

Law of Georgia on State Environmental Assessment

Chapter I. General Provisions

Article 1. State Environmental Assessment

1. State environmental assessment is a necessary environmental measure, carried out in the course of decision-making on the issue of environmental licences for the bodies performing activities. These activities include business, industrial or any other types of activity, drafting and development of plans, infrastructure projects, construction and sector development plans, projects for exploitation and use of waters, forests, mineral wealth, land and other natural resources on the territory of Georgia; also activities required for major reconstruction and technical and technological renovation of the existing enterprises.
2. A list of activities subject to environmental assessment in the course of decision-making on the environmental protection licence, shall be provided for in the Georgian legislation. The law shall regulate only those activities that are to be carried out after the law enters into force.
3. The objective of state environmental assessment is to control the maintenance of ecological balance in conformity with environmental protection requirements and principles of efficient use of nature and sustainable development
4. The State Environmental Assessment Summary shall be a necessary condition for obtaining the environmental licence to carry out business activities.

Article 2. Legislation on State Environmental Assessment

The Georgian legislation on state environmental assessment is based on the Georgian Constitution, international treaties and agreements signed by Georgia, the present law and other legal acts.

Article 3. Basic Principles of Environmental Assessment

Basic Principles of environmental assessment are as follows:

1. Assessment of potential ecological risk related to an activity
2. Complex assessment of potential environmental impact of an activity, prior to the beginning of this activity
3. Conformity with environmental requirements and norms
4. Independent nature of inspection and its unrestricted conduct
5. Well grounded and legal nature of Environmental Assessment Summary
6. Openness in carrying out environmental assessment, public involvement in the course of inspection and respect for public opinion

CHAPTER II. Bodies Responsible for Carrying out State Environmental Assessment

Article 4. Bodies Responsible for Carrying out State Environmental Assessment. Their Rights and Obligations

1. Bodies eligible to carry out state environmental assessment are as follows: Ministry of Environment Protection and Natural Resources of Georgia, Ministries of Environment Protection and Natural Resources of Abkhazian and Ajarian Autonomous Republics, regional (municipal) departments subordinated to the Ministry of Environment and Natural Resources Protection of Georgia, (including Tbilisi Committee for Environment Protection and Regulation of Natural Resources), regional (municipal) units for Environment Protection and Natural Resources; also regional structural units of the Ministries of Abkhazian and Ajarian Autonomous Republics, Tbilisi Committee for Environment Protection and Regulation of Natural Resources (hereinafter referred to as the bodies eligible for carrying out state environmental assessment)
2. The responsibility of the Ministry of Environment Protection and Natural Resources in carrying out state environmental assessment shall be as follows:
 - work out and approve rules and regulations for carrying out state environmental assessment
 - work out and approve technical norms and methodology instructions required for carrying out state environmental assessment
3. The responsibility of the bodies eligible to carry out state environmental assessment shall be as follows:
 - set up experts' commissions with a view to examine the sites subject to assessment by the present law
 - provide necessary information for the process of assessment
 - register independent experts and set up their data base

- cooperate with executive bodies in all matters related to environmental assessment

4. The rights for carrying out state environmental assessment granted to the Ministry of Environment Protection and Natural Resources shall be as follows :

In compliance with the established rule, the Ministry shall involve foreign experts in the process of decision-making on the licence for activities, except for the cases when the project under inspection constitutes a state secret.

5. The rights for carrying out state environmental assessment granted to the eligible bodies shall be as follows :

- obtain, free of charge, necessary information (including general, statistical and official) from executive and legal bodies, required for carrying out state environmental assessment within the specified period;

- provide relevant bodies with information about the projects that failed to receive positive Environmental Assessment Summary.

6. The obligations of the body eligible to carry out state environmental assessment are as follows:

- ensure consistency of the assessment procedure with the legislation, technical norms and methodology instructions;

- present the documents on state environmental assessment to public representatives, on their request;

- present to the applicant, for his/her information, legal documents, technical norms and instructions regulating the organisation and carrying out of environmental assessment;

- inform local authorities and public representatives, having submitted their comments on the subject of environmental assessment, about the results of discussions on these comments;

- provide state authorities, on their request, with information on the results of the state environmental assessment.

Article 5. Activities and Bodies Subject to State Environmental Assessment

The following list shall be subject to state environmental assessment:

Documentation on all the following activities, including business: infrastructure (projects on urbanisation and city-building, industry, energy systems, transport infrastructure development, purification facilities in residential areas, roads, railways, airports, bridges and elevated bridges, mainstream pipelines, sea ports and terminals, metro, underground roads and railway communications, hotels and resort facilities, sporting facilities and hospitals for oncological, infectious diseases and TB), settlement, construction and sectional development plans and programmes, plans for development and settlement of labour forces to be adopted and approved by the state executive and legislative powers.

- activities related to construction, reconstruction, conservation, expansion of technical and technological renovation projects related to activities (regardless of types of property, organisational and legal forms of the performers of those activities);

- long term plan for the rehabilitation of the territory where due to natural disaster and epidemics emergency situation was imposed;

- plans and programmes to protect, exploit and utilise waters, forests, land and mineral wealth and natural resources on the territory of Georgia;

- projects and programmes aimed at changing the status and use of territories;

- projects and plans (national, regional and local) for the distribution of engineering facilities to eliminate the aftermath of natural disasters on the territory of Georgia.

Article 6. Rules for Carrying out State Environmental Assessment

1. In the framework of making decisions on the environmental licences, state environmental assessment shall be carried out after submitting an application for activity as prescribed by the law.

The application should consist of detailed documentation comprising a letter-application for the licence, technical and economic justification of the activity, assessment of its impact on the environment detailed in the Assessment Summary and brief annotation.

2. The decision on whether or not the environmental impact assessment Summary is required, shall be made in conformity with the legislation

3. The procedure for carrying out state environmental assessment shall be specified by the Regulations "On Carrying out State Environmental Assessment".

4. In the process of decision-making on the environment licences, eligible bodies shall carry out state environmental assessment, within the period specified by the Georgian legislation, and prepare the State Environmental Assessment Summary on different categories of activities.

Article 7. The Results of the State Environmental Assessment

1. The Results of state environmental assessment shall be included in the State Environmental Assessment Summary prepared by the State Commission of Environmental Experts and approved by the body eligible to carry out state environmental assessment.

2. State Environmental Assessment Summary can give positive or negative assessment. Positive assessment shall be given if:

- the documentation complies with the Georgian legislation and environment protection norms and standards prevailing on the Georgian territory;
- the activities specified in the documentation and performed in certain locations and circumstances, do not cause irreversible qualitative and quantitative changes of the environment and natural resources;
- provides for the measures reducing or eliminating the environmental impact, including the measures for overcoming the aftermath of possible accidents.

3. The conditions and duration of the positive assessment given in state environmental assessment Summary shall be specified in the Regulations "On Carrying out State Environmental Assessment".

Chapter III. Environmental Impact Assessment

Article 8. Environmental Impact Assessment Procedure

1. In the course of drafting documentation on activities and decision-making on environmental licences, environmental impact assessment procedures defines all possible sources and types of environmental impact, also gives the evaluation of their ecological, social and economic implications.

2. The subject performing activities, specified by the law, shall be responsible for organising and carrying out environmental impact assessment.

3. The end result of environmental impact assessment shall be the Environmental Impact Assessment Summary

4. The requirements for the Environmental Impact Assessment Summary shall be determined by the Georgian legislation and the Regulations "On Environmental Impact Assessment" to be worked out and approved by the Ministry of Environment Protection and Natural Resources of Georgia.

Chapter IV. Rights and Obligations of Subjects Performing Activities in the Field of State Environmental Assessment

Article 9. Rights and Obligations of Subjects Performing Activities in the Field of State Environmental Assessment

The rights of the subjects of activities in relation to carrying out state environmental assessment are:

- present the documentation justifying their activities to the body eligible for carrying out state environmental assessment;
- apply to court in case of legal quarrels related to state environmental assessment.

Article 10. Obligations of Subjects of Activities in Performing Activities in the Field of State Environmental Assessment

Obligations of the subjects of activities in relation to the state environmental assessment are:

- present the documentation justifying their activities in conformity with the legislation requirements;
- ensure financing of the state environmental assessment process;
- after the environmental licence is obtained, to perform activities specified by the documentation in conformity with the requirements of the positive environmental assessment summary.

Chapter V. Financing of the State Environmental Assessment

Article 11. Rules for Financing of the State Environmental Assessment

The funds required to prepare and carry out state environmental assessment are part of the total expenses related to the process of decisions on environmental protection licences for activities. In compliance with the legislation they will be paid by the subject performing activities.

The expenditure on the preparation and carrying out state environmental assessment include material and technical maintenance costs of assessment, remuneration for independent experts and the costs of drafting the State Environmental Assessment Summary.

Chapter VI. Responsibility for Violating the Georgian Law on State Environmental Assessment

Article 12. Responsibility for Violating the Georgian Law on State Environmental Assessment
Bodies violating the Georgian Law on State Environmental Assessment shall be brought to
responsibility in compliance with rules provided by the Georgian legislature.

President of Georgia
Eduard Shevardnadze
Tbilisi,
15 October 1996