



THE ASSESSMENT OF IMPLEMENTATION OF THE ENP EU-GEORGIA ACTION PLAN

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The assessment of implementation of the ENP EU-Georgia Action Plan in environment and sustainable development sectors was conducted within the framework of the project “Building the Georgian advocacy network for environmental and social justice”.

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Tbilisi, 2011

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INTRODUCTION

The European Neighborhood Policy (ENP) was developed in 2004 within the framework of neighborhood policy strategy. The strategy sets out the EU foreign policy with regard to the neighboring countries. It aims at strengthening the prosperity, stability and security of these countries. In 2004 Georgia, together with 15 other countries (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine) joined the European Neighborhood Policy. One of the basic principles of the ENP is to promote domestic reforms in the neighboring countries on the basis of equal partnership, which implies a mutual commitment to common values, such as: rule of law, good governance, human rights, good neighborly relations, market economy principles and sustainable development.

Bilateral Action Plans between the EU and each ENP partner is the chief tool for the implementation of the ENP. These set out an agenda of political and economic reforms aiming at further integration. The priorities in certain sectors are also set out jointly.

14 November 2006 EU-Georgia Action plan until 2013 was signed. The following priorities are set forward in the Action Plan: political dialogue and reform, trade-related issues and preparation of the partners with a view to adopting the positions on the international market, rule of law and domestic issues, sustainable development, energy, transport, public awareness, environmental protection and science, social policy and people-to-people contacts.

Implementation of EU-Georgia Action Plan officially started in 2007. Twice a year Georgian government prepares reports on the implementation of EU-Georgia Action Plan and the European Commission publishes each year the ENP progress reports. As of February 2011 the EC has published 2007, 2008 and 2009 progress reports¹. Non-governmental organizations (NGOs) also prepare reports on the progress in implementation of different sectors of the Action Plan. Present report is one of such attempts.

In the beginning of 2009 the Green Alternative published its first report on the progress in implementation of environmental protection and sustainable development sector of the Action Plan, which covered the period of 2007-2008 (available at: www.greenalt.org). The present report reflects the progress in the implementation of environmental protection and sustainable development sectors of the Action Plan during 2009-2010 and sums up the measures taken and achievements of 2007-2010.

ASSESSMENT METHODOLOGY

The assessment of the ENP AP and its implementation in environmental protection and sustainable development sectors was carried out under the methodology suggested in the handbook (Assessment of implementation of the Action Plans in the field of the environment) jointly developed by the WWF European Policy Office and EU Regional Office of Heinrich Boell Foundation².

The handbook was developed for assessment of any Action Plan under the ENP aegis. It is possible insofar as all Action Plans are identically structured and have similar objectives and characteristics. Specific objectives were selected in environmental protection and sustainable development sectors of the Action Plan for the assessment in terms of their implementation. Two general objectives were added for the assessment. These objectives on the one hand reflect the readiness of the governments of appropriate countries for the implementation of Action Plans, and on the other hand assess the EU arrangements to enhance the implementation of these plans. Thus, the following objectives are assessed in the report:

- Objective 1: Strengthening cooperation with the EU;
- Objective 2: Assessing the level of the EU commitment;
- Objective 3: Ratifying international environmental conventions and protocols;
- Objective 4: Developing plans and programs for the environment;
- Objective 5: Promoting the adoption of environmental legislation (sectoral approach – water and waste);
- Objective 6: Strengthening administrative structures and procedures;
- Objective 7: Reinforcing structures and procedures to carry out EIA;
- Objective 8: Improvement of permitting and enforcement structures;

¹ Available at: http://ec.europa.eu/world/enp/documents_en.htm

² Available at: http://www.boell.be/download_en/Greening_the_ENP_Handbook.pdf

- Objective 9: Improving public information and participation;
- Objective 10: Preparing regular reports on the state of environment;
- Objective 11: Supporting civil society actors and local authorities;
- Objective 12: Cooperation with neighboring countries;
- Objective 13: Integration of environmental aspects into other sectors;
- Objective 14: Implementing the provisions of the Kyoto Protocol and UNFCCC;
- Objective 15: Improving sustainability of energy and transport policy.

Questionnaires have been developed to measure the national initiatives taken with regard to each objective. The answers to the questions enable to assess the percentage progress bar for each objective. Such methodology of using the percentage indicators enables to evaluate the progress, should the assessment be carried out following years.

Four options of answers to each question are offered:

- “Yes” – three levels are possible, from the best to the worst (3 - the best, 2 – adequate, or 1 – bad)
- “No” – indicated by 0.

Each indicator is usually followed by an explanation as for why is the certain indicator assigned. Alongside the percentage indicator the whole range of problems related to each objective is reviewed. Besides, often recommendations on the measures to be undertaken in order to achieve the Action Plan objectives are suggested.

The above methodology was first applied for assessment of implementation of environment and sustainable development sector of EU-Georgia Action Plan in 2007-2008. The first assessment report, as mentioned above, was published by Green Alternative in the beginning of 2009. Same methodology was applied to assess the implementation in 2009-2010.

2007-2010 MAJOR TRENDS

The table below reflects major trends in the implementation of environment and sustainable development sector of the Action plan during the period of 2007-2010. The first column lists the Action Plan objectives in the field of environment and sustainable development; the second column lists percentage indicator of the fulfillment of each objective, as reflected in the previous (2009) assessment report; the third column lists the percentage indicators reflecting the results of current study.

Objectives of EU-Georgia Action plan	Indicators 2007-2008	Indicators 2009-2010
1. Strengthening cooperation with the EU	33%	35%
2. Assessing the level of EU commitment	44%	55,5%
3. Ratifying international environmental conventions and protocols	20,8%	20,8%
4. Developing plans and programs for the environment	22.2%	22.2%
5.1. Promoting the adoption of environmental legislation (water sector)	11.5%	21.4%
5.2. Promoting the adoption of environmental legislation (waste sector)	18.5%	22.2%
6. Strengthening administrative structures and procedures	26.6%	26.6%
7. Reinforcing structures and procedures to carry out EIA	16.7%	16.7%
8. Improvement of permitting and enforcement structures	54.2%	47.9%
9. Improving public information and participation	23.2%	20.8%
10. Preparing regular reports on the state of environment	13.3%	70%
11. Supporting civil society actors and local authorities	21.2%	28.2%
12. Cooperation with neighboring countries	43.5%	41%
13. Integration of environmental aspects into other sectors	5.5%	11.1%
14. Implementing the provisions of the Kyoto Protocol and UNFCCC;	44%	60.6%
15. Improving sustainability of energy and transport policy	11.1%	14%

As shown in the table above there is insignificant increase in implementation of the first objective (Strengthening

cooperation with the EU). One of the most important challenges in reaching this objective is still absence of country's European integration strategy and action plan. There is some progress in achieving the second objective (Assessing the level of EU commitment). The major factor of progress here is more transparency on the side of European Commission as well as clear prioritization of environment protection in national and regional indicative plans as well as in trans-boundary programs.

There is no progress in achieving the third objective as demonstrated by indicators. Georgia still has not made effective steps to ratify international environmental conventions and protocols. The same could be said about the objective 4. The plans and programs developed in previous years still have not been approved and hence, not implemented. No steps have been made to set up formal procedures for public participation in developing plans and programs.

The indicators show certain progress in achieving the 5th objective - Promoting the adoption of environmental legislation in water and waste sectors. Little progress can be attributed to the fact that draft regulations have been prepared in both sectors; it should be noted, though that none of them have become publicly available. Some progress in water sector is caused by developing "Water sector convergence plan of Georgia".

There is no progress at all in achieving objectives 6 (Strengthening administrative structures and procedures) and 7 (Reinforcing structures and procedures to carry out EIA). Environmental authorities are still weak and unable of eliminating the shortcomings in strategic planning; moreover, no efforts have been made to improve the situation. The Environmental Impact Assessment (EIA) system remains one of the weakest segments of environmental regulation.

Previous (2007-2008) comparatively high percentage indicators in the assessment of the 8th objective (Improvement of permitting and enforcement structures) was due to high assessment given to enforcement structures (Environment Protection Inspectorate). Respectively, slight decrease of 2008-2009 indicator is also related to enforcement structures and their inefficient planning and reporting systems. As for permitting structures, the situation practically has not changed.

There is some regression in achieving the 9th objective (Improving public information and participation) due to further decay of existing public participation procedures. No measures were taken to improve public information procedures and practice or access to justice.

Notable progress, almost 60% in the achievement of 10th objective (Preparing regular reports on the state of environment) is due to methodological support provided in the framework of the EU financed project "Support for the Improvement of Environmental Governance in Georgia". 2007-2009 National State of the Environment Report was developed within the above project (the report has not yet been approved).

Small increase in achieving 11th objective (Supporting civil society actors and local authorities) is reached due to establishment of Civil Institutionalism Development Fund in 2009 at the initiative of Georgian President; otherwise no improvement is noticeable in achieving this objective.

The situation is practically unchanged with regard to objective 12 (Cooperation with neighboring countries). In recent years exchange of information between neighboring countries happens only within international projects; the countries in the region try to avoid direct contact channels in their relations with neighboring states and interested parties. The process of development of multilateral and bilateral agreements with countries in the region, as well as implementation reports are not open to public.

Likewise objective 12, the situation has almost not changed in reaching the objective 13 (Integration of environmental aspects into other sectors). Some increase of percentages here happened due to elaboration in 2009-2010 of The State Strategy for Regional Development of Georgia for 2010-2017. Attempts were made to integrate environmental protection while developing the strategy.

Certain progress can be observed in achieving objective 14 - Implementing the provisions of the Kyoto Protocol and UNFCCC. For the first time in recent years Georgian government openly declared climate change and adaptation the national priority. In 2009 Georgia also joined "Copenhagen Accord" and made political commitment to take measures for reducing greenhouse gas emissions. In 2010 Georgia's capital city joined The Covenant of Mayors on climate change and started work on developing the national program to meet commitments of the Covenant.

Insignificant changes can be seen in achieving 15th objective. There is some progress in transport sector (mainly related to highways safety). At the same time Georgian government still does not take effective measures to develop sustainable transport policy and solve transport sector related problems (health, environment protection). Development of legislation on renewable energies and energy efficiency, and harmonization of Georgian energy sector legislation with European legislation are still pending.

Objective 1

Objective 1					
Strengthening cooperation with the EU					
This objective is not linked to specific provisions of the Action Plan. Its aim is to present a general overview of the country's commitment toward the development of its cooperation with the EU and the implementation of the ENP agreements and associated Action Plans.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Policy</i>					
1. Has a policy declaration on integration/cooperation with the EU been adopted?	x				<p>Georgia has signed the Agreement on Cooperation and Partnership with the EU. Besides Georgia has signed EU-Georgia Action Plan under the ENP aegis.</p> <p>EU integration is top priority of Georgia's domestic and foreign policy. This has been declared in the Parliament Resolution of 28 March 2003 which charges executive bodies with starting negotiations in this regard. In 2005 governmental commission was set up, co-chaired by Ministers of Foreign Affairs and for European Integration.</p> <p>The need for EU and Euro-Atlantic integration is stressed in the National Security Concept, annual governmental documents and foreign policy document of 2006-2009.</p> <p>July 2010 the first official negotiations between Georgia and EU on the Association Agreement took place. Currently negotiations on different parts of the Association Agreement are underway.</p>
2. Has a strategic policy instrument for the implementation of the Action Plan been adopted? If yes, does it have legal status?			x		<p>At 2007, 21 February government meeting, attended by President of Georgia, EU-Georgia Action Plan Implementation Plan (APIP) matrix was endorsed as a basis for the final document; the final document, though, has not been approved. Eventually, annual programs for implementation of the Action Plan are approved at government meetings; moreover, each ministry has its own plan. In 2009-2010 respective annual action programmes were developed.</p>
3. Do legislative programming instruments incorporate the adoption of legislation necessary for the implementation of the Action Plan? If yes, does it set clear deadlines?				x	<p>Action plan-matrix provided for passing appropriate legal documents and the deadlines were set. Annual strategic documents for implementation of Action Plan are more general and do not set specific timeframe, detailed description of the proposed actions, etc.</p>
4. Does the working plan of the relevant ministries integrate steps for the implementation of the Action Plan? If yes, does it set clear deadlines?			x		<p>Annual action plan-matrix is drafted by the Office of State Minister of Georgia on European and Euro-Atlantic Integration on the basis of the information provided by individual ministries. The plans of the ministries in their turn, coincide with the priorities of 2006-2009 mid-term plan. Deadlines in the action plan are usually set as "during the year", responsible body – the ministry is assigned and the source of funding (donor, budget) are indicated.</p>

<i>Implementation (general aspects)</i>				
5. Have the adopted documents been actually implemented?			x	Some activities took place, but since annual plans give very general idea about the objectives and the proposed actions, any steps made by the Government are regarded as fulfilment of its obligations.
6. Are the necessary financial resources available and effectively allocated?			x	In general, no financial resources are allocated for the program; nor is it clear how these priorities are financed from the budget. It should be noted that the plan-matrix, which, as mentioned above, has not been finally approved, identified necessary financial resources and their sources.
7. Are monitoring mechanisms in place to follow-up implementation? If yes, is the Action Plan implementation regularly and officially monitored through these mechanisms?			x	<p>The monitoring is carried out by the office of the State Minister on European and Euro-Atlantic Integration on the basis of the information submitted by individual ministries. Monitoring reports are presented to European Commission bi-yearly.</p> <p>Committee for European Integration of Georgian Parliament is hearing the government report at its public sitting.</p> <p>European Commission, on its side, prepares its progress report annually.</p> <p>It should be mentioned that no public discussions of government or the EC reports, to identify strengths and weaknesses and to consider them in future planning are taking place.</p>
<i>Institutional Aspects</i>				
8. Within the Ministry of Foreign Affairs has a department on cooperation/integration with the EU been set up?		x		<p>Governmental Commission on Georgia's Integration in the EU, headed by Georgian Prime-Minister is set up; State Minister on European and Euro-Atlantic Integration and Minister of Foreign Affairs are his two deputies. The Commission includes all the Ministers. There is also inter-agency council composed of representatives of all the ministries.</p> <p>State Minister on European and Euro-Atlantic Integration coordinates implementation of the European Neighbourhood Policy Action Plan. Departments for European Integration and Department for European Issues function within the Ministry of Foreign Affairs.</p>
9. Have government officials received training on cooperation/integration with Europe?			x	Staff of the State Minister on European and Euro-Atlantic Integration office, as well as representatives of other ministries receive trainings on different aspects of European Neighbourhood Policy. Trainings are usually organized by different European institutions as well as by member states' governments.

Objective 1

<p>10. Does the Government provide information to the public on cooperation policy and activities with the EU?</p>			x		<p>There is a website of the Office of State Minister on European and Euro-Atlantic Integration, where the information on the office activities can be found;</p> <p>Twice a year Georgian government holds high level meetings to discuss the progress in implementation of the Action Plan. These meetings are, in principle, open for NGOs.</p>
<p>11. Does the Government monitor regularly and officially the Action Plan's implementation?</p>			x		<p>Georgian government presents reports on Action Plan implementation to European Commission bi-yearly; However, in the absence of a specific time frame and indicators, these reports are ineffective; Often the ministries' information about their activities is not true.</p>
<p><i>Cooperation in the field of the environment</i></p>					
<p>12. If a policy instrument has been adopted for the implementation of the Action Plan, does it describe specific actions and deadlines for achieving environmental objectives?</p>			x		<p>In the above mentioned plan-matrix of 2007-2010 (which has not been approved) specific actions and deadlines for achieving environmental objectives were defined.</p> <p>Georgian Ministry for Environmental Protection and Natural Resources drafts annual action plan and presents it to State Minister on European and Euro-Atlantic Integration.</p>
<p>13. Do legislative programming instruments provide for the adoption of the legislation necessary for the implementation of the environmental objectives of the Action Plan?</p>				x	<p>The action plan provided for adoption of legal documents in certain areas, since no objective could have been achieved otherwise. However there is no work plan in place, which would set deadlines and ensure the adoption and implementation of legislative initiatives necessary for the Action Plan implementation.</p>
<p>14. Does the working programme of the Ministry in charge of the Environment provide for the adoption of legislation necessary for the implementation of the environmental objectives of the Action Plan?</p>			x		<p>Annual plans always contain a list of legal acts to be adopted, including the international ones. For recent two years all the plans usually include provisions for ratification of UN ECE conventions, and the 2010 plan provides for the adoption of the laws on water and waste.</p>
<p>15. Are the adopted documents implemented?</p>			x		<p>In some cases certain work has been done; for instance, draft laws or authentic texts in Georgian of international conventions are prepared, but nothing indicates that these documents will finally reach the phase of endorsement/adoption.</p>

16. Are the necessary financial resources regarding the environmental aspects of the Action Plan available and effectively allocated?			x		It is usually through donors' support that environmental aspects of the Action Plan are implemented; in other words, measures which have already been agreed upon with donor organizations are usually reflected in the plan.
17. Are monitoring mechanisms in place and used to follow-up implementation on environmental issues?			x		<p>Ministry of Environmental Protection and Natural Resources provides certain information on its activities to the Office of State Minister on European and Euro-Atlantic Integration. However, often this information is vague and not true, or is outdated. The information provided in progress reports during recent three years is almost identical, hence no progress can be detected.</p> <p>The EC progress reports usually identify the problems in the area of environment, but they do not suggest the priority actions to be conducted by the Georgian Government.</p>
<i>Country-specific questions</i>					
18. Does national legislation need to be harmonized with EU legislation?			x		<p>Article 43 of the Partnership and Cooperation Agreement between the European Union and Georgia provides that Georgia commits itself to harmonization of its legislation with that of the European Union.</p> <p>In accordance with 14 June 2001 Decree No.613 of President of Georgia "The Strategy of Harmonization of Georgian Legislation with that of the European Union" was developed and on 8th May 2004 Georgian government endorsed "National Program of Harmonization of Georgian Legislation with that of the European Union".</p>
19. Is there the European Integration Strategy and Action plan in place?				x	Taking into account, that Georgian government, at the political level, declares integration with EU is its main priority, Georgia must develop European integration strategy and action plan.
20. Has national environmental legislation been harmonized with that of the EU after signing the Action Plan?				x	No steps have been taken in this regard. Even regression can be observed in certain areas (e.g. EIA regulating legislation)
Overall assessment					
Overall assessment: Score of 0 to 60 (3x number of questions)		21			
Total Score = % of maximum score obtainable		35%			

Objective 1

Comments, explanation and recommendations regarding the overall assessment:

A letter of 2 September 2009 of Ministry of Environmental Protection and Natural Resources, which refers to Green Alternative's report published in the beginning of 2009 (Assessment of the implementation of environment and sustainable development section of EU-Georgia Action Plan in 2007-2008) reads: *"The document correctly notes that Georgian government develops ENP Action Plan implementation reports twice a year. At the same time it says that "implementation reports are based on the Ministry's information, which, unfortunately is not double-checked". It is not clear which agency should double-check the Ministry's official information. It is true that our country fails to comply with European standards in many areas, but it is not true, that ministry include incorrect and unverified information in their reports"*.

We could not find the citation which the Ministry points out in our 2009 report, but at the same time we would like to reiterate our opinion: "Ministry of Environmental Protection and Natural Resources provides certain information on its activities to the Office of State Minister on European and Euro-Atlantic Integration. However, often this information is vague and not true, or is outdated. The information provided in progress reports during recent three years is almost identical, hence no progress can be detected" (see the notes to question 17 above).

Herein we would like to quote the citation from the Action Plan implementation report for the period January-June 2008, as an example of dissemination of incorrect information; the report goes: *"The policy document on forestry financed by the World Bank within the frame of Forestry development project has been drafted and reviewed at the Ministry of Environment and Natural Resources of Georgia. Representatives of different non-governmental organisations took part during the discussion process. Various comments and suggestions have been presented"*.

It should be noted that the policy document mentioned in the above citation was being developed in the first half of 2007. 12 September 2007 Georgian Prime-Minister, while reporting to the Parliament, said that Georgian Government endorsed policy document on forestry and will present it for approval to the Parliament in the nearest future. The document has never been presented to the Parliament - neither in the nearest nor in the distant future. The government also did not pass any act in this regard. Still, the information contained in January-June 2008 report was accurately repeated in the report published in January 2009. At the same time it should be mentioned that World Bank International Development Agency funded "Georgian Forestry Development Project" was officially terminated in June 2008 and the World Bank withdrew about USD 11 million.

Unfortunately this is not the only case when Ministry of Environmental Protection and Natural Resources disseminates incorrect information through its reports; sufficient to mention the Ministry's annual performance reports.

Objective 2

Assessing the level of EU commitment

This objective is not linked to specific provisions of the Action Plan, except where it concerns EEA activities. Its aim is to present a general overview of the EU's commitment to supporting the neighbouring countries in their implementation of the ENP agreements and associated Action Plans.

Relevant text in the Action Plan:

Enhance co-operation on environmental issues; Possible participation in selected European Environment Agency activities.

Evaluation

Question	Yes			No	Notes
Grade	3	2	1	0	
<i>EC support to civil society actors</i>					
<p>1. How active is the EC in communicating and supporting civil society actions? In particular, in your activities, are the delegation officials easily accessible and ready to share information? Has the EC set up a capacity-building system and/or information mechanisms for civil society actors?</p>	x				<p>EC Delegation in Georgia is an open office; delegation officers are easily accessible; obtaining public information is easy at request.</p> <p>The information on EC Delegation activities as well as basic documents on Georgia, are accessible at the Delegation website.</p> <p>The delegation has not set up any specific capacity building programs for civil society actors.</p> <p>The Delegation officers periodically hold meetings with NGOs. They consult civil society actors known to them on specific issues. The Delegation supports civil society actions in promoting the rule of law, monitoring of the implementation of the Action Plan and in other areas.</p> <p>It can be asserted that EC actions at all levels have become more transparent; as a rule it is possible to obtain information, relevant contacts or documents about any funded project.</p>
<p>2. How active is the EC in involving civil society actors in the preparation and adoption of programs, reports, etc.?</p>		x			<p>Georgian non-governmental sector and the EC Delegation have the experience of successful cooperation, owing, in a great deal to the openness of the Delegation staff.</p> <p>Good example of the progress in this field is the fact that the EC held formal consultations with civil society actors and took notes of their comments on the Action Plan implementation and on indicative plan mid-term review process.</p> <p>When it comes to sectoral support, civil society actors, in some cases, participate in so called coordination councils, which also is a step forward.</p> <p>The impact of such consultations/cooperation will increase in future provided there are clear guidelines and the responsible body assigned to consider civil society contribution during the whole planning (programming) period, including the process of developing and reviewing national strategic document and indicative plan and, in addition, if NGOs are included in official supervising and monitoring structures.</p>

Objective 2

<i>ENPI</i>					
3. Do projects funded by ENPI address the needs of your country in order to implement the environmental objectives of the Action Plan?		x		<p>2007-2009 National Indicative Plan did not identify environment as priority sector.</p> <p>In 2009-2011 National Indicative Plan environment and sustainable development were identified as sub-priority within main priority of regional development and fighting poverty, which should be welcomed. This allows to address environment as an integrated, not a separate issue.</p> <p>Regional indicative plans and transboundary programs include development of trans-European energy networks in the region as well as fulfilment of environment objectives. In East Regional Indicative Plan sustainable management of natural resources, including water is stressed.</p>	
4. Do the environmental projects funded by ENPI under the current annual programming address satisfactorily the environmental priorities set by your country for implementing the Action Plan?			x	<p>Those are only cross-border programs, and some of the regional programs designed to address environment objectives, and this on regional rather than national level.</p>	
5. Does the share of ENPI funds allocated to environmental projects under the country programme reflect the importance of the environmental objectives of the Action Plan?			x	<p>The funds allocated under the country program reflect certain priorities of the Action Plan in the context of regional development, though the activities have not been financed yet.</p>	
6. Is ENPI funding for environmental projects available for civil society in the country? If yes, is it easily accessible (e.g. amount of grants and co-financing required, procedure, etc.)			x	<p>Only thematic environmental program is available to NGOs. This is a global program, however, which makes it difficult to assess its accessibility or effectiveness.</p> <p>Amount of grants, co-financing and coincidence of program priorities with the country's priorities are the problems, which civil sector faces.</p>	
<i>EEA Activities</i>					
7. Has the region been supported by the EU (including financially) to participate in EEA's activities? If yes, has the country benefited from this program (e.g. capacity-building, data collection)?				x	
<i>Bilateral cooperation</i>					
8. Is some form of bilateral cooperation with EU Member State(s) in place with your country in the field of the environment?	x				<p>Georgia cooperates with several countries in the field of environment; among them are Finland, The Netherlands and Germany.</p>
9. If yes, do projects funded by the Member State(s) address the needs of your country in order to implement the environmental objectives of the Action Plan?		x			

Overall assessment		
Overall assessment: Score of 0 to 27 (3x number of questions)	15	
Total Score = % of maximum score obtainable	55%	
Background information		
Question		Notes
What is the share of ENPI funds allocated to environmental projects under the previous country annual programming?		No budget support was allocated for environmental protection programs in 2009.
What is the planned share of ENPI funds allocated to environmental projects under the current country annual programming?		Full information on the funds is not available because there is no due reporting on disbursed amounts. This, however, does not mean that there are no funds allocated.
Environmental projects from which your country benefited under the previous annual ENPI programming and their amounts. If possible break down into country, regional, and CBC programmes.		According to information available on the EC Delegation website, about Euro 20 mln. have been spent for environmental protection projects in 2010, mainly for climate change, protection of the nature, waste management, water and air protection and prevention of natural disasters.
Same as above, for current annual ENPI programming.		<p>Within Black Sea Cross Border Cooperation (Black Sea CBC) project titled "Black Sea Basin Program", Euro 6.250 million has been allocated from 2008 budget for environmental protection. The tender was completed in November 2010 but the winning projects are still unknown.</p> <p>One of the main priorities of 2007-2013 ENPI regional action plan was „Improving Forest Law Enforcement and Governance (FLEG) in the ENP East countries and Russia”, under which Euro 6 million was allocated. It is difficult, though, to ascertain how much of this amount is being spent in Georgia.</p>
Projects with potential damaging impacts for the environment under the previous annual ENPI programming and their amounts. If possible break down into country, regional, and CBC programmes.		Allocation of Euro 8.5 million by Neighbourhood Investment Facility for Tbilisi bypass railway project remains problematic. Though the financing is designed to mitigate negative results that the railway construction may entail, the problem is that Facility is going to finance extremely controversial project without any prior public discussions or consultations.
Same as above, for current annual ENPI programming.		
projects from which your country benefited under the previous annual programming under the thematic programme for the environment and sustainable management of natural resources, including energy (ENRTP). Their amounts.		

Objective 2

Same as above, for the current annual programming.		
Does your country benefit from capacity building and technical assistance programmes (e.g. TAIEX, twinning, participation in EEA activities) in order to address environmental issues in the country?		In 2011 Ministry of Environmental Protection and Natural Resources will start “twinning” program in the field of waste management.
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>The role of the EU in prioritization of environment has significantly increased for recent two years. This, on the one hand is due to the implementation of a range of regional programs and, on the other hand to the preparatory period before starting negotiations on extended and deep trade agreement between Georgia and the EU. Besides, as it was mentioned above, about Euro 20 mln was spent for environmental projects in 2010, which played its positive role in demonstrating to Georgian Government the importance of environmental protection.</p> <p>Generally, the procedures of information dissemination by the EU, as well as routine publication of the documents on different projects and programs have improved. The same could be said about dissemination of special information materials about programming, the news and EU processes, etc. Specially designed websites, such as www.enpi-info.eu and others should also be noted. The projects have improved publication of their information on special websites.</p> <p>As most of the funding is designed for so called budget support it is essential that the EC more actively involves civil society in project preparation (e.g. development of indicators) and project implementation processes, recommends civil society actors to so called joint monitoring groups.</p> <p>It should be noted that in 2008-2009 Ministry of Finance of Georgia regularly published the information (charts) regarding international funding following the events of August 2008 and international agreements including those with the EU; After June 2010 the agreements are no more available on the Ministry’s website. It should be kept in mind that the more transparent are the relations between the EU and the recipient country, the easier will be monitoring of agreement. Hence it is very important that all the EU-national government agreements be published.</p>		

Objective 3					
Ratifying environmental international Conventions and Protocols					
Relevant text in the Action Plan:					
Enhance co-operation on environmental issues; Implement provisions under the Kyoto Protocol and the UN Framework Convention on Climate Change including through the active cooperation under the Clean Development Mechanism.					
Participate actively in the Danube – Black Sea Task Force and the Black Sea Commission to implement a trans-boundary approach to water management; ensure active participation in the Eastern European, Caucasus and Central Asia component of the EU Water Initiative.					
Ratify relevant UN-ECE Conventions on the environment.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Adoption of an international agreement</i>					
1. Has the convention/agreement/protocol been ratified since signing the AP?				x	
2. If not, has the Government taken steps to initiate the ratification procedure?				x	
<i>Implementation of the international agreement</i>					
3. Has legislation been adopted or adapted to implement the requirements of the international agreement? If yes, does it address satisfactorily the obligations set out in the agreement?				x	
4. Have other steps been taken to implement the international agreement?			x		Some steps have been taken to implement the Convention on Climate Change; otherwise practically no progress can be observed.
5. Is there a reporting system for the implementation of the international agreement in place in your country? If yes, has the country already reported on the implementation of the agreement?			x		There is no unified reporting system for the implementation of the international agreements in place. Ministry of Environmental Protection and Natural Recourses is reporting in accordance with the reporting requirements established under the conventions. From time to time these reports are made publicly available, for example, in the end of 2010 progress report on implementation of Aarhus Convention on Access to information, public participation in decision-making and access to justice in environmental matters was prepared. The draft report was available for public discussion.

Objective 3

6. Does the competent authority (focal point) have enough resources and competence to take measures for the implementation of the agreement?			x		Usually, a medium or high level official of Ministry of Environmental Protection and Natural Resources is appointed as focal point for one or another convention.
<i>General questions on international agreements</i>					
7. Has the country committed to ratifying other environmental Conventions and/or agreements not mentioned in the Action Plan?		x			25 September 2008 Cartagena Protocol on Biosafety was ratified. On 31 December 2008 the Bern Convention on the Conservation of European Wildlife and Natural Habitats was ratified.
8. When relevant, was the country found to be in non- compliance with any of the international agreements adopted, and in particular, by treaty bodies?				x	This has never happened. Alternative report on implementation of the Aarhus Convention is planned to be presented to the Meeting of the Parties to Aarhus Convention in 2011. Civil actors also plan to log complaints with Compliance Committee of the same convention.
Overall assessment					
Overall assessment: Score of 0 to 24 (3x number of questions)	5				
Total Score = % of maximum score obtainable	20.8%				

Objective 4					
Developing plans and programmes for the environment					
Relevant text in the Action Plan (including any specific plans or programmes identified):					
Develop framework legislation and basic procedures and ensure planning for key environmental sectors, air quality, water quality, waste management, nature protection.					
Implement existing national plans and programmes (e.g. on integrated coastal zone management, forest management, and water management).					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Preparation and adoption</i>					
1. Have relevant plan(s) or programme(s) been prepared since the AP was signed?			x		<p>In the previous assessment it was mentioned that in 2007, with UNDP assistance, Ministry of Environmental Protection and Natural Resources finalized preparation of the second National Environmental Action Programme for 2008-2012. In the end, the document was not adopted due to the criticism towards the methodology and the contents of the document. Another reason was absence of formal procedures for reviewing and adoption of the document.</p> <p>In 2010, this time with financial support of The Netherlands' government, Ministry of Environmental Protection and Natural Resources continued working on second national programme. Now it is being developed for 2011-2015. At this stage it is unknown whether the programme has been finalized.</p> <p>In previous assessment it was also mentioned that despite the plans, Ministry of Environmental Protection and Natural Resources did not take effective measures to develop national strategy and action plan for waste management. Nor within this reporting period the Ministry took any significant steps in this direction. What is clear now is that in 2011 the project designed for the improvement of waste management sector will be launched with the EU financial assistance. The project implies, among other activities, certain actions in the area of waste management planning.</p>
2. Have these plan(s) or programme(s) been officially adopted at ministerial or government levels?				x	<p>None of the documents mentioned in previous assessment (second national environmental action programme, national strategy and action plan for protected areas, action plan for persistent organic pollutants (POPs), strategy for integrated coastal zone management, national forest policy) have been formally approved.</p>

Objective 4

<i>Process</i>				
3. Did ministries in different sectors e.g. transport, industry, energy, health, play an active role in preparing the plan(s) or programme(s)? In particular, did the Ministry of the Environment play a significant role in the development of the plan(s) and programme(s)?			x	<p>The process of developing of all the above mentioned strategies, programs and plans was led by Ministry of Environmental Protection and National Resources, with the assistance of external experts and the donors' financial support.</p> <p>To date Georgian legislation does not provide for the procedures for developing and adopting national, regional and/or sectoral strategies, plans and programs. In general, no legislation to regulate the planning is in place.</p> <p>There is certain practice of circulating draft strategies/programs/plans among different authorities occasionally followed by consultative meetings. Hereby it should be mentioned that the interest to such documents is usually not very high, because they are almost never approved (permanently postponed, rather) and even if they are approved, are seldom implemented. This happens due to uncertainty with regard to their legal status and their place in the budgetary system. Lack of interest on the side of public authorities and other stakeholders may also be attributed to low sense of ownership at the ministries responsible for developing such documents.</p>
4. Did local and regional governments play an active role in preparing the plan(s) or programme(s)?			x	<p>The practice of involvement in developing strategies, programs and plans does not always apply to local governments. Local governments are seldom invited to participate in preparatory processes, neither are they asked the opinion.</p>
5. Did society stakeholders in different sectors (environmental NGOs, industry, others) play an active role?			x	<p>In general, different stakeholders play some role, but their participation is rather sporadic.</p> <p>As for second National Environmental Action Programme, according to Ministry of Environmental Protection and Natural Resources, different ministries, NGOs and other stakeholders actively participated "re-developing" the plan. This is not true – draft plan became accessible to civil society actors only in mid-July 2010 (the period of summer holidays) and three weeks deadline was set for submitting the comments. No other draft was accessible publicly; neither have any public consultations been held to date.</p>
<i>Content</i>				
6. Do(es) the plan(s) or programme(s) clearly define responsibilities for their implementation?			x	<p>Seldom. Even if they do, it would be difficult to understand how binding are the obligations provided in the plans and documents due to uncertainty of their legal status.</p>
7. Do(es) the plan(s) or programme(s) include a clear and realistic financial plan that identifies resources, requirements and ways of meeting them?			x	<p>Seldom. If they include financial plans, then these plans are more focused on donors' support than mobilizing budgetary resources.</p>

8. Do(es) the plan(s) or programme(s) set priorities for action?			x		They do, in some cases.
9. Do(es) the plan(s) or programme(s) provide monitoring and evaluation mechanisms?				x	
If so, are the monitoring systems in place? If yes, are these being used?					The question is not relevant for Georgia
<i>Implementation</i>					
Have steps been taken to implement the plan(s) or programme(s)?					The question is not relevant for Georgia
Have the planned resources been allocated?					The question is not relevant for Georgia
Overall assessment					
Overall assessment: Score of 0 to 27 (3x number of questions)		6			
Total Score = % of maximum score obtainable		22.2%			
Comments, explanation and recommendations regarding the overall assessment:					
<p>As is evident from the above information, plans and programs have been developed in certain areas for recent years. Though, it remains unclear, what their role in overall national planning system would be, partly because these plans and programs are never formally approved/endorsed; the same explanation can be applied to lack of the sense of ownership among the authorities, who are supposed to use plans or programs as a guideline in their activities. Lack of the sense of ownership in different public institutions, on its side, causes lack of public interest to the documents in the process of preparation. As a result limited, but still the opportunity of public participation in the decision-making is lost. Frequent change of governmental priorities, as well as changes of leadership in the authorities also results in lack of a sense of ownership.</p> <p>Public and/or interested parties' involvement in the development of plans and programs remains problematic. Transparency and participation are ensured, to certain extent, only when programs are implemented with the support of donors or international organizations. Though Georgia joined Aarhus Convention already in 2001 and it takes precedent validity with respect to national regulatory documents, transposition of its provisions into national legislation never took place. Accordingly, due to absence of specific procedures on access to information and participation in the decision-making, the requirements of Article 7 - public participation concerning plans, programs and policies relating to the environment - cannot be fulfilled.</p> <p>The situation could be partly improved by passing the law on environmental planning. Developing and passing of this law should have taken place immediately after the adoption of framework-law on Environment Protection in 1996; one of the articles of the latter sets out general norms of environmental planning, which should have been further itemized in the specific law.</p>					

Objective 5.1

Objective 5.1					
Promoting the adoption of environmental legislation (water sector)					
Relevant text in the Action Plan:					
Develop framework legislation and basic procedures and ensure planning for key environmental sectors, air quality, water quality, waste management, nature protection.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>General</i>					
1. Has the required new legislation or amendment to legislation been adopted?			x		Draft framework law on water has been prepared ¹
2. Have the main principles and features of the relevant EU legislation been well identified?		x			National Harmonization Program identifies the EU directives, which Georgian legislation on water should be harmonized with. Convergence plan for Georgian water sector was prepared within EU financed "Cooperation for protection of Black Sea environment" project.
3. Has a satisfactory analysis of the relevant national legislation and institutional arrangements been conducted in order to determine to what extent it integrates the EU principles and features?		x			Analysis of Georgian water legislation and institutional framework was conducted within the EU project on "Cooperation for protection of Black Sea environment" in order to identify to what extent it is in line with EU legislation. On the basis of this analysis Convergence plan for Georgian water sector was developed.
4. Has a satisfactory economic assessment of implementation costs been carried out?				x	
<i>Legislation or draft legislation content</i>					
5. Have all the terms been clearly defined in line with EU definitions?			x		There is a range of terminological inconsistencies ³
6. Are the rights and obligations of those to whom the legislation applies clearly defined?			x		The existing legislation, in a number of cases, does not strictly separate or clearly define the functions of national authorities, authorities of autonomous republics and local governments, for instance, in the field of control of water use and protection.
7. Are the different provisions of the legislation consistent with each other?			x		Recent changes and amendments to Georgian water legislation were incomplete and fragmented, which led to inconsistency and contradictions of the law.
8. Are the provisions of the legislation consistent with other related legislation (e.g. the Framework Law on Environment Protection)?				x	As a result of recent reforms the water legislation became absolutely inconsistent with existing licensing and permitting system, Georgian tax code and other sectoral laws.

9. If not, have amendments necessary to ensure such consistency been adopted or prepared for adoption?				x	No necessary amendments have been adopted.
10. If the full implementation of the legislation necessitates the adoption of secondary legislation, are such measures likely to be adopted on time?				x	According to the Law on Water in force, some 26 by-laws should have been adopted, but these by-laws are not even drafted.
<i>Water legislation (Water Framework Directive)</i>					
11. Does the legislation provide for a river basin approach?				x	The draft law provides for it.
12. Is the process of identifying river basin districts (RBD) clearly set up?				x	
13. Have RBDs been set up?				x	River basins or river basin districts have not been formally identified as basin management units, though certain recommendations within different projects were proposed.
14. Are satisfactory administrative arrangements provided within each RBD?				x	
15. Is coordination between the competent agencies properly ensured?				x	
16. Do appropriate cooperation procedures and structures exist for cooperation with other countries when RBDs extend beyond the territory of the country?				x	
17. Does the legislation provide for river basin management plan, including a programme of measures to ensure achievement of good water status?				x	
18. Does the legislation provide for public consultation for the development of river basin management plans?				x	
19. Does the legislation provide for the classification of water bodies in line with the classification set up in the WFD?				x	Georgian water legislation, unlike respective EU legislation does not provide for classification of water bodies in accordance with ecological status. ⁴

Objective 5.1

20. In this case, does it provide for the designation of water bodies according to this classification?				x	
21. Does the legislation provide for and define environmental objectives?		x			The existing legislation aims at protection of water bodies and water resources management in accordance with sustainable development principles. ⁵
22. Are water quality objectives already set up by EU legislation integrated in national legislation?			x		Only drinking water quality objectives have been updated. ⁶
23. Are emission limit values already set in EU legislation integrated in national legislation?			x		Environmental technical regulations have been adopted. ⁷
24. Does the legislation provide for prior authorisation or regulation with emission controls for point source discharges?			x		This is regulated by the Environment Impact Permit, though existing permitting system is ineffective and needs to be improved.
25. Does the legislation provide for prior authorisation for abstraction and recharge of surface and groundwater?			x		Use of groundwater is regulated by the license for mining.
26. Does the legislation prohibit the direct discharge of dangerous substances into groundwater?	x				There is no direct provision for it in the legislation, though it is provided by Georgian Law on Minerals and Law on Water.
27. Does the legislation provide for measures to prevent or control diffuse pollution?				x	There are practically no mechanisms to control diffuse pollution.
28. Does the legislation provide for water monitoring programmes?			x		National Environmental Agency conducts regular monitoring in accordance with the approved plan. However, so far there are no monitoring programs with set deadlines in Georgia, which would fit the requirements of the EU directives. ⁸
Overall assessment					
Overall assessment: Score of 0 to 84 (3x number of questions)	18				
Total Score = % of maximum score obtainable	21.4%				

Comments, explanation and recommendations regarding the overall assessment:

¹ Georgian water legislation is fragmented and often contradictory. It does not provide for application of international methods of water management, like integrated management of water resources on the basis of basin management unit. The Law on Water is practically invalid as it is inconsistent with existing environmental licensing and permitting system, Georgian Tax Code and other sectoral laws.

New draft framework law on water is ready now. Unlike existing law, new framework law covers all types of water bodies, including groundwater. It provides for both quantitative and qualitative aspects of water, ensures water management based on river basins and other aspects of integrated water management. Adoption of this law would be a major progress in terms of bringing Georgian legislation into line with respective EU legislation. No public discussions on the draft law have been offered yet, the government has not discussed it either and therefore it earned the score 1.

² December 2009, in coordination with Ministry of Environmental Protection and Natural Resources, Georgian Water Sector Convergence Plan was developed within legislative component of the EU project "Cooperation for the protection of Black Sea environment". This is a guideline document to bring Georgian water legislation in line with appropriate EU directives. It contains appropriate action plan and implementation deadlines. With consideration of priorities, needs and resources of Georgian water sector and the pledges within the ENP, four priority directives were selected for the convergence plan: water framework directive (2000/60/EC); directive on assessment and management of flood risks (2007/60/EC); bathing water directive (2006/7/EC) and directive on urban wastewater treatment (91/271/EEC).

³ Terminology used in Georgian water legislation is not in line with definitions of EU water directive. For example, there is no definition or is wrong interpretation of such terms as inland waters, transient waters, modified water bodies etc. in Georgian legislation. Besides, there are no definitions for water status, e.g. good water status (surface waters and groundwater); ecological status; groundwater status; priority substances, direct discharge into groundwater; good chemical status of surface water and groundwater; available groundwater resources; river basin, sub-basin, basin district, etc. Most of these terms are included in new draft law.

⁴ European legislation provides for classifying water bodies by their ecological status. For example high, good and medium ecological status is set for surface waters. Quantitative and chemical status are set for groundwater. Status for each type of water body is established on the basis of the content of biological, hydro-morphological, physical, chemical and other elements. Georgian legislation in force does not recognize such classification system. However, new draft law on water includes such concepts as water status and ecological status.

⁵ Georgian Law on Water aims at protection of water bodies and water resources management based on sustainable development principles. It should be noted that unlike European water legislation, Georgian legislation is not task-oriented or result-oriented. No specific, feasible tasks are set forth; e.g. to ensure good status of water within specific timeframe.

⁶ Georgian legislation provides for qualitative standards for water of which only qualitative standards for drinking water have been streamlined in accordance with international standards.

⁷ Emission limit values are set in Georgian legislation and they are calculated on the basis of qualitative standards of water status. Emission limit values for the enterprises that need Environment Impact Permit are established in the process of environmental impact assessment. Enterprises that do not need Environment Impact Permit must just meet the requirements of environmental technical regulations. Qualitative standards for water status have not been updated (except for drinking water). Environmental technical regulations do not allow taking into account the basic situation, sensitivity of the territory or cumulative effects.

Objective 5.2

Objective 5.2					
Promoting the adoption of environmental legislation (waste sector)					
Relevant text in the Action Plan:					
Develop framework legislation and basic procedures and ensure planning for key environmental sectors, air quality, water quality, waste management, nature protection.					
Evaluation					
Question	Yes			No	Note
Grade	3	2	1	0	
General					
1. Has new legislation been passed, or have there any amendments been made to the existing one to meet the requirement.			x		It is known that draft law on waste has been prepared; but it has never become publicly available or widely discussed.
2. Were basic principles and parameters of appropriate European legislation well identified?			x		National Harmonization Program identifies the EU directives, which Georgian waste legislation should be harmonized with. It is also known that while developing draft law on waste basic principles of appropriate EU legislation were identified.
3. Was adequate analysis of respective National legislation and institutional structure carried out, in order to identify whether EU principles and characteristics are integrated there?				x	
4. Was adequate economic assessment of expenses carried out?				x	
<i>Legislation or draft legislation content</i>					
5. Are the terms consistent with EU terminology?			x		As the law on waste has not been passed yet, most of waste terminology is not identified yet.
6. Are the rights and obligations of responsible authorities strictly identified?			x		Due to absence of national legislation on waste, except for household waste, which is within the competence of local authorities, responsibilities for management of other waste streams have not been identified.
7. How consistent various pieces of legislation are?			x		There are inconsistencies and discrepancies since waste legislation is outdated.

8. Are the legislation articles consistent with other related legislations? If not, were necessary amendments introduced or developed in order to ensure consistency?			x		No changes to waste legislation were introduced alongside with certain legal and institutional changes, which entailed inconsistency with other sectoral legislation ¹ .
9. If adoption of by-laws is necessary for full implementation of the law, are they adopted timely?				x	
Waste legislation					
10. Is national waste management policy well designed and/or is there a law on waste management?				x	
11. Are waste management institutional structure issues and tasks and obligations of responsible bodies well designed?			x		Due to absence of national legislation on waste, the competencies are not clearly identified.
12. Is there a clear waste classification system, which would be consistent with classification provided for in EU legislation?				x	
13. Does the legislation provide for unambiguous and clear definition of hazardous waste? Does the legislation provide for developing hazardous waste management plan?			x		The definition for hazardous waste is provided in the Law on transit and import of waste on the territory of Georgia. There are no hazardous waste management plans in place.
14. Does the legislation provide for and regulate the placement/ recycling/transportation of hazardous waste issues?			x		The law regulates transit and import of hazardous waste, no disposal or recycling regulations are in place.
15. Is there legislation on transboundary movements of hazardous waste in place?	x				Is regulated by Basel Convention.
16. Is there legislation on waste oil in place?				x	

Objective 5.2

17. Does the legislation provide for adequate and effective regulations for the waste storage/ recycling? Are there any arrangements in place to safeguard that waste disposal/ recycling does not endanger human health and that methods are not used, which would cause adverse impact on the environment?				x	
18. Are there any standards set with regard to waste disposals, the site, conditions, management, control and conservation issues, as well as with regard to protective measures to prevent environment impact risk for both short-term and long-term perspectives (including groundwater pollution risks)?			x		Legal acts in force are outdated and do not provide for modern approaches of landfill arrangement ² .
19. Is there a list of types of waste allowed or prohibited to be placed at waste disposals?				x	
20. Does the legislation provide for arrangements aimed at reduction of methane at waste disposals?				x	There are no obligations under the law in this regard; however, collection of methane is envisaged when new sanitary landfills were designed.
21. Does the legislation provide for the arrangements for sorted waste collection, recycling, recycling biodegradable waste?				x	
22. Do waste storage or recycling procedures need environmental protection permit?	x				
23. Are the agencies, responsible for waste storage/recycling required to keep records of such waste characteristics, as quantity, substance, origin etc.?				x	There are no obligations under the law in this regard; however, Tbilisi, e.g., keeps records of household waste.
24. Does the legislation provide for periodic control by appropriate authorities of the agencies, responsible for waste removal/ movement/ storage/ recycling?				x	It is planned from 2011 that Environmental Protection Inspectorate enhances its control over permitted entities, including those related to waste management.
25. Are there any appropriate arrangements in place to prohibit leaving, throwing or uncontrolled placement of waste?		x			Punishable under the Code of Administrative Offences ³ .
26. Does the legislation provide for implementation of "the polluter pays" principle?				x	

27. Is there a legislation that provides for biological recovery and energy processing of waste?				x	
Overall assessment					
Overall assessment: Score of 0 to 81 (3x number of questions)	18				
Total Score = % of maximum score obtainable	22.2%				
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>¹ Order No. 36/n of 24 February 2003 of Ministry of Labour, Health and Social Protection on “Approval of sanitary regulations and norms for establishment and operation of municipal solid waste landfills” mentions regulatory authorities that no longer exist.</p> <p>In the Law on Environmental Protection principles of waste management, such as “cleaner production”, “waste minimization principle” “the polluter pays” “recycling principle” are mentioned. Besides, obligations and incentives for waste minimization are listed; however, these principles are not reflected in the legislation.</p> <p>² The existing legal document on establishment and operation of municipal solid waste landfills - Order No. 36/n of 24 February 2003 of Ministry of Labour, Health and Social Protection on “Approval of sanitary regulations and norms establishment and operation of municipal solid waste landfills” - is outdated and does not provide for modern requirements for waste treatment and final disposal.</p> <p>³ Georgian Code on Administrative Offences sets penalties for inappropriate disposal of the household and construction waste; for violation of the rules for maintaining cleanliness and order in big cities and other communities; for lack of care for the surrounding territory, etc.</p>					

Objective 6

Objective 6					
Strengthening administrative structures and procedures					
Relevant text in the Action Plan: Strengthen administrative structures and procedures to ensure strategic planning of environment issues and co-ordination between relevant actors.					
Evaluation					
Question	Yes			No	Note
Grade	3	2	1	0	
<i>At the national level</i>					
1. Are the responsibilities of the Ministry in charge of environment clearly defined?		x			<p>Ministry of Environmental Protection and Natural Recourses carries responsibility for all environmental issues; however, there are issues, where the Ministry shares responsibility with other ministries (e.g. Ministry of Health, Ministry of Agriculture, Ministry of Economy and Sustainable Development, Ministry of Interior) and/or with local authorities. Distribution of responsibilities between these institutions is not always clear; besides, there are areas (e.g. certain aspects of waste management, genetically modified organisms, invasive species) which do not fall under any agency's responsibility.</p> <p>In the end of 2010 President of Georgia, while commenting on the arrest on corruption charges of one of Ministry of Environmental Protection and Natural Resources officials (head of forestry agency), charged Georgian government with developing the plan of reorganization of the entire Ministry³. It is not clear at this stage how the functions between the state agencies will be redistributed and whether Ministry of Environmental Protection and Natural Resources will exist at all.</p>
2. Are structures of cooperation with other governmental authorities sufficient and effective?			x		There are legally binding procedures to ensure consultations between governmental agencies in the process of developing legal acts (e.g. the initiator agency should seek for the consent of other agencies). These procedures however apply only to legal acts and they are not sufficiently effective.
3. Have resources been increased since signing the AP in order to ensure that the national authorities can carry out their mission?			x		Funding of Ministry of Environmental Protection and Natural Resources from the state budget is increasing gradually; however, its share in GDP reduced from 0.2% to 0.1% (the government's mid-term strategy for 2007-2010).
<i>At the regional/local level</i>					
4. Do regional/local authorities have competences for environmental issues? Is the distribution of competences between national and regional/local authorities clearly defined?					Despite very positive assessment by the government of local government reforms and decentralization, in the absence of focused and coherent strategy of decentralization, central government refrains from delegating competencies to local governments under the pretext of lack of competencies at the local level and local corruption. Despite this contradictory approach by central authorities, one can see attempts by local governments to lobby local interests in the "center".

³ See Georgian President's speech at 17 December 2010 government session in Sataplia reserve: http://www.president.gov.ge/index.php?lang_id=ENG&sec_id=228&info_id=5970

			x	<p>In general Georgian legislation recognizes subsidiarity principle with regard to distribution of functions related to environmental protection and natural resources management. However, this principle has never been applied in practice. The Law on Local Self-Governance confers certain powers on them to deal with environmental issues, but the provisions of the law are very general and rather declarative, the same as media-specific environmental legislation. At present all decision-making power is concentrated at Ministry of Environmental Protection and Natural Resources (sometimes coordinated with other agencies; see above).</p> <p>The situation is slightly different in case of natural resources management. Now, after changes made during last years, the local units of the central authorities, Adjara Autonomous Republic and local governments are entitled to issue consent on firewood and timber material for private use (the government of Adjara Autonomous Republic was also given the right to issue extraction licenses for certain types of minerals of local importance).</p> <p>The above reforms were introduced to address the conflict situation, which emerged as a result of strong centralization of power after Rose Revolution, followed by restriction of access to natural resources for local communities. It should be noted that these changes are not reinforced in Adjara Autonomous Republic or local (self-governance level) legislations⁴.</p>
5. Have resources been increased in order to ensure that the authorities can carry out their mission since the signing of the AP?			x	At some municipalities funding for improving local waste management systems has slightly increased.
<i>Strategic Planning</i>				
6. Is there a strategy in place or planned for the environment? If yes, is it of good quality?			x	<p>No strategy for the environment is in place or planned. Strategy developing commitments are not provided in Georgian legislation⁵.</p> <p>July 2009 Ministry of Environmental Protection and Natural Resources held a meeting for donor community and selected NGOs, to present the Ministry's strategy and action plan for 2009-2013. The following aspects should be taken note of here: the documents were presented as "the country's priorities for the environment during next 5 years" and not as the priorities of one particular agency⁶; the strategy and the plan had not been publicly discussed neither before nor after the meeting (though several disputable issues arose during the presentation); the Ministry itself never reverted to these documents (monitoring, reporting, etc.).</p>
Have steps been taken to implement the strategy?				Question is not relevant for Georgia.
Is the strategy being regularly revised (e.g. three yearly)?				Question is not relevant for Georgia

⁴ Forest management issues on the territory of Adjara Autonomous Republic were relatively settled after adoption of appropriate act by local government in the end of 2010 (7 December 2010 Resolution No. 56 on Forestry Management).

⁵ Article 15 of the framework Law on Environment Protection of 1996 provides for basic elements of environmental planning system. These are: country's sustainable development strategy, national (5 years) environmental action program, regional, sectoral and local environmental programs and environmental management plans for facilities. Such planning system does not imply developing strategy for the environment. These deficiencies are made up, to some extent, by second National Environmental Action Program for 2011-2015 under development (see also objective 4), which implies some strategy elements.

⁶ See Ministry of Environmental Protection and Natural Resources performance report for 2009 and the Minister's presentation.

Objective 6

7. Are there sector-specific strategies to support the overall strategy?			x	There are sector-specific draft strategies in certain fields, but not approved to date. Also see notes to "Objective 4".
8. Are there procedures such as consultation procedures between ministries/authorities in place? if so, are these use?			x	There are no such procedures in place. The form and intensity of the consultations, in each particular case depend on good will of the leading agency.
If yes, is the role of the Ministry of Environment or environmental authorities important in these procedures?				Question is not relevant for Georgia
9. Are there formal procedures in place to facilitate coordination between the authorities and other relevant actors (civil society, the scientific community)?			x	There are no formal coordination procedures between the authorities and other interested parties.
10. Has cooperation between the different actors improved since the signing of the Action Plan?			x	<p>The cooperation between different actors has not significantly improved during recent years. This may be partly due to lack of transparency and accountability of the authorities. The government, including Ministry of Environmental Protection and Natural Resources, pretends to be interested in debates. But civil society is sceptic about sporadic "openness" in the absence of well developed formal democratic procedures and democratic institutions.</p> <p>2010 summer public discussions on constitutional changes would serve a good example of the above. Despite the fact that civil society actors insisted on continuing the consultation, the changes were presented to the Parliament hastily and there it did not take long to adopt them. It should be mentioned herewith, that the draft presented for public discussions did not envisage any amendments to Article 37 of the Constitution (paragraphs 4 and 5 directly refer to commitments to ensure sustainable development, safe environment and public access to environmental information). As it became evident later, this article also underwent changes without prior public discussions.</p> <p>Ministry of Environmental Protection and Natural Resources also demonstrated some openness in the process of developing all-inclusive Environmental Protection Code. Both, general and thematic meetings were held but in second half of 2010 the process slackened and to date it is not clear whether the adoption of the Code remains the Ministry's priority.</p> <p>Another good example of "selective" openness is 2009-2010 amendments to forestry legislation. August 2009 amendments were introduced into the forest management legal act which allowed for public participation in decision-making on auction sale of forest management licenses⁷. The amendments were introduced on the basis of public consultations, which really was</p>

⁷ 19 August 2009 amendments to Georgian government regulation No.132 of 11 August 2005 on approving rules and terms of issuing forest management licenses.

					an exception from recent practice. It should be mentioned that the amendments entered in force 1 January 2010 and in about one and a half month another amendment was introduced therein, according to which enactment of specific norms of public participation was postponed to 1 January 2011 ⁸ , i.e. the norm remained in force only for 1.5 month and had never been applied. The latter change had never been publicly discussed as it was the case in 2009. Moreover, no public consultations were held over such an important decision as changing status and functions of forestry department – one of the structural units of the Ministry.
Overall assessment					
Overall assessment: Score of 0 to 39 (3x number of questions)					8
Total Score = % of maximum score obtainable					26.6%
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>Environmental institutions have existed in Georgia for years, but there is no political will in the country to confer real powers on them. This entails a neglect of environmental concerns when making important decisions. Recent years could in short be characterized as follows: very high rate of turnover of management of Ministry of Environmental Protection and Natural Resources; endless structural changes without prior efficiency study of previous changes; dismissal of the old staff and recruitment of new, mostly incompetent and inexperienced personnel; lack of responsibility or commitment to the decisions of previous management at all levels – starting from the Minister and ending with average civil servants that in addition do not have any motivation to improve performance.</p> <p>The situation is exacerbated by frequent structural changes of executive authorities resulting either in creation of a new agency, abolition of the old one or just changing the title of the existing agency. The fact, that these changes are not part of long-term (at least 5 years) strategy, publicly declared and known to the agency “under reform”, is also a matter of concern. The expectation for “reforms” usually becomes more stressful after the President publicly (on TV) scolds the management of one or another agency. Fear of the reforms and uncertainty about the future practically paralyze the agency and causes inaction, slow decision-making and reluctance to carry out routine responsibilities.</p>					

⁸ 19 February 2010 amendments to Georgian government regulation No.132 of 11 August 2005 on approving rules and terms of issuing forest management licenses.

Objective 7

Objective 7					
Reinforcing structures and procedures to carry out EIA					
Relevant text in the Action Plan: Reinforce structures and procedures to carry out environmental impact assessments.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>General</i>					
1. Does the existing legislation require EIA for activities likely to have a significant impact on natural resources and the environment? If not, is the adoption of such legislation planned?			x		<p>Legislation for Environment Impact Assessment (EIA) has not undergone significant positive changes (below are some of the changes therein).</p> <p>The following issues in EIA legislation remain problematic:</p> <p>(a) The current EIA legislation requires certain activities to be subject to EIA before approval, i.e. before granting the Permit for the Impact on the Environment. However, criteria for selection of activities is not clear; it is not clear at all if activities that are subject to EIA have at all impact on environment and human health or not, to say nothing of significance of the impact. Strangely, the law simply lists the activities that are subject to State Ecological Expertise, i.e. reviewing EIA reports submitted by project developers.</p> <p>(b) the law gives exhaustive list of activities subject to EIA; the list does not include such activities/projects as for instance, mining, nuclear power stations, agricultural and food industries, wood, paper, leather and textile industries, certain types of infrastructural projects (these activities used to be subject to EIA till the adoption of the Law on Licenses and Permits in 2005). The current list of activities subject to EIA does not comply with Annex I of the Council Directive 85/337/EEC and Annex I of Aarhus Convention. The law also does not include open-ended provision on activities that may be subject to EIA as it is foreseen under the Council Directive 85/337/EEC (Annex II activities).</p> <p>(c) EIA is applicable to private projects/activities listed in the law. Public (state-owned) projects are exempt from EIA, while the majority of the activities listed in the law can in principle be implemented only by the public institutions. Furthermore, The Law on State Support to Investments makes possible for any person to start implementation of activity without conducting EIA and obtaining permit on condition that he/she will fulfil these obligations in the future.</p>
2. Is the EIA process linked to enabling and condition setting?			x		<p>EIA process is not a part of granting the development consent. There is no such notion in the Georgian legislation.</p> <p>EIA reports are submitted to the Ministry of Environmental Protection and Natural Resources for reviewing (State Ecological Expertise). The result of the review can be either positive (with or without conditions) or negative conclusion. The positive conclusion is attached to the permit for the impact on the environment; i.e. conditions set out in the conclusion automatically become permit conditions. Commencement of activity listed in the Law on Permit for Impact on the Environment without permit is forbidden.</p>

					In some cases, EIA process is linked to the process of granting the construction permit (in case activities listed in the law also require construction permit). In such case, EIA reports are submitted to Ministry of Economic Development (authority that is entitled to grant construction permit) which in turn transmits reports to the Ministry of Environmental Protection and Natural Resources for review. Positive conclusion of the State Ecological Expertise in such case becomes part of the construction permit, i.e. it becomes condition to construction permit. The permit for impact on the environment is not required in this case.
<i>Structures</i>					
Are responsibilities clearly defined and distributed between the national and local/regional governments?					Question is not relevant for Georgia. The regional (Adjara Autonomous Republic) and local governments do not have any role in EIA system (neither in decision-making nor in the follow-up). The decisions on granting the permit on the activities defined by the Law on Permit for Impact on the Environment are taken by the Ministry of Environmental Protection and Natural Resources exclusively.
3. Is the capacity of the regulatory authorities sufficient?			x		No, absolutely insufficient.
<i>Procedure</i>					
4. Are criteria and procedure for defining which activities are subject to EIA clearly established?			x		No, they are not. In many cases activities are listed without thresholds, thus putting excessive burden on the Ministry of Environmental Protection and Natural Resources and the developers of small and medium size projects which have no significant environmental impacts.
5. Does the procedure in place provide for a preliminary screening stage to decide if an EIA is required for the proposed project?				x	So far Georgian legislation does not provide for screening procedure.
6. Does the procedure in place provide for a scoping stage to identify the potential significant impacts and the main alternatives to assess?				x	So far Georgian legislation does not imply any provision on scoping.
7. Is the information to be provided by the developer in the EIA clearly established e.g. through setting the minimum content of the EIA?				x	It was mentioned in the previous assessment report that the regulation setting minimum content requirements for EIA was annulled by 14 December, 2007 Law on Permit for the Impact on Environment. The law required the Ministry to develop new regulation before 1 January 2008 in order to ensure full operation of law upon its enactment (1 January 2008). In the end, it was adopted with 14 months delay, 9 March 2009; it is inferior and not much different from its predecessor.
8. Are consultation procedures with authorities likely to be concerned by the project in place and well applied?				x	Such procedures are not in place still.

Objective 7

9. Does the legislation clearly require the relevant country authorities and stakeholders to be informed in the case of probable trans-boundary impacts?				x	Such requirements do not exist still.
10. Does the legislation clearly require consultation with the relevant country authorities and stakeholders in case of probable trans-boundary impacts?				x	Still does not require.
11. Are clear procedures in place to ensure effective information for the public early on in the process?				x	Such procedures do not exist still.
12. Is the public concerned given early and effective opportunities to participate in the environmental decision-making procedures?				x	The public is still not given opportunities for early participation in the environmental decision-making.
13. Are the results of the consultations with the public and relevant environmental authorities taken into account in the decision-making process?				x	To date there is no procedure to reveal the opinion of the public or central, regional and local governments. In case EIA process is linked to the process of granting the construction permit (see note to the question 2 above), the opinion of the Ministry of Environmental Protection and Natural Resources (set forth in the State Ecological Expertise) is taken into account by the Ministry of Economic Development during decision-making on granting the construction permit.
14. Is the competent authority required to inform the public of the decision to grant or refuse development consent?				x	Not required. According to Georgian legislation competent authorities are not required to inform the public of the decision to grant or refuse permit or license, including permit for the impact on environment.
Is the competent authority required to inform the country(ies) consulted in case of trans-boundary impact of the decision to grant or refuse development consent to the developer?					Question is not relevant for Georgia.
15. Are the exceptions to information rights, e.g. related to commercial confidentiality, clearly set out?				x	There are some general provisions on confidentiality set out.
16. Can the authority, which takes a decision on the development consent, attach conditions to a positive decision?				x	See note to the question 2 above.
17. Is a public right of appeal against the decision clearly set up and in place?				x	Public right of appeal against the decision is in place and appropriate procedure is set up. However, there are problems to exercise this right. Just few of them are: high appeal fee, too lengthy judicial procedure, limited independence of courts and therefore, low confidence in courts.

				Besides, there is a problem, immediately related to EIA process and granting permits - Ministry of Environmental Protection and Natural Resources is not obliged to make the decision public. Hence the public is denied the opportunity to appeal against it. Granted permits are available only on demand (if the public accidentally learns about it) but by then, permitted activities are ongoing and the appeal becomes meaningless (especially that access to justice is limited).
18. Does the EIA procedure include a follow-up requirement? If yes, is it well applied?			x	<p>Requirements for compliance monitoring and control were very weak. Sufficient to demonstrate one example – Environment Protection Inspectorate was not certain about its own eligibility to demand that the developers meet the commitments indicated in EIA reports.</p> <p>May 2010 an amendment was introduced to the Law on Permit for the Impact on Environment in order to eliminate the above vagueness. Its effectiveness will be possible to be assessed when practical examples are available.</p>
Overall assessment				
Overall assessment: Score of 0 to 54 (3x number of questions)		9		
Total Score = % of maximum score obtainable		16.7%		
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>As is evident from the above information the existing EIA system is full of shortcomings, which affect its effectiveness. The system does not ensure public participation in environmental decision-making procedure; nor it helps decision-makers in taking informed decisions. Follow-up monitoring and control is also weak. Georgian EIA legislation does not meet the requirements of both, Aarhus Convention and appropriate EU directives.</p> <p>The government's commitment for deregulation after the "rose revolution" and the overall trend of weakening democratic institutions and democratic procedures in the country had crucial impact on the shaping of present EIA system. However, one positive initiative, against the background of general weakening of EIA system should be mentioned. In particular, alongside with deregulation the reverse process of re-regulation started. It refers to the projects initiated before 1 January 1997 i.e. before the enactment of the Law on Environmental Permit and accordingly, could not fall under the regulations either through Environmental Permit or through Permit for the Impact on Environment. Such projects ("projects subject to environmental review"), pursuant to the Law on Permit for the Impact on Environment, should have been granted permit before 1 January 2009. As many enterprises/operators failed to meet the set up timeframe requirements, in June 2009 the deadline was postponed to 1 January 2010, and recently (December 2010) Georgian government presented to the Parliament a legislative initiative on the amendment, providing for postponing obligation until 1 January 2014 only for "active non-hazardous waste landfills" (it should be noted, that there are no such definition/classification for landfills in legislation).</p> <p>Anew postponement of the above obligation (for only a group of regulated community and only because the NGOs insisted on the measures against illegal (unpermitted) landfills, which pose significant threat to the environment and human health) proves that, on the one hand neither law-makers, nor the executive authorities had, and have now, any idea about specific enterprises/facilities that fall under the mentioned regulation, and on the other hand, executive authorities were not, and are not prepared to promote compliance (e.g. help "diligent" operators to meet the requirements of the law or apply appropriate measures against "disobedient" ones).</p> <p>Georgian EIA system needs fundamental changes; at this stage it is possible to single out the following, most urgent measures:</p>				

Objective 7

1. Revision/improving of legislative framework for EIA system; the least it should imply is that: EIA apply to those public and private projects which are likely to have significant effects on the environment and human health (the activities, provided for in Annex 1 to Aarhus convention and Annex 1 to the EU directive 85/337/EEC); procedures of public information and participation are in place which would ensure early and effective public participation in decision-making processes⁹.

2. Full inventory of regulated community and compliance promotion: alongside with legislative improvements, specific groups of regulated community should be identified (as well as specific facilities in each group) that are required to obtain permit for the impact on environment (pursuant to paragraph 2 of Article 22 of the Law on Permit for the Impact on Environment); to develop effective and realistic short-term and long-term strategic plans for each group to promote environmental compliance, instead of present strategy of "closing eyes" and postponing the problems to "better times". Implementation of this condition will require proper cost estimates and its reflection in appropriate agency's budget. Also it is important that public is informed about plans and consulted.

⁹ See also Green Alternative's policy brief "Does Georgian legislation provide the protection and sustainable use of biodiversity?", available at: http://www.greenalt.org/webmill/data/file/publications/policy%20brief_biodiversity%20and%20EIA_ENG.pdf

Objective 8					
Improving permitting & enforcement structures					
Relevant text in the Action Plan:					
Enhance administrative capacities, including for the issuing of permits as well as for enforcement and inspection.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Permitting</i>					
1. Is there a satisfactory permitting system in the country both from a legal point of view and in practice? ¹⁰			x		Permitting and licensing system dramatically changed when the Law on Permits and Licenses was adopted 24 June 2005. The law puts environment protection and natural resources management under general rules without any exception. The law is discriminative in terms of public participation as it does not provide for any possibility of public to be informed and participate in the permitting or licensing processes for the projects significantly affecting the environment and human health. Besides, many activities, previously regulated by licenses and permits, after the adoption of the law are not regulated. No justification for such change has ever been presented.
2. Is the permitting system integrated, i.e. is there a single integrated permit? How well integrated are permits for water, air or IPPC type installations?			x		There is no integrated permitting system in Georgia, although the legislation provides for introduction of such system. For instance, 1999 Law on Ambient Air Protection (Article 17) provides for adoption of Law on Integrated Pollution Control System. The Law on Ambient Air Protection also imposed time limits for adoption of the latter – before 1 January 2006 but the law failed to be adopted within specified timeframe. December 2007 significant changes were introduced in the Law on Ambient Air Protection; the provision obliging authorities to develop and adopt the Law on Integrated Pollution Control System remained unchanged, though the deadlines for introduction of integrated control system and adoption of the law were removed. Some attempts to introduce integrated permitting system took place in recent years, but these attempts were poorly designed and inconsistent; it was rather an echo of “one window” principle enunciated by the government to improve investment climate in the country.
3. Are there resources allocated to environmental permitting in the administration in charge of the environment ¹¹ ?			x		Some, but very limited resources have been allocated to environmental permitting system.
4. Have the resources (human and financial) allocated to permitting been increased since the signing of the AP?				x	Both, human and financial resources decreased by the end of 2008. It is not clear at this stage whether the resources underwent further changes (towards increasing or decreasing).

¹⁰ The question is considered and score awarded in the context of environmental permitting system.

¹¹ The assessment takes into account the level of resources, e.g. no resources, limited resources, highly trained civil servants, etc.

Objective 8

5. Have initiatives been launched in order to strengthen the capacity of the permitting authorities (e.g. training, manuals...)?			x		There were several initiatives for the staff of licensing and permitting division of the Ministry of Environmental Protection and Natural Resources. Trainings are, as a rule sporadic and the results – unsustainable. Normally the trainings are not followed by strengthening/increasing the authorities and resources so that the trained staff could apply new knowledge in practice.
6. Are the authorities in charge of permitting easy to identify and contact?	x				Yes, the authorities in charge of permitting are easy to identify and contact.
7. Are there time limits imposed by law on the administration to issue permits? If so, are they satisfactorily applied?			x		Time limits for issuing all kinds of licenses and permits are imposed by the Law on Licenses and Permits, including those, issued by Ministry of Environmental Protection and Natural Resources. Also see notes to question 16.
<i>Enforcement structures</i>					
8. Are there environmental inspection authorities in place in the country?	x				Environmental Protection Inspectorate is a structural unit within Ministry of Environmental Protection and Natural Resources.
9. Does the police (or equivalent enforcement authorities in the country) have specific units in charge of environmental matters?			x		<p>There are no such units in the Police; Instead Environmental Protection Inspectorate assumes responsibilities of the police as far as administrative environmental offences are concerned. Under the law, the inspectors of the EPI are entitled to: draw up a statement of violation of the law, consider cases of administrative offence, and apply administrative liability measures against the offender; use physical coercion, firearms and special ammunition; exercise administrative arrest, personal search, confiscation of belongings and documents; stop and examine any vehicle, goods and objects; check citizens' documents proving personal identity in an effort to confiscate illegally-obtained natural resources, and tools for and means of violating the law.</p> <p>There is also Investigation Department at the Ministry of Environmental Protection and Natural Resources (established in July 2007) which is entitled to investigate criminal environmental offences.</p> <p>December 2007 the Law on Environmental Protection Service was adopted which provided for merging the Environmental Protection Inspectorate and Investigation Department (along with the Department of Nuclear and Radiation Safety) and establishing single unit – Environmental Protection Service – within the Ministry of Environmental Protection and Natural Resources. Enactment of the law was first postponed until 1 January 2009, then – to 1 January 2010 and finally was declared invalid 4 May 2010 (by new Law on Environmental Inspectorate). Accordingly all the above structures retain independence within the Ministry.</p>
10. Are the tasks of the authorities in charge of enforcement clearly defined and competences shared?			x		

11. Is a plan (or plans) for environmental inspection adopted or in the process of being adopted?		x			In 2007 the Environmental Protection Inspectorate adopted Strategy and Operational Plan for Environmental Compliance Assurance in Georgia for 2007-2010. Both documents were developed with support of OECD EAP Task Force. According to representatives of the Inspectorate successive four year activity plan is being developed and annual plans of inspection of regulated facilities are being drafted (the latter is provided by 2010 Law on Environmental Inspectorate). None of the above plans have become publicly accessible yet.
12. Have initiatives been launched in order to strengthen the capacity of the enforcement authorities (e.g. training, manuals...)?		x			There were initiatives to train the staff of the Environmental Protection Inspectorate. There are also ongoing training initiatives, however, as in case of permitting unit the results of the trainings are unsustainable as staff turnover is high at the inspectorate. With the assistance of the OECD EAP Task Force manuals were prepared, competence development needs assessment was conducted and competence development programme was developed in 2008.
13. Are there statistics publicly available as to the number of environmental infractions punished? If so, are they regularly updated?			x		Statistics are available but they mainly refer to the infractions in the use of natural resources. Environmental Protection Inspectorate used to update these statistics more intensively in previous years. For instance, according the Inspectorate's website, last annual report was prepared in 2008 and last monthly report is dated January 2010.
14. Are there in-depth analyses of the data obtained through statistics to further interpret the quality of enforcement?				x	No, there are not.
15. Have specific resources (human and financial) allocated to the enforcement of environmental laws been increased since the signing of the AP?			x		Number of human resources is increasing, but this does not mean that competence at the inspectorate is increasing accordingly.
<i>Country-specific questions</i>					
16. Are legally provided time limits for granting permits adequate to decision-making process?			x		In case of environmental permitting, time limits imposed by the framework Law on Licenses and Permits are irrelevant (too limited). For instance, only 20 days are allocated for reviewing the EIA reports and taking the decision on granting or refusal to issue the permit for impact on the environment (before the adoption of the Law on Licenses and Permits time limits were three months).
Overall assessment					
Overall assessment: Score of 0 to 48 (3x number of questions)	23				

Objective 8

Total Score = % of maximum score obtainable	47.9%	
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>The situation in environmental permitting unit, especially in terms of allocation of (financial and human) resources has not improved but rather deteriorated. The situation is different with enforcement unit (Environmental Protection Inspectorate) where episodic progress can be observed; here also the problem of resources can be observed.</p> <p>While it is advisable to continue improving knowledge and skills of the civil servants engaged in permitting and enforcement, usefulness of the training up the servants who have few resources and whose authority is limited is questionable. It is also important to change the current approaches to competence development and make it more structured, and based on a clear understanding of the needs and incentives to enhance performance.</p> <p>Urgent requirement in this field is assessment of effectiveness of licensing and permitting system introduced in 2005, as well as assessment of effectiveness of environmental enforcement and compliance assurance system.</p>		

Objective 9					
Improving public information and participation					
Relevant text in the Action Plan:					
Adopt legislation and establish procedures regarding access to environmental information and public participation, including implementation of the Aarhus Convention.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>General</i>					
1. Has the country ratified the Convention?	x				
2. Have texts been adopted to transpose the Aarhus Convention?				x	<p>According to Georgian Constitution international agreements overrides domestic legal acts provided they do not contradict to Georgian Constitution. So it is not necessary to transpose international agreements in the legislation. However, application of international agreements is not always easy. In most cases courts and administrative bodies (so called quasi courts) do not consider a Convention as the existing law.</p> <p>It should be mentioned that in the end of 1990s a draft law, based on Aarhus Convention principles and aiming at implementation of these principles, was elaborated, but no further developments followed.</p>
<i>Access to environmental information</i>					
3. Are there satisfactory administrative systems in place for prompt responses to requests for information from the general public?		x			Public access to information is provided for by General Administrative Code but there are significant shortcomings in practice.
4. Are there satisfactory guidelines available on information held by authorities & how to request access to this information?		x			Rules for requesting public information are provided in General Administrative Code but the type of information, to be held at public institutions is not specified.
5. Are there well established channels of publication of environmental information in the country (e.g. laws, case-law, decisions of the administration, etc.)?			x		<p>Statutory acts, including laws were published in "Legislative Herald of Georgia". Administrative decisions, case-laws or other environmental information are not published.</p> <p>22 October 2009 new Law on Statutory Acts was adopted. According to it publishing statutory acts in printed media is not compulsory anymore. According to new regulations, which entered into force 1 January 2011, first publication of the full text of a statutory act on the website of "Legislative Herald of Georgia" shall be the official (legally operative) publication.</p>

Objective 9

6. Is access to information free of charge or inexpensive?			x	<p>According to Article 38 of General Administrative Code it is impermissible to set any fee for the information except for copy fee.</p> <p>Note should be taken of the fact, that the fee is not very high; however, copy fee is very effective barrier, which public institutions have in their command. The procedures for collecting fee vary in different institutions, and in a range of cases its existence is a serious problem.</p>
7. Is there a secure data management system to handle commercially sensitive information & personal data in place in the country?			x	<p>Personal data and commercially sensitive information management issues are set forth in General Administrative Code. However, there are significant shortcomings in terms of vagueness of information classification rules and their practical application.</p>
8. Are there clear guidelines for authorities on how to apply commercial confidentiality requirements, including when to disclose because of public interest?			x	<p>General Administrative Code provides for the guidelines on publication of confidential information. Besides, according to Article 42, environmental information, including the information on the hazard to human lives or health shall not be confidential. Despite such legal regulations, there are many problems in practice.</p>
<i>Public participation</i>				
9. Are there procedures for enabling public participation in decision making in place in the country, e.g. have clear procedures been established for submitting comments in writing or at hearings and for the notification of decisions?			x	<p>No mechanisms enabling public participation in decision-making are in place. Nor is there any mechanism for the notification of decisions.</p>
10. Have tools been developed for the identification of the participating public? In particular, if there is an Environmental Impact Assessment procedure in place, does it also involve public participation?			x	<p>The Law on Permit for the Impact on Environment provides for public participation during conducting Environmental Impact Assessment study. Consultation meetings at this stage are not held by competent authority, but by project proponent. This cannot be considered as participation in decision-making process.</p>
11. If so, are the citizens well informed of these procedures?			x	
12. Are the outcomes of public participation procedures taken into account in an appropriate manner, e.g. does public input have a tangible influence on the actual content of the decisions?			x	<p>The existing mechanism of public participation cannot ensure public participation in the decision-making processes; hence public opinion cannot have any influence on the actual content of the decisions.</p>
13. Have incentives been developed to allow applicants to engage in early dialogue within the framework of participation procedure?			x	

<i>Access to justice</i>					
14. Does the country provide for independent and impartial review bodies, including courts?				x	There is a general court system in Georgia but independence and impartiality of courts is point at issue in Georgia.
15. Have clear rules been developed concerning the standing of individuals and NGOs to access judicial and other reviews for violations of the Convention and for violations of domestic environmental law?				x	Rules for appealing against denial of public information or its unlawful classification as secret are set forth in General Administrative Code. It also provides for appealing against administrative decisions. No appeal against violations of specific environmental law or of Aarhus convention is provided for in Georgian legislation.
16. Have remedies to stop the application of a decision dangerous for the environment been developed (e.g. preliminary injunctive relief while the decision is being challenged)?				x	Both, the author of administrative complaint filed with administrative body and the petitioner in the court can demand to suspend an administrative act. The court can, at a party's demand, suspend administrative act or part of it, if there is reasonable suspicion about its lawfulness or if its immediate application causes significant harm to the party or makes it impossible to protect its legal rights and interests. There was a case when temporary suspension of administrative act was requested while the complaint was being considered, because the decision would have been dangerous for the environment. The administrative authority did not suspend the act.
17. Have mechanisms been established to provide the public with information on access-to-justice procedures?				x	
18. Have assistance mechanisms been developed for the public in accessing review procedures, e.g. financial support to pay a lawyer if necessary?				x	According to General Administrative Code no public tax or any other fee can be set for processing of an administrative complaint. All the fees, including the lawyer's fee, are paid by administrative authority if complaint is satisfied. For the court hearings paying public tax depends on whether the appeal was allowed or not. As for the amount of tax, it is quite high given the economic situation.
19. Is there a time limit set by national law between the introduction of an appeal and the decision given by the judge/authority of appeal? If not, is the average length of the procedure time acceptable?				x	Although time limits for processing of cases are set by national law, average length of a procedure may vary from 8-10 months to 18 months.
<i>Country-specific questions</i>					
20. Are public institutions required to file and update environmental information?				x	To date there is no publicly available comprehensive environmental information in place.

Objective 9

21. Are there tools to ensure informing the public on the kind and body of environmental information, available at respective public institution?				x	
22. Must public institutions report on received appeals, negative decisions and their reasons?				x	As provided by General Administrative Code public institutions must report annually to the President and the Parliament about public information output. In reality most of public institutions do not prepare such reports.
23. Is it possible to sue administrative body without lodging administrative complaint?				x	In accordance with the amendments to General Administrative Code, administrative body cannot be sued if the complainant did not use a one-time opportunity of lodging administrative complaint. Given the fact, that existing administrative proceedings are not efficient enough, this change created additional barrier in terms of access justice.
24. Are there any mechanisms in place to ensure public participation during the preparation of executive regulations and/or generally applicable legally binding rules (Article 8 of Aarhus convention)				x	There were such mechanisms in place (chapter 15 of General Administrative Code) but they were seldom applied in practice. October 2009, despite the NGOs' opposition, this mechanisms were annulled. In particular, the provisions of General Administrative Code about public participation in preparation of regulations by public authorities through public administrative proceedings were annulled.
Overall assessment					
Overall assessment: Score of 0 to 57 (3x number of questions)		15			
Total Score = % of maximum score obtainable		20.8%			
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>Only one out of three pillars of Aarhus Convention is comparatively well represented in Georgia – it is access to information. In particular General Administrative Code of Georgia provides for access to public information and defines the rules for requesting the information. However, there are significant shortcomings in practice: often the information release is delayed; the staff, responsible for information output is not appointed; it is not clear what responsibility is set for the violators of rules of releasing the information; sometimes there are problems related to protection of personal data and often with information classification; there is no practice of processing confidential information and isolation of secret piece of information. Besides, the type of information in disposal of each public institution is not defined.</p> <p>Procedures for participation in decision-making are not practically ensured. In compliance with existing mechanisms of public participation, consultations with the public on specific activities (that are subject to EIA) are held not by decision-making body, but by the project developers prior to commencement of administrative decision-making procedures. This means that there is no opportunity for public to participate in decision-making processes. Nor is public informed on already taken decisions.</p> <p>Access to justice is also problematic. No clear rules are set for individuals and NGOs to access judicial bodies for violations of environmental law. Besides, there are no mechanisms of informing the public on access to justice procedures, deadlines for court proceedings are often violated.</p>					

Objective 10					
Preparing regular reports on the state of the environment					
Relevant text in the Action Plan: Continue preparing regular reports on the state-of-the-environment.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Implementation</i>					
1. Has a state of the environment (SoE) report been prepared since the signing of the AP, or is a report under preparation?	x				<p>State of the environment (SoE) annual reports used to be prepared in 2001-2005. As a result of December 2007 legislative changes, preparation of such reports were suspended and resumed in the end of 2009.</p> <p>In 2010 Ministry of Environmental Protection and Natural Resources, with EU financial support, prepared 2007-2009 state of the environment report.</p>
2. Is there a legal requirement to prepare such a report regularly?	x				<p>The Law on Environmental Protection (1996) required the Ministry of Environmental Protection and Natural Resources to publish annually national SoE reports. The amendments introduced in the law on 14 December 2007 require the Ministry to prepare such reports once every three years.</p> <p>There is another legal act, setting rules for preparing SoE report (the President's Resolution No.389 of 25 June 1999 on the Rules of Preparing Report on a State of the Environment). Amendments to the above act were prepared within EU financed project and were finally approved in November 2010 (endorsed by the President's Resolution No.876 of 1 November 2010).</p>
<i>Process</i>					
3. Were NGOs consulted during the preparation of the report?	x				Unlike the 2001-2005 reports, preparation process of the first three year (2007-2009) report was transparent and participative.
4. Was the scientific/academic community involved in the process?	x				
<i>Content</i>					
5. Does the SoE report cover the most important environmental issues in the country?		x			It does, inasmuch as the data available to public and other institutions allow.
6. Is the report based on recently collected data?		x			It is inasmuch as the data available to public institutions and other agencies allow. The three year report, in contrast to previous reports, indicates to informational shortcomings.
7. Does the report identify important problems that need to be addressed?		x			The report identifies important challenges by each topic (thematic area).

Objective 10

<i>Dissemination</i>				
8. Does the report have a clear and understandable summary?	x			In contrast with previous reports, 2007-2009 report has a clear and understandable summary.
9. Is the report available on the Internet?			x	<p>Already on the initial phase of preparation of 2007-2009 report, the working group within EU financed project "Support for the Improvement of Environmental Governance in Georgia" opened a forum in the internet http://soegeorgia.blogspot.com/ which kept covering the report developing process; along with meetings, the forum was used to receive comments on the draft report and put updated versions of the report.</p> <p>Although the report is finalized now, it is not (and has not been) available at Ministry of Environmental Protection and Natural Resources' official website.</p>
10. Did the government widely disseminate the results of the report to the press, schools and other groups?			x	<p>The report has not been disseminated as it is not yet officially approved.</p> <p>Legal requirement is such that Ministry of Environmental Protection and Natural Resources prepares the report and President of Georgia approves it by his resolution, after the consultations with interested authorities. According to above mentioned forum, the report was due to be officially discussed at 1 December 2010 Georgian government meeting (logically to be followed with either approval by the President's resolution or return for improvement on the basis of well grounded criticism), but the question was withdrawn from the meeting agenda just at the start of the meeting.</p> <p>Again according to the above forum, Ministry of Environmental Protection and Natural Resources plans to present the national SoE report to the government meeting, but it is not scheduled yet.</p>
Overall assessment				
Overall assessment: Score of 0 to 30 (3x number of questions)	21			
Total Score = % of maximum score obtainable	70%			
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>This area (objective) earned one of the lowest score in our previous, 2009 report. To change the situation in this area, as a short term measure we recommended to work towards the improvement of practice of SoE report preparation. This recommendation was taken into account during preparation of 2007-2009 report and this fact should, undoubtedly be commended. The report structure and the quality of analysis have improved; it was prepared in consultation with the public, which was not the case with previous (2001-2005) ones. Also the last report points out information gaps, which allows the reader to judge about its completeness and reliability of the information presented in the SoE report.</p> <p>Undoubtedly, such progress would not be possible without the methodological assistance provided within EU financed project. So, it is important that Ministry of Environmental Protection and Natural Resources takes into account the experience and lessons learned when preparing next 2010-2012 report independently. For the improvement of quality of information provided in the SoE reports, it remains important to strengthen environmental monitoring and enforcement systems.</p>				

Objective 11					
Supporting civil society actors and local authorities					
Relevant text in the Action Plan: Support civil society actors and local authorities.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Role of civil society actors</i>					
1. Are there NGOs or NGO networks active in environmental issues in your country?		x			There are some active environmental NGOs, but generally speaking, environmental NGO sector is weak in the country. Experience in networking is very limited.
2. Are there legally binding procedures requiring the involvement of civil society actors in decision-making regarding environmental issues?				x	See objective 7 and objective 9.
3. Are civil society actors included in practice in the legal decision-making process?			x		Sometimes civil society actors are involved in decision-making processes, but usually as a result of NGO efforts and persistence.
4. Are civil society actors included in practice in the development of policies at the national level?			x		There is no specific mechanism of involvement, but there is some experience of including civil society actors. When developing policies with support of international organizations, their internal policy is usually applied in order to ensure the inclusion of civil society actors.
5. Are civil society actors included in practice in the development of policies at the local level?			x		
6. Are NGO initiatives supported (financially or by other means) by the State?			x		<p>At Georgian President's initiative and on the basis of the President's Resolution No.233 of 11 May 2009, Civil Institutionalism Development Fund was established. Establishment of the fund was entrusted to the set up in January 2009 Ministry of Corrections and Legal Assistance of Georgia.¹²</p> <p>According to the information provided at Fund's website (http://www.cidf.ge/), "the idea of establishment of the Fund is that Georgian State, like western democracies, takes responsibility for facilitation of civil sector development, support of civil initiatives and development of civil institutions".</p> <p>The fund, in accordance with its set priorities, provides grants to NGOs, community organizations and initiative groups. To date the Fund has announced 4 grant competitions (twice in 2009 and twice in 2010). 531 applicants were registered to the first competition and 65 projects were financed; 76 grant seekers</p>

¹² The functions of the Ministry include proper organization of corrections and management of corrections facilities, their logistical and legislative support; also training and professional development of the staff and providing legal assistance.

Objective 11

					applied to second competition and 26 were financed; out of 177 applications to the third competition 68 were financed; and 53 projects out of 204 that applied to the last competition were financed. The Fund provides small grants, amounting from 5 to 10 thousand USD per project.
7. If yes, has this support increased since the previous assessment?				x	In 2009 (when the Fund was established) the competition fund amounted to: 600 thousand GEL for the first competition and 200 thousand GEL for the second one. In 2010 the second competition fund amounted to 350 thousand GEL and the first competition purse is unknown.
<i>Role of local authorities</i>					
8. Are local authorities in regular contact with civil society actors?				x	Such contacts usually take place only within some of those, implemented by civil society actors projects.
9. Do local authorities freely provide information to civil society actors?				x	
<i>Communication strategies and other tools</i>					
10. Have communication strategies been established in the country regarding environmental issues? If already in existence at the time the baseline situation was assessed, have they been improved since then?				x	
11. Have awareness raising programmes targeting civil society (including information campaigns) been developed and implemented?				x	Awareness raising programs have not been developed. Two thematic areas could be identified, where some information campaigns are waged (by Ministry of Environmental Protection and Natural Resources), though no programs in this regard have been developed. These are: waste management and protected areas. It is noteworthy, that in the first case the attention is mainly concentrated on reduction of use of plastic bags and waste collection in towns, and in the second case the campaign aims at attracting visitors to protected areas (promoting tourism in the protected areas).
12. Have civil society actors initiated environmental education in the country?				x	Some but fragmented measures are implemented at NGOs initiative.
13. If so, have they been supported by the authorities?				x	In some cases.
Overall assessment					
Overall assessment: Score of 0 to 39 (3x number of questions)	11				
Total Score = % of maximum score obtainable	28.2%				

Objective 12

Enhancing cooperation with neighbouring countries

Relevant text in the Action Plan:

Participate actively in the Danube – Black Sea Task Force and the Black Sea Commission to implement a trans-boundary approach to water management; ensure active participation in the Eastern European, Caucasus and Central Asia component of the EU Water Initiative.

Identify possibilities with neighbouring countries for enhanced regional co-operation, in particular with regard to water issues.

Evaluation

Question	Yes			No	Notes
	3	2	1	0	

Existing or possible cooperation agreements with neighbouring countries

1. Are the structures provided for by the agreement fully in place?		x			<p>Georgia is a party to the Convention on Protection of the Black Sea Against Pollution and its protocols:</p> <ul style="list-style-type: none"> • On the Protection of the Marine Environment of the Black Sea from Land Based Sources and Activities; • On Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations; • Protection of the Black Sea Marine Environment against Pollution by Dumping. <p>Georgia has permanent representatives to the Commission on the Protection of the Black Sea Against Pollution and its advisory groups.</p> <p>Within the Convention project on Black Sea Integrated Coastal Zone Management (1999) State Advisory Committee and the working group for integrated coastal zone management were established.</p> <p>There also is Convention Inspectorate for Black Sea Protection, which is a territorial unit of the Environmental Protection Inspectorate of Ministry of Environmental Protection and Natural Resources.</p> <p>In order to promote studies in Black Sea biodiversity and landscape conservation, biodiversity regional center was established, which at the moment is not operative.</p> <p>Georgia is a party to 1996 London Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters (1972), as well as to 1973 Marpol Convention. The commitments under the two latter conventions are met within the Convention on Protection of the Black Sea against Pollution.</p> <p>In 2001 Georgia ratified the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAM). Focal Point for the agreement is Ministry of Environmental Protection and Natural Resource, in particular, its biodiversity protection service.</p>
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Objective 12

				<p>In 2003 Georgia became a member of Global Water Partnership (GWP) and the same year Georgia joined its regional organization GWP CACENA, which includes two Caucasian and five Central Asian countries. In 2007 local organization “Global Water Partnership – Georgia” (GWP-Georgia) was established which includes 24 partner organizations (governmental structures, academy, industry and NGOs).</p>
<p>2. Are these structures functioning properly (i.e. are there regular meetings, are decisions taken, etc.)?</p>		x		<p>Georgia regularly attends the meetings within the Convention on Protection of the Black Sea against Pollution (twice a year right after signing, and once a year since 2008) and within the Agreement on the Conservation of Cetaceans. The decisions taken by the Georgian side are presented to the Black Sea Commission.</p> <p>Within GWP, GWP CACENA and GWP-Georgia GWP-funded meetings and seminars are regularly held on local (4-5 a year), regional (4-5 a year) and international (minimum one meeting a year) levels.</p> <p>Georgia participated in GWP 2009-2013 activities strategy development. From 2003 to date several brochures were published, EU directives were translated, comments and proposals on a range of strategic and legislative documents were studied and presented to governmental structures.</p>
<p>3. If the agreement provides for exchange of information, does it happen effectively?</p>			x	<p>Exchange of information happens occasionally. It should be noted that according to the report of the Black Sea Commission on implementation of 1996-2001 Black Sea Protection and Rehabilitation Strategic Plan, Georgian input is one of the poorest. Besides, the Georgian side often does not respond to the Black Sea Commission request for specific information.</p> <p>Regular exchange of information within GWP is carried out through GWP CACENA regional office, more specifically via its officer. Also see information in the end.</p>
<p>4. Have the financial contributions planned for by the agreement been paid?</p>		x		<p>In 2003-2004 Georgia failed to pay contribution set by the Convention. Now, alongside with regular payment of contributions, Georgia is paying off old debts.</p>
<p>5. Have steps been taken to implement the agreement at national level?</p>			x	<p>The following were developed within the project on Black Sea Integrated Coastal Zone Management:</p> <ul style="list-style-type: none"> • Draft law on Integrated Coastal Zone Management (2005); • Guidelines for integrated coastal zone management (2006); • Concept for strategic directions for integrated coastal zone management in Georgia; • Oil spill response plan; • Integrated coastal zone management strategy for Georgia. <p>Regrettably, none of the above documents have been approved to date and hence, they do not enjoy any official status. According to the above mentioned Black Sea Commission report, of all the states participating to the Convention on the Protection of the Black Sea Against Pollution, Georgia has carried out the least activities towards implementation of the Black Sea strategic action plan.</p>

				<p>According to the above mentioned Black Sea Commission report, of all the states participating to the Convention on the Protection of the Black Sea Against Pollution, Georgia has carried out the least activities towards implementation of the Black Sea strategic action plan.</p> <p>In February 2009 Integrated coastal zone management strategy for Georgia, developed within the EU project, was published. The action plan for Tskaltsminda village was drafted in the framework of this project and approved by Lanchkhuti "sakrebulo" (local council) in April 2009.</p> <p>In 1997-1998 small cetaceans monitoring network was established within the EU financed project "Study of human impact on the Black Sea small cetaceans and working out appropriate measures for their conservation". It reported 39 deaths of dolphins. The monitoring network is not operative now. There is an opportunity though, to resume it on the basis of Tbilisi State University, which owns certain capacities in Grigoleti. Please, see the answer to question 13.</p> <p>On 30 July 2010 "Batumelebi" newspaper footage was published proving the presence of the Black Sea bottle-nosed dolphins in Batumi dolphinarium. It should be mentioned that both the dolphinarium management and the city mayor's office firmly denied the existence of dolphins in the dolphinarium. According to a source, about 20 bottle-nosed dolphins were caught last year in Poti-Kulevi area of the Black Sea i.e. on the territory of Kolkheti National Park, which is the exclusion area. Six of the dolphins died upon arrival in Batumi. Two newborns joined the rest 14. According to ACCOBAM Convention representative, it is not allowed to enter the dolphinarium for double-checking the information.</p> <p>On 21 October 2010 Green Alternative received from Ministry of Environmental Protection and Natural Resources the explanation that 6 bottle-nosed dolphins thrown on the sea shore are receiving medical treatment in the dolphinarium and after full rehabilitation will be released into the sea. The Secretariat was notified about it.</p> <p>Contradicting statements and reinforced security measures at dolphinarium give birth to various suspects. By the end of November 2010 the dolphins were still there and this is proved with the photos taken by Green Alternative.</p> <p>Green Alternative deems it appropriate to set up an international commission composed of ACCOBAM convention representative, Ministry of Environmental Protection and Natural Resources and NGOs to monitor bottle-nosed dolphins' rehabilitation and return to the Black Sea.</p>
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Objective 12

<p>6. Is it planned to sign cooperation agreement with neighbouring countries?</p>		x		<p>Georgia signed bilateral agreements with Ukraine (1993), Azerbaijan (1997), Armenia (1997 and Turkey (1997) on cooperation in environmental area. Besides, a bilateral agreement was signed with Ukraine (1996) on cooperation in fish industry.</p> <p>On the basis of bilateral agreement with Ukraine “On Cooperation in Fish Industry” (in force since 1997) a Ukrainian ship entered territorial waters of Georgia every year and in exchange for fishing permit, carried out estimations of fish resources. The results of these studies served as sole basis for setting fishery quotas. In 2004 10-year license for fishing has been issued by the Ministry that in fact stopped the operation of the agreement with Ukraine. Now basis for setting of fishery quotas now raises concerns.</p> <p>A document was prepared assessing capacities in Georgia and Azerbaijan for meeting the commitments under Helsinki and Espoo conventions. Besides, a working version of bilateral agreement between Georgia and Azerbaijan in water management sector was drafted.</p>
<p>7. If this is the case, are negotiations processing effectively?</p>		x		<p>Autumn 2010 Georgian government initiated UN ECE facilitated national consultations on integrated management of water resources. The dialogue concerns three major areas:</p> <ul style="list-style-type: none"> • Development of national water legislation; • Setting the objectives for UNECE/WHO Protocol on Water and Health under UNECE water Convention; • Trans-boundary water cooperation with Azerbaijan; <p>It should be mentioned that the public is not being informed permanently on the progress of negotiations, nor are working documents available.</p>
<p><i>Informal cooperation</i></p>				
<p>8. Have meetings on trans-boundary/ regional issues been organised at national, regional or local level?</p>		x		<p>Some meetings take place but mostly within water related projects implemented by NGO and/or with financial assistance of international organizations. First of all, environmental cooperation for the Black Sea should be mentioned. Within this project several high level meetings were held in Georgia, which were very productive (see also objective 5 – water sector). Some other meetings took place within Mtkvari-Araks program.</p> <p>Number of meetings in such areas as forests, climate change, prevention of natural disasters, trans-boundary management of natural resources, is also increasing.</p>

9. Are exchanges of information taking place at national, regional or local level?			x	<p>Exchange of information takes place mainly in the framework of regional projects and this enabled to create appropriate websites in three Caucasus countries – Georgia, Armenia and Azerbaijan. For instance, in Georgia those are www.hydromet.ge – includes database from monitoring of use of water resources and www.kura-araks-natosfp.org – water quality database.</p> <p>Exchange of information about development projects having transboundary impact is problematic. This, first of all due to the fact that none of the countries except Armenia has ratified Espoo Convention on “Environmental Impact Assessment (EIA) in Transboundary Context”. Respectively there are no commitments to inform each other on the planned activities that may entail significant negative impact on other countries’ territories. For instance, building dams on Chorokhi river in Turkey had negative impact on the watercourse and biodiversity in Georgia. It also limited the flow of sediments to the Black Sea, which poses danger to Georgian coastal zone. Appropriate agreement was signed with Turkish side; however it is unknown how efficiently it is implemented.</p> <p>The following example also indicates to the problems in sharing of information among countries – Armenia did not send the notification on building new reactor of Metsamor nuclear station to the neighbouring countries. Instead, Armenia requested Secretariat of Espoo Convention to notify Georgia and Azerbaijan. Another example is the operation of Teghut copper and molybdenum mines in Armenia. The Armenian side claims that the project does not have any significant transboundary impact, but no appropriate studies have been carried out to support this statement. Similar problems refer to all neighbouring countries, including Georgia.</p>
10. Have consistent political declarations been made on regional cooperation?			x	Georgia’s international and bilateral agreements with neighbouring countries and its political declarations show its readiness to regional cooperation with all interested parties.
11. Are joint regional projects in place, involving common activities for stakeholders from both countries?			x	In 2000-2010 a range of water related projects were financed by different international organizations in Georgia (WB, USAID, DAI, TACIS, NATO, UNDP/GEF, UNDP/Sida, EC, Finnish government). Along with development of important for Georgia documents within these projects, three laboratories in Tbilisi, Batumi and Kutaisi were equipped with modern technology, 11 hydro power stations were restored-rehabilitated, database with appropriate websites was created, pilot projects in water quality monitoring and integrated coastal zone management were or are being implemented.
12. Do regional/local administrations or other stakeholders have regular contacts with regard to environmental issues?			x	Contacts are carried out mainly within current international and regional projects.

Objective 12

<i>Country-specific questions</i>			
13. What are the major steps to meet international commitments?			<p>Since 2003 Georgia is heading for a quick economic recovery and promotion of private investments. Along with positive effects this had significant negative impact on different areas including the environment.</p> <p>Certain regression can be traced in terms of meeting the commitments of harmonization of Georgian legislation with that of the EU. This is due to the following:</p> <ul style="list-style-type: none"> • Removal of environment from country priorities both in practical and formal terms; • Neglect of environmental issues by high level officials in favour of promoting investments in economy; • Introduction of changes in environmental legislation under marked pressure from economic team and in total non-transparency; • Insufficient financing for environment; • Permanent and often unjustified reforms and structural changes of the environment authorities; • Low wages of average staff in the environment (despite the fact that wages increased 4-5 times since 2003, they hardly exceed minimum subsistence level against the background of general inflationary processes) • Frequent change of management of Ministry of Environmental Protection and Natural Resources and unjustified dismissal of qualified personnel, which entails their unwillingness to interfere when wrong decisions are made and prevents them from displaying their capabilities.
Overall assessment			
Overall assessment: Score of 0 to 39 (3x number of questions)	16		
Total Score = % of maximum score obtainable	41%		
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>Bilateral relations take place mainly within international projects; the project, as a rule, imply development of documents, exchange of information, meetings at different levels, as well as practical results, such as equipment of laboratories and restoration/updating monitoring network; the documents developed within these projects, including the strategic ones, enjoy the status of recommendations as they are not discussed or approved at government level; upon completion of the project, all the activities (databases, monitoring, water tests, etc.) terminate or become fragmented due to absence of financing; often targets and appropriate activities in internationally financed projects are set forth unfairly, which causes overlapping.</p>			

Objective 13					
Ensuring integration of environmental aspects in other policy sectors (promoting sustainable development)					
Relevant text in the Action Plan:					
Promotion of sustainable development					
<ul style="list-style-type: none"> Identify steps to establish and implement the national strategy on sustainable development; Ensure strategic planning of sustainable development and coordination between relevant actors; Take steps to improve integration of environmental considerations into other policy sectors. 					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Integration of environment into sectoral policies</i>					
1. Administration: have joint committees been set up or other steps taken to integrate the environment into sectoral policies?			x		<p>Joint committees or commissions are being set up only at the donors' demand. For instance for all UN agencies' projects supervisory boards are usually set up, where representatives of respective ministries participate.</p> <p>There was an attempt to integrate environment into sectoral policies when developing State Strategy for Regional Development of Georgia for 2010-2017 (approved on 25 June 2010). The strategy, among other things, provides for priorities, such as improvement of municipal waste management, sustainable management of water, land and forest resources. Representatives of Ministry of Environmental Protection and Natural Resources, as well as other stakeholder groups were included in governmental commission and working groups that worked on diagnostic report for the strategy.</p>
2. Plans and programmes: have any joint policies been issued?			x		Joint programs and plans have not been developed in such areas as transport, health and environment. See also the notes above.
<i>Preparation of the National Strategy</i>					
3. Has a national strategy on sustainable development been adopted since the signing of the AP?				x	
4. Are there any activities to develop it?				x	<p>In 2005 governmental committee on sustainable development, chaired by the Prime Minister was set up. The committee exists nominally; no activities to develop the strategy are in place.</p> <p>In July 2010 Ministry for Economic development changed the title into "Ministry for Economy and Sustainable Development". In October 2010 amendments were introduced into the Ministry's regulatory statute by which new department was established within the ministry – "Department for Sustainable Development". One of its functions is "to develop sustainable development strategy and action program". As for the Department's other functions, they are as follows:</p>

Objective 13

					<ul style="list-style-type: none"> • Participation in the activities ensuring the country's preparedness to global challenges; adoption and analysis of innovative projects supporting sustainable development and submitting the proposals on their appropriateness to Georgian government; • Help the identification of investment potential and resources for sustainable development; • Initiation of regulations supporting sustainable and secure economic development and submission to Georgian government, as provided by legislation.
<i>Process</i>					
5. Did ministries in different sectors play an active role in preparing the strategy?				x	
6. Did society stakeholders in different sectors (environmental NGOs, industry, others) play an active role?				x	
<i>Implementation</i>					
Have steps been taken to implement the actions in the strategy?					Question is not relevant for Georgia
<i>Overall assessment</i>					
Overall assessment: Score of 0 to 18 (3x number of questions)		2			
Total Score = % of maximum score obtainable		11.1%			
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>As mentioned above the attempt was made to integrate the environment into development strategy in the process of development of State Strategy for Regional Development of Georgia for 2010-2017. It should be mentioned that diagnostic report (based on which the strategy was developed) was being prepared with wide involvement of different stakeholders but this was not the case with the strategy and especially with the action plan prepared by Ministry for Regional Development and Infrastructure. Action plan was not publicly accessible; it is not clear at this stage whether recommendations of diagnostic and final reports are reflected in the action plan. Also unclear is whether it follows faulty practice rooted in public institutions – inclusion of those projects in the action plans to which donor assistance is already pledged.</p> <p>As for the “newborn” Ministry for Economy and Sustainable Development (ministry was renamed as new minister had been appointed), its plans in terms of supporting sustainable development are not clear so far, except for adding above mentioned new department with Ministry and the Minister’s public statement of 30 December 2010 that the implementation of “Green Georgia” project would start in 2011. The project, according to minister, envisages the import of electronic vehicles to Georgia and promotion of alternative energy sources.</p>					

Objective 14					
Implementing the provisions of the Kyoto Protocol & UNFCCC					
Relevant text in the Action Plan:					
Implement provisions under the Kyoto Protocol and the UN Framework Convention on Climate Change including through the active cooperation under the Clean Development Mechanism.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Implementation</i>					
1. Is there a monitoring system for the emissions of greenhouse gases in the country?		x			<p>There is no permanent monitoring system in place. However, time to time inventory of previous years' emissions occurs within the framework of national communication. Regrettably, statistical data in this area is not reliable.</p> <p>It should be noted that after the publication of Green Alternative's previous (2007-2008) assessment report, Ministry of Environmental Protection and Natural Resources expressed its dissatisfaction over performance-assessment of objective 14. The Ministry commented as follows:</p> <ol style="list-style-type: none"> 1. Georgia is not required to carry out annual monitoring of greenhouse gas emissions and it has already done much more than the Convention obliges; 2. In 2004-2006 Georgia participated in a regional project "Capacity building for quality improvement of national inventory of greenhouse gases". Project manager highly appreciated the work of Georgian experts. <p>In response we would like to stress: it is true that Georgia is not Annex I country and is not required to carry out annual national inventory. This was, and is now reflected in respective section (see notes to question 8); The notes were, and are now, that the question is not relevant for Georgia and is explained why.</p> <p>Green Alternative never for a moment casts doubt on Georgian experts' qualification and professionalism. However, in the absence of monitoring system for the greenhouse gas emissions, any assessment will be based on expert judgment rather than real data.</p>
2. Has the country benefited from the Clean Development Mechanism (participation in CDM activities for non Annex I)? In particular, have projects been carried out to implement the mechanisms?				x	<p>Regrettably Georgia has not benefited from CDM programs. The project for leak reduction from "Kaztransgaz" gas pipeline will probably be the first, the country will benefit from. The project is under verification now and is estimated to be certified in 3-4 months. After several years of preparation, Enguri project faced the problems and was not registered.</p> <p>Some 20 projects are at different stages of validation. A project, registered in 2006 – collection and burning of methane from Gldani landfills – has been suspended and will not most likely be resumed.</p>

Objective 14

<p>3. Have cost-effective national and/or regional programmes been formulated to improve the quality of local emissions factors, activity data and/or models for the preparation and updating of the inventory?</p>		x		<p>In May 2010 Tbilisi joined the Covenant of Mayors on climate change. Under the Covenant, Tbilisi Mayor's office committed to reduction of emissions by 20% by the year 2020 through enhanced energy efficiency and cleaner production. The Mayor's office is to prepare baseline document with regard to energy consumption and emission levels. Besides, it should develop sustainable energy action plan.</p>
<p>4. Are there national and/or regional programmes in place (or planned) containing measures to mitigate climate change (e.g. sectoral programmes on energy, transport, waste, land use, industry, households, buildings or specific technologies such as energy conservation or renewables) (Art. 4.1 (b))?</p>		x		<p>International organizations, such as GTZ, KfW, UNDP, USAID and donor governments, e.g. Norwegian government implement renewable energy supporting projects through different grants and low-interest credits. The projects also envisage rehabilitation and development of small and medium hydropower stations. The latter initiative is officially supported by Georgian government. There is the list of potential hydro power stations at the website of Ministry of Energy. All other projects are purely donors' initiatives, since there is no legal framework document in place to support renewable energy development in Georgia (see objective 15).</p> <p>Besides, European Bank for Reconstruction and Development has provided a credit line for local banks to finance high-quality energy-efficient devices. "British Petroleum" participates in the project.</p> <p>Energy Efficiency Center (http://www.eecgeo.org/), with the financial assistance of Norwegian Ministry for Foreign Relations, is working on a project to support operation of small hydropower stations in Georgia.</p>
<p>5. Has the country made efforts regarding the development and exchange of practices and processes to control emissions and to hinder climate change (Art. 4.1 (c), (g), (h))?</p>		x		<p>Second National Communication provides for emission reduction strategy. According to official governmental position¹⁵ full development of hydropower potential in the energy sector is top national priority. Long-term objective of national energy policy is to satisfy the demand for electricity by that generated at local hydropower stations.</p> <p>At the same time Georgian government in its documents to Copenhagen conference admits, that the country needs to make steps to promote introduction of greenhouse gas emissions reduction technologies, especially in renewable energy and energy efficiency.</p> <p>Exchange of practices and technology transfer take place only at NGOs level.</p>

¹⁵ It should be noted that in terms of fossil fuel consumption transport sector has leading position in Georgia – in accordance with Second National Communication in 2006 this sector used 65% of all fossil fuel consumed; consumption of fossil fuel in energy sector is much lower.

<p>6. Have plans been adopted to adapt to climate change (coastal zone management, water resources...) (Art.4.1 (e))?</p>		x		<p>Presently, NAPA (National Adaptation Program of Activities) is being developed, which will identify appropriate measures and necessary funds.</p> <p>In 2009 adaptation plans within Second National Communication were developed and approved for the following regions: Dedoplistskaro, lower Svaneti and the Black Sea coast. Two plans are being implemented at the moment:</p> <ul style="list-style-type: none"> • In Dedoplistskaro region measures for adaptation and combating desertification are being carried out with GTZ support. They imply planting windbreaks, forest program and irrigation. • A Dutch organization is carrying out the Black Sea coastal zone expert assessment. Besides, coastal shore protection works at Batumi-Adlia segment are ongoing. <p>No specific measures have started as yet in lower Svaneti.</p> <p>Progress is evident as compared with the previous year since adaptation action plans are being implemented.</p> <p>According to Ministry of Environmental Protection and Natural Resources, CENN, with USAID funding, is carrying out vulnerability assessment and adaptation project in: Dedoplistskaro, Sagarejo, Akhaltsikhe, Borjomi, Khelvachauri and Keda regions. Thus, there is hope, that new adapataion programs will be developed for Akhaltsikhe, Borjomi, Khelvachauri and Keda after the completion of this project. At the same time, some inconvenience is caused by overlapping with existing plans in Dedoplistskaro region.</p>
<p>7. Have initiatives been launched to raise public awareness regarding climate change issues (Art.4.1 (i)) (e.g. training programmes)?</p>		x		<p>The system of regular informing the public is not established.</p> <p>From time to time the Ministry holds seminars and information campaigns within certain projects.</p> <p>In Fall 2010 the second Climate Week was organized with support of EC Delegation and at the initiative of "Friends of the Earth – Georgia". The week aimed at raising public awareness regarding climate change. Lectures, workshops, street rallies were held within the campaign. First such week was arranged in Fall 2009.</p>
<i>Reporting</i>				
<p>8. Does the country have a system of national inventories of anthropogenic emissions (Art.4.1 (a) of the Convention)?</p>				<p>Question in not relevant for Georgia</p> <p>No such system is in place; only single inventories are carried out during preparation of National Communication. The Convention on Climate Change, as well as Kyoto Protocol do not obligate Georgia to carry out permanent monitoring. However, in future Georgia might be required to have such a system if it comes to the approval of Nationally Appropriate Mitigation Action (NAMA) program.</p> <p>Currently NAMA strategy is being developed and negotiated with a number of international organizations, including UNDP. The UNDP Bratislava office agreed to help Georgia in developing the strategy. However, the negotiations have just started and no formal agreement, except principal consent of the organization, has been reached.</p>

Objective 14

9. If so, is it periodically updated and published?		x		Results of the inventories within Second National Communication were published in 2008. Georgia has no obligations to update inventory annually. However, 2009 National Communication recommends Georgian government to update the data at least every two year.
10. If the country submits a national communication to the UNFCCC Secretariat, does it submit it on a regular basis? In particular, where the first communication has been submitted, are steps being taken to prepare a second communication?		x		Two national communications have been developed so far and they were submitted to the Convention respectively in 1999 and 2009. Funds have been raised for project proposals for preparation of the third communication. Development of project proposals will presumably start during 2010 and third national communication – in Spring 2011.
11. Do the communications contain information regarding steps taken or envisaged to implement its legal commitments?		x		National communication follows UNFCCC guidelines and contains information regarding all its commitments (inventories, adaptation, etc.)
12. In non Annex I countries, (or for countries in economic transition), has the country already made propositions to the Secretariat for financing of projects on a voluntary basis to reduce emissions?			x	Second National Communication contains the list of projects for emission reduction, as well as adaptation and mitigation projects. These projects can be found in different parts of the text depending on the topic. Only CDM projects are listed separately. After 2009 Copenhagen meeting Georgian officials started negotiations with UNDP and other international organizations on supporting NAMA strategy development.
Overall assessment				
Overall assessment: Score of 0 to 33 (3x number of questions)		20		
Total Score = % of maximum score obtainable		60.6%		
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>1. Georgian government's attitude to climate change underwent significant progress in 2009-2010. Now climate change and adaptation are among government priorities. Georgia has also associated in "Copenhagen Accord" in 2009 and stands ready to make steps in order to reduce greenhouse gas emissions despite its minor share in global emissions. NAMA and NAPA preparation activities have started.</p> <p>2. It should be mentioned that Georgia does not have integrated climate change policy and legislation. Further institutional strengthening of respective authorities, new recruitments and personnel training is needed to ensure development/implementation of legislation in line with EU directives. Establishment of national climate change forum would enable access to information for all interested parties. It would also enable broader public participation in climate change related decision-making and further activities.</p>				

Objective 15

Improving sustainability of energy and transport policy

Relevant text in the Action Plan:

Continue implementation and refinement of the national sustainable transport policy for the development of all modes of transport and related infrastructure as well as where appropriate approximation of legislative and regulatory frameworks with European international standards, in particular for safety and security issues.

Develop an infrastructure strategy (identifying capacity constraints, lack of inter-modal equipment and missing link infrastructure) in order to identify the priority infrastructure projects in various sectors.

Elaborate and implement a coherent long-term energy policy converging gradually with the EU energy policy objectives including security of energy supply.

Establish a list of measures for gradual legal and regulatory convergence towards the principles of the EU internal electricity and gas markets, accompanied by time schedules and a financing plan.

Evaluation

Question	Yes			No	Notes
Grade	3	2	1	0	

Sustainable transport policy

<p>1. Has a national sustainable transport policy been adopted since signing the AP? If not, is one being developed?</p>			x		<p>Sustainable transport policy has not been developed or adopted since signing the ENP AP. According to Ministry for Regional Development and Infrastructure, modernization of transport infrastructure is in compliance with international standards.</p> <p>Georgian government approved Highway Safety National Strategy and Action Plan. Besides, appropriate technical regulations were approved in order to bring passengers and cargo motor vehicle transportation in line with international standards.</p> <p>It should be mentioned that Georgian legislation requires Environment Impact Assessment to be conducted for rehabilitation of highways of both, national and international significance. This requirement is fully met by highway department.</p>
<p>2. Does the policy address major environmental issues arising from transport (e.g. air and water pollution, health impacts, acidification of the natural environment and climate change)?</p>			x		<p>30 December 2010 amendments (Government Resolution No.421) were introduced to Government Resolution No.124 of 31 December 2004 "On Gasoline Quality Standards". According to the amendments, from 1 January 2010 until 1 January 2012 lead content in gasoline should not exceed 0,013g/l, volume fraction of benzene – 0,005%, aromatic hydrocarbons – 45% and sulphur content – 500 mg/kg.</p> <p>It is noteworthy that 2004 Resolution provided that starting from already 2006 lead content in gasoline should not have exceeded 0,005g/l, volume fraction of benzene – 1%, aromatic hydrocarbons – 42% and sulphur content – 150 mg/kg. Starting from 2007 sulphur content should have decreased to not more than 50 mg/kg, and volume fraction of hydrocarbons – to 35%.</p> <p>2010 amendments to government resolution were made not for the first time – starting from 2005 it keeps being amended but the indicators of lead, sulphur, benzene and aromatic hydrocarbons have not changed for recent five years.</p>

Objective 15

					Also noteworthy is that according to 2010 amendment lead content should not exceed 0,005 g/l from 1 January 2010 and sulphur content should not exceed 150 mg/kg only from 1 January 2013.
3. Did stakeholders in different sectors (environmental and other NGOs, industry, others) play an active role in the development of the policy?				x	According to the approved Highway Safety National Strategy and Action Plan permanent working group was set up consisting of representatives of Georgian executive authorities and civil society actors.
4. Have steps been taken to improve and enhance railroads and inter-modal services for both freight and passengers?				x	Certain steps were made to improve and enhance railroads, including rehabilitation of its Akhalkalaki-Kartsakhi and Marabda-Akhalkalaki segments. Baku-Tbilisi-Kars new railroad construction project is ongoing. It will enable to transport cargo from China and Central Asia to Turkey and Europe. Concurrently "Georgian Railways" is implementing Tbilisi by-pass railway and central railroad rehabilitation projects.
<i>Implementation</i>					
5. Has the policy been implemented in practice?				x	
6. Are financial resources available for that policy? If yes, have they been effectively allocated?				x	
<i>Plans for energy efficiency and renewable energy</i>					
7. Has a good national plan for energy efficiency and renewable energy been adopted since signing the AP? If not, is a satisfactory one being developed?				x	The action plan stresses the necessity for adopting legislation on energy efficiency and renewable energy. National plan for energy efficiency and renewable energy has not been even developed never mind its adoption. According to a representative of the Ministry of Energy, it is not even planned until 2012 due to the absence of appropriate expertise (it should be mentioned that in Summer 2008 Georgian government suspended USAID funded group's work on draft law). At the same time it is interesting that 2010 action plan of Ministry of Energy provided for announcing tenders with regard to Mtkvari and Oni hydropower stations (by all the rules, construction of Oni hydro-cascades should be ruled out, having experienced 8 September 2008 earthquake with epicentre (MS=6.2) in Oni). A Turkish company won the tender for Mtkvari cascades construction and is carrying out preparatory activities. Continuation of hydropower stations' rehabilitation process, including Enguri station in 2009-2010, deserves positive assessment. Besides works have started for rehabilitation of Vardnili HPP Cascade (EBRD, EIB, EU). This will provide the country with additional 245 megawatts and reduce hazard risks to the population living downstream the power plant in both, Zugdidi and Gali regions. Georgia participates in two regional programs of INOGATE (Interstate Oil and Gas Transport to Europe):

				<ol style="list-style-type: none"> 1. "Support to Energy Market Integration and Sustainable Energy in New Independent States" aiming at setting up more integrated energy market in the region and promote energy security. The project will facilitate harmonisation of policies, legislations and regulatory practices in the partner countries. The program includes workshops on energy efficiency and renewable energies and development of sustainable energy policy. 2. "Energy Saving Initiative in the Building Sector in the Eastern European and Central Asian Countries" aiming at supporting INOGATE partner states in reducing their fossil fuel dependence, strengthening energy security and mitigation of the impact of climate change; ensuring energy consumption control through promotion of energy efficiency and renewable energy in building sector. <p>The fact that Georgian parliament ratified in Summer 2010 the IRENA (International Renewable Energy Agency) Act thus becoming the Agency member, also deserves positive assessment.</p> <p>Ministry of Energy is considering introduction of "step-by-step tariffs" as one of the important energy efficiency tools under the pretext that "such tariff system will encourage consumers to save electricity", through electricity stock-taking and control, as well as supplying rural areas with gas. To our opinion, these measures are important but not sufficient.</p> <p>According to "World Experience for Georgia" studies, Georgia today consumes 6 times less energy per capita, than Finland and Norway and 2.5 times less than Greece. At the same time Georgia consumes 4.5 times more energy per unit of GDP output than developed countries. It has been calculated that through cost-saving energy efficiency measures (replacement of incandescent bulbs with low-energy ones, insulation of buildings, transfer of motor transport to gas consumption, energy efficient stoves, new technologies, introduction of day-light saving time) would enable to reduce energy consumption approximately by 25 percent, improve energy efficiency and save tens and hundreds of million dollars. Important precondition for this is adoption of appropriate legislation and development of plans and programs promoting energy efficiency.</p>
8. If there is a plan, does it contain specific and measurable targets/ objectives?				x
9. If there is a plan, does it contain a clear and realistic financial plan (e.g. identifying likely sources for funding)?				x

Objective 15

<p>10. Did societal stakeholders (environmental and other NGOs, industry, others) play an active role in the development of the plan?</p>			x	<p>Civil society sector has quite some expertise; USAID helps to increase its capacity and implements pilot projects; however these capacities are not fully used during development of strategic documents.</p> <p>According to Ministry of Energy, it actively cooperates with two NGOs in energy efficiency issues: “Energy Efficiency Centre” and “Energy Efficiency and Environmental Protection”. It is not clear whether any consultations on political issues take place with these organizations, or the cooperation amounts to nothing more than the projects. It is necessary that wide range of organizations be involved in discussions over energy efficiency and renewable energy issues.</p> <p>It should also be noted that Ministry of Energy is quite open when implementing projects funded by international financial institutions: in such cases the Ministry holds public discussions and invites for cooperation wide range of different institutions. For example, the cooperation was quite fruitful in implementation of the Black Sea Regional Energy Transmission project.</p> <p>In general, public participation in the issues related to energy policy is still problematic. Despite great public interest, some documents, for instance, memorandum signed with “RAO-ES” on Enguri hydropower station, is still confidential.</p>
<p>11. Have steps been taken to implement the actions in the strategy?</p>			x	
<p><i>Country-specific questions</i></p>				
<p>12. Have there been any steps made for human resources capacity building in energy efficiency and renewables sectors?</p>			x	<p>Some, but not sufficient steps have been made by donors in this regard. There is no appropriate capacity building program in place.</p>
<p>13. Georgia EU Action plan provides for approximation of energy policy with the EU objectives, in particular, elaborate and implement a coherent long-term energy policy converging gradually with the EU energy policy objectives including security of energy supply. How are the engagements being met?</p>			x	<p>In 2007 Georgia was granted observer status in European Energy Community (EEC); since the end of 2009 Georgian government is considering full membership in EEC. If Georgia becomes EEC full member it will have to implement the Community Agreement and associated environmental legislation, including Kyoto Protocol, IPPC Directive 96/61, EIA Directive (85/337), etc.</p> <p>Georgian-European Policy and Legal Advise Center (GEPLAC) prepared preliminary assessment and recommendations about Georgian government’s activities for obtaining full membership status. According to the studies¹², no legislation is in place on several issues in Georgia. According to its findings, Ministry of Energy needs to be more proactive with regard to harmonization of Georgian legislation with EU directives and to enhance cooperation with Ministry of Environmental Protection and Natural Resources.</p> <p>Green Alternative deems that the country does not pursue the energy policy as required in the Action Plan. Ministry of Energy does not agree with Green Alternative, though.</p>

¹² See http://geplac.ge/newfiles/Environmental%20Implications%20vs%20ECC_JSarnacki%20May%202010.pdf

				<p>In her 14 September 2009 letter to Green Alternative, Ms. Mariam Valishvili, deputy Minister of Energy says, that the Resolution of Georgian Parliament of 2005 on "Main Directions of State Policy in Georgian Power Sector" describes quite specifically and coherently the objectives and priorities in energy sector and is in full compliance with main objectives of European energy policy, such as energy security, diversification of energy resources and ways of their transportation, development of renewable energy capacities, etc.</p> <p>It is another matter how coherently defective, to our opinion, energy policy document is being implemented¹³. For instance, the document provides that major long-term objective is "satisfaction of country electricity needs through its own hydro energy resources", "stage by stage, initially through substitution of import and then thermal power plants generation".</p> <p>In the light of this declaration Georgian International Energy Corporation made a statement in 2010 that it is starting building 300 mega watt coal-fired thermal power plant in Tkibuli, and plans building of 900 mega watt coal power plants in the nearest future. It is noteworthy, that such projects are planned and developed despite the fact that gas power plants' installed capacities are not fully utilized even in low-flow period¹⁴.</p>
14. Georgia-EU Action plan provides for gradual convergence towards the principles of the EU internal electricity and gas markets. How is the engagement being met?			x	Georgian Ministry of Energy thinks that deregulation mechanisms implemented in the sector are sufficient to ensure free and competitive market and tariff system. In this regard note should be taken of the fact that today energy generation and energy distribution in Georgia are carried out by one and the same companies; such situation cannot be assumed to be in line with EU internal market principles.
Overall assessment				
Overall assessment: Score of 0 to 42 (3x number of questions)	6			
Total Score = % of maximum score obtainable	14%			
Background information on energy (For use in possible future comparisons, to evaluate whether energy efficiency plans have had results)				
Question				Notes
What share of energy supply currently comes from renewables? Please break down into separate technologies and sectors (to avoid large hydro power plants swelling the figures!) Available from national statistics or from www.iea.org : hydro, geothermal, solar, etc. as a % of TPES.				<p>Source: www.eia.org 2009 TPES = 2988 KTOE</p> <p>1958 i.e. 65% of TPES imported (oil and its products, gas) Hydro share - 616 Ktoe, renewable (geothermal, the sun etc) - 14 Ktoe, firewood - 378 Ktoe, gas - 1083 Ktoe.</p>

¹³ See also Green Alternative's comments on energy policy document: http://www.greenalt.org/webmill/data/file/Preconditions_for_Development_of_Sustainable_Energy_in_Geo_final.pdf

¹⁴ See 8 February 2010 Minister of Energy Order No.8 on amendments to 27 August 2009 Minister of Energy Order No.60 on approving 2009-2010 energy (capacity) balance.

Objective 15

<p>Trend analysis: Growth in % of renewables since the baseline situation?</p>		<p>Insignificant increase of renewables (from 10 Ktoe to 14 Ktoe) and hydro (from 457 to 616) share and decrease of firewood (from 645 to 378) and gas (from 1380 to 1083) share can be observed as compared with previous year.</p>	
<p>What is national energy intensity? And specific energy consumption? Available from national statistics or from www.iea.org: TPES/population; TPES/capita and TPES/GDP (PPP¹⁷)</p> <p>In addition: what is national carbon intensity? (same sources as above) CO₂/country; CO₂/capita and CO₂/GDP (PPP)</p>		<p>Source: www.eia.gov</p> <p>According to energy information agency, national energy intensity is 8,154 Btu per 2005 USD (2009 data)</p>	<p>Source: www.iea.org</p> <p>2005 TPES /capita – 0.75 TPES/GDP (toe/thousand 2000 USD) - 0.70 TPES/GDP/(PPP) - 0.23 CO₂/TPES - 1.38 CO₂/capita - 1.04 CO₂/ GDP (PPP) - 0.31</p>
<p>How does national energy/carbon intensity compare with similar countries in the region? (higher or lower?)</p> <p>In addition: Trend analysis: growth/decline (in %) of above figures compared to the baseline situation?</p>		<p>Trend analysis is extremely difficult as there are low, if any intensity changes.</p> <p>Carbon dioxide emission (million metric ton 2003 – 3.8, 2004 – 4.1, 2005 – 4.7, 2008 – 4.7. Source: www.iea.org)</p> <p>At the same time it should be mentioned that Georgia has lower than neighbouring countries carbon intensity, as hydro share of consumed energy is 53%.</p> <p>In 2008 carbon dioxide emission (million metric ton): Azerbaijan - 29.2, Armenia– 5.26, Russia - 1593.83, Turkey –263.53.</p>	

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