

## The Georgian Government regulation 154

September 1, 2005 Tbilisi

On affirmation of the standing on procedures and conditions concerning giving out a license on influence over the environment

With the purpose of observing the Georgian law on “Licenses and Permissions”, article 40, paragraph the first, the following procedures should be carried out:

1. To affirm the enclosed standing on procedures and conditions concerning giving out a license on influence over the environment.
2. The given order to come into effect immediately on promulgation

Prime Minister

Zurab Nogaideli

Affirmed

By the Georgian Government determination 154 from  
September 1, 2005

### **Standing on procedures and conditions concerning giving out a license on influence over the environment**

#### Article 1. The goal of the standing

The given standing determines the order of handing, making amendments and liquidation of the license (license - below) on exertion influence over the environment within the territory of Georgia with the purpose of carrying out the certain activity.

#### Article 21. Definition of the terms (3.02.2006 N26)

1. Activity – industrial, economic or all other kinds of activities (among them construction works) including implementation of infrastructural plans, programs and projects, and also equipment of the existent interprise with renewed technology.

2. The renewed technological equipment – replacement of the existent production technology with the different technology that causes definite changes of the exploitation conditions.

#### Article 2. The administration body giving out the license

The license is handed by the Ministry of environment preservation and natural resources of Georgia (The Ministry \_ below).

#### Article 3. The activity subjected to evaluation of influence upon the environment (Objects of the activity) (3.02.2006 N26)

1. The activities subjected to evaluation of influence upon the environment are as follows (objects of the activities):

- a) Processing the mineral raw materials;
- b) Collecting and / or allocation of the mining outputs;
- c) Any manufacturing technology where asbestos is used;
- d) Cement works and asphalt and concrete factories;

- e) Glass and glass production manufacturing plants;
- f) Processing of solid domestic wastes (among them burning factories) and / or allocation of garbage dumps;
- g) Allocation of toxic and dangerous wastes, disposal and functioning of their burial place and / or their sterilization / neutralization;
- h) Manufacture of any productive capacity concerning coal gasification, dilution / fluidization, briquetting and coking;
- i) Arterial oil pipeline and gas supply pipeline;
- j) Oil and oil product storages, also fluid gas containers, terminals; the capacity of one of the reservoirs located within the territory of the mentioned above storages makes up more than 1000 cubic meter or their total capacity exceeds 1000 cubic meter;
- k) Motorways, trunk-railways and located within their territory bridges, tunnels of International and local (within the state) meaning, also engineering protection constructions within the motorway, trunk-railway or their territory;
- l) High voltage electric transmission line (aerial and cable) (35 kilowatt and more) and substation (110 kilowatt and more);
- m) Hydroelectric power station (2 megawatt and more); thermal power station (2 megawatts and more);
- n) Subway;
- o) Water-storage reservoir with the capacity of 10000 cubic meter and more;
- p) The main regional and urban intake chamber station and arterial water supply pipeline;
- q) Land-reclamation and irrigation systems (water intake constructions and arterial canals);
- r) Cleansing regional and city constructions, also arterial sewer collector;
- s) Aerodrome, airport, railway station, sea - port;
- t) Dam of any height; of the given and more height and 50 meters and wider embankment, also port boating station, dike dam;
- u) The industrial objects defined by the Ministry of economic development where dangerous production process is carried out (mining, chemical, metallurgical, oil-processing, highly explosive) and devices working in the conditions of high pressure and temperature are used, and also dangerous substances (highly inflammable, rusty, burning, explosive, toxic)
- v) 10,0 meters and more high and more than 50, 0 meters long construction works aiming to avoid the negative outcomes of prospective natural disasters and man-caused processes;
- w) Pits / mines, underground constructions;
- x) Storages for toxic and other dangerous substances.

2. In case the activities provided according to the given article, paragraph the first, need construction permission, the administrative body giving out the license provides involvement of the Ministry in the form of the other administrative body in the given administrative production process already started with the purpose of giving out the construction permission according to procedure provided by the Georgian law on “Licenses and Permissions”.

3. In case the Ministry participates in the administrative production process of the administrative body handing the license in the form of the other administrative body, it gives out the certain agreement upon the documentation presented by the administrative body giving out the construction license (the conclusion of the state ecological expertise), which should be affirmed by the appropriate act of the Ministry of environment preservation and natural resources of Georgia. In the mentioned above case the statement of the competitor for the construction permission presented to the administrative body giving out the construction license should satisfy the requirements of the given standing, article 4, paragraph 5 and the articles 31 – 32.

4. The agreement (the conclusion of the state ecological expertise) represents the inseparable part of the construction permission and the observance of its conditions is obligatory for a person carrying out the activity.

5. In case the activity provided by the given article, paragraph the first, does not need construction permission, the permission about the influence upon the environment based on the conclusion of the state ecological expertise is given out (the minister of environment and natural resources of Georgia issues the administrative act on handing the license). The mentioned above Ministry conducts the state ecological expertise in accordance with the procedures provided by the existent legislation.

6. The conclusion of the state ecological expertise represents the inseparable part of the permission on the influence upon the environment and the observance of its conditions is obligatory for a person carrying out the activity.

#### Article 31. Public discussion of the evaluative report on influence upon the environment (3.02.2006 N26)

1. A person carrying out the activity is obligated to conduct the public discussion about the evaluation of influence upon the environment (EIE) before presenting the evaluative report on influence upon the environment to the administrative body giving out the permission for its consideration (but in case provided by the given standing, article 3, paragraph 2 \_ before the beginning of the second stage of the procedure on handing the construction permission).

2. With the purpose of conducting public discussion, a person carrying out the activity is obligated to publish information about the planned activity. The information should be published as in the central periodical printing organ as well as in the periodical printing organ existent within the territory of the given administrative district (in case of its existence in the mentioned above territory) where the definite activity is planned to be carried out.

3. The information (statement) concerning the given activity should contain the following:

- a) The goals, name and location of the planned activity;
- b) The address where the representatives of the society will have the possibility to be familiarized with the documentation concerning the given activity (among them report on influence upon the environment);
- c) The deadlines for presenting their own proposals;
- d) The time and place of conducting public discussion.

4. A person carrying out the activity is obligated:

- a) To present to the administrative body giving out the license the evaluative report on influence upon the environment (both as the documental as well as the electronic versions) within the week from the date of publishing the information in the printing organ;
- b) To receive and consider notes and opinions from the society representatives presented in the written form within 45 days from publishing the information concerning the definite activity;
- c) To conduct public discussion concerning the planned activities not later than within 60 days from publishing information about the given activity;
- d) To provide written invitations concerning attending the public discussion for the representatives of the local self – governmental and management bodies, the Ministry of environment preservation and natural resources of Georgia, the Ministry of economic development and other interested administrative bodies.

5. The discussion is public and any representative of the given society has the right to attend it.

6. The public discussion should be conducted in the administrative center where the given activity is planned to be carried out.

#### Article 32. Registration of the public discussion results (3.02.2006 N26)

1. A person carrying out the given activity is obligated to provide registration of the public discussion result protocol, which should reflect the expressed remarks and opinions in details within 5 days from the mentioned above public discussion. The protocol should be signed by a person carrying out the given activity (or his / her authorized representative) and the representatives of the appropriate local self – governmental and management bodies, the Ministry of environment preservation and natural resources of Georgia, the Ministry of economic development (in case of their attendance on the public discussion).
2. A person carrying out the given activity becomes acquainted with the opinions and remarks of the society representatives and is authorized to take into consideration their arguments at the time of formulation the final evaluative report on influence upon the environment.
3. In case a person carrying out the given activity will not take into account the opinions and remarks of the society representatives he / she is obligated to justify in the written form the unacceptability of the mentioned above remarks and opinions and send the given document to the author (or the authors) (together with the appropriate written remarks and opinions of the society) together with the public discussion result protocol on and the report on influence upon the environment sent to the administrative body giving out the license.
4. After formulation of the final form of the document about conducting public discussion, registration of its consequences and evaluation on influence upon the environment, a person carrying out the given activity is authorized to present to the administrative body giving out the license (but in case provided by the given standing, article 3, paragraph 2 – to the administrative body handing the construction license) a statement on receiving the permission (or the construction license) according to the given standing and the procedure provided by the legislation currently in force.

#### Article 4. The documentation necessary for receiving the license (3.02.2006 N26)

1. In order to receive a permission (license) a competitor for the permission should present his / her written statement to the Ministry. Submission of the statement concerning receiving the license, its discussion and consideration is conducted in accordance with the procedure provided by the Georgian law “on Licenses and Permissions” currently in force.
2. A competitor, apart from the information provided by the Georgian law on “Licenses and Permissions” currently in force, is obligated to present the following documents:
  - a) The written application of a competitor for license to the Ministry on handing the permission concerning the planned activity;
  - b) The report on influence upon the environment elaborated according to the standards provided by the legislation currently in force (5 copies and the electronic version);
  - c) The situational plan of the place where the given activity is planned (pointing out the distances);
  - d) The volume of probable emissions and forms (the stationary pollution sources and the technical inventory report on spraying by them harmful substances and permitted limited spray standards of noxious substances – 4 copies);
  - e) A brief annotation about the given activity (in the form of “non – technical resume”);
  - f) A statement concerning the confidential part of the presented statement.
3. A competitor for the license is obligated to submit the completed scheme of planned technological cycle to the administrative body providing giving out license even in the case the given activity consists of production, commercial and state secrecy. This part of the mentioned above statement should be presented by the license competitor separately in accordance with the given article, paragraph 2, subparagraph “f”.

4. The date of administrative production concerning handing the license is counted from the day of submission of the completed packet of documentation by the license competitor provided by the given standing.

5. In case provided by the given standing article 3, paragraph 2, in order to receive the construction permission, a person interested in receiving construction license should present to the administrative body giving out the construction permission the following additional documentation together with the mentioned above presented documentation:

- a) The situational plan of the place where the given activity is planned (pointing out the distances) (the mentioned above documentation is subjected to be submitted on the first stage of giving out the construction license);
- b) A brief annotation concerning the given activity (in the form of “non – technical resume”) (the mentioned above documentation is subjected to be submitted on the first stage of giving out the construction license);
- c) The evaluative report on influence upon the environment elaborated according to the standards provided by the legislation currently in force – in 5 copies and the electronic version (the mentioned above documentation is subjected to be submitted on the second stage of giving out the construction license);
- d) The volume of probable emissions and forms (the stationary pollution sources and the technical inventory report on spraying by them harmful substances and permitted limited spray standards of noxious substances – 4 copies) (the mentioned above documentation is subjected to be submitted on the second stage of giving out the construction license);
- e) A statement concerning the confidential part of the presented statement (the mentioned above documentation is subjected to be submitted on the second stage of giving out the construction license);

#### Article 5. The procedure of giving out the license

1. The Ministry makes the decision concerning giving out the license in accordance with the procedure provided by the Georgian Law on “Licenses and Permissions” currently in force.

2. According to the legislation currently in force the Ministry provides conducting the appropriate state ecological expertise of the documentation submitted by the license competitor on the basis of which the definite conclusion is made that represents the ground for giving out the appropriate license.

3. Extracted (3.02.2006 N26)

#### Article 6. Dispensation of the activity from evaluation on influence upon the environment

1. The certain activity can be dispensed from the evaluation on influence upon the environment in case:

a) A license competitor repeats or continues the activity started earlier and the procedure of evaluation concerning influence upon the environment has been already carried out and its repetition cannot contain some definite additional information;

b) The general state interests require the activity to be started and the decision about it to be made at once.

2. A special council on influence upon the environment, the constitution and activity order of which is defined by the Minister, discusses the statement of the license competitor concerning dispensation from the evaluation on influence upon the environment and makes the appropriate proposals.

3. In case provided by the given article, subparagraph “a”, the Minister makes appropriate decisions based on the suggestions elaborated by the special council on influence upon the environment.

4. In case provided by the given article, subparagraph “b”, the Minister presents the suggestions elaborated by the special council on influence upon the environment to the government, which makes well-grounded decision reasoning from the general state interests.

#### Article 7. The grounds of rejecting giving out the license

The Ministry does not give out the license if the requirements of the given standing of the Georgian law on “Licenses and Permissions” or the Georgian legislation are violated.

#### Article 8. Appeal of the rejection on giving out the license

The decision of the Ministry upon the rejection about handing the license can be appealed to the superior administrative body (representative of the official authority) or in the court.

#### Article 9. Rights and obligations of the body giving out the license

The rights and obligations of the body giving out the license are defined by the Georgian law on “Licenses and Permissions”.

#### Article 10. The form of license certificate

The form of license certificate is defined according to the statutory act of the Ministry of environment preservation and natural resources of Georgia.

#### Article 11. Loss or damage of the license certificate

In case of loss or damage of the license certificate by the owner, the certain standings defined by the Georgian law “on Licenses and Permissions” are used.

#### Article 12. Extracted (3.02.2006 N26)

#### Article 13. The license conditions

With the purpose of receiving the license and carry out the certain activity the appropriate necessary license conditions are determined by the Georgian legislation.

#### Article 14. Controlling implementation of the license conditions

1. By means of the given standing the Ministry controls the implementation of the license conditions by the definite license owners.

2. The abolishment procedure of the control upon the implementation of the license conditions and the license itself are defined according to the Georgian Law on “Licenses and Permissions”.

#### Article 15. Transitive standing (20.12.2006 N234)

1. All the procedures started with the purpose of giving out the license for the activities defined in the given standing, implementation of which are being carried out before the given determination comes into force, should be ended according to the Georgian law on “Environmental License” and procedures provided by the legal statutory acts issued on the basis of the mentioned above law.

2. Activity subjected to evaluation of influence upon the environment defined by the article 3 of the given standing, implementation of which started before the Georgian law on “Environmental License” came into force, is subjected to receiving the permission concerning influence upon the environment before January 1 of 2009 according to the plan (program) agreed with the Ministry.

3. In case provided by the given article, paragraph 2, the evaluative report on influence upon the environment submitted with the purpose of receiving the license for the definite activity, should reflect analyzing (ecological audit) of the existent condition of the environment as well as the plan of the measures diminishing the influence upon the environment caused by the carried out current activity.