National Policy Dialogue on Integrated Water Resources Management in Georgia under the EU Water Initiative

Review of the Georgian Legal and Institutional Water Framework and Recomendations for Implementation of EU Water Framework Directive Principles, including Preparation of a National Water Law

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Introduction

The purpose of this document

This report gives an overview of the Georgian legal and institutional water framework and recomendations for Implementation of EU Water Framework Directive Principles, including recomendations for preparation of a National Water Law.

The report was prepared within the Georgian National Policy Dialogue on Integrated Water Resource Management with the support of the Government of Finland.

The National Policy Dialogue on IWRM

National Policy Dialogues (NPD) on integrated water resources management (IWRM) and water supply and sanitation (WSS) are the main operational instrument of the European Union Water Initiative Component for Eastern Europe, the Caucasus and Central Asia (EECCA).

The NPDs/IWRM provide practical assistance to strengthen integrated water resources management in EECCA countries. They are based on consultations with ministries, agencies and institutions (including science and academia), non-governmental and other national and international organizations.

The UNECE-led NPD/IWRM started in Georgia in September 2010 with meetings of the UNECE Water Convention Secretariat with the Ministry of Environmental Protection and Natural Resources of Georgia (since March 2011 a new name is Ministry of Environmental Protection) and other stakeholders. The dialogue is led in cooperation with the Ministry of Environmental Protection and with the support of the Georgian National Water Partnership.

The NPD/IWRM kick off meeting took place in Tbilisi in March 2011. The National Policy Dialogue on IWRM in Georgia focuses on three major topics: preparation of the National Water Law based on the IWRM principles; setting up the targets for implementation of the UNECE/WHO Protocol on Water and Health of the UNECE Water Convention; and transboundary water cooperation with the neighbouring Azerbaijan. In addition to the EC grant, the NPD/IWRM in Georgia is supported by the Government of Finland and the OSCE. The First SC meeting will take place in the second half of 2011.

Summary

Water resources management is a key strategic issue in terms of political stability and security. Through impacts such as droughts, water scarcity and soil degradation, improper water resource practices and policies could exacerbate already existing tensions leading to greater instability. Already now, there are examples of water related problems in the conflict areas, such as Tskhinvali region. Water resource also poses additional opportunities for the political stability of the whole South Caucasus region through closer international cooperation in the sustainable use of transboundary water resources, namely Kura-Aras River basin. There are several international organizations which since 2002 have been successfully involved in the region to help with Kura-Aras shared water resources joint management and protection.

Current water resources management and protection system of Georgia is lacking in consistency, efficiency and integrity with other sectors and therefore needs overall reorganization in both instiutional and regulatory aspects.

The best way for the reform is to built up the new system on internationally accapted critearia, principles and policies in the field of sustainable water mangement (*Integrated Water Resources Management System*). The most effective solution in the above terms is to design the system in accordance with that of EU water legislation - since water and water pollution have been always among the priority environmental concerns in the EU.

Chapter One : Current State of Water Sector

1.1. Environmental and economic importance of water resources and current situation in water sector

Water related issues have already started to have a significant impact on environment and people in Georgia – effects that will become even more severe in the future for economic development and societal well-being.

Sustainable water resources management is important especially with regard to task to achieve poverty reduction and the Millennium Development Goals. The Millennium Development Goals were adopted by the International community in September 2000 as an attempt to alleviate poverty by 2015 and their aim, *inter alia*, is to eradicate extreme poverty and hunger and ensure environmental sustainability.

The first national report of Georgia on Millennium Development Goals of 2004 focused, for example, its attention on access to safe water supply problem and called for radical reform in water supply and sewage treatment. The measures outlined included granting greater independence to water supply services, enhancing financial planning and management capacity, the establishment of sustained financing mechanisms to secure water supply systems and mobilisation of necessary funds for their repair and maintenance, engagement of the private sector into the management of water supply and sewage systems in major cities. It is expected that implementation of these measures will aid the attainment of the Millennium Development Goals in Georgia.

Water resources management is also a key strategic issue in terms of political stability and security. Through impacts such as droughts, water scarcity and soil degradation, improper water resource practices and policies could exacerbate already existing tensions leading to greater instability. Already now, there are examples of water related problems in the conflict areas, such as Tskhinvali region.

Water resource also poses additional opportunities for the political stability of the whole South Caucasus region through closer international cooperation in the sustainable use of transboundary water resources, namely Kura-Aras River basin[1]. There are several international organizations such as UNDP, GEF,

[1] The reason that the South Caucasus countries - Armenia, Azerbaijan and Georgia are still being collided with the issue of the Kura-Aras River basin is because of problems of pollution. The basin is heavily contaminated by chemical, industrial, biological, agricultural and radioactive pollutants. The failure of wastewater treatment plants plays a major role in this situation. The concentrations of contaminants in the Kura-Aras reach levels that are much higher than standards in any of the three countries or internationally as well. Azerbaijan, the downstream nation, and lacking groundwater resources like Georgia or Armenia, depends on the Kura-Aras for the majority of its agricultural, industrial and household use. As the water flows into Azerbaijan polluted, the Azeris complain about the contamination that takes place upstream in the other nations.

USAID and TACIS which since 2002 have been successfully involved in the region to help with Kura-Aras shared water resources joint management and protection.

Territory of Georgia can be divided into two main river basin groups:

- The Black Sea basin, in the west of the country. The internal renewable surface water resources generated in this basin are estimated at 42.5 km^3/year. The main rivers are, from north to south, the Inguri, Rioni and Chorokhi. The main stream of the Chorokhi rises in Turkey, and the inflow from Turkey is estimated at 6.3 km^3/year.

- The Caspian Sea basin, in the east of the country. The internal renewable surface water resources generated in this basin are estimated at 14.4 km^3/year. The main rivers are, from north to south the Alazani, Iori and Kura rivers, which rise in Georgia and flow into Azerbaijan in Lake Adzhinour, and then flow southeast in Azerbaijan before entering the Caspian Sea. Kura River rises in Turkey, with an inflow from Turkey estimated at 0.91 km^3/year. The inflow of the Debeda River, a southern tributary of the Kura River, is estimated at 0.89 km^3/year from Armenia.

  The renewable groundwater resources are estimated at 17.23 km^3/year, of which 16 km^3/year are considered to be drained by the surface water network. This gives a total of 58.13 km^3/year for internal renewable water resources. The total actual renewable water resources are 63.33 km^3/year.

  In 1990, the total water abstraction was estimated at 3 km^3/year from some 1 700 tube-wells. A further 7 km^3/year could be abstracted in the future according to some of the assessments. Groundwater use was not greatly developed during the Soviet period, due to the emphasis on large-scale state-run surface irrigation schemes.

  In Georgia 25 075 rivers exist with total length 54 768 km, of which 99.4 percent are small rivers with a total length of less than 25 km. 555 rivers of the Black Sea basin and 528 Rivers of the Caspian Sea basin are studied from hydrological point of view. More than 17 000 rivers (total length 32 574 km) belong to the Black Sea basin. There are about 43 dams in Georgia, of which 35 are in east Georgia and 8 in west Georgia, and their total reservoir capacity is estimated at about 3.4 km^3.

  The water is primarily used for irrigation and hydropower generation and less for water supply. The largest dam, for hydropower, is the Inguri dam, with a reservoir capacity of 1.092 km^3. In 1995, hydropower supplied 89 percent of electricity. For irrigation purposes, some 31 dams have been built, with a total reservoir capacity of 1 km^3, of which 782 million m^3 is active. The three largest irrigation reservoirs are all on the Iori River: the Sioni reservoir upstream (325 million m^3), the Tbilisi reservoir (308 million m^3) and the Dalimta reservoir downstream (180 million m^3).

In 2005, the total treated wastewater was estimated at 9 million m^3. There is no tradition of treated wastewater reuse in Georgia. Between 1985 and 1990, the total water withdrawal decreased from 4 600 to 3 500 million m^3 because of the industrial decline since the end of the Soviet Union. During the year 2005 the total water withdrawal was 1 621 million m^3, 66 percent of which comes from surface water and 34 percent from groundwater. Agricultural water withdrawal accounted for 1 055 million m^3 and water withdrawal for domestic purposes for 358 million m^3. Industrial water withdrawal was estimated at 208 million m^3.

The irrigation potential in Georgia is estimated at 725 000 ha. At the beginning of the twentieth century, the total irrigated area in Georgia was about 112 000 ha. Major investments were made in the irrigation sector during the Soviet period. This resulted in a total area of about 500 000 ha equipped for irrigation at the beginning of the 1980s, mainly located in the more arid eastern part of the country.

During the 1990s, civil strife, military conflicts, as well as problems associated with land reform, the transition to a market economy, and the loss of markets with traditional trading partners, contributed to a significant reduction of the irrigated area. It has been reported that during the severe drought in 2000 only about 160 000 ha were irrigated. In 2007, irrigation covered 432 790 ha, of which 31 500 ha equipped wetland and inland valley bottoms and 401 290 ha full or partial control irrigation. River diversion is the main source of water for irrigation. Groundwater is not used for irrigation in Georgia. The main irrigation technology was surface irrigation (372 980 ha). Localized irrigation was practiced on 28 300 ha.

While Georgia is rich in water resources, access to safe drinking water is still a problem almost in all regions. It is further compounded by the uneven natural distribution of water resources across the country, with severe water shortages traditionally experienced by the population of eastern regions.

Community water-supply systems: Ground water represents the major source of drinking water, for rural communities accounting 90% of supply. 65% of drinking water supply is provided by centralised systems, which meets the demand for drinking water of 95% of urban, and 35% of the rural population.

In 2000-2001 centralised water supply was available in seventy-seven towns and urban settlements. Most of the rural population rely on individual wells and springs and in high-mountainous areas springs and streams. Water supply in rural areas is also provided by low-capacity “rural-type” local systems that are fed by both ground and surface waters. Virtually all water supply systems suffer severe anthropogenic pressure. They are contaminated by industrial, communal, domestic and agricultural wastewater, agricultural chemical discharges and industrial and domestic waste from populated areas. Almost all wastewater treatment facilities are inoperable.

Condition of water supply infrastructure: The sanitary and technical condition of existing water pipelines is unsatisfactory. No major rehabilitation or repair works had not been carried out in the period of 1987-2004. There is a replacement requirement for over 60% of trunk and distribution pipe networks. The unsatisfactory sanitary and technical conditions existing in the water-supply system often lead to breakdowns leading to losses of 25-30% of total drinking water supply.

Status of drinking water treatment and quality control: Water treatment facilities are technically unfit, and lack adequate supplies of filter materials, installations and chemical agents used for water preparation. 69% of existing water pipelines appear to operate without water decontamination installations, 28% without sanitary protection zones, and 23% without necessary raw water treatment facilities. There is thus a threat to sanitary-hygienic norms. The situation is further complicated by wasteful and injudicious consumption of drinking-quality water and its misuse. Due to financial constraints, most quality control laboratories are not operational. Surveys of the quality of drinking water conducted in 2000-2002 showed that the quality of drinking water supplies failed to meet state standards. There is the threat of intestinal infection and epidemic outbreaks. Annual river discharge and ground water resources have decreased. As a consequence a considerable part of the population has less drinking water than prescribed by sanitary-hygienic norms.

However, from 2004, the newly elected government in Georgia considerably intensified its efforts to optimize the management of potable water resources and increase the funding of municipal infrastructure, both from state budgetary resources and international donor assistance. In Tbilisi, extensive reconstruction and rehabilitation works were carried out between 2005 and 2007. All major drinking water quality monitoring laboratories have been refurbished and equipped with modern computerized systems.

Most central water pipelines have been rehabilitated and the number of emergency shut-downs, as well as the scale of water losses, has decreased significantly. A total of 59 kilometres of water pipeline network were replaced in the capital in those two years compared to 18 kilometres per year before that. Rehabilitation of another 150 kilometres of pipes is planned for the near future. Extensive rehabilitation projects are also underway outside of the capital. With co-financing from international donors and several development banks, work is underway to rehabilitate the water network of Kutaisi – the second largest city in Georgia. Work is also being carried out to rehabilitate networks in Poti (45,000 inhabitants) in order to provide the city with 24-hour safe drinking water within three to four years. The Georgian government is co-financing the full rehabilitation of the Batumi water infrastructure, which is planned to be completed by the end of 2009.

1.2. Need for changes in current system of water resources management /water sector

Although the country has made significant progress in improving access to drinking water, rehabilitation of water supply and partially wastewater (sewage) collection systems particularly in the largest urban areas – the current water resources management is lacking in consistency, efficiency and integrity with other sectors and therefore needs overall reorganization in both institutional and regulatory aspects. Significant delay in the development of legislative and institutional frameworks for integrated water management, which would allow for more strategic and long-term governance of water resources, is part of the above concern. Integrated water resources management means that different uses of water resources are considered together. Integrated water resources management is a systematic process for the sustainable development, allocation and monitoring of water resources use in the context of social, economic and environmental objectives. Such system of management would have significant implications for access to water resources in terms of both water quantity and quality. Integrated management system would guarantee sustainable use and protection of water resources. It would help to ensure the relevant quality of water, including groundwater, which is the main source of drinking water in the country.

Therefore the best way for the further developments is to build up the new system on internationally accepted criteria, principles and policies in the field of integrated water resources management. The most effective solution in the above terms is to design the integrated water resources management system in accordance with that of EU water legislation - since water and water pollution have been always among the priority environmental concerns in the EU. The first pieces of EU water legislation were accepted by the European Council as early as 1973. Since then, European water legislation has taken a leading and innovative role in the design of national water policy in many EU Member States.

In addition, sustainable management and protection of water resources are also important elements of the European Neighbourhood Policy (ENP), which was created in 2003/2004 and is now well established as the principal instrument for cooperation with the neighbour countries. It is a collective EU response to the aspirations of its Eastern and Southern neighbours to jointly promote prosperity, stability and security.

1.3. Convergence/harmonization with EU water legislation and new partnership opportunities and priorities with EU

Georgia as ENP partner country is expected to benefit considerably from full implementation of the National ENP Action Plan, including from enhanced convergence with the EU approaches. For benefits resulting from enhanced environment protection, including convergence. It also has to be mentioned that,

according to the PCA agreement[2] the above-mentioned co-operation, inter alia, shall take place particularly through the improvement of laws towards Community standards.

Moreover, the European Council in 2008 set out the mechanism for an Eastern Partnership (EaP), emphasising the need for a differentiated approach respecting the character of the ENP as a single and coherent policy framework. This was due to a fact that, the EU had a vital interest in seeing stability, better governance and economic development at its Eastern borders. At the same time, ENP partners in Eastern Europe and the Southern Caucasus all had willingness to intensify their relations with the EU. The Union's policy towards them is supposed to be proactive and unequivocal: the EU will give strong support to these partners in their efforts to come closer to the EU, and will give all necessary assistance with the reforms this entails, through a specific Eastern dimension within the ENP. The EU shows a growing responsibility to the partners, to help them address the political and economic challenges that they face and to support their aspirations for closer ties. The EaP should bring a lasting political message of EU solidarity, alongside additional, tangible support for their democratic and market-oriented reforms and the consolidation of their statehood and territorial integrity. This will serve the stability, security and prosperity of the EU, partners and indeed the entire continent.

The ENP has already been successful in forging closer relations between the EU and its neighbours. The EaP should go further. The guiding principle should be to offer the maximum possible, taking into account political and economic realities and the state of reforms of the partner concerned, bringing visible benefits for the citizens of each country. An essential component of the EaP will be a commitment from the EU to accompany more intensively partners' individual reform efforts. The EaP should be pursued with the full political engagement of EU Member States. The EaP will be based on mutual commitments to the rule of law, good governance, respect for human rights, respect for and protection of minorities, and the principles of the market economy and sustainable development. The level of ambition of the EU’s relationship with the Eastern Partners will take into account the extent to which these values are reflected in national practices and policy implementation. Work to achieve these goals should go ahead on a bilateral and a multilateral track. Multilateral cooperation should be extended to environment policy and climate change, to address issues such as multilateral conventions, strategic planning, environmental governance, enforcement, specific environment themes, the financing of environment investments in a regional context etc.

The above mentioned has to be considered also in light of the double impact of the August 2008 armed conflict and the global crisis, resulting in real economic growth suffer a dramatic decline from 12½ percent in 2007 to an estimated 2 percent in 2008, after a sharp contraction in the second half of the year.

[2] Partnership and Co-operation Agreement between the EU and Georgia of April 22, 1996 (Article 57. Environment, Paragraph 3).

International financial institutions observed that, following a long period of strong performance owing to the implementation of sound economic policies and structural reforms, the Georgian economy has been seriously affected by the August 2008 armed conflict, and now by the global downturn. The combined shocks to the national economy are likely to be larger and more prolonged than originally expected, increasing the external adjustment challenge and diminishing near-term growth prospects.

In environmental terms, convergence to the EU's main water legislation[3] may create the following benefits:

- more sustainable use and management of water, more efficient and effective management at the river basin level;
- reduced flood risks and preventive measures;
- protected and well managed groundwaters;
- reduced pollution and improved treatment of wastewater;
- benefits for human health in relation to drinking and bathing water, benefits for ecosystems, improved conditions for economic activities (e.g. tourism);
- instruments to address water scarcity;
- water pricing as a tool to raise funds and steer consumer behaviour;
- ownership among stakeholders as result of public participation.

With the above regard the following convergence/harmonization opportunities have to be taken into account:

1) Water related issues have to be addressed by a set of legislation that will follow two different approaches under the EU water policies: setting water quality objectives for specific water types and setting emission limit values for specific water uses in reference to the concept of best available technologies (BAT).

2) National water management and protection system has to be linked with the following framework key principles, such as integrated management of all waters, river basins as management units, water pricing and cost recovery, and public participation.

3) Clear policies and objectives for managing and protecting Georgia's water resources have to be set out.

4) More efficient institutional structures for water management/water protection have to be established.

[3] Water Framework Directive (2000/60/EC); Flood Risks Directive (2007/60/EC); Bathing Water Directive (2006/7/EC); Urban Wastewater Treatment Directive (91/271/EEC) and other related legislation such as : Groundwater Protection Directive (2006/118/EC); Fish Life Directive (2006/44/EC); Priority substances in the field of water policy (Decision 2455/2001/EC, amending Directive 2000/60/EC); Nitrates Directive (91/676/EEC) etc.

5) More effective measures for managing and protecting water resources and reforms to licensing/permitting systems for water uses has to be introduced.

6) Comprehensive monitoring and evaluation mechanisms have to be created.

The outline below shows how the above mentioned opportunities could be made operational within convergence process.

A single system of water management - River basin management

The best model for a single system of water management is management by river basin - the natural geographical and hydrological unit - instead of according to administrative or political boundaries. For each river basin district - some of which will traverse national frontiers - a "river basin management plan" will need to be established and updated every six years, and this will provide the context for the co-ordination requirements identified above.

Co-ordination of objectives - good status for all waters by a set deadline

There are a number of objectives in respect of which the quality of water is protected. The key ones are general protection of the aquatic ecology, specific protection of unique and valuable habitats, protection of drinking water resources, and protection of bathing water. All these objectives must be integrated for each river basin. It is clear that the last three - special habitats, drinking water areas and bathing water - apply only to specific bodies of water (those supporting special wetlands; those identified for drinking water abstraction; those generally used as bathing areas). In contrast, ecological protection should apply to all waters, so that the environment is protected to a high level in its entirety.

Surface water

Ecological protection. For this reason, a general requirement for ecological protection, and a general minimum chemical standard, has to be introduced to cover all surface waters. These are the two elements "good ecological status" and "good chemical status". Good ecological status is defined in terms of the quality of the biological community, the hydrological characteristics and the chemical characteristics. As no absolute standards for biological quality can be set, the controls are specified as allowing only a slight departure from the biological community which would be expected in conditions of minimal anthropogenic impact. A set of procedures for identifying that point for a given body of water, and establishing particular chemical or hydromorphological standards to achieve it, has to be provided.

Chemical protection. Good chemical status has to be defined in terms of compliance with all the quality standards established for chemical substances. Also mechanism for renewing these standards and establishing new ones by

means of a prioritisation mechanism for hazardous chemicals have to be provided. This will ensure at least a minimum chemical quality, particularly in relation to very toxic substances, everywhere in the Community.

Other uses. The other uses or objectives for which water is protected has to be applied in specific areas, not everywhere. Therefore, the obvious way to incorporate them is to designate specific protection zones within the river basin which must meet these different objectives.

The overall plan of objectives for the river basin will then require ecological and chemical protection everywhere as a minimum, but where more stringent requirements are needed for particular uses, zones will be established and higher objectives set within them.

Groundwater

Chemical status. The presumption in relation to groundwater should broadly be that it should not be polluted at all. For this reason, setting chemical quality standards may not be the best approach. A very few such standards have been established for particular issues (nitrates, pesticides and biocides), and these must always be adhered to. But for general protection, another approach has to be taken.
It is essentially a precautionary one. It comprises a prohibition on direct discharges to groundwater, and (to cover indirect discharges) a requirement to monitor groundwater bodies so as to detect changes in chemical composition, and to reverse any antropogenically induced upward pollution trend. Taken together, these should ensure the protection of groundwater from all contamination, according to the principle of minimum anthropogenic impact.

Quantitative status. Quantity is also a major issue for groundwater. Briefly, the issue can be put as follows. There is only a certain amount of recharge into a groundwater each year, and of this recharge, some is needed to support connected ecosystems (whether they be surface water bodies, or terrestrial systems such as wetlands). For good management, only that portion of the overall recharge not needed by the ecology can be abstracted - this is the sustainable resource, and the Directive limits abstraction to that quantity.

The river basin management planning

All the elements of analysis must be set out in a plan for the river basin. The plan is a detailed account of how the objectives set for the river basin (ecological status, quantitative status, chemical status and protected area objectives) are to be reached within the timescale required. The plan will include all the results of the above analysis: the river basin's characteristics, a review of the impact of human activity on the status of waters in the basin, estimation of the effect of existing legislation and the remaining "gap" to meeting these objectives; and a set of measures designed to fill the gap. One additional component is that an

economic analysis of water use within the river basin must be carried out. This is to enable there to be a rational discussion on the cost-effectiveness of the various possible measures. It is essential that all interested parties are fully involved in this discussion, and indeed in the preparation of the river basin management plan as a whole. Which brings me to the final major element of the proposal, the public participation requirements.

Public participation

There should be two main reasons for an extension of public participation. The first is that the decisions on the most appropriate measures to achieve the objectives in the river basin management plan will involve balancing the interests of various groups. The economic analysis requirement is intended to provide a rational basis for this, but it is essential that the process is open to the scrutiny of those who will be affected. The second reason concerns enforceability. The greater the transparency in the establishment of objectives, the imposition of measures, and the reporting of standards, the greater the care the state will take to implement the legislation in good faith, and the greater the power of the citizens to influence the direction of environmental protection, whether through consultation or, if disagreement persists, through the complaints procedures and the courts.

Getting the prices right. The need to conserve adequate supplies of a resource for which demand is continuously increasing is also one of the drivers. Adequate water pricing acts as an incentive for the sustainable use of water resources and thus helps to achieve the environmental objectives.

Chapter Two : Legal Framework

2.1. Historical background

Development of water legislation in Georgia dates back from early 70's of the last centuary. The first unified water legal act was adopted in 1974 in a form of Water Code which had been formally oprational until 1997 when it was replaced by the Water Law of Georgia of 1997.

2.2. Current legal framework

Current Water Law[4] of Georgia of 16 October, 1997 (CWL) suffers from extremely unworkable character because of nominal and questionable legal validity of the most of its provisions. This situation has been sourced due to the following circumstances:

- The CWL mainly provides for protection and use of surface inland waters and practically leaves out of legal regulation groundwater and coastal waters
- Georgia's legislation has continued its further evolution since adoption in 1997 of the CWL, however, practically no effort has been made to insure consistency of the latest water linked legislation to basic principles and provisions of the CWL
- The main legislative change was brought in Georgia's environmental law with the Tax Code of Georgia of 2004 and Law on Licenses and Permits of 2005. According to the Tax Code taxes for environmental pollution (including water pollution) were abolished. The Law on Licenses and Permits radically reduced the number of activities that were classified as environmentally sensitive and in need of management and oversight. Initial version of the law had considered permitting system for surface water abstraction[5] and discharges[6], but shortly after the adoption, permitting for surface water abstraction was eliminated, while permitting system for wastewater discharges postponed until 2010. As a final point, permitting system for wastewater discharges was eliminated[7] in December of 2007. Despite the above mentioned fundamental changes, the CWL has not been amended to bring it to conformity

[4] As amended by the Laws of Georgia of 06/30/2000 (N465), 05/07/2003 (N2192), 05/08/2003 (N2279), 06/06/2003 (N2365), 09/16/2004 (N445), 12/29/2004 (N863), 12/28/2005 (N2569), 05/25/2006 (N3161) and 12/05/2008 (N624).

[5] Paragraph 4 (*Permit for Surface Water Abstraction*), Article 24 (*Types of Permits*) – Law of Georgia "On Licenses and Permits" of 2005.

[6] Paragraph 5 (*Permit for Wastewater discharges from Surface Waters*), Article 24 (*Types of Permits*) – Law of Georgia "On Licenses and Permits" of 2005.

[7] Amendment N5606 of 14.12.2007 to the Law of Georgia "On Licenses and Permits" of 2005.

to the Tax Code and the Law on Licenses and Permits as well as to significant environmental and other sectoral laws[8] that have been adopted since 2004.

The above mentioned makes the CWL very unpredictable, with week legal linkage to other sectors of law and fails to provide sufficient notice of applicable requirements, making it difficult to evaluate compliance. In addition, current water related legislation practically does not provide for comprehensive and clear regulation of such important and divergent topics as water resources management; pollution prevention tools; ownership, possession and use rights with regard to water bodies; water cadastre; integration of water protection requirements and restrictions into land use and spatial development; jurisdiction of regional[9] and local self-governing[10] bodies over the waters etc.

On a whole, Georgia's water related legislation is inconsistent, contradictory and fragmented through the wide range of legal acts, of which the most important ones are listed bellow:

- Law of Georgia "On Environmental Protection" (1996) $\Rightarrow$ provides for establishment of environmental quality (including water quality) norms (*standards*)

- Law of Georgia "On Mineral Deposits" (1996) $\Rightarrow$ considers groundwater as part of mineral deposits and regulates all aspects of groundwater use and to certain extant groundwater protection as well

- Law of Georgia "On Land Melioration" (1997) $\Rightarrow$ regulates waters and water bodies used for melioration (agricultural) purposes

- Law of Georgia "On System of Protected Areas" (1996) $\Rightarrow$ provides legal ground for establishment of protected area categories (including marine protected areas and water bodies within terrestrial protected areas)

- Laws of Georgia "On Health Protection" (1997) and "On Public Health" (2007) $\Rightarrow$ provide for establishment of sanitary-hygienic requirements, norms and rules with regard to waters and water quality

- Marine Code of Georgia (1997) and Law of Georgia "On Marine Space" (1998) $\Rightarrow$ provide for pollution prevention and control measures of coastal and territorial waters

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[8] e.g. Laws of Georgia "On State Control for Environment Protection (*State Environmental Control*)" (2005), "On Environmental Impact Permit" (2007) and "On Ecological Expertise" (2007).

[9] Autonomous Republics of Adjara and Abkhazia.

[10] It's remarkable to mention that Organic Law of Georgia "On Self-governance" of 2006, on one hand, stipulates for the right of self-governance bodies (municipalities) to own "waters of local importance" (article 47, paragraph "d"), but on other hand, provides that self-governance bodies shall not be able to own "water lands" (article 47, sub-paragraph "g.z").

- Law of Georgia "On Regulation and Engineering Protection of the Sea shores, Reservoir and River Banks" (2000) ⇒ regulates engineering protection for sea shores and river/reservoir banks against abrasion, floods etc

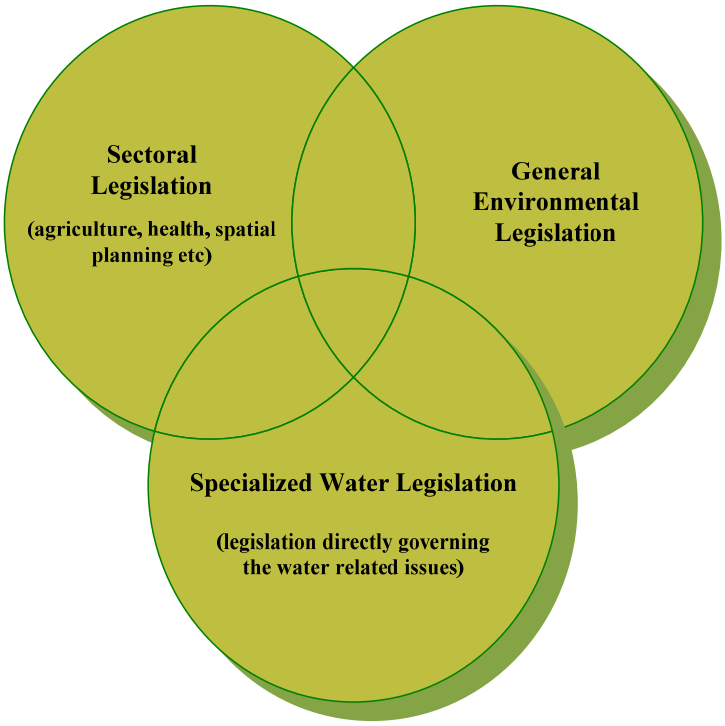
- Law of Georgia "On Recognition of Ownership Rights on Land Plots being under the Usage of Natural Persons and Legal Persons of Private Law" (2007) ⇒ regulates legalization of ownership rights on land plots (including water bodies/water lands) which are being used by natural and legal persons in unlawful way

- Laws of Georgia "On Conservation of Soils and Reclamation and Improvement of Soil Fertility" (2003), "On State Control for Environment Protection (*State Environmental Control*)" (2005), "On Environmental Impact Permit" (2007) and "On Ecological Expertise" (2007) ⇒ provide for legal streamlining in a number of water related important aspects (e.g. EIA etc)

- Organic Law of Georgia "On Self-governance" (2006) ⇒ provide for creation of certain rights of local authorities in water related sphere

Thematically, water related legislation of Georgia could be dived by three main parts: a) specialized water legislation, directly governing water related issues; b) environmental legislation, governing different principal aspects of water protection and use; and c) sectoral legislation, e.g. in agriculture, health, spatial planning etc (*see Figure 1 bellow*).

Ordinary scheme for Georgia's water related legislation
Figure 1.



Georgia’s present water related legislation represents confusing mixture of contradictory provisions effecting the state and quality of waters.

Therefore, there is a clear necessity to substantially change the existing law and the CWL in particular. In terms of judicial technique it could be impossible to limit these kinds of changes only to the amendments, as the law requires total rewriting. That is why there is a need to draft a new one along with drafting of relevant detailed regulations.

The legal title of the new framework draft law might be optionally “Water Law”, “Water Resources Law” or “Water Resources Management Law”. The NFWL has to be considered a legal act which will regulate a broad range of systematic and codified provisions and cover a subject integrally.

Chapter Three : Institutional Arrangements

Ministry of Environment Protection and Natural Resources (MEPNR) was reorganized in March, 2011 as the Ministry of Environment Protection (MEP).

With this reorganization rights and responsibilities related to natural resources management (including water resources management and use) were transferred to the newly established Ministry of Energy and Natural Resources (MoE&NR). However, responsibilities concerning water resources protection and monitoring of pollution were left under the umbrella of the MEP.

Under the newly established MoE&NR all responsibilities associated with natural resources management were set with the Natural Resources Agency (NRA).

Currently NRA is dealing with natural resources use management (licensing system), and due to the fact that licensing for water resource use (water abstraction) had been eliminated earlier, it is not structured to meet requirements for water resources use and/or management – see *figure 2*.

The above institutional reform significantly reduced the regulator authority of the reorganized MEP and made the water resources management system rather unclear[11].

However, the reorganized MEP (see *figure 3*) still incorporates central Office for Water Resources Management under the Integrated Environmental Management Department (IEMD) which is responsible for water protection and in addition National Agency for Environment (NAE)[12] which is responsible for water monitoring, hydrological observation, assessment and prognoses of flood risks etc.

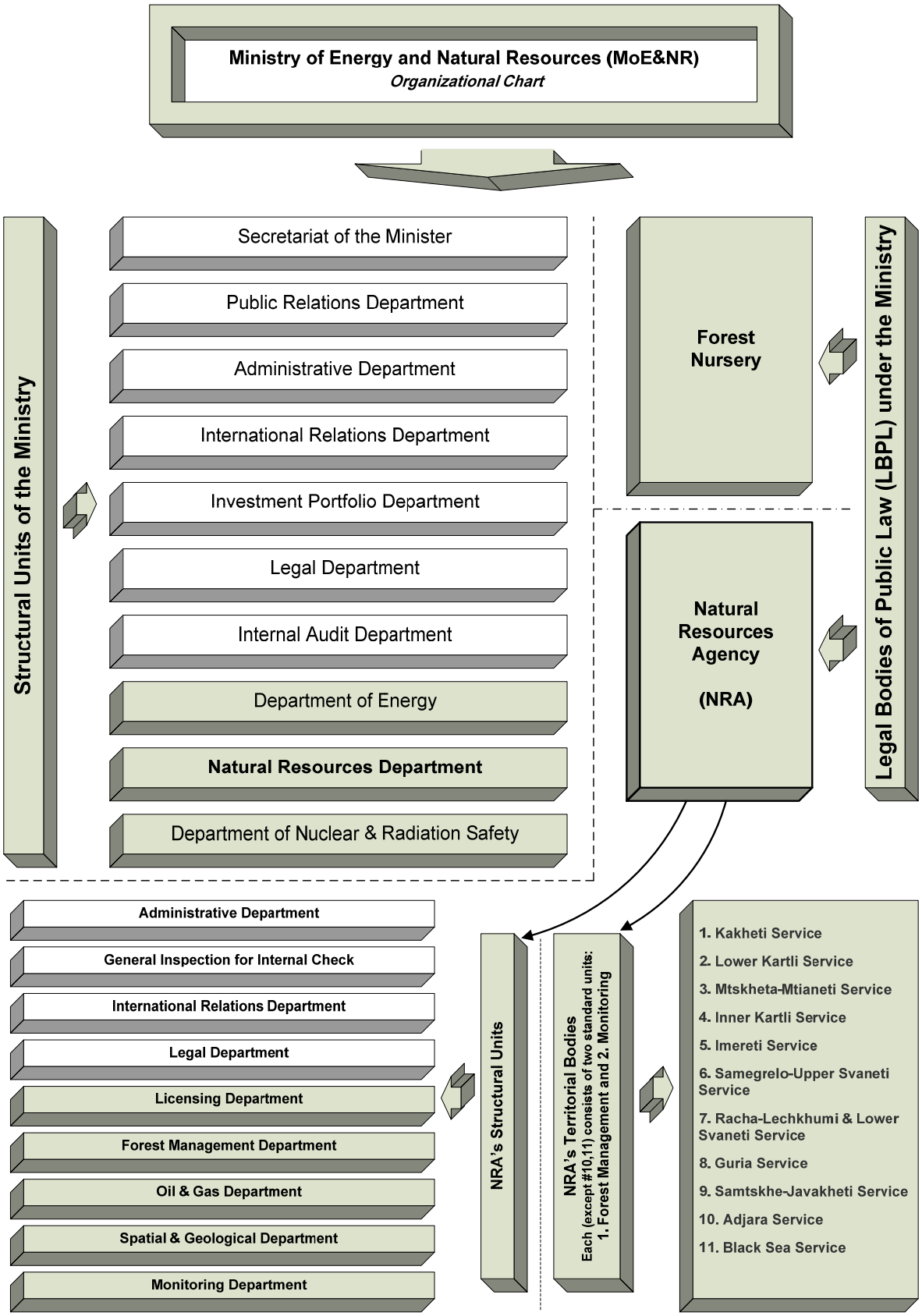
Presently, water monitoring is undertaken in three laboratories under NEA: Batumi, Kutaisi and Tbilisi laboratories. Each of these laboratories can be serving to a particular potential river basin centers (units), namely:

- Batumi laboratory – Tchorokhi-Kintrishi basin
- Kutaisi laboratory – Enguri-Rioni basin
- Tbilisi laboratory – Mtkvari and Alazani-Iori basin

[11] Before the reform of 2011 there were 6 territorial bodies of the former MEPNR (*see attachment 3 and Table 1*) which were eliminated since March 2011.

[12] NAE represents reorganized hydrometeorological agency (former *HYDROMET*) with extended functions and responsibilities.

Organizational Chart of the Ministry of Energy and Natural Resources
Figure 2



Organizational Chart of the Ministry of Environmental Protection
Figure 3

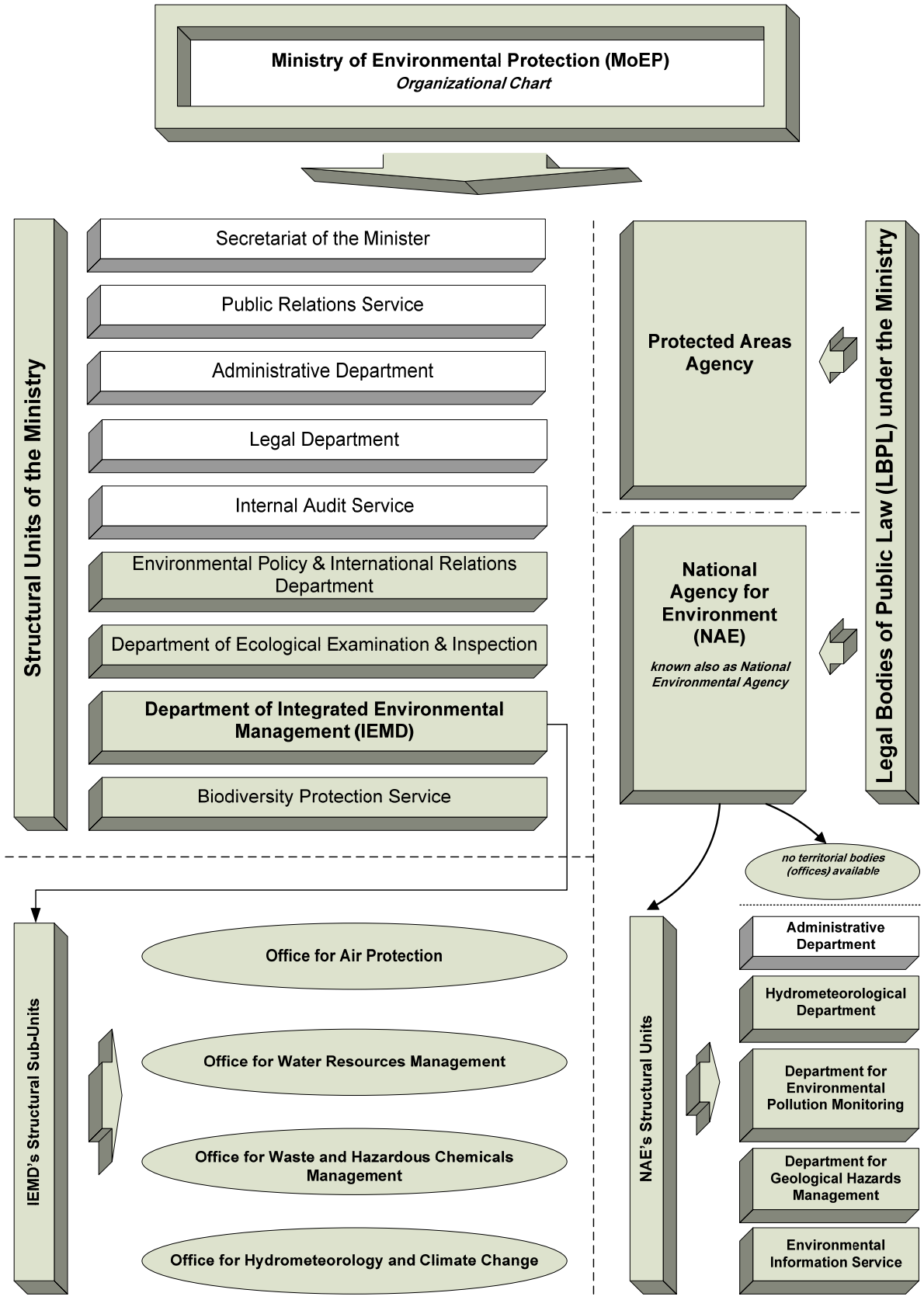


Table 1.

Current territorial offices of NRA of the Ministry of Energy and Natural Resources		**Eliminated Environmental Protection and Natural Resources (EPNR) territorial offices under the former MEPNR**
1. NRA's Territorial Body - Kakheti Service	⇒	1. Kakheti EPNR Regional Office
2. NRA's Territorial Body - Lower Kartli Service	⇒	2. Lower Kartli EPNR Regional Office
3. NRA's Territorial Body – Mtskheta-Mtianeti Service 4. NRA's Territorial Body – Inner Kartli Service	⇒	3. Eastern Central EPNR Regional Office
5. NRA's Territorial Body – Samegrelo-Upper Svaneti Service	⇒	4. Samegrelo-Upper Svaneti EPNR Regional Office
6. NRA's Territorial Body – Imereti Service 7. NRA's Territorial Body – Racha-Lechkhumi and Lower Svaneti Service 8. NRA's Territorial Body – Guria Service	⇒ ⇒ ⇒	5. Central-West EPNR Regional Office
9. NRA's Territorial Body – Samtskhe-Javakheti Service	⇒	6. Samtskhe-Javakheti EPNR Regional Office
10. NRA's Territorial Body – Adjara Service		*no equivalent*
11. NRA's Territorial Body – Black Sea Service	⇒	*Black Sea Conventional Inspection – subordinated to the Environmental Protection Inspection of the MEPNR*

Conclusions and recommendations

The NFWL will be consisted of four main parts – general, principal, transitional and final sections with approximately 40 entries (chapters) covering the water related subjects consistently and integrally (for more details see Outline of the NFWL in *Attachment 1*).

The NFWL will seek to cover divergent topics relating to management, use and protection of water resources. So, it will become important to ensure enough details in the content to enable the government to implement the law correctly or to enable the regulating entities to know what they must do to comply with. It shall be clear to the practitioner – particularly one who represents interested agencies (in particular the Ministry of Environmental Protection – MEP) and/or natural or legal bodies – whether the law will establish any norms or create any binding obligations on various governmental agencies to enact specific and enforceable regulations. Indication shall be given on how the government has to implement and enforce the law. The law shall avoid unclear breakdown of responsibilities. For the law to work, it needs to clearly define what will be required, what role the public, industry and government agencies will play in the regulation process, and what will happen in case of non-compliance.

If sufficient detail to enable the existing law to be implemented directly will not be provided in the law, then implementing regulations will be in need. The NWFL will be effective if it states that regulations will be issued to detail the substantive requirements of the law and sets specific deadlines for enactment of these regulations. Problems might arise if the law will require that regulations be written but will not provide any guidance regarding the substance of those regulations. In such a case, the government agency charged with writing the regulations would apparently have full discretion to determine the substantive content of those regulations – so, that the implementing regulations might be very strict or very loose – there will be no way to predict by reading the law. To avoid this unpredictability, the substantive principles should be outlined in the NFWL itself. The responsible government agency should be named in the law and obliged to write regulations based on those principles. In Georgia a government agency is prohibited from writing regulations, which are either inconsistent with or not explicitly required by the framework law. While it is impractical and inadvisable to include numerical standards in the law itself, the law should include some detailed descriptive guidance for how appropriate standards should be established.

The ambitious scope of the NFWL law also may create problem of consistency. With its various sections covering a wide range of disparate subjects, the law will need a tight and clear organizational structure (*see Attachment 1*) to be implemented efficiently. Without such an organized structure, the provisions of one section of the law may duplicate or appear to conflict with those contained in other sections, thereby generating gaps and loopholes in application of the law. In addition, the lack of consistent framework will lead to confusion on the

part of implementing and enforcing agencies in terms of their duties under the law.

In terms of convergence with the EU water legislation, the NFWL is supposed to cover the legal requirenments under the following directives:

- The Water Framework Directive (WFD)[13]
- The Bathing Water Directive[14]
- The Urban Waste Water Treatment Directive[15]
- Floods Directive[16]
- The Nitrates Directive[17]
- The Groundwater Directives[18]
- Drinking Water Directive[19]

[13] Official Title: Directive 2000/60/EC of the European Parliament and the Council establishing a framework for Community action in the field of water policy (OJ L 327/1 of 22.12.2000), as amended by Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 (L 331 1 15.12.2001), Directive 2008/32/EC of the European Parliament and of the Council of 11 March 2008 (L 81 60 20.3.2008), Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 (L 348 84 24.12.2008) and Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 (L 140 114 5.6.2009)

[14] Official Title: Council Directive 2006/7/EEC concerning the quality of bathing water (OJ L 131, 5.2.76) (repealing Council Directive 76/160/EEC with effect from 31 December 2014)

[15] Official Title: Council Directive 91/271/EEC concerning urban waste water treatment (OJ L 135, 30.5.91), as amended by Commission Directive 98/15/EC (OJ L 67, 7.3.98) and Regulation (EC) No. 1882/2003

[16] Official Title: Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (OJ L 288, 6.11.2007)

[17] Official Title: Council Directive 91/676/EEC on the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.91), as amended by Regulation (EC) No. 1882/2003 (OJ L 284, 31.10.2003)

[18] Official Title: Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ L 372/19, 27.12.2006) and
Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances (OJ L 20, 17.12.79)

[19] Official Title : Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption **(**OJ L 330 , 05/12/1998*)*

- The Dangerous Substances Directive[20]
- The Freshwater Fish Directive[21]
- Environmental Quality Standards Directive[22]
- Integrated Pollution Prevention and Control (IPPC) Directive[23]
- The Dangerous Substance Discharges Directive[24]
- Biocides Directive[25]
- Marketing and Use of Dangerous Substances Directive[26]
- Plant Protection Products Directive[27]

[20] Official Title: Directive 2006/11/EC of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (codified version of Council Directive 76/464/EEC and its amendments) (OJ L 64, 4.3.2006)

[21] Official Title: Directive 2006/44/EC of the European Parliament and of the Council of 6 September 2006 on the quality of freshwaters needing protection or improvement in order to support fish life (OJ L 264, 25.9.2006) (codified version replacing and repealing Council Directive 78/659/EEC on the quality of freshwaters needing protection or improvement in order to support fish life)

[22] Official Title: Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348/84, 24.12.2008)

[23] Official Title: Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, 10/10/1996)

[24] Official Title: Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC (OJ L 181, 4.7.1986, p. 16–27) as amended by Council Directive 88/347/EEC of 16 June 1988 (L 158 35 25.6.1988), Council Directive 90/415/EEC of 27 July 1990 (L 219 49 14.8.1990), Council Directive 91/692/EEC of 23 December 1991 (L 377 48 31.12.1991), Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 (L 348 84 24.12.2008) and corrected by Corrigendum (OJ L 210, 1.8.1986, p. 108 (86/280/EEC) and Corrigendum (OJ L 221, 7.8.1986, p. 51 (86/280/EEC)

[25] Official Title: Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998)

[26] Official Title: Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (OJ L 262, 27.9.1976)

[27] Official Title: Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991)

Scope of the NFWL, in line with the WFD, shall cover surface waters, transitional waters, coastal waters, grounwaters and related protected areas, also water infrastructural facilities (*all water services which provide, for households, public institutions or any economic activity: abstraction, impoundment, storage, treatment and distribution of surface water or groundwater; waste-water collection and treatment facilities which subsequently discharge into surface water etc*) – for more details see *Figure 4* and *Attachment 1*.

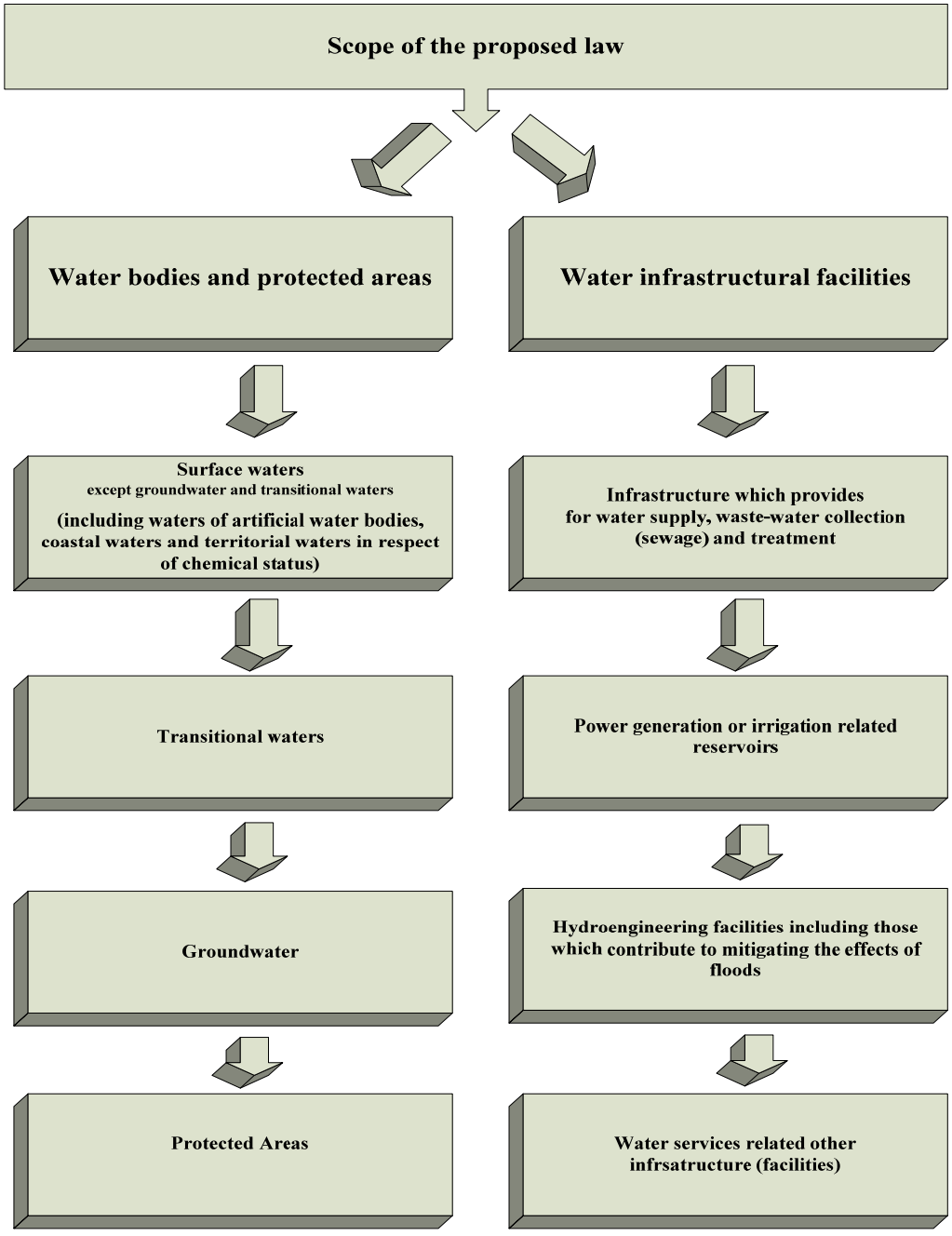
The NFWL will provide for water management on a river-basin basis (for supposed river-basin districts see *Attachment 2*) with the MEP as central competent authority. Roles and responsibilities of different agencies and stakeholders with regard to integrated water resources management are shown in *Figure 5*.

The MEP is supposed to play a central role in water resources management through its territorial structures under National Agency for Environment which, in turn, have to perform functions of river-basin management centres (for details see *Attachment 3* and *Figure 6*). Relevant environmental authorities (independent from the MEP) will be in charge for river-basin management within administrative boundaries of the autonomous republics.

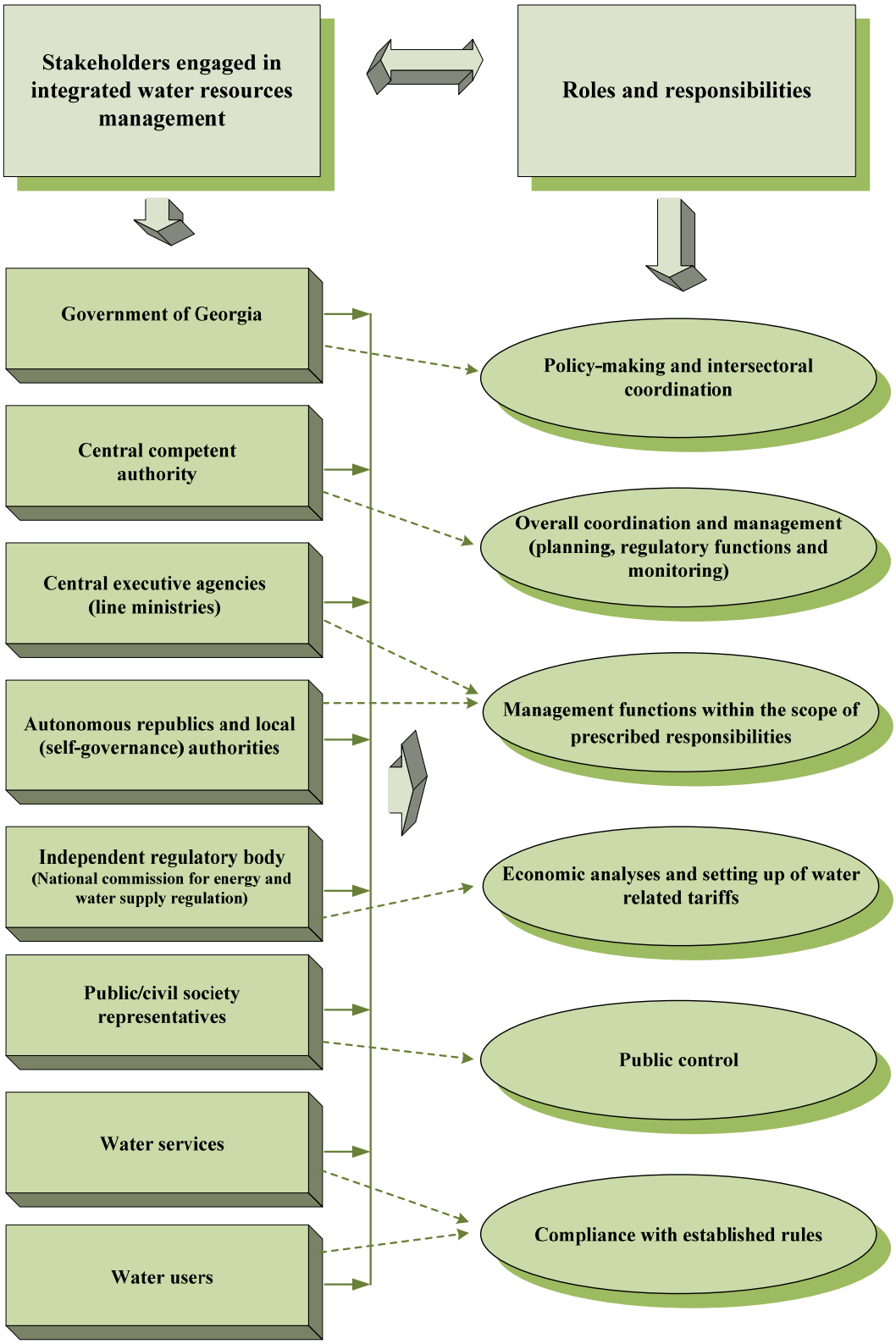
The NWFL also will provide for all other aspects of integrated water resources management including water classification system, water quality objectives and standards, water use, water resources planning, pollution prevention combined approach, economic tools, public participation, monitoring and enforcement, flood risk management etc.

As convergence with different EU Directives is envisaged, the NFWL will legally link the different processes, since institutional and administrative requirements are similar for different directives.

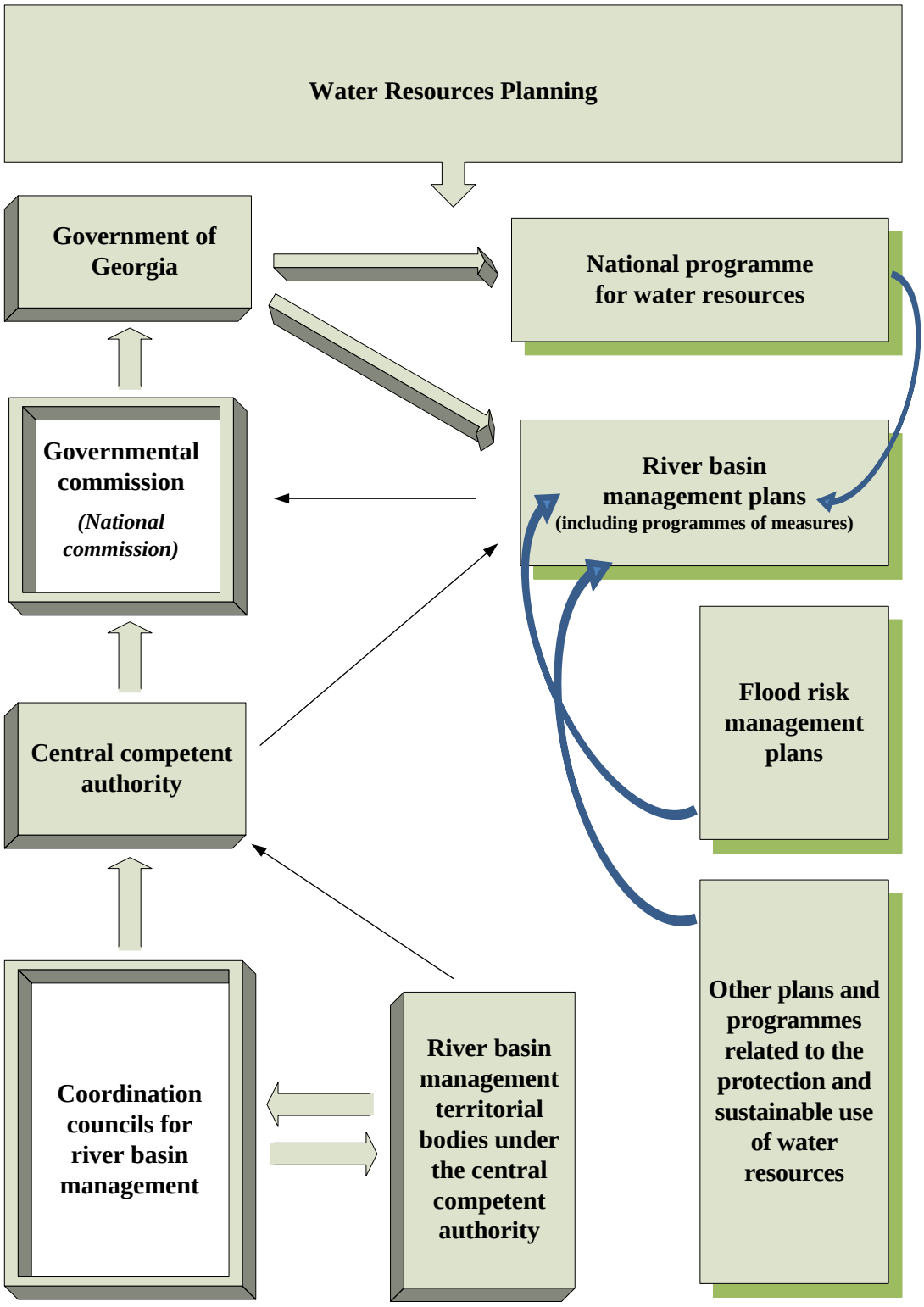
Scope of the NFWL
Figure 4.



Roles and responsibilities of different stakeholders
With regard to integrated water resources management
Figure 5.



Water resources planning scheme
Figure 6

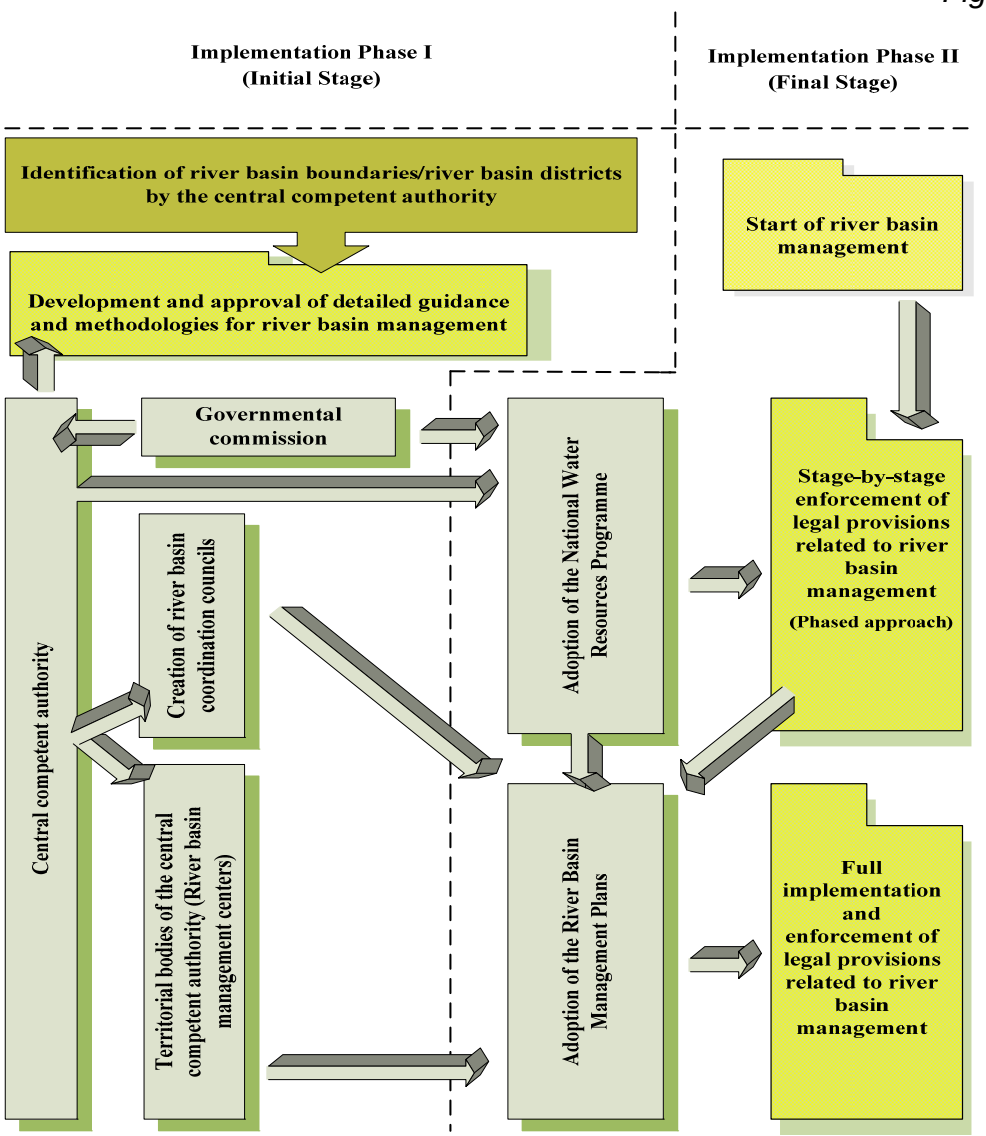


Introduction of the NFWL within the given content and outline (*Attachment 1*) will evolve taking measures necessary to comply with this NFWL in terms of termination or promulgation of amendments to a number of existing legal acts (laws). Tentative list of such laws is presented bellow:

Title	Legislative measure
Law of Georgia "On Water" (1997)	Termination upon enactment of the NFWL
Law of Georgia "On Regulation and Engineering Protection of the Sea Shores, Reservoir and River Banks" (2000)	Termination upon enactment of the NFWL or promulgation of relevant amendments
Administrative Offences Code (1984)	Promulgation of amendments
Law of Georgia "On Soil" (1994)	Promulgation of amendments
Law of Georgia "On Plant Protection" (1994)	Promulgation of amendments
Law of Georgia "On Mineral Deposits" (1996)	Promulgation of amendments
Law of Georgia "On Environmental Protection" (1996)	Promulgation of amendments
Law of Georgia "On System of Protected Areas" (1996)	Promulgation of amendments
Law of Georgia "On Wildlife" (1996)	Promulgation of amendments
Law of Georgia "On Land Melioration" (1997)	Promulgation of amendments
Law of Georgia "On Electrical Energy and Natural Gas" (1997)	Promulgation of amendments
Law of Georgia "On Marine Space (*Ocean Space*)" (1998)	Promulgation of amendments
Forest Code of Georgia (1999)	Promulgation of amendments
Law of Georgia "On Hazardous Chemical Substances" (1999)	Promulgation of amendments
Law of Georgia "On Conservation of Soils and Reclamation and Improvement of Soil Fertility" (2003)	Promulgation of amendments
Law of Georgia "On Fees for Use of Natural Resources" (2004)	Promulgation of amendments
Law of Georgia "On Licenses and Permits" (2004)	Promulgation of amendments
Law of Georgia "On Fundamentals for Urban Development and Spatial-Territorial Planning" (2005)	Promulgation of amendments
Organic Law of Georgia "On Self-governance" (2006)	Promulgation of amendments
Law of Georgia "On Recognition of Ownership Rights on Land Plots being under the Usage of Natural Persons and Legal Persons of Private Law" (2007)	Promulgation of amendments
Law of Georgia "On Public Health" (2007)	Promulgation of amendments
Law of Georgia "On Environmental Impact Permit" (2007)	Promulgation of amendments
Law of Georgia "On Ecological Expertise" (2007)	Promulgation of amendments

In order to ensure a full and consistent implementation of the NFWL precise timescale should be made on the basis of appropriate, evident and transparent criteria and be justified through drafting process. Transitional part of the NFWL will serve for this purpose. This part will integrate step-by-step implementation approach (see *Attachment 1* and *Figure 7*) relating to practical aspects of implementation and full enforcement. The NFWL will provide for implementation programme of the law. The programme should allow sufficient time to give all actors and stakeholders affected time to adjust to the changes and meet requirements of the NFWL. The most important elements of the implementation programme will be administrative, institutional, financial and technical measures aimed at phased enforcement (step-by-step enforcement) of the law.

Phased implementation and enforcement scheme for river basin management
Figure 7



Attachments

Attachment 1. Recommended Outline for the NFWL

Preamble

❖ SECTION 1 : GENERAL PART

I. General provisions

- Definitions
- Scope of the law
- Legal relationships that are governed by the Law
- Purpose/objectives of the Law
- Water legislation of Georgia

II. Main principles for sustainable use and protection of water resources

- Principles for sustainable use and protection of water resources

III. Water categories (*surface, groundwater, coastal, marine etc*) and their statuses

- Water categories
- Ownership rights
- Status of Water resources fund (WRF) and lands of WRF ("*Water lands*")
- Classification of water resources according to their importance and subordination (waters of national importance, waters of local importance etc)

IV. Division of competences

- Competences of the central authorities
- Competences of the regional (*autonomous republics*) authorities
- Competences of the local authorities (*self-governing municipalities*)

V. Main rights and responsibilities of natural and legal persons

- Rights and responsibilities of natural persons
- Rights and responsibilities of legal persons

❖ SECTION 2 : PRINCIPAL PART

<u>Sub-section : Water bodies and related use rights</u>

VI. Water bodies

- Definition of a water body
- Protected zones (areas) of the water bodies
- Land of a water body and its status in terms of general land-use classification
- Water bodies and land cadastre system
- Boundaries for surface inland waters
- Surface boundaries for groundwaters and supplementary land-use mechanisms
- Water bodies and their protection zones (areas) – mapping, identification and delimitation related provisions

VII. Use-rights that directly relate to water bodies

- Use-rights (e.g., long-term use, lease, concession etc)
- Limited use-rights (Right to Build [*Hereditary Building Right*] [28], Usufruct, Servitude)

VIII. Registration of rights (entitlements) with regard to water bodies, protected and adjacent to water bodies areas

- Public register (*former land-title registration system*) and registration of water related rights
- Entitlements with regard to water bodies and their protected areas
- Entitlements with regard to adjacent to water bodies areas

Sub-section : Water infrastructural facilities and water users

IX. Water infrastructural facilities

- Classification of the water infrastructural facilities

  (All water services which provide, for households, public institutions or any economic activity: abstraction, impoundment, storage, treatment and distribution of surface water or groundwater; waste-water collection and treatment facilities which subsequently discharge into surface water etc).
- Related rights
- Inventory of the water infrastructural facilities
- National programme providing for development of water-supply, waste-water collection and treatment

X. Water protection conditions relating to the construction, maintenance and safety of water infrastructural facilities

- Planning
- Special requirements (e.g., EIA)
- Monitoring and control

XI. Water users

[28] In Roman and civil law, known as a “superficies”

- Water users' rights
- Water user's associations

Sub-section : Water use

XII. Water use (Sustainable use of water resources / right to use water)

- Types/purposes of water use
- Water uses subject to a permit (water use for special purposes) and water uses without permit (water use for common purposes)

XIII. Conditions for water use without permit (water use for common purposes)

- Conditions
- Water protection requirements

XIV. Water uses subject to a permit (permitting/licensing system)

- Main principles
- Conditions for granting/termination of a permit
- Right to transfer a permit
- EIA for certain types of water use/utilization

XV. Groundwater use

- Rules for groundwater use
- Special requirements

Sub-section : Framework for water resources planning and management (planning and management of water resources use and protection)

XVI. Water resources planning and management

- Water resources planning and management system
- Principles for planning and management
- Planning and management at national level
- Governmental commission for sustainable use and protection of water resources (Water

[29] It has to be considered that monitoring must be established for: surface waters — for ecological, physico-chemical and morphological parameters; groundwater — for physico-chemical parameters; discharges of wastewater — parameters depending on the particular case; bathing waters during the bathing season — for bacteriological and chemical parameters; and drinking water — for bacteriological and physico-chemical parameters.

resources Commission)

- National programme for sustainable use and protection of water resources

XVII. Integrated river basin management

- Identification of river basins, river basin districts and their status
- Organizational and administrative provisions governing river basin management

XVIII. Integrated river basin management plans

- Integrated river basin management plans and their legal status (binding force of approved plans)
- Content, methodologies and duration
- Procedure for development, endorsement, publication, review etc

XIX. Programmes of measures for implementation of integrated river basin management plans

- Status and financial arrangements

XX. Implementation of integrated river basin management plans

- Main provisions governing implementation

XXI. Competent authority and river basin management centres

- Ministry of Environment Protection and Natural Resources of Georgia (MEP) as central competent authority – powers and responsibilities
- Territorial bodies of the MEP as river basin management centres

XXII. Public participation in planning and management

- River basin coordination councils (*ad hoc councils*)
- Public consultations

XXIII. Integration of river basin planning and management into spatial planning/territorial development system

- Principles of integration
- Interrelations between water and spatial categories

<u>Sub-section : Drinking water</u>

XXIV. Drinking water quality and other requirements

- Drinking water quality
- Zones for the protection of drinking water sources

- Special requirements

Sub-section : Protection of water resources (Water pollution control)

XXV. Protection and recovery of water resources

- Principles of water protection
- Mechanisms for water protection

XXVI. Water quality requirements (Water status)

- Classification of water bodies according to water quality (assignment of water bodies to water quality classes)
- Setting of minimum quality requirements of waters - water quality objectives (environmental objectives/ecological objectives/water status/environmental status/ecological status)
- Water quality planning

XXVII. Pollution control

- Pollution prevention tool (Permiting / licenzing system for wastewater discharges : conditions for discharge permits, duration, revision, termination, registration)
- Combined method for pollution control
- Water quality standards (WQS) / Environmental Quality Standards (EQS)
- Emission Limit Values (ELV)
- Best available technology (BAT) approach
- Dangerous and priority substances
- Classification of pollution sources and inventory
- Technical regulations
- EIA permitting in the water sphere

XXVIII. Special requirements for bathing waters (coastal waters) and freshwaters (needing protection or improvement in order to support fish life)

- Requirements with regard to water quality
- Restrictions
- Protection measures

XXIX. Special requirements to urban waste waters

- Special requirements
- Planning for development of urban wastewater treatment infrastructure

XXX. Protection of waters against pollution caused by nitrates from agricultural sources

- Pollution prevention caused by the nitrates
- Sensitive zones
- Organizational arrangements and coordination

XXXI. Additional requirements for water protection

- Requirements concerning the plant protection products
- Requirements concerning the biocidal products
- Other additional requirements and measures

Sub-section : Supervision, control /Inspection and enforcement

XXXII. Supervision, control and enforcement

- Agencies in charge for supervision, control, inspection and enforcement – their responsibilities and powers
- Inspection techniques (surveillance, operational and investigative monitoring and compliance checking) / guidelines for field and laboratory testing
- Exchange of information and coordination

Sub-section : Monitoring

XXXIII. Water resources monitoring and information system

- Water resources monitoring system
- National monitoring and information network
- Monitoring programmes at the river basin level[29]
- Water cadastre (*including for both surface waters and groundwaters*) : status; interrelation with land cadastre; responsibility for administering; content etc

Sub-section : Harmful effects of water

XXXIV. Flood risk management and engineering measures for the protection of river banks and coasts against harmful effects of water

- Harmful effects of waters
- Flood risk management (*flood management: establishment, delimitation and mapping of flood-prone areas and responsibilities for it; activities which are prohibited or limited within flood-prone areas; establishment of warning and alarm systems; flood management plans - to be integrated into river basin management plans*)
- Engineering measures for the protection of banks

Sub-section : Financial aspects

XXXV. Economic instruments

- Economic instruments for the protection and sustainable use of water resources
- Water tariffs (methodology for recovery of the costs of water services, including environmental and resource costs associated with damage or negative impact on the aquatic environment)
- Economic instruments aimed at reducing water pollution levels

Sub-section : Access to justice and information

XXXVI. Measures governing access to justice and information in water related sphere

- Access to justice
- Access to information

Sub-section : International cooperation

XXXVII. International agreements and treaties of Georgia in water related sphere

- Global and regional mechanisms for the protection of waters
- Measures related to transboundary water bodies
- Convergence/harmonization to EU water legislation

Sub-section : Liability

XXXVIII. Liability for violation of the Law

- General provisions with regard to administrative, civil and criminal liability measures
- Administrative liability (*administrative fees might be integrated directly in the Law*)
- Compensation for damage (*methodology for calculation of a damage to the water bodies*)

❖ SECTION 3 : TRANSITIONAL PART

XXXIX. Transitional provisions

- Supplementary regulations (Supplementary regulations to be laid down in order to ensure implementation of the provisions of the law
- Measures necessary to comply with the law in terms of promulgation of amendments to the existing laws and regulations (*List of relevant existing laws and regulations*)
- Enactments relating to supplementary regulations (dates)
- Provisions governing transitional measures with regard to development of draft supplementary regulations (*responsible agencies, dates*)
- Supplementary regulations which shall be subject to convergence/harmonization with the requirements and standards under the EU water legislation, where appropriate and where those standards are not in contradiction to the provisions of the law (*concrete references to EU water legislation*)

XL. Transitional provisions governing legal, programmatic, institutional and financial issues related to phased enforcement (step-by-step enforcement) of the law

- General transitional provisions governing the necessary measures related to phased

enforcement (step-by-step enforcement) of the law

- Institutional transitional measures
- Transitional financial and technical measures
- Transitional provisions in connection with the requirements of the EU water legislation (*Repealings and substitutions with regard to the EU legislation listed in the law shall be applied, mutatis mutandis, to the provisions of the supplementary regulations to the given law*)

❖ SECTION 4 : FINAL PART

XLI. Final Provisions

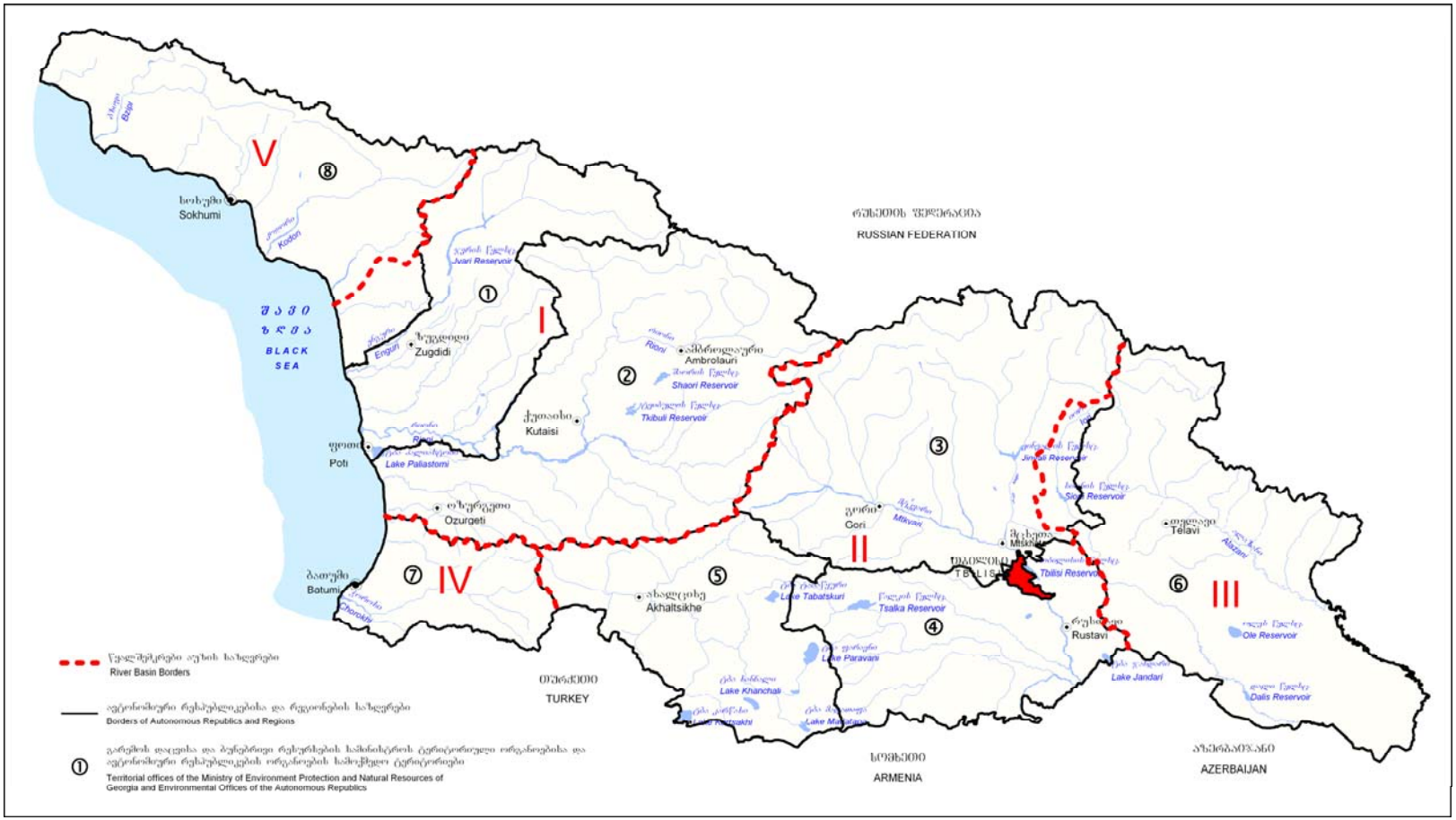
- Terminated statutory instruments (laws and sub-laws/regulations etc)
- Enactment of the Law
- Enactment dates for particular provisions of the Law

Attachment 2. Proposed River Basin Districts of Georgia

River Basins: I – Rioni-Enguri River Basin / II – Kura River Basin / III – Alazani River Basin
IV – Chorokhi River Basin / V – River Basin of Abkhazian Watersheds

Regions and Autonomous Republics: 1. Samegrelo-Upper Svaneti 2. Racha-Lechkhumi 3. Imereti 4. Guria
5. Inner Kartli 6. Mtskheta-Mtianeti 7. Lower Kartli 8. Samtskhe-Javakheti 9. Kakheti
10. Adjara Autonomous Republic 11. Abkhazia Autonomous Republic

Attachment 3. Eliminated since March, 2011 Territorial Offices of the MEPNR and their former Areas of Operation



River Basins: **I – Rioni-Enguri River Basin / II – Kura River Basin / III – Alazani River Basin / IV – Chorokhi River Basin / V – River Basin of Abkhazian Watersheds**

Eliminated after March, 2011 Territorial Offices of the MEPNR their former Areas of Operation:
1. Samegrelo-Upper Svaneti Regional Office / 2. Central-West EPNR Regional Office / 3. Eastern Central EPNR Regional Office / 4. Lower Kartli EPNR Regional Office
5. Samtskhe-Javakheti EPNR Regional Office / 6. Kakheti EPNR Regional Office

Environmental Offices the Autonomous Republics not subordinated to MEPNR and their Areas of Operation:
7. Environmental Office of the Adjara Autonomous Republic / 8. Environmental Office of the Abkhazian Autonomous Republic