

**Law of Georgia**  
**On Protection of the Environment**

**Section I.**

**General Part**

**Chapter 1.**

**General Provisions**

***Article 1. Subject to Law Regulation***

The present law regulates the legal terms between the bodies of state authority and natural and legal persons (without respect of their kind of property and organisational and legal type) in the sphere of protection of the environment and use of nature (hereinafter "the environment protection") all over the territory of Georgia, including its territorial waters, air-space, continental shelf and free economic zone.

***Article 2. Law System in the Sphere of Protection of Environment***

The law system of Georgia in the sphere of protection of environment includes the Constitution of Georgia, international treaties and covenants of Georgia, the present Law and other legislative and regulatory enactments.

***Article 3. Main Goals and Tasks of the Law***

1. The main goals of the Law are:

- a. determination of principles and norms of legal terms in the sphere of the protection of environment;
- b. defence of main human rights established by the Constitution of Georgia in the sphere of the protection of environment - to live in the healthy environment and use natural and cultural surroundings;
- c. providing for the protection of environment and rational use of nature by the state in accordance with the ecological and economic interests of the public and with respect of the interests of present and future generations;
- d. preservation of biological multiformity, typical, rare, endemic species of flora and fauna, those ones under the threat of extinction, protection of sea environment and providing for the ecological balance;
- e. preservation and protection of original landscapes and ecosystems;
- f. providing for the legal solution of general, global and regional problems in the sphere of protection of environment;
- g. providing for the conditions of stable development of the country.

2. The main tasks of the Law are:

- a. protection and preservation of environment safe for the human health;
- b. providing for the protection of the environment from the bad effect;

- c. providing for the preservation and improvement of quality state of the environment;
- d. providing for the optimal balance (harmony) of ecological, economic and social interests of the public;
- e. providing for the management of use of natural resources with respect of principles of potential possibilities and stable development of the environment.

#### **Article 4. Interpretation of Main Definitions**

Main definitions used in this Law have the following meaning unless there is the special reference in the Law:

- a. **"Environment"** - the unity of natural environment and cultural surroundings transformed by a man, it contains living and lifeless, preserved and transformed natural elements being in interdependency, natural and anthropogenic landscapes;
- b. **"Natural Environment"** - a part of environment which contains natural elements and natural landscapes being in interdependence;
- c. **"Cultural Surroundings Transformed By a Man"** - a part of environment which contains the transformed natural environment, ecosystems of transformed and mixed types, transformed natural elements and anthropogenic landscapes being in interdependency;
- d. **"Protection of Environment"** - the complex of administrative, economic, technological, political and legal and social measures which ensure the preservation and restoration of natural balance existing in the environment;
- e. **"Natural Resources"** - natural elements forming the natural environment;
- f. **"State Administration of Use of Natural Resources"** - regulation, registration, licensing of, supervision and control over the use of natural resources;
- g. **"Activity"** - economic, productive or other kind of activity, execution of plans and projects of migration and development, including those infrastructural projects, plans of improvement and sectorial development, projects and programs of protection, use and utilization of water, forest, land, subsoil and other natural resources existing on the territory of Georgia as well as significant reconstruction and technical and technological renovation of the existed enterprises which effect or may effect upon the quality of environmental state;
- h. **"Entity"** - a natural or legal person carrying out activity;
- i. **"Protected Area"** - land and (or) water area of especial significance from the view of preservation of its natural variety, natural resources and cultural phenomena included into the environment protection, and administration of which is carried out on the long-term and stable legal grounds. The protected area shall be created for preservation of the national inheritance of the greatest importance - unique, rare and typical ecosystems, species of plants and animals, natural specimens and cultural areas, and for ensuring their utilisation with respect of their scientific, educational, recreational and natural resources;
- j. **"Stable Development"** - such system of development of society which provides for the improvement of quality of the living standards and the right of future generation to use the natural resources and environment which will be mostly protected from the irreversible quantitative and qualitative changes with respect of the interests of economic development and environment protection of the public;
- k. **"Principles of Stable Development"** - principles of the "Rio Declaration of Environment and Development", "The 21st Agenda - Global Stable Development Program for XXI Century" and

"Declaration of Non-legal Obligations on the Principles of Protection, Stable Development and Management of Forests" passed by the United Nations Conference on Environment and Development, Rio de Janeiro, 1992;

- l. **"Integrated Control System of Pollution of Environment"** - such system of regulation of the environment pollution which is based on the integrated (complex) control of pollution of the main components of environment having the ability to accumulate pollution, as soil, water and air;
- m. **"Best Engineering"** - the best technology and the methods of its maintenance, arrangement, supervision and control and means of its maintenance;
- n. **"Biological Diversity"** - variety of living organisms, land, sea and water ecosystems and ecological complexes which contain the diversity within the species, among the species and within ecosystems;
- o. **"Industrial Project"** - object of activity;
- p. **"Ecologically Pure Product"** - product produced from the ecologically healthy material by the efficient and best engineering and technology;
- q. **"More Clean Production"** - industrial process provided with the continuous application of the integrated environment protection policy;
- r. **"Ministry"** - Ministry of Environment and Natural Resources Protection of Georgia;
- s. **"Environment Protection Management System"** - an integral part of management system and business strategy of the project, which contains all aspects of functioning of the project connected directly or indirectly with the problems of effect upon the environment (including the environment protection management project, environment protection policy, organization and staff, register of environment protection standards);
- t. **"Considerable Reconstruction, Technical and Technological Renovation"** - such reconstruction, technical and technological renovation, the execution of which requires projecting of its technical and economical grounds.

#### **Article 5. Main Principles of Protection of Environment**

1. When planning and carrying out their activity the bodies of governmental authorities, natural and legal persons (without respect of kind of their property and organisational and legal type) are obliged to follow the main principles of environment protection.
2. Main principles of environment protection are as follows:
  - a. **"Principle of Risk Reduction"** - when planning and carrying out his activity an entity is obliged to take proper measures preventing or reducing the risk of bad effect upon environment and human health;
  - b. **"Principle of Stability"** - such use of environment and natural resources when there is no threat to the development of society and protection of environment and natural resources from irreversible quantitative and qualitative changes is secured;
  - c. **"Principle of Priority"** - an action which may cause bad effect upon environment and human health may be changed into another, action of lower risk (even if more expensive). The priority shall be granted to the latter if its cost does not exceed the costs for compensation for the ecological damage caused by the less expensive action;

- d. **"Principle of Payable Use of Nature"** - use of land, water forest, flora and fauna, subsoil and minerals shall be payable for an entity;
- e. **Principle "He who pollutes shall pay"** - the obligation of an entity and of another natural and legal person to compensate for the damage caused to environment;
- f. **"Principle of Preservation of Biological Diversity"** - the activity should not cause the irreversible degradation of biological diversity;
- g. **"Principle of Minimisation of Waste Products"** - when carrying out activity the priority shall be granted to such technology which provides for the minimisation of waste products;
- h. **"Principle of Recurrence"** - when carrying out activity the priority shall be granted to the matters, materials and chemical compounds which can be used for the second time or processed, biologically degraded or dissociated without harm to the environment;
- i. **"Principle of Restitution"** - environment degraded in result of the carried out activity shall be restituted in condition mostly close to the original one (restitution in integrum);
- j. **"Principles of Evaluation of Effect upon Environment"** - when projecting or planning his activity an subject of acidity shall foresee and evaluate the possible effect of such activity upon the environment in accordance with the procedure established by the law;
- k. **"Principle of Publicity in Process of Making Decision"** - this principle shall provide for the participation of the public in the process of making important decision related to the carrying out of activity;
- l. **"Principles of Accessibility of Information"** - information of the environmental condition shall be free and accessible for the public.

## Chapter II.

### Rights and Duties of Citizens in the Sphere of Environment Protection

#### **Article 6. Rights of Citizens in the Sphere of Environment Protection**

A citizen is entitled to:

- a. live in the healthy environment;
- b. use environment;
- c. obtain complete impartial and timely information of the state of his working and living surroundings;
- d. get environmental and ecological education, improve his environmental knowledge;
- e. associate in public organizations for environment protection;
- f. take part in consideration and making of significant decisions in the sphere of environment protection;
- g. receive compensation for the incurred damages caused by failure to observe the requirements of the law on environment protection of Georgia;
- h. by order of the court require on reconsideration of decisions of placing, planning, construction, reconstruction and operation of ecologically dangerous projects.

***Article 7. Duties of Citizens in the Sphere of Environment Protection***

A citizen shall:

- a. observe the requirements of laws of Georgia in the sphere of environment protection;
- b. take care of natural and cultural surroundings;
- c. protect the environment;
- d. after obtaining information of an expected or taken place natural and technological accident and other ecological catastrophes timely advise the appropriate competent governmental bodies or declare this in public.

**Section II**

**Principal Part**

**Chapter III**

**Education and Investigation in the Sphere of Protection of Environment**

***Article 8. Education in the Sphere of Protection of Environment***

In order to improve the environmental knowledge of the public and to train experts in this field there is established the single system of environmental education which contains the network of educational institutions and institutions providing for the training of staff and improvement of their skills.

***Article 9. Teaching the Principles of Protection of Environment***

1. The single system of environmental education consists of pre-school, primary, basic, secondary, vocational and higher stages of education.
1. The training programs of educational institutions shall provide for the mastering of minimum obligatory knowledge of protection of environment and use of natural resources.
1. The secondary, vocational institutions and institutions of higher education shall provide for the study of the special course of environment protection management and other subjects of ecological and environmental profile.
1. Problems related to the management and operation of the system of education in the sphere of environment protection shall be determined by the laws of Georgia.

***Article 10. Investigation in the Sphere of Protection of Environment***

In order to observe the requirements of the environmental legislation of Georgia and formation and implementation of the state policy of protection of environment there shall be worked out the programs and plans of investigation in the sphere of ecology and environment protection.

## Chapter IV

### Government Administration of Protection of Environment

#### **Article 11. Terms of Reference of Governmental Bodies in the Sphere of Protection of Environment**

1. The terms of reference of bodies of governmental authorities of Georgia, Abkhazia and Adjara autonomous republics, of local administrations in the sphere of protection of environment are determined by the Constitution of Georgia, the present Law and other legal and regulatory acts.
1. Under the Constitution of Georgia the exclusive terms of reference of the higher government bodies of Georgia cover the following:
  - a. meteorological service;
  - b. control system of the state of environment;
  - c. laws on land, entrails and natural resources.

#### **Article 12. Criteria of Delimitation of Terms of Reference in the Sphere of Protection of Environment**

The main criteria of delimitation of terms of reference of the bodies of government authorities of Georgia, autonomous republics, local administrations in the sphere of protection of environment are as follows:

- a. financing resources of the environmental measures (state budget, budgets of autonomous republics and territorial units);
- b. significance of natural resources (of state or local importance);
- c. scale of bad effect upon the environment (of transnational, interregional, regional or local importance);
- d. jurisdiction of a protection area.

#### **Article 13. Terms of Reference in the Sphere of Protection of Environment**

1. The Ministry's terms of reference in the sphere of environment protection cover:
  - a. function of intersectorial administration;
  - b. state management of effective, stable and complex use of natural resources and protection of environment;
  - c. state control;
  - d. arrangement of meteorological service;
  - e. arrangement of environment monitoring (system of control over environment state);
  - f. other functions established by the laws of Georgia.
2. The Ministry shall be responsible for regulation and supervision over the integrated control of pollution of environment both at the state level and the level of regional and local projects.

3. The terms of reference of the Ministry of Public Health of Georgia in the sphere of protection of environment cover the state sanitary control over the protection of sanitary and hygienic standards and sanitary and epidemiological rules and other functions established by the present Law and laws of Georgia.

4. a) Entities shall execute the integrated control of pollution of environment.

b) Regulations on execution of the integrated control of pollution of environment and matters related to the determination of those directions of introduction, management and development of the integrated control system of pollution of environment on a country scale shall be adjusted by the laws of Georgia.

5. The regime of regulation of use of land resources shall be determined by the laws of Georgia.

6. The function of protection of separate kinds of natural resources shall be borne by the authorised government body under the rule established by the laws of Georgia.

#### ***Article 14. National Report on Environmental State***

1. In order to inform the public the Ministry shall annually submit the national report on environmental state to the President of Georgia.
2. Government bodies and public legal persons shall not later than 2 months following the request to provide the Ministry with the available information concerning environmental state for making of the national report.
3. The rule of making up of the national report on environmental state shall be determined by the President of Georgia.
4. Promulgation of the national report is the principle of its accessibility for the public.
5. Expenses for promulgation and dissemination of the national report shall be financed from the state budget.

#### ***Article 15. Planning of Protection of Environment***

1. In order to provide for the protection and stable development of environment the environment protection planning system shall be created.
2. The environment protection planning system includes the long-term strategic plan (strategy of stable development), 5-years long plan (national program of environment protection actions) and management plan of environment protection to be made up for the projects of activity.
3. The strategy of stable development of country is the basis of the national program of actions of environment protection, which shall be worked out by the Ministry together with other departments concerned; the Ministry shall also undertake the arrangement of preparation of draft of national program of actions in the environment protection. The participation of the public in the elaboration of project of strategy of the stable development is binding.
4. The project of strategy of stable development shall be considered and approved by the Parliament of Georgia.
5. a) The national program of actions in environment protection is the part of indicatory plan of social and economic development of Georgia;

b) Consideration and approval of the national program of actions in environment protection shall be performed under the laws of Georgia.

6. Program of actions in the environment protection shall be established at regional, local and departmental levels.

7. The strategy of stable development is the strategic plan drawn up on the principles of the stable development and it shall provide for the balance of economic promotion and interests of environment protection of the country.

8. The rule and frequency of making plans of strategy of stable development of the country, national pr