

RESOLUTION OF THE PARLIAMENT OF GEORGIA

On the Law of Georgia “On State Ecological Expertise”

The Parliament of Georgia resolves:

1. The Law of Georgia “On State Ecological Expertise” to be implemented from January 1, 1997.
2. To request the President of Georgia to ensure that the Ministry of Environment of Georgia elaborate and approve before January 1, 1997 the Provisions “On the rule of conducting the state ecological expertise” and “On Environmental impact assessment”.
3. From January 1, 1996, the provisional Provision “On the state ecological expertise of Georgia” adopted by the Resolution of the Government of Georgia N 894 of September 5, 1992 on “Provisional provisions of the state ecological expertise of the Republic of Georgia and the approval of the provisional rule for state ecological expertise funding and compensation” to be deemed void.

Deputy Chairman
of the Parliament of Georgia

Edward Surmanidze

Tbilisi,
15 October, 1996

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THE LAW OF GEORGIA

ON THE STATE ECOLOGICAL EXPERTISE

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

STATE ECOLOGICAL EXPERTISE

1. The state ecological expertise is an essential environmental measure which shall be carried out in the course of decision-making process on the issuance of environmental permits for an activity which covers entrepreneurial, economical or any other activity, implementation of habitation and development plans and projects, infrastructure projects, the implementation of settlement, habitation and sectoral development plans, including the implementation of plans and projects for protection, utilization and use of water, forests, land, mineral ore and other natural resources *existing* on the territory of Georgia, as well as significant reconstruction and technical and technological re-equipment of existing enterprises.
2. The list of the categories of activities, which in the course of decision-making process for the obtention of environmental permits, are subject to state ecological expertise, shall be determined by the legislation of Georgia. The law shall be applied only to the activities, the implementation of which is planned after the enactment of the Law.

The purpose of the state ecological expertise shall be to ensure control on conservation of ecological balance in the environment, basing on the principles of environmental requirements, rational utilization of natural resources and sustainable development.

The opinion of the state ecological expertise shall be an essential condition for making decision on the issue of environmental permits for implementation of an activity.

ARTICLE 2

STATE ECOLOGICAL EXPERTISE LEGISLATION

State ecological expertise legislation shall be based on the Constitution of Georgia, international agreements and arrangements, this Law as well as other legislative regulations.

ARTICLE 3

KEY PRINCIPLES OF THE STATE ECOLOGICAL EXPERTISE

The key principles of the state ecological expertise shall be:

1. Potential ecological risk assessment arising from entrepreneurial or other types of activities specified by the law;
2. All-round assessment of the possible impact of entrepreneurial or other type of activities on the environment prior to their commencement;
3. Giving heed to environmental requirements and standards;
4. Independence of experts and unlimited execution of their powers;
5. Argumentation and legality of the expertise conclusion;
6. Publicity in carrying out of the expertise. Public participation and consideration of public opinion.

CHAPTER II

THE BODY AUTHORIZED TO CARRY OUT THE STATE ECOLOGICAL EXPERTISE

ARTICLE 4

BODY AUTHORIZED IN CARRYING OUT THE STATE ECOLOGICAL EXPERTISE, ITS RIGHTS AND OBLIGATIONS

1. The Ministry of Environment of Georgia, the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics, regional (urban) environmental divisions included into and subject to the Ministry of Environment of Georgia (including the Tbilisi Committee for environmental protection and regulation of natural resources), as well as the regional structural sub-divisions of the regional (urban) environmental divisions, Ministries of Environment of Ajarian and Abkhazian Autonomous Republics, and the Tbilisi Committee for environmental protection and regulation of natural resources (further referred to as the bodies authorized to carry out state ecological expertise) shall be authorized to carry out state ecological expertise.
2. The obligations of the Ministry of Environment of Georgia shall be:
 - to elaborate and approve provisions and the rule for conducting state ecological expertise;
 - to elaborate and approve necessary normative-technical documentation and methodical instructions.

3. The body authorized to conduct the state ecological expertise shall be obligated:
 - to set up expert commissions intended for studying the objects subject to the expertise;
 - to provide the expertise process with required information;
 - to register independent experts and to develop their data base;
 - to cooperate with executive authorities on state expertise related issues.
4. In the state ecological expertise area the Ministry of Environment of Georgia shall have the right to:
 - invite, in accordance with the established rule, in the process of making decisions on the issue of environmental permits for the activities, foreign specialists to conduct state ecological expertise except for the cases when the expert project is a state or commercial secret;
5. The body authorized to carry out state ecological expertise shall have the right to:
 - obtain from executive authorities and state juridical persons free of charge information (data, statistics and including the information for official use), required to conduct state ecological expertise, within the period specified by the law;
6. The body authorized to carry out state ecological expertise shall be obligated to:
 - ensure the compliance of state ecological expertise with the legislation in force, normative-technical documentation and methodical instructions;
 - provide for familiarization the applicant of an expert object (an activity entity) with legislative, normative-technical documentation and methodical instructions regulating the organization and execution of the state ecological expertise;
 - at the request of public representatives, to provide them for familiarization purpose, the documents regulating the conducting of the state ecological expertise;
 - notify local authorities and public representatives having submitted argued comments on an expert object, the results of their comments review;
 - at the request of government authorities, deliver the information on the results of the state ecological expertise carried out at an individual object;

ARTICLE 5

THE OBJECTS SUBJECT TO STATE ECOLOGICAL EXPERTISE

The object of the state ecological expertise shall be the evidential documentation of all the activities the list of which, apart from entrepreneurial and other types of activities, shall include the following:

- the drafts for: infrastructural planning (urbanization and town-planning, industrial, power systems and transport infrastructure development programmes including the projects for: purification facilities for populated areas, highways, railways and airfields, bridges and viaducts, main pipelines designated for any purpose, marine ports and terminals, metros, underground road and railway communications, hotel and resort complexes, sport complexes and facilities, hospitals of oncological, infectious and tuberculosis diseases), development plans for populated areas, settlement and sectoral development plans and programmes, production capacities development and placement schemes, plans and programmes, which should be approved, adopted and confirmed by the state executive and legislative authorities;

construction, reconstruction, conservation, expansion, technical and technological re-equipment projects (notwithstanding the ownership and organizational-legal forms of the activity entities) pertaining to the activity;

- long-term rehabilitation programmes for the territories where emergency ecological situation, resulting from ecological catastrophes and epidemics, was announced;
- schemes and plans for protection, use and utilization of water, forests, woods, soil, mineral wealth and other natural resources existing on the territory of Georgia;
- projects and programmes pertaining to changing the purpose and status of the territories;
- layouts and projects of all types of economic and engineering objects (national, regional and local) targeted at evading negative effects of natural disaster processes on the territory of Georgia.

ARTICLE 6

THE RULE FOR CARRYING OUT STATE ECOLOGICAL EXPERTISE

1. Within the limits of decision-making process for the issue of environmental permits, the state ecological expertise shall be carried out after the submission, in a manner established by legislation, of an application for the expertise of an activity. The application should contain the documentation evidencing the activity which shall include: the application of an activity entity for the obtention of a permit for his activity, the feasibility study draft and environmental impact assessment report on the categories specified by the law as well as a brief annotation..
2. The decision on the necessity of incorporating environmental assessment report in evidential documentation shall be made in a manner established by the law.
3. The conducting procedure of state ecological expertise shall be defined by provisions “On the rule for carrying out state ecological expertise”.

4. Within the limits of decision-making process for the issue of environmental permits, the body authorized to carry out state ecological expertise shall conduct the state ecological expertise and, accordingly, prepare the state ecological expertise opinion by activity categories within the period specified by the legislation of Georgia.

ARTICLE 7

STATE ECOLOGICAL EXPERTISE OPINION

1. The results of the state ecological expertise shall be incorporated into the state ecological expertise opinion which shall be prepared by the state ecological expertise expert commission and shall be approved by the body authorized to carry out the state ecological expertise.
2. State ecological expertise opinion may be positive or negative. The positive opinion of the state ecological expertise shall be issued in the cases when the evidential documentation:
 - is in compliance with the legislation of Georgia as well as the environmental norms and standards effective on the territory of Georgia;
 - the implementation of the activity outlined in it shall not cause irreversible qualitative and quantitative changes in the environmental condition and natural resources.
 - makes provision for measures reducing or evading the impact on the environment including the measures for liquidation of possible effects of emergency situations.
3. The validity of terms and conditions of the positive opinion of the state ecological expertise on the activity specified by the law shall be determined by the provisions “On carrying out of state ecological expertise” within the limits of decision-making process for the issue of environmental permits by activity categories.

CHAPTER III

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

ARTICLE 8

ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

1. Environmental impact assessment shall represent the preparation of evidential documentation for an activity and determine the nature and quality of their anticipated impact on the environment in the course of decision-making process on this activity, as well as assess their ecological, social and economic effects.
2. The responsibility for organization and conducting of environmental impact assessment shall be assumed by an activity entity specified by the law.

3. The environmental impact assessment result shall be represented by environmental impact assessment report.
4. The environmental impact assessment procedure as well as the requirements for the content of environmental impact assessment report shall be defined by the legislation of Georgia and “The environmental impact assessment” provisions which shall be elaborated and approved by the Ministry of Environment of Georgia.

CHAPTER IV

RIGHTS AND OBLIGATIONS OF THE ACTIVITY ENTITY IN THE STATE ECOLOGICAL EXPERTISE AREA

ARTICLE 9

RIGHTS OF THE ACTIVITY ENTITY IN THE STATE ECOLOGICAL EXPERTISE AREA

The activity entity in the state ecological expertise area shall be entitled to:

- submit to the state ecological expertise authorized body the evidential documentation for carrying out of the state ecological expertise.
- appeal to Court in the event of disputes arising from conducting of the state ecological expertise.

ARTICLE 10

OBLIGATIONS OF THE ACTIVITY ENTITY IN THE STATE ECOLOGICAL EXPERTISE AREA

The activity entity in the state ecological expertise area shall be obligated:

- to submit evidential documentation of the activity for the state ecological expertise in accordance with the requirements provided for by the law;
- to provide funding of the state ecological expertise process;
- subsequent to the obtention of environmental permit for the activity, to implement the activity provided for in evidential documentation in accordance with the terms and conditions of the positive opinion issued by the state ecological expertise.

CHAPTER V

STATE ECOLOGICAL EXPERTISE FUNDING

ARTICLE 11

STATE ECOLOGICAL EXPERTISE FUNDING RULE

Expenses required to prepare and carry out the state ecological expertise shall be the part of the total expenses, required for organization of the decision-making process for the issue of environmental permits for the activity, that, in accordance with the legislation, shall be incurred by the activity entity.

The expenses to be incurred by the activity entity for compensation of preparation and carrying out of the state ecological expertise shall cover: the costs of material and technical provision of the state ecological expertise process, compensation of independent experts and expenses pertaining to drawing up of the state ecological expertise opinion.

CHAPTER VI

RESPONSIBILITY FOR VIOLATION OF THE LAW OF GEORGIA “ON STATE ECOLOGICAL EXPERTISE”

ARTICLE 12

RESPONSIBILITY FOR VIOLATION OF THE LAW OF GEORGIA “ON STATE ECOLOGICAL EXPERTISE”

Responsibility for violation of this law shall be borne in a manner established by the legislation of Georgia.

President of Georgia

Edward Shevardnadze

Tbilisi
15 October 1996,
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