('SEA') – a procedure to examine and generally forecast potential impacts on the environment and human health arising from the implementation of a strategic document provided for by this Code. An SEA includes scoping, the preparation of an SEA report, public participation, the carrying out of consultations with competent administrative bodies, and the taking account of recommendations provided by them and of assessment results in the process of the adoption/approval of a strategic document;
- w) SEA report – a document prepared by the planning authority and/or by an adviser for the planning authority in the SEA process that includes information provided for by this Code;
- x) strategic document – a subordinate normative act of an administrative body issued in accordance with the legislation of Georgia, which establishes a future development framework for individual sectors pursuant to Chapter III of this Code and determines characteristics and/or volumes for the types of activities provided for by Annexes I and II to this Code;
- y) implementation of a strategic document – the carrying out of the activities provided for by a strategic document;
- z) transboundary impact – any impact on the environment of Georgia and any other state arising from the full or partial implementation of a strategic document or planned activities in Georgia or in any other state;
- z¹) force majeure situation – a natural calamity (earthquake, landslide, flood or any other similar event), including any crisis situation in a specific area that is caused by a disaster, a major industrial accident and/or fire, and that results in the disruption of the normal living conditions of the population.

Law of Georgia No 1700 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 4 – Competent bodies in the area of environmental assessment

1. The following fall within the competence of the Government of Georgia in the area of environmental assessment:

- a) making decisions on the initiation of a transboundary environmental impact assessment procedure;
- b) making decisions, based on a motion of the Ministry, on the forms of information exchange and subsequent consultations with a state subject to a transboundary impact, and on the time frames for the implementation of a transboundary environmental impact assessment procedure;
- c) making decisions on exemptions from EIA, based on the motions of the Ministry;
- d) making decisions on issues provided for by Article 5(8) of this Code.

2. The following fall within the competence of the Ministry in the area of environmental assessment:

- a) the implementation of national policy in the area of environmental assessment;
- b) the identification of the need to perform an EIA, based on a screening procedure, and, within its competence, an SEA;
- c) the issuance of scoping opinions in the EIA process and, within its competence, in the SEA process;
- d) the establishment of an expert commission to review EIA reports, SEA reports and draft strategic documents;



e) the review of EIA reports and, within its competence, of SEA reports, the issuance of environmental decisions, and the issuance of recommendations with respect to SEA reports and strategic documents, as well as making decisions which deny the right to carry out activities;

f) the preparation of proposals on exemptions from EIA and their submission to the Government of Georgia;

g) the submission to the Government of Georgia of proposals on the initiation of transboundary environmental impact assessment procedures, the forms of exchanging information with states subject to a transboundary impact, and the time frames for carrying out further consultations and implementing a transboundary environmental impact assessment procedure, as well as the arrangement of respective procedures;

h) making decisions to continue a current activity in accordance with Article 47 of this Code;

i) ensuring the participation of the public/the public concerned in the making of decisions provided for by this Code and, to this end, ensuring access to relevant information and the holding of public reviews;

j) establishing a unified data base related to issues falling within its competence and ensuring the security, publicity of, and access to the information, in order to ensure access to information, the efficiency of public governance, and public involvement.

3. The following fall within the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia in the area of environmental assessment:

a) within its competence, making decisions on making a strategic document subject to an SEA;

b) within its competence, reviewing scoping applications and attached documents in the SEA process and issuing scoping opinions;

c) within its competence, making recommendations with respect to SEA reports and strategic documents;

d) within its competence, ensuring the publicity of information, public participation in decision-making processes and access to decisions.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Chapter II – Environmental Decisions

Article 5 – General provisions

1. The following activities shall be subject to an EIA: the activities provided for by Annex I to this Code, and the activities provided for by Annex II to the this Code which will be made subject to an EIA on the basis of a screening decision made in accordance with the screening procedure defined in Article 7 of this Code.

2. Activities provided for by paragraph 1 of this article may only be carried out after the environmental decision has been made. If the implementation of the activity requires a licence/permit provided for by the legislation of Georgia that depends on an environmental decision, and/or requires the completion of any stage of such licence/permit, the licence/permit may enter into force and/or the respective stage of such licence/permit may be completed only after the environmental decision has been made, except for mineral extraction licences provided for by Article 7 of the Law of Georgia on Licences and Permits. In such case, if an activity envisaged by a licence of use is subject to an EIA or a screening in accordance with this Code, such licence may be issued without an environmental decision, provided that minerals may be extracted only after the environmental decision has been made, and in the case of conflict between the terms and conditions of the licence and the terms and conditions determined by the environmental decision, the terms and conditions determined by the environmental decision shall prevail. The licences/permits provided for by the legislation of Georgia may not prescribe terms and conditions which are in conflict with the environmental decision.

3. In the cases provided for by the note under Article 10(4) of this Code, a decision on the special-purpose use of the state forest fund shall be valid after the environmental decision has been issued.

4. The purpose of an EIA is to identify, study and describe direct and indirect impacts, resulting from the activities provided for by



this Code, on the following:

- a) human health and safety;
- b) biodiversity (including species of plants and animals, habitats, ecosystems);
- c) water, air, soil, land, climate and landscape;
- d) cultural heritage and material assets;
- e) any interaction between the factors provided for by sub-paragraphs (a)-(d) of this paragraph.

5. The identification, study and description of any impact on the factors provided for by paragraph 4 of this article shall also include threats, related to the activities against the risks of major accidents and/or natural disasters.

6. Activities related to oil and gas operations, which are regulated by the legislation of Georgia regulating the respective area, do not require an environmental decision.

7. The Ministry shall have the right to make changes to a respective enabling administrative act with the consent of the person carrying out activities if, as a result of an inspection performed by an authority exercising state control in the area of environmental protection and the use of natural resources, it is established that the condition at the location of the activity does not comply with the conditions included in the EIA report/the documentation on exemption from EIA, and/or if the EIA report/the documentation on exemption from EIA failed to comprehensively assess the adverse effects of the activity on individual environmental components.

8. A person carrying out activities may apply to the Ministry with a reasoned request to modify the terms and conditions determined by the environmental decision, if the person can show that the fulfilment of such terms and conditions would not prevent or reduce the environmental impact and/or that the replacement of such terms and conditions with other terms and conditions would be necessary and effective in preventing or reducing the environmental impact.

9. The Ministry shall establish an expert commission provided for by Article 42 of this Code to review an issue under paragraph 8 of this article. The expert commission shall present respective recommendations to the Minister after reviewing the issue.

10. The Minister shall present a respective issue to the Government of Georgia. Where the Government of Georgia approves, the Minister shall issue an individual administrative act.

11. The Ministry may, under simple administrative procedures, make changes to environmental decisions or respective enabling administrative acts issued in the area of EIA if this act stipulates an obligation to additionally examine individual environmental components and, based on the results of the examination, the Ministry establishes that there is a need to make changes to the terms and conditions.

12. Replacing the production technology provided for by an environmental decision with a different technology, and/or modifying the operational conditions, including the increase in production capacity, shall be considered an activity subject to a screening procedure as provided for by this Code.

13. If a person carrying out activities carries out the activities provided for by Annexes I and II to this Code, for which several environmental decisions have been issued, and which are interrelated in technical and/or functional terms, the person may file an application with the Ministry requesting the consolidation of the environmental decisions into a single decision. The Ministry shall, under simple administrative procedures, make a decision thereon.

14. If a person carrying out activities plans to carry out activities provided for by Annexes I and II to this Code which are interrelated in technical and/or functional terms, the person may submit to the Ministry a combined scoping report and request the issuance of a single environmental decision in accordance with this Code.

Article 6 – Main stages of EIA

1. The main stages of EIA include:

- a) a scoping procedure provided for by Articles 8 and 9 of this Code;



- b) the preparation of an EIA report by the person carrying out activities or an adviser in accordance with Article 10 of this Code;
- c) public participation;
- d) the assessment by the Ministry of information included in the EIA report, and, if necessary, of additional information submitted to the Ministry by the person carrying out activities, as well as information obtained during public participation and consultations with competent administrative bodies;
- e) the conduct of an expert examination in accordance with Chapter VI of this Code;
- f) the implementation of a transboundary environmental impact assessment procedure in accordance with Chapter V of this Code, if necessary.

2. The Minister shall issue an environmental decision after the stages provided for by paragraph 1 of this Article have been completed, or shall make a decision refusing the carrying out of the activity in the cases provided for by this Code.

Article 7 – Screening of an activity

1. In the case of activities provided for by Annex II to this Code, a screening procedure shall be performed before an EIA, except as provided for by paragraph 13 of this article.

2. A person carrying out activities shall, as early as possible at the stage of planning an activity, submit to the Ministry an application for the screening of the planned activity and obtain from the Ministry a decision on whether the planned activity is subject to an EIA, except as provided for by paragraphs 3, 12 and 13 of this article.

3. For the purpose of making a decision on the screening of an activity provided for by Annex II to this Code, that is subject to a mineral extraction licence defined by Article 7(1) of the Law of Georgia on Licences and Permits, the administrative body issuing the licence shall, before announcing an auction, file a screening application with the Ministry in accordance with the requirements established by this article.

4. A screening application submitted by the person carrying out activities to the Ministry shall, in addition to the information provided for by Article 78 of the General Administrative Code of Georgia, include:

- a) brief information on the planned activity;
- b) information on the characteristics of the planned activity, the place of implementation and the nature of any potential impact of the planned activity.

5. Within three days after a screening application has been registered, the Ministry shall have the application placed on its official website and on the notice board of the executive body and/or representative body of a respective municipality, and upon request, shall make a printed copy available under a procedure established by the legislation of Georgia. The public may, within seven days after the screening application has been placed on the website and the notice board, submit to the Ministry opinions and comments with respect to the application under the procedure established by Article 34(1) of this Code. The Ministry shall review the opinions and comments submitted by the public and, if there are appropriate grounds, shall take them into account when making a decision on the screening.

6. Within not earlier than 10 days and not later than 15 days after a screening application has been registered, the Ministry shall, based on the following criteria, make a decision on whether the planned activity shall be subject to an EIA:

- a) the characteristics of the activity;
 - a.a) the size of the activity;
 - a.b) cumulative effect on an existing activity and/or a planned activity;
 - a.c) the use of natural resources (in particular water, soil, land, biodiversity);
 - a.d) the production of waste;



a.e) environmental pollution and nuisances;

a.f) the risk of major accidents and/or disasters which are related to the activity;

b) the place of implementation and the compatibility of the planned activity with:

b.a) a high humidity area;

b.b) the Black Sea coastline;

b.c) a territory densely covered with forest where species included in the Red List of Georgia are prevalent;

b.d) a protected area;

b.e) a densely populated area;

b.f) cultural property and other objects of cultural heritage;

c) the nature of the potential impact of the activity:

c.a) the transboundary nature of the impact;

c.b) the potential quality and complexity of the impact.

7. When making a screening decision, the Ministry may use the guideline document on Environmental Impact Assessment.

8. If the Ministry decides, after the completion of the screening procedure, that the planned activity shall not be subject to an EIA, the applicant shall comply with the requirements established by the environmental technical regulations and environmental standards applicable in Georgia.

9. After the completion of the screening procedure, if there exist grounds provided for by Article 14 of this Code, the Minister shall make a decision refusing the carrying out of the activity.

10. Within five days after the screening procedure has been completed, the Ministry shall have a reasoned screening decision placed on its official website and on the notice board of the executive body and/or representative body of a respective municipality, and upon request, shall make a printed copy available under a procedure established by the legislation of Georgia.

11. If it is established during the performance of the screening procedure that the carrying out of the planned activity may result in a transboundary impact, the procedure provided for by Chapter V of this Code shall be applied.

12. In the case of the carrying out of an activity provided for by Annex II to this Code, the person carrying out activities may submit to the Ministry a joint screening and scoping application along with the documents provided for by Article 8 of this Code. If the Ministry decides, based on the screening procedure, that the activity shall be subject to an EIA, the Ministry shall, by the same decision and pursuant to Article 9 of this Code, initiate administrative proceedings to issue a scoping opinion.

13. If a person carrying out activities plans to carry out an activity provided for by Annex II to this Code and considers that an environmental decision needs to be issued for this activity, the person may, under the procedure established by Article 8 of this Code, submit to the Ministry a scoping application (without going through the screening stage). In such case, the requirements for issuing environmental decisions established by this Code shall apply.

Article 8 – Scoping application and scoping report in the EIA process

1. A person carrying out activities shall, as early as possible at the stage of planning an activity, file with the Ministry a scoping application along with a scoping report.

2. Within three days after a scoping application has been registered, the Ministry shall have the scoping application and the scoping report placed on its official website and on the notice board of the executive body and/or representative body of a respective municipality, and upon request, shall make printed or electronic copies available under a procedure established by the



legislation of Georgia.

3. A scoping report shall include:

a) a brief description of the planned activity, especially general information on:

a.a) the location of the planned activity, with an indication of GIS (geographical information systems) coordinates (along with the .shp file);

a.b) the physical characteristics of the planned activity (capacity, scale, production process, the amount of products to be manufactured);

a.c) any alternatives to the planned activity, and the place of its implementation;

b) general information on the potential environmental impact and its types which will be examined in the EIA process, including:

b.b) information on the potential impact (if any) in protected areas;

b.b) information on the potential transboundary impact (if any);

b.c) information on the potential impact of the implementation of the planned activity on human health, the social environment, cultural property and other objects of cultural heritage;

c) information on basic/exploratory research to be carried out and on the methods necessary to prepare an EIA report;

d) a plan for deposit processing (including a recultivation project) drafted in accordance with the requirements established by the legislation of Georgia, where relevant;

e) general information on the measures which will be taken into account for preventing, reducing and/or mitigating significant adverse effects on the environment.

4. A person carrying out activities shall submit to the Ministry a scoping report provided for by paragraph 3 of this article both in tangible and electronic form.

5. A person carrying out activities may submit to the Ministry any other information that will be necessary in the decision-making process provided for by Article 9 of this Code.

Article 9 – Issuing scoping opinions in the EIA process

1. The Ministry shall review a scoping application and a scoping report under the procedure established by this article and 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 Code shall apply.

2. The public may, within 15 days after the placement of the screening application under the procedure established by Article 8(2) of this Code, submit to the Ministry opinions and comments with respect to the scoping report under the procedure established by Article 34(1) of this Code. When issuing the scoping opinion, the Ministry shall ensure a review of the opinions and comments submitted by the public and, if there are appropriate grounds, take them into account.

3. Not earlier than the 10th day and not later than the 15th day after the placement of the scoping application under the procedure established by Article 8(2) of this Code, the Ministry shall ensure the holding of a public review of the scoping report. The Ministry shall be responsible for organising and holding public reviews. Accordingly, it shall ensure the reimbursement of the costs associated with organising public reviews, including the publication of information on holding public reviews. Public reviews shall be led, and the minutes of public reviews shall be drafted, by a representative of the Ministry. The Ministry shall be responsible for the accuracy of these minutes. Information on the public review shall be published not later than 10 days before the public review is held, in accordance with Article 32 of this Code. If it is planned to carry out the activity within the administrative boundaries of a self-governing community, public reviews shall be held in the building of the appropriate administrative body located closest to the location of the planned activity or in the territory adjacent to the building; or if it is planned to carry out the activity within the administrative boundaries of a self-governing city, public reviews shall be held in the



building of the appropriate administrative body determined by the Ministry or in the territory adjacent to the building. Public reviews shall be open and any member of the public may participate in them.

4. Not earlier than the 26th day and not later than 30th day after the scoping application has been registered, the Ministry shall issue a scoping opinion which shall be approved by an individual administrative act of the Minister. The scoping opinion shall determine a list of studies required and information to be obtained and examined for preparing an EIA report. When issuing scoping opinions, the guideline document on Environmental Impact Assessment may be used.

5. Before approving the scoping opinion, the Ministry shall ensure the participation in administrative proceedings of the Ministry of Science, Education, Culture and Sport of Georgia, within its competence, as a third administrative body under the procedure established by Article 84 of the General Administrative Code of Georgia.

6. The scoping opinion issued by the Ministry shall be mandatory for a person carrying out activities in the preparation of an EIA report.

7. If, within two years after the scoping opinion has been approved, the person carrying out activities fails to obtain an environmental decision in accordance with the procedures provided for by this Code, the individual administrative act of the Minister approving the scoping opinion shall be declared as invalid.

8. After the completion of the scoping procedure, if the grounds provided for by Article 14 of this Code exist, the Minister may make a decision refusing the carrying out of the activity.

9. Within five days after the completion of the scoping procedure, the Ministry shall have the scoping report, the scoping opinion and/or the decision refusing the carrying out of the activity placed on its official website and on the notice board of the executive body and/or representative body of a respective municipality, and upon request, shall make printed copies available under a procedure established by the legislation of Georgia.

10. If it is established during the performance of the scoping procedure that the carrying out of the planned activity may result in a transboundary impact, the procedure provided for by Chapter V of this Code shall apply.

Law of Georgia No 1700 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 10 – EIA report

1. After the Ministry approves the scoping opinion, the person carrying out activities and/or an adviser shall ensure the preparation of an EIA report. The person carrying out activities shall ensure the reimbursement of the costs necessary for preparing an EIA report.

2. An EIA report shall be signed by the person(s) participating in its preparation, including an adviser (where relevant).

3. An EIA report shall include:

a) a description of the planned activity, in particular:

a.a) a description of the location of the activity, with an indication of the GIS (geographical information systems) coordinates (along with the .shp file), as well as of the existing environmental condition of the location of the planned activity;

a.b) information on the land category and the form of land use both at the stages of construction and operation;

a.c) information on the physical characteristics of the planned activity (capacity, scale and production process, including the amount of potential products to be manufactured, required energy, material and natural resources to be used in the production, etc.);

a.d) information on demolition works and methods (where relevant);

a.e) information on potential adverse effects and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) at the stages of construction and operation;



- a.f) information on the types, characteristics and amount of waste that may be produced at the stages of construction and operation, as well as, if necessary, additional information determined by normative acts applicable in the area of waste management;
- b) information on all the reasonable alternatives to the planned activity proposed for environmental protection, and of the place of its implementation, with respective grounds, including on the inaction (zero) alternative that considers a description of the natural development of the existing environmental condition in the case of the non-performance of the activity, and that can be assessed by applying available information and scientific knowledge;
- c) information on any potential significant environmental impact arising from the carrying out of the planned activity, including any impact on the population, human health, biodiversity (including species of plants and animals, habitats, ecosystems), water (including hydromorphological changes, quantity and quality), air, land (including land take), soil (including organic matter, erosion, compaction, degradation), climate (including greenhouse gas emissions), landscape, cultural heritage (including architectural and archaeological aspects) and material assets;
- d) information on the likely direct and indirect, cumulative, transboundary, short-term and long-term, positive and negative effects of the carrying out of the planned activity on the components under sub-paragraph (c) of this paragraph and on the interrelationship between these components, resulting from:
- d.a) construction works necessary for the planned activity, including, where relevant, demolition works;
- d.b) the use of natural resources (in particular water, soil, land, biodiversity), taking into consideration the availability of these resources;
- d.c) the emission of pollutants, noise, vibration, radiation, and the disposal and recovery of waste;
- d.d) the risks of the effects on the environment, human health and cultural heritage (for example, due to accidents or disasters);
- d.e) cumulative effects on other existing or planned activities;
- d.f) the impact of the activity on climate, and the vulnerability of the activity to climate change;
- d.g) the technologies, materials and/or substances used;
- e) information on the identification of possible incidents resulting from the carrying out of the planned activity, and on the assessment of their effects, including an action plan for response in emergencies;
- f) an action plan for measures to prevent, reduce, mitigate and compensate the adverse effects of the carrying out of the planned activity on the environment and human health. The information should cover the stage of the carrying out of the activity as well as the stage of further operation;
- g) the assessment of irreversible effects on the environment and justification for causing such effects, which implies a comparison of the loss resulting from the irreversible effects on the environment and the profit gained in environmental, cultural, economic and social terms;
- h) information on the means for restoring the state of the environment existing before the start of the planned activity in the case of the termination of the planned activity;
- i) a description of the significant effects of the carrying out of the planned activity on the environment, deriving from the vulnerability of the activity to risks of accidents and disasters;
- j) the informing of the public and the assessment of opinions and comments submitted by the public at the scoping stage;
- k) information on the sources of information about the research methodology and the environment;
- l) a brief non-technical summary of the information provided for by sub-paragraphs (a)-(k) of this paragraph, for the purpose of informing the public and ensuring their participation.

4. The following shall be attached to an EIA report:



a) the plan for deposit processing (including a recultivation project) drafted in accordance with the requirements established by the legislation of Georgia, where relevant;

b) information on the name and legal address of the adviser who participated in the preparation of the EIA report (where relevant);

c) a master plan of the location of the planned activity, with an indication of GIS (geographical information systems) coordinates (along with the .shp file), which shall specify the location of the planned activity, temporary buildings and public systems;

d) an extract from the Public Registry in the case of legal entities under private law and individual entrepreneurs, a copy of an identification document provided for by the legislation of Georgia in the case of natural persons, and a copy of the founding document in the case of legal entities under public law;

d) information on the alternatives of the area of disposal (landfill) of waste produced during the construction envisaged by the planned activity, with an indication of GIS (geographical information systems) coordinates, as well as information on the disposal of such waste (if any).

Note: If an activity subject to an environmental decision simultaneously requires a special-purpose use of the state forest fund, a person carrying out activities may, in accordance with the procedure and conditions established by the legislation of Georgia for the special-purpose use of the forest fund, attach to the EIA report the documents provided by the legislation of Georgia for the special-purpose use of the state forest fund.

5. A person carrying out activities shall submit to the Ministry the documents provided for by paragraphs 3 and 4 of this article both in tangible and electronic form.

6. The information included in EIA reports shall be public. If an EIA report contains state, commercial or professional secrets and/or personal data provided for by the legislation of Georgia, the person carrying out activities shall point out in the respective application that the above information is confidential. The Ministry shall ensure the confidentiality of this information in cases provided for, and under a procedure established, by the legislation of Georgia.

7. When EIA reports are drafted, the guideline document on Preparing Environmental Impact Assessment Reports may be used.

Article 11 – Application for obtaining an environmental decision

1. A person carrying out activities shall file an application to obtain an environmental decision with the Ministry. The Ministry shall ensure the review of such applications 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 the General Administrative Code of Georgia, the norms established by this Code shall apply.

2. The following shall be attached to an application filed by a person carrying out activities:

a) an EIA report prepared in accordance with Article 10 of this Code;

b) drafts for calculating threshold limit values of emissions of harmful substances into the ambient air and the threshold limit values for the pollutants discharged in surface water bodies along with waste waters;

c) a request for treating the information as confidential (if any);

d) a copy of the document certifying the payment of the EIA fee provided for by the legislation of Georgia;

e) electronic versions of the documents provided for by sub-paragraphs (a)-(c) of this paragraph.

3. Within three days after the application has been registered, the Ministry shall have the application and the attached documents placed on its official website and on the notice board of the executive body and/or representative body of a respective municipality, and upon request, shall make printed copies available under a procedure established by the legislation of Georgia.

4. A person carrying out activities may, by a single application, request a single environmental decision with respect to several activities provided for by this Code if these activities are substantively interrelated.



5. An EIA fee shall be paid for obtaining an environmental decision. The amount of the fee shall be GEL 500. The procedure for the payment of the fee is determined by the Law of Georgia on the Basic Principles of the System of Fees.

6. The EIA fee paid shall not be refunded if the environmental decision is refused.

Article 12 – Administrative proceedings related to the making of an environmental decision

1. The administrative proceedings related to the making of an environmental decision shall include:

- a) an expert examination;
- b) the participation of public and competent administrative bodies;
- c) the procedure provided for by Chapter V of this Code in the case of possible transboundary effects.

2. Within three days after an application for obtaining an environmental decision has been registered, the Ministry shall establish an expert commission provided for by Article 42 of this Code to review the EIA report. The expert commission shall prepare and submit to the Ministry an expert opinion on the EIA report within 40 days after the establishment of the commission.

3. The Ministry shall make a decision establishing the deficiency provided for by Article 83 of the General Administrative Code of Georgia within 15 days after the application for obtaining an environmental decision has been registered.

4. The public may, within 40 days after the placement of the application under the procedure established by Article 11(3) of this Code, submit to the Ministry opinions and comments under the procedure established by Article 34(1) of this Code with respect to the EIA report, the planned activity and the conditions to be included in the environmental decision. When making an environmental decision or a legal act refusing the carrying out of the activity, the Ministry shall ensure the review of the opinions and comments submitted and, if there are appropriate grounds, take them into account.

5. Not earlier than the 25th day and not later than the 30th day after the placement of the application under the procedure established by Article 11(3) of this Code, the Ministry shall hold a public review of the EIA report. The Ministry shall be responsible for organising and holding reviews. Public reviews shall be led, and the minutes of public reviews shall be drafted, by a representative of the Ministry. The Ministry shall be responsible for the accuracy of the minutes. Information on the public review shall be published not later than 20 days before the public review is held, in accordance with Article 32 of this Code. Public reviews shall be held in the building of the appropriate administrative body located closest to the location of the planned activity or in the territory adjacent to the building. If it is planned to carry out the activity within the administrative boundaries of a self-governing community, public reviews shall be held in the building of the appropriate administrative body located closest to the location of the planned activity or in the territory adjacent to the building; or if it is planned to carry out the activity within the administrative boundaries of a self-governing city, public reviews shall be held in the building of the appropriate administrative body determined by the Ministry or in the territory adjacent to the building. Public reviews shall be open and any member of the public may participate in them.

6. An application for holding a public review shall include the following information:

- a) the essence and brief description of the issue to be reviewed and the format of review;
- b) the time, place and procedure of holding the public review;
- c) an address of the website on which the application, the EIA report and other important information can be accessed, as well as an indication as to the possibility of obtaining printed copies of the above documents during the public review.

7. In issuing legal acts adopting environmental decisions, the Ministry shall review and, if there are appropriate grounds, take account of opinions and comments submitted by the public and any other administrative bodies in accordance with Article 34(1) of this Code, the results of examination of the EIA reports and, in the case of potential transboundary impact, the results of the transboundary environmental impact assessment procedure performed in accordance with Chapter V of this Code.

8. Before issuing an environmental decision or a decision refusing the carrying out of the activity, the Ministry shall ensure the participation in administrative proceedings of the Ministry of Science, Education, Culture and Sport of Georgia, within its competence, as a third administrative body under the procedure established by Article 84 of the General Administrative Code of Georgia.



9. Not earlier than the 51st day and not later than the 55th day after the registration of an application for obtaining an environmental decision, the Minister shall issue an individual administrative act on the issuance of an environmental decision or, if there exist grounds provided for by Article 14 of this Code, on the refusal of the carrying out of the activity. When making environmental decisions, the guideline document on Environmental Impact Assessment may be used.

10. Within five days after an environmental decision or a legal act refusing the carrying out of an activity has been issued, the Ministry shall ensure that information on the EIA report, the expert opinion, the issuance of the environmental decision or the legal act refusing the carrying out of the activity, and on the results of public participation, are published on its official website and on the notice board of the executive body and/or representative body of a respective municipality, and upon request, shall make printed copies available under a procedure established by the legislation of Georgia.

11. An environmental decision shall be issued for an indefinite period. Unless the person carrying out activities commences the activity provided for by such a decision within five years, the Ministry shall declare the environmental decision invalid.

Law of Georgia No 1700 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 13 – Contents of an environmental decision

1. In addition to the requirements established by Article 53 of the General Administrative Code of Georgia, an environmental decision shall include:

- a) information on the location of and the type of the activity;
- b) information on environmental measures which shall be taken into account when a licence/permit is issued by a third administrative body;
- c) the terms and conditions which are binding during the period of construction and operation, as well as after the completion of the operation;
- d) information on the purpose, scale and frequency of the further analysis of the activity;
- e) information on the results of a transboundary impact procedure provided for by Chapter V of this Code, in the case of the performance of such procedure.

2. An environmental decision may, in addition to the information provided for by paragraph 1 of this article, include:

- a) requirements for the prevention of effects resulting from an industrial accident;
- b) an obligation to prevent, reduce or mitigate the potential environmental impact arising from the carrying out of the activity and/or an obligation of respective compensation;
- c) compensation measures and/or mitigating measures due to special-purpose use in the case provided for by the note under Article 10(4) of this Code, which shall be determined by the conditions of the environmental decision on the basis of agreement with the relevant authority having the right to manage the state forest fund defined in Articles 15 and 16 of the Forest Code of Georgia. The above authority shall be a beneficiary of compensation measures;
- d) conditions determined by a third administrative body participating in the administrative proceedings (where relevant).

3. The Ministry shall include the following in the justification for a legal act on the issuance of an environmental decision:

- a) information on the performance of public participation procedures and on the consideration of the opinions and comments submitted by the public;
- b) information on the consideration of the expert opinion provided for by Chapter VI of this Code;
- c) information on the consideration of the assessments given in the EIA report.



4. The person carrying out activities shall comply with the conditions determined by the environmental decision.

Article 14 – Decision refusing the carrying out of an activity

1. The Minister shall issue an individual administrative act refusing the carrying out of an activity if:

a) the carrying out 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) the EIA report and/or the expert opinion establish(es) the unacceptability of the nature and scale of environmental impact, the impossibility of preventing the risk of environmental impact and/or of carrying out measures to mitigate the environmental impact.

2. A decision refusing the carrying out of the activity may be appealed to a superior administrative body (official) or a court.

Article 15 – Transferring an environmental decision to another person

1. A person carrying out activities may transfer an environmental decision to any other person in full or in part, unless this contravenes the essence of the activity provided for, and the conditions determined, by the decision, and/or the requirements established by the legislation of Georgia. The transfer of an environmental decision shall imply the transfer of both the rights and the respective obligations.

2. A joint application of the holder and the recipient of the decision, or an agreement or other document provided for by the legislation of Georgia confirming the fact of transferring the environmental decision, shall serve as grounds for the issuance of an individual administrative act of the Minister on the transfer of an environmental decision.

3. In the case of the partial transfer of an environmental decision, the holder of the decision and the person to whom the decision is transferred shall be responsible for compliance with the conditions determined by the decision and with obligations related to such conditions.

4. The Ministry shall review an application for transferring an environmental decision and make a decision under simple administrative procedures established by the General Administrative Code of Georgia.

5. The person to whom the environmental decision is transferred shall carry out a respective activity only after a decision under paragraph 4 of this article has been made.

6. Within three days after a decision under paragraph 4 of this article has been made, the Ministry shall have a legal act provided for by paragraph 2 of this article placed on its official website.

7. If the holder of an environmental decision, who at the same time is the holder of a licence of use, alienates part of the licence or the entire licence in accordance with the Law of Georgia on Licences and Permits, the procedures provided for by the Law of Georgia on Licences and Permits and the procedure for disseminating information, as established by paragraph 6 of this article, shall apply.

Article 16 – Exemption from EIA

1. A person carrying out activities may be exempted from an EIA in relation to a specific activity that aims to ensure state security or to take measures due to urgent necessity caused by a force majeure situation.

2. In the case provided for by paragraph 1 of this article, the person carrying out activities shall submit to the Ministry a substantiated application stating that an EIA procedure may pose a threat to state security, or to the timely implementation of measures due to urgent necessity caused by a force majeure situation. If the activity aims to ensure state security, a respective motion of the State Security Service of Georgia shall also be attached to the application.



3. An application of a person carrying out activities for exemption from an EIA provided for by paragraph 2 of this article shall contain the following data in addition to information provided for by Article 78 of the General Administrative Code of Georgia:

- a) the name of the activity and the person carrying out activities;
- b) the location of the planned activity, with an indication of GIS (geographical information systems) coordinates (along with the .shp file);
- c) the estimated time of the commencement and the end of the activity;
- d) the purpose of the activity.

4. Within three days after an application filed by the person carrying out activities has been registered, the Ministry shall have the application placed on its official website and on the notice board of the executive body and/or representative body of a respective municipality.

5. A decision on exemption from an EIA shall be made by the Government of Georgia under a procedure established by the legislation of Georgia and based on a motion of the Ministry.

6. Within five days after the Government of Georgia has made a decision provided for by paragraph 5 of this article, the Ministry shall have a legal act exempting or refusing exemption from an EIA placed on its official website and on the notice board of the executive body and/or representative body of a respective municipality.

Article 17 – Further analysis of the activity

1. Further analysis of the activity shall include:

- a) the monitoring of the conditions and mitigating measures provided for by the environmental decision;
- b) the analysis of the environmental impact resulting from the carrying out of the activity;
- c) the assessment, provided for by the EIA report, of changes in environmental characteristics.

2. A person carrying out activities shall submit to the Ministry the results of further analysis of the activity within the time frames determined by the environmental decision.

3. The Ministry shall place the results (document) of further analysis of the activity, provided for by paragraph 2 of this article, on its official website within three days after they have been received.

4. The Ministry shall consider the results of the further analysis of the activity in the process of making a respective decision for any other activity subject to an EIA.

Chapter III – Strategic Environmental Assessment

Article 18 – General provisions

1. An SEA includes scoping, the preparation and review of an SEA report, public participation and consultations with the public, the taking account of the information included in the SEA report in the decision-making on a strategic document and the taking account of recommendations issued by the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia with respect to the draft strategic document during the process of the adoption/approval thereof, and of the results of public participation, as well as the provision of information on the decision made to the public and concerned agencies.

2. The recommendations of the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour,



Health and Social Affairs of Georgia shall be required in order for a strategic document which is subject to an SEA in accordance with this Code to be adopted/approved.

3. The planning authority shall submit to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia the concept or the draft of a strategic document at the earliest possible stage of its drawing up.

4. The planning authority shall be responsible for carrying out an SEA.

5. If the implementation of a strategic document causes a transboundary impact, the transboundary environmental impact assessment procedure provided for by Chapter V of this Code shall be applied.

6. A strategic document adopted before this Code enters into force and the change to be made to such strategic document shall not be subject to an SEA and the procedures established by this Code for an SEA shall not apply to them, except when the planning authority itself requests the performance of an SEA.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 19 – Purpose of SEA

The purpose of an SEA is to:

- a) minimise adverse effects on the environment and human health;
- b) ensure public participation in the preparation and adoption/approval of a strategic document;
- c) take account of environmental and human health aspects in the decision-making related to a strategic document;
- d) perform a transboundary environmental impact assessment procedure in the process of the decision-making related to a strategic document, where relevant.

Article 20 – Strategic documents subject to an SEA

1. If a normative act provides for the possibility of the adoption/issuance of a strategic document, such normative act shall:

- a) include in the strategic document the following general environmental aspects taking into account the specific nature of the respective sector and activity: the approximate geographical area and the estimated duration of the implementation of measures (activities) provided for by the strategic document, their application in protected areas, urban and rural zones, and the main types of potential environmental impact resulting from their implementation;
- b) the possibility of holding public reviews of the strategic document and obtaining and analysing comments on the strategic document;
- c) the possibility of issuing recommendations by the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia with respect to the draft strategic document.

2. The procedure for the preparation of a draft strategic document and for the adoption/issuance and implementation of a strategic document shall be determined by the legislation of Georgia.

3. A strategic document whose implementation may have significant effects on the environment and human health shall be subject to an SEA taking into account paragraphs 4 and 5 of this article.

4. The performance of an SEA shall be mandatory in the case of a strategic document and a major change to a strategic document (including where the change includes an increase in the scale of the activity (activities) to be carried out under the strategic document, the change of the location of the activity (including expansion), and the change in the type of activity (activities), operational conditions or production capacity), which establish a framework for the future development of the activities provided for by Annexes I and II to this Code in the following sectors:



- a) agriculture;
- b) silviculture;
- c) fishing;
- d) energy;
- e) industry;
- f) transport;
- g) waste management;
- h) water resources management;
- i) electronic communications;
- j) tourism;
- k) planning and spatial planning.

5. A minor change to a strategic document that does not conceptually alter the contents of the strategic document, as well as a strategic document related to the territory of a self-governing community, except for a self-governing city, shall be subject to an SEA if such change or strategic document, covering only the territory of a self-governing community:

- a) has a long-term and irreversible impact on the environment or an impact with a highly cumulative effect;
- b) poses an increased risk to the environment and/or human health;
- c) has an effect on territories having unique natural characteristics or containing cultural heritage, and protected areas, as well as areas and/or landscapes to which the status of local and/or international importance has been assigned.

6. If the planning authority considers that the strategic document provided for by paragraph 5 of this article or the minor change to the strategic document requires an SEA, it may directly file a scoping application for the performance of an SEA. If the planning authority considers that the performance of an SEA is not required, in order to identify the need to perform an SEA, it may apply a screening procedure provided for by Article 23 of this Code based on the results of which an SEA either will be performed or not.

7. The obligation to perform an SEA where directly provided for by a legislative act of Georgia may apply to a strategic document that establishes a framework for the future activities which are not provided for by Annexes I and II to this Code and/or which do not fall within the sectors specified in paragraph 4 of this article.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 21 – Exceptions

A strategic document shall not be subject to an SEA if it concerns issues related to the ensuring of state security or the implementation of measures due to urgent necessity caused by a force majeure situation, as well as financial and/or budgetary issues.

Article 22 – SEA stages

The SEA stages are as follows:

- a) the filing of an application by the planning authority with the Ministry and the Ministry of Internally Displaced Persons from



the Occupied Territories, Labour, Health and Social Affairs of Georgia;

b) a scoping procedure provided for by Articles 24 and 25 of this Code;

c) the preparation of an SEA report by the planning authority and/or an adviser in accordance with Article 26 of this Code;

d) the assessment by the planning authority of information obtained from the SEA report, public participation and consultations;

e) the performance of a transboundary environmental impact assessment procedure in accordance with Chapter V of this Code, where relevant;

f) public participation;

g) the issuance of recommendations by the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia with respect to the draft strategic document in accordance with Article 27 of this Code.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 23 – Screening of strategic documents

1. In the case provided for by Article 20(6) of this Code, a screening procedure shall be performed for the purpose of identifying the need to perform an SEA.

2. The planning authority may file a screening application with the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and submit to them (both in tangible and electronic form) the concept or the draft of a strategic document (it shall include brief information on the aims, objectives and measures provided for by the strategic document) at the earliest possible stage of its drawing up.

3. The screening application submitted by the planning authority to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall, in addition to information provided for by Article 78 of the General Administrative Code of Georgia, include information on the area where the strategic document will be implemented (including the population residing in that area), as well as on the nature of the potential impact on the environment and human health.

4. Within three days after the screening application has been registered, the Ministry, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the planning authority shall place the screening application and the concept or the draft of the strategic document on their official websites, and the Ministry shall also ensure their placement on the notice board of the executive body and/or representative body of a respective municipality. Upon request, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall make printed copies or electronic versions of the above documents available under a procedure established by the legislation of Georgia. The public may, within seven days after the screening application and the concept/draft of the strategic document have been placed on the website and the notice board, submit opinions and comments with respect to these documents under a procedure established by Article 34(1) of this Code. The Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall review the opinions and comments submitted by the public and, if there are appropriate grounds, shall take them into account in the decision-making process.

5. The Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall review the concept or the draft of the strategic document submitted by the planning authority in accordance with paragraph 2 of this article and shall, within their competence, individually make decisions on making the strategic document subject to an SEA not earlier than the 10th day and not later than the 15th day after the registration of the screening application under paragraph 2 of this article.

6. When the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia make, within their competence, individual decisions on making the strategic document subject to an SEA, the following criteria, in addition to the criteria determined by Article 20(5) of this Code, shall be taken into account:

a) the characteristics of the strategic document, in particular:



a.a) the extent to which the strategic document establishes a framework for future activities in terms of the place of implementation, their types, volume and working conditions or the distribution of natural resources;

a.b) the relation of the strategic document to other strategic documents (if any);

a.c) the importance of the strategic document in terms of the integration of environmental issues, in particular, the promotion of sustainable development;

a.d) general environmental aspects related to the strategic document;

b) general information on the nature of the impact of measures provided for by the strategic document and on the characteristics of the territory subject to the impact, in particular:

b.a) the transboundary nature of the impact;

b.b) risks associated with the environment and/or human health;

b.a) the value and vulnerability of the territory subject to impact, in particular, the natural characteristics or cultural heritage, and the impact on protected areas and on areas and/or landscapes to which the status of local and/or international importance has been assigned.

7. When a decision on making the strategic document subject to an SEA is made, the guideline document on Strategic Environmental Assessment may be used.

8. Within three days after the completion of the screening procedure, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall submit the screening decisions to the planning authority.

9. Within five days after the screening decisions have been made, the Ministry, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the planning authority shall place these decisions, as well the opinions and comments submitted by the public, on their official websites, and the Ministry shall also ensure their placement on the notice board of the executive body and/or representative body of a respective municipality. Upon request, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall make printed copies or electronic versions of the above documents available under a procedure established by the legislation of Georgia.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 24 – Scoping application in the SEA process

1. To issue a scoping opinion, the planning authority shall, as early as possible but not later than at the stage of preparing a draft strategic document, file a scoping application with the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, to which a concept or a draft of a strategic document (both in tangible and electronic form) shall be attached. The planning authority shall place the scoping application and the attached documents on its website.

2. A scoping application filed under the procedure established by paragraph 1 of this article shall include:

a) information on the planning authority;

b) short information on the strategic document, as well as on the geographical area and the respective populated areas where it is planned to implement the strategic document;

c) short information on the environment (including the protected areas, as well as the territory and/or landscape to which the status of local and/or international importance has been assigned) and the extent of the potential impact on human health;

d) general information on the potential transboundary impact on the environment and human health;

e) a general description of the potential alternative measures envisaged by the strategic document;



f) information on the types of potential impacts on the environment which will be subject to examination and will be included in an SEA report;

g) the relation of the strategic document to other strategic documents;

h) general information on the basic studies to be carried out in the SEA process;

i) the estimated list of measures planned for preventing, mitigating and compensating potential adverse effects (if any) resulting from the implementation of the strategic document.

3. The planning authority may submit to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia any other information that will be important during the preparation of the scoping opinion.

4. Within three days after the scoping application has been registered, the Ministry, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the planning authority shall place the application and the attached documents on their official websites, and the Ministry shall also ensure their placement on the notice board of the executive body and/or representative body of a respective municipality. Upon request, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall make printed copies or electronic versions of the above documents available under a procedure established by the legislation of Georgia.

5. Within 15 days after the scoping application has been placed on the website, the public may, under the procedure established by Article 34(1) of this Code, submit to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia opinions and comments with respect to the scoping application and the concept or the draft of the strategic document. The Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall review the opinions and comments submitted by the public and, if there are appropriate grounds, shall take them into account in the decision-making process.

6. The planning authority may simultaneously submit to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia the screening and the scoping applications. If the screening procedure establishes that the strategic document shall be subject to an SEA, the same decision shall also include information about the initiation of administrative proceedings for the purpose of issuing a scoping opinion.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 25 – Issuing scoping opinions in the SEA process

1. The Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall, under the procedure established by this article, review a scoping application and attached documents submitted by the planning authority and, within their competence, issue scoping opinions.

2. Not earlier than the 20th day and not later than the 25th day after the scoping application has been registered, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall, within their competence, individually issue the scoping opinions. The scoping opinions shall determine a list of studies required and information to be obtained and examined for the preparation of an SEA report. When issuing scoping opinions, the guideline document on Strategic Environmental Assessment may be used.

3. The Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall forward to the planning authority the scoping opinions issued in accordance with paragraph 2 of this article within three days after they have been issued.

4. Within five days after the scoping opinions have been issued, the Ministry, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the planning authority shall place the scoping opinions and the concept or the draft of the strategic document on their official websites, and the Ministry shall also ensure their placement on the notice board of the executive body and/or representative body of a respective municipality. Upon request, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall make printed copies or electronic versions of the scoping opinion available under a procedure established by the legislation of Georgia.



5. If, within five years after a scoping opinion is issued, the planning authority fails to submit to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia an SEA report and a draft strategic document, the scoping opinion shall become invalid.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 26 – SEA report

1. An SEA report may be prepared as part of a strategic document and integrated therein, or may be prepared as an individual document.

2. An SEA report shall include:

a) information on the contents and objectives of the strategic document and the relation of the strategic document to other strategic documents;

b) the general assessment of the current status of environmental and human health protection in the area on which the implementation of the strategic document may have significant effects;

c) a general analysis of the main aspects related to the environment and human health for the territory which may be subject to significant effects;

d) general forecasts of the potential environmental impact resulting from the implementation of the strategic document;

e) information on the potential transboundary impact resulting from the implementation of the strategic document if there exist grounds provided for by this Code;

f) a brief description of measures for preventing, reducing or mitigating the potential impact on the environment and human health resulting from the implementation of the strategic document;

g) opinions as to the substantiation of the alternatives reviewed;

h) a non-technical summary of the SEA report.

3. The extent of detail of an SEA report shall comply with the extent of detail and contents of the strategic document.

4. When preparing an SEA report, the hierarchical system of documents subject to an SEA in the respective sector and the need to avoid the duplication of appropriate studies in this respect shall be taken into account.

5. The methods applied in the preparation of SEA reports and the information included therein shall comply with respective scoping opinions.

Article 27 – Reviewing SEA reports and issuing recommendations

1. The planning authority shall file an application with the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and submit to them an SEA report along with a draft strategic document (both in tangible and electronic form). Within three days after the application has been registered, the Ministry, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the planning authority shall place the application and the attached documents on their official websites, and the Ministry shall also ensure their placement on the notice board of the executive body and/or representative body of a respective municipality. Upon request, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall make printed copies or electronic versions of the above documents available under a procedure established by the legislation of Georgia.

2. An application provided for by paragraph 1 of this article shall also include information on the estimated time, place and procedure of holding a public review.



3. Within three days after the registration of the application filed by the planning authority in accordance with paragraph 1 of this article, for the purpose of reviewing the SEA report and the draft strategic document, the Ministry shall establish an expert commission under the procedure established by Chapter VI of this Code. The expert commission shall submit an expert opinion to the Ministry within 40 days after the establishment of the commission.
4. Within the time frame determined in accordance with paragraph 2 of this article, the planning authority shall hold public reviews with the participation of the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia. Within 40 days after the application has been placed under the procedure established by paragraph 1 of this article, the public may, under the procedure established by Article 34(1) of this Code, submit to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia opinions and comments with respect to the SEA report and the draft strategic document. The Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall review the opinions and comments submitted by the public and, if there are appropriate grounds, shall take them into account in the decision-making process.
5. The planning authority shall disseminate information on the venue, time and procedure of holding a public review of the SEA report, using the procedures and means determined by Chapter IV of this Code, not later than within 30 days before the holding of the public review.
6. Within five days after the public review of the SEA report has been held, the planning authority shall ensure the drawing up of the minutes of the results of the public review of the SEA report. The minutes shall provide a detailed description of the opinions and comments expressed at the public review of the SEA report. The planning authority shall sign the minutes and shall be responsible for their accuracy. Within five days after the minutes of the results of the public review of the SEA report have been drawn up, the planning authority shall submit the minutes to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.
7. Not earlier than the 51st day and not later than the 55th day after the registration of an application provided for by paragraph 1 of this article, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall, within their competence, issue respective recommendations with respect to the SEA report and the draft strategic document. When issuing these recommendations, the guideline document on Strategic Environmental Assessment may be used. The Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall forward the above recommendations to the planning authority within three days after they have been issued.
8. Within five days after the issuance of recommendations with respect to an SEA report and a draft strategic document in accordance with paragraph 7 of this article, the Ministry, the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the planning authority shall place these recommendations on their official websites, and the Ministry shall also ensure their placement on the notice board of the executive body and/or representative body of a respective municipality. Upon request, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall make printed copies or electronic versions of the above recommendations available under a procedure established by the legislation of Georgia.
9. If, within 10 years after the issuance of the respective recommendations, the strategic document has not been adopted/approved, the planning authority shall again go through the procedure provided for by this chapter.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 28 – General requirements for the adoption/approval of strategic documents

1. A strategic document may only be adopted/approved after the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia issues recommendations with respect to the SEA report and the draft strategic document.
2. Before adopting/approving the strategic document, the planning authority shall review the recommendations issued by the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, the opinions and comments submitted by the public and, if there are appropriate grounds, take them into account when finalising and adopting/approving the strategic document.
3. If a transboundary environmental impact assessment procedure is performed in the SEA process, the results of the procedure shall also be taken into account when adopting/approving the strategic document.



4. The respective substantiated information on the results of the review of the following data shall be attached to a decision to adopt/approve the strategic document:

a) the results of the public review held and the opinions and comments expressed by the public during the review;

b) the recommendations issued by the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia;

c) the results of the transboundary environmental impact assessment procedure (where relevant).

5. The planning authority shall place a decision adopting/approving the strategic document on its official website and, within three days after the decision has been made, shall forward it to the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia.

6. The Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall place the decision adopting/approving the strategic document on their official websites within three days after the planning authority has forwarded it, and the Ministry shall also place the information in this regard on the notice board of the executive body and/or representative body of a respective municipality. Upon request, the Ministry and the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall make printed copies or electronic versions of the above document available under a procedure established by the legislation of Georgia.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 29 – Further analysis of the results of the implementation of a strategic document

If there is a need and respective possibility, the Ministry shall, based on the data it has, ensure the performance of an independent analysis of significant effects on the environment resulting from the implementation of the strategic document, and shall systematically place the results of further analysis on its official website in order to inform the public. An internal procedure for performing further analysis of the results of the implementation of a strategic document provided for by this article shall be approved by an order of the Minister on the Performance of Further Analysis of the Results of the Implementation of a Strategic Document.

Chapter IV – Public Participation in Decision-Making Processes Provided for by this Code

Article 30 – Right of the public to participate

1. The public may participate in decision-making processes provided for by this Code.

2. Public participation shall be ensured:

a) in decision-making related to activities subject to an EIA;

b) in decision-making related to strategic documents subject to an SEA;

c) in the case of the performance of transboundary environmental impact assessment procedures.

Article 31 – Obligations of an administrative body

A competent administrative body provided for by this Code shall be obliged to:

a) ensure, at the earliest stage possible (when efficient public participation is possible), public participation in decision-making



processes in accordance with this chapter;

- b) ensure the timely, efficient and adequate provision to the public of information on the initiation of administrative proceedings provided for by this Code and on the possibility of public participation in such administrative proceedings;
- c) ensure public access to documents provided for by this Code;
- d) ensure public participation in reviews and the possibility for the public to submit their opinions and comments;
- e) ensure that opinions and comments presented by the public in decision-making processes and the results of public reviews are taken into account, and the informing of the public of the decisions made and access thereto under procedures established by the legislation of Georgia.

Article 32 – Informing the public

1. Information on the holding of public reviews shall be placed:

- a) on the websites of the Ministry and an appropriate administrative body provided for by this Code, and on a notice board which can be accessed by the public;
- b) in a newspaper which is widely circulated, and is available for the majority of the public concerned (if any), in the territory which is subject to a potential impact;
- c) on the notice board and/or website of an executive body and/or representative body of a respective municipality, as well as at places established for disseminating information (transport stops, schools, pre-school institutions, trade centres, post offices and/or any other places of public gathering);
- d) at a public place nearest to the location of the activity subject to an EIA or of the implementation of the strategic document subject to an SEA.

2. A notice on the holding of a public review shall include information:

- a) on the issue on which a decision should be made in accordance with this Code;
- b) on the competent decision-making administrative body;
- c) on the means of access to the documents necessary for making a decision provided for by this Code, as well as data on the place and address where the above documents may be viewed;
- d) on the possibility to attend the public review and present opinions and comments thereat;
- e) on the transboundary environmental impact assessment procedure, in the case of the performance thereof;
- f) on other data provided for by this Code (including data on the availability of a non-technical summary), which will promote efficient public participation in the decision-making.

3. The time for the placement of a notice on the holding of a public review shall be determined in such a manner as to ensure efficient public participation in the decision-making.

Article 33 – Access to information

1. An administrative body making decisions on the issues provided for by this Code shall, upon request, ensure access to any public information related to the exercise of its powers under a procedure established by the legislation of Georgia.

2. A decision-making administrative body provided for by this Code shall determine in the decision-making process the scope of information necessary to efficiently inform the public under a procedure established by the legislation of Georgia, and shall ensure:



- a) the placement of the above information on the official website of the Ministry;
- b) the availability of a printed copy of the above information.

Article 34 – Submitting opinions and comments; public reviews

1. Opinions and comments may be submitted to the administrative body:
 - a) in writing;
 - b) orally, in the course of public reviews;
 - c) by electronic means, if they make it possible to reliably identify the author and the sender.
2. The public shall be provided with complete information on the purpose, time, place and procedure of holding the public review and on the possibility to obtain the necessary documents. Public reviews shall be open and any person may participate in them.
3. A procedure for public reviews shall be established in accordance with the General Administrative Code of Georgia and this Code by a subordinate normative act of the Minister on the Approval of the Procedure for Public Discussions.

Article 35 – Taking account of the results of public participation

1. A decision-making administrative body provided for by this Code shall review opinions and comments submitted by the public and appropriately reflect the results of public participation in the written substantiation of a respective decision as provided for by this Code.
2. A decision-making administrative body provided for by this Code shall, after making the decision, ensure that information on the decision made is provided to the public on time, under the procedure established by this chapter and using appropriate means.

Article 36 – Appealing the decision

Any member of the public may, under a procedure established by the legislation of Georgia, appeal a decision made by the administrative body in accordance with this Code if he/she considers that the administrative body failed to ensure his/her participation in the decision-making process provided for by this Code or otherwise violated the requirements established by the legislation of Georgia.

Chapter V – Transboundary Environmental Impact Assessment Procedure

Article 37 – Activities and strategic documents subject to a transboundary environmental impact assessment procedure

1. A transboundary environmental impact assessment procedure shall be performed if:
 - a) an activity subject to an EIA that is carried out in Georgia may have a significant transboundary impact on the environment;
 - b) a strategic document subject to an SEA that is implemented in Georgia may have a significant transboundary impact on the environment;
 - c) an activity or a strategic document that is implemented in another state may have a significant transboundary impact on the environment.



2. A transboundary environmental impact assessment procedure shall be performed if the other state has undertaken such obligation under an international agreement in the area of environmental protection, or if a bilateral agreement between Georgia and that state on the performance of a transboundary environmental impact assessment procedure has been signed.
3. The Ministry shall be responsible for the performance of transboundary environmental impact assessment procedures.
4. The Ministry shall make all the documents related to the transboundary environmental impact assessment procedure available to the public under the procedure established by Chapter IV of this Code.
5. If an agreement/treaty signed between Georgia and another state provides for a procedure and grounds other than the transboundary environmental impact assessment procedure provided for by this Code, the provisions of a respective agreement/treaty shall apply during the transboundary environmental impact assessment.

Article 38 – Transboundary environmental impact assessment procedure

1. If there are grounds determined by paragraphs 1 and 2 of Article 37 of this Code, and the implementation of the activity/strategic document may have a transboundary impact on the environment that is identified by the person carrying out activities, the planning authority, the Ministry and/or the state subject to a transboundary impact, the Government of Georgia shall, based on a motion of the Ministry, issue an individual administrative act initiating a procedure for the assessment of the transboundary impact of the activity/strategic document on the environment. The individual administrative act shall determine an obligation on the part of the person carrying out activities or the planning authority to submit to the Ministry the copies of the respective application and the attached documents (both in tangible and electronic form) translated into the official language of the state which may be subject to a transboundary impact, and notarially attested, as well as the period provided for by paragraph 2 of this article. Before the person carrying out activities or the planning authority submits the translated documents under a procedure established by the legislation of Georgia, the Minister shall make a decision to suspend the initiated administrative proceedings on the basis of the above decision of the Government of Georgia.
2. Upon the submission of the translated documents by the person carrying out activities or the planning authority, the Ministry shall, through the Ministry of Foreign Affairs of Georgia, forward these documents within seven days to the state subject to a transboundary impact and communicate to it the reasonable time frame established on the basis of the respective decision of the Government of Georgia, within which the state subject to a transboundary impact shall notify the Ministry of its participation in the transboundary environmental impact assessment procedure.
3. If none of the states subject to a transboundary impact expresses an interest in participating in the transboundary environmental impact assessment procedure within the time frame provided for by paragraph 2 of this article, the Ministry shall, with the consent of the Government of Georgia, issue an individual administrative act on the termination of the transboundary environmental impact assessment procedure and on the continuation of the EIA or SEA procedure. Along with granting consent, the Government of Georgia shall make a decision declaring invalid the individual administrative act issued on the basis of paragraph 1 of this article.
4. If any of the states subject to a transboundary impact expresses an interest in participating in the transboundary environmental impact assessment procedure, the Government of Georgia shall, within one month after the expression of such interest and based on a motion of the Ministry, make a decision initiating a transboundary environmental impact assessment procedure with that state. The decision shall include information on the forms of exchange of documents and data and the time frames for holding further consultations and performing a transboundary environmental impact assessment procedure.

Article 39 – Rights and obligations of a person carrying out activities and a planning authority in the transboundary environmental impact assessment procedure

1. A person carrying out activities and/or a planning authority shall be obliged to:
 - a) include in the screening application or the scoping application information on a potential transboundary impact;
 - b) provide an appropriate assessment of the potential transboundary impact in the EIA report or the SEA report;
 - c) ensure that the documents are appropriately translated and the accuracy of the translation from one language to another is



notarially attested in accordance with the legislation of Georgia;

- d) ensure appropriate interpretation services during public reviews if foreign citizens are attending the public reviews;
- e) provide, if necessary, respective assistance to the Ministry during the performance of a transboundary environmental impact assessment procedure;
- f) ensure including a transboundary environmental impact assessment procedure in the scoping report, the EIA report, the SEA report and/or the strategic document.

2. A person carrying out activities and/or a planning authority may, at any stage, become involved in the transboundary environmental impact assessment procedure.

3. A person carrying out activities/planning authority shall ensure the reimbursement of costs associated with the performance of the transboundary environmental impact assessment procedure.

Article 40 – Taking account of the results of a transboundary environmental impact assessment procedure at the stages of EIA and SEA

1. As a result of consultations with other states on the transboundary environmental impact assessment procedure, the Ministry shall:

a) determine the obligation of the person carrying out activities or the planning authority to include the results of the transboundary environmental impact assessment procedure in the scoping report/scoping application;

b) determine the parts of the EIA report or the SEA report which shall be translated by the person carrying out activities or the planning authority into the official language of the state subject to a transboundary impact;

c) take into account the results of the consultations when making an environmental decision;

d) ensure that the results of the consultations, in the process of issuing recommendations with respect to the draft strategic document, are taken into account.

2. A person carrying out activities or a planning authority shall translate into the respective language the environmental decision, or the strategic document and the recommendation issued with respect to the strategic document, which includes the performance of a transboundary environmental impact assessment procedure, and submit such translation(s) to the Ministry within one month after the documents have been made. The Ministry shall, through the Ministry of Foreign Affairs of Georgia, forward the above documents to the state that participated in the transboundary environmental impact assessment procedure.

3. A person carrying out activities/planning authority shall ensure that the results of the monitoring of the implementation of the strategic document subject to a transboundary environmental impact assessment procedure or the results of the further analysis of the activity are translated into the respective language and submitted to the Ministry. The above documents shall, through the Ministry of Foreign Affairs of Georgia, be forwarded to the state that participated in the transboundary environmental impact assessment procedure.

Article 41 – Procedure for the assessment of a transboundary environmental impact resulting from the implementation of activities and strategic documents outside Georgia

1. The Ministry may become involved in a transboundary environmental impact assessment procedure if it is notified by another state of the potential impact on the environment in Georgia resulting from the implementation of an activity or a strategic document in that state.

2. The Government of Georgia shall, based on a motion of the Ministry, initiate a transboundary environmental impact assessment procedure if there are appropriate grounds for believing that the implementation of an activity or a strategic document in another state will have an impact on the environment in Georgia, and the other state has not notified the Government of Georgia thereof.

3. After initiating a transboundary environmental impact assessment procedure, the Ministry shall, based on a decision of the



Government of Georgia, hold consultations with the state where the activity or the strategic document is to be implemented.

4. Before holding consultations with the other state, the Ministry shall ensure that the public in the territory that is subject to a transboundary impact is informed. The public shall be informed under the procedure established by Chapter IV of this Code.

5. The costs associated with informing the public shall be borne by the Ministry, unless otherwise established as a result of the transboundary environmental impact assessment procedure.

Chapter VI – Expert Commission

Article 42 – Expert commission

1. The Ministry shall establish an expert commission in each specific case by an individual administrative act for the purpose of carrying out an expert examination provided for by this Code.

2. An expert commission shall be composed of experts. A representative of an institution within the Ministry or its system and/or a public expert provided for by the legislation of Georgia may serve as an expert. Based on the specific nature of the planned activity or the strategic document, the Ministry may invite a subject of a foreign country (natural or legal person) or a stateless person as a member of an expert commission.

3. A public expert shall participate in an expert examination based on a labour agreement concluded between him/her and the Ministry. Public experts shall be remunerated by the Ministry within the limits of the allocations from the State Budget. The procedure for the remuneration of public experts shall be determined by a subordinate normative act of the Minister.

Article 43 – Functions and powers of an expert commission; expert opinions

1. The functions of an expert commission shall be:

- a) the preparation of an expert opinion on an EIA report, an SEA report and a draft strategic document;
- b) the preparation of an expert opinion on an environmental audit report;
- c) the exercise of other powers provided for by the legislation of Georgia;
- d) the carrying out of research activities in the process of expert examination.

2. Members of an expert commission may inspect and examine on the spot the territory where the planned activity is to be implemented or which is provided for by the strategic document. The person carrying out activities/planning authority shall ensure the unhindered movement of the members of an expert commission in such territory.

3. An expert commission may, within its competence, obtain information from an administrative body under a procedure established by the legislation of Georgia.

4. The results of the work of an expert commission shall be reflected in an expert opinion that shall be prepared by the expert commission and signed by the chairperson and the members of the expert commission.

5. An expert opinion prepared by the expert commission shall be recommendatory in nature and it shall not be mandatory for the Ministry to take it into account in the decision-making. However, the refusal to take the expert opinion into account shall be substantiated.

Chapter VII – Control and Responsibility in the Area of Environmental Assessment



Article 44 – Control of compliance with conditions determined by environmental decisions

A state sub-agency within the system of the Ministry, exercising state control, shall control compliance with conditions determined by environmental decisions under a procedure established by the legislation of Georgia.

Article 45 – Responsibility for violation of requirements established by the legislation of Georgia in the area of environmental assessment

Responsibility for the violation of the requirements established by the legislation of Georgia in the area of environmental assessment shall be determined by this Code and other legislative and subordinate acts of Georgia.

Article 46 – Responsibility for failure to comply with conditions determined by environmental decisions; declaring an environmental decision invalid

1. The failure to comply with the conditions determined by an environmental decision shall result in the fining of the person carrying out activities under a procedure established by the legislation of Georgia. After a fine has been imposed on the person carrying out activities, the Ministry shall set reasonable time frames for the fulfilment of the conditions determined by the environmental decision.
2. Regardless of the imposition of a fine on the person carrying out activities as provided for by paragraph 1 of this article, the failure of the person carrying out activities to fulfil the conditions determined by the environmental decision within the reasonable time frame provided for by paragraph 1 of this article shall result in a tripling of the fine imposed. After a fine has been imposed on the person carrying out activities, reasonable time frames and relevant conditions shall be established for fulfilling the conditions determined by the environmental decision.
3. After the expiry of the reasonable time frame following the imposition of a tripled fine on the person carrying out activities as provided for by paragraph 2 of this article, the failure of the person carrying out activities to fulfil the conditions determined by the environmental decision shall result in a further tripling of the fine imposed.
4. If, regardless of the imposition on the person carrying out activities of the fines provided for by paragraphs 1-3 of this article, the person carrying out activities fails to fulfil the conditions determined by the environmental decision, the Ministry shall declare the environmental decision invalid, except as provided for by paragraphs 7-9 of this article.
5. In addition to the grounds provided for by Article 61 of the General Administrative Code of Georgia and paragraph 4 of this article, the following shall serve as grounds for declaring an environmental decision invalid:
 - a) the request of the holder of the environmental decision;
 - b) the liquidation of the holder of the environmental decision under a procedure established by the legislation of Georgia, unless otherwise provided for by a court decision;
 - c) a judgement of conviction depriving the holder of the environmental decision of the right to carry out activities.
6. Screening decisions, scoping decisions, environmental decisions and decisions declaring an environmental decision invalid may be appealed to a superior administrative body (official) or a court.
7. If declaring the environmental decision invalid may cause more harm than the continuation of its validity, or if the suspension of the activity is substantively impossible, the issuer of the environmental decision shall make a substantiated decision to grant the holder of an environmental decision the right to perform a certain action, provided that the holder complies with determined additional conditions. In such case, the holder of an environmental decision shall, within the reasonable time frame established by the Ministry, ensure the fulfilment of the additional conditions.

8. If, in the case provided for by paragraph 7 of this article, the holder of an environmental decision fails to fulfil the conditions determined by the decision, the Ministry may, regardless of the liability imposed on the holder of an environmental decision, make a decision on the fulfilment of the conditions determined by the environmental decision by the holder of the environmental



decision himself/herself or through a third party, on behalf and at the expense of the holder of the environmental decision.

9. If the conditions determined by the decision cannot be fulfilled under the procedure established by paragraph 8 of this article, the court shall, based on a motion of the Ministry, make a decision to appoint a special manager for the performance of the action and the fulfilment of the conditions determined by the respective decision. The procedure provided for by Article 34 of the Law of Georgia on Licences and Permits shall apply to special managers.

Chapter VIII – Transitional and Final Provisions

Article 47 – Procedure for making a decision granting the right to continue a current activity and responsibility for failure to comply with conditions determined by a decision granting the right to continue a current activity

1. The activities subject to an ecological examination provided for by Article 4(1) of the Law of Georgia on Environmental Impact Permits (except for activities related to the operation of existing landfills as defined by the Waste Management Code, and electrical power lines and motor roads of international and intrastate significance, including bridges, tunnels and structures for engineering protection located thereon, which were constructed before this Code enters into force) the implementation of which started before 1 June 2015 and for which no environmental impact permit or no decision granting the right to continue a current activity exists, shall require a decision granting the right to continue a current activity made by the Ministry in accordance with the procedures provided for by this article.

2. In the case provided for by paragraph 1 of this article, the person carrying out activities shall, before 1 June 2019, apply to the Ministry to obtain the right to continue a current activity.

3. In the case provided for by paragraph 1 of this article, the person carrying out activities shall file an application with the Ministry to obtain the right to continue a current activity and submit with the application an environmental audit report as well as a timeline of measures to mitigate any environmental impact resulting from the current activity. The application shall also include information on the confidential parts of the documents submitted. The person carrying out activities shall also submit to the Ministry a complete scheme of the technological cycle even if the activity includes any commercial and/or state secrets.

4. The procedure for preparing an environmental audit report and making a decision granting the right to continue a current activity shall be determined by an order of the Minister.

5. The costs for carrying out an environmental audit shall be reimbursed by the person carrying out activities.

6. Once the documents provided for by paragraph 3 of this article have been registered, the Ministry shall place the documents on its official website in order to ensure public involvement and the receipt of respective proposals.

7. The Ministry shall review opinions and comments submitted by the public in writing within 30 calendar days after the documents provided for by paragraph 3 of this article have been placed on its official website, and shall hold public reviews on the 40th day after the documents have been placed on the website.

8. The Ministry shall carry out an expert examination in each specific case to make a decision granting the right to continue a current activity.

9. To ensure the implementation of the procedure provided for by paragraph 8 of this article, an expert commission shall be established by an order of the Minister. Members of the expert commission may inspect and examine on the spot the territory where the current activity is being carried out. The person carrying out activities shall ensure the unhindered movement of members of an expert commission in such territory.

10. The Ministry shall ensure that the reasoned opinions and comments submitted by the public concerned are taken into account in the process of making decisions to continue a current activity.

11. If the opinions and comments referred to in paragraph 10 of this article are not taken into account, the Ministry shall notify to the relevant interested person of the appropriate decision.

12. To make a decision granting the right to continue a current activity, the Ministry shall, on the basis of an expert opinion, set time frames in each specific case for the timeline of measures to reduce the environmental impact resulting from the activity.



13. Not earlier than the 50th calendar day and not later than the 60th calendar days after the respective application has been registered, the Ministry shall, on the basis of on the expert opinion, make the decision granting the right to continue a current activity. The decision shall be approved by an order of the Minister.

14. A person carrying out activities, who applies to the Ministry to obtain the right to continue a current activity but fails to comply with applicable environmental standards, shall ensure that the conditions determined by the decision granting the right to continue a current activity are fulfilled within the time frames set by the respective timeline.

15. If a person carrying out activities completely fulfils the conditions determined by the decision granting the right to continue a current activity within the time frames set under the respective timeline, the person carrying out activities may apply to the Ministry to obtain an environmental decision. The Ministry shall issue an act on the issuance of an environmental decision under the procedure established by the subordinate normative act of the Minister on the Approval of Procedures for Drawing up Environmental Audit Reports and Making Decisions to Continue a Current Activity.

16. The fact that the environmental decision granting the right to continue a current activity has been made shall not exempt the person carrying out activities from the obligation to compensate for any damage caused to the environment as a result of the implementation of the activity before and after the decision.

17. The failure to fulfil the conditions determined by the decision granting the right to continue a current activity shall result in the fining of the person carrying out activities under a procedure established by the legislation of Georgia. After a fine has been imposed on the person carrying out activities, the Ministry shall set reasonable time frames for the fulfilment of the conditions determined by the decision granting the right to continue a current activity, as well as the conditions which shall be complied with for carrying out a specific action.

18. Regardless of the imposition of a fine on the person carrying out activities as provided for by paragraph 17 of this article, the failure of the person carrying out activities to fulfil the conditions determined by the decision granting the right to continue a current activity within the reasonable time frame provided for by paragraph 17 of this article shall result in the tripling of the fine imposed. When imposing the fine, reasonable time frames and relevant conditions shall be determined for the person carrying out activities to fulfil the conditions determined by the decision granting the right to continue a current activity.

19. After the expiry of the reasonable time frame provided for by paragraph 18 of this article following the imposition of a tripled fine on the person carrying out activities, the failure of the person carrying out activities to fulfil the conditions determined by the decision granting the right to continue a current activity shall result in a further tripling of the fine imposed.

20. If, regardless of the imposition of the fines on the person carrying out activities as provided for by paragraphs 17-19 of this article, the person carrying out activities fails to fulfil the conditions determined by the decision granting the right to continue a current activity, the Ministry shall declare the decision granting the right to continue a current activity invalid.

Article 48 – Provisions related to certain enabling administrative acts in the area of EIA

1. In the case of administrative proceedings initiated under the Law of Georgia on Environmental Impact Permits before 1 January 2018, an environmental decision shall be issued in accordance with the procedure for issuing environmental impact permits established before 1 January 2018.

2. The activities provided for by Annexes I and II to this Code, commenced before 1 January 2018, which do not include activities provided for by the Law of Georgia on Environmental Impact Permits that are subject to an ecological examination, do not require an environmental decision. The requirements established by the environmental technical regulations shall apply to the above activities.

3. Relevant enabling administrative acts issued in the area of EIA before 1 January 2018 shall remain in force until 1 January 2021.

4. A person, with respect to whom a respective enabling administrative act was issued in the area of EIA before 1 January 2018, shall, by filing an application, request the issuance of an environmental decision by 1 January 2021. The Ministry shall issue the environmental decision under simple administrative procedures, on the basis of the above enabling administrative act and without the procedures under this Code for issuing environmental decisions. In such case, the person shall be exempted from paying the EIA fee established by this Code.

5. Regardless of a liability imposed on a person under a procedure established by the legislation of Georgia for the failure to fulfil the obligation provided for by paragraph 4 of this article within the established time frame, the person shall have the right to



apply to the Ministry in accordance with the procedure established by paragraph 4 of this article to obtain an environmental decision.

Article 49 – Measures related to the entry of the Code into force

1. The Ministry shall, taking into account the time frames determined by the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part, ensure the revision of the technical regulations applicable in the area of environmental protection and their submission to the Government of Georgia.

2. The relevant agencies shall, by 1 October 2017, submit to the Government of Georgia appropriate draft subordinate normative acts to ensure compliance with this Code, and the relevant institutions shall, by 31 December 2017, ensure the compliance of the appropriate subordinate normative acts with this Code.

3. On the recommendation of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, the Government of Georgia shall, by 31 December 2018, ensure the adoption of a legal act necessary for the exercise by the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia of the competences provided for by this Code.

4. To ensure the compliance of the legislation regulating oil and gas operations with the procedures established by this Code, the Legal Entity under Public Law called the State Agency of Oil and Gas shall, by 31 December 2017, ensure that respective changes are made to the order of the Head of the State Agency Regulating Oil and Gas Resources of Georgia on the Approval of National Procedures for Regulating the Performance of Oil and Gas Operations, and to other legal acts.

5. On the recommendation of the relevant institutions, the Government of Georgia and/or the respective institutions of the executive government shall, by 1 July 2018, ensure the compliance of those legal acts with the requirements established by Article 20(1) and (2) of this Code, and the adoption/issuance of respective legal acts, which, by the time of the entry into force of this Code, provide for the possibility or the relevant procedure for adopting/approving strategic documents.

6. By 1 January 2018, the Minister shall issue the following orders:

a) on the Approval of the Procedure for Public Discussions;

b) on the Approval of Procedures for Drawing up Environmental Audit Reports and Making Decisions to Continue a Current Activity;

c) on the Approval of the Procedure for the Remuneration of Public Experts.

7. By 1 January 2019, the Minister shall issue an order on the Performance of Further Analysis of the Results of the Implementation of a Strategic Document.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018

Article 50 – Repealed normative acts

From 1 January 2018, the following laws shall be declared invalid:

a) the Law of Georgia of 14 December 2007 on Environmental Impact Permits (Legislative Herald of Georgia, No 47, 26.12.2007, Art. 404);

b) the Law of Georgia of 14 December 2007 on Ecological Examination (Legislative Herald of Georgia, No 47, 26.12.2007, Art. 405).

Article 51 – Entry of this Code into force



1. This Code, except for Articles 1 and 2, Article 3(a)-(g), (i), (j) and (l)-(z¹), Article 4(1), Article 4(2)(a)-(g), (i) and (j), Article 4(3), Articles 5-46 and 48 and Annexes I and II of this Code, shall enter into force upon promulgation.

2. Articles 1 and 2, Article 3(a)-(g), (i), (j), (l)-(s), (u)-(y) and (z¹), Article 4(1) (except for sub-paragraphs (a) and (b)) and Article 4(2) (a)-(f), (i) and (j), Article 5, Article 6 (except for paragraph 1(f)), Article 7 (except for paragraph 6(c.a) and paragraph 11), Article 8 (except for paragraph 3(b.b)), Article 9 (except for paragraph 10), Article 10 (except for paragraph 3(d) with respect to information about a transboundary impact), Article 11, Article 12 (except for paragraph 7 with respect to the reference to a transboundary environmental impact assessment procedure and paragraph 1(c)), Article 13 (except for paragraph 1(e)), Articles 14-17, Article 30 (except for paragraph 2(b) and (c)), Article 31, Article 32 (except for paragraph 2(e)), Articles 33-36, 42-46 and 48 and Annexes I and II of this Code shall enter into force on 1 January 2018.

3. Article 3(t) (except for the part related to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia), Article 18 (except for paragraphs 1-3 with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and paragraph 5), Article 19 (except for sub-paragraph (d)), Article 20 (except for paragraph 1(c) and paragraph 6 with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia), Article 21, Article 22 (except for sub-paragraphs (a) and (g) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and sub-paragraph (e)), Article 23 (except for paragraphs 2-5, paragraph 6 (except for sub-paragraph (b.a)) and paragraphs 8 and 9 with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia), Article 24 (except for paragraphs 1 and 3-6 with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and paragraph 2(d)), Article 25 (except for the part related to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia), Article 26 (except for paragraph 2(e)), Article 27 (except for paragraphs 1, 4 and 6-8 with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia), Article 28 (except for paragraphs 1 and 2, 4(b) and 5 and 6 with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, paragraphs 3 and 4(c)) and Article 30(2)(b) of this Code shall enter into force on 1 July 2018.

4. Article 3(t) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Article 4(3), Article 18(1)-(3) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Article 20(1)(c) and (6) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Article 22(a) and (g) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Article 23(2)-(5), (6) (except for sub-paragraph (b.a)) and (8) and (9) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Article 24(1) and (3)-(6) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Article 25 with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, Article 27(1), (4) and (6)-(8) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, and Article 28(1) and (2), (4)(b) and (5) and (6) with respect to the competence of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia shall enter into force on 31 December 2018.

5. Article 29 of this Code shall enter into force once the Protocol on Strategic Environmental Assessment enters into force for Georgia.

6. Article 3(z), Article 4(1)(a) and (b) and Article 4(2)(g), Article 6(1)(f), Article 7(6)(c.a) and Article 7(11), Article 8(3)(b.b), Article 9(10), Article 10(3)(d) with respect to information about a transboundary impact, Article 12(7) with respect to the reference to a transboundary environmental impact assessment procedure and Article 12(1)(c), Article 13(1)(e), Article 18(5), Article 19(d), Article 22(e), Article 23(6)(b.a), Article 24(2)(d), Article 26(2)(e), Article 28(3) and Article 28(4)(c), Article 30(2)(c), Article 32(2)(e) and Articles 37-41 of this Code shall enter into force once the Convention on Environmental Impact Assessment in Transboundary Context and its Protocol on Strategic Environmental Assessment enters into force for Georgia.

Law of Georgia No 3106 of 5 July 2018 – website, 11.7.2018



Activities Provided for in Annex I

1:

1.1. Refining of crude oil (except for lubricants);

1.2. Liquefaction/gasification of 500 tonnes or more of coal or bituminous shale per day.

Construction and operation of thermal power stations and other combustion installations with a heat output of 2.10 megawatts or more.

3. Allocation of nuclear power stations or other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors, except for research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt of continuous thermal load.

4. Installations designed for the following activities:

4.1. the production and/or enrichment of nuclear fuel;

4.2. the processing of irradiated nuclear fuel or high-level radioactive waste;

4.3. the final disposal of irradiated nuclear fuel;

4.4. the storage of irradiated nuclear fuel or radioactive waste outside the production site if it is planned to store them for more than 3 years;

4.5. the final disposal of radioactive waste.

5. Production of cast iron, steel and/or ferroalloy, including primary and/or secondary smelting.

6. Production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrochemical processes, except for jewellery.

7. Extraction of asbestos, processing and/or transformation of asbestos or products containing asbestos: an annual production of more than 20 000 tonnes of asbestos- cement products; an annual production of more than 50 tonnes of friction materials; for other uses of asbestos, utilisation of more than 200 tonnes of asbestos per year.

8. Chemical industry:

8.1. Production of basic organic compounds;

8.2. Production of basic inorganic compounds;

8.3. Production of phosphorous-, nitrogen- and/or potassium-based fertilisers (simple or compound fertilisers);

8.4. Production of plant health products and/or biocides;

8.5. Production of pharmaceutical products using a chemical and/or biological process;



- 8.6. Production of explosives.
9. Construction and operation of main-line overground and/or underground railway.
10. Construction and operation of airports with a basic runway length 1600 m or more.
11. Construction of motor roads of international or intrastate significance.
12. Reconstruction and/or modernisation of motor roads the entire section of which is 5 km or more in length.
13. Construction of tunnels and/or bridges located on the motor roads of international or intrastate significance.
14. Construction of inland waterways or ports which permit the passage of vessels with load capacity of more than 1350 tonnes.
15. Construction and operation of sea ports and loading and unloading piers connected to land and other ports (except for ferry piers) which can take vessels of over 1350 tonnes.
16. Disposal, incineration and/or chemical treatment of hazardous waste.
17. Disposal, incineration and/or chemical treatment of more than 100 tonnes of non-hazardous waste per day.
18. Carrying out of works related to groundwater abstraction or artificial groundwater recharge where the annual volume of water to be abstracted or recharged is 10 million cubic metres or more.
19. Transfer of water resources between river basins (except for the transfer of drinking water through pipelines):
 - 19.1. Where the transfer of water resources aims at preventing shortages of water and where the amount of water transferred exceeds 20 million cubic metres per year;
 - 19.2. In all the other cases, where the multi-annual average flow from the basin of abstraction exceeds 2 000 million cubic metres per year and where the amount of water transferred exceeds 5% of that flow.
20. Construction of urban waste-water treatment plants for the population of 50 000 people or more, with a respective capacity.
21. Construction and operation of dams and/or other structures designed for the holding back or permanent storage of water and where the amount of water held back or stored exceeds 50 000 cubic metres.
22. Construction and/or operation of hydroelectric stations with a capacity of 5 megawatts or more.
23. Construction and operation of pipelines with a diameter of 800 mm or more and a length of more than 40 km for the transport of oil, gas or chemical compounds, as well as for the transport of carbon dioxide (CO₂) for the purposes of geological storage.
24. Poultry farms (with more than 85 000 places for broilers and/or more than 60 000 places for hens) and/or pig farms (with more than 10 000 places for piglets (under 30 kg) and/or more than 6000 places for pigs (over 30 kg)).
25. Production of pulp from timber or similar fibrous materials and the production of over 200 tonnes of paper and/or cardboard per day.
26. Quarries and open-cast mining where the surface of the mining site exceeds 25 hectares.
27. Peat extraction where the surface of the site exceeds 150 hectares.
28. Construction of overhead and/or underground electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.
29. Construction and operation of installations for the storage of fossil fuel and/or chemical products with a capacity of 1 000 cubic metres or more.
30. Geological storage of carbon dioxide (CO₂).



31. Capture of 1.5 megatons or more of carbon dioxide (CO₂) per year.

Activities Provided for by Annex II

1. Agriculture, silviculture and aquaculture:

- 1.1. Use of 10 hectares or more of agricultural land for non-agricultural purposes;
- 1.2. Use of 10 hectares or more of uncultivated land for agricultural purposes;
- 1.3. Construction and operation of melioration systems;
- 1.4. Afforestation in an area of 500 hectares or more and/or deforestation in an area of 50 hectares or more of forest for the purposes of conversion to another category of land and for the purposes of use;
- 1.5. Construction of stalls for 500 and more heads of livestock;
- 1.6. Arrangement of fish farms with a capacity of more than 40 tonnes per year;
- 1.7. Reclamation of land from the sea (creation of artificial islands, peninsulas, etc.)

2. Extractive industry and drilling works:

- 2.1. Quarries, open-cast mining and peat extraction (except for sand-gravel) where the surface of the site is more than 10 hectares;
- 2.2. Underground mining of minerals (including the extraction of underground fresh water for entrepreneurial purposes) where the amount of resources mined/extracted exceeds 100 000 cubic metres (except for the extraction of oil and natural gas or for the personal use of underground water) per year;
- 2.3. Extraction of minerals from the sea;
- 2.4. Drilling for the extraction of thermal waters;
- 2.5. Drilling for the storage of radioactive waste;
- 2.6. Drilling for the extraction of coal, ore or bituminous shale using surface industrial installations.

3. Energy industry:

- 3.1. Combustion installations for the production of electricity with a capacity of 2 megawatts or more;
- 3.2. Industrial installations for the production of steam and hot water (except for the steam and hot water installations related to oil and gas operations) where the area of development exceeds 0.5 hectares and their production capacity exceeds 50 megawatts;
- 3.3. Laying of pipelines with a length of 5 km or more for carrying gas, steam and hot water;



- 3.4. Construction of overhead and/or underground electrical power lines with a voltage of 35 kV or more, and construction of electrical substations with a voltage of 110 kV or more;
- 3.5. Construction and operation of installations for the surface and/or underground storage of fossil fuel, liquid and/or natural gas with a capacity of 100 cubic metres or more;
- 3.6. Briquetting of coal and/or lignite;
- 3.7. Processing and/or storage of radioactive waste;
- 3.8. Construction and/or operation of hydroelectric stations with a capacity from 2 to 5 megawatts;
- 3.9. Installations for energy production using the power of wind and/or sea waves.

4. Production and processing of metals:

- 4.1. Fusion of pig iron or steel for manufacturing products;
- 4.2. Processing of ferrous metals: hot-rolling, smitheries with hammers, application of protective metal coats, with a capacity of 50 tonnes or more per year;
- 4.3. Smelting of non-ferrous metals (except for precious metal), with a capacity of 20 tonnes or more per year;
- 4.4. Surface treatment of metals and/or plastic materials, using an electrolytic or chemical process, in a tank with a capacity of 10 cubic metres or more;
- 4.5. Motor vehicle industry (assembly of motorised vehicles) and manufacture of motor-vehicle engines;
- 4.6. Shipbuilding;
- 4.7. Aircraft construction;
- 4.8. Swaging by explosives;
- 4.9. Roasting and sintering of metallic ores.

5. Processing of mineral raw materials:

- 5.1. Processing of minerals;
- 5.2. Coking of coal;
- 5.3. Production of asphalt;
- 5.4. Manufacture of cement, lime, plaster and/or gypsum;
- 5.5. Production of asbestos and/or asbestos products;
- 5.6. Manufacture of glass and/or glass products (including glass fibre);
- 5.7. Manufacture of ceramic clay (except for traditional household production), manufacture of ceramic products (in particular roofing tiles, bricks, refractory bricks, tiles or porcelain).

6. Chemical industry:



- 6.1. Productions of chemicals by chemical treatment of intermediate products;
- 6.2. Production of pharmaceutical products, paint, varnishes, peroxides, elastomers and/or plastic materials;
- 6.3. Construction and operation of storage facilities for oil and oil products, petrochemical and/or chemical products.

7. Food industry:

- 7.1. Manufacture of 25 000 tonnes or more of vegetable and/or animal oils and fats per year;
- 7.2. Canning of animal and/or vegetable products aiming at producing 25 000 tonnes or more of products per year;
- 7.3. Production of more than 20 tonnes of dairy products per day;
- 7.4. Production of more than 100 tonnes of beer and malt per day;
- 7.5. Production of more than 3 tonnes of confectionery per day;
- 7.6. Construction and operation of installations for the slaughter of animals where 30 or more animals are slaughtered per day;
- 7.7. Industrial production of 5 000 tonnes or more of starch per year;
- 7.8. Processing of more than 5 000 tonnes of fish per year;
- 7.9. Production of 25 tonnes or more of sugar per day.

8. Textile, leather and paper industries:

- 8.1. Production of 10 tonnes or more of paper and/or cardboard per day;
- 8.2. Pre-treatment (washing, bleaching, mercerisation) and/or dyeing of more than 1 tonne of textile and/or textile fibre per day;
- 8.3. Tanning/processing of leather;
- 8.4. Processing of cellulose.

9. Infrastructure projects:

- 9.1. Development of industrial estates in an area of more than 10 hectares;
- 9.2. Urban development projects with a development area of more than 10 hectares (including the construction of shopping centres and car parks for 1 000 cars);
- 9.3. Construction and operation of intermodal terminals and railways connected to them;
- 9.4. Construction of airfields;
- 9.5. Construction of sea harbours and related buildings whose development area based on the project is more than 1 hectare;
- 9.6. Construction of sewerage systems with a length of 2 km or more, and the construction of sewerage systems with a development area of 5 hectares or more;
- 9.7. Construction of inland waterways;



9.8. Flood-relief works;

9.9. Construction of dams and/or other structures/installations designed to hold water or store it on a long-term basis where the amount of water held or stored is more than 10 000 cubic metres;

9.10. Construction of tramways and/or ropeways use for transporting passengers;

9.11. Laying of pipelines with a length of more than 5 km for transporting oil, gas or carbon dioxide (CO₂);

9.12. Construction of aqueducts with a length of 5 km or more on the area of 1 hectare or more;

9.13. Works to protect coasts, to combat erosion of coastlines and to restore coastlines, as well as maritime works capable of altering the coast through construction (in particular, the construction of dykes, moles, jetties and other sea defence works, except for the reconstruction of such works).

10. Other projects:

10.1. Construction of permanent racing and test tracks for vehicles in the territory with an area of 15 hectares or more;

10.2. Disposal of waste;

10.3. Recovery of waste, except for the pre-treatment of non-hazardous waste;

10.4. Pre-treatment of hazardous waste;

10.5. Construction of temporary storage facilities for 10 tonnes or more of hazardous waste;

10.6. Construction and operation of waste-water treatment plants;

10.7. Arrangement and operation of sludge-deposition sites;

10.8. Recovery or destruction of explosive substances.

11. Tourism and leisure:

11.1. Arrangement of mountain ski runs and/or ropeways in the area of 5 hectares or more;

11.2. Construction of holiday villages (including hotels and associated developments) in the area of more than 10 hectares outside urban areas;

11.3. Construction of permanent campsites and/or caravan sites in the area of 5 hectares or more;

11.4. Development of amusement parks (including theme parks) in the area of 10 hectares and more.

Note: The activities with the same contents provided for by Annexes I and II to this Code, for which different thresholds have been established, shall be subject to an EIA procedure in the case of Annex I and to a screening procedure (except as provided for by Article 7(13) of this Code) in the case of Annex II.

