



# Challenges of the implementation of the EU-Georgia Association Agreement and Association Agenda (2017-2020)

## Environmental and Climate Action

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## Introduction

Environmental degradation and climate change represent one of the main threats and challenges of our time. Environmental protection and resilience to climate change have been and remain one of the top priorities for the EU for many years, both in terms of domestic and foreign policy. It is widely reflected in the Association Agreements and agendas signed with neighbouring countries and various initiatives (Eastern Partnership Initiative, Black Sea Region Initiative, etc.).

In 2020, the EU officially set a course towards for [European Green Deal](#) (EGD). As a result, by 2050, the European continent should become carbon neutral. The European Green Deal prioritise the sustainable management of natural resources, sound environmental management, green circular economy, sustainable energy, energy efficiency and resource efficiency of industry and mobility, conserving biodiversity and other components. Green Deal aims significant changes in further socio-economic development through creating new models of sustainability, production, trade, and consumption to transform it into a climate-neutral society.

The European Green Deal will fundamentally change economic and political relations with the EU's neighbourhood. The Government of Georgia has not made yet any commitments concerning the EGD. The government approach to the country's economic development primarily involved extensive liberalization and deregulation for decades. The attitude changed only with the signature of the EU-Georgia Association Agreement (AA) in 2014. The document envisages maximum approximation of the Georgian legislation with the EU requirements and standards, including protecting the environment and climate. Since then, Georgia has taken a few positive steps in the environmental, energy and climate sector, but environmental protection and climate resilience are still considered to be of secondary priority; economic growth takes top priority. As a result, an ineffective environmental governance system not integrated into further economic and social development is still in force.

There are no ongoing discussions in Georgia about the European Green Deal's potential impact on the country's economy, including its effect on trade with the EU or its role on the EU integration path.

Meanwhile, environmental degradation and climate change have already had an exceptionally significant negative impact on the country's economy and society. [The Global Alliance on Health and Pollution reports](#) that at least 140 out of every 100,000 deaths in Georgia are linked to air pollution. That represents one of the highest rates in Europe. The Georgian Department of Statistics states that only 49% of the Georgian population has access to modern sanitary services, and 1.6% of the residents have no safe water supply.

In 2020 the World Bank published a report ["Georgia: Towards Green and Resilient Growth"](#). The document discusses Georgia's potential for transition to green and sustainable development and assesses costs of the environmental degradation. As reported, the costs caused by air and lead pollution, deforestation and agricultural land degradation and climate change impact amounted to up to 15 % of GDP in 2018.

In recent years, public concerns over environmental degradation have increased, reflected with the increased number of environmental movements and initiatives, and in the public opinion polls. For example, according to the results of the [NDI Survey 2019](#), "air pollution is considered the most acute problem in Georgia". According to the survey, 57% consider air pollution is the most acute problem in the country, whereas, in Tbilisi, this rate reaches 76%. Interestingly, [91.3% of the population](#) considers that climate change is real and presents a fundamental challenge after poverty and transmitted diseases that humanity should tackle.

Therefore, further plans for country development, including the development plan 2030, should align with EU legislation and the EGD. In that case, it may serve as a recovery tool to address existing challenges mentioned above and impacts of the COVID 19 pandemic while ensuring the sustainable development path of the country. The EGD together with Association Agreement provides new opportunities for Georgia to make progress towards sustainability goals and to access potential financial sources while encouraging Georgia's ambitions for closer integration with EU.

The present report aims to analyse existing challenges EU Georgia Association Agreement and Association Agenda implementation in the environmental and climate sector. It will help understand the country's future difficulties related to EU integration and EGD implementation.

## Methodology

The report includes two chapters. The first chapter analyses the major challenges of implementing EU Georgia AA and Association Agenda (2017-2020) pledges in environmental protection and climate action on the background of the existing environmental governance model.

The second chapter presents outcomes of implementing the Association Agenda (2017-2020) priorities in the environmental and climate sector. The performance of each priority is assessed against the indicators stipulated by the Georgian government within the country's annual national action plans for implementation of the EU Georgia Association Agreement and Association Agenda (2018-2020) implementation. These priorities are quoted directly as they appear in the Association Agenda. An overall assessment for each priority – as **Implemented, Partially Implemented, or Not Implemented** is given. Details of the priority's implementation are described.

## Chapter 1. Challenges of the EU Georgia Association Agreement implementation

### *1.1 EU Georgia Association Agreement Implementation tools*

[Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part](#), defines the purpose of cooperation on environmental and climate-related issues. The partnership aims 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 and global environmental problems (Article 302)", also "mitigating and adapting to climate change, as well as promoting measures at international level (Article 308)".

The EU develops an Association Agenda document that sets out joint work priorities with the country's government over the next three years. The latest Association Agenda 2017-2020 stipulates vital reforms and legislative changes for the environment and climate sectors.

The action plans of the relevant committees of the Parliament of Georgia comprise legislative changes required by the Association Agenda and the Agreement. Therefore, the Action Plan for 2018-2020 of the Environmental Protection and Natural Resources Committee fully describes all the commitments under the Association Agenda 2017-2020.

The Government of Georgia, based on the sectoral ministries, prepares and adopts [annual action plans for the implementation of the Association Agreement and Association Agenda, as well as executive reports](#). The annual action plans include the list of the reforms to be undertaken as well as the indicators. The analysis of the government's annual action plans and reports for 2017-2020 revealed that the Ministry of Environmental Protection and Natural Resources' experienced numerous problems during the execution of the priorities. Those problems are founded on an ineffective environmental governance model, lack of public participation, and absence of funding for environmental and climate sectors.

## *1.2 Ineffective Institutional Setting*

The government merged the Ministry of Environmental Protection and Natural Resources with the Ministry of Agriculture (2018) in line with the [2018-2020 Program "Freedom, Rapid Development, Prosperity"](#). The action aimed to optimise the workforce and reduce bureaucracy costs. In terms of optimisation of resources, [the reform did not yield any tangible result](#). Whereas functionally, this merger further weakened the already weak environmental governance model, as agriculture is a prominent polluter. It did not consider the conflicts of interest between the ministries and already existing challenges within the sector. The merger was executed without any prior assessment and consultations with the public and even with the Parliament.

The reform did raise concerns among the society that the government pays less attention to environmental protection than necessary while diminishing its environment protection institutions. According to the ND public opinion poll, the public is alarmed about environmental degradation and ["requires immediate policy changes and investment, with an assurance that resources are not reduced given the reduced status of the Environmental Ministry."](#)

In response to these challenges, the Secretariat of the Prime Minister of Georgia for the environment was created in May 2019, headed by Environmental Ombudsman. This process traditionally took place without public consultation. A person who is not a citizen of Georgia and had interests in the business sector was selected as a candidate for the Ombudsman. The one-person position was abolished after February 2021, when the Environmental Ombudsman resigned due to the COVID-19 pandemic.

During the institutional model reform, the government did not reveal the sector's governance problems. It does not distribute appropriately mixed functions between central and local government, and ensure elimination of conflicts of interest, strengthen human resources, etc.

The government makes no effort to engage the public during the feasibility and decision-making stage. It does not rely on the experience and lessons learned by the non-governmental or advisors (within the framework of several projects or programs implemented by donors) while reforming the country's institutional setting. The same applies to defining and allocating functions within specific ministries. For example, the Ministry of Environmental Protection and Agriculture has been making some structural changes since 2018. Changes aim to avoid responsibility for issuing environmental decisions and transferring this responsibility to the National Environment Agency. This change can be considered an impediment to approximation with the EU (see chapter "Environmental Assessment Code" for details).

## *1.3 Gradual Legal Approximation with the EU Legislation – Challenges*

Under annexes XXVI and XXVII -Environmental Protection and Climate-Related Measures of Association Agreement, Georgia commits to approximate its legislation gradually with the EU and international environmental legislation.

The Association Agreement officially entered into force on July 1, 2016. The country was obliged to adopt national legislation in specific areas and define competent authorities within the first two to three years (in exceptional cases – four-five years). The country should have considered approximation with particular provisions of the relevant EU directives at the next stage.

It was assumed from the beginning that meeting all the deadlines stipulated by the AA would be problematic. However, even the early stages of approximation did not proceed in the case of the majority of directives. Therefore, no legal frameworks have been adopted and competent authorities set. The deadlines were met only for a few directives.

The main problems in gradual approximation were:

- Restriction of public participation in the process of drafting legislation.

- Lack of transparency of reasons that impede drafting national legislation.

Article 8 of [UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters \(Aarhus Convention\)](#) requires "public participation during the preparation of the executive regulations and/or generally applicable legally binding normative instruments". Georgia is the signature party of the Aarhus Convention. However, the requirements of the above article have not been transposed in national legislation. Therefore, the concrete mechanisms for ensuring the provision does not exist. Consequently, there is no uniform practice for developing legislative initiatives, and in practice, all laws are drafted in different ways. For the wider public and NGOs, the text of some legislative initiatives becomes available only before the draft after submission to the Parliament. The regulations and sub laws adopted by the government is accessible only after its approval.

Accordingly, drafting legislative acts and sub laws defined by the AA takes place mainly without public involvement. For example, "government agencies, including the Ministry of Environmental Protection and Agriculture, practically never publish or consult with public sub laws. For example, one of the most important normative acts - [Resolution # 242 of the Government of Georgia of August 20, 2010, on the Approval of the Rules of Forest Use has been changed 68 times since its adoption. From 2017 to date, the resolution has been amended 19 times. However, none of the drafts of the amendments has been subject of public discussion.](#)"

Interestingly, the draft Law on Biodiversity was published in November 2019 for public consultation and then submission to the Parliament. The published draft law has not been complying with the country's international commitments and relevant EU directives. It does not contain mechanisms for execution and public participation. According to [environmental organisations](#), the main reason for those failures is the lack of transparency, insufficient participation of stakeholders, disregarding of the expert's comment and formal and superficial public hearings.

An interesting picture was revealed after the Government's National Action Plans for 2018–2021 and the implementation reports for 2018–2020 for AA and Association Agenda. The annual implementation reports did not analyse the implementation of the annual action plans in specific areas based on the indicators determined by the plan. The annual reports simply stated what work had been done regarding some selectively chosen actions. Also, it was not explained why the actions from the one-year working plan were transposed to the subsequent year reports, what difficulties were concerning those actions, etc. Therefore, the reports include the same activities from year to year without any explanation.

The lack of transparency during the decision-making process increases conflicts of interest and risks for lobbying the number of "non-public" interests. For example, some business associations openly advocate for delaying of adoption of the law on environmental liability. The arguments were that their operating costs would increase, and businesses were not ready to establish the monitoring tools. As a result, the law was adopted only in March 2021 with seven months of delay. The adoption of the Law on Environmental Liability brought several amendments to the Law of Georgia on the Protection of Atmospheric Air, which entered into force on June 1, 2021. The full version of the Law on Environmental Liability will enter into force on July 11, 2022.

Most of the drafts versions of the legislative acts listed below (see Table 1) usually did not go beyond the narrow circle of experts. At the same time, some of these laws were subject to various expertise, again without public and interested stakeholders' involvement. For example, according to the 2020 report of the Parliamentary Committee on Environmental Protection and Natural Resources, the gender assessment was prepared for the draft Law on Water Resources Management. According to the report, the draft law is gender-insensitive and may harm women. It is also interesting to understand how the gender assessment was carried without the participation of relevant stakeholders. Furthermore, the 2020 annual report on the implementation of the Association Agenda does not explain why the draft law on water resources management was not brought for public consultation or submitted to the Parliament, as it was committed in the 2019 report. The same question could be raised around other laws, for example, regarding the draft Law on Industrial Emissions.

Table 1.

*Reporting on some draft laws in implementation reports of national action plans on implementation of AA and Association Agenda (2017-2020)*

Title of the law	<a href="#">Report on the implementation of the National Action Plan 2018</a>	<a href="#">Report on the implementation of the National Action Plan 2019</a>	<a href="#">Report on the implementation of the National Action Plan 2020</a>	Comment
Law on Industrial Emissions	The Law on Industrial Emissions and draft laws on ensuing amendments are prepared and are under review. Their submission to the Parliament planned for the spring session	The Law on Industrial Emissions and draft laws on ensuing amendments sent to state agencies for approval	The law is not even mentioned in the report. Instead, <a href="#">in its latest 2020 report</a> , the European Energy Community expressed concern that the law had not yet been adopted.	Georgia should have adopted national legislation in compliance with the Directive 2010/75/EU of the European Parliament and of the Council of November 24 2010 on industrial emissions by December 31, 2018, and should have defined and introduced an integrated permit system by the end of 2020
The Law on Water Resources Management	the final version of the draft law on Water Resources Management was prepared. The draft was sent to the agencies for comments and published on the website of the Ministry for public debates. Based on the comments received, amendments to the text of the draft law are made.	the final version of the draft law on Water Resources Management is prepared and will be submitted to the Parliament in the first half of 2020	the draft law on Water Resources Management is being prepared for its submission to the Parliament in accordance with the Council Directive 98/83/EC of November 3, 1998, on the quality of water intended for human consumption as amended by the Regulation (EC) N 1882/2003	By December 31, 2018, Georgia should have adopted national legislation and defined competent authorities in accordance with the following directives: <ol style="list-style-type: none"> <li>1. Directive 2000/60 / EC of the European Parliament and of the Council of October 23, 2000, on the development of a framework for community action in the field of water policy, as amended by Decision 2455/2001 / EC</li> <li>2. Council Directive 98/83/EC of November 3, 1998, on the quality of water intended for human consumption as</li> </ol>

				<p>amended by the Regulation (EC) N 1882/2003</p> <p>3. Council Directive 91/676/EEC of December 12, 1991, concerning the protection of water against pollution caused by nitrates from agricultural resources as amended by Regulation (EC) N 1882/2003</p>
	<p>A draft Law on Biodiversity is prepared and is planned to be submitted to the Government of Georgia in 2019.</p>	<p>The final version of the draft Law on biodiversity will be prepared. In December 2019, four public hearings were held. Currently, the comments received during the hearings are being reflected. Therefore, fulfilment of the activity was postponed to 2020.</p>	<p>Work on the core part of the draft Law on Biodiversity was completed in 2020 and was submitted to the Government of Georgia. At this stage, comments are pending discussion.</p>	<p>By the end of 2016, national legislation should have been adopted and competencies defined following the Directive 96/82 / EC of December 9, 1996, on the control of major accident hazards involving dangerous substances amended by the Directive 2003/105 / EC and the Regulation (EC) N 1882/2003</p>
<p>On prevention of large-scale accidents caused by hazardous chemicals or chemical mixtures</p>	<p>Draft of the Law on Prevention of Large-scale Accidents Caused by Hazardous Chemicals or Chemical Mixtures</p>	<p>It cannot be found</p>	<p>It cannot be found</p>	<p>By December 31, 2018, national legislation should have been adopted, and the competent authorities should have been determined Directive 96/82 / EC of December 9, 1996, on the control of major accident hazards involving dangerous substances amended by the Directive 2003/105 / EC and the Regulation (EC) N 1882/2003</p>

## 1.4 Financing reforms and activities in the environment and climate change sector

The EU Association Agreement, the Association Agenda, and the legislative activities require financing some environmental activities in line with Georgia's Third Environmental Action Programme (NEAP) (2017-2021). As in the case of legislative approximation, there are instances of delays in implementing the NEAP. It is caused by delays in the legislative process and a frequent lack of funding. During the NEAP drafting, priority was given to actions that the donor community would fund.

The financing of the environmental sector itself accounts for 0.4% of the state budget. Currently, it stands at about GEL 60 million (approximately USD 19 million), including the salaries of employees of the Ministry of Environmental Protection and Agriculture. However, the lack of human resources is exceptionally high in the environment and climate change sectors. As a result, it is not surprising that some sectors (biodiversity, water, etc.) face setbacks in implementing the NEAP and the Association Agenda.

Notably, donor funding, including [from the EU](#), is considered high in the environmental and climate sector. However, since funding is project-related, the government does not have a sense of ownership of the created products, and they are not accepted or used. In the case of some draft laws, the funding has been provided by donors (mainly by the EU, member states or the US Government). In these cases, some draft laws, bylaws or guidelines were frequently prepared but not adopted for various and often unclear reasons. For example, [the methodology on Assessment of environmental flows for the rivers in Georgia \(developed with the assistance of USAID in 2017\) has not yet been approved](#). (See also Information Systems Improvement Chapter according to SEIS principles).

Another example is the Twinning project, implemented by the EU and the Czech Republic, the Netherlands, and Spain governments. The training related to the issuance of integrated permits was conducted for the Ministry of Environmental Protection and Agriculture staff. Within the framework of the same project, the draft laws on "Industrial Emissions" and "Control of Threats of Large-Scale Accidents" were developed. Still, they were not further [discussed or submitted to the Parliament](#). The cost of the project was 1 million euros.

## Chapter 2. Assessment of EU-Georgia Association Agenda 2017-2020 Implementation

### Priority 1

*Enhance environmental governance by adopting and implementing new legislation in Georgia on environmental impact assessment, strategic environmental Assessment, new legislation on environmental liability, by ensuring public access to environmental information and public participation in decision-making, by involving all interested stakeholders, as well as by integrating environment into other policy areas and by improving environmental information sharing in line with the principles of the Shared Environmental Information System (SEIS)*

**Overall Assessment: partially implemented**

## 2.1 Environmental Assessment Code

From January 1, 2018, the Environmental Assessment Code defines environmental assessment procedures for state and private projects posing serious risks to the environment and human health. Based on the Code, public participation in the process of environmental decision-making was restored. From July 1, 2018, the Strategic Environmental Assessment procedure also came into force. The procedures on access to environmental information, public participation in the environmental impact assessment process, and arrangement of public hearings were approved.

However, the implementation of the Environmental Code remains problematic. On the one hand, the Ministry of Environmental Protection and Agriculture systematically violated environmental assessment requirements on informing the public and public participation. In particular, consultation time limits, distribution and access to documents, arranging public hearings and other issues. As a result, access to environment-related information and [public participation in the process of environmental impact assessment](#) is still problematic.

In 2020-2021, the practice of [public participation and access to information](#) had become even more problematic for the local population due to the COVID 19 pandemic.

Unfortunately, the enactment of the Code has not improved the quality of Environmental Impact Assessment (EIA) reports. The authorised agency, the Ministry of Environmental Protection and Agriculture, did not refuse to review low-quality documents. The Ministry issues environmental decisions on the EIA reports that lack essential components, such as [biodiversity, geological, hydrological, and other background studies](#). Usually, the environmental decisions issued encompass the conditions that missing studies should be completed before construction or activity. Established by the Ministry, this practice results from a misinterpretation of legislation and is a gross violation of the law. Fundamental problems associated with public participation, weak control mechanisms, and poor environmental impact assessment documents contribute to mushrooming of low-quality and controversial projects, increasing conflicts with local communities, and mass violation of human rights.

In 2020, the study of the Parliamentary Committee on Environmental Protection and Natural Resources on [Post-Legislative Scrutiny of the Environmental Assessment Code of Georgia](#) identified several noncompliances of the Environmental Code with the EU directive. The report set out recommendations for legislative changes and improvement of the quality of the EIA process and documentation through the preparation of different guidelines, better access to environmental information and increasing effectiveness of public hearings.

Unfortunately, instead of the fulfilment of recommendations, on June 6, 2021, members of Parliament initiated amendments to the Environmental Code. According to the draft law (07-3/86/10), an [institutional change is planned, namely the transfer](#) of the Environmental Assessment Department of the Ministry of Environmental Protection and Agriculture to the National Environmental Agency. With that completely delegating the power of issuing recommendations for environmental decisions on projects and strategic documents to the National Environmental Agency. With this move, the Ministry of Environmental Protection and Agriculture tries to avoid political responsibility concerning decisions that may impact future development, public safety, and implementation of fundamental human rights. Members of the Parliament did not see the high corruption and conflict of interest risks of the move problematic. National Environmental Agency has commercial interests as it provides paid consultancy services to the companies to which it should issue permits.

According to the explanatory note of the draft law, the goal of these changes is to simplify the administration of environmental decision-making. This change should solve problems related to limited access to information, lack of human and material-technical resources and limited timeframes set for decision making. The above arguments, however, are arguable. Traditionally, "when working on the draft law, experts or organisations working in the environmental or other fields with relevant knowledge and experience to assess environmental challenges existing in the country nowadays and offer ways of solving them to entities, were not invited".

Delegating power from the Ministry of Environmental Protection and Agriculture to the National Environmental Agency on the issues directly related to the country development, public safety, and exercising fundamental human rights law sets a precedent for avoiding political liability by the Ministry. At the same time, conferring this power to the National Environmental Agency increases the conflict of interests and corruption risks as the agency has its commercial interests. According to non-governmental organisations, the above institutional change ["poses a risk to the legal and institutional order existing in the country today and will negatively impact the country's development in the future"](#).

## *2.2. Integrating political planning of environmental issues in other fields*

Unfortunately, the introduction of the strategic environmental Assessment - an instrument defined by the Environmental Assessment Code has not helped to integrate environmental protection into other areas. For example, the National Mining Strategy was developed without public involvement and did not undergo a [strategic environmental assessment](#).

Strategic Environmental Impact Assessment (SEIA) should be routinely carried out since July 1, 2018, regarding master plans and development plans of various cities. However, inconsistent practice has been set, and only a few master plans undergo the SEA procedure. The interests of the government and persons close to it are often a decisive factor for undertaking SEA procedure. For example, on April 7 2020, the Council of Adigeni Municipality approved a decree [on the approval of Abastumani town planning documentation - a master plan and development plans](#) without conducting a strategic environmental impact assessment as required by law. According to the Mayor of Adigeni Municipality, strategic environmental impact assessment has not been carried out because the "strategy of Abastumani city had existed and main directions of its development were defined" already in 2015. therefore, it was deemed unnecessary to undertake the SEA for Abastumani master and development plans.

Interestingly, the Ministry of Environmental Protection and Natural Resources fully agreed with this position even though, in 2019, numerous projects started in Abastumani that has not been part of a Strategy. That includes the construction of the [Abastumani bypass road](#), which will negatively impact the city development. [The bypass road is directly related to the interests of former Prime Minister Bidzina Ivanishvili](#), who bought some property in the city.

As a result, we have a situation where there is a law prescribing an obligation to carry out a strategic environmental assessment of a strategic document, although the requirement is not being fulfilled; And the [administrative body responsible for regulating the issue evades responsibility](#).

## *2.3 Law on Environmental Liability*

On March 3, 2021, Parliament approved the Law on Environmental Liability. It aligns with the Directive 2004/35/CE of the European Parliament and of the Council of April 21, 2004, on environmental liability concerning the prevention and remedying of environmental damage. The law establishes a new legal regime on liability for environmental damage under international standards, based on the principle of "polluter pays", and includes new regulations on preventing, mitigating, and eliminating environmental damage. (see above chapter 1. 1.3)

## *2.4 Improvement of the Mechanism for Sharing Environmental Information*

The number of activities implemented under SEIS direction during 2018-2020 with numerous donor's support. However, the quality of refined products remains problematic.

For example, the project "Harmonisation of Information Management for Improved knowledge and monitoring of the global environment in Georgia " should develop environmental information and knowledge management system to provide the public with detailed information on three Rio Conventions – Biodiversity Conservation, Climate Change and Desertification.

According to [the Government's Progress Report of the 2018 National Action Plan](#), "An Environmental Information and Knowledge Management System has been created, within the framework of which the following three modules have been developed: climate change, desertification and biodiversity. In addition, a web portal, a mobile application (for IOS and Android) and a billing system were created for the Environmental Information and Knowledge Management System". The platform is accessible on <https://eims.mepa.gov.ge>, but without any information or data, not to speak about billing system service.

[NEAP 2020 implementation report](#) stipulates that "the electronic environmental assessment system is under test mode and by the end of the first quarter of 2021, the system will be available to the public". However, the [information on the portal](#) is still not available to the public.

There are other platforms created under the same project. The web portal <http://air.gov.ge/> provides data about ambient air quality and live from air quality monitoring stations. The water quality platform <http://wis.mepa.gov.ge/> delivers data and information on Georgia's freshwater and marine water resources.

[Global Forest Watch](#) created the Atlas of Georgia's Forests and Land Use - <https://atlas.mepa.gov.ge/>. This online monitoring platform allows viewing and analysing forest-related data at the national and regional levels.

The National Environmental Agency does not publish the information routinely regarding the geological threats, pollution reviews, annuals on air and surface water pollution, etc., on the website <https://nea.gov.ge>. The agency's annual reports are usually presented in PowerPoint Presentation format, while for 2018-and 2019, it's not available even in that format.

The main web page – <https://mepa.gov.ge/> of the Ministry of Environmental Protection and Agriculture does not contain any links or banners to the platforms mentioned above. Therefore, the general public has no information about the availability of that information. From that point of view, the Ministry of Foreign Affairs website <https://mfa.gov.ge> or of the Ministry of Finance, <https://mof.gov.ge>, are more user friendly.

## *Priority 2*

*Implement the 3rd National Environmental Action Programme of Georgia (2017-2021) according to the NEAP 3 timeframe*

Overall Assessment: partially implemented

In 2018 the third Environmental Action Plan (NEAP 3) of Georgia was approved. NEAP is the principal document in the environmental and natural resource protection field, defining the long-term strategic priorities and concrete five-year action plan (2017-2021).

The Third National Action Program of Georgia on Environmental Protection is divided into sectoral areas and comprises 12 chapters:

- Environmental governance
- Water resources management
- Protection of atmospheric air

- Waste management
- Chemicals management
- Biodiversity protection
- Forest management
- Soil protection
- Climate change
- Risk management of natural hazards
- Radiation security
- Green economy and environmental direction of sustainable development

According to the annual implementation reports (2017-2021) for [2017-2018](#), (2017-2021) for [2019](#), (2017-2021) for [2020](#) prepared by the Ministry of Environmental Protection and Agriculture of Georgia, the third environmental action plan implementation progress is very modest.

Year	Number of activities planned	Completely fulfilled	Mostly fulfilled	Partly fulfilled	Not fulfilled	Budget MLN.Lari
2017-2018	152	31	23	53	44	34,910780
2019	154	20	38	58	38	12,348482
2020	137	28	50	40	19	41,335700
In total	443	79	111	151	101	88,593962

NEAP 3 includes all obligations under the EU Georgia Association Agreement, as well as priorities of the EU Association Agenda (2017-2020). The specific achievements relating to those obligations will be reviewed below under the relevant Association Agenda priorities.

NEAP 3 also contains numerous significant activities that do not represent direct obligations of the Association Agenda. However, the implementation of those activities is vital for the country's environmental protection and public health. For example

- [The preparation and adoption of the Second Environmental and Health Action Plan \(NEHAP 2\) \(2018-2022\)](#) was a step forward. The document comprises several important priorities:
  1. Improving access to safe water and sanitation, including for every child.
  2. improving access to a healthy and safe environment for children and young people to ensure increased physical activity
  3. reducing the harmful effects of air and indoor air pollution on public health;
  4. Prevention of diseases caused by the harmful effects of chemicals (including lead, asbestos, radon, etc.);
  5. Integrate health issues into climate change adaptation and mitigation policies.

It should be noted that the progress report on the implementation of this plan has not yet been made public.

- The adoption of [the National Report on the State of Environment for 2014-2017 December 30 2019 seems to be](#) late.
- With a significant delay, in May 2020, the Forest Code was approved in the third reading. The Code does not provide options for [broad public participation during forest management](#), including granting and removing forest status, making decisions on forest use, etc.

The main problem of the NEAP 3 implementation relates to the delay in the gradual approximation of environmental legislation. It impacts the adoption of follow up bylaws and required actions.

NEAP3 2020 implementation report states that activities for "improvement of quality of diesel fuel" has been successfully fulfilled. As a result of January 1, 2022, the [diesel fuel standard was supposed to equal the Euro 5 standard](#). However, in July 2021, the decision was changed. The date for Euro 5 diesel fuel standard introduction was postponed by January 1, 2023. The change was the result of business lobby activity. No explanation has been given to the public. Unfortunately, this is not a stand-alone event, and these types of activities also impacting heavily NEAP 3 implementation status.

### *Priority 3*

*Start implementation of the National Radioactive Waste Management Strategy.*

Overall Assessment: partially implemented

Implementation of the National Strategy 2017-2031 for Radioactive Waste Management follows appropriate action plans. According to the document on "[Country Main Data and Directions for 2020-2023](#)", the budget does not allocate any funding for improving the radioactive waste management system. All financing of activities provided by donors (International Atomic Energy Agency, EU and Government of Sweden).

In 2018-2020 measures were planned and partially implemented to improve safety at radioactive waste disposal facilities. A radiation monitoring system was installed in the Mtskheta central storage, the radioactive waste, including liquid waste storage, was improved, etc. Security measures were strengthened at Saakadze's waste disposal site. The territory adjacent to the facility has been allocated to place repackaging radioactive waste equipment. At the same time, in 2018-2019, a preliminary study for the remediation works of the Anaseuli site was carried out, and the recommended measures were determined.

In 2020, environmental radiation monitoring was not carried out in the regions of Georgia. Meanwhile the agency was authorised to monitor the natural radiation. The number of automatic radiation monitoring stations (most out of order and need replacement) was passed to their balance. Agency purchased a mobile laboratory for environmental radiation monitoring and started seeking funds to replace broken automatic stations.

### *Priority 4*

*Implement the National waste management strategy and measures foreseen in the 2016-2020 action plan*

Overall Assessment: partially implemented

Adopting the Waste Management Code and the National Strategy (2014) and developing and implementing an action plan for 2016-2020 represents one of the most critical steps towards EU integration. Today all the municipalities, including the capital city, have their waste management plans in line with the action plan.

From January 1, 2018, an [electronic system of waste management has been functioning](#). According to the studies, "At this stage, not all waste operators are registered in the electronic system of the MEPA. Their registration is essential for a further system for target monitoring and control. Frequently they are not even aware on the legal requirements. Above described waste operators need significant support in order to fulfil national legal requirements and at the same time keep their business profitable".

Biodegradable waste is the most critical challenge. It accounts for 64% of solid waste. 43% of this comes from food and green waste. In 2020, the first working version of the biodegradable waste management strategy was developed. At the same time, in 2018, legislation was adopted, setting the requirements for production of plastic and biodegradable bags. According to the [Ministry of Environmental Protection and Agriculture](#), in 2019-2020, 43 facilities were inspected, and relevant laboratory tests were performed. 2 142 450 units of plastic bags were sealed and confiscated.

As part of the Producer's extended responsibility scheme in 2020, the Government of Georgia approved technical regulations on batteries and accumulators, tires, oils and electrical and electronic waste with a one-year delay. Also, draft regulations on packaging and end-of-life vehicles (ELVs) were prepared though not approved<sup>1</sup>. The waste sorting was planned to start in 2020 with relevant bylaws development.

According to the Chairman of the [Committee on Environmental Protection and Natural Resources](#), by the end of 2021, the government will present the separation schemes to be introduced in Georgia.

In 2020, the construction of sanitary landfills in line with the EU standards was postponed. The European Bank for Reconstruction and Development (EBRD) is financing new regional landfills and transport infrastructure in Adjara Region, Kvemo Kartli, Shida Kartli and Racha Lechkhumi. German development bank KfW is financing similar landfills in Imereti, Kakheti and Svaneti. According to the report on implementing the Third Environmental Action Plan (NEAP) for 2020, four new non-hazardous waste landfills' locations and the design of twelve new waste transfer stations were underway.

According to the Strategy for 2016-2030, all illegal landfills should have been completely closed and remediated. "Currently, 23 landfills have been closed (2020), but the problem of illegal dumping sites and landfills is still acute, which, in turn, [pollutes rivers and the Black Sea](#)".

### *Priority 5*

*Continue approximation of the Georgian legislation with the EU law and implementation of the EU directives and regulations enshrined in the relevant annexes of the Association Agreement*

Overall Assessment: partially implemented

### *Ambient Air*

According to the Association Agreement, to improve air quality, Georgia has started the process of approximation of legislation in compliance with the following directives:

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<sup>1</sup> The latter comes into force from 2023

- Directive of 2008/50/EC of the European Parliament and of the Council of May 21, 2008, on ambient air quality and cleaner air for Europe
- Directive 2004/107/EC of the European Parliament and of the Council of December 15, 2004, related to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

As a result, today in Georgia, the thresholds for ambient air pollutants such as sulfur dioxide, nitrogen dioxide, solid particles, lead, benzol, carbon monoxide, arsenic, cadmium, nickel, and benzopyrene comply with the EU legislation. [That was a problem for years](#). The air monitoring network expanded, monitoring data is directly accessible on <http://air.gov.ge>. The draft of "management of ambient air quality management zones and approval of agglomeration" was prepared. The Action Plan for Improving Ambient Air Quality 2020-2022 for Rustavi city prepared and adopted. Tbilisi air quality improvement program (2017-2020) was partially implemented.

From June 1, 2021, according to the law on Ambient Air, entrepreneurs were instructed to "self-monitor harmful substance emission from stationary sources of pollution continuously, using the instrumental method." Violation of the obligation of continuous determination by instrumental method of emissions will result in a fine of GEL 10,000 to GEL 40,000. Under the law on Environmental liability, the Department of Environmental Supervision has a right to total or partial restrictions against enterprises (sealing the facility, plant, aggregate, device, item if necessary) in case of a severe breach.

The Georgian Government order of N1354 of July 2020 sets up an Interagency Commission to Study Ambient Air Quality Improvement. The commission could become an effective coordination mechanism for the reduction of air pollution.

The amendments of March 2, 2021, to the Law on Ambient Air lined with Directive 2004/42/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products. On April 2, the government approved a technical regulation establishing the rules for regulating the lead content in varnishes and paints<sup>2</sup>.

## Maritime

- In 2018, the Law of Georgia on Maritime Space was brought in full compliance with the Directive of the European Parliament and of the Council of June 17, 2008. In 2020, a draft National Strategy and Action Plan for the Maritime Environment was prepared within the framework of the EU project. By the end of 2022, a directive should be developed with the monitoring program created and a plan on measures for achieving a favourable environment developed and implemented.

## Biodiversity

- The Law on Biodiversity, which should ensure compliance of the Georgian legislation with the Council Directive 92/43/EEC on the conservation of natural habitats and species of wild fauna and flora as amended by Directives 97/62 / EC, 2006/105/EC and Regulation (EC) No 1882/2003 and for the implementation of the [2009/147/EC directive](#) on the conservation of wild birds, has not yet been adopted.
- Thirty-two spots of particular importance for birds have been identified. Work on the development of the Emerald Network is underway but accompanied by many problems (construction and other works are often carried out at the facilities, for example, Svaneti 1 was excluded from the list of protected areas for the

<sup>2</sup> Compliance with the Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds (VOC) due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products

construction of the Nenskra HPP, Abastumani bypass road is in Borjomi Kharagauli park and Shusha bridge in the Natural Monument Dambashi Canyon are under construction). Today [59 sites of Emerald Network](#) are approved in Georgia by Europe's Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention).

In 2019 the Standing Committee of the Bern Convention called on the Government of Georgia to include rivers as endangered ecosystems in Georgia in the Emerald Network and develop a national river protection plan.

### *Industrial Emissions*

As mentioned above, the adoption of the Law on Industrial Emissions, which will bring legislation in compliance with the 2010/75 EU Directive, was suspended for unknown reasons. It should be noted that implementation of this Directive is also required by the European Energy Community.

### *Water Sector*

The draft **Law on Water Resources Management**, in line with EU **Water Framework Directive** and other **water**-related EU directives required by Association Agreement, is still not submitted to the Parliament, [although elaboration of the documents started in 2011](#). It was promised that the Parliament would start the discussions around the document in autumn 2021. However, the public and most non-governmental organisations have not seen any recent draft of the law. In general, the government does not explain any challenges and disagreements encountered with the development of water legislation.

A number of bylaws (for example, standards on drinking water and municipal wastewater treatment) were developed in line with the EU legislation. Adopting these bylaws and approval of the procedures for creating a river basin management system is expected only after adopting the framework law.

In 2020, a gender impact assessment of the draft law on Water Resources Management was carried out under the auspices of the Parliamentary Commission on Gender Equality. According to the [Committee on Environmental Protection and Natural Resources report](#), the draft law does not address the special needs of women. It does not include the gender equality component.

The management plans for a number of river basins (Khrami-Debeda, Alazani-Iori and Adjaristskali-Chorokhi) were developed within the framework of the [EU Water Initiative Plus](#) for Eastern Partnership countries.

### *Major Accident Hazards*

In 2019, a [draft law on Industrial Accidents was published](#). The draft law was elaborated within the EU-funded project to bring legislation in line with the EU Seveso Directive (2012/18 EU Directive on Control of Major Accident Hazards Involving Dangerous Substances). The project should have developed a system to prevent large-scale accidents caused by hazardous substances following the EU Seveso Directive. The law has not yet been adopted.

## Mining Waste

Regarding the 2006/21/EC Directive on the management of waste from extractive industries, Georgia takes commitment to adopted national legislation and defines competent authorities within three years after entry into force of the Association Agreement. While after five years, hence 2021, it was supposed to have already developed waste managements systems for mining waste. The Ministry of Environmental Protection annual report 2018 states that the law on mining waste management was drafted. [However, the fate of this document is unclear.](#)

The Waste Management National Acton Plan (2016-2020) also requires adopting the law on mining waste in 2017 and taking inventory of all waste polluted sites, including mining waste dump sites. However, none of the actions was implemented.

## Chemicals Management

On November 27, 2016, the government adopted **the Rules for the Export-Import of Certain Hazardous Chemicals and Pesticides and the Procedure on Preliminary Substantiated Consent.** The procedure reflects requirements of the Regulation (EC) No 689/2008 of the European Parliament and of the Council of June 17, 2008, concerning the export and import of dangerous chemicals. On November 27, 2020, [the government adopted the amendments that consider the number of requirements of the Rotterdam Convention.](#)

Simultaneously, during 2019-2020 the law on Chemical Substances and Compounds was drafted. In parallel, work has begun to create a unified state register of hazardous chemicals with the assistance of the German and Czech governments.

## Priority 6

*Draw up a roadmap for the ratification and implementation of multilateral environmental agreements, including UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes and the UNECE Convention on the Transboundary Effects of Industrial Accidents. Advance preparations to become a party to Espoo Convention and its Protocol on Strategic Environmental Assessment*

Overall Assessment: not implemented

The Association Agenda require ratification of the Convention on the Protection and Use of Transboundary Waterways and International Lakes of the United Nations Economic Commission for Europe – UNECE. According to the Ministry, implementation of this process is expected only following the adoption of the law on Water Resources by the Parliament of Georgia<sup>3</sup>.

Ratification of the UNECE Espoo Convention and its Strategic Assessment Protocol is still pending. Consequently, the Environmental Assessment Code article concerning transboundary environmental Assessment is not yet in force. The same goes for the Convention on transboundary Effects of Industrial Accidents.

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<sup>3</sup> Letter to Green Alternative, 2020

# Climate Change

## *Priority 1*

*Finalise and adopt the Low Emission Development Strategy of Georgia*

Overall Assessment: not implemented

According to the Association Agenda, Georgia should have completed and approved LED Strategy 2030 developed with [USAID assistance](#). The Strategy was completed but not adopted. The AA agenda also required preparing Low StrategyDevelopment Strategy.

## *Priority 2*

*Start implementation of the Paris Climate Agreement*

*Elaborate the updated Nationally Determined Contribution (NDC) document*

Overall Assessment: implemented

In accordance with Paris Climate Agreement, Georgia adopts the updated Nationally Determined Contribution (NDC) document the updated document on Nationally Determined Contribution (NDC) adopted and submitted to UNFCCC in 2020. In April 2021, the Climate Strategy and Action Plan 2030 were approved. The Strategy defines a long-term vision for reducing greenhouse air emissions by 2030, and the Action Plan sets specific activities planned for 2021-2030.

## *Priority 3*

*Mainstream climate action in sectoral policies and measures and strengthen the capacity of different authorities to implement climate action across sectors*

Overall Assessment: partially implemented

The work for preparing a National Energy and Climate Action Plan (NECP), as recommended by the Energy Community treaty, is currently underway. The Action Plan's goal is to define climate and energy plans for the period from 2021 to 2030. It should improve energy security, strengthen the energy market, improve energy efficiency, decarbonise the economy, and other goals and action plans. The plan will be prepared with the direct involvement of the European Energy Community Secretariat. As an output of the mediation on Namakhvani Hydropower between Government and Georgian CSOs.

The National Plan on adaptation to Climate Change Agricultural Sector developed. Concerning adaptation to climate change, Georgia plans to start working on the National Adaptation Plan (NAP) with the support of the Green Climate Fund (GCF). The number of the projects as "Enabling Implementation of Forest Sector Reform in Georgia to Reduce GHG Emissions from Forest Degradation", "Reducing the climate risk to Georgia's communities by supporting infrastructure and their livelihoods", and "Green Cities" are also implemented with the support of GCF.

#### *Priority 4*

*Approximate legislation of Georgia to EU acts and international instruments as envisaged by the Association Agreement in accordance with the relevant Annexes thereof.*

Overall Assessment: partially implemented

#### *Ozone Depleting Substances*

According to the 2020 Action Plan, technical regulations on fluorinated greenhouse air management are prepared but not approved. This regulation should approximate the regulation 842/2006/EC as required by the Association Agreement. Currently, in Georgia, there is no accurate data on the volume of fluorinated greenhouse gas emissions. In 2020 the [consumption of ozone-depleting substances](#) had decreased by 35% in comparison to the baseline consumption. The country heads up to phase out ODSs entirely by 2030.

According to the report on implementing the Third Environmental Action Plan for 2020, work is underway for improving the ozone-depleting substance management system. In 2021, the legislative package on ozone layer depleting substances will be submitted to the Parliament following the European Parliament and Council (EC) N1005/2009 Regulation of September 16, 2009. The law establishes requirements for the collection, recovery, recycling and disposal of ozone-depleting substances.

From autumn 2019, the [Regional Environmental Center](#) organised meetings of the working group on the ratification of the Kigali Amendment to the Montreal Protocol.

#### *Priority 5*

*Enhance Georgia's transparency framework for climate action, in particular through a robust national system for the monitoring and reporting of climate policies, measures and greenhouse gas emissions based upon the EU model*

Overall Assessment: implemented

In 2019, Georgia submitted its second Biennial Update Report to the UNFCCC. It reviews the climate change process, including the quantitative and qualitative analysis of GHG emissions and removals in 2014–2015 by sources and

industries. It also analyses key economic sectors contributing to greenhouse gas emissions at a national level and establishes the National Measurement, Reporting and Verification (MRV) system.

The Greenhouse Gas 1990–2015 Inventory Report, which lays out the evaluation of domestic emissions during the given period, was also submitted to the UNFCCC.

The Fourth National Communication report was submitted to UNFCCC in April 2021.

With the support of the European Union and UNDP, the Regional Environmental Centre works on the integrated transparency framework project that includes [climate data management under the Paris Agreement](#).

### *Priority 6*

*Develop Georgia's mid-century, long-term low greenhouse gas emission development strategy*

Overall Assessment: Not Implemented

The Regional Environmental Center Caucasus starts the development of the [LED 2050 strategy in 2020](#) with the assistance of the EU and the UNDP. The Strategy will assist the country in implementing the Paris Agreement, ensure long-term environmental planning in the following sectors: energy, buildings, industry, transport, agriculture, land development and forest, waste.

## Instead of a Conclusion

Therefore, it is vital to speed up the implementation of the legislative part of the EU-Georgia Association Agreement. Simultaneously promote the implementation of legislation by strengthening control and execution mechanisms and introducing incentive packages that should positively impact through reducing environmental degradation and its fiscal consequences.

The Government of Georgia must develop and implement a national Green Deal strategy that will fully comply with the European Green Deal objectives. It is crucial to ensure smooth integration into the European Economic Area and realise the right to a healthy environment for Georgian citizens.