

# **THE LAW OF GEORGIA**

## **ON ENVIRONMENTAL PROTECTION**

### **Section 1**

#### **Chapter 1 General Regulation**

##### **Article 1. Subject of the Regulation of the Law**

This Law regulates the legal relationship between the bodies of the state authority and the physical persons or legal entities (without distinction-legal form) in the scope of environmental protection and in the use of nature (hereinafter in “environmental protection”) on all Georgia’s territory including its territorial waters, airspace, continental shelf and special economic zone.

##### **Article 2. System of Legislation in the Scope Environmental Protection**

The legislation in the scope of environmental protection involves the Constitution of Georgia, international treaties and agreements to which Georgia is a party, this Law and other statutes acts and subordinate legislation.

##### **Article 3. Cardinal Purpose and Task of the Law**

1. The main purpose of the Law is to:
  - a) define the principles and standards of legal relationship in the scope of environmental protection;
  - b) protect basic human rights provided by the Constitution of Georgia in the scope of environmental protection-to live in an environment surroundings and cultural heritage;
  - c) ensure the protection of the environment and rational use of nature by the state, as well as to provide an environment harmless for human health, in accordance with ecological and economic interests of

society, taking into consideration the interests of current and succeeding generations;

d) preserve biological diversity, rare, endemic and endangered species of flora and fauna typical for the country, protect the sea and ensure an ecological balance;

e) preserve and protect natural landscapes and ecosystems;

f) ensure the settlement of common global and regional problems in the scope of environmental protection with legal foundation;

g) ensure conditions for the stable development of the country.

2. The main task of the law is:

a) protect and preserve the environment, so that it is safe for human health;

b) ensure, with legal foundation, the protection of the environment against all harmful impact;

c) ensure with legal foundation the preservation and improvement of the quality of the state of the environment;

d) ensure optimum mutual compatibility (harmonious combination) of ecological, economic and social interests of society;

e) ensure the administration of the use of natural resources, taking into consideration the principles of potential possibilities and the stable development of the environment.

#### **Article 4. Main Definitions**

The main definitions used in this Law, if there are no special instructions included, have the following meanings;

a) “Environment”-the entity of natural surroundings and environment modified by humans (cultural environment), which involves interrelated living, lifeless and preserved elements, as well as the natural elements modified by humans, natural and anthropogenic landscapes;

b) “Natural Surroundings”-the part of lated natural elements and natural landscapes formed by them;

c) “Environment Modified by tlumans (cultural Environment)”-the part of the environment, which includes the environment modified by humans, ecosystems of modified and mixed type, interrelated modified natural elements and an thropogenic landscapes formed by these elements;

d) “Environmental Protection”- the unity of administrative, economic, technological, political, legal and public measures, which ensure preservation and restoration natural balance in the environment;

e) “Natural Resources”-the natural elements, which are parts of the natural surroundings;

f) “Administration of the Use of Natural Resources by the State”-the regulation, accountability of the use of natural resources;

g) “Activity”-a business enterprise or activity of all other kind, fulfillment of resettlement and development projects, including the fulfillment of infrastructure projects, the projects and programs for building and sector development plans, for protection, utilization and use of water, wood, land and subsoils on the territory of Georgia, as well as the considerable reconstruction or technical and technological renovation of the old enterprises, which have or are likely to have effects on the state of the environment;

i) “Subject of the Activity”-a physical person or legal entity, carrying out the activity;

j) “Protected Territory”-the land or area of water of special importance, where biological diversity, natural resources and cultural phenomena, involved in the natural surroundings must be preserved. Administration and protection of these territories are carried out on a long-term and stable legal basis. Protected territory is created in order to protect and restore the most important natural inheritance-unique, rare and typical ecosystems, species of animals and plants, natural formations and cultural areas, to use them the old enterprises, which have or are likely to have effects on the state of the environment;

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k) “Stable Development”-such a system of development of society, which takes into consideration the interests of the economic development of society and of environmental protection, ensures the increase of living standards and the right of the succeeding generation-to use the environment and natural resources protected as much as possible against irreversible changes in quantity and quality of the environment;

l) “Principles of Stable Development”-the principles integrated in conclusive documents adopted at the United Nations Conference on Environment and development, Rio de Janeiro, 1992. These documents are: “Environment and development Declaration, Rio de Janeiro”. “the

programmer for stable Global development of the 21th Century-Agenda 21”, “Declaration of Non-Legislative Obligations about the Principles of Protection, Stable development and Administration”.

m) “Integrated System regarding Pollution Control of the Environment”- such a system for the regulation of the environmental (pollution) which is based on integrated (complex) control over the pollution of water, land and atmospheric air-the componets able to accumulate pollution;

n) “The Best technology”-the best, usable and economically protection, which is the most effective in order to prevent, reduce or transform the adverse effects on the environment. If may not be wide-spread, but it is technically to assimilate, introduce and utilize this technology; this technology may not be economically reasonable in order to get the maximum profit from the point of view of environmental protection but at the same time it is economically available for the subject of the activity;

o) “The best Technique”- the best technology, methods of organization, monitoring and control and means for the implementation of these methods;

p) “Biological Diversity”- variety of living organizms, ecosystems and ecological complexes of land, sea and water, which include the variety within species, among species and within ecosystems;

q) “Economical Unit”- the unit of the activity;

r) Ecologically Pure Production”-production obtained from material harmless from an ecological point of view and produced throughout the best technology and techniques;

s) “Purer Manufacture”-the process of manufacture, in the course of which the complex environmental protection policy is permanenty used;

t) “Ministry” -the Ministry of the Environment and Natural resources Protection”;

u) “System of Management of Environmental Protection”-the part of the administrative system and of busniness strategy of the unit of the activity, which includes all issues concerring the functioning of the unit and are directly or indirectly related to the impact on the environment (including management plan for environmental protection, environmental protection policy, organizers and cadres, register of environmental protection standart);

v) “Considerable Reconstruction, Technical and Technological Renovation”-such as reconstruction and technical and technological renovation, for the fulfillment of which it is necessary to elaborate a project reasonable from both, technical and economical points of view.

## **Article 5. Basic Principles of Environmental Protection**

1. The bodies of the state authority, physical persons or legal entities (without distinction of the kinds of property or of organizational legal form) in the course of planning and implementing the activity must be guided by the basic principles of environmental protection.

2. The basic principles of environmental protection are:

a) “The Principle of Mitigation of the Risk”- in the course of planning and implementing the activity, the subject of the activity is obliged to take appropriate measures in order to reduce or prevent all adverse effects on the health of humans and on the environment;

b) “Principle of Stability”- the use of the environment and natural resources, when the development and natural resources and the environment and natural resources are protection against the changes in quality and quality of the environment;

c) “Principle of Priority”- the action, which is likely to have adverse effects on the environment and health of humans may be replaced by other, less risky action (even if this is more expensive).

Priority is given to the latter, if its cost does not in order to compensate ecological damage, resulting from the less expensive action;

d) “Principle of the Use of Nature, Requiring Payment”-the subject of the activity is obliged to pay for the use of land, water, forest, flora, fauna and subsoil resources;

e) “Principle of Payment by the Contaminator”- the subject of the activity, as well as the physical person or legal entity is obliged to compensate for damage to the environment;

f) “Principle of Preservation of Biological Diversity”- the activity must not lead to the irreversible degradation of biological diversity;

g) “Principle of Minimization of waste”- in the implementation of the activity priority is given to such technology, which ensure the minimization of waste;

i) “Principle of Recycling”- in the implementation of the activity priority is given to such materials, substances and chemical compounds, which may be reused, reprocessed, decomposed or degraded biologically without damaging the environment;

j) “Principle of Restitution”- the environment degraded as a result of the implementation of the activity, must be restored in a form, which must be as close to its initial state as possible (restitution in integrum).

k) “Principle of the Assessment of the Impact on the Environment”- in the course of planning and projecting the activity, the subject of the activity is, under the established order, obliged to take into consideration and evaluate the possible effects on the environment, which may be caused by the activity;

l) “Principle of Participation of the Public in the Decision-Making Process” participation of the public in taking important decisions, related to the implementation of the activity is ensured;

m) “Principle of Availability of the Information”-information on the state of the environment is transparent and available to the public.

## **CHAPTER II**

### **Rights and Obligations of Citizens in the Scope of Environmental Protection**

#### **Article 6. Rights of Citizens in the scope of Environmental Protection**

A citizens entitled to:

- a) live in the environment, harmless (safe) for his or her health;
- b) use the natural surroundings;
- c) obtain the full, objective and timely information on the state of the environment, where he or she lives;
- d) enter the public environmental protection organizations;
- f) take part in decision-making process and in the examination of this decision in the scope of environmental protection;
- g) get the compensation for the damage resulting from the violation of Georgia’s laws on environmental protection;

I) Under the rule of court, demand to change decisions on projecting, building, deposition, reconstruction and use of the units dangerous from ecological point of view.

#### **Article 7. Obligations of Citizens in the Scope of Environmental Protection**

A citizen is obliged to:

- a) observe the requirements of Georgia’s laws in the scope of environmental protection;
- b) take care of natural surroundings and cultural heritage;
- c) care for the protection of environment;
- d) deliver in time the appropriate competent state bodies or declare in public about the potential or already happened natural or technogenic accidents, if he or she possesses information about them.

## **SECTION II**

### **Main Part**

## **Chapter III**

### **Education and Scientific Research in the Scope of Environmental Protection**

#### **Article 8. Education in the Scope of Environmental Protection**

In order to bring the environmental cognition up to the higher standards and to train specialists, the general system of environmental education shall be established. It includes the network of educational institutions and schools for training and retraining cadres.

#### **Article 9. Teaching Environmental Protection Foundations**

1. General system of environmental education includes the stages of pre-school, primary, secondary, professional and higher education.

2. Acquiring minimum obligatory knowledge on environmental protection and on rational use of natural resources is ensured by the curriculum programmes of educational institutional;

3. The subjects of environmental protection management, ecological and environmental protection sciences shall be taught under the special courses at the secondary, professional and higher educational institutions.

4. Questions related to the functioning and administration of the system of environmental education are defined by the laws of Georgia.

#### **Article 10. Scientific Research in the Scope of Environmental Protection**

In order to meet the requirements of the laws on environmental protection, as well as to form and fulfill the state policy for environmental protection, the projects and programmes in the scope of ecology and environmental protection are elaborated.

## **CHAPTER IV**

### **Administration of Environmental Protection by the State**

#### **Article 11. Competence of State Bodies in the Scope of Environmental Protection**

1. The competence of the bodies of state authority of Georgia, of the Autonomous Republics of Abkhazia and Achara and of local bodies of self-administration is defined by the Constitution of Georgia, this Law, legislative acts and other subordinate legislation.

2. In accordance with the Constitutional of Georgia only the higher bodies of state authority are entitled to govern the followings:

- a) meteorological service;
- b) System of monitoring over the state of the environment;
- c) the laws on land, subsoil and natural resources.

### **Article 12. Criteria for Differentiation of the Competence**

The basic criteria for the differentiation of the competence among the bodies of state authority of Georgia, the autonomous republics and the bodies of self-administration in the scope of environmental protection are:

- a) the sources of financing (the budget of territorial entity) for the environmental protection measures;
- b) importance of natural resources (of state or of local importance);
- d) level of subordination of protected territories.

### **Article 13. Competence in the Scope of Environmental Protection**

1. In the scope of environmental protection the competence of the Ministry includes:

- a) the function of inter-sector administration;
- b) administration of rational, stable and complex use of natural resources by state;
- d) organization of the system for the monitoring over the environment;
- e) organization of meteorological service;
- f) other functions provided by the legislation of Georgia.

2. the Ministry is responsible for monitoring and regulating the system of complex control over the pollution of the environment as at the state, as at the regional level.

3. In the scope of environmental protection the competence of the Ministry of Health-care includes the state sanitary supervision over the protection of the epidemiological rules, as well as the other functions defined by this Law and by other laws of Georgia.

4. a) The subjects of the activity are obliged to carry out integrated control over the pollution of the environment;

b) The rule for the integrated control over the pollution of the environment and the questions related to introducing, administration and development of the system of integrated control over the environment pollution are regulated by the legislation of Georgia.

5. The rules for regulation of the use of land are defined by the legislation of Georgia.

6. The functions of protection of natural resources of different kinds is imposed on authorized state bodies in accordance with the rule provided by the legislation of Georgia.

#### **Article 14. National Report on the State of Environment**

1. In order to inform the society, the Ministry is obliged to submit the national report on the state of the environment to the President of Georgia.

2. In order to draw up a report state bodies and state legal entities are obliged to notify, free of charge, on the state of environment, owned by them to the Ministry not later than two months as from the date of the request.

3. the rule for preparation of natural report shall be defined by the President of Georgia.

4. Publication of natural report is necessary in order to keep the principle of availability of information to the public.

5. The costs essential for the publication of national report and for spreading information shall be covered from the state budget.

#### **Article 15. Planning Environmental Protection**

1. The system of planning environmental protection is designated in order to protect the environment and to ensure its stable development.

2. The system of planning environmental protection includes the long-term strategic plan (strategy of stable development), five-year plan (national plan for the actions intended for environmental protection) and management plan of environmental protection, elaborated for the subjects of the activity.

3. The strategy of stable development of the state is considered as foundation for the actions intended for environmental protection. This strategy is elaborated by the Ministry, along with other interested institutions; The Ministry also bears responsibility to organize preparation

of national draft-programme for the actions, intended for environmental protection.

4. The project for stable development strategy shall be elaborated and approved by the Ministry.

5. a) The national programme for the actions, for environmental protection is the part of the indicator plan for the social-economic development of Georgia;

b) Consideration of the draft-programme for the actions for environmental protection is carried out in accordance with the legislation of Georgia;

6. The programmes for the actions for environmental protection are designed at the regional, local or departmental levels.

7. A strategy of stable development is a strategic plan elaborated on the basis of the principles of state development, which ensures economic development of the country and correlation of the environmental protection interests.

8. The rule of elaboration periodicity of a strategy of stable development of the country, of national programme for the actions for environmental protection, of regional, local or departmental programmes for the actions for environmental protection and of management plans for environmental protection are defined by law of Georgia.

## **CHAPTER V**

### **Economic Levers in the Scope of Environmental Protection**

#### **Article 16. Tax in the Scope of environmental Protection**

1. Taking into consideration the principles - “Use of nature requiring payment” and “polluter pays”, the tax for an adverse impact on the environment and for the use of natural resources, as well as the other taxes are established.

2. The structure and amount of the tax and the rule of payment, in accordance with **Article 94** of the Constitution of Georgia, is defined by law of Georgia.

3. If the subject of the activity pays a tax, it does not mean that it will not pay for damage.

## **Article 17. Ecological Insurance**

1. Ecological insurance is carried out in Georgia, including the obligatory ecological insurance of the units of especially dangerous activity from ecological point of view.

2. Money, received through the ecological insurance is used on purpose to liquidate the results of an ecological accident or a disaster and for preventive measures against them.

3. Legal Rules for ecological insurance are defined by law of Georgia.

## **Article 18. Economic Promotion to Environmental Protection**

1. The purpose of economic promotion to the environmental protection is to encourage fulfillment of the effective projects for environmental protection, to use the secondhand materials, to advance the best techniques and technologies, which can process the materials without waste or with little waste and it is possible to obtain ecologically pure products by means of these equipment. The Promotion may be carried out through:

- a) an advertising on environmental protection;
- b) a tax privilege;
- c) a privilege public credit.

2. The legal rules of economic promotion to the environmental protection are provided by law of Georgia. A tax privilege may be defined only by law of Georgia.

## **Article 19. Ecological Marking**

1. An ecological mark is a sign, which is given to ecologically pure products produced in Georgia, in order to orientate consumers and to encourage manufacturing.

2. An ecological mark of ecologically pure products is given by the Inter-Departmental Commission for Ecological Marking existing at the Ministry. The commission includes the representatives of the Ministry of Health-Care and of other interested institutions and public organizations.

3. The rule of ecological marking and a structure of Inter-Departmental Commission of ecological marking are defined by the regulations "On Ecological Marking" which is elaborated and approved by the Ministry.

4. Illegitimate use of ecological mark shall be charged responsibility in accordance with the rule provided by law.

## **Article 20. Environmental Audit**

1. Environmental audit is the examination of the fulfillment of the laws and standards of environmental protection (including the standards defined by the subject of the activity) and the efficiency of management of the use of nature by the subject of the activity. the examination includes the productions and technological cycles and is carried out in order to reveal the adverse impact on the environment and the amount of the waste of natural resources, as well as to establish the means for minimization of waste and to evaluate the activity from ecological point of view.

2. Environmental audit is carried out at the initiative of the subject of the activity in particular cases defined by law of Georgia.

3. The costs essential for the environmental audit shall be covered by the Ministry, if the environmental audit is carried out on the basis of its decision.

4. The representatives of public are entitled to demand to acquaint with the results of the environmental audit, if this information is not classified as an official, industrial or commercial secrecy.

5. the rule how to carry out the environmental audit is defined by law of Georgia.

## **Article 21. Environmental Requirements in the Course of Privatization**

1. An owner of the privatized unit is charged to fulfill all those obligations, which were imposed on the former owner of the economic unit.

2. Every new owner of an privatized unit shall be charged to pay for damage resulted from violation of Georgia's laws of the activity, before the unit having been privatized, if other cases are not specified by law.

3. On the basis of a decision by the Ministry the environmental audit may be carried out in order to assess ecological situation at the privatized ecological units, to ascertain ecological risk of the activity and the costs for purification and restoration works which are to be carried out.

## **CHAPTER VI**

### **Licensing in the Scope of environmental Protection**

#### **Article 22. Kinds of Licenses in the Scope of Environmental protection**

In the scope of environmental protection the following kinds of licences are designated:

- a) for environmental protection activity;
- b) for the adverse impact on the environment;
- c) for the use of natural resources.

#### **Article 23. Licence for environmental Protection Activity**

1. some kind of the activity relating to the environmental protection and requiring a special knowledge are subject licensing.

2. Such activities include:

- a) implementation of environmental audit;
- b) implementation of hydrometeorological works;
- c) other environmental protection activities defined by law.

3. the rule how to issue a licence for environmental protection activity is defined by the regulations "On the Rule how to Issue a Licence for Environmental Protection Activity", which is elaborated and approved by the Ministry.

4. The licence for environmental protection activity is granted by the Ministry.

#### **Article 24. Licence for Adverse Impact on the Environment**

1. The Ministry grants a licence for the adverse effects on the environment to the subject of the activity, the activity of which is related to the emission of harmful substance and microorganisms in the environment, as well as to different physical effects. When granting the licence the Ministry shall take into consideration the maximum amount (limit) of the emission of harmful materials specified by the environmental protection standards and present technological level, as well as the possibilities of the best technology, technique and the method of purer manufacturing.

2. the rule how to issue a licence for the adverse impact on the environment is specified by the regulations "On the Rule how to Issue a

licence for the Adverse Impact on the Environment”, which is elaborated and approved by Ministry.

### **Article 25. Licence for the Use of Natural Resources**

The use of land, water, forest, flora, fauna and subsoils is subject to licensing.

1. The use of land, water, forest, flora, fauna and subsoils is subject to licensing.

2. The licence for the use of these natural resources (apart from the land) is granted by the Ministry (under the decision by the Inter-Department Council for Examination and licensing set up at the Ministry) to the subject of the activity, the activity of which is related to use of natural resources and (or) to their introduction in the environment. The licence for the use of natural resources is granted in accordance with the established quotas for the use of natural resources.

3. The rule how to designate the quota for the use of natural resources (apart from the land) is defined by the regulations “On the Rule How to establish the Quota for the Use of Natural Resources”, which is elaborated and approved by the Ministry.

4. The rule how to issue a licence for the use of natural resources is defined by law of Georgia.

## **CHAPTER VII**

### **Providing Environmental Protection with the Information**

#### **Article 26. Registration, Accountancy and Assessment of Qualitative and Quantitative indices of the State of Environment.**

1. The registration, accountancy and assessment of qualitative and quantitative indices include the elaboration of the cadastres of the state of environment and natural resources, statistics, inventory making, introducing a passport system and cartography making.

2. The registration, accountancy and assessment of qualitative and quantitative indices is, in accordance with the established rule, guided and co-ordinated by the Ministry of Environment and Natural resources protection, in the framework of its competence, along with the Ministry of Agriculture and Food-Stuff and other appropriate institutions.

#### **Article 27. System for Monitoring the State of the Environment**

1. A system monitoring the state of the environment is the unity of the examination prognostication of information obtained through Monitoring the state of the environment.

2. The general co-ordination of the system for monitoring the state of the environmet is carried out by the Ministry.

3. The public entitled to get acquaint with the results of monitining the state of the environment.

4. The legal rules for the system of monitoring the state of the environment, for the kinds of monitoring and for their implementation are specified by law of Georgia.

## **CHAPTER VIII**

### **Environmental Protection Standards**

#### **Article 28. Environmental Protection Standards**

The Environmental protaction standards are designated with a view to ensure ecological balance in the environment.

There are established the following standarts:

- a) standarts of quality of the state of the environment;
- b) maximum permissible levels to the emission of materials in the environment and to other pollution of the environment with microorganizms;
- c) ecological requirements to the production;
- e) -

#### **Article 29. Standards of Quality of the State of Environment**

1. The standarts of quality of the state of the environment are:

a) maximum permissible levels of the amount of microorganizms and of consentration of microorganizms and of consentration of substances harmful for the health of humans and for the environment in atmospherie air, water and land;

b) maximum permissible levels of noise vibration, electromagnetic field and other physical effects;

c) maximum permisible levels of radiation impact.

2. The standarts of quality of the state of the environment are defined in every five year by the regulations “On the Standards of Quality of the State of the Environment” which is elaborated and approved by the Ministry of Health Care, in compliance with the Ministry of environment and Natural Resources Protection.

### **Article 30. Maximum Permissible Levels of the Emission of Harmful Materials in the Environment and of the Pollution of the Environment with Microorganisms**

1. The maximum permissible of the emission of harmful materials in the environment and of the pollution of the environment with microorganisms is defined for every separate source of pollution. Its technological peculiarities and the pollution of the Place, where the source is located, are taken into account. The concentration of emissional materials and microorganisms must not exceed the limit to maximum permissible concentration.

2. The maximum permissible levels of the emission of harmful materials in the environment and the limits to the pollution of the environment by microorganisms is defined in every five years by the regulations "On Maximum Permissible levels of the Emission of the Harmful Materials in the Environment and Pollution of the Environment by Microorganisms", which is elaborated and approved by the Ministry.

3. In particular cases temporary limits to the emission of harmful materials in the environment and to the pollution of the environment by the microorganisms may be designated for a certain period with definite requirements. This term must not be more, than five years. In particular cases the rule how to establish the temporary limits to the emission of harmful materials in the environment and to the pollution of the environment by microorganisms are defined by regulations "On the Rule how to Establish the Temporary Limits to the Emission of Harmful Materials in the environment and to the Pollution of the Environment with microorganisms", which is elaborated and approved by the Ministry.

### **Article 31. Limits to the Use of Chemical in the Environment**

1. The limits to the use of mineral fertilizers, stimulants, chemicals of different kind (including the chemicals for the reservation of plants) in the environment are designated so as not to endanger the health of humans, animals plants or soil.

2. The limits to the use of chemicals (including the chemicals for the fertilization of soil and for the reservation of plants) in the environment and the rules for their transportation, storage and use is elaborated and approved by the ministry of Environment and Natural Resources Protection, in compliance with the Ministry of Health-care, in every five year, by the statute "On the limits to the Use of Chemicals in the Environment and the Rule of their Use, Storage and Transportation".

3. The entire state register is compiled in order to use the chemicals rationally to reduce the risk in the use and to account or control them. The rule how to compile register is provided by law of Georgia.

### **Article 32.**

### **Article 33. Ecological Requirements to the Production**

1. Maximum permissible levels for the adverse impact on the human health and environment must be taken into consideration in the manufacturing, transportation and storage of consumer goods.

2. maximum permissible levels for the amount of chemicals in the foodstuff must be designated at the level of minimal dose, harmless for the human health. It is approved by the Ministry of Health. Care by the statute “On Maximum Permissible Levels for the Amount of Chemical in the Foodstuff”.

## **CHAPTER IX**

### **Ecological Requirements to the Waste**

### **Article 34. Ecological Requirements to the Waste**

1. The subject of the activity is obliged to ensure mitigation, remedy, utilization, deposition and disposal of industrial, household and other Kinds of waste and during these activities to observe the rules and standards of environmental protection, as well as the sanitary, hygienic, epidemiological rules and standards.

2. Deposition and disposal of industrial and household waste are permitted only in especially prescribed sites. environmental protection, sanitary, hygienic, epidemiological rules and standards must be observed.

3. Deposition and disposal of toxic, radioactive and other dangerous wastes occurs only in especially designated sites. environmental protection, sanitary and hygienic rules and standards must be observed.

4. It is prohibited to deposit the wastes of all kind in the sea or in other sources of water.

5. The questions relating to the control over the wastes, their import, export, reexport and transit are regulated in compliance with the rule provided by law of Georgia.

## **CHAPTER X**

### **Environmental Protection Requirements in Decision. Making on the Activity and in the Implementation of the Activity**

#### **Article 35. Environmental Permit**

1. Environmental permit is essential for the implementation of an activity on the territory of Georgia, in order to take into consideration ecological, social and economic interests of public and state and to protect human health, natural surroundings, material assets and cultural heritage.

2. The rule of the issuance of an environmental permit is designated by Georgia's law "On Environmental Permit"

#### **Article 36. State Ecological Examination**

1. State ecological of decision-making on the issuance of an environmental permit.

2. Positive opinion obtained a result of state ecological examination is an essential condition for the issuance of an environmental permit for the implementation of the activity.

3. the procedure of state ecological examination and the rule how to make it are designated by the Georgia's law "On state Ecological Examination".

#### **Article 37. Environmental Impact Assessment**

1. In order to prevent or mitigate the adverse effects on the environmental it is essential to carry out environmental impact assessment before environmental permit has been issued, for the activities of different categories specified by law of Georgia.

2. Environmental impact assessment shall reveal the potential effects on the environment resulting from the activity, as well as shall evaluate the social, economic and ecological results, caused by these effects.

3. The subject of the activity shall submit the results of environmental impact assessment as an account of environmental impact assesment.

### **Article 38. Account of environmental Impact assessment**

1. An account of Environmental Impact assessment is the essential part of the documentation submitted by the subject of the activity in order to obtain a permit.

2. Environmental Impact Assessment is carried out at the expense of the subject of the activity. The subject of the activity is responsible for the completeness and objectivity of the submitted account.

### **Article 39. General Environmental Requirements in the Implementation Requirements in the Implementation of the Activity**

1. In the implementation of the activity the requirements for ecological security and health-care must be observed. The measures for environmental protection, for rational use of natural resources and for improvement of the environment, as well as the costs necessary for their implementation, must be taken into consideration.

2. The subject of the activity must:

a) elaborate plans for the actions to be implemented in the event of an accident or disaster, for up-to-date and systematic measures designed to prevent or remedy the results of a technogenic accident or natural disaster, as well as co-ordinate these plans with appropriate state bodies.

b) set up and keep in readiness the well-equipped for the liquidation of an accident, deliver up-to-date information on every potential or past bodies and to the population.

c) The legal rules for the fulfillment of these measures are regulated by law of Georgia.

### **Article 40. Environmental Requirements when the Economical Units are Put into Operation**

It is inadmissible to put the economical units into operation if the following procedures are not ensured:

a) perfect operation of the equipment designed for the utilization or remedy of the dangerous wastes, of purification constructions and of the means for control over the environmental state.

b) existence of the means for the implementation the measures proposed in the project.

### **Article 41. Environmental Requirements in the Liquidation of Economical Units**

When the economical unit goes into liquidation in whole or in part the subject of the activity must observe the other requirements specified by this Law and by the legislation of Georgia.

## **CAPTER XI**

### **Ecological State of Emergency**

#### **Article 42. State of Emergency in the Event of Ecological Disaster**

1. In the event of an ecological disaster state of emergency shall be declared on the whole territory of Georgia or on any part of it.

2. On that territory where the of emergency has declared, the zone of the state of ecological emergency or ecological disaster shall be created.

#### **Article 43. Zone of ecological Emergency State**

On the territory, where the state of the environment has been depreciated and the health of humans, plant cover and animal world have been endangered, the zone of ecological emergency state is declared.

2. The zone of ecological emergency state is declared or canceled by the President of Georgia.

3. The legal for the zone of the ecological state are defined by law of Georgia.

#### **Article 44. Zone of Ecological Disaster**

1. The territory where the ecological balance has been destroyed or the human health has been endangered as a result of the activity, shall be declared to be a zone of ecological disaster.

2. A zone of ecological disaster shall be declared or canceled by the President of Georgia.

3. The legal rules for the zone of ecological disaster are defined by law of Georgia.

## **CHAPTER XII**

### **Protection of Natural Ecosystems**

## **Article 45. Purpose of the Protection of Natural Ecosystems**

1. Natural ecosystems, landscapes and territories must be protected against the pollution, damage, degradation, destruction, stratification and .....

2. The followings are the subjects to the protection:

- a) costal-sea zones
- b) moors, sources of the springs, reservoirs or rivers, glaciers and caves;
- c) subalpine forests, flood plain forests;
- d) forests of special value;
- e) forests of green zones;
- f) zones and territories of sanitary protection.

3. Any activity relating to the use and administration of natural ecosystems, landscapes and territories and the relgal rules of their administration are performed in compliance with the standards and requirements of environmental protection.

4. The issues relating to the use and administration of natural ecosystems, landscapes and territories (including the planning of land use and the making of zones) are defined by law of Georgia.

## **Article 46. Protection of Wild Plants and Animals**

It is strictly limited, as well as subjected to licensing, to remove the wild animals and plants from the environment, in order to maintain their biological diversity and reproductive capacity.

2. Any action, which is likely to damage the wild animals and plants, their habitatts, reproduction areas and ways of migration, is prohibited.

3. the rule for the use and protection of wild animals and plants on the territory of Georgia is defined by law of Georgia.

## **Article 47. Protection of Endangered Wild Animals and Plants**

1. The Endangered wild animals and plants are registered in “The Red Book” and “The red List” of Georgia. The Ministry coordinates their systematic renovation and publication.

2. Any activity including, exploitation, mining, cutting, mowing, (aparat from especial cases) relating to the endangered species of wild animals and plants, which are put of Georgia, and leading to mitigation of these animals and plants in quality, as well as to deterioration their habitats or conditions of being prohibited.

3. The rule how to compile “Georgia’s Red List” and “Red Book” of endangered wild animals and plants is defined by law of Georgia.

## **CHAPTER XIII**

### **Protection Areas**

#### **Article 48. Purpose of Setting up a System of Protection Areas**

Setting up a system of Protection areas serves to the protection and maintainance of natural environment, cultural heritage and their particulars.

#### **Article 49. Categories of the Protection Areas**

1. There are the following categories of the protection areas in Georgia: a state reservation, national park, a natural monument, a protected landscape and a territory used indefferent manner.

2. There is admitted in Georgia to establish the categories of the protection areas, which are including in intarnational net-work of the protected eareas. These categories re the bio-spheric eareas. These categories are the bio-spheric resrvation, the district of cultural heritage of international importance, and the wetlands of international importance.

3. The protected areas are established under the decision by the Parliament of Georgia.

4. The administration of the protectied areas is carried out in accordance with the Georgia’s law “On the System of Prorotected Areas”.

## **CHAPTER IV**

### **Global and Regional Administration of Environmental Protection**

#### **Article 50. Providing with legal foundation the Settlement of the Regional or Global Problems of Environmental Protection**

The bodies of state power, physical persons or legal entities (without distinction of the kinds of property and organizational-legal form) in the framework of their authority and of Georgia’s committments, take additional measures in order to settle the regional or global problems of environmental protection on the territory of Georgia.

## **Article 51. Protection of Climate against the Global Changes**

1. On purpose to protected the climate of the earth against the global changes, the subject of the activity is obliged to observe the limits to the emission of gassas which cause the green effect as well as to take measures for mitigating their emission.

2. The emission of the gasses, which causes the green-house effects is regulated on the basis of the intergrated control of the pullution of the environment.

3. The legal rules of the protection of climate against the global changes shall be provided by law of Georgia in the framework of Georgia's jurisdiction.

## **Article 52. Protection of Ozone Layer**

1. The subject of the activity is obliged to reduce or stop production and use of such chemicals, which are likely to have effects on the ozone, layer of the earth and cause depletion of it.

2. The produce containing the abovementioned chemicals shall be brought to Georgia only under a special permission.

3. The legal rules for the protection of the ozone layer shall be provided by law of Georgia within the framework of Georgia's jurisdiction.

## **Article 53. Protection of Biological Diversity**

The activity must lead to irreversible changes in quality and quantity of biological duversity, as well as to the degradation of it.

## **Article 54. Protection of the Black Sea against Pollution**

1. In order to protect the Bleack Sea against pollution and to maintain it, the subject of the activity must take the measures designated for the prevention, mitigation, remedy and control of the pollution of the sea with the dangerous materials and substance. These harmful materials may be originated from the sources of pollution located on the land, ships, atmosphere and from the discharged waters into the sea, as well as during the transportation through the sea and the activity on the continent shelf.

2. The legal rules for the protection of the Black sea are provided by law of Georgia within the framework og Georgia's jurisdiction.

## **CHAPTER XV**

### **International Co-Cooperation in the scope of Environmental Protection**

#### **Article 55. International Co-Operation in the Scope of Environmental Protection**

Under the rule provided by law, Georgia concludes, ratifies, denounces or affiliates those international treaties and agreements, which co-ordinate the Georgia's relationship in the field of environmental protection with other states, with the alliances of the states and with other international organizations.

#### **Article 56. International Treaties and Agreements in the Scope of Environmental Protection**

Georgia's international treaty or agreement, if it does not violate the Constitution of Georgia is preferential to the statutory acts operating within the state.

## **CHAPTER XVI**

### **Liability for Violation of the Georgia's Law "On Environmental Protection"**

#### **Article 57. Liability for Violation of the Georgia's Law "On Environmental Protection"**

1. The liability for the violation of the this Law shall be imposed under the laws of Georgia.

2. Infringer of the law, when imposed the liability, is not exempt from paying the damage resulting from the violation of the law "On environmental Protection", according to the prescribed rule and amount.

## **SECTION 3**

## **CHAPTER XVII**

### **Conclusive Provisions**

**Article 58. Statutory Acts of Georgia, which Become Invalid after the Law “On Environmental Protection” Comes into Effect**

After the Law “On Environmental Protection” goes into effect, consider the law “On the Protection of Nature” of 28 November, 1958 of the soviet Socialist Republic of Georgia (Gazette of the Supreme Council of the Soviet Socialist Republic of Georgia, #5, Art.1.) as well as other subordinated statutory acts adopted on the basis of it, to be invalid.

**Article 59. Time when the Georgia’s law “On Environmental Protection” goes into effect.**

Go into effect the law “On Environmental Protection” as from the moment of publishing.

**The President of Georgia**

**Ed. Shevardnadze**

**Tbilisi.**

**10 December, 1996.**