

Georgian Law
Code of Environmental Assessment

Chaper I. General Provisions

Article 1. Scope of regulation of the Code

1. The Code establishes a legal basis for regulating issues related to projects and strategic documents, which implementation may have significant impact on the environment, human life and health.
2. The Code regulates the procedures related to environmental impact assesment, strategic environmental assessment, public participation in decision-making, transbaoundary environmental impact assessment and carrying out expertise.

Article 2. Objectives and tasks of the Code

1. Objectives of the Code are:
 - a) to contribute to the protection of the environment, human health as well as of cultural heritage and material assets in the course of implementing projects and strategic documents, which may have significant impact on the environment, human life and health;
 - b) to ensure the essential right of a citizen provided by the Constitution of Georgia to receive a complete, objective and timely information as well as to ensure public participation in the course of decision-making in the field of environmental protection in order to promote democratic development of the country;
 - c) to consider commensurately ecological, social and economic interests of the state and the public in decision-making process related to the implementation of the project or strategic document, which may have significant impact on the environment.
 - d) Implementation of the best international practice in environmental assessment procedures.
2. Tasks of the Code are:
 - a) to determine rights and obligations of the developer, the planning authority, the public and the competent authorities in the course of decision-making envisaged by this Code;
 - b) to provide the public with the information on possible consequences resulting from the implementation of a planned project or strategic document in order to avoid, reduce or mitigate an adverse impact on the environment, human health and safety as well as on cultural heritage and material assets;
 - c) to determine the procedures to be followed in case of transboundary environmental impact on the environment.

Article 3. Definition of Terms

The terms used in this Code have the following definitions:

1. Non-technical summary - a brief description of environmental impact assessment report or strategic environmental assessment report, which includes information on planning authority/developer, place of implementation of strategic document/projects and other

aspects of the report, is made up in technical language and includes graphic and visual illustrations.

2. Environmental Decision - an individual administrative legal act, issued by the Minister, which entitles a developer to implement a project subject to EIA. If implementation of a project requires other kind of license and/or permit, the Environmental Decision constitutes a prerequisite for receiving such license and/or permit, except for the case envisaged by Article 5, Paragraph 2 of this Code.
3. Environmental impact - any effect caused by implementation of a proposed project or strategic document on the environment, including the following factors: human health and safety, biodiversity and its elements, water, air, soil, land climate, landscape and protected areas. It also includes effects on cultural heritage or socio-economic factors resulting from alteration of these factors.
4. Environmental Impact Assessment (EIA) - a procedure to examine, on the basis of appropriate studies and research, a potential environmental impact of a proposed project, which may have significant environmental impact and is listed in Annex I and based on the screening decision, in Annex II of this Code. EIA process includes scoping, preparation of an environmental impact assessment report, carrying out public participation and consultations with the competent authorities and making a reasoned conclusion from examination of their results, taking them and any other information into account in issuing Environmental Decision envisaged by this Code and/or in issuing a relevant authorizing administrative legal act envisaged by the existing legislation, which entitles to proceed with the project.
5. Environmental impact assessment report (EIA Report) - a document prepared by the developer having relevant qualification and/or by the consultant for the developer during the environmental impact assessment process and containing the information required by this Code.
6. Public Concerned - the public affected or likely to be affected by, or having an interest of the decision related to the implementation of a specific project or strategic document. For the purposes of this definition a non-entrepreneur (non-commercial) legal person registered under the national legislation and promoting environmental protection deemed to have an interest as well.
7. Planning authority - the public authority, which is responsible for the preparation of the strategic document.
8. Ecological audit - a complex analysis of technical, ecological and social characteristics of the existing project including examination of a full production and technological cycle. It is carried out in order to identify measures for minimization of adverse effects on the environment and comply with the norms of environmental protection. An ecological audit report shall be prepared upon completion of an ecological audit procedure.
9. Expertize - scientific research measures implemented by the expert commission set up under the rules of this Code, in order to prepare expertize conclusion.

10. Consultant - a person having the relevant qualification as well as scientific, technical and methodological skills for preparing environmental impact assessment or strategic environmental assessment reports.
11. Decision to continue the existing project - the order issued by the Minister, which entitles the developer to continue the existing project.
12. The Minister – the Minister of Environment and Natural Resources Protection of Georgia.
13. The public – one or more natural or legal persons as well as other organization unite envisaged by national legislation, which is not a legal person.
14. The Ministry – the Ministry of Environment and Natural Resources Protection of Georgia.
15. Day – working envisaged by existing legislation.
16. Project – the execution of construction works or of other installations or schemes, or other interventions determined by this Code including the extraction of mineral resources, which effects on the environment and landscape.
17. Developer – Any person, public authority, as well as other organizational unit envisaged by the existing legislation, which is not a legal person and is willing to implement a project listed in Annex I and/or II of this Code or continue the existing project.
18. Scoping – a procedure to determine the type of information to be gathered and examined during environmental impact assessment or strategic environmental assessment and the ways of presenting abovementioned information in environmental impact assessment report or strategic environmental assessment report.
19. Scoping report – a document prepared by the developer having the relevant qualification, the planning authority and/or the consultant concluding the scoping results based on which the Ministry issues a scoping opinion.
20. Screening - a procedure when the decision is made on the need to perform environmental impact assessment or strategic environmental assessment after applying to the Ministry with such request.
21. Strategic Environmental Assessment (SEA) – a procedure to examine, on the basis of appropriate studies and research, a potential impact of strategic documents envisaged by this Code, on the environmental and human health. SEA process includes scoping, preparation of a strategic environmental assessment report, carrying out of public participation and consultations and making a reasoned conclusion from examination of their results, taking them and any other information into account during adoption/approval of strategic documents.
22. Strategic environmental assessment report (SEA Report) – a document prepared by the planning authority and/or the consultant during the strategic environmental assessment process containing the information required by this Code.
23. Strategic document – Sub-legal normative act adopted/approved by the public authority , which sets a framework for future development projects in specific sectors according to Chapter III of this Code and includes specific parameters and/or capacities of such activities/projects.

Chapter III. Strategic Environmental Assessment

Article 18. General provisions

1. SEA includes scoping, preparation and review of SEA Report, public participation and consultations as well as taking due account of results of public participation procedure, the recommendations of the Ministry and the Health Ministry regarding strategic document and information described in the SEA Report in the course of adopting strategic document and providing information on the decision to the public and stakeholders.
2. With the purpose to adopt/approve the strategic document which is subject to SEA in accordance with this Code the recommendations from the Ministry and the Health Ministry are needed.
3. The planning authority is obliged to submit the concept of strategic document to the Ministry and Health ministry at an early stage of its preparation.
4. The planning authority is responsible for carrying out SEA.
5. If the implementation of the strategic document is likely to have transboundary impact on the environment, the procedures of transboundary environmental impact assessment envisaged by Chapter V of this Code shall be applied.

Article 19. The purpose and objectives of SEA

1. The purpose of strategic environmental assessment is:
 - a) Minimizing adverse impacts on the environment and human health;
 - b) Ensuring the public participation in decision-making process of adoption/approval of strategic documents;
 - c) Ensuring that due account is taken of environmental and human health considerations in the process of decision-making regarding strategic document, implementing transbaoundary environmental impact assessment procedure, if applicable.

Article 20. Strategic documents subject to SEA

1. In accordance with Paragraphs 2-3 of this Article, subject to SEA are the strategic documents which are likely to have significant impact on biodiversity, population, human health, social environment, fauna, flora, water, air, soil, climate factors, material values, cultural heritage, including architectural and archeological heritage, landscape and interaction between the abovementioned factors.
2. Carrying out SEA procedure is required in case of strategic documents and/or significant amendments to those strategic documents which set framework for future development projects listed in Annex 1 and Annex 2 of this Code and are prepared for following sectors:
 - a) Agriculture
 - b) Forestry

- c) Fishery
- d) Energy
- e) Industry
- f) Transport
- g) Waste management
- h) Water management
- i) Electronic Communications
- j) Tourism
- k) Spatial planning.

3. Minor changes in strategic document that does not change its content conceptually, strategic document which is related to a territory of self-government community, excluding self-governing cities, strategic document which sets framework for future development projects and is not listed in Annex I and II of this Code and/or does not fall within the list of sectors described in Paragraph 2 of this Article, require SEA, except the case when after conduction of screening procedure in accordance with Article 23 of this Code is determined that strategic document is not subject to SEA .

Article 21. Exemptions

Strategic environmental assessment shall not be applied to a strategic document the sole purpose of which is to serve national defense and/or respond to civil emergency caused by force majeure, or financial and/or budgetary sphere.

Article 22. Stages of SEA

The stages of SEA include:

- a) submitting application to the Ministry and the Health Ministry by the planning authority;
- b) carrying out scoping in accordance with Articles 25-26 of this Code;
- c) preparation of the SEA report in accordance with Article 27 of this Code;
- d) carrying out of public participation in accordance with Chapter IV of this Code;
- e) assessment of the information presented in the SEA report, any relevant information received through public participation and consultations by planning authority;
- f) issuance of the recommendations related to the SEA report by the Ministry and the Health Ministry in accordance with Article 27 of this Code;
- g) Carrying out transboundary environmental impact assessment procedure in accordance with Chapter V of this Code, if applicable.

Article 23. Screening

1. Screening procedure is applied in order to determine the need for SEA in case of Paragraph 3 Article 20 of this Code.

2. The planning authority is obliged to apply to the Ministry and the Health Ministry and submit the concept of strategic document including brief information about the purpose, objectives and measures envisaged by the strategic document, at an early stage of its development.

3. Except the information envisaged by Article 78 of the General Administrative Code of Georgia the screening application submitted to the Ministry and the Health Ministry shall include the data on a geographical area of the implementation of strategic document, nature of the potential impact on the environment and human health and the population likely to be affected.

4. Within 3 (three) days after registration of the screening application, the Ministry, the Health Ministry and the planning authority shall publish submitted application and the concept of the strategic document on their official websites, while the planning authority also ensures to put them on the notice board of the relevant local authorities and/or representative bodies. Upon request, the Ministry, the Health Ministry and the planning authority shall provide paper copies of abovementioned documentation in accordance with the existing legislation. Within 5 (five) days after publication of screening application on the official websites and notice board, the public is entitled to submit opinions and comments on the abovementioned documentation under the rule envisaged by Article 34, Paragraph 1 of this Code . The Ministry reviews received opinions and comments and takes them in due account in decision-making process.

5. No earlier than 10 (ten) and not later than 15 (fifteen) days after registration of the application in accordance with Paragraph 2 of this Article the Ministry and the Health Ministry reviews the concept of the strategic document submitted by the planning authority in accordance with Paragraph 2 of this Article and takes decision whether the strategic document is subject to SEA.

6. The Ministry and Health Ministry shall take the decision whether the concept of strategic document is subject to SEA based on the following criteria:

A) The characteristics of the strategic document, in particular:

aa) the degree to which the strategic document sets a framework for future development projects considering their location, nature, size and operating conditions or allocating natural resources;

ab) the degree to which the strategic document influences other strategic documents;

ac) the relevance of the strategic document for the integration of environmental considerations in particular with a view to promoting sustainable development;

ad) environmental aspects related to strategic document;

ae) the importance of the strategic document for the implementation of environmental legislation.

B) Nature of the effects and the characteristics of the area likely to be affected, in particular,

ba) the probability, duration, frequency and reversibility of the effects;

bb) the cumulative nature of the effects;

bc) the transboundary nature of the effects;

bd) the risks to human health or the environment;

be) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);

bf) the value and vulnerability of the area likely to be affected such as special natural characteristics or cultural heritage, exceeded environmental quality standards or limit values, intensive land-use;

bg) the effects on areas or landscapes which have a national or international protection status, in particular the protected areas.

7. Additional description and thresholds of the screening criteria will be determined by technical regulation “on Environmental Assessment”.

8. Within 5(five) days after completion of screening procedure, the Ministry and the Health Ministry shall send their screening decision to the planning authority.

9. Within 5 (five) days after taking the screening decision, the Ministry, the Health Ministry and the planning authority shall publish the decisions of the Ministry and the Health Ministry as well as opinions and comments provided by the public on their official websites, while the planning authority also ensures to put them on the notice board of the relevant local authorities and/or representative bodies. Upon request, the Ministry, the Health Ministry and the planning authority shall provide paper copies of abovementioned documentation in accordance with the existing legislation.

Article 24. Purpose of scoping

Purpose of scoping is:

- a) to reveal the magnitude of the potential impact of the proposed strategic document on the environment and human health;
- b) to define reasonable and practical, including the best alternatives in terms of environmental protection;
- c) to inform the public on the proposed strategic document and respective alternatives of measures and expected results envisaged by this document;
- d) to reveal public interest in proposed strategic document;
- e) to provide relevant information to the planning authority with the purpose to protect resources for the preparation of the SEA report;
- f) to determine the scope of the baseline and other information during SEA;
- g) to reveal significant impact on protected areas, as well as areas and/or landscapes which have the status of local and/or international importance;
- h) to reveal likelihood of the transboundary impact on the environment.

Article 25. Scoping application and scoping report

1. With the purpose to receive the scoping opinion the planning authority, as early as possible and no later than finalising a draft version of strategic document, shall submit to the Ministry and the Health Ministry the scoping application together with the scoping report and the outline or an initial draft of the strategic document. The planning authority shall publish this application and accompanied documents on its web site.

2. The scoping application submitted in accordance with paragraph 1 of this Article shall include:

- a) The information about the planning authority;
- b) A brief description of the strategic document;
- c) The information on the magnitude of likely impact on the environment and human health;
- d) The information on the likely impact and magnitude on the protected areas, as well as areas and/or landscapes that have the status of local and/or international importance;
- e) The information on the magnitude of potential transboundary impact on the environment and public health.
- f) The objectives and potential alternatives of measures envisaged by the strategic document, including zero alternative;
- g) The degree to which the strategic document sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating natural resources;

- h) The types of environmental impacts to be examined and reported in the SEA report;
 - i) The relationship of the strategic document with other existing or planned strategic documents;
 - j) The information on the baseline surveys and investigations which should be carried out during the SEA and methods and criteria to be used for abovementioned surveys;
 - k) The information on the measures envisaged to prevent, reduce and offset any potential adverse impact of implementing the strategic document;
 - l) The information on the public likely to be affected by implementing the strategic document;
 - m) The information on those public authorities which are expected to provide opinions on the strategic document within their competence.
3. The planning authority is entitled to submit to the Ministry and Health Ministry any other information which will deem important for decision-making envisaged by Article 26 of this Code.
4. Within 3 (three) days after registration of the application, the Ministry, the Health Ministry and the planning authority shall publish submitted application and attached documents on their official websites, while the planning authority also ensures to put them on the notice board of the relevant local authorities and/or representative bodies. Upon request, the Ministry, the Health Ministry and the planning authority shall provide paper copies of abovementioned documentation in accordance with the existing legislation.
5. Within 15 (fifteen) days after the publication of the application on the website the public is entitled to submit opinions and comments with regard to the scoping application to the Ministry and Health Ministry in accordance with the rule imposed by Article 34 paragraph 1 of this Code. The Ministry and the Health Ministry shall review received opinions and comments and take them in due account in decision-making process.
6. The Planning Authority is entitled to submit to the Ministry and the Health Ministry screening and scoping applications at the same time. If the screening procedure reveals that the strategic document is subject to SEA, the mentioned decision refers to the commencement of administrative procedures in order to issue scoping opinion.

Article 26. Review and decision on scoping report

1. The Ministry and Health Ministry shall review the scoping application and accompanied documents submitted by planning authority in accordance with the rules set forth in this Article and within their competence issue the scoping opinion.
2. No less than 20 (twenty) and no more than 25 (twenty five) days after registration of the scoping application the Ministry and the Health Ministry shall issue the scoping opinion. The scoping opinion shall include the assessment of the information presented in the scoping report and shall determine the information needed to be obtained and studied for SEA and the manner in which this information will be presented in the SEA report.
3. Within 5 (five) days after issuance of the scoping opinion, the Ministry and the Health Ministry shall send the scoping opinion issued in accordance with Paragraph 2 of this Article to the planning authority.
4. Within 5 (five) days after issuance of the scoping opinion, the Ministry, the Health Ministry and the planning authority shall publish it on their official websites, while the planning authority also ensures to put it on the notice board of the relevant local authorities and/or representative

bodies. Upon request, the Ministry, the Health Ministry and the planning authority shall provide paper copies of the scoping opinion in accordance with the existing legislation.

5. If the planning authority shall not submit the SEA report together with the draft strategic document to the Ministry and the Health Ministry within 5 years, the approved scoping opinion becomes invalid.

Article 27. SEA report

1. The planning authority submits the application to the Ministry and Health Ministry together with the SEA report and the draft strategic document. Within 3 (three) days after registration of the application, the Ministry, the Health Ministry and the planning authority shall publish submitted application and attached documents on their official websites, while the planning authority also ensures to put them on the notice board of the relevant local authorities and/or representative bodies. Upon request, the Ministry, the Health Ministry and the planning authority shall provide paper copies of abovementioned documentation in accordance with the existing legislation.

2. The SEA application shall also include the information on time, venue and the rules of the public hearing, which are approved by the Minister.

3. The SEA report shall include:

- a) the content and the main objectives of the strategic document and its relationship with other relevant strategic documents;
- b) the assessment of the current state of the environment and human health and the likely evolution thereof without implementation of the strategic document;
- c) the assessment of the environmental and human health characteristics in areas likely to be significantly affected;
- d) the environmental, including health, objectives established at international, national and local level which are relevant to the strategic document and the ways in which these objectives and other environmental, including health, considerations have been taken into account during its preparation;
- e) the information on the likely significant effects on the environment of implementing the strategic document;
- f) the information on the difficulties encountered in providing the information, including the identified technical uncertainties and/or lack of scientific research knowledge;
- g) the information on the likely significant transboundary impact on the environmental, if applicable;
- h) the analysis of the measures to prevent, reduce or mitigate any significant adverse effects on the environment and human health of implementing the strategic document;
- i) the justification of the reasons for selecting the alternatives dealt with;
- j) the measures envisaged for monitoring of implementing the strategic document and conditions of reporting ;
- k) the non-technical summary of the SEA report.

4. The SEA report shall be in compliance with the content of the strategic document.

5. Methods used for the preparation of the SEA report and the level of detail of the draft strategic document shall match the approved scoping report.

6. Within 5 (five) days after registration of the application submitted by the planning authority in accordance with Paragraph 1 of this Article, the Ministry shall set up an expert commission in accordance with the rule imposed by the Chapter VI of this Code with the purpose to review the SEA report.

The expert commission shall submit the expert conclusion to the Ministry within 40 (forty) days.

7. Within the timeframes determined by the Paragraph 2 of this Article the planning authority shall organize the public hearing with involvement of the Ministry and the Health Ministry. Within 40 days after the application is published in accordance with the Paragraph 1 of this Article, the public is entitled to submit opinions and comments with regard to the SEA report under the rule envisaged by Article 34, Paragraph 1 of this Code. The Ministry reviews received opinions and comments and takes them in due account in decision-making process.

8. The planning authority shall publish information on time, place and rules of the public hearing of the SEA report in accordance with the rules and means imposed by Chapter IV of this Code no later than 30 (thirty) days prior to organizing the public hearing.

9. Within 5 (five) days after the public hearing, the planning authority shall prepare a protocol of the results of the SEA public hearing. The protocol shall reflect in detail all comments and opinions presented during the SEA public hearing. The protocol shall be signed by the planning authority which is responsible for its correctness. Within 5 (five) days after preparing the protocol of the SEA public hearing the planning authority shall submit it to the Ministry and the Health Ministry.

10. No less than 51 (fifty one) and no more than 55 (fifty five) days after registration of the application envisaged by Paragraph 1 of this Article, Ministry and the Health Ministry shall issue the recommendations related to the SEA report and the strategic document. Within 5 days after issuance of the recommendations, The Ministry and the Health Ministry shall send them to the planning authority.

11. Within 5 (five) days after adopting the recommendations, the Ministry, the Health Ministry and the planning authority shall publish the SEA report and the recommendations on the strategic document issued in accordance with Paragraph 10 of this Article on their official websites, while the planning authority also ensures to put them on the notice board of the relevant local authorities and/or representative bodies. Upon request, the Ministry, the Health Ministry and the planning authority shall provide paper copies of the SEA report and the recommendations on the strategic document in accordance with the existing legislation.

12. In case if the strategic document will not be approved/adopted within 10 (ten) years after issuance of the recommendations, the planning authority is obliged to carry out the procedures determined by this Chapter again.

Article 28. Adoption/approval of strategic document

1. The adoption/approval of the strategic document is possible only after issuing the recommendations on the draft strategic document and the SEA report by the Ministry and Health Ministry.

2. If the recommendations issued by the Ministry and Health Ministry are negative, the planning authority shall ensure to hold further consultations with the Ministry and Health Ministry.

3. Prior to adoption/approval of the strategic document the planning authority shall take a due account of:

- a) the recommendations of the Ministry and the Health Ministry on the draft strategic document and the SEA report;

- b) the conclusions provided in the respective strategic environmental assessment report;
 - c) the opinions and comments submitted by the public.
4. In case of strategic documents for which the procedure of transboundary environmental impact assessment has been carried out in the process of the SEA for taking the decision on adoption/approval of the strategic document, the results of abovementioned procedure shall be considered.
5. The decision to adopt/approve strategic document shall be accompanied by the explanation how the due account was taken of:
- a) the results of public hearing and the opinions and comments submitted by the public;
 - b) the conclusions of the SEA report;
 - c) the recommendation of the Ministry and the Health Ministry;
 - d) the results of transboundary environmental impact assessment procedure, if applicable;
 - e) planned monitoring and reporting measures envisaged by the recommendations of the Ministry, in case of implementing strategic document.
6. The planning authority shall publish the decision on adoption/approval of the strategic document on its official website as well as on the notice board of the relevant local authorities and/or representative bodies and shall send it to the Ministry and Health Ministry within 3 (three) days after its adoption.
7. Within 3 (three) days after sending the decision on adoption/approval of the strategic document by the planning authority, the Ministry and the Health Ministry shall publish it on their official websites and upon request shall ensure the availability of paper copies of abovementioned decision in accordance with the existing legislation.

Article 29. Monitoring of the implementation of strategic document

The Ministry ensures monitoring of adverse environmental impacts of implementing the strategic document and with the purpose to inform the public publishes the results of monitoring on its official website.