

LAW OF GEORGIA

ON AQUACULTURE

Chapter I – General Provisions

Article 1 – Scope and objectives of the Law

1. This Law defines the principles and legal grounds for the regulation and implementation of aquaculture activities, and regulates relations regarding property, the issuance of aquaculture permits, the allocation of zones for aquaculture in marine waters, and state control and other relations regarding aquaculture when carrying out aquaculture activities.
2. The objectives of this Law are:
 - a) to regulate aquaculture activities in specific areas of the continental shelf (of the Black Sea) of Georgia, territorial waters (the territorial sea), the special economic zone ('the marine waters') and internal waters – water reservoirs (lakes, reservoirs, ponds, rivers, underground waters, brooks, canals, wetlands and other water reservoirs for breeding aquaculture objects);
 - b) to promote the responsible and sustainable development of aquaculture;
 - c) to protect the environment, and biodiversity and biological water resources, when implementing aquaculture activities;
 - d) to ensure the rational and effective use of water and land resources when implementing aquaculture activities, and protect the interests of other water and land users;
 - e) to ensure the implementation of aquaculture activities in accordance with the sustainable development goals of the United Nations;
 - f) to ensure the effective environmental monitoring and state control of aquaculture entities.
3. Chapters III and V of this Law shall not apply to aquaculture activities carried out through a recirculating aquaculture system.
4. This Law shall not apply to aquaculture structures which do not have direct contact with natural surface waters.
5. Issues related to the protection of the environment in the field of aquaculture shall be regulated by this Law, the Law of Georgia on Environmental Protection, and other normative acts.

Article 2 – Definition of terms

The terms used in this Law have the following meanings:

- a) aquaculture – the breeding (cultivation, raising, reproduction) of aquatic organisms (fish, molluscs, crustaceans, aquatic plants) by using means aiming to increase the production of these organisms beyond the natural capabilities of the environment. Such organisms may be owned by one or more natural or legal person(s) in this period of time, from breeding to production. The breeding of aquatic organisms involves the organised process of growing these organisms, including their reproduction and regular keeping and feeding, and protecting them from predators, and protecting them from other similar interventions, in the course of their natural life cycle;
- b) extensive aquaculture – the stocking of natural water reservoirs (lakes, rivers, wetlands, etc.), or artificial water reservoirs (reservoirs, some canals and other water reservoirs, except for aquaculture structures) with artificially reproduced spawns, larvae, fries and fingerlings, at the expense of the natural food base, and the promotion of the propagation of natural fish resources in water reservoirs, and fishing after growing them;



- c) aquaculture structure – any artificial water reservoir for aquaculture purposes (ponds, waterholes, canals, tanks, reservoirs, etc.), fish cages of different types and forms placed in water reservoirs, fish-wells, aquaculture collectors of different forms and types, structures of rope, net sacks, baskets, artificial solid bottom structures, including artificial reefs, recirculating aquaculture systems, and other structures and equipment for breeding aquaculture objects. Artificial water reservoirs for extensive aquaculture as provided for in sub-paragraph (b) of this article shall not be included in the definition of aquaculture structures;
- d) aquaculture collector – rope structures of different forms and types for collecting and growing spineless larvae and the spores of aquatic plants, and artificial solid bottom structures, and other structures;
- e) aquaculture entity – a person entitled to carry out aquaculture activities in accordance with this Law;
- f) recirculating aquaculture system – a system for cultivating and/or growing aquatic plants and animals, in which the multiple recovery and reuse of technical water is carried out;
- g) fish cage – a specific area of a reservoir which is enclosed by a water-permeable barrier and does not touch its seabed directly. Fish cages are either floating or underwater. The structural frame of a floating fish cage is placed only on the surface of the water and is enclosed by a water-permeable barrier only on the sides and seabed. The structural frame of an underwater fish cage can change depth levels and is enclosed by a water-permeable barrier on the sides, the seabed, and the top;
- h) fish-well – a specific area of a reservoir, which is enclosed by a water-permeable barrier on the sides and directly touches the seabed of a water reservoir;
- i) mariculture – aquaculture in marine waters;
- j) hydrobiont – a living organism (fish, molluscs, crustaceans, aquatic plants, other living organisms) inhabiting water;
- k) natural feeding base – aquatic animals or plants, their remains or decay products, micro-organisms of animal or plant origin, which are natural food for aquaculture objects;
- l) introduction – the introduction of different aquatic plants to a water reservoir which has not been inhabited by these plants before, and the creation of a viable and sustainable population of introduced species;
- m) fish stocking – releasing aquatic animals (at any stage of their development – spawns, larvae, fries and others) into a reservoir for a defined purpose;
- n) artificial propagation – producing reproductive products from hydrobionts artificially, fertilising eggs artificially, incubating artificially fertilised eggs in controlled conditions, producing offspring, growing them before they are viable, and retaining the amount of biological water resources and/or increasing it by releasing them into natural water reservoirs afterwards;
- o) aquaculture object – a hydrobiont cultivated by an aquaculture entity;
- p) strange species – any aquatic species which is not native to, and which, as a rule, does not inhabit, Georgian waters;
- q) ecosystem – the dynamic complex of plants, animals, and micro-organisms, as well as the non-living environment surrounding them, which functions as a functional unity;
- r) Environmental Monitoring Programme – an aquaculture management tool used by authorised bodies and aquaculture entities determined by this Law, which ensures the recording and storage of information (data) in order to carry out regular environmental assessment and monitoring;
- s) area allocated for aquaculture – a sea area in which developing aquaculture is preferred to any other use, and which is mainly intended for aquaculture;
- t) single-window principle – an administration proceedings procedure, according to which a permit issuer ensures the confirmation of additional permit conditions, or agreements by other administrative bodies;
- u) Minister – the Minister of Environmental Protection and Agriculture of Georgia;
- v) Ministry – the Ministry of Environmental Protection and Agriculture of Georgia;



w) land based aquaculture structure – any artificial water reservoir for aquaculture purposes (waterholes, ponds, canals, tanks, reservoirs, etc.), and recirculating aquaculture systems;

x) aquaculture structure in a reservoir – fish cages of different forms and types, fish-wells, fish farming tanks, structures of ropes, net sacks, baskets of different forms and types for collecting the larvae and spores of aquatic plants, and artificial solid bottom structures, including artificial reefs.

Article 3 – Principles of regulating and implementing aquaculture activities

1. Aquaculture activities shall be regulated by this Law, other laws of Georgia, and the normative acts of the Government of Georgia and the Minister.

2. When regulating and implementing aquaculture activities, the following basic principles shall be met:

a) when implementing aquaculture activities, the application of an ecosystem approach, in order to preserve ecological safety and aquaculture products;

b) the implementation of ecologically expedient technology for cultivating and/or growing aquaculture objects and managing the productive processes of water reservoirs;

c) the implementation of aquaculture activities in places compatible with the goal of protecting the environment, and the use of water and land resources effectively and responsibly;

d) the safe installation and placement of aquaculture structures; and when implementing aquaculture activities, consideration of the interests of other water and land users;

e) the balanced and effective use of artificial food products to ensure the optimal growth of aquaculture objects and the reduction of environmental pollution to a minimum;

f) managing the health of aquaculture objects, and preventing their infection and reducing the risks of spreading diseases and epizootic cases;

g) the use of best practice in management, technology and equipment;

h) consideration for the natural and socio-economic characteristics of water objects and their nearby territories when planning and implementing aquaculture activities;

i) preventing and minimising the negative effects of agricultural and other activities on the cultivation and/or growing of hydrobionts for the purpose of putting them on the market for consumption;

j) retaining the biological resources of the waters of Georgia and maintaining their quality;

k) the stocking of fish in natural water reservoirs;

l) assessing the environmental impact when implementing aquaculture activities in cases determined by legislation;

m) monitoring the use of hybrid forms and invasive species when implementing aquaculture activities;

n) reducing possible negative impacts on the aquaculture ecosystem and the environment;

o) the compensation for damage to the environment;

p) cooperating at the international level in the field of aquaculture;

q) ensuring scientifically substantiated management and applying a scientific approach;

r) collecting data and keeping statistics;

s) managing waste;



t) ensuring the involvement of all interested parties.

3. When implementing aquaculture activities, the production process shall be carried out in accordance with the health and wellbeing requirements of aquaculture objects from a technological and environmental view, as well as the requirements of the legislation of Georgia on food safety.

4. Aquaculture shall be considered in spatial planning.

Chapter II – State Management and Sustainable Development of Aquaculture

Article 4 – State Management of Aquaculture

1. The Ministry shall ensure the legal regulation of relations in the field of aquaculture, the protection of the environment and water resources, the fulfilment of food, recreational, social, and other requirements, as well as the implementation of state policy in aquaculture development when carrying out aquaculture activities.

2. In the field of aquaculture, the Ministry shall ensure:

a) the implementation of state policy in terms of the sustainable development of aquaculture;

b) the development of legal acts, including strategies, action plans, laws and other normative acts, the development of projects and the presentation thereof to the Government of Georgia for approval, the issuance of administrative acts within its competence, and the state control of the execution of corresponding normative acts;

c) the organisation and implementation of environmental impact assessment in the process of the planning, building, and functioning of an aquaculture structure, in the cases determined by law;

d) the submission to the Government of Georgia for approval of areas allocated for aquaculture in marine waters after agreeing with other authorised state institutions and agencies;

e) international cooperation in the field of aquaculture;

f) the promotion of conducting scientific research and the implementation of corresponding technology to support the state management of aquaculture and its sustainable development;

g) the implementation of other activities related to aquaculture activities determined by the legislation of Georgia.

3. The Legal Entity under Public Law called the National Environmental Agency ('the Agency'), under the Ministry, shall issue the permits for aquaculture and extensive aquaculture determined by this Law, and shall assist aquaculture entities in obtaining the licences, permits or consents required for issuing aquaculture or extensive aquaculture permits through the single-window principle, and shall protect the rights of aquaculture entities determined within the framework of this Law. The Agency shall:

a) be authorised to issue aquaculture or extensive aquaculture permits provided for by this Law;

b) coordinate the process of issuing aquaculture or extensive aquaculture permits, after the submission of a request by a permit seeker until the decision is made, as well as the availability of information to investors on the environmental requirements for the allocation of zones in a sea area and the implementation of aquaculture activities;

c) agree with an interested party with regard to an application by an aquaculture or extensive aquaculture permit seeker, and assist the permit seeker in obtaining the required rights on state or local property in accordance with the procedure determined by the legislation of Georgia;

d) allow aquaculture or extensive aquaculture permit holders to introduce strange species on the basis of an opinion by the Aquaculture Advisory Council provided for in this Law;



e) participate in developing normative acts in the field of aquaculture;

f) exercise other powers provided for by this Law and other corresponding normative acts of Georgia.

4. The Legal Entity under Public Law called the National Food Agency shall exercise powers when carrying out aquaculture activities regarding food and veterinary preparations, the management of the health of aquaculture objects and their certification, in accordance with the procedures determined by the legislation of Georgia.

Article 5 – Aquaculture Interagency Council

1. The Aquaculture Interagency Council shall be established for the purpose of discussing, in advance, issues related to the participation of the ministries of Georgia and other interested parties in the field of aquaculture, and issuing aquaculture permits in marine waters and extending the validity of permits issued in marine waters, as well as coordinating interagency cooperation for allocating aquaculture zones.

2. The Aquaculture Interagency Council shall be comprised of:

a) representatives from the Ministry;

b) representatives from the Ministry of Economy and Sustainable Development of Georgia;

c) representatives from the Ministry of Regional Development and Infrastructure of Georgia;

d) representatives from the Ministry of Internal Affairs of Georgia;

e) representatives from the Ministry of Defence of Georgia;

f) representatives from the Ministry of Finance of Georgia.

3. The powers of the Interagency Aquaculture Council shall be:

a) the coordination of the exercise of powers by state agencies in the field of aquaculture;

b) the evaluation of the requirements of the sustainable development of aquaculture and the development of recommendations for state agencies;

c) the development of proposals on aquaculture zones in marine waters and ensuring consultation with interested parties;

d) the consideration of submitted requests by permit seekers to obtain aquaculture permits in marine waters, and the submission of recommendations on issuing such permits;

e) the consideration of draft normative acts on the management plan of zones allocated for aquaculture, and the approval of an environmental monitoring programme;

f) developing proposals and recommendations for promoting the implementation of aquaculture activities in marine waters;

g) exercising other powers determined by the Government of Georgia, and on the basis of this Law.

4. The composition of the Interagency Aquaculture Council, the organisation of its activities, and the procedures for its activities, shall be approved by a legal act of the Government of Georgia.

Article 6 – Aquaculture Advisory Council

1. On the basis of an Order of the Minister, the Aquaculture Advisory Council shall be established in the system of the Ministry in order to make decisions on the introduction of strange species, to implement aquaculture activities, as well as to perform other duties provided for by this Law.



2. The Aquaculture Advisory Council shall ensure:

- a) the development of a scientifically substantiated opinion on introducing strange species and the presentation thereof to the Agency;
- b) the determination of procedures preceding the introduction of strange species;
- c) the analysis of the risks of the introduction of strange species, and environmental risk assessment in accordance with the procedure determined by the Minister;
- d) conducting consultations and presenting recommendations to the Ministry and the Agency on scientific aspects related to aquaculture development and the implementation thereof;
- e) exercising other powers granted to the Aquaculture Advisory Council by the Minister.

3. The composition and procedure for the activities of the Aquaculture Advisory Council shall be determined by an ordinance approved by the Minister.

Chapter III – Aquaculture Permits

Article 7 – Aquaculture Permits

- 1. Aquaculture activities shall be carried out on the basis of aquaculture permits.
- 2. Any interested individual shall be authorised to submit a written application (substantiated request) to the Agency to use a state or local water facility, as well as a land plot in its ownership or use, to carry out aquaculture activities and request the issuance of an aquaculture permit.
- 3. Aquaculture permits shall be issued for up to 20 years. The validity term of a permit may be extended by not more than 20 year in accordance with the procedure determined by the legislation of Georgia.
- 4. Aquaculture permits shall enable permit holders to carry out aquaculture activities, using a permit for a specific aquaculture activity area.

Article 8 – General Procedure for Issuing Aquaculture Permits

- 1. Aquaculture permits shall be issued by the Agency in accordance with this Law and the Law of Georgia on Licences and Permits.
- 2. Aquaculture permits shall be issued on the basis of a written application (substantiated request) by an interested individual, namely a permit seeker, if the conditions for the submission of information and documents, as well as the permit conditions provided for by this Law and ordinances of the Government of Georgia, are met.
- 3. The application of an aquaculture permit seeker shall be sent to all interested administrative bodies, within three days after being submitted to the Agency, which bodies shall be authorised to make decisions regarding a permit seeker acquiring other rights (including lease rights), and on conditions and corresponding property.
- 4. On the basis of the information referred to in the application of a permit seeker, and within a month of the opinions of interested administrative bodies being presented to the Agency, the Agency shall examine the opinions and consult with the interested parties, and on the basis thereof shall present the permit holder with the relevant conditions and requirements, and in the event of the fulfilment thereof, the Agency shall issue an aquaculture permit. If more than one application for the same water object or land plot is submitted, the consideration of the other application(s) will be postponed until the consideration of the first application is completed. If the first application is rejected, the other applications shall be discussed according to their order.



5. Before the issuance of a permit in marine waters, an application submitted in accordance with this article, and the opinions of interested parties (if any) shall be considered by the Aquaculture Interagency Council.
6. The overall period for issuing or rejecting aquaculture permits shall not exceed six months. If, due to circumstances, aquaculture permits may not be issued in this period of time, the period may be extended in accordance with the procedure determined by the Law of Georgia on Licences and Permits.
7. Aquaculture and extensive aquaculture permits shall be issued in accordance with the procedures of public administrative proceedings.

Article 9 – Permit Conditions for Aquaculture Permits

1. An aquaculture permit holder shall be obliged to fulfil the following permit conditions:
- a) to observe the product capacity thresholds provided for by aquaculture permits;
 - b) to ensure the implementation of measures to prevent the possibility of an aquaculture object to escape into the environment from an aquaculture structure;
 - c) to implement measures to prevent the spread of fish diseases;
 - d) to breed the species of aquaculture objects that are provided for by the aquaculture permit and to meet requirements with regard to their inclusion density;
 - e) to ensure the systematic monitoring of water quality and water purification before it flows into the surface a water facility;
 - f) to meet hygienic and sanitary requirements;
 - g) after the expiration of the validity of an aquaculture permit, or the entry into force of a decision revoking an aquaculture permit, to ensure the retrieval of introduced species, aquaculture structures, or other equipment, from the water facility in question, and the restoration to the initial condition of the aquaculture activity area and its nearby territory;
 - h) to ensure the access of persons authorised to exercise state control and carry out supervision of the aquaculture activity area;
 - i) to ensure immediate notification to an authorised body in the event of the sickness and/or death of fish, the escape of an aquaculture object into the environment, and to compensate any damage to the environment caused by the escape of an aquaculture object;
 - j) to keep and store records on chemicals and therapeutic agents used in the aquaculture activity area, and on the receipt and transportation of marine mammal species;
 - k) to present an annual report on aquaculture activities to the Agency, which is authorised to exercise state control, including the data and records required, in order that the Agency exercise its powers as provided for by law;
 - l) to provide an aquaculture structure with a net against predators and ensure the installation of beacons and markers in the aquaculture activity area in marine waters or water reservoirs;
 - m) to fulfil other requirements determined by the technical regulations of aquaculture;
 - n) to fulfil other requirements determined by this Law and other legislative and subordinate normative acts of Georgia.
2. The Government of Georgia shall be authorised to establish a simplified procedure for issuing aquaculture permits for aquaculture activities by an aquaculture structure of up to 50 m³, and the corresponding release of a person carrying out aquaculture activities in a said aquaculture structure from the responsibilities provided for by this Law.

Article 10 – Other responsibilities of an aquaculture permit holder



1. Aquaculture permit holders shall ensure the fulfilment of the responsibilities and permit conditions provided for by this Law, aquaculture technical regulations, and other legislative and subordinate normative acts of Georgia.
2. Aquaculture permit holders shall immediately inform the Ministry of the presence of any diseased marine organism in an aquaculture facility, as well as of any water pollution, and any other kind of deterioration of the water quality index.
3. Aquaculture permit holders shall immediately follow guidelines or recommendations from an authorised body of the Ministry after providing the information referred to in paragraph 2 of this article.
4. Aquaculture permit holders shall take all possible measures, including destroying the aquaculture object and disinfecting it, in order to prevent the spread of disease in an aquaculture structure, and from an aquaculture structure into the environment.
5. An aquaculture entity shall comply with the requirements established by the Waste Management Code.
6. An aquaculture entity shall provide an authorised body determined by this Law with information regarding aquaculture activities, within 30 calendar days after the authorised body requests the information in writing, which is necessary for the body to exercise its powers determined by law.
7. An aquaculture entity shall present a written report annually to the state sub-agency called the Department for Environmental Supervision under the Ministry, and the permit issuer, on the fulfilment of permit conditions, the number of grown aquaculture objects (according to species), the growing cycle of aquaculture objects, measures for selling them, and the amount of food and food supplements (according to species) used.

Chapter IV – Mariculture

Article 11 – Mariculture

A zone shall be allocated for aquaculture (mariculture), and permits shall be issued, and aquaculture activities shall be carried out, in accordance with this Law and other legislative acts of Georgia, taking into account requirements determined by this Chapter.

Article 12 – Zone allocated for aquaculture

1. Aquaculture permits shall be issued, and aquaculture activities shall be carried out, in an zone allocated for aquaculture.
2. Zones allocated for aquaculture shall be determined by the Government of Georgia within the framework of spatial planning (territorial waters of Georgia (the territorial sea) and the planning of the special economic zone), taking into account scientific, social, economic, environmental and other factors.
3. Aquaculture zones shall be allocated on the basis of consultations with authorised administrative bodies and interested parties, taking into account the relevant opinion of the Legal Entity under Public Law called the Maritime Transport Agency, and the Legal Entity under Public Law called the State Hydrographic Service of Georgia, and the proposals of the Aquaculture Interagency Council.
4. Information on zones allocated for aquaculture shall be posted on the web page of the Ministry. This information shall be accompanied by the corresponding legal act of the Government of Georgia.

Article 13 – Plan for Managing Zones Allocated for Aquaculture

1. The Government of Georgia shall approve a Plan for Managing Zones Allocated for Aquaculture ('the Plan') to manage zones allocated for aquaculture. The purposes of the Plan shall be to:
 - a) maintain a healthy environment and healthy ecological services;



- b) ensure the protection of zones allocated for aquaculture;
- c) ensure that the interested local population receives social and/or economic benefits;
- d) avoid conflicts among different activities;
- f) protect the natural and/or cultural characteristics of zones allocated for aquaculture.

2. The Plan shall include:

- a) information on the purpose and scope of the Plan;
- b) a geographical description of zones allocated for aquaculture;
- c) a description of resources in zones allocated for aquaculture and their nearby zones;
- d) a description of aquaculture activities: equipment, used species, annual capacity, swimming objects, feeding, etc.;
- e) a description of the management and functioning of marker beacons and marker lights placed in zones allocated for aquaculture;
- f) information on scientific and technical monitoring, and agencies involved therein;
- g) information on aquaculture objects, and the Animal Health Supervision Programme and its management;
- h) information on developing an emergency management plan in the event of diseases and other necessary cases (e.g., leakage, waste);
- i) other information concerning the proper use of aquaculture zones and management, as well as the sustainability of aquaculture activities.

3. An aquaculture entity shall meet the requirements of the Plan, which shall form part of the permit conditions.

Article 14 – Environmental Monitoring Programme

- 1. The Environmental Monitoring Programme shall be established by an order of the Minister to carry out aquaculture activities and protect aquaculture, as well as to avoid a potential irreversible effect of fish farming on the marine ecosystem.
- 2. The Environmental Monitoring Programme shall involve procedures for a data recording system and the analysis of said data, as well as the obligations of aquaculture permit issuers and aquaculture entities.
- 3. The Environmental Monitoring Programme shall determine processes for taking samples, and activities for determining the quality of the environment, as well as other necessary measures.

Article 15 – Submitting applications to obtain an aquaculture permit in marine waters

1. In order to obtain an aquaculture permit, in addition to meeting the general requirements determined by Article 25 of the Law of Georgia on Licences and Permits, an aquaculture permit seeker shall submit the following to the Agency:

- a) technical information;
 - a.a) a schematic project drawing of the aquaculture structure; the breeding system of species and their characteristics, the species to be bred (including Georgian and Latin names of fish and/or hydrobionts, and information on genetic types (hybrid, triploidy), and object introduction density);
 - a.b) the form in which introduced objects will be received (larvae, fries, fingerlings, etc);



- a.c) detailed information on food and food supplements (the producers of food and food supplements, trademarks, composition);
- a.d) detailed information on fertilizers, stimulants, medications for treatment and prophylaxis, biologically active substances, other chemical products and microbiological technology;
- a.e) information on the annual amount of product;
- a.f) a detailed description of methods for carrying out aquaculture activities, including the technology and the technological cycle; and a description of the technology and equipment to be employed;
- a.g) a detailed plan for carrying out aquaculture activities;
- a.h) information on measures to be implemented to prevent the spread of fish diseases among wild species;
- a.i) information on measures to be implemented to ensure that the possibility of an aquaculture object escaping into the environment from the aquaculture structure is prevented;
- a.j) information on swimming objects and their exploitation;
- b) information on the environment: bathymetry, temperature, salinity, water speed, benthic communities, and sensitive habitats;
- g) geographic information: location where aquaculture activities are to be carried out, a map thereof, the location of proposed fish farming (an area allocated for aquaculture), as well as the depth thereof when using an aquaculture structure;
- d) the economic calculations and data of the project: information on capital investments, the approximate prices of products, annual production volume, annual interest rates, the analysis of potential revenues from investments;
- e) social and economic information: benefits (on the creation of employment and other corresponding information) to be accrued from aquaculture activities to be carried out in the vicinity of the aquaculture activity area;
- f) information on sea safety: information on harbour areas, prohibited regions, the unimpeded safe passage of ships and the corresponding opinion of the Maritime Transport Agency and the State Hydrographic Service of Georgia.

2. The Agency shall be authorised to request from permit seekers other information and documents required to carry out aquaculture activities, as determined by this Law and other legislative and subordinate normative acts of Georgia.

3. Water areas for aquaculture (mariculture) shall be allocated in accordance with the procedure determined by the Government of Georgia.

Article 16 – Requirements for aquaculture activity areas in marine waters and their fulfilment

1. In marine waters, an aquaculture permit holder shall:

- a) place beacons, buoys and/or markers to mark or designate the aquaculture activity area determined by the aquaculture permit;
- b) install and retain light(s) and/or signal(s) on beacons and buoys or markers provided for by sub-paragraph (a) of this paragraph;
- c) install and retain other devices necessary for carrying out environmental monitoring and supervision.

2. Relocating, destroying, damaging or changing beacons, buoys, or markers used for marking and designating an aquaculture activity area, or lights or signals used for buoys or markers, shall not be allowed.

Chapter V – Land Based Aquaculture Structure



Article 17 – Submitting an application to obtain an aquaculture permit in the case of the use of a land based aquaculture structure

1. In the case of the use of a land based aquaculture structure, in order to obtain an aquaculture permit, an aquaculture permit seeker, in addition to the documents provided for by Article 25 of the Law of Georgia on Licenses and Permits, shall submit:

- a) information on the location where aquaculture activities are to be carried out (municipalities, settlements, nearby inhabited places, or river basin settlements);
- b) a map of the location, the area and its geographic coordinates;
- c) a schematic technical drawing of the land based aquaculture structure;
- d) the Georgian and Latin names of aquaculture objects (fish and/or other hydrobionts), information on genetic forms, and introduction density;
- e) the form in which introduced objects will be received (larvae, fries, fingerlings);
- f) detailed information on food and food supplements (the manufacturer of food and food supplements, trademarks, composition);
- g) detailed information on fertilizers, stimulants, medicinal and prophylaxis products, biologically active substances, and other chemical products and technologies;
- h) information on the annual amount of product;
- i) a detailed description of methods for carrying out aquaculture activities, including technologies and the technological cycle;
- j) a description of the technology and equipment to be deployed;
- k) a detailed plan for carrying out aquaculture activities;
- l) information on measures to be implemented to prevent the spread of diseases among wild species;
- m) information on measures to be implemented to ensure that the possibility of an aquaculture object escaping into the environment from the aquaculture structure is avoided;
- n) a document certifying the ownership of a land plot and/or the use of a land plot;
- o) information on water quality analysis (in accordance with the parameters provided for in aquaculture technical regulations) and the plan of water use.

2. An aquaculture permit seeker shall be obliged to submit to the aquaculture permit issuer a document provided for in this Law in an electronic or a material form.

3. An aquaculture permit issuer shall be authorised to require from an aquaculture permit seeker, or an interested person, the verification of the information presented by him/her.

Chapter VI – Other Issues Related to the Issuance of Aquaculture Permits

Article 18 – Requesting a lease to carry out aquaculture activities

1. On the basis of legislation, a lease agreement needed to carry out aquaculture activities shall be concluded between an aquaculture entity and a person or body authorised to manage the corresponding property.

2. A lease agreement needed to carry out aquaculture activities shall determine lease conditions, including lease terms and the possibility of extending them, the location of the lease area, its geographic coordinates, and the amount of rent.



3. The validity term of an aquaculture permit shall not exceed the term of lease rights needed to carry out aquaculture activities. Lease rights may be extended if the aquaculture entity does not violate the lease conditions provided for by the lease agreement.

4. Information on lease rights on state or local property in a lease to carry out aquaculture activities shall be public.

Article 19 – Interrelation of aquaculture permits and lease rights to carry out aquaculture activities

1. Lease rights to carry out aquaculture activities shall not allow the use of lease areas without an aquaculture permit.

2. If an aquaculture permit is revoked or its validity term is not extended, the corresponding lease rights on state or local property shall be terminated.

3. If lease rights to carry out aquaculture activities are terminated, or the validity term of the lease has expired, the corresponding aquaculture permit shall be revoked on the basis of this article.

4. In order to ensure that lease rights to carry out aquaculture activities have been terminated, a person or body authorised to manage the corresponding property shall be notified of the revocation of an aquaculture permit.

Article 20 – Use of land plots when carrying out aquaculture activities

1. In the case of the use of a land based aquaculture structure, an aquaculture entity shall require a document certifying its rights on the land plots (a lease agreement or a document certifying its right of ownership) of the territory in which it wants to carry out aquaculture activities.

2. In the case of carrying out aquaculture activities on land plots in private ownership, the right to the land plot as provided for by paragraph (1) of this article shall be considered as verified if, in the case of issuing an aquaculture permit, consent to the conclusion of an agreement to transfer ownership to the corresponding person by the owner of a land plot is given in advance. An aquaculture permit shall be issued for the validity term of the said agreement or consent. Before the extension of the validity term of an aquaculture permit, the validity term of the agreement or consent shall be extended.

3. An aquaculture entity shall have the right to require lease rights on land plots owned by the state or a self-governing body in order to carry out aquaculture activities. The agreement between the land owner and the aquaculture entity shall regulate the use of a land plot in the territory of a water reservoir needed to carry out aquaculture activities by an aquaculture entity.

Article 21 – Environmental impact assessment

The Environmental Assessment Code shall determine the procedures for detecting and examining possible impacts which may have a major effect on the environment of planned aquaculture activities.

Article 22 – Transferring aquaculture permits to another person

1. An aquaculture permit may be transferred to another person if the Agency approves the transfer. In the case of transferring an aquaculture permit, the owner of the aquaculture permit shall submit corresponding documents to the permit issuer. The new aquaculture permit holder shall confirm that they are able to satisfy the permit conditions, on the basis of which, and after making the required decision, the Agency shall make the corresponding change to the permission register, within three days, and shall issue a permit.

2. If, before the transfer of an aquaculture permit to another person, an aquaculture permit holder had been a person determined by the Environmental Protection Code to whom an environmental protection decision was sent, after the completion of procedures provided for by paragraph (1) of this article, the aquaculture permit holder and the new aquaculture permit shall submit an application to the authorised administrative body issuing the environmental protection decision, in order for them to make an appropriate entry into the decision logbook, whereby the former may obtain an original copy of the environmental protection decision, and determine the environmental protection conditions in question, in accordance with the said decision. In



this case, if the environmental protection conditions are violated, the responsibility of each entity shall be determined individually in accordance with the environmental protection conditions established for them. The authorised administrative body issuing the environmental protection decision shall consider the submitted application and attached documents through a simple administrative proceedings procedure and make the corresponding decision.

3. A person to whom an aquaculture permit was transferred shall be responsible to fulfil the permit conditions and other obligations determined by the legislation of Georgia.

4. The transferee of an aquaculture permit shall be authorised to carry out aquaculture activities only after assuming responsibility to fulfill the permit conditions and established requirements, and only after submitting to the issuer of the aquaculture permit information on the transfer of the aquaculture permit, and in the case determined by paragraph 2 of this article, only after receiving the environmental protection decision.

5. In the case of the existence of a lease agreement, before transferring the aquaculture permit to another person, the consent of the corresponding property owner shall be submitted to the Agency.

Article 23 – Right to extend the validity term of an aquaculture permit

1. An aquaculture entity shall be entitled to request that the validity term of an aquaculture permit be extended for not more than 20 years, not earlier than six months and not later than three months before the expiry of an aquaculture permit term.

2. On the basis of the application of an aquaculture entity, in the case of the existence of conditions determined by the legislation of Georgia, the issuer of an aquaculture permit shall make a decision on extending the validity term of an aquaculture permit.

3. An extension to the validity term of an aquaculture permit may be rejected if:

a) the aquaculture entity has violated permit conditions in the three years prior to submitting the application, and/or has failed to rectify a violation within the required period;

b) the aquaculture entity's lease rights to carry out aquaculture activities have been terminated, and/or it has failed to fulfil its obligations thereunder;

c) the extension of the validity term of the aquaculture permit is not in the interests of spatial planning;

d) the extension of the validity term of an aquaculture permit is not in the interests of the environmental protection obligations of Georgia under international treaties.

Article 24 – Termination of aquaculture permits

1. An aquaculture permit shall be terminated in accordance with the procedure established by the Law of Georgia on Licenses and Permits. If an aquaculture permit holder fails to start aquaculture activities within the period of time determined by the permit conditions, but not later than in one year, the aquaculture permit shall be terminated.

2. After the expiry of an aquaculture permit term, or not later than 6 months after the entry into force of a decision on revoking the aquaculture permit, an aquaculture permit holder shall ensure the retrieval of introduced water species, aquaculture structures, and equipment placed in a water reservoir, from the water facility, and the restoration of the initial condition in the aquaculture activity area and its nearby territory.

3. In the case of the failure to fulfil the conditions provided for by paragraph 2 of this article, the issuer of the aquaculture permit shall be authorised to dismantle any aquaculture structures or other devices placed in the water reservoir and impose on the aquaculture permit holder the responsibility of covering the costs thereof.

4. An aquaculture entity shall fully compensate losses inflicted upon the environment in accordance with the procedure established by the legislation of Georgia.



Article 25 – Ownership right to aquaculture objects

1. Hydrobionts inserted into an aquaculture structure intentionally, attached to ropes of different forms and types, or in an artificial solid bottom construction (including artificial reefs), shall be the property of the aquaculture entity, and is protected by the legislation of Georgia.
2. Any kind of fishing (including recreational and sport fishing) in the water reservoirs, marine waters and internal waters of Georgia, as well as collecting other hydrobionts and relocating them with floating facilities not further than 50 metres from an aquaculture structure, shall be prohibited. The presence or movement of any person in the said area shall be allowed only after receiving consent from the aquaculture permit owner. The restriction determined by this paragraph shall not apply to the aquaculture permit holder, authorised bodies determined by Article 37 of this Law, or a floating facility.
3. In the aquaculture activity area determined by the aquaculture permit, it shall be forbidden to:
 - a) hinder the aquaculture entity or prevent it from catching, transporting or relocating fish or any aquatic organism, equipment or device, which the aquaculture permit owner uses to reproduce and grow fish or other aquatic organisms in this area;
 - b) carry out any other activity which damages or may damage this area, or hinder the aquaculture entity, or prevent it from carrying out aquaculture activities.
4. State authorities, and natural and legal entities, shall be prohibited from implementing measures which pose a threat to carrying out aquaculture activities, or otherwise violate the rights of an aquaculture entity.
5. Unless otherwise provided for by this Law, an aquaculture entity shall be obliged to obtain and submit to the issuer of the aquaculture permit another licence, permit or consent required to carry out aquaculture activities provided for by legislation.
6. The state shall ensure the protection of the rights of an aquaculture entity.

Chapter VIII – Extensive Aquaculture

Article 26 – Purpose of extensive aquaculture

1. Extensive aquaculture activities in the internal waters of Georgia, namely water reservoirs (including river sections), may be carried out on the basis of an extensive aquaculture permit.
2. An extensive aquaculture permit is issued for an agricultural cooperative (fish farming cooperative) in accordance with the Law of Georgia on Agricultural Cooperatives. In exceptional circumstances, and in view of social, economic or other public interests, with the consent of the Government of Georgia, extensive aquaculture permits may be issued to other legal persons.
3. Fishing, including amateur, recreational and sport fishing, and underwater hunting and the collection of hydrobionts, in water reservoirs or water reservoir sections covered by extensive aquaculture permits, shall be allowed only with the consent of an extensive aquaculture permit holder.
4. Only one aquaculture permit may be issued for lakes, reservoirs, or other lake type water reservoirs, whereas for rivers and different sections of rivers several aquaculture permits may be issued.
5. If an extensive aquaculture permit exists for a water reservoir, other aquaculture permits for the water reservoir may be issued only in the case of the placement of an aquaculture structure.
6. The rule determined by paragraph 2 of this article shall not apply to issuing extensive aquaculture permits for river sections.
7. In order to obtain an extensive aquaculture permit, in addition to meeting the general requirements determined by Article 25 of the Law of Georgia on Licences and Permits, an extensive aquaculture permit seeker shall submit:



- a) information on the members of the fish farming cooperative (name, surname, address, and occupation);
- b) information on the location for where extensive aquaculture activities are to be carried out (water reservoir and municipality settlements, including geographic coordinates);
- c) information on the fishing nets and tools owned by the members of fish farming cooperative, including floating facilities, wharfs and ancillary buildings;
- d) the permit conditions offered by the fish farming cooperative;
- e) other information provided for by a corresponding normative act of the Government of Georgia.

8. An extensive aquaculture permit holder shall fulfil the following permit conditions:

- a) carry out extensive aquaculture activities on the basis of the Plan for Managing Zones Allocated for Aquaculture, which is agreed upon in accordance with the established procedure;
- b) observe fishing terms and procedures;
- c) adhere to fishing quotas;
- d) ensure the protection of animal objects which are on the Red List, the maintenance of their versatility and viable populations, and compliance with registration protocols related thereto;
- f) ensure the maintenance of a fishing logbook in a proper manner, including the use of fish resources in the fish farming cooperative, and internal registration documents for its registration and protection.
- g) immediately inform a relevant authority about diseased fish and/or other hydrobionts, or the deterioration of their habitats, or the possibility of their death and/or extinction;
- h) implement complex measures for the prophylaxis of diseases and combat same.
- i) stock water reservoirs with fish;
- j) make efforts to maintain the existing water quality in water reservoirs and avoid fish occurrences in amelioration and/or other systems;
- k) ensure the existence of a specified supply of fish and/or other hydrobionts by the expiry of the extensive aquaculture permit term;
- l) protect water reservoirs, and report incidences of a violation of law to an authorised body;
- m) fulfil other requirements determined by this Law and other legislative and subordinate normative acts of Georgia.

9. The procedure and conditions for granting an extensive aquaculture permit shall be determined by an ordinance of the Government of Georgia.

Chapter IX – Restrictions when Carrying out Aquaculture Activities

Article 27 – Territorial restrictions when carrying out aquaculture activities

- 1. Aquaculture activities on the border line shall be carried out in accordance with the Law of Georgia on the State Border of Georgia.
- 2. The mode of the protection and use of a water facility which is a protected area or a water facility within a protected area shall



be determined by legislation on the protected areas of Georgia.

Article 28 – Framework of aquaculture activities

1. Carrying out aquaculture activities shall not result in the deterioration of the fishing potential of water reservoirs, water quality, the fish feeding base (phytoplankton, zooplankton, zoobenthos, phytobenthos, periphyton and others), the microbiological characteristics of the environment, the ichthyologic and parasitologic background, nor shall it result in the introduction of new fish species or a bioinvasion.
2. In different locations, the introduction of fish species which may be harmful to native fish species, or to species inhabiting that location, shall be prohibited.
3. The occurrence of hybrid forms of aquaculture objects and strange species in natural (wild) environment is prohibited.
4. The cultivation of genetically modified living organisms, and their introduction into the environment, are prohibited.

Article 29 – Introduction and transportation of strange species in order to carry out aquaculture activities

1. In order to carry out aquaculture activities, the introduction and transportation of strange species (except for transit) shall take place with the consent of the Agency on the basis of the opinion of the Aquaculture Advisory Council.
2. The consent provided for by paragraph 1 of this article shall be granted if the introduction and spread of strange species does not change or damage other living water resources, their habitats, or corresponding ecosystems.

Article 30 – Procedure for the introduction of strange species to carry out aquaculture activities

1. The form of application to be submitted to introduce strange species, the documents to be attached thereto, the procedure and conditions for the introduction of strange species, and the term of issuing a permit for their introduction, shall be determined by an order of the Minister.
2. The list of species inhabiting the waters of Georgia shall be determined by an order of the Minister, for the purposes of introducing and controlling the movement of strange species. All other species which are not included in this list shall be considered as strange species.

Article 31 – Permit for aquaculture research

1. For the purposes of carrying out aquaculture research activities, namely to study different locations, waters, technologies, methods or equipment, or to cultivate or breed species for trial purposes, the Agency may issue a permit for aquaculture research.
2. Permits for aquaculture research may be issued for a period of up to 3 years. Such a permit may not be renewed. The results, opinions and information from the aquaculture research shall be shared with the Ministry.
3. The procedure for granting a permit for aquaculture research shall be determined by an order of the Minister.

Article 32 – Transportation of aquaculture objects (aquatic animals) for aquaculture purposes

Aquaculture objects (aquatic animals) shall be transported in the territory of Georgia for aquaculture purposes in accordance with the legislation of Georgia.



Article 33 – Conditions for placing aquaculture objects on the market and importing them, and certifying requirements and other requirements related to the health of objects and their products

1. The procedure for placing aquaculture objects on the market and importing them, and certifying requirements and other requirements related to the health of aquaculture objects and their products, as well as the procedure for preventing diseases of aquatic organisms, and the procedure for their control, shall be determined by the legislation of Georgia.
2. When transported and sold in the territory of Georgia, aquaculture objects produced in Georgia shall be accompanied with relevant documents indicating that they are aquaculture products.
3. The form of, and the procedure for, issuing a document as provided for by paragraph 2 of this article shall be determined by an order of the Minister. Said document may be issued by an aquaculture entity.

Chapter X – Publicity of Information

Article 34 – Public engagement in the decision-making process related to aquaculture and the availability of information

1. The cases of public engagement in the process of issuing aquaculture permits, when according to legislation environmental impact assessment or screening are to be conducted, shall be determined by the Environmental Assessment Code.
2. Within the framework of administrative proceedings concerning aquaculture permits, any person shall have the right to express his/her opinion in comments or remarks on materials published on the web page of the Agency, or during public discussions, in order to provide public consultations.
3. The Agency shall ensure:
 - a) availability to the public of documents provided for by the legislation of Georgia for issuing aquaculture permits;
 - b) the consideration of opinions, remarks or public discussion results when providing consultations during public discussions in the process of decision-making, as well as the provision of information to the public on decisions made and their availability, in accordance with the procedures determined by the legislation of Georgia;
 - c) the publication of the results of ecological monitoring carried out in accordance with this Law.

Article 35 – Publishing statistical data on aquaculture and international cooperation

1. The Ministry shall publish statistical data on aquaculture and aquaculture activities, including data on carrying out aquaculture activities, on food and veterinary products used, internal trade, and import and export, when carrying out aquaculture activities.
2. Statistical data on aquaculture, in order to fulfill international obligations assumed by Georgia, shall be submitted to the corresponding international organisations in accordance with the established procedure.

Chapter XI – Environmental Monitoring of Aquaculture Activities, State Control and Supervision

Article 36 – Obligation to provide information and documents to an authorised body carrying out supervision and assistance thereto

1. Any person carrying out aquaculture activities shall, in the case of a request by an authorised body carrying out supervision as determined by this Law, provide same with information, documents, samples, materials and any other assistance required by said



body in order for it to exercise its powers.

2. Any person carrying out aquaculture activities shall provide an authorised body carrying out supervision with the right to enter the area where the activities are carried out and with access to devices and equipment so that this body may exercise its powers.

Article 37 – Authorised bodies carrying out environmental monitoring of aquaculture activities, state control and supervision

The Agency shall carry out environmental monitoring of aquaculture activities, whereas state control and supervision, within their powers, shall be carried out by the state sub-agencies under the Ministry called the Department of Environmental Supervision and the National Food Agency, subject to state control by the Ministry.

Article 38 – Entering and inspecting

1. For the purposes of this Law, an authorised person shall be entitled to:

- a) unimpeded access to any land plot or building to inspect how a person, or an aquaculture permit holder, complies with this Law and the permit conditions;
- b) require a person to present a note or document which it is obliged to keep under this Law, as well as check said note or document, make notes therefrom, or make a copy thereof;
- c) check any device or equipment without hindrance which is used by a person when carrying out aquaculture activities;
- d) require a person to provide and protect any item in its ownership, to an authorised person for inspection purposes, if the authorised person considers that this item serves as a proof of a violation as determined by this Law;
- e) take photos, measure, make sketches or drawings, as well as notes by any means;
- f) exercise other powers provided for by this Law.

2. An authorised person shall present a document certifying his/her powers when performing the duties provided for by this Law.

3. Hampering, hindering or misleading an authorised person exercising powers provided for by this Law, as well as unlawfully intervening or interfering in his/her activities, shall be prohibited.

4. An aquaculture entity shall be obliged to comply with a legal instruction, directive or request from an authorised person.

5. For the purposes of exercising the powers provided for by this article, the Department of Environmental Supervision and the National Food Agency shall be authorised to require information relating to tax or customs issues.

Article 39 – Ecological monitoring

1. When carrying out aquaculture activities in the marine waters and internal waters of Georgia, and when using an aquaculture structure in a water reservoir, as well as when carrying out extensive aquaculture activities, each year, for not less than two seasons after the aquaculture entity starts aquaculture activities in a specified area, the Agency shall carry out ecological monitoring of the aquaculture entity.

2. On the basis of said ecological monitoring, the compulsory relocation of an aquaculture entity may be required if a danger is posed to the local ecosystem, or if the introduction density of fish or other hydrobionts is reduced, or if construction or technological changes are carried out.

3. Ecological monitoring also aims at the environmental impact assessment of an aquaculture entity, risk assessment, and the formulation of corresponding opinions and recommendations. If ecological monitoring results in the detection of circumstances which may be harmful to the area allocated for aquaculture, aquaculture products and product integrity, the aquaculture permit holder shall be immediately notified thereof, and measures shall be implemented and arrangements made, which are provided for



by the legislation of Georgia.

4. The procedure and conditions for carrying out ecological monitoring shall be determined by an ordinance of the Government of Georgia.

Chapter XII – Transitional and Final Provisions

Article 40 – Transitional provisions

1. Before 1 March 2021, the Government of Georgia shall approve:

- a) technical regulations for aquaculture;
- b) the procedure for issuing aquaculture permits and permit conditions;
- c) the zone(s) allocated for aquaculture in marine waters;
- d) the Plan for Managing Zones Allocated for Aquaculture;
- e) the composition of the Aquaculture Inter-Agency Council, its work distribution and procedures for activities.

2. Before 1 March 2021, the Minister of Environmental Protection and Agriculture of Georgia shall issue Orders on:

- a) the Approval of the Statute of the Composition of the Aquaculture Advisory Council and the Procedures for its Activities;
- b) the Procedure and Conditions for the Introduction of Strange Species;
- c) the Procedure for Granting Consent for Aquaculture Research;
- d) the Procedure on the Form of the Document Certifying that an Aquaculture Object Produced in Georgia Comes from Aquaculture and the Procedure for the Issuance Thereof.

3. Before the entry into force of this Law, fishing licences involving the stocking of the internal waters of Georgia, or water reservoirs, shall be effective before the expiration of the term or their revocation, in accordance with the legislation of Georgia. In the case of the expiration of the term of these licenses or their revocation in accordance with the legislation of Georgia, for the purposes of carrying out extensive aquaculture activities, an extensive aquaculture permit shall be issued in accordance with the procedure established by this Law.

4. Persons carrying out aquaculture activities regulated by this Law, before the entry into force of this Law, shall be entitled to continue aquaculture activities. These persons shall obtain aquaculture permits within two years after entry into force of this Law.

5. Before the determination of the territorial waters of Georgia (the territorial sea) and the spatial planning of a particular economic zone, an aquaculture permit in marine waters shall be issued on the basis of a recommendation of the Aquaculture Inter-Agency Council created in accordance with this Law, within the framework of the zones allocated for aquaculture and approved by the Government of Georgia.

Article 41 – Entry into force of this Law

1. This Law, except for Articles 1-39 and Article 40(3-5), shall enter into force upon its promulgation.

2. Articles 1-39 and Article 40(3-5) of this Law shall enter into force on 1 March 2021.



President of Georgia

Salome Zourabichvili

Tbilisi

24 June 2020

No 6408-III

