

The publication has been prepared by Green Alternative with the financial assistance of Open Society Georgia Foundation.

The content of this publication is the sole responsibility of Green Alternative and can under no circumstances be regarded as reflecting the position of the Open Society Georgia Foundation.



© Green Alternative, 2016

Contents

Introduction	2
1. Implementation of EU Georgia Association Environment and Sustainable Development	2
1.1. Major Trends	2
1.2. Association Agreement Implementation: Priorities for 2017.....	4
Objective 1. Integrating Environmental Issues into Other Sectors	5
Objective 2. Environmental Impact Assessment (EIA).....	12
Objective 3. Nature Protection - Biodiversity and Forest Management	19
Objective 4. Water quality and management	23
Objective 5. Chemicals Management	27

Introduction

The EU-Georgia Association Agreement signed on June 27, 2014. It establishes the framework for cooperation between Georgia and the European Union. Under the agreement, Georgia undertakes commitment to carry out reforms and gradually harmonize own legislation in the relevant sectors with 300 legal acts of the European Union, including in the environment and sustainable development fields.

The goal of the present report is to assess the fulfillment of commitments under the Association Agreement and the Association Agenda in the environmental sector.

The report is based on a number of documents, in the Georgian Government's national action plans for 2014 and 2015 and implementation reports, the Road Map on Approximation with the European Union in a field of environment protection and climate change; For preparation of the report the public information received from relevant government agencies, as well as the expert conclusions and reports and official statements made by various stakeholders.

Assessment Methodology

Since 2009 Green Alternative periodically publish the report on the progress of environment and sustainable development sector under EU Georgia ENP Action Plan¹. The present report continues the series of assessment of Georgia's environmental legislation harmonization with EU aquis. The existing methodology was reviewed and adapted to the requirements of the Association Agreement (AA) and new objectives and priorities been selected². However, the major character of the methodology, to define the objectives of AA to be achieved by the State in the given time and detailed assessment of the effectiveness of implemented activity – remain untouched.

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 years³.

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, why and how 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.

For the report, the Association Agreement and Association Agenda represent the guideline. Respectively, for assessment of 2014-2016 progress we chose the sectors (objectives) where some progress should be achieved by the end of 2016, in terms of the harmonization of legislation⁴.

1. Implementation of EU Georgia Association Environment and Sustainable Development

1.1 Major Trends

The process undertaken in the sector of Environment and Sustainable Development should be assessed positively. First of all its attributes to the fact that AA requires the comprehensive reform of environmental governance. Also, it requires integration of the environment in other sectors, including economy and trade. Increased EU's sectoral support in the sectors of rural development and agriculture plays important role in the development of this positive trend.

In 2015, the Ministry of Environment and Natural Resources Protection of Georgia (MOE) with the support of EU developed the roadmap for the convergence of Georgian legislation with the EU environmental and climate change

¹ Available on www.greenalt.org

² The original methodology was developed with support of Heinrich Boll Foundation and WWF Brussels offices.

³ Green Alternative plans to continue assessment of Association Agreement implementation, that will give possibility to assess the progress year by year.

⁴ The follow up reports will have also other objectives, based on the timeline of commitments,

laws. In the fall of 2016 the new updated version of the roadmap was presented. The roadmap outlines the activities with time schedules, with the purpose of implementing reforms in particular sectors. In addition, for each activity the roadmap identifies the difficulties existing in the sector and the criteria for prioritization, as well as a particular responsible authority (service/agency); it also defines interim and final indicators and relevant dates. The roadmap provides more opportunities for evaluation and monitoring.

The analysis of fulfillment of the environmental part of the 2014-2016 National Action Plans and the Roadmap makes clear that work has been done to harmonize the environmental legislation both in horizontal (environmental governance) and sectorial (air, water, biodiversity, forest, etc.) directions. At the same time, not a single draft law has been approved, including the laws, which, according to the plan, should have been already approved or, at least, submitted to the Parliament for consideration. It includes the draft laws that according to the roadmap should be adopted or at least submitted to the Parliament for consideration⁵. That represents one of the major problems for reforming.

It should be noted that Political establishment in Georgia still firmly convinced that environment protection represents the main impediment for economic development⁶. Therefore, it is important that the environmental impact assessment and the strategic environmental assessment tools been established in timely manner in accordance with the EU directives. It will allow carrying out the environment and human health impact assessment study, to define the best feasible alternatives and mitigations.

The Association Agreement considers environment protection as a sector of cooperation that aims to "Cooperation shall aim at preserving, protecting, improving and rehabilitating the quality of the environment, protecting human health, sustainable utilization of natural resources and promoting measures at international level to deal with regional or global environmental problems". Therefore Environment and Sustainable Development also occupies significant part of Deep and Comprehensive Free Trade Agreement, the essential part of AA.

In order to ensure the implementation of the Sustainable Development goals, it's important that country has the State Environmental Policy, that would represent the basis for further development.

The access to information and public participation in environmental decision making is still problematic. Due to the non-existence of formal procedures, the public participation is weak during elaboration, implementation, monitoring and evaluation of the policies. The public participation is also ineffective during the decision making regarding the projects that have significant impact on environment.

The practice related to public participation in the process of fulfilling the commitments undertaken under the Association Agreement is inconsistent. On the one hand, the process sometimes open and the opinions of nongovernmental organizations, experts and interested public are reflecting in the corresponding texts; on the other hand, in some cases the legislative process is closed.

The research verifies, that in the sectors with high interests of Donors community, stable of multilateral financial flows and/or cooperation on bilateral and regional level (like in case of Nature Protection – Biodiversity and Sustainable Forest Management), more concrete results were achieved. However, research evidenced the dangerous tendency - the completion of the International Cooperation program may lead towards slowing of the national legislation harmonization process. (E.g. the elaboration of environmental assessment code project and processes related to the water framework law elaboration.)

The implementation of AA objectives in percentage is shown in the table below. The following charters contain the questionnaires that assess in detail achievements and/or failures of each objective.

⁵ The postponement of processes was anticipated. Environmental protection is a challenging sector involving a lot of stakeholders and respectively, it is difficult to reach a consensus. Just therefore, it is important for the ministry to undertake the following recommendations related to the working process. Therefore, to avoid any misunderstanding it's important, that during the elaboration of the draft laws, the delays and/or postponing of the process is never clearly explained to the public. Altogether, it is important that society has precise and updated information on the timeframes and the entire process. In addition, the Ministry of Environment and Nature Resources Protection never explains why the particular public comments does not been incorporated in the legislation, while it represents the essential part of public participation.

⁶ It should be mentioned, that its problem not only for Georgia. e.g. on November 3rd, 2016 Ukraine's President Petro Poroshenko vetoed the laws on the assessment of environmental impact and n Strategic Environmental Assessment (SEA) passed by the Verkhovna Rada on October 4, which were the part of the so-called package of European integration laws. The president evaluation claims that the documents contain different approaches towards regulation fields and objects and it may create difficulties during planning process. It should be mentioned that laws were prepared under UN ECE EaP Green Economy Development project. The project also involves preparation of the same laws for Georgia.

The declared objective in Association Agreement	Percentage Indicator
Integration of Environment in other sectors of Economy	19.6 %
Environmental Impact Assessment Law harmonization with EU legislation	16.7 %
Nature Protection – Biodiversity and Sustainable Forestry	46 %
Chemicals Management	30 %
Water quality and water resources management	21.4 %

1.2 Implementation of Association Agreement: Priorities for 2017

Worldwide experience has shown that the actions undertaken in the field of environment will not be effective if the environmental issues will be integrated into sectoral policies. Economic development programs and projects always follow by negative environmental and social consequences. This, on the one hand, supports different conflicts in society, on the other hand, requires additional costs for mitigation from the state budget. Therefore, it is important to assess the impacts of program / project beforehand and propose relevant mitigation measures, to ensure its sustainability and economic attractiveness from a long term perspective.

In order to integrate the Environmental issues into development policy, country should have the environmental policy goals, objectives and priority areas; That is, the nation should have the state environmental policy. The development of this policy is an urgent necessity.

Therefore, it's important to ensure timely elaboration and adoption of the Environmental Assessment Code. And ensure that the chapter on strategic environmental assessment would not be postponed and enacted.

In 2015 with coordination of the Government Administration, under the public sector governance reform was assessed Georgia's policy planning system. As a result of the evaluation, it was determined country's policy planning system is flawed and inconsistent; the number of systemic problems revealed and three-year planning policy reform strategy for the years 2015-2017 outlined⁷. The timely implementation of the strategy, in turn, will promote the highest quality integration of environmental issues in the development of policy.

⁷ Ordinance of the Government of Georgia 186 on amendments in Strategic documents of Public administration „Georgia's public administration Guide 2020" and „Policy planning Reform strategy 2015-2017" 08.04.2016; <https://matsne.gov.ge/ka/document/view/3259832>

Objective1					
Integrating Environmental Issues into Other Sectors					
<p>Extract from Georgia-EU Association Agreement: Paragraph 2 of Article 302: “Cooperation shall also aim at integrating environment into policy areas other than environment policy”. Subparagraph (b), paragraph 1, article 304: “The cooperation shall cover, among others, the following objective:... (b) the promotion of integration of the environment into other policy areas.”.</p> <p>According to the Association Agenda for 2014-2016, Georgia has undertaken full implementation of the country’s National Environmental Action Programme for 2012-2016 (NEAP-2)⁸. NEAP-2 dedicates entire chapter to the integration of environmental issues as a necessary precondition for implementation of the measures envisaged by the programme⁹.</p>					
Assessment					
Question	Yes			No	Notes
Grade	3	2	1	0	
National Strategy for Sustainable Development					
Has National Strategy for Sustainable Development been adopted after signing the Association Agreement?				X	
Is any work underway on its development?				X	<p>There is no work underway and as far as known, there are no plans to conduct such work.</p> <p>There is no document in Georgia, which should have defined a comprehensive, long-term vision about the country’s development¹⁰.</p> <p>At the same time, there is a document, which is considered by the Georgian government as a policy document defining the key directions of the country’s development. This document is: Socio-Economic Development Strategy of Georgia – 2020 (<i>Georgia 2020</i>) adopted in 2014¹¹. The strategy involves so called horizontal measures of economic policy and defines priority directions of relevant ministries.</p> <p>The strategy declares such goals and priorities, which may have direct or indirect positive impact on the environment (for example, encouragement of resource-efficient technologies). At the same time, the strategy contains such priorities, which may have adverse effects on the environment (for example, policy priorities defined for the development of transport sector).</p>

⁸ „Full implementation of Georgia's National Environment Action Plan for 2012-2016”

⁹ 2012-2016 National Environment Action Programme - 2, chapter 14 “Policy Integration”; available at http://eiec.gov.ge/NavMenu/Documents/Action-Plan/NEAP_geo_2012.aspx

¹⁰ Generally, policy planning process is not systemic in Georgia. The law regulates the development of the following documents on planning: governmental program; government’s annual action plan; government’s lawmaking activity plan, international agreement, document on the key data and directions of the country and the state budget. In the planning process, besides these tools, sometimes sectoral strategies and action plans are also developed. In addition, the law does not provide a clear explanation about the links between these planning tools, their hierarchy and interrelations. There is no regulation that would have defined policy planning areas and stages (source: Policy Planning System Reform Strategy: 2015-2017 (approved by Decree #186 of the Government of Georgia dated April 18, 2016 amending Decree #427 of the Government of Georgia dated August 19, 2015). Available at: <https://matsne.gov.ge/ka/document/view/3259832>).

¹¹ Approved by Decree #400 of the Government of Georgia dated June 17, 2014 on approval of Socio-Economic Development Strategy of Georgia - ‘Georgia 2020’ and Associated Activities”, available at: <https://matsne.gov.ge/ka/document/view/2373855>

Integrating environmental issues into regional development policy					
Have regional development policy document(s) been adopted?	X				<p>There are two main documents approved by the government, which define the priorities of regional development. These documents are:</p> <ul style="list-style-type: none"> • 2010-2017 State Strategy of Georgia for Regional Development adopted in 2010¹²; and • 2015-2017 Regional Development Programme of Georgia¹³. <p>Besides these two documents, each region of Georgia has its own development strategy approved by the Georgian government¹⁴. Elaboration of Rural Development Strategy of Georgia is also underway¹⁴.</p>
Are environmental issues integrated into these document(s)?			X		<p>A part of the priority directions declared in the above mentioned documents may have a significant negative impact on the environment, since they entail utilization of natural resources and/or may cause emissions into the environment. At the same time, they involve the priorities, which have positive effects on the environment (for example, implementation of forest rehabilitation and adaptation measures; restoration of windbreaks; monitoring of especially vulnerable lands; planning and implementation of their rehabilitation and adaptation measures), as well as priorities, which are not directly related to the environment, but may have indirect positive effects on the environment (for example, stimulation of innovations and promoting the establishment of innovation centers).</p> <p>It should be noted that as a rule, the priorities that might have positive effects on the environment are not directed towards prevention, mitigation or compensation of possible negative impacts of the priorities included in the same documents. In other words, environmental issues are included in the documents but they are not integrated.</p>
Integration of environmental issues in sectoral policies					
Are policy documents adopted in various sectors (for example, industry, energy, agriculture, transport)?			X		<p>As already mentioned above (see explanation for the second question), there is no document in Georgia, which would have defined a comprehensive, long-term vision of the country's development, its goals and tasks, as well as among other issues, priority sectors of economy. Respectively, there are no state policy documents in various sectors of economy.</p>

¹² Approved by Decree #172 of the Government of Georgia dated June 25, 2010 on approval of the 2010-2017 State Strategy of Georgia on Regional Development and setting up a governmental commission for regional development of Georgia". Available at: <https://matsne.gov.ge/ka/document/view/1025719>

¹³ Approved by Decree #1215 of the Government of Georgia dated July 9, 2014 on approval of the 2015-2017 Regional Development Programme of Georgia; the decree is available at: http://gov.ge/files/381_43284_894609_1215.pdf; the program is available at http://gov.ge/files/381_43285_728272_1215-1.pdf

¹⁴ The current strategies for all regions were adopted in 2013 and their priorities are envisaged for 2014-2021, except two regions; strategies for the latter were renewed in 2016 and presently they involve priorities for 2016-2021.

¹⁵ Rural Development Strategy is being developed in frames of EU's ENPARD programme and with the technical support of United Nations Development Programme (UNDP). The first public consultations on the draft strategy were held in October 2016.

			X	<p>For example, while Georgia’s Mining Contribution Index (a share of mining industry in the national economy) stands at 52.5¹⁶, not a single document mentioned above says anything about the priority nature of this sector, to say nothing about presence of a policy document in the sector. The situation is almost similar in the tourism sector. Tourism is considered one of the means for poverty eradication and economic development in regions. But at the same time, the country has not defined its national policy goals and development strategy in this area.</p> <p>The only exception is energy and agriculture and partially, transport sector: energy policy is defined by The Major Directions of State Policy in Energy Sector of Georgia approved by the Georgian Parliament in 2015¹⁷; the 2015-2020 Strategy for Agricultural Development approved by the government in 2015 enables discussions on the key directions of agricultural policy¹⁸.</p> <p>As far as the transport sector is concerned, although the sector is developing very intensively over the past decade and a significant part of the state and donor funding is directed to this sector, there is no policy document in this area so far¹⁹. The above mentioned policy documents – Socio-Economic Development Strategy of Georgia - 2020 and regional development policy documents adopted in 2010 and 2014 – speak about certain priorities in the transport sector. Moreover, there is Decree #655 of the Government of Georgia dated April 15, 2016²⁰, which has approved large-scale priority transport projects (10 ongoing and 22 planned projects); these projects were granted a status of “special national and public importance”.</p>
Are environmental issues integrated into these documents?			X	<p>In those areas, where there are more or less established policy priorities (energy, agriculture, transport sectors) environmental issues are reflected in relevant documents. However, the degree of integration is varying: environmental issues are better integrated in agriculture and less and even lesser integrated in energy and transport sectors, respectively.</p>

¹⁶ Georgia is ranked 75th among 183 countries of the world (the county, which is most dependent on mining, is ranked 1st and its index is 96.2; the country, which is least dependent is ranked 183rd with 1.8 index). International Council on Mining and Metals periodically publishes Mining Contribution Index (MCI). The Council unites large, transnational mining companies and national and regional associations of companies. The 2016 data and index calculation methodology are published at the Council’s website at http://www.icmm.com/161026_icmm_romine-supplement_third-edition.pdf

¹⁷ Approved by the Resolution of the Parliament of Georgia dated June 24, 2015 on the Key Trends of the State Policy in Energy Sector of Georgia, available at <https://matsne.gov.ge/ka/document/view/2894951>

¹⁸ Approved by Decree No. 167 of the Government of Georgia dated February 11, 2015 “On approval of the 2015-2020 strategy on Georgia’s agriculture development”; available at <https://matsne.gov.ge/ka/document/view/2733545>

¹⁹ In 2014, with the financial support of Asian Development Bank (USD 750 thousand was allocated), the government started to develop the National Transport Policy/Strategy Document of Georgia and its action plan (source: the Ministry of Economy and Sustainable Development of Georgia; news of Media Center, December 10, 2014 “Georgia began to work on transport development strategy” <http://www.economy.ge/ge/media/news/saqartvelos-transportis-ganvitarebis-strategiaze-musaoba-daiwyo>). Policy/strategy and action plan have not been published so far for public discussions; it is unknown what are the government’s plans in connection with this document.

²⁰ Decree No. 655 of the Government of Georgia dated April 15, 2016 “On approval of the list of projects of special state and public importance to be implemented by the subjects under the Ministry of Regional Development and Infrastructure”; available at http://gov.ge/files/438_55408_201255_655.pdf

					<p>Agriculture: The strategy involves the priorities, which will directly or indirectly have positive effects on the environment (for example, soil rehabilitation on agricultural lands; restoration of windbreaks, etc.); also measures, which may cause adverse effects to the environment (e.g. construction of irrigation reservoirs; development of agricultural infrastructure). The strategy also contains a separate priority direction “Climate change, conservation of the environment and biodiversity”, which provides the measures that will have direct positive effects on the environment.</p> <p>Energy: Among other issues, The Major Directions of Georgia’s National Energy Policy focuses on promoting energy efficiency and utilization of renewable energy resources along with traditional energy carriers. But it should be noted that under renewable energy resources the government of Georgia, first of all, means hydro resources and under renewable energy – large dam hydro power plants of any capacity.</p> <p>Transport sector: The priorities mentioned in all the above mentioned documents will have direct negative effects on the environment. As a counterbalance, only the first document mentions that in the process of construction/development of any infrastructure (transport, energy, logistical, agricultural) it is essential to provide proper assessment of its impact on the environment and to take this impact into consideration in order to avoid any possible harm.</p>
Integration of environmental issues in investment policy and financial instruments					
Has the country’s investment policy been adopted?				X	<p>There is no official document in Georgia that would have defined the goals, tasks, needs and priorities of the country’s investment policy and would have reflected environmental issues among other important issues.</p> <p>This is when there are three state funds²¹ and two state agencies in the country²², which are oriented to attracting and supporting private investments in various branches of economy and/or are investing themselves (including in one and the same areas).</p>
Are environmental issues integrated in investment policy and financial instruments?				X	<p>Although there is no officially declared national investment policy, it is still possible to talk about investment policy in energy sector, based on the information posted on the website of the Ministry of Energy.</p>

²¹ Partnership Fund (<http://www.fund.ge/>); Georgian Energy Development Fund (<http://gedf.com.ge>) and Municipal Development Fund of Georgia (<http://mdf.org.ge>); Georgian Co-Investment Fund is also an important player in the sphere of investing (<http://www.gcfund.ge/>). Although it is a private investment fund, but it is worth noting because it was established in 2013 upon the initiative and with the financial support of then PM Bidzina Ivanishvili with the purpose of attracting foreign investments to Georgia.

²² Georgian National Investment Agency (<http://www.investinggeorgia.org/en>) and Entrepreneurship Development Agency (<http://enterprisegeorgia.gov.ge>)

				X	<p>A section “Investor’s page” on the ministry’s website²³ provides interested persons with information about the priority investment directions and even about investment projects. This information enables us to conclude that there is certain incompliance between officially declared policy in energy sector and investment policy priorities. Moreover, environmental commitments declared in the energy policy document are not reflected in investment priorities.</p> <p>For example, the priority declared in the state energy policy “Efficient use of local energy resources” was translated into investment priorities as “maximum utilization of existing abundant hydro resources.” What is meant under “maximum utilization” is absolutely clear from the recently established practice. It means leaving only 10% of sanitary flow in riverbeds, on long sections and using the remaining flow for energy production; in other words, it means degradation of rivers and ecosystems dependent on these rivers.</p> <p>As far as the financial instruments are concerned, presently the following financial instruments are applied in Georgia: state program “Produce in Georgia”²⁴, free industrial zones²⁵ and free tourist zones²⁶. Unfortunately, none of these instruments envisage environmental issues, though they may trigger significant negative impacts on the environment.</p>
Strategic Environmental Assessment (SEA) – Instrument for integration of environmental issues into policies²⁷					
Is there any legislation on Strategic Environmental Assessment (SEA)? ²⁸				X	<p>There is no legislation, but there is a practice of pilot application of in frames of donor-supported projects. Presently, a draft law is being developed and it involves a chapter on SEA (see paragraph 14 below).</p>
Are there any competent authorities? ²⁹				X	<p>The draft law defines competent authorities: Ministry of Environment and Natural Resources Protection and Ministry of Labor, Health and Social Protection.</p> <p>The draft law has not been submitted to the Parliament for consideration; therefore, it may still change.</p>
Are there any procedures to identify those plans and programs, which should be subject to SEA? ³⁰					<p>The draft law defines the procedures for identifying those “strategic documents”, which should be subject to SEA.</p> <p>The draft law has not been submitted to the Parliament for consideration; therefore, it may still change.</p>

²³ Website of the Georgian Economy Ministry http://www.energy.gov.ge/investor.php?id_pages=16&lang=geo

²⁴ Program’s website <http://qartuli.ge/>

²⁵ The Law of Georgia on Free Industrial Zones dated July 3, 2007; available at <https://matsne.gov.ge/ka/document/view/21994>

²⁶ The Law of Georgia on Promoting the Development of Free Tourist Zones dated October 26, 2010; available at <https://matsne.gov.ge/ka/document/view/1073482>

²⁷ Under the Association Agreement Georgia undertook an obligation to approximate its legislation with the requirements of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

²⁸ Georgia should fulfill this requirement within three years after the Association Agreement goes into effect.

²⁹ Georgia should fulfill this requirement within three years after the Association Agreement goes into effect.

³⁰ Georgia should fulfill this requirement within four years after the Association Agreement goes into effect.

Are there any procedures for consulting with environmental agency and public? ³¹				X	The draft law defines the procedures for consulting with the environmental authority and the public. The draft law has not been submitted to the Parliament for consideration; therefore, it may still change.
Is there any mechanism for information exchange and consultation with those EU member states, whose environmental plans or programs may have a significant impact? ³²				X	The draft law envisages the possibility of conducting transboundary SEA in case, if a strategic document being implemented in Georgia has a significant transboundary impact on the environment (or if a strategic document is being implemented on the territory of a foreign country – on the environment in Georgia). The draft law does not provide direct indication at the EU member states. According to the draft law, transboundary SEA will be conducted „in case if other country has undertaken such commitment under the international environmental agreement or if Georgia and this state have concluded a bilateral agreement on implementation of transboundary [impact assessment] procedures on the environment. The draft law has not been submitted to the Parliament for consideration; therefore, it may still change.
Is there any work underway on SEA legislation after signing the Association Agreement?	X				The Ministry of Environment and Natural Resources Protection dedicated a separate chapter to SEA in the draft environmental assessment code, which is still under development. It was planned to submit the draft code to the Parliament for consideration in spring 2016, but this plan was not fulfilled. Thus, the newly elected Parliament will have to consider the draft code.
Policy planning process					
Are there any joint committees/councils or are any similar steps taken to integrate environmental issues into other sectors?				X	There is no regulation in Georgia to define the methods of developing and updating policy documents, including the need and forms of involving all stakeholders. Thus, the format of involvement of stakeholders is different in each particular case and depends on the will of that state agency, which is in charge of development of policy documents.
Does the civil society play an active role in policy planning process?			X		Practice of involvement of civil society in the process of development, implementation, monitoring and assessment of policy documents is weak.
Monitoring and assessment of policy-making					
Does monitoring of implementation of policy documents take place and are the results assessed?				X	Monitoring and assessment system is extremely weak in Georgia; there actually are no monitoring and assessment mechanisms. Sectoral strategies are not assessed and fulfillment of targeted priorities and tasks is not monitored. Therefore, it is impossible to ascertain whether this or that policy yielded particular results in any sector and whether policy goals were achieved. Thus, it is impossible to assess the effects of policy and its priorities on the environment ³³ . In addition, the public is not provided information about monitoring and assessment results.

³¹ Georgia should fulfill this requirement within four years after the Association Agreement goes into effect

³² Georgia should fulfill this requirement within four years after the Association Agreement goes into effect.

³³ See Policy Planning System Reform Strategy: 2015-2017 (Approved by Decree No.186 of the Government of Georgia dated April 18, 2016 on making amendments to Decree No.427 (19.08.2015) of the Government of Georgia“. Available at <https://matsne.gov.ge/ka/document/view/3259832>

Overall assessment				
Overall assessment: Score 0 to 51 (3 x number of questions)	10	Progress 2007 – 2012 ³⁴		
		2007-2008	2009-2010	2011-2012
Total Score = percentage of maximum score obtainable	19.6%	5.5 %	16.7%	16.7%

Comments, explanations, recommendations regarding the overall assessment:

Georgia's policy planning system needs significant improvement. The policies are not clear in all the sectors of the country's development; there is no officially declared investment policy. Nevertheless, based on the available policy documents its can be concluded:

1. Policy documents involve such goals and priorities, which may trigger significant direct or indirect negative impacts on the environment; in some cases, policies also involve the priorities, which might have positive effects on the environment, but they are not directed towards prevention, mitigation or compensation of possible negative effects of the same policies.
2. Certain inconsistency is observed in the goals and priorities set by policy documents; frequently, the priorities of various directions and levels are given together (discussed in one context); or else, policy documents include such priorities, which should be met in the action plan of any agency. It indicates at low competence of policy planning agencies.
3. While the implementation of priorities defined by policy documents (for example, road construction or utilization of hydro resources) may trigger physical changes in environment, the environmental priorities provided in the documents as a counterbalance concern only improvement of environmental management tools. Policy documents do not involve such obligations as expansion of a network of protected areas; rehabilitation of polluted, degraded territories, or introduction of specific mechanisms promoting cleaner production.

Recommendations

1. In order to integrate environmental issues into development policy, first and foremost, it is essential for the country to have the established policy goals, tasks and priority directions for environmental protection; the country must have the state environmental policy; having such policy is crucial for the country.
2. In 2015, in coordination with the administration of Georgian government, the current policy planning system was reviewed in the frames of the reforms ongoing in the public governance of Georgia. The assessment has ascertained that the policy planning system operating in Georgia is faulty. Problems existing in the system were revealed and a three-year strategy of its transformation was outlined in Strategy for Policy Planning System Reform in 2015-2017³⁵. It is important not to postpone the implementation of the strategy. Proper implementation of this strategy and action plan will, in turn, promote qualitative integration of environmental issues in development policy.
3. It is essential to complete the development of draft environmental assessment code timely and submit it to the Parliament for consideration. Enactment of the chapter dedicated to SEA should not be postponed either.

³⁴ EU-Georgia Action Plan also involved the obligation of integration of environmental issues in other sectors. Green Alternative had been monitoring for years the fulfillment of obligations envisaged by the action plan, including the state of fulfillment of this particular obligation, and assessing the progress of its fulfillment through the methodology used here. Thus, a tendency of improvement or aggravation of fulfillment of obligations may be revealed in 2007-2016.

³⁵ Approved by Decree #186 of the Government of Georgia dated April 18, 2016 amending Decree #427 (19.08.2015) of the Government of Georgia "On approval of "Strategic documents of public administration - "Public Administration Reform Roadmap 2020" and "Policy Planning System Reform Strategy 2015-2017". Available at: <https://matsne.gov.ge/ka/document/view/3259832>

Objective 2

Environmental Impact Assessment (EIA)

Relevant text in the Association Agreement:

Article 302, paragraph 1: “Cooperation shall aim at preserving, protecting, improving, and rehabilitating the quality of the environment... including in the areas of: (a) environmental governance and horizontal issues, including strategic planning, environmental impact assessment and strategic environmental assessment...”.

Annex XXVI to the agreement: Georgia undertakes to gradually approximate its legislation to the following EU legislation and international instruments within the stipulated timeframes: Environmental governance and integration of environment into other policy areas:

- Directive No. 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (Codification);
- Directive No. 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment;
- Directive No. 2003/4/EC on public access to environmental information and repealing Directive No. 90/313/EEC.

Evaluation

Question	Yes				No	Notes
Grade	3	2	1	0		

General

<p>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?</p>			X		<p>Legislation on Environment Impact Assessment (EIA) has not undergone positive changes. The following issues in EIA legislation remain problematic:</p> <p>(a) 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>Legislation on Environment Impact Assessment (EIA) has not undergone positive changes. The following issues in EIA legislation remain problematic:</p>
					<p>(a) 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>(b) 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> <p>Besides the above mentioned shortcomings, in 2015 an important amendment was made to the EIA law, which applies to ongoing rather than planned activities. This amendment is described at the end of this section, in 'general explanations'.</p>
Is the EIA process linked to enabling and condition setting?			X	<p>EIA process is a part of project enabling process. Depending on the type of a project, in addition to EIA/ environmental permitting, project proponent might be required to obtain other permits/licenses/consents from competent authorities.</p> <p>In some cases the EIA process is integrated in construction permit issuance procedures (if a planned activity involves carrying out construction works [regulated by law] and a construction permit is required).</p> <p>In this case, the problem is that the construction permit is issued for the construction period only, while environmental conditions are set for the entire lifetime of a project, including operation and decommissioning stages. This makes illogical formal integration of environmental permitting into the construction permitting process.</p>
Structures				
Are responsibilities clearly defined and distributed between the national and local/regional governments?				<p>Question is not relevant for Georgia.</p> <p>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.</p>
Is the capacity of the regulatory authorities sufficient?			X	
Procedure				
Are criteria and procedure for defining which activities are subject to EIA clearly established?			X	<p>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.</p>

Does the procedure in place provide for a preliminary screening stage to decide if an EIA is required for the proposed project?				X	
Does the procedure in place provide for a scoping stage to identify the potential significant impacts and the main alternatives to assess?				X	
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		There is a regulation setting minimum content requirements for EIA report.
Are consultation procedures with authorities likely to be concerned by the project in place and well applied?				X	
Does the legislation clearly require the relevant country authorities and stakeholders to be informed in the case of probable trans-boundary impacts?				X	
Does the legislation clearly require consultation with the relevant country authorities and stakeholders in case of probable trans-boundary impacts?				X	
Are clear procedures in place to ensure effective information for the public early on in the process?				X	
Is the public concerned given early and effective opportunities to participate in the environmental decision-making procedures?				X	
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 Ecological Expertise) is attached to the construction permit issued by the Ministry of Economy and Sustainable Development or local authority.

<p>Is the competent authority required to inform the public of the decision to grant or refuse development consent?</p>				<p>X</p> <p>It was not required until May 2012. The Georgian legislation did not oblige competent authorities to inform the public of the decision to grant or refuse permit or license, including permit for the impact on environment.</p> <p>Starting from May 2012 a permitting authority has to publish information on issuing a permit, making amendments to it or annulling it within 10 days after making a decision. The law says nothing about where this information should be published (unlike licenses – according to the law, licenses should be published in the official gazette - Legislative Herald of Georgia.</p> <p>Although legally required, at the beginning no information on permits had been published. Following multiple demands to publish this information, the Ministry of Environment and Natural Resources Protection started to routinely disclose issued permits on its website (but not in the official gazette).</p>
<p>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?</p>				<p>Question in not relevant for Georgia.</p>
<p>Are the exceptions to information rights, e.g. related to commercial confidentiality, clearly set out?</p>			<p>X</p>	<p>There are some general provisions on confidentiality set out.</p>
<p>Can the authority, which takes a decision on the development consent, attach conditions to a positive decision?</p>			<p>X</p>	<p>The Georgian legislation does not recognize development consent notion.</p> <p>Formal integration of different types of permitting processes into construction permitting can be considered as an attempt to introduce such consent. See also note to the question 2 above.</p>
<p>Is a public right of appeal against the decision clearly set up and in place?</p>			<p>X</p>	<p>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.</p> <p>Besides, there is a problem, immediately related to EIA process and granting permits – Until May 2012, Ministry of Environmental Protection and Natural Resources was not obliged to make the decision public. Hence the public is denied the opportunity to appeal against it. Granted permits were available (is still available even after May 2012 amendment) 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).</p>

Does the EIA procedure include a follow-up requirement? If yes, is it well applied?			X		Since 2010 the Law on Environmental Impact Permit involves a special article concerning enforcement of permit conditions.
Overall assessment					
Overall assessment: Score of 0 to 54 (3x number of questions)	9	Progress in 2007-2012³⁶			
		2007-2008	2009-2010	2011-2012	
Total Score = % of maximum score obtainable	16.7	16.7 %	16.7 %	16.7 %	
Comments, explanation and recommendations regarding the overall assessment:					
<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 does it help 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. 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. Unfortunately, this picture has remained unchanged following the victory of opposition forces in the 2012 parliamentary elections and power transition.</p> <p>The only positive tendency in this area is that in order to meet its commitments under the EU-Georgia Association Agreement, the Ministry of Environment and Natural Resources Protection started to develop a new EIA law. The draft code on environmental assessment (this is the name of the new act) involves important novelties and significantly improves the current EIA system. For example: the draft law introduces screening and scoping stages; the list of activities, which should be subject to EIA, has further improved; the possibility of public participation in decision making has been restored and mechanisms of participation at earlier stages of the EIA system have been added; a number of new mechanisms has been introduced, such as Strategic Environmental Assessment (SEA) and transboundary EIA and SEA. Despite these positive changes, two issues are worth noting and need further reaction, in terms of their improvement. One issue is of procedural nature and concerns the procedures of development and discussion of the draft law; and the other is of substantial nature.</p>					
1. Discussion of the draft code and feedbacks					
<p>Development of the environmental impact assessment code was launched in 2014 and its initial version became available to the public in May 2015. In September 2015 the Ministry published the next version. To discuss this version of the draft, a roundtable discussion was held at the Ministry on September 23-24. During the next nine months the fate of the draft code was unknown. The next version of the draft law was published in late June 2016 and the public was given about two weeks to present their remarks. Since then there has been no information about the draft (the Ministry of Environment and Natural Resources Protection, like other ministries, does not hold meetings with interested parties, for example, to provide information about the activities planned during a year, and/or to report on implemented activities). One thing is clear that the draft code was not adopted within the timeframes established by the Association Agreement roadmap. Apparently, the draft law will be submitted to the newly elected Parliament for consideration and approval.</p> <p>Taking into account the difficult nature of the issues discussed in the draft code, dragging out the process of development of the draft law was not unexpected, but it is problematic that the public has no information about the reasons of delaying the process of developing the draft law and postponing the terms of its submission to the Parliament for consideration. In addition, the Ministry of Environment and Natural Resources Protection never provides feedback to the public, or at least concerned parties; even in case of demanding explanations, it never explains the reasons of neglecting the remarks made by the public (sometimes, public servants even say that they have not received any remarks. For example, Green Alternative submitted about 40 pages of remarks and comments concerning the version published in September 2015. After familiarizing with the next version of the draft law, it became clear that the Ministry took a part of remarks into consideration and neglected the other part. Despite Green Alternative's demand, the Ministry did not explain the reasons for neglecting these remarks and advised the organization to review the new version and submit comments again, this time about the new version (which actually did not differ from the previous version, especially in major approaches). Such practice established by the Ministry of Environment and Natural Resources Protection is absolutely unacceptable and obstructs the Georgian government's universally declared goals of building democratic society and institutions.</p>					

³⁶ Green Alternative has been monitoring implementation of the commitment related to improvement of EIA system since 2007 (similar commitment was included in the EU-Georgia Action Plan of European Neighbourhood Policy) and used same methodology for the assessment. Therefore, it is possible to show the progress in fulfilling this specific commitment starting from 2007.

Recommendation: The reasons for postponing the terms of developing the draft law and submitting it to the Parliament, as well as new terms and consultation procedures should be clearly explained to the public. It is especially important for the Ministry of Environment and Natural Resources Protection to explain in each particular case the reasons for neglecting the comments and opinions submitted by the public. Otherwise, the public will lose trust towards the ministry and the decision-making processes.

2. Mechanism for legalizing illegal activities/projects

As already mentioned above, a part of mechanisms offered by the draft environmental assessment code (EIA and public participation in decision making) is already regulated by current legislation of Georgia (since 1966) and in this case, current norms need approximation with the relevant EU directives. The second part of the issues regulated by the draft code is absolutely new for Georgian legislation; these new instruments are: SEA and transboundary EIA and SEA.

Besides the above mentioned mechanisms, the final part of the draft law, transitional provisions, contains another very important mechanism, which has nothing in common with the requirements of EU legislation. It is the procedure of granting the right by the Ministry of Environment and Natural Resources Protection to some enterprises 'to continue ongoing activities'³⁸. Similar mechanism is also envisaged by current Georgian legislation since June 1, 2015³⁸ and it is actually copied in the draft of new legislative act. Simply saying, the entire draft (like relevant EU directives) is about assessment of environmental impacts of planned projects (activities) and strategic documents (plans, programs) and the process of making decisions on their implementation; and only one article (47) concerns ongoing projects/activities and their regulation.

"Decision on continuation of ongoing activities" introduced by the draft code is actually a new type of permit, which is issued to legalize an illegal activity, to enable illegally functioning enterprises to operate legally and endlessly. These enterprises are:

- Disobedient large polluters operating since the Soviet period, who had over 25 years to bring their activities in compliance with modern norms (adopted after the country gained its independence, since the second half of the 1990s till now) and for whom it is simply unprofitable to reduce environmental pollution, to care for human health (of those employed or affected) and to invest in environmental actions. Over the past 25 years these enterprises were constantly hiding behind the terms of bringing their activities in compliance with legislation (which were constantly being prolonged), or were paying fines for non-compliance and continuing operation. The mechanism of legalizing illegal activities envisaged by the draft code will again enable such enterprises to continue their activities endlessly causing irreversible harm to the environment and affected communities.
- With the support and encouragement of high officials, often investors launch projects, which should allegedly bring great benefits to the country, without obtaining relevant permits from the authorities (or else they demand their activities to be released from EIA obligation citing that it is required by the national interests). They do not conduct EIA; do not obtain permits, thus violating the law. In such cases, controlling authorities, as a rule, limit themselves by imposing an administrative fine, and enterprises continue their illegal activities. The controlling authorities do not even discuss the issue of possible closure of such enterprises and imposing an obligation on them to restore the environment to its previous condition.

Based on the information requested by Green Alternative from the Ministry of Environment and Natural Resources Protection, it became clear that this mechanism applies to currently operating 34 enterprises. According to the public registry agency, only six out of 34 companies have been functioning since the 1990s; 13 enterprises started operation in 2010-2015; the remaining 12 companies were registered in 2000-2010. The activities carried out by these companies (chemical industry, leather industry, waste management, construction materials industry, metallurgy, agriculture and energy) pose high risks to the environment and human health. In addition, in most cases they are frequently located in already very polluted settlements (17 out of 34, i.e. one half of enterprises are located in the capital city, where almost one half of the country's population resides).

Not only the above mentioned mechanism introduced by the draft code does not promote the approximation of Georgian legislation to the EU requirements, on the contrary, it further distances it. It is directed towards legalization of illegally conducted activities; it does not even allow the possibility for the Ministry of Environment and Natural Resources Protection to suspend continuation of illegal activities. In terms of protection of the environmental and human health, the mechanism is biased in favour of disobedient entrepreneurs and is unfair towards obedient entrepreneurs. It already creates broad opportunities for making corrupt deals and promotes irreversible environmental degradation.

³⁷ For detailed information about this mechanism, please, see: Critical review and recommendations on the Draft Environmental Assessment Code of Georgia, available in English at Green Alternative's web-site: <http://bit.ly/2hYyejZ>; and policy brief - Challenges on the way of approximation of Georgian environmental impact assessment (EIA) system with relevant EU requirements, available in Georgian at: <http://bit.ly/2hZ1XhR>

³⁸ Law of Georgia on Environmental Impact Permit, articles 9¹ and 22.

Recommendations:

1. The part of the draft environmental assessment code, which dedicated to the mechanism of making decisions on continuation of ongoing activities, should be removed fully from the draft code primarily because it concerns the area, which is absolutely different from the issues regulated by the draft code.

2. Instead of introducing the mechanism of making decisions on continuation of ongoing activities, the Ministry of Environment and Natural Resources Protection should make a full inventory of regulated enterprises and introduce a fair and transparent system of promoting the environmental enforcement.

3. It is essential to improve the legislation on environmental enforcement and simultaneously to develop approaches towards specific groups of “problematic” enterprises (and towards specific facilities in each group); to develop efficient and realistic, short-term and long-term strategic plans promoting law enforcement. For this to happen, it is important to calculate all necessary expenses and reflect them in the budgets of relevant agencies. It is utterly important to disclose plans to the public and receive opinions.

Finally, special attention should be paid to the fact that as a result of parliamentary discussions, the draft code may undergo such amendments that may further distance it from the EU laws rather than approximate it. Therefore, it is important that the European Union, donors and non-governmental organizations pay special attention to the process of parliamentary discussions and hearings.

Objective 3

Nature protection - Biodiversity and Forest Management

Relevant text in the Association Agreement:

The issues related to Biodiversity and Sustainable Forestry underlined under the articles 301-305 of the Agreement (environment protection charter), as well as in articles 232 on Biological diversity and article 233 on Sustainable management of forests and trade in forest products under the Deep and Comprehensive Trade Agreement (DCFTA) part of the AA.

Under the Annex XXVI Environment the Nature Protection charter requires harmonization of Georgia's law with Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, and Council Directive 92/43/EC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora as amended by Directive 97/62/EC, 2006/105/EC and Regulation (EC) No 1882/2003 ;

Assesment

Question	Yes			No	Note
Grade	3	2	1	0	

Biodiversity

<p>Are the competent authorities determined? (in accordance with EU directives on "Conservation of wild birds" and "the conservation of natural habitats and of wild fauna and flora")</p>				X	<p>The competent authorities supposed to be defined by the law on Biodiversity protection and law on Hunting. There is ongoing work on those laws (see below)</p>
<p>Has the work for elaboration of National legislation been started? (in accordance with EU directives on "Conservation of wild birds" and "the conservation of natural habitats and of wild fauna and flora")</p>				X	<p>There is ongoing work for elaboration of National legislation. On 12th November, 2015 the ministry of Environment and Natural Resources Protection published the first draft law on Biodiversity protection. The draft law contains numerous incompliances with above EU directives. The draft law and explanatory note underline that most of the biodiversity risks related to its conservation and use will remain unregulated. It includes the risks that supposed to be regulated under the National Biodiversity Strategy and Action Plan 2014-2020 (NBSAP) adopted by Government of Georgia. e.g. The draft law does not regulate the risks for biodiversity , as destruction of habitats, and its degradation (also due to the pollution) and fragmentation., introduction of invasive species and diseases (especially with regards of flora); the law does not address the issues as biosafety, the conservation and use of non-timber resources. The issues related to the public participation and decision making has been ignored, including the issues that represent the high public interest. (NBSAP national target 2 and its aims). The procedures for designated habitats to emerald network and/or important bird area, as well as the mechanisms for management of these territories, have not been elaborated.</p>

					<p>The one of the deficiency of law was that it ignores the issues related to hunting and fishery (both noncommercial and commercial). Non-inclusion of the above mentioned issues in the draft law, may led to creation of controversial legislation that at the end of the day will accelerate biodiversity degradation. Therefore, the Ministry starts to work on the law on hunting, that becomes available for public hearings in august 2016. The law supposes to regulate some issues under the Wild bird's conservation directive. However, the law raises lots of the questions among stakeholders, including the different departments of the ministry of environment, there is no consensus regarding principle issues related to hunting. Meanwhile, there was no significant progress regarding the biodiversity protection law and updated version of the law was not presented to the public.</p>
<p>Has the assessment of the birds, that need the special conservation measures been carried out? As well as for the regularly migrated birds?</p>	X				<p>With support of GIZ funded project „Integrated Biodiversity Management, South Caucasus (IBIS) http://biodivers-southcaucasus.org/ Ilia State University implements the project to support of implementation of EU directives on Biodiversity in Georgia”.</p> <p>There is ongoing assesments of important bird area, as well as surveys of the additional for designation under the protected territories. There is ongoing work for preparation of maps and databases. The project includes the preparation of a special monitoring scheme for all candidate sites, the handbook for monitoring and testing of detailed monitoring plan in the field. The project also updates Georgian Bird list. The assessment of the bird status was carried on, including Georgian Red List Status, IUCN- Status, and status under EU bird's directive I, II, III annexes. The final results of the project will be presented in January 2017.</p>
<p>Does the works for demarcation and inventory of the emerald networks and designation of priorities for their management plans is ongoing (article 4 of Directive)?</p>	X				<p>With support of Council of Europe and EU the project Emerald Network of Nature Protection Sites, Phase II is carried on. The project is implemented by NACRES together with the ministry of Environment and Natural Resources Protection. 34 territory defined under the project already has a status of the emerald network candidate. Its expected that the amount of the candidate sites will increased next year, as well as part of those site will be officially approved³⁹.</p> <p>Regarding the priorities for management, on this stage the question is not relevant. As priorities will be defined for each site management plan.</p>
<p>Do sufficient financial resources allocated from the side of the ministry/ donor for implementation of above mentioned activities?</p>		X			<p>The funds has been allocated only by donor community, including European Council, EU and GIZ.</p>

³⁹ <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2951581&SecMode=1&DocId=2389706&Usage=2>

Other additional actions undertaken in Nature protection sector, during 2014-2016	X				The ministry of Environment and Natural Resources Protection in collaboration with the EU and CITES scientific body, International and National experts, research institutions and NGOs (Iliia State University, Nacres, Green Alternative, prepare proposal to include the species of east Caucasian tur (<i>Capra cylindricornis</i> , <i>Capra caucasica</i>) in Second Annex of CITES. On the CITES 17 th meeting of Parties the proposal was adopted. The action represents the significant step for protection of above species, as it would restricted the transboundary trade of illegally hunted parts of Tur (horn, coat). The East Caucasian Tur species represents the popular trofee hunting objects, that impacts the population numbers.
Sustainable Forest Management					
Has the new Forest Code and related bylaws elaborated and do it corresponds the best European Practice ?			X		The commission created from the representatives of the Ministry of Environment and Natural Resource Protection, Tbilisi Municipality and Adjara Autonomous Republic drafted the new Forest Code. During the elaboration of the Code the numerous comments of NGOs has been taken into account. However, there are still principal issues that is far from the consensus (the agricultural and commercial forest management body, its rights and obligations, designation of competences between central and local government, forest licensing / usage forms and each. Some issues under the draft law, as forest categorization, definition of forest and etc. corresponds the best European practice. However, there are still important issues that cause the degradation/destruction of forest ecosystems. Like mineral's extraction and/or development of large infrastructural projects on Forest fund territories. The compensation mechanisms do not comply and even contradicts the EU environmental legislation. It's also not clear when the Code will be finalized and submitted to the parliament for adoption.
Has Forest Code related bylaws elaboration ongoing and do they correspond the best European Practice?			X		With the support of World Bank the Ministry of Environment and Natural Resources start working on four bylaws under the draft Forest Code. Including, regulations on forest protection, on forest maintenance and rehabilitation, Forest inventory and monitoring and forestry use. On this stage the process for the elaboration of bylaws is closed for public. Therefore, it's not clear do they correspondent the best European practice, as well as do the experts working on those bylaws know the European practice.
Do the national criteria's and indicators for sustainable forest management elaborated?		X			Under the National Forestry Program, international expert defines the principles, criteria's and indicators for sustainable forest management (Lutz Fähser, National principles, criteria and indicators for sustainable forest management in Georgia, National Forest Program of Georgia (NFP). According to the ministry the above mentioned principles will be integrated in the new Forest code and related bylaws.

Do the list of Georgia's flora and fauna have been prepared for introduction in CITES annexes.				X	During 2015 the research for a number of selected plants has been undertaken with the support of international expert. In accordance with the research, on this stage the clear relevance to CITES I and II annex criteria's was not established for any species. In a future the proposal to introduce some species under annex III of CITES convention will be reviewed. However, the research clarifies that there is a lack of data for analyses e.g. The customs department does not record the transboundary movement of the non CITES species , both flora and fauna, categorized by species.
Does the new system for forestry monitoring created?				X	The project on forestry monitoring and information system establishment, funded by GEF and GIZ been started . The ministry of Environment and Natural Resources Protection, UNEP and World Resource Institute (WRI) start the implementation of GEF funded project Global forest Watch 2.0. Since September 2016 there is ongoing work for data collection as well as on Forestry Monitoring System Test version.
How the process of all stakeholders involvement in Does the working groups being created?			X		The draft Forest Code was discussed during the 14 public meetings organized in all regions of Georgia. The participants include local municipalities, local NGOs and public. Two public hearings were held in the ministry of Environment and Natural Resources protection and 2 field workshops with participation of experts. To ensure legislative and institutional reform of the forestry sector the National Forest Program of Georgia (NFP) of Georgia was established, that includes number of different working groups. However, the meetings of working groups are sporadic. Within the Global Forest Watch- forestry monitoring project the number of workshops was carried on with participation of all stakeholders; The project Steering Committee was established with involvement of representatives of public agencies, scientific institutions and non governmental organizations.
Overall assesment					
Overall assessment: (3x number of questions)	18/39				
Total Score = % of maximum score obtainable	46%				

Objective 4					
Water Quality and Resource Management					
Relevant text in the Association Agreement:					
Article 302 1. Cooperation shall aim at preserving, protecting, improving and rehabilitating the quality of the environment, protecting human health, sustainable utilisation of natural resources and promoting measures at international level to deal with regional or global environmental problems, including in the areas of: (c) water quality and resource management, including flood risk management, water scarcity and droughts as well as marine environment;					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
General					
Convergence Planning					
Has the required new legislation or amendment to legislation been adopted?			X		Draft law on "Water Resources Management" was developed, which in November 2015 was uploaded in government e-system. Comments received were considered. However the draft law has not been presented to the Parliament for approval. It was decided to hold regulatory impact assessment of the draft law, but exact timing is not established. The law is expected to be passed in summer 2017. Assessment '1' is due to the fact that the law failed to be adopted in a timely manner, and the date of its adoption is unknown.
Have the main principles and features of the relevant EU legislation been well identified?	X				Georgia-EU Association Agreement provides specific provisions of the EU directives with which to harmonize our legislation. Besides the road map for the fulfilment of obligations under Georgia-EU Association Agreement has been developed; the guidelines have been designed in support of the implementation of specific directives.
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			At different times, analysis of the current legislation and institutional arrangements was conducted. However, it is not relevant today since the full replacement of the existing legislation in water sector is planned in order to harmonize it with the EU legislation. Assessment '2' is due to the fact that existing deficiencies have been adequately assessed and thought out; also for the needs harmonization.
Has a satisfactory economic assessment of implementation costs been carried out?				X	Economic asstnt of the draft law "On Water Resources Management".
Legislation or draft legislation content					
Have all the terms been clearly defined in line with EU definitions?			X		All the definitions used in draft law "on Water Resources Management", and by-laws therein, are in line with the EU definitions. Assessment '1' is due to the fact that the laws have not been officially adopted.
Are the rights and obligations of those to whom the legislation applies clearly defined?			X		Draft law "on Water Resources Management" clearly defines the competences of state institutions in water management sector.

Are the different provisions of the legislation consistent with each other?			X		Draft law on "Water Resources Management" is based on the EU Water Framework Directive requirements, and draft bylaws proceed from draft law "on Water Resources Management" and are consistent with relevant EU regulations.
Are the provisions of the legislation consistent with other related legislation (e.g. the Framework Law on Environment Protection)?			X		Draft law on "Water Resources Management" and draft bylaws therein are consistent with environmental legislation. However, adoption of this law will entail the changes in: the law "On Licenses and permits", "Natural Resources Tax law" etc.
If not, have amendments necessary to ensure such consistency been adopted or prepared for adoption?				X	The amendments package has not been prepared yet.
If the full implementation of the legislation necessitates the adoption of secondary legislation, are such measures likely to be adopted on time?		X			Draft bylaws have been developed and will enter into force upon the adoption of the Law.
Water legislation (WFD)					
Does the legislation provide for a river basin approach?				X	Draft law "On Water Resources Management" provides for a river basin approach, but the date of adoption of the Law is unknown.
Is the process of identifying river basin districts (RBD) clearly set up?			X		Draft bylaw on "Integrated river basin management and approval of river basin boundaries" provides for establishing 6 river basin districts in Georgia
Have RBDs been set up?				X	As mentioned above the draft bylaw provides for establishing 6 RBDs. However, it will officially enter into force after the adoption of the law "On Water Resources Management".
Are satisfactory administrative arrangements provided within each RBD?				X	Administrative arrangements for RBDs are not in place yet. It is noteworthy that the issue of state financing of basin districts is still open. Regulatory impact assessment of the draft law will include these issues.
Is coordination between the competent agencies properly ensured?			X		The draft law on "Water Resources Management" provides for coordination between the state agencies, and the creation of coordination councils for the management of river basin districts created on the basis of territorial principles. These councils will be the advisory bodies under the Ministry.
Do appropriate cooperation procedures and structures exist for cooperation with other countries when RBDs extend beyond the territory of the country?				X	The draft law "On Water Resources Management" provides for the management of trans-boundary water bodies. However the cooperation procedures with appropriate agencies of neighbour countries are not established.

Does the legislation provide for river basin management plan, including a programme of measures to ensure achievement of good water status?			X		Is provided under the draft bylaw "on the procedure of development, consideration and approval of river basin management plans"
Does the legislation provide for public consultation for the development of river basin management plans?			X		Is provided under the draft bylaw "on the procedure of development, consideration and approval of river basin management plans"
Does the legislation provide for the classification of water bodies in line with the classification set up in the WFD?			X		Is provided under the draft law "on Water Resources Management"
In this case, does it provide for the designation of water bodies according to this classification?			X		Is provided under the draft law "on Water Resources Management"
Does the legislation provide for and define environmental objectives?			X		The draft law "on Water Resources Management" clearly provides for environmental tasks in regard to water resources.
Are water quality objectives already set up by EU legislation integrated in national legislation?			X		Is provided under the draft law "on Water Resources Management"
Are emission limit values already set in EU legislation integrated in national legislation?			X		Is provided under the draft bylaw "on approval of technical regulations for calculation of maximum allowable discharge (MAD) of wastewater to surface waters".
Does the legislation provide for prior authorisation or regulation with emission controls for point source discharges?		X			Governed under Environmental Impact Permission system.
Does the legislation provide for prior authorisation for abstraction and recharge of surface and groundwater?			X		Under Current law extraction of surface water is governed by environmental impact permission and technical regulations. Abstraction of groundwater is governed by license system. Natural Resources tax is envisaged only for groundwater consumption. Draft law on "Water Resources Management" provides for introduction of permits for water consumption (abstraction and recharge). Respectively, surface water consumption will also be taxed.

Does the legislation prohibit the direct discharge of dangerous substances into groundwater?				X	
Does the legislation provide for measures to prevent or control diffuse pollution?			X		There is no efficient framework currently to prevent or control diffuse pollution. Currently the PATs (pollution abatement technologies) from agricultural sources are being integrated in draft laws in water sector.
Does the legislation provide for water monitoring programmes?			X		Provided under draft bylaw on "approval of the rules of planning and implementation of monitoring water resources".
Overall assessment					
Overall assessment: Score of 0 to 84 (3x number of questions)			29		
Total Score = % of maximum score obtainable			34.5%		
<p>Comments, explanation and recommendations regarding the overall assessment:</p> <p>During the assessment, account was taken of the fact that new draft law and appropriate bylaws on water resources management were developed in compliance with the requirements of Georgia-EU Association Agreement. The draft laws were uploaded in government E-system and passed very active process of discussions. Given the fact that the existing water legislation shall be completely replaced its assessment was not considered appropriate. Instead, the emphasis shifted to new draft laws aiming at implementation of the EU principles and requirements in water sector. When assessing it was taken into account that certain work had been carried out in terms of developing new draft laws and there was a willingness to adopt the law. Still, low valuations are due to the fact that exact data for adoption the laws is not determined since it is planned to hold regulatory impact assessment of the draft law on "Water Resources Management.</p>					

Objective 5
Chemicals Management

Relevant text in the Association Agreement:

Article 302 Cooperation shall aim at preserving, protecting, improving and rehabilitating the quality of the environment, protecting human health, sustainable utilisation of natural resources and promoting measures at international level to deal with regional or global environmental problems, including in the areas of (g) Chemicals management;

Annex XXVI „Environment “. Georgia undertakes to gradually approximate its legislation to the following EU legislation and international instruments within the stipulated timeframes: Environmental governance and integration of environment into other policy areas.

Chemicals management Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals. The following provisions of that Regulation shall apply:

- implementation of the export notification procedure (Article 7);
- implementation of procedures for handling of export notifications received from other countries (Article 8);
- setting up of procedures for drafting and submission of notifications of final regulatory action (Article 10);
- setting up of procedures for drafting and submission of import decisions (Article 12);
- implementation of the PIC procedure for the export of certain chemicals, in particular those listed in Annex III to the Rotterdam Convention (Article 13);
- implementation of the labelling and packaging requirements for exported chemicals (Article 16);
- designation of national authorities that control the import and export of chemicals (Article 17).

Assesment

Question	Yes			No	Note
Grade	3	2	1	0	
Is there adequate legislation in Georgia in the field of chemicals management?				X	<p>In 1998-2010 the Law on "Hazardous Chemicals" was in force in Georgia. After the abolition of the law in 2010 there is no legal framework in Georgia in the field of chemicals management. Hence, legal norms in this field are determined under international agreements to which Georgia has joined. Besides, this field is governed under Georgian laws:</p> <ul style="list-style-type: none"> • "Waste Management Code"; • "On import, export and transit of waste"; • "On Pesticides and Agrochemicals"; • "Food Safety and Free Circulation". <p>Though the Law of Georgia "on Hazardous Chemicals" was abolished, normative acts arising from it are still in force. They define the rules of banning or restricting the use of hazardous chemicals, their classification, prohibition of production, export, and import on the territory of Georgia, and the list of chemicals banned or of strictly limited use.</p>

<p>Are all the structures, provided under international agreements on chemicals management in place?</p>			<p>X</p>	<p>Georgia is a party to the following international agreements:</p> <ul style="list-style-type: none"> • 22 March 1989 Basel Convention "On the Control of Transboundary Movements of Hazardous Wastes and their Disposal"; • 10 September 1999 Rotterdam Convention "On the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade"; • 22 May 2001 Stockholm Convention "On Persistent Organic Pollutants"; • 1969 Vienna Convention "For the Protection of Ozone Layer"; • 1987 Montreal Protocol "On Substances that Deplete the Ozone Layer" and the amendments therein; • 9 May 1992 "Framework Convention on Climate Change" and the amendments therein; • 11 December 1997 Protocol of the United Nations Framework Convention on Climate Change" and the amendments therein; • 1985 FAO International Code of Conduct on the Distribution and Use of Pesticides" and amendments therein etc. <p>Responsible Structures under the Agreements are:</p> <ul style="list-style-type: none"> • Ministry of Environment - exchange information with Secretariats of Basel, Stockholm, Vienna, Rotterdam (in the part of industrial chemicals) and Climate Framework Conventions, and Montreal and Kyoto Protocols; • Ministry of Agriculture - Exchange of information on pesticides with the Secretariat of Rotterdam Convention; <p>Ministry of Labor, Health, and Social Protection - Exchange of information with Secretariat of London Guidelines, and International Register for Potentially Toxic Chemicals.</p>
<p>How regular and efficient is the exchange of information?</p>			<p>X</p>	<p>Exchange of information takes place in the regular mode by sending annually reports, developed by Ministry of Environment and Natural Resources Protection, to the Secretariats of Basel, Stockholm Conventions the framework Convention on Climate Change, and Kyoto Protocol; also by filling out the questionnaires received from the Secretariats.</p> <p>Exchange of information with Secretariats of Rotterdam Convention, and the London Guidelines, as well as the Register of Potentially Toxic Chemicals never took place. In the end of 2015 Ministry of Agriculture presented some pesticides-related materials to the Secretariat of Rotterdam Convention.</p>
<p>Is the Prior Informed Consent Procedure (PIC) in force in Georgia?</p>			<p>X</p>	<p>Yes, but not legally binding; the need for the PIC is determined by the requirements of international agreements and bylaws.</p>

<p>Are the steps being taken towards the implementation of commitments by Georgia?</p>		<p>X</p>		<p>Yes, which is determined by requirements of international agreements on the one hand, and signing Georgia-EU Association Agreement in 2014 - on the other. In particular adopted and approved in 2010-2014 were:</p> <ul style="list-style-type: none"> • Waste Management Code (2014); • Changes to the Laws of Georgia on: "Transit and import of waste on the territory of Georgia" and "Protection of Atmospheric air" (2016); • National Waste Management Strategy 2016-2030, and 2016-20120 Action Plan (2016); • National Strategy for Reduction of Chemical, Biological, Radiological and Nuclear Threats (2014); • National Action Plan on Persistent Organic Pollutants (2011); • Food safety overall strategy and regulatory rapprochement program (2010); • A range of bylaws - technical regulations - on rules and terms of landfill management, waste transportation, collection, processing, keeping, classification, storage and registration (2016); <p>Currently UNEP, together with Ministry of Environment and Natural Resources Protection, is implementing a project that provides an inventory of new POPs over the next two years, an assessment of the existing plan and the development and adoption of new plan.</p> <p>With financial support of Multilateral Fund of Montreal Protocol Georgia has made some progress, in particular:</p> <ul style="list-style-type: none"> • In 2006 ozone-depleting substance - halon - was rapidly withdrawn from circulation; in 2008 chlorine-fluorine-carbons were also rapidly withdrawn from circulation; • A permit system for import and export of ozone-depleting substances was established in the country customs was strengthened; • Two recycling centers were established in the country to process the used refrigerants for reuse, about 1000 technicians were trained. Refrigeration technology training programs were introduced in the 3 vocational schools; • Removal of ozone-depleting waste from Georgia to Europe and its destruction without damaging the environment; • In 2015 Georgia reduced the consumption of hydrogen-chlorine-fluorine-carbons by 10%, and in 2016 completely abandoned the use of one of them.
--	--	----------	--	--

<p>Is a unified national register of hazardous chemicals maintained in Georgia?</p>			<p>X</p>	<p>No. The law "On Hazardous Chemicals" provided for the creation of unified national register of hazardous chemicals, but, based on the complexity of the problem, there has been no action in this direction; and abolition of the law in 2010 resulted in automatic repeal of this provision of the law.</p> <p>The following are in force in Georgia currently:</p> <ul style="list-style-type: none"> • National catalogue of pesticides and agrochemicals, allowed for use on the territory of Georgia - maintained by Ministry of Agriculture; • Agency-level register of facilities with increased technical risk - maintained by LEPL Technical and Construction Supervisions Agency under the Ministry of Economy and Sustainable Development. <p>Besides, in August 17, 2015, Rules for determining and classification of waste by its types and characteristics was approved under the Decree #426 of the Georgian government, to which the waste list is attached.</p>
<p>Does Georgia intend to make steps towards harmonization of its legislation with the EU legislation?</p>			<p>X</p>	<p>The commitments undertaken by Georgia shall be made within the period of 2015-2019; it involves the development of legislation in chemical safety and handling potentially hazardous chemicals, its harmonization with EU legislation on the basis of an analysis of existing legislation, registration of chemicals, creation of a unified system for the identification of chemically contaminated facilities, a risk assessment of possible accidents, development of strategic documents in waste management, establishment and maintenance of a national registry of chemicals, etc.</p>
<p>Is public information and awareness-raising carried out?</p>			<p>X</p>	<p>Certain efforts have been made in this direction, in particular, already in 2005-2006 a series of workshops for journalists, some TV programs on persistent organic pollutants and the risks they pose to human health and the environment, a photo exhibition for the general public were held under UNDP financed project "Development of POP National Action Plan within Stockholm Convention". Similar activities, which contain a component of informing the public and awareness raising are held in various projects. In addition, the Arhus center, operating in Georgia constantly publishes publicly accessible information on its web page. Despite the above, ongoing efforts are not enough to make the public fully aware of the existing threat and permanent work in this</p>
<p>What are the projects currently being implemented in chemicals management sphere?</p>		<p>X</p>		<p>The following projects are ongoing:</p> <ul style="list-style-type: none"> • HCFC phase-out management plan (HPMP) - 2012-2020; • P0006 Waste management technologies in the regions (WMTR) – 2014-2018; • P0007 Review and update the National Action Plan on implementation of Stockholm Convention on persistent organic pollutants (POPs) in Georgia - 2014-2017.

<p>What are the main obstacles in the country to the implementation of obligations under international agreements?</p>			X	<p>After the change of government in 2012, some recovery in environmental protection became apparent, to which clearly contributed the signing of EU-Georgia Association Agreement. Notwithstanding the foregoing, and the willingness of the country's authorities to meet its commitments under the Association Agreement, environmental protection is still not regarded as a priority sector, as is clear from the analysis of the state budget, according to which environmental protection is the least funded sector. Besides, constant change of the management, lack of qualified personnel, and harmful practice of dismissing qualified personnel adds to the problem. As a result it is difficult and often impossible to harmonize the legislation with European legal standards. A bright example of this is the law of Georgia "On Hazardous Chemicals", which provided for application of international practices of chemicals management. But due the complexity of the law, wrong selection of executing agencies, the lack of knowledge and experience, and lack of funds the law remained on paper, with the result that it was abolished. A lack or absence of communication between the executive bodies prevent them from co-ordinated action in chemicals management. Besides, environmental monitoring system is very weak, and respective laboratory equipment is also unsatisfactory.</p>
Overall Assessment				
<p>Overall assessment: Score of 0 to 60 (3x number of questions)</p>	10/33			
<p>Total Score = % of maximum score obtainable</p>	30%			

