



ENVIRONMENTAL IMPACT ASSESSMENT GUIDEBOOK FOR BUSINESS, MEDIA AND NON-GOVERNMENTAL ORGANIZATIONS



INTRODUCTION

On January 1, 2008 Georgian Law on Environmental Impact Permit came into effect which defines the complete list of the activities subjected to obligatory ecological examination on the territory of Georgia and ensures legal foundation for issuing environmental impact permit for their implementation, carrying out ecological examination for further issuing a permit (EIP), environmental impact assessment and public participation and their provision with the information about the activities in the processes of decision making for permit issuing.

Despite this, the law has drawbacks which need substantial and timely amendments. The stages of EIP issuing should be refined, as well as the list of those activities which cause serious damage to the environment and which by today are not subjected to the obligatory ecological examination. In order the country is able to fulfill the obligations incumbent by Association Agreement, there are necessary serious reforms to be carried out in the legislation through which it will become possible that the Law on the Environmental Impact Permit of Georgia comes into conformance with the EU legislation.

The given Guidebook briefly describes all those steps which should be envisaged when issuing the Environmental Impact Permit.

WHAT IS ENVIRONMENTAL IMPACT PERMIT? (EIP)

The termless right given by the Ministry of Environment and Natural Resources Protection of Georgia in accordance with the rules and forms defined by the Georgian legislation, which is given to the undertaker of the activity and represents the legal basis for the beginning of the activity.

WHO CAN BE THE OWNER OF THE PERMIT?

Physical or juridical person, also other, envisaged by the law, organizational entity (which is not a juridical person), who is the initiator of the activity subjected to the ecological examination and who applies to the relevant body for obtaining a right to carry out the activity subjected to the ecological examination.

WHAT IS ENVIRONMENTAL IMPACT ASSESSMENT? (EIA)

Environmental Impact Assessment (EIA) is the procedure of the study and research of the planned activity, the purpose of which is to protect separate components of the environment, human beings, as well as landscape and cultural heritage. EIA studies, reveals and describes direct and indirect influence of the activity on the human health and safety, vegetation and fauna, soil, air, water, climate, landscape, ecosystems and historical monuments or on all the above mentioned factors taken together, including the influence of these factors on the cultural values (cultural heritage) and social and economic factors;

WHAT IS THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT?

Environmental Impact Assessment Report is a document which includes the following issues:

- project description;
- description of main alternatives;
- description of environmental elements;
- in case of the project implementation, description of possible environmental impact;
- description of mitigating measures of possible environmental impact;
- non-technical summary of EIA Report.

The main purpose of the EIA Report is to focus on risk management and mitigation.

In addition to the above mentioned, Environmental Impact Assessment involves in the context of the planned activity revelation of direct and indirect impact, its description and the study of the results on:

- a) the housing environment of human being and his health;
- b) vegetation and fauna;
- c) natural and modified ecosystems;
- d) landscapes;
- e) air, water, soil, climate;
- f) historical monuments and cultural values;
- g) social and economic factors;
- h) assessment of the existing situation of geological and hydrological environment and expected risks.

HOW THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REPORT SHALL BE PREPARED?

Environmental Impact Assessment Report is prepared by the Environmental Consultative Company of the investor or hired by him. The investor arranges a public hearing where the future activities are discussed there.

The results of the public hearing are represented in relevant minutes. Advertisement (Statement) about the public hearing is preliminarily published in central or local press.

The advertisement shall include:

- the purpose of the planned activity, name, location;
- address where the representatives of the public will be able to get acquainted with the documents connected with the planned activity (including the EIA Report);
- terms of submission of proposals by the representatives of the public;
- time and venue of the EIA Report public discussion;
- investor's contact address, telephone, e-mail, where comments and remarks could be sent.

The activity undertaker is obliged to:

- Submit hard as well as electronic versions of EIA Report to the permit issuing administrative body within one week after publishing the information about the planned activity in press;
- Receive and consider the comments and remarks of the representatives of public in written form within 45 days after publishing the information about the planned activity in press;
- No earlier than 50 days and no later than 60 days after the publishing of information about the planned activity arrange a public hearing of EIA Report of his planned activity;
- Ensure a written invitation to the public hearing of EIA Report of the representatives of relevant local self-governance, the Ministry, Ministry of Economics and Sustainable Development and other interested administrative bodies.
- Any representative of the society has right to attend the public hearing of the EIA Report;
- Public hearing of EIA Report is arranged in the administrative center of the self-governance body where it is planned to carry out the activity.

WHEN OFFICIALLY REGISTERING THE RESULTS OF THE PUBLIC HEARING OF EIA REPORT:

The activity undertaker is obliged to register the minutes (protocol) of the results of the public hearing of EIA Report within the five days after the public hearing of EIA Report in which all remarks and proposals expressed during the public hearing of EIA Report will be presented in details.

The minutes shall be signed by:

- the activity undertaker;
- representatives of local self-governance;
- a representative of the Ministry of Environment and Natural resources Protection of Georgia.

In case the activity undertaker does not take into account the remarks and comments presented by a stakeholder, the activity undertaker is obliged to ensure written substantiation of the reasons for not taking into account the comments and remarks and sending it to the author (authors) of the remarks and comments.

SUBMISSION OF A STATEMENT TO THE MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES PROTECTION FOR OBTAINING ENVIRONMENTAL IMPACT PERMIT.

In order to obtain EIP one needs the following papers:

- Environmental Impact Assessment Report (5 copies and an electronic version);
- Situational plan of the location of the activity to be realized (by showing distances);
- Volumes of expected emissions and types (emission, discharge norms scheme – 4 copies);
- Small summary about the activity (technical summary);
- Statement about the confidential part of the submitted statement.

WHAT IS AN ECOLOGICAL EXAMINATION AND WHAT IS IT NEEDED FOR?

Ecological examination is a necessary measure of environmental protection character which is carried out during the process of decision making about the issuing of construction permit or environmental impact of the activity.

The complete list of those activities which during the process of decision making about the issuing of construction permit is subjected to the obligatory ecological examination is defined by the Law on the Environmental Impact Permit of Georgia (see Annex 1. Activities subordinated to ecological examination).

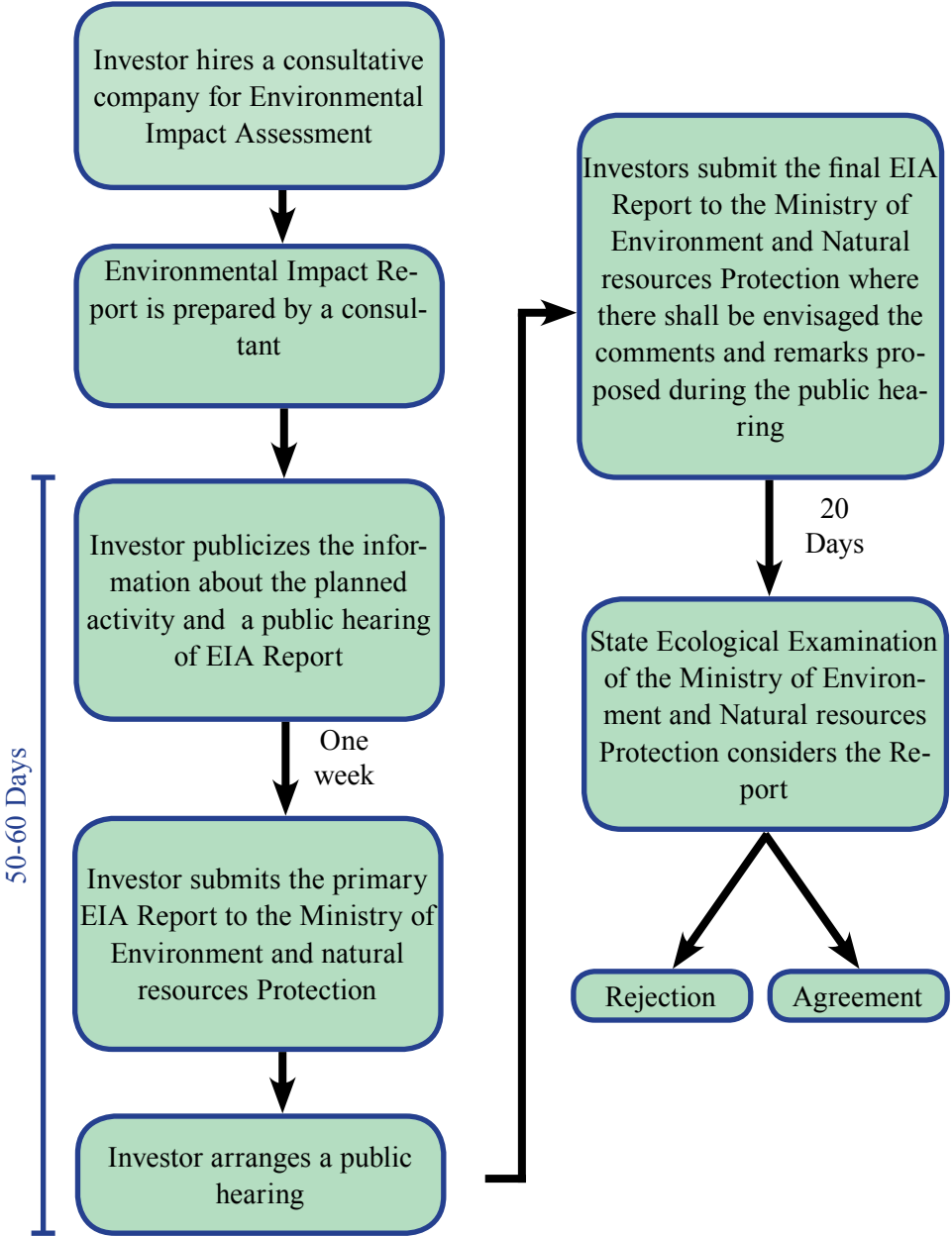
The main purpose of the ecological examination is:

- Assessment of the risk of potential ecological danger of the activity;
- Complexity of its possible environmental impact assessment before the beginning of the activity;
- Taking into account the environmental requirements and environmental protection norms;
- Unlimited execution of experts powers;
- Legality and validity of the ecological examination report;
- Taking into account the public opinion.

And still, if you have decided to start an activity which needs Environmental Impact Permit, then for obtaining the EIP you will need:

1. To prepare the Environmental Impact Assessment (EIA) Report;
2. To publish an advertisement in a central and local (if there is such) press about the public hearing of the EIA Report;
3. To arrange a public hearing;
4. To submit an application to the Ministry of Environment and Natural Resources Protection for obtaining the Environmental Impact Permit.

PROCEDURES AND TERMS OF ENVIRONMENTAL IMPACT PERMIT (EIP) IN GEORGIA:



WHO ARE THE MAIN STATE AND NON-STATE PARTIES INVOLVED IN THE EIA PROCEDURES?

1. Ministry of Environment and Natural resources Protection of Georgia:
 - a) Department of Permits;
 - b) Department of Environmental Supervision;
2. Ministry of Energy of Georgia;
3. Ministry of Economics and Sustainable Development of Georgia;
4. Project undertakers;
5. EIA Consultative Companies;
6. Non-governmental Organizations, other interested parties and public as a whole;
7. Other stakeholders.

Legislation which regulates Environmental Issues and Permit Issuing Process:

- Law on the Environmental Protection of Georgia;
- Law on Licenses and Permits of Georgia;
- Law on the Environmental Impact Permit of Georgia;
- Law on Ecological Examination of Georgia;
- Provisions on Environmental Impact Assessment;
- Provisions on the Construction Permit Issuing Rule and Permit Conditions Approved by the Georgian Government Resolution (Decree) N57 of March 24, 2009;
- Order N228 of September 29, 2015 of the Minister of Environment and Natural Resources Protection of Georgia on the Approval of the Provisions of the Register of Independent Experts;
- Order N229 of September 29, 2015 of the Minister of Environment and Natural Resources Protection of Georgia on the Rule of Remuneration of Labor of Independent Experts;
- Order N28 of May 14, 2013 of the Minister of Environment and Natural Resources Protection of Georgia on the Approval of the Rules of Carrying out Ecological Examination;
- Order N31 of May 15, 2013 of the Minister of Environment and Natural Resources Protection of Georgia on the Approval of the Provisions of the Environmental Impact Assessment
- Order N38 of June 3, 2013 of the Minister of Environment and Natural resources Protection of Georgia on the Approval of the Activity Rule of the Environmental Impact Special Council.

Activities subjected to ecological examination and the bodies authorized to give the right to carry out the activity

The activities subjected to ecological examination include:

- a) Processing of minerals (processing of construction (including inert) materials is not subjected to ecological examination, except for the cases envisaged by the “c” sub point of this item);
- b) Any industrial technology, where asbestos will be used;
- c) Production of cement, asphalt, plasterboard, lime, gypsum, and brick;
- d) Production of glass and glass products;
- e) Processing of solid municipal wastes (including the arrangement of waste incineration plants) and/or arrangement of landfills;
- f) Disposal of toxic and other hazardous wastes, arrangement of their burial places and/or processing of these wastes, their neutralization;
- g) Production of any capacity related to coal gasification, liquefaction, briquetting, and carbonization;
- h) Building oil and gas pipelines;
- i) Dislocation of oil and oil products, also liquid and natural gas containers, also terminals, containing the reservoirs, the volume of one of which exceeds 1000 cb.m., or their aggregate volume exceeds 1000 cb.m.;
- j) Building of motorways and railway of international and domestic importance and bridges located on them, guiding tunnels, also a motorway, railway, and buildings of engineering protection of their territories;
- k) Building of high-voltage (35 KV and more) aerial and cable transmission lines and dislocation of substation (of 110 and more KV);
- l) Dislocation of hydro power station (of the capacity 2 and more MW) and thermal power station (of the capacity 10 and more MW);
- m) Construction of underground;
- n) Arrangement of a water reservoir (of the volume 10000 and more cb.m.);
- o) Arrangement of sewage treatment facilities (of the volume of 1000 and more cb.m.), also main sewage collector;
- p) Arrangement of the aerodrome, airport, railway station, and marine harbor;
- q) Dislocation of a dam, harbor, berth, and pier;

- r) Chemical industry, in particular: chemical processing of half-finished products (intermediate products) and production of chemical substances; production and processing of pesticides, mineral fertilizers, chemical paints, varnish, peroxides, and elastic substances (rubber or plastic substances); production of gunpowder and other explosive substances; production of accumulators; manufacturing of graphite electrodes;
- s) Oil-processing and gas-processing factories (of more than 500 T per day);
- t) Any metallurgical factory (of the capacity of 1 ton of product per hour), except for cold processing of metals and jewelry factories;
- u) Arrangement of containers for toxic and other hazardous substances.

Expected legislative changes:

At present, at the Ministry of Environment and Natural Resources Protection, the work is being carried out on the draft of the new Environmental Impact Assessment Code; by means of the mentioned document, the society will be enabled to get involved in all stages of environmental impact assessment and licensing.

In accordance with the mentioned Code, the stages of screening and scoping are added to the EIA procedure. According to the draft, screening is defined as the procedure, which, as a result of the addressing of the permit-seeker or planning agency to the Ministry, determines the necessity of carrying out the EIA or Strategic Environmental Assessment.

Scoping is the procedure, which determines the list of information to be obtained and studied for the environmental impact assessment or strategic environmental assessment and the means of reflection of the noted information in the environmental impact assessment or strategic environmental assessment report.

Scoping Report is the document, which is prepared by the permit-seeker, planning authority and/or consultant and based on which the Ministry issues the scoping conclusion.

According to the Code draft, the permit issue procedures will be different, where the Ministry ensures:

- a) Carrying out of ecological examination;
- b) Public participation;
- c) Consultation with the Ministry of Public Health and other authorized administrative bodies.

It is determined by the legislative change:

To increase the enumeration of those activities, whose implementation makes obligatory the environmental permit and environmental impact assessment; to harmonize Georgian legislation with the Aarhus Convention;

To make the projects of the Annex I of the Law subjected to environmental impact assessment, and to identify the projects of the Annex II, which in correspondence with the decision of the Ministry require environmental impact assessment.

To make strategic environmental assessment obligatory for the approval of strategic documents (plan or program, or document of any other kind, regardless of its title, also any amendment made, whose approval is envisaged by a legislative or administrative-legal act, which is approved by an administrative body, or is prepared by an administrative body, and is submitted to Georgian parliament or Georgian Government for adoption/ approval).

Environmental permit should be issued by public administrative procedure instead of simple administrative procedure; as a result, public participation in the environmental decision-making should be increased. Environmental permit should no more be a constituent part of the construction permit.

The permit payment should be increased from 500 GEL to 5000 GEL.

Title of the administrative body:	The Ministry of Environment and Natural Resources Protection of Georgia
Structural unit:	The Department of Environmental Impact Permits
Address:	Tbilisi, #6 G. Gulua Street
Contact information:	Tel.: +995 32 272 72 34; +995 32 272 72 00 E-mail: pr@moe.gov.ge
Working days	Monday, Tuesday, Wednesday, Thursday, Friday
Weekend	Saturday, Sunday
Break:	13.00-14.00
Applicant:	An applicant can be a citizen of Georgia, or a person without citizenship, also an enterprise registered in Georgia, such as: individual enterpriser, entrepreneurial business, limited liability company(LLC), joint responsibility company (JRC), limited partnership (LP), joint-stock company (JSC), also legal person of public law and entrepreneurial partnership.
Documentation necessary for the obtaining of environmental impact permit	To obtain the environmental impact permit you will need: <ul style="list-style-type: none"> • Preparation of the environmental impact assessment (EIA) report; • Publication of announcement in the central and local (if available) printing authority regarding public hearing of the EIA report; • Arrangement of public hearing; • Submission of the application to the Ministry of Environment and Natural Resources Protection for obtaining of the environmental impact permit.
Price of the service	The financing of the process of environmental impact assessment is commissioned to the undertaker of the activity. The amount of the permit payment is equal to 500 GEL.
	The undertaker of the activity addresses the application to the Ministry of Environment and Natural Resources Protection for obtaining of the permission for EIP, where s/he should attach necessary documentation to the application: <ul style="list-style-type: none"> • Environmental impact assessment report (5 copies and electronic version); • Situation plan of the place of undertaking of the activity (with the indication of the distances); • Expected volume and type of emissions (emission/discharge norms project – 4 copies); • Brief annotation regarding the activity (technical resume);

<p>Submission of the application for the obtaining of the EIP / rule of permit issuing</p>	<ul style="list-style-type: none"> • Statement regarding the confidential part of the submitted application. <p>The rule of permit issuing: The Ministry takes the decision regarding the rule of permit issuing by the rule of simple administrative procedure determined by the Chapter VI of the General Administrative Code and according to the Law of Georgia on Licenses and Permits within twenty days from the registration of the application regarding the obtaining of the permit. If the decision regarding the issuing of the permit or rejecting the issuing of the permit is not taken, the permit is considered as issued. The Ministry, in accordance with the Law of Georgia on Ecological Examination, ensures the conducting of ecological examination based on the corresponding documents submitted by the undertaker of the activity, which serves as the basis for the conclusion of the ecological examination. The permit is only issued in case of availability of positive conclusion of the ecological examination.</p>
<p>The way of complaint</p>	<p>In case of the Ministry failing to take decision within the set period of time or taking the decision with the violation of law, the applicant has the right to appeal against the decision in the superior administrative agency (the Government of Georgia), by the way of submitting of the administrative complaint, or court (Tbilisi Municipal Court) by the way of submitting of the complaint within the period of one month. The counting of the complaint starts from the day of familiarizing with the administrative act.</p>
	<p>If for undertaking your activity the EIP and construction permit is necessary: According to the Law on Licenses and Permits, the licenses and permits are issued in Georgia in accordance with the “one window principle”. “One window principle” is the rule of administrative procedure, during which the issuer of the license or permit personally ensures the confirmation of licensing or permitting conditions by other administrative bodies, as well as their inclusion into the administrative procedure. In this case, the Ministry issues not the environmental impact permit for the documentation submitted to the Ministry by the administrative body the issuer of construction permit, but the conclusion of ecological examination, which is approved by the Decree of the Minister. The conclusion of the ecological examination is part of the construction permit (the condition for the conclusion of ecological examination is the condition for the construction permit). In accordance with the Law on Licenses and Permits, the</p>

	<p>construction permit is a different hierarchical permit, which, proceeding from the economic interests of the permit-seekers, is divided into three interrelated, but from the administrative procedure standpoint independent stages: 1st stage – establishment of municipal construction conditions; 2nd stage – agreement about architectural-construction design; 3rd stage – issuing of the construction permit.</p>
<p>Legal basis</p>	<ul style="list-style-type: none"> ➤ The Law of Georgia on Environmental Protection; ➤ The Law of Georgia on Licenses and Permits; ➤ The Law of Georgia on Environmental Impact Permit; ➤ The Law of Georgia on Ecological examination. <ul style="list-style-type: none"> - Decree of 24 March, 2009, No.57 of the Government of Georgia on the Rule of Issuing of the Construction Permit and Permit Conditions; - Decree of 29 September, 2015, No.228 of the Minister of Environment and Natural Resources of Georgia on Approval of the Statement regarding the Register of Independent Experts; - Decree of 29 September, 2015, No.229 of the Minister of Environment and Natural Resources of Georgia on the Rule of Work Remuneration of Independent Experts; - Decree of 14 May, 2013, No.28 of the Minister of Environment and Natural Resources of Georgia on Approval of the Rule of Conducting of Ecological examination; - Decree of 15 May, 2013, No.31 of the Minister of Environment and Natural Resources of Georgia on Approval of the Statement regarding Environmental Impact Assessment; - Decree of 3 June, 2013, No.38 of the Minister of Environment and Natural Resources of Georgia on Approval of the Rule of the Activity of Special Environmental Impact Council.
<p>Stakeholders</p>	<ol style="list-style-type: none"> 1. Ministry of Environment and Natural resources Protection of Georgia: <ol style="list-style-type: none"> a) Department of Permits; b) Department of Environmental Supervision; 2. Ministry of Energy of Georgia; 3. Ministry of Economics and Sustainable Development of Georgia; 4. Project realizers; 5. EIA Consultative Companies; 6. Non-governmental Organizations, other interested parties and public as a whole.

REFERENCE

[http://moe.gov.ge/index.php?lang_id=GEO&sec_id=160;](http://moe.gov.ge/index.php?lang_id=GEO&sec_id=160)

http://moe.gov.ge/index.php?lang_id=GEO&sec_id=34

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