

Minister of Environmental Protection and Agriculture of Georgia

Order No 2-1258

26 December 2019

Tbilisi

On the Approval of the Statute of the Legal Entity under Public Law called the National Agency for Sustainable Land Management and Land Use Monitoring

In accordance with Article 4(2) and Article 13(1) of the Law of Georgia on the Determination of the Designated Purpose of Land and on Sustainable Management of Agricultural Land, and Article 2(1) of the Law of Georgia on Making Amendments to the Law of Georgia on Agricultural Cooperatives, **I hereby order:**

Article 1

The Legal Entity under Public Law called the Agricultural Cooperatives Development Agency shall be reorganised into the Legal Entity under Public Law called the National Agency for Sustainable Land Management and Land Use Monitoring.

Article 2

The enclosed Statute of the Legal Entity under Public Law called the National Agency for Sustainable Land Management and Land Use Monitoring shall be approved.

Article 3

Order No 2-206 of 20 September 2013 of the Minister of Agriculture of Georgia on the Establishment of the Agricultural Cooperatives Development Agency and on the Approval of Its Statute shall be declared invalid.

Article 4

This Order shall enter into force from 1 January 2020.

The Minister of Environmental Protection and Agriculture of Georgia

Levan Davitashvili

Statute of the Legal Entity under Public Law called the National Agency for Sustainable Land Management and Land Use Monitoring

Article 1 – General provisions

1. The National Agency for Sustainable Land Management and Land Use Monitoring (the Agency) is a legal entity under public law operating within the governance of the Ministry of Environmental Protection and Agriculture of Georgia (the Ministry) that has been established based on the Law of Georgia on the Determination of the Designated Purpose of Land and on Sustainable Management of Agricultural Land.

2. The full name of the Agency is LEPL the National Agency for Sustainable Land Management and Land Use Monitoring. The English name of the Agency is 'Legal Entity under Public Law called The National Agency for Sustainable Land Management and Land Use Monitoring'.



3. The Agency shall acquire rights and duties on its own behalf, conclude transactions, and act on its own behalf in relations with third parties, and act as a plaintiff and/or a defendant in court.
4. In its activities, the Agency shall be guided by the Constitution of Georgia, the treaties and agreements of Georgia, the Law of Georgia on Legal Entities under Public Law and the Law of Georgia on the Determination of the Designated Purpose of Land and on Sustainable Management of Agricultural Land, this Statute and other legislative and subordinate normative acts of Georgia.
5. State control over the Agency shall be exercised by the Ministry.
6. The Agency has an independent balance sheet, an emblem, its own property, relevant bank accounts and other attributes of a legal entity under public law.
7. The legal address of the Agency is: No 6 Marshal Gelovani Avenue, Tbilisi, 0159, Georgia.

Article 2 – Functions and powers of the Agency

1. The functions of the Agency are to:

- a) draw up a balance sheet for land;
- b) register agricultural land resources and create an integrated database;
- c) carry out state monitoring of land use and ensure the availability of relevant information.

2. The powers of the Agency are to:

- a) participate in the preparation and implementation of state policy for designated use and protection of agricultural land resources, and of relevant designated state programmes;
- b) participate in the preparation and implementation of state policy for the sustainable management of agricultural land;
- c) participate in the planning of activities to fight against desertification and land degradation, and to restore soil fertility;
- d) participate in the planning and carrying out of activities related to the management of windbreak belts (shelter belts);
- e) receive and review applications concerning investments plans related to privately owned plots of agricultural land, prepare relevant documents to be submitted to the Minister of Environmental Protection and Agriculture of Georgia (the Minister), and supervise the implementation of investment plans;
- f) prepare thematic maps related to land use;
- g) participate in the establishment of administrative-territorial borders;
- h) store, maintain and ensure access to documents submitted to the Agency in a manner provided for by law;
- i) participate in international and local grant competitions and carry out relevant activities within the project;
- j) receive grants from international donor organisations and carry out relevant activities with received grants;
- k) exercise other powers determined by the legislation of Georgia.

3. For the purpose of carrying out the functions and exercising the powers granted by this article, an advisory council may be set up at the Agency, where necessary. Its composition and procedures for activities shall be approved by the Chairperson of the Agency through an individual administrative act, in agreement with the Ministry.

Article 3 – Management and representation of the Agency



1. The Agency shall be headed by the Chairperson of the Agency (the 'Chairperson') who shall be appointed to and may be dismissed from position by the Minister.

2. Within his/her competence, the Chairperson of the Agency shall:

a) represent the Agency in its relations with other public agencies, natural and legal persons, and conclude transactions on behalf of the Agency, and ensure the carrying out of the functions and the exercising of the powers of the Agency;

b) lead and coordinate the operations of the Agency;

c) approve the statutes, internal regulations, staff list and official salaries of the structural sub-divisions of the Agency;

d) be authorised to delegate matters falling within his/her competence to another employee of the Agency;

e) appoint and dismiss employees of the Agency and make decisions on the motivation of, and the imposition of disciplinary liability on, employees of the Agency;

f) designate an individual (individuals) responsible for making public information available, including the provision in electronic form, and the proactive publication, of public information;

g) dispose of the funds and assets allocated for the Agency in a manner provided for by the legislation of Georgian, and be responsible for the maintenance and targeted use of the logistical base of the Agency;

h) issue individual administrative acts;

i) establish an advisory council by an individual administrative act and approve its composition and procedures for activities;

j) exercise other rights and duties provided for by legislation.

3. The Chairperson shall be accountable to the Ministry.

4. The Chairperson of the Agency shall have two deputies. The Deputy Chairpersons of the Agency shall be appointed to and may be dismissed from position by the Chairperson of the Agency.

5. The powers and scopes of activities of the Deputy Chairpersons of the Agency shall be determined by the Chairperson of the Agency.

6. In the absence of the Chairperson of the Agency, one of his/her deputies shall act as the Chairperson of the Agency.

Article 4 – Structure of the Agency

1. The Agency shall exercise its powers through the structural sub-divisions of the Agency.

2. The following shall be the structural sub-divisions of the Agency:

a) A Department of Sustainable Management of Agricultural Land that includes:

a.a) Land Resource Registration and Data Processing Division;

a.b) Land Balance and Analytics Division;

a.c) Spatial Information and Cartography Division;

b) A Strategic Development Department that includes:

b.a) Division of Drafting Targeted Programmes;



b.b) Division of Implementation of Targeted Programmes;

c) A Monitoring Department that includes:

c.a) Land Use Monitoring Division;

c.b) Division of Monitoring of Implementation of Investment Plans and Targeted Programmes;

d) An Administrative Department that includes:

d.a) Resource Management and Public Relations Division;

d.b) Division of Legal Issues and Internal Monitoring;

d.c) International Relations Division;

e) Financial and Economic Department that includes:

e.a) Accounting, Reporting and Budgeting Division;

e.b) Procurement Division.

Article 5 – Department of Sustainable Management of Agricultural Land

The main functions of the Department shall be to:

a) ensure the drawing up of a balance sheet for land, the registration of agricultural land resources and the management of databases;

b) participate in the preparation and implementation of state policy and relevant state targeted programmes for the designated use and protection of agricultural land resources;

c) participate in the planning of activities to restore soil fertility;

d) participate in the planning of activities to fight against desertification and land degradation, and to restore soil fertility;

e) participate in the planning and carrying out of activities to improve the quality of agricultural land and cultivating new lands;

f) participate in the preparation and implementation of state policy for the sustainable management of agricultural land and draft relevant recommendations;

g) participate in the development of activities to protect agricultural land and draft the relevant recommendations;

h) participate in the planning and carrying out of activities to inform and raise the awareness of the public with respect to the protection of agricultural land resources and land use;

i) ensure participation in activities relating to the pre-emptive right of the State to acquire plots of agricultural land and buildings and structures attached thereto;

j) ensure the operation of the Agency within its competence with respect to the change of the designated use of land;

k) ensure participation in the establishment of administrative-territorial borders;

l) process spatial information, perform cartography work, and prepare thematic maps relating to land use;

m) review correspondence, within its competence, and prepare relevant responses;

n) draft a report on the activities of the Department and submit it to the management;



- o) exercise other rights and duties provided for by legislation.

Article 6 – Strategic Development Department

The main functions of the Department shall be to:

- a) draft the strategic development programmes of the Agency, as well as a plan and a report on their implementation; prepare relevant proposals on periodic updates of the development strategy of the Agency;
- b) plan and implement targeted programmes of the sustainable management and rational use of agricultural land;
- c) analyse and assess the implementation of targeted programmes;
- d) study internationally recognised best practice in relation to the sustainable management of agricultural land and develop relevant recommendations;
- e) draft reports on the activities of the Department and submit them to the management of the Agency;
- f) review the correspondence within its powers and provide relevant responses.
- g) exercise other powers and duties provided for by legislation.

Article 7 – Monitoring Department

The main functions of the Department shall be to:

- a) ensure the monitoring of land use within the competence of the Agency;
- b) monitor the fulfilment of obligations taken under investment plans, within the competence of the Agency;
- c) draw up a relevant report and take other measures provided for by legislation where the non-fulfilment and/or inappropriate fulfilment of obligations under investment plans are identified;
- d) monitor the performance by the Agency of implemented/ongoing targeted programmes and draw up a relevant report for submission to the management of the Agency;
- e) review the correspondence within its powers and provide relevant responses;
- f) draft a report on the activities of the Department and submit it to the management of the Agency;
- g) exercise other powers and duties provided for by legislation.

Article 8 – Administrative Department

The main functions of the Department shall be to:

- a) manage the resources of the Agency;
- b) develop and introduce a career promotion structure, and motivational and assessment systems for employees, and submit proposals on activities to be implemented to the management of the Agency;
- c) organise the management of the records of the Agency and maintain its archives;



- d) keep records of and secure the movable and immovable assets entered into the balance sheet of the Agency, and ensure the smooth operation of the computer network and technique;
- e) provide adequate logistical conditions for the operation of the Agency and organise the maintenance of the property of the Agency within its competence;
- f) communicate with the mass media, and provide information to the public on the carrying out of activities falling within the competence of the Agency;
- g) manage the website of the Agency;
- h) ensure the drafting of relevant legal acts within the competence of the Agency;
- i) provide a legal review of draft normative acts, as well as draft contracts, memoranda, and agreements to be concluded on behalf of the Agency;
- j) represent the Agency during the review of an administrative appeal filed with respect to the administrative acts issued by the Agency and/or the actions of the Agency, and where necessary, ensure the involvement of other structural sub-divisions of the Agency;
- k) ensure the arrangement of administrative proceedings with regard to applications and administrative appeals;
- l) ensure the representation of the Agency before a court and in relations with administrative bodies, as well as with natural and legal persons;
- m) verify, monitor and supervise the compliance of activities of employees of the Agency with the legislation of Georgia and applicable legal acts;
- n) carry out official investigations with respect to the potential misconduct of employees of the Agency, establish facts of misconduct, and submit to the management of the Agency a report thereon, including recommendations for the future elimination of such misconduct;
- o) keep record of and distribute the incoming correspondence of the Agency and control its execution;
- p) implement and/or facilitate the implementation of the international projects of the Agency;
- q) ensure cooperation with international and donor organisations;
- r) participate in international studies in the interests of the Agency;
- s) receive applications concerning investment plans related to privately owned agricultural plots of land, and prepare relevant documents for submission to the Ministry;
- t) review correspondence and provide relevant responses, within its competence;
- u) draft a report on the activities of the Department and submit it to the management of the Agency;
- v) exercise other powers and duties provided for by legislation.

Article 9 – Financial and Economic Department

The main functions of the Department shall be to:

- a) ensure the coordination and management of the financial, economic and accounting activities of the Agency;
- b) maintain the financial and budgetary relations of the Agency. For the purpose of the formation of the budget of the Agency, the Department shall collect necessary information and carry out forecasting, and prepare a draft budget and submit same to the Ministry in agreement with the Chairperson;



- c) ensure the targeted use of the funds allocated to the Agency, and systematic analysis of the budget, and the control of revenues and expenses;
- d) control the expedience of the use of monetary funds, and the material and non-material values of the Agency;
- e) ensure the inclusion of the results of an inventory of financial and non-financial assets and other accounts payable/receivable in the accounting, for the purpose of ensuring the veracity of data in accounting and financial reporting;
- f) keep records of economic events according to the sources of funding;
- g) ensure the full and timely accounting of remuneration and other payments for employees of the Agency;
- h) ensure the full and timely accounting of payments to natural and legal persons;
- i) prepare and submit to the Ministry quarterly and annual reports and balance sheets on budgetary spending, in accordance with legislation;
- j) perform procurement procedures in compliance with the requirements of legislation;
- k) control the compliance of suppliers with the conditions provided for by respective contracts, and respond in a timely and adequate manner to cases of non-compliance;
- l) review the correspondence and provide relevant responses within its powers;
- m) draft a report on activities of the Department and submit it to the management of the Agency;
- n) exercise other rights and duties provided for by legislation.

Article 10 – Management of the structural sub-division of the Agency

1. The structural sub-division of the Agency shall be managed by the head of the Agency.
2. The head of the structural sub-division of the Agency shall:
 - a) manage and lead the general activities of the structural sub-division;
 - b) represent the structural sub-division, and be accountable for the exercise of his/her rights, and the duties imposed on him/her;
 - c) distribute tasks and provide instructions to employees of the structural sub-division and control the performance of their duties;
 - d) within his/her competence, sign documents drafted at the structural sub-division and endorse draft legal acts prepared by the structural sub-division of the Agency;
 - e) ensure the organisation of the fulfilment of functions imposed on the structural sub-division under this Statute, and to this end, submit to the management of the Agency proposals for regulation and the resolution of pertinent matters.
3. In the absence of the head of the structural sub-division of the Agency, or where the head of the structural sub-division of the Agency fails to fulfil his/her official duties, the deputy head, if any, or a person designated by a decision of the Chairperson of the Agency, shall act as the head of the structural sub-division of the Agency.

Article 11 – Property of the Agency

1. For the purpose of implementing set goals and the fulfilment of functions, relevant state property shall be transferred to the Agency in a manner prescribed by legislation, and such property shall be entered into the balance sheet of the Agency.
2. The property of the Agency shall include fixed and current assets, as well as other material values and financial resources which



shall be entered into the independent balance sheet of the Agency.

Article 12 – Funding of the Agency

1. The sources of funding of the Agency are:

- a) funds allocated from the State Budget of Georgia;
- b) funds received in exchange for the delivery of services by the Agency;
- c) grants;
- d) other revenues permitted by the legislation of Georgia.

2. The funds provided for by paragraph 1 of this article shall be used for the fulfilment of the functions and the exercise of the powers of the Agency.

Article 13 – State Control over the Agency

1. State control over the Agency shall be carried out by the Ministry.

2. Upon the request by the Minister, the Agency is obliged to provide the Ministry with relevant information and materials required for the exercise of said control.

3. Upon the approval of the Ministry and in accordance with applicable legislation, the Agency may:

- a) acquire, alienate and encumber immovable property;
- b) take loans;
- c) act as a guarantor;
- d) determine a staff list and payroll;
- e) determine the limits of funds to be allocated for the financial incentives of employees, as well as for fuel to be procured by the Agency, and for communication expenses to be incurred;
- f) make other decisions concerning the property of legal entities under public law if they are beyond the scope of ordinary activities.

4. The approval of the Ministry of Finance of Georgia shall be required to take the actions provided for by sub-paragraphs (b) and (c) of paragraph 3 of this article.

5. The Agency shall have the right to dispose of property owned by the State that has been transferred to the Agency in a manner prescribed by the legislation of Georgia.

6. The Agency shall keep accounts of financial and economic activities, and draw up a balance sheet, and submit them to the Ministry in accordance with applicable legislation.

Article 14 – Reorganisation and liquidation of the Agency

The Agency shall be reorganised and liquidated in a manner prescribed by the legislation of Georgia.



Article 15 – Final provisions

Amendments and additions to the Statute of the Agency shall be made by an order of the Minister.

