

LAW OF GEORGIA

ON ECOLOGICAL EXAMINATION

Article 1 - General provisions

1. Ecological examination shall be a mandatory environmental measure implemented during decision-making process on issuing environmental impact or construction permits for activities.
2. Complete list of activities subject to mandatory ecological examination during decision-making process on issuing environmental impact or construction permits shall be established by the Law of Georgia on Environmental Impact Permit.
3. Objective of the ecological examination shall be maintaining environmental balance in view of environmental requirements and principles of rational nature management and sustainable development.
4. A positive ecological examination report shall be a mandatory basis for issuing environmental impact or construction permits for activities subject to ecological examination.

Article 2 - Basic principles of ecological examination

Basic principles of ecological examination shall be:

- a) potential environmental hazard risk assessment of an activity;
- b) complexity of potential environmental impact assessment of an activity before its commencement;
- c) consideration of environmental requirements and environmental standards;
- d) unlimited exercise of expert powers;
- e) substantiation and legality of ecological examination report;
- f) consideration of public interest.

Article 3 – Authorised body in the field of conducting ecological examination and its rights and obligations

1. The Ministry for Environment and Natural Resources Protection of Georgia ('the Ministry') shall be the authorised body in the field of conducting ecological examination.
2. Rights of the Ministry in the field of conducting ecological examination shall be:
 - a) when necessary, inviting independent experts to conduct ecological examination of an activity, according to established procedure;
 - b) obtaining information required for ecological examination procedure (including referral, statistical and insider information), unless otherwise determined by the legislation of Georgia.
3. Obligations of the Ministry in the field of conducting ecological examination shall be:
 - a) setting up expert commissions for conducting ecological examination;
 - b) providing necessary information for ecological examination process;
 - c) ensuring compliance of ecological examination procedure with the legislation of Georgia;
 - d) registering independent experts and establishing a database of independent experts;
 - e) when required by an entity conducting activity, providing it with normative acts regulating arrangement and conduct of ecological examination;
 - f) when required by a public representative, acquainting him/her with documents regulating conduct of ecological examination.

Law of Georgia No 4394 of 11 March 2011- website, 17.3.2011

Law of Georgia No 468 of 25 March 2013 – website, 5.4.2013

Article 4 – Ecological examination procedure

1. For conducting ecological examination, an expert commission shall be set up for each particular case by an order of the Minister for Environment and Natural Resources Protection of Georgia ('the Minister').



2. When required, the Ministry may invite independent experts to participate in the expert commission activities according to established procedure.
3. Ecological examination shall be conducted after the application for an activity is submitted under the Law of Georgia on Environmental Impact Permit.
4. The ecological examination procedure and the procedure for setting up an expert commission shall be defined by the Regulations on Ecological Examination Procedure to be approved by the Minister.

Law of Georgia No 4394 of 11 March 2011- website, 17.3.2011

Law of Georgia No 468 of 25 March 2013 – website, 5.4.2013

Article 5 - Independent experts

1. An independent expert may only be a natural person, who is not a civil servant, with relevant education and qualifications.
2. An independent expert shall be subject to registration with the register of experts maintained by the Ministry. Independent experts shall be entered in and removed from the register of experts by an order of the Minister.
3. Independent experts having been duly registered with the register of experts of the Ministry must only be introduced into the expert commission.
4. An independent expert shall be introduced from the register of experts into the expert commission by an order of the Minister.
5. An independent expert shall be responsible for objectivity and completeness of his/her own report.
6. An independent expert shall participate in ecological examination process under a labour agreement concluded with him/her by the Ministry. The Ministry shall remunerate the labour of independent experts within funds allocated from the State Budget to the Ministry.
7. Payment procedure of independent experts shall be defined by a subordinate normative act of the Minister.
8. Procedure for selecting independent experts and for registering them with the register of experts, as well as the rights and obligations of experts shall be defined by the Regulations on the Register of Independent Experts to be approved by a subordinate normative act of the Minister.

Article 6 - Ecological examination report

1. Expert commission performance results shall be included in a commission report prepared by the expert commission and signed by the commission chairperson. Based on the expert commission report, the Ministry shall prepare an ecological examination report to be approved by an administrative-legal act of the Minister.
2. Ecological examination report may be either positive or negative. Ecological examination report shall be positive if the documentation submitted for ecological examination:
 - a) complies with the legislation of Georgia and the applicable environmental norms and standards in the territory of Georgia;
 - b) substantiates that the activity referred to in the documentation, conducted in a specific place under certain circumstances, shall not entail any irreversible qualitative and quantitative changes in the environmental condition or natural resources;
 - c) envisages measures for reducing or preventing environmental impact (including measures for eliminating potential consequences of emergency situations).
3. An ecological examination report must contain the following information:
 - a) whether the activity conducted complies with the requirements under the legislation of Georgia;
 - b) what drawbacks are included in the documentation submitted for ecological examination;
 - c) how important the drawbacks in the documentation submitted for ecological examination are for decision-making process;
 - d) whether it is possible to correct the drawbacks in the documentation submitted for ecological examination, and if so, how it can be done;
 - e) conditions of an ecological examination report, if required.
4. Ecological examination report shall be integral part of environmental impact or construction permits; and any condition of the ecological examination report shall be a permissive condition to be necessarily fulfilled by environmental impact or construction permit holders.

Article 7 - Rights and obligations of entities conducting activity in the field of ecological examination

1. An entity conducting activity in the field of ecological examination may:
 - a) submit the documentation evidencing the activity for conducting ecological examination;



b) apply to court in the case of dispute over ecological examination.

2. Obligations of an entity conducting activity in the field of ecological examination shall be:

a) submitting the documentation evidencing the activity for conducting ecological examination according to the requirements under the legislation of Georgia;

b) conducting the activity under the conditions of the positive ecological examination report after having obtained an environmental impact or a construction permit.

Article 8 - Liability for violation of the Law

Violation of requirements under this Law shall entail liability as determined by the legislation of Georgia.

Article 9 - Normative acts to be issued regarding enactment of this Law

The following normative acts of the Minister shall be issued before 1 April 2008:

a) On the Ecological Examination Procedure;

b) On the Register of Independent Experts;

c) On the Payment Procedure for Independent Experts.

Article 10 - Invalid normative act

Upon enactment of this Law, the Law of Georgia on State Ecological Expertise of 15 October 1996 (The Gazette of the Parliament, No 27-28/4, 21 November 1996, p. 17) shall be declared invalid.

Article 11 - Enactment of the Law

This Law shall be enacted as from 1 January 2008.

Acting President of Georgia

Nino Burjanadze

Tbilisi

14 December 2007

No 5603–ES

