

Georgia

EIA profile

Updated to: 02 September 2019

Overview ESIA procedure

The legislation requires screening, scoping, review and decision-making as formal steps of the EIA process.

source

EIA code, 2017.

Screening

Screening process

Screening is a formal step and carried out on basis of projects listed in Annex I and II of the EIA code.

- All project listed in Annex I require EIA.
- The projects listed in Annex II need to be screened by applying 25 criteria, see article 6.

Within 5 days after completion of the screening procedure the Ministry ensures publication of opinions and comments submitted by the public.

source

EIA code 2017,

Contents of the starting document

The screening application needs to include the following information:

- Brief information about the planned project
- Data on project characteristics, location and the nature of potential impact.

source

EIA code, 2017; art. 7.

Timeline Screening

Within 15 days of registration of the application the Ministry will take a decision whether the planned project is subject to EIA.

source

EIA code, 2017; art. 7.

Scoping

Scoping process

Scoping is a formal step in the EIA procedure.

In case of Annex I and II projects (requiring EIA), the developer needs to submit a scoping application together with a scoping report to the Ministry in an early stage of the project planning.

The Ministry will register the scoping application and will review the scoping report. Based upon the review the Ministry will prepare a scoping opinion that provides guidance on information to be included in the EIA report.

source

EIA code 2017; art. 7.

Contents of the scoping document

The scoping report shall include:

1. A brief description of a planned project and possible alternatives
2. The location of a planned project including GIS coordinates (with shape files)
3. Information on:
 - general technical specifications of the proposed project (capacity, length, area, output, etc.)
 - types and significance of the potential impact
 - potential significant impact on the protected areas
 - potential transboundary environmental impact, if applicable
 - baseline surveys and investigations which should be carried out
 - methods which are required for preparation of EIA report proposed by developer
 - considered mitigation measures
 - the public concerned to be involved in EIA process
 - potential impact of the planned project on human health, social environment and cultural heritage
- Documentation determined by the Waste Management Code of Georgia, if the projects deals with waste treatment

source

EIA code 2017; art. 8.

Timeline scoping

Within 30 days after registration of the scoping application the Ministry issues the scoping opinion.

Assessment

Assessment process

The assessment process is not specified. Nevertheless, prior to submitting the final EIA report to the MoE, the proponent is required to arrange a public hearing in a district administrative centre, where the activity is planned. The proponent then submits the final EIA report to the MoE with regard to the comments of the public and other stakeholders.

Contents of the EIA report

Detailed requirements for the contents of the EIA report are provided.

source

EIA code 2017; Art. 10.

Review

Review process

Withing five days after receiving the EIA report the Ministry establishes an Expert Commission to review the report and prepare a final conclusion.

The Ministry ensures the publication of the EIA report within three days after application by the developer. The Ministry organises a public hearing and ensures to review opions and comments provided by the public and take them in account in decision-making on the Environmental Decision.

source

EIA code, 2017.

Review expertise

The developer Review is executed by Expert Commission consisting of experts and is established by the Ministry.

source

EIA code 2017; art. 42, 43.

Timeline Review

The Expert Commission submits the conclusion to the Ministry within 40 days.

source

Decision making

Integration of ESIA into decision-making

The Ministry takes a decision on approval of the project - a so-called Environmental Decision - based upon the review conclusion prepared by the Expert Commission and the opinions and comments of the public on the EIA report. The Environmental Decision includes conditions for implementation, operation and management of the project.

source

EIA code 2017; art. 12.

Decision justification

Within five days after issuing the Environmental Decision or the refusal to implement the project, the Ministry will publish the EIA report, the Expertise conclusion and the Environmental Decision and the results of the participation on its website.

source

EIA code 2017; art. 12-15.

Timeline decision-making

No less than 51 and no more than 55 days after registration of the application for Environmental Decision the Ministry will decide whether an Environmental Decision will be issued.

source

EIA code 2017; art. 12.

Possibilities for appeal

There is possibility for appeal either to a superior administrative body or to the court of law. It is not specified who the superior administrative body is nor to which kind of court the appeal can be made (to be confirmed).

Appeals are possible for the EIA approval and the issuance of the environmental impact permit.

There is a possibility for appeal by any public representatives who deem their rights violated. The decision of the competent authority not to issue a permit can also be appealed against by the proponent. (to be confirmed)

Follow-up

Compliance monitoring

The developer needs to submit results of the post-project analysis to the ministry. Post project analysis consists of:

1. Carry out monitoring of the conditions and mitigation measures imposed by the Environmental Decision
2. Analysis of the impacts on the environment caused by project implementation and
3. Assessment of changes of the environmental characteristics envisaged by the EIA report.

source

EIA code 2017; art. 17.

Non-compliance penalties

Non-compliance with the conditions of the Environmental Decision will result in a fine for the developer. When the developer does not comply with the conditions in a reasonable timeframe the fine will be increased. Ultimately, when the developer does not comply the Ministry will repeal the Environmental Decision.

source

EIA code 2017; art. 45.

Stakeholder engagement

Public participation requirements for ESIA process stages

Public involvement is only a required step during the assessment stage. It is the responsibility of the proponent to organise public hearings.

- Firstly an announcement is made informing the public about the planned activity and leaving possibilities for the public to send comments to the proponent.
- Between 50 and 60 days after the announcement has been made, a public hearing is held.
- A hearing protocol is compiled afterwards.

The public can make comments both orally and in writing. Oral comments are recorded in the form of meeting minutes which have to be signed by the proponent and a representative of MoE.

The law requires that comments made by the public are considered in the EIA report. In case the proponent disregards any of the comments made, they are supposed to justify the non-consideration in writing to the concerned public.

According to the legislation, the permit for impact on the environment is issued on the basis of common administrative proceeding which does not envisage public participation. However, the General Administrative Code gives provisions that affected parties can apply to the MoE and require participation in the administrative proceeding. They can also participate in the proceeding. In practice this process and public participation is hampered though.

If the statement of ecological expertise has to make a reference to the outputs of public participation, is not specified.

The majority of the costs are for the public themselves.

source

Gugushvili Tamar. 2008. Observers Report. Environmental Impact Assessment Process in Georgia. Aarhus Centre Georgia

Caucasus Environmental NGO Network

Resolution No. 154 of 2005 on Approval of the Regulation on Rule and conditions for Issuance of Environmental Impact Permit (Article 3)

Timeline for public comments

Within 45 days after the public announcement has been made, the public can provide comments to the proponent.

Access to information

The developer is supposed to provide the public with information on the proposed activities prior to submitting an EIA report to the MoE. A notice containing:

- objectives, title and location of the planned activity
- address, where public representatives will be able to get information
- deadline for submission of comments
- time and venue for public hearing. The information can also be requested by the public and local authorities.

ESIA practice

Annual no. of ESIA's

Approximately 60 to 70 EIA based permits are processed annually.

Central ESIA database

Records of EIA are kept at a central place at the MoE. Reports older than 3 years are kept in an archive, reports that have been issued in the last 3 years are stored in office. An online database is being introduced.

Professional bodies

The following professional bodies have an interest in EIA:

- (CENN) Caucasus Environmental NGO Network
- Centre for Strategic Research and Development of Georgia (CSR DG)
- Environmental Information and development Centre
- Georgian Association of Environmental and Biological Monitoring
- International Centre for Environmental Research

- IUCN Programme Office for the Southern Caucasus
- LOBO – Union of Environmental Protection and Animals’ Rights
- Regional Environmental Centre (REC) for the Caucasus
- United Socio-Ecological Union of Georgia -SEU
- WWF Caucasus Programme Office Iakob Gogebashvili Telavi State University.
- Georgian Designated National Agency for International Data and Information Exchange.
- Scientific – Education Institute of Standardization and Meteorology.
- Committee on Studying Industrial Forces and Natural Resources.
- M. Rcheulishvili Scientific Institute of Biological Fundamentals of Stock Breeding.
- Institute of Water Management of Georgia.

Relevant links

[UNECE Arhus Clearing House - Georgia](#)

Background information

History of ESIA

Georgia inherited an EIA system that was developed by the Soviet Union. After the adoption of the new Constitution in 1995, EIA was introduced by the Law on the Protection of the Environment (1996). The Law on Environmental Permits (1996) and the Law on State Ecological Expertise (1996) followed as specific laws on EIA.

Georgia gradually started modernising the EIA system in line with the EU and other international standards.

Detailed EIA regulations came into force in 2002 and 2003.

With the rose revolution in November 2003 a new phase started and EIA legislation was changed considerably. A new law on licences and permits (2005) was prepared by the Ministry of Justice, followed by three laws on EIA regulations in 2007. That law supported business investment by simplifying and integrating permitting procedures. Most important changes in the EIA legislation were:

- the number of activities requiring EIA was limited
- the time for review was shortened from 90 to 20 days, and
- the responsibility for public participation was transferred from the EIA authority to the proponent.

In 2017 new legislation on EIA as well as on SEA was adopted. This legislation is the result of the EU association agreement between Georgia and the EU. The new legislation is in accordance with the EU directives on EIA and SEA.

Legal framework

Enabling law

The Law on the Protection of the Environment (1996)

National detailed regulation

Code of Environmental Assessment (2017) Hereafter 'EIA code 2017'

Guidelines

A guideline on necessary procedures to receive the permit for Environmental Impact Assessment from the Ministry of Environment Protection and Natural Resources of Georgia exists.

Scope of application

All activities (public and/ or private, national and/ or foreign) imposing significant risks on human life or health relate to especially important or public interests or connect to use of country resources.

Exemptions from application

The developer may be exempted from EIA if the project is to serve national defense or respond to civil emergency arising for force majeure.

source

EIA code; art. 16.

Institutional setting

Central ESIA authority

The Ministry of Environmental Protection and Agriculture is the central authority on EIA. It replaced the Ministry of Environmental Protection in 2017.

source

EIA code, 2017.

Other key (governmental) parties

An Expert Commission is established by the Ministry to review EIA reports. This commission consist of experts and the Ministry can invite foreign experts.

source

EIA code, 2017.

(De)centralisation of mandates

The responsibility for all EIA processes lies with the national authority.

source

EIA code, 2017.

Payment system

The developer bears the costs associated with the EIA process. In order to obtain an Environmental Decision, the developer has to pay a fee of 500GEL.

source

EIA code 2017; Art. 11.

Contact

Ministry of Environmental Protection and Agriculture of Georgia

Address: 6 Dimitry Gulia St Str., 0114 Tbilisi, Georgia

Website: <http://www.moe.gov.ge>