

# **ON FREE AIR PROTECTION**

**Law of Georgian SSR of June 18, 1981**

***(Bulletin of the Supreme Council of Georgian SSR, 1981, N 7, Art. 131)***

Free air is one of the main natural elements of vital significance.

The scientific and technical revolution that has concerned all aspects of the public life, the quick speed of development of the production, growth of cities, extend of use of air and the growing scope of the human impact on the environment require the special attention to be paid to the protection of free air.

The Soviet State takes a great note of preservation of the good state of free air, its restoration and improvement for security of the better life of Soviet people, protection of their labor, living conditions, rest and health, further development of production and culture.

The Constitution of USSR and Constitution of Georgian SSR provide that in the Union of Soviet Socialist Republics where the Georgian Soviet Socialist Republic is joined on the ground of voluntary union and equal rights together with other Soviet republics, the measures for preservation of air purity are aimed at the interests of the present and future generations. The Soviet state carries out the substantiated complex of technical, economic, social and other activities aimed at prevention and elimination of air pollution, and harmful impact on it, and performs also the international cooperation in this field.

The Soviet law is called to back the protection of free air.

## **SECTION I**

### **GENERAL PROVISIONS**

#### **CHAPTER I.**

### **GENERAL PROVISIONS**

#### ***Article 1. Purpose of Soviet Law on Protection of Free Air***

The purpose of Soviet law on protection of free air is to regulate the public relations in this field for preservation of free air purity, for improvement of its state, prevention and decrease of chemical, physical, biological and other impact on the air which cause the unfavourable results for the population, national economy, flora and fauna of the country as well as to establish the legality in the sphere of free air protection.

#### ***Article 2. Laws of USSR and Georgian SSR on Free Air Protection***

The laws of USSR and Georgian SSR on free air protection contain the USSR law On Free Air Protection and other legal acts of USSR published in compliance with it, the present law and other acts of Georgian SSR on free air.

### ***Article 3. Competence of USSR in the Sphere of Regulation of Relations in Free Air Protection***

Pursuant to the Law of USSR on Free Air Protection the competence of USSR in the sphere of regulation of the relations in free air protection covers:

- 1) specification of common activities and establishment of general provisions in the field of free air protection;
- 2) elaboration and approval of the all-Union plans of the free air protection;
- 3) establishment of the norms of admissible limits of concentration of contaminants in free air and the rate of harmful impact on it;
- 4) establishment of the rules of elaboration and approval of norms of the admissible limits of extraction of contaminants into free air and the limit of their harmful effect;
- 5) establishment of the single system of state registration of harmful effect on free air for USSR;
- 6) state control of free air protection and establishment of the rule of its implementation;
- 7) solution of other problems of all-Union significance in the field of free air protection in compliance with the Constitution of USSR and the Law of USSR On Free Air Protection.

### ***Article 4. Competence of Georgian SSR in the Field of Regulation of Relations in Free Air Protection***

The competence of Georgian SSR in the field of regulation of the relations in free air protection outside the limits of competence of USSR, covers: establishment of the rule of free air protection; elaboration and approval of the republican plans of free air protection; implementation of the state control over the free air protection as well as solution of other questions in the field of free air protection, unless they are covered by the competence of USSR.

### ***Article 5. Competence of Abkhazia ASSR and Ajaria ASSR in the Fields of Regulation of Relations of Free Air Protection***

The competence of Abkhazia ASSR and Ajaria ASSR in the field of regulation of the relations of free air protection outside the limits of competence of USSR and Georgian SSR covers: elaboration and approval of ASSR plans of free air protection and

implementation of measures; performance of the state control over free air protection as well as regulation of other matters in the field of free air protection, unless they are covered with the competence of USSR and Georgian SSR.

## **CHAPTER II**

### **STATE MANAGEMENT IN THE FIELD OF FREE AIR PROTECTION**

#### ***Article 6. State Management in the Field of Free Air Protection***

Pursuant to the Law of USSR on Free Air Protection the state management in the field of free air protection in the Georgian SSR is executed by the Council of Ministers of USSR, Council of Ministers of Georgian SSR, Council of Ministers of Abkhazia ASSR and Ajaria ASSR, executive committees of local councils of people's deputies as well as by the respective state bodies in compliance with the law of USSR and Georgian SSR.

#### ***Article 7. Competence of Executive Committees of Local Councils of People's Deputies in State Management of Free Air Protection***

The competence of executive committees of local councils of people's deputies in the state management of free air protection covers: participation in the planning of activities of free air protection; security of implementation of free air protection activities; as well as solution of other questions in the field of free air protection within their competence.

## **CHAPTER III**

### **PLANNING OF ACTIVITIES FOR FREE AIR PROTECTION**

#### ***Article 8. Planning of Activities for Free Air Protection***

Assignments for free air protection and prevention of free air pollution and harmful effect on it as well as the measures for improvement of the state of free air are stipulated by the state plans of economic and social development.

#### ***Article 9. Coordination of Drafts of Free Air Protection Plans***

The drafts of free air protection plans to be elaborated by ministries, state committees and departments, enterprises, institutions and organizations shall be agreed with the bodies executing the state control over free air in accordance with the rule established by the laws of USSR and Georgian SSR.

## **CHAPTER IV**

### **PARTICIPATION OF PUBLIC ORGANIZATIONS AND CITIZENS IN IMPLEMENTATION OF FREE AIR PROTECTION ACTIVITIES**

#### ***Article 10. Support of Public Organizations and Citizens in Free Air Protection***

Trade unions, youth organizations, environment protection associations, scientific societies and other public organizations as well as citizens shall support the state bodies in implementation of measures for free air protection. State bodies shall take into consideration the proposals of public organizations and citizens when implementing the free air protection measures.

***Article 11. Rule of Participation of Public Organizations on Free Air Protection Activities***

Public organizations take part in the activities securing free air protection in accordance with their charters (statutes) and the Law of USSR and Georgian SSR.

***Article 12. Rule and Forms of Participation of Citizens in Implementation of Free Air Protection Activities***

Citizens shall support the state bodies in implementation of free air protection activities by their direct participation in the obligatory works: by motioning proposals for improvement of free air protection, by notification about violation of the free air protection law known to them.

## **SECTION II.**

### **FREE AIR PROTECTION ACTIVITIES**

#### **CHAPTER 5**

##### **NORMS OF ADMISSIBLE LIMITS OF IMPACT ON AIR**

###### ***Article 13. Norms of Admissible Limits of Concentration of Contaminants in Free Air and Norms of Harmful Impact Rates***

For approval of free air state the norms of admissible limits of concentration of contaminants and the norms of harmful impact rates are established for the appraisal of free air state. These norms shall meet the interests of human health care and environment protection.

The norms of admissible limits of concentration of contaminants in free air and norms of harmful impact rates are universal all over the territory of USSR. In case of need for some regions the more strict norms of the admissible limits of concentration of contaminants in free air are established.

Pursuant to the law of USSR on Free Air protection the said norms and methods of their determination are approved and enforced under the rule established by the Council of Ministers of Georgian SSR.

###### ***Article 14. Norms of Admissible Limits of Extraction of Contaminants in Free Air and Norms of Their Harmful Effect***

For protection of free air there are established norms of admissible limits of extraction of contaminants from the fixed and mobile sources and the admissible norms of their harmful effect. These norms are established for the effluents or for each fixed source of harmful impact on free air and for every model of vehicle and equipment.

The norms of admissible limits of extraction of contaminants into free air and admissible limits of their harmful effect are established at the level when the extraction of contaminants into free air by concrete and other source and their harmful physical effect in the given area taking into consideration the perspectives of its development will not entail the excess of norms of admissible limits of concentration of contaminants in free air and the norms of admissible limit of their harmful impact.

Pursuant to the Law of USSR On Free Air Protection the said norms, the methods of their determination and kinds of those sources for which they are worked out, are approved and enforced under the rule established by the Council of Ministries of USSR.

#### **CHAPTER VI**

##### **REGULATIONS OF EXTRACTION OF CONTAMINANTS INTO FREE AIR BY FIXED SOURCES OF POLLUTION**

###### ***Article 15. Permit on Extraction of Contaminants into Free Air by Fixed Sources of Pollution***

Extracting contaminants into free air by the fixed pollution sources is allowed in any case on the ground of the permit issued by the respective state body. The permit will provide the norms of admissible limits of extraction of contaminants into free air and other terms and conditions securing free air protection.

***Article 16. Procedure of Issuing Permit on Extraction of Contaminants into Free Air by Fixed Sources***

Pursuant to the Law of USSR On Free Air Protection the procedure of issuing permit on extraction of contaminants into free air by the fixed sources of pollution is established by the Council of Ministries of USSR.

***Article 17. Obligations of Enterprises, Institutions and Organizations for Prevention of Pollution of Free Air***

Enterprises, institutions and organization activity of which is related to the extraction of contaminants into free air shall carry out organizational-economic, technical and other activities for security of performance of conditions and provisions stipulated under the permit, ensure the unimpeded effective work of purification and controlling structures, facilities and equipment and their maintenance, and carry out the systematic registration of quantity and composition of contaminants extracted into free air. Implementation of free air protection activity shall not cause pollution of soil, water and other natural objects.

***Article 18. Restriction or Prohibition of Extraction of Contaminants into Free Air***

In case of violation of conditions and provisions under the permit as well as when the health of population is endangered extraction of contaminants into free air shall be restricted, stopped or prohibited by decision of body executing the state control of free air protection up to termination of activity of some industrial facilities, workshops, enterprises, institutions and organizations.

***Article 19. Free Air Protection Activities at Time of Emergency***

In case of excess of established norms of the admissible limits of extraction of contaminants into free air as a result of emergency the managers of enterprises, institutions and organizations shall urgently inform the bodies executing the state control of free air protection and take proper measures for protection of free air and liquidation of reasons and results of its pollution.

***Article 20. Protection of Free Air in Unfavourable Meteorological Conditions***

Enterprises, institutions and organizations if receive warning about the possible increase of concentration of contaminants in free air in connection with the forecast unfavourable meteorological conditions shall in coordination with the bodies executing state control of

free air protection implement specially elaborated measures for reduction of extraction of such matters in free air.

Enterprises, institutions and organizations shall urgently inform the respective bodies executing the state control of free air protection about the measures taken for reduction of extraction of contaminants into free air.

## **CHAPTER VII**

### **REGULATION OF EXTRACTION OF CONTAMINANTS INTO FREE AIR BY VEHICLES AND TRANSPORT FACILITIES**

#### ***Article 21. Prevention and Reduction of Extraction of Contaminants into Free Air by Vehicles and Transport Facilities***

Ministries, state committees and departments, enterprises, institutions and organizations designing, producing and operating motorcars, aircrafts, ships, other vehicles and facilities shall work out and implement the complex of measures for prevention and reduction of extraction of contaminants into free air by those facilities and vehicles.

The quantity of contaminants extracted by vehicles and other transport facilities shall not exceed the established norms of admissible limits of extraction.

#### ***Article 22. Control of Observance of Norms of Admissible Limits of Extraction of Contaminants by Vehicles and Transport Facilities***

All operated vehicles and transport facilities and equipment are subject to control over observance of the norms of admissible limits of extraction of contaminants. Pursuant to the Law of USSR on Free Air Protection the rules of control of observance of the said norms are established by the Council of Ministries of USSR under the prescribed order.

#### ***Article 23. Conditions of Production and Operation of Vehicles and Facilities - the Sources of Pollution***

Production and operation of such vehicles and transport facilities in extraction of which the content of contaminants exceeds the established norm is prohibited.

#### ***Article 24. Restriction of Operation of Vehicles and Other Transport Facilities***

For reduction of concentration of contaminants in free air the local councils of people's deputies can, in accordance with the law of USSR and Georgian SSR, restrict entering the vehicles and other transport facilities in settlements, certain areas, places of recreation and tourism.

## **CHAPTER VIII**

## **REGULATION OF HARMFUL IMPACT ON FREE AIR**

### ***Article 25. Prevention, Reduction and Elimination of Harmful Impact on Free Air***

Local councils of people's deputies, ministries, state committees, departments, enterprises, institutions and organizations shall work out and implement the measures for prevention, reduction and elimination of impact of sound vibrations, radiation and other harmful effects on free air.

### ***Article 26. Permit on Some Kinds of Harmful Impact on Free Air***

In case determined by the law of Georgian SSR some kinds of harmful impact on free air may be allowed only on the ground of permit issued by the respective state bodies.

### ***Article 27. Conditions of Implementation of Harmful Impact on Free Air***

Any harmful impact on free air is allowed under condition that the established norms of admissible limits are observed, and in cases of the issued permit of them - other requirements provided by this permit. In case of violation of the said requirements the appropriate activity of some industrial and other plants, workshops, enterprises, institutions and organizations may be stopped, restricted or prohibited by decision of the body executing the state control of free air protection until those reasons caused excess of the norms admissible limits or violations of provisions of the permit are eradicated.

### ***Article 20. Measures against Industrial and Other Noise***

For struggle against industrial and other noise, the following measures shall be implemented: to introduce less noisy production processes; to improve design and operation of transport facilities and maintenance of railway and tram-ways, roads, street covering, to place airport, industrial and other structures and facilities which are the source of noise, in the proper distance from settlements and places of residence; to improve planning and construction of cities and other settlements; to carry out organizational measures for prevention and reduction of everyday noise.

### ***Article 29. Compliance with Requirements of Struggle against Everyday Noise is Duty of Citizens***

Citizens are obliged to comply with the requirements established for the struggle against the everyday noise in flats, yards of houses, streets, recreation places and other public places.

## **CHAPTER IX**

### **PLACING, DESIGN, CONSTRUCTION AND PUTTING INTO OPERATION OF THOSE ENTERPRISES, STRUCTURES AND OTHER OBJECTS WHICH MAKE IMPACT ON STATE OF FREE AIR**

***Article 30. Conditions of Placing, Design, Construction and Putting into Operation of Those Object Which Make Impact on Free Air***

When placing, designing, constructing and putting into operation new and reconstructed enterprises, structures and other objects, improving the existing ones and introducing the new production processes and equipment, there shall be observed the norms of harmful impact on free air. At the same time, there shall be considered collection, utilization, rendering harmless or total exclusion of extraction of contaminants, fulfillment of other requirements of free air protection in consideration that the unity of extraction and harmful impact of designed, operating and planned for construction in future enterprises, structures and other objects will not cause the excess of norms of the admissible limits of concentration of contaminants in free air and the norms of admissible limits rate of harmful impact on it.

***Article 31. Procedure of Moving and Consideration on Placing of Those New Objects and Reconstruction of Those Operating Ones Which Make Impact on Free Air***

Moving and consideration on placing of those new enterprises, structures, objects and reconstruction of those operating ones on the territory of Georgian SSR which make impact on free air takes place under procedure established by the law of USSR and Georgian SSR regardless their departmental subordination.

***Article 32. Determination of Places under Construction and Coordination of Construction and Reconstruction Designs of Those Objects which Make Impact on State of Free Air***

Determination of places under construction of those enterprises, structures and other objects which make impact of the state of free air and designs of their construction and reconstruction shall be coordinated with the bodies executing the state control of the free air protection and other bodies in accordance with the law of USSR and Georgian SSR.

***Article 33. Prohibition of Putting into Operation Those Objects Which Do Not Meet Requirements of Free Air Protection***

Putting into operation those new and reconstructed enterprises, structures and other objects which do not meet the requirements of free air protection is prohibited.

Enterprises, institutions and organizations the activity of which is connected with extraction of contaminants into free air shall, regardless their time of putting into operation, be equipped with the facilities, plants and devices for purification of extracts into free air and the controlling facilities of quantity and composition of contaminants.

***Article 34. Control over Design, Construction and Operation of Structures, Equipment and Facilities Purifying Air Contaminants***

Ministries, state committees and departments shall execute the control over design, construction and operation of structures, equipment and facilities purifying contaminants in free air and reducing the harmful impact on it, as well as over efficiency of air purification, their equipment with devices required for the permanent monitoring of extraction and harmful impact.

## **CHAPTER X**

### **REQUIREMENTS FOR FREE AIR PROTECTION WHEN PLACING AND DEVELOPMENT OF CITIES AND OTHER SETTLEMENTS**

#### ***Article 35. Fulfillment of Requirements for Free Air Protection When Planning the Placement and Development of Settlements***

When planning the placement and development of cities and other settlements there shall be considered the state of free air, forecast of its alteration and the purpose of free air protection from harmful impact.

Design, development and reconstruction of cities and other settlements shall be executed in accordance with the sanitary-hygienic and other norms and rules of free air protection.

#### ***Article 36. Improvement and Planting with Trees and Gardens of Areas of Settlement for Free Air Protection***

For prevention and reduction of free air pollution the councils of people's deputies shall carry out activities for improvement and planting with trees and gardens of areas of settlements, and enterprises, institutions and organizations - of their industrial and other spaces.

#### ***Article 37. Complex Measures for Improvement of Free Air in Case of Making Impact by Group of Objects***

In those regions the free air of which are under impact of activity of the group of enterprises, institutions and organizations, the complex measures of improvement of free air are worked out and implemented under the prescribed order.

#### ***Article 38. Restriction of That Industrial Activity Causing Pollution of Free Air***

In case of impossibility to reduce the extraction of contaminants into free air down to the norms established for their harmful impact the appropriate enterprises, structures and other objects are to be closed or shall change their production profile.

## **CHAPTER XI**

## **REQUIREMENTS FOR FREE AIR PROTECTION WHEN REDUCING INVENTIONS, DISCOVERIES INTO PRACTICE, BUYING IMPORTED EQUIPMENT, EXECUTING AGRICULTURE WORKS AND MINING**

### ***Article 39. Fulfillment of Requirements for Free Air Protection When Reducing Discoveries and Inventions, New Technological Systems into Practice as well as Buying Imported Equipment***

Reducing inventions, discoveries, rationalization proposals, new technological systems, substances and raw materials into practice as well as purchase of equipment and other facilities abroad is prohibited if they do not meet the requirements for free air protection established in USSR and are not secured with the facilities of controlling their extraction into free air.

### ***Article 40. Rule of Coordination of List and Ways of Use of Pests and Weeds Killers, Mineral Fertilizers and Other Preparations Effecting on Free Air***

The lists of pests and weeds killers, plants growth stimulators, mineral fertilizers and other those preparations the use of which is allowed in the national economy as well as the ways of their use shall be agreed with the respective bodies of state control over free air protection in accordance with the rule established by the law of USSR.

When creating new preparations for the mentioned purpose there shall be worked out the norms of admissible limits of concentration in free air and the methods of determination of residue quantity of those preparations.

### ***Article 41. Requirements for Free Air Protection When Using Preparations Polluting Free Air***

Collective farms, soviet farms, other enterprises, institutions, organizations and citizens shall perform the rules of transportation, storage and use of pests and weeds killers, plants growth stimulators, mineral fertilizers and other preparations in order to prevent pollution of free air with those preparations.

### ***Article 42. Requirements for Free Air Protection When Mining***

Mining and production, shotfiring, placing and operation of refuse dumps and spoil heaps shall be executed with observance of rules on prevention or reduction of free air pollution that shall be agreed with the bodies executing the state control over the free air protection and with other bodies in accordance with the law of USSR and Georgian SSR.

### ***Article 43. Prohibition of Placing Those Refuse Dumps, Spoil Heaps, Industrial and Other Refuses at Settlements Which Represent Source of Free Air Protection***

Placing of refuse dumps, spoil heaps at settlements, collecting industrial refuses, garbage and other wastes which are the sources of polluting free air with dust, harmful gaseous

and stinking substances as well as incineration of the said refuses on the territory of enterprises, institutions, organizations and settlements is prohibited except those cases when incineration is executed by special facilities and at the same time the free air protection requirements are fulfilled.

***Article 44. Requirement for Collection of Refuses Polluting Free Air***

Enterprises, institutions and organizations shall secure the timely collection of refuses polluting free air and take them to those enterprises that utilize the refuses as the raw materials, or to special dumps.

**CHAPTER XII**

**REGULATION OF HARMFUL EFFECT ON FREE AIR IF NORMS ARE NOT AVAILABLE, REGULATION OF FREE AIR USE FOR NEEDS OF ENTERPRISE.  
REGULATIONS OF EFFECT ON CLIMATE AND WEATHER**

***Article 45. Regulations of Harmful Effect on Free Air If Norms Are Not Available***

Harmful effect on free air for which the appropriate norms are not established may be allowed only in the exclusive cases under the permit issued by the respective state bodies for a certain term. During this term the appropriate norms of admissible limits of harmful effect shall be established and necessary measures for free air protection shall be implemented.

***Article 46. Requirements for Design and Construction of Objects Using Free Air for Production Purpose***

When designing enterprises, structures and other objects as well as when creating and improving production processes and equipment there shall be stipulated the measures which will secure the minimum necessary use of free air for the production purpose.

***Article 47. Restriction of Free Air Use for Production Purposes***

The bodies executing state control over free air protection can restrict, stop or prohibit use of air for the production purposes, if this causes alterations of the free air state which have harmful effect on the human health, fauna and flora.

***Article 48. Regulation of Impact on Weather and Climate***

An action that for its economic purpose is aimed at the artificial alteration of the free air state and atmospheric phenomena may be conducted by ministries, state committees and departments, enterprises, institutions and organizations only under the permit of the respective state bodies and only under the condition that it will not be resulted in the unfavourable effect on weather and climate.

## **CHAPTER XIII**

### **MATERIAL AND MORAL INCENTIVES FOR IMPLEMENTATION OF MEASURES FOR FREE AIR PROTECTION**

#### ***Article 49. Material and Moral Incentives for Implementation of Measures for Free Air Protection***

Under the law of USSR and Georgian SR there may be established the measures of material and moral incentives of enterprises, institutions and organizations as well as of citizens, that will encourage implementation of measures for free air protection.

## **SECTION III**

### **STATE REGISTRATION OF HARMFUL EFFECT ON FREE AIR**

#### ***Article 50. State Registration of Harmful Effect on Free Air***

Objects making harmful effect on free air, kinds and quantity of harmful matters extracted into free air and kinds and account of harmful impact on it are subject to the state registration.

In accordance with the law of USSR On Free Air Protection the state registration of the objects and their harmful effect on free air is executed at the state expense by the universal all-Union system under the rule determined by the USSR Council of Ministers.

## **SECTION IV**

### **MONITORING AND CONTROL IN THE FIELD OF FREE AIR PROTECTION**

#### ***Article 51. Monitoring of Free Air State***

Monitoring of the state of free air according to the chemical, physical and biological indices is conducted by the united state service for monitoring and control of pollution rate of the environment; monitoring is conducted in accordance with the rule specified by the law of USSR.

Collection, keeping, searching and processing of information describing the state of free air is performed by the universal system.

#### ***Article 52. Information about Free Air State***

The single state service of monitoring and control of environment pollution rate undertakes to provide state and public bodies, enterprises, institutions and organizations concerned with the systematic information and forecast about the rate of atmosphere pollution with the economic activity and the effect of meteorological conditions.

### ***Article 53. Implementation of Measures at Such State of Free Air That Endangers Human Health***

If as a result of unfavourable effect of meteorological factors, extraction of contaminants into free air and other harmful effect on free air human health in some regions is endangered, the bodies of united state service of monitoring and control of the environment pollution rate shall urgently inform the Council of Ministers of Georgian SSR, Councils of Ministers of Abkhazia ASSR and Ajaria ASSR, executive committees of local councils of people's deputies, enterprises, institutions and organizations concerned, accordingly.

Council of Ministers of Georgian SSR, Councils of Ministers of Abkhazia ASSR and Ajaria ASSR, executive committees of local councils of people's deputies on receipt of such information shall transfer enterprises, institutions, organizations and transport facilities to the special working regime or stop their work for a certain period for reduction of intensity of extraction and eradication of other harmful effect on free air. In case of need they shall perform temporary evacuation of population and carry out other measures of emergency.

### ***Article 54. State Control over Free Air Protection***

the purpose of state control over free air protection is security of implementation of free air protection measures by all ministries, state committees and departments, state, cooperative and other public enterprises, institutions and organizations as well as by citizens, observance of conditions of eradication of extraction of contaminants into atmosphere and harmful effect on it, and other rules established by the Law on Free Air Protection.

### ***Article 55. Bodies of State Control over Free Air Protection***

The state control over free air protection is conducted by the people's deputies councils, their executive and instructive bodies and respective state bodies under the procedure established by the law of USSR.

### ***Article 56. Sectoral Control over Free Air Protection***

The sectoral control over free air protection, that includes observance of the norms of admissible limits of extraction of contaminants into free air and the norms of harmful impact on it is conducted by the bodies managing enterprises, institutions and organizations making harmful effect on free air.

When conducting sectoral control ministries, state committees and departments shall take guidance from the law of USSR and Georgian SSR, the rules and instructions approved by the respective bodies of state control over free air protection.

## **SECTION V**

### **RESOLUTION OF DISPUTES CONNECTING WITH FREE AIR PROTECTION**

#### ***Article 57. Procedure of Resolution of Disputes Arising out of Free Air Protection***

Disputes arising out of free air protection on the territory of Georgian SSR are resolved by the Council of Ministers of Georgian SSR, Councils of Ministers of Abkhazia ASSR and Ajaria ASSR, executive committees of local councils of people's deputies, and respective state bodies in accordance with the procedure established by the law of USSR and Georgian SSR.

#### ***Article 58. Procedure of Resolution of Disputes Arising out of Free Air Protection between State and Public Organizations of Georgian SSR and other Union Republics***

In accordance with the law of USSR On Free Air Protection the dispute arising out of free air protection between state and public organizations of Georgian SSR and state and public organizations of other Union republics is considered by the commission established on the parity basis for the representatives of Union republics concerned. If the commission cannot attain to resolution the dispute on the said issue will be considered by the Council of Ministers of USSR under the prescribed order.

#### ***Article 59. Resolution of Disputes on Free Air Protection between State and Public Organizations Placed on the Territory of Different Regions of Georgian SSR***

The dispute on free air protection between state and public organizations under the republican jurisdiction (of Georgian SSR) on the territory of two or more regions (cities), on the territory of Abkhazia ASSR, Ajaria ASSR, Autonomous District of South Ossetia is resolved by the executive committees of councils of people's deputies under the commission of the Council of Ministries of Georgian SSR, Councils of Ministers of Abkhazia ASSR and Ajaria ASSR, executive committees of local councils of people's deputies of the Autonomous Districts of South Ossetia.

The dispute on free air protection between state and public organizations one of which is located on the territory of Abkhazia ASSR, Ajaria ASSR or Autonomous District of South Ossetia and the other one - on the territory of region (city) of the republican jurisdiction (of Georgian SSR) is resolved by the executive committee of a council of people's deputies under the commission of the Council of Ministers of Georgian SSR.

## **SECTION VI**

### **RESPONSIBILITY FOR VIOLATION OF LAW ON FREE AIR PROTECTION**

#### ***Article 60. Responsibility for Violation of Law on Free Air Protection***

Persons accused in the following violations of the Law on Free Air Protection:

- excess of the norms of the admissible limits of extraction of contaminants into free air;

- excess of the norms of the admissible limits of harmful impact on free air;
- extraction of contaminants into free air without the permit of the respective state bodies;
- violation of the service rules of structures, equipment and devices purifying and controlling extraction into free air and no-use of them;
- putting into operation of new and reconstructed enterprises, structures and other objects not meeting the free air protection requirements;
- production and operation of such motor-cars, aircrafts, ships and other transport facilities and vehicles in the extraction of which the content of contaminants exceeds the established norms;
- reducing into practice of such discoveries, inventions, rationalization proposals, new technological systems, substances and materials and purchase of such equipment and other objects abroad which do not meet the established requirements of USSR for free air protection and are not provided with the facilities of control over extraction into free air;
- violation of the rules of transportation, storage and use of pests and weeds killers, plants growth stimulators, mineral fertilizers and other preparations, dumping of industrial refuses and household rubbish , that caused or might have caused pollution of free air;
- non-fulfillment of the instructions of the bodies executing the state control over free air - assume criminal, administrative or other responsibility under the law of USSR and Georgian SSR.

The law of USSR and Georgia SSR may establish responsibility for other violations of the law On Free Air Protection.

#### ***Article 61. Compensation for Loss Caused as a Result of Violation of Law on Free Air Protection***

Enterprises, institutions and organizations and citizens are obliged to compensate the loss caused by violation of the Law on Free Air Protection in the amount and under the procedure established by the law of USSR and Georgia SSR. Officials and other employees at the fault of whom the enterprise, institution and organization has borne the expenses connected with the caused loss, undertake the material responsibility under the established rule.

## **SECTION VII**

### **INTERNATIONAL AGREEMENTS**

#### ***Article 62. International Agreements***

Pursuant to the law of USSR On Free Air Protection, if the international agreement of USSR establishes the rules differing from the Soviet Law on Free Air Protection, the international agreement provisions shall prevail.

The same rule is applied to the Law of Georgian SSR on Free Air Protection, if the international agreement of Georgian SSR establishes the rules differing from the Law of Georgian SSR on Free Air Protection.

Chairman of Presidium of

Supreme Council of Georgian SSR

(signed)

Secretary

(signed)

Tbilisi, June 18, 1981

## **LAW OF GEORGIA**

### **On Making Amendments and Supplements in the Law of Georgian SSR**

#### **On Free Air Protection**

The Parliament of Georgia resolves:

- I. To make the following amendments and supplement in the Law of Georgian SSR On Free Air Protection ( Bulletin of Supreme Council of the Georgian SSR, 1981, N 7, Art.13):
  1. To word the title of law as follows:  
" Law of Georgia On Free Air Protection".
  2. To withdraw from the law the preamble, Articles 4, 58 and 59.
  3. In the text of law to replace the word "USSR" with the word "Georgia", the words "USSR and Georgian SSR" – with the word "Georgia", the word "organizations" – with the word "Associations".
  4. To delete the words "Soviet" in Article 1 of the law.
  5. To word Article 2 of the Law as follows:  
" The law of Georgia on free air protection includes the present law and other normative acts passed in compliance with it".
  6. To replace the words "USSR" in the title of Article 3 of the law with the words "Higher Bodies of State Power" and to word the first para as follows:  
"In accordance with the law the competence of the higher bodies of state power in the sphere of regulation of free air protection covers:"; to replace the words "all-Union" in item 2 of the same Article with the word "state"; to delete the words "for USSR" in item 5 and to word item 7 as follows:

" 7. solution of other issues of the state importance in the field of free air protection in compliance with the Constitution of Georgia and the present Law".

7. To word the title and text of Article 5 as follows:

"Article 5. Competence of Abkhazia and Ajaria Autonomous Republics in Regulation of Relation in Free Air Protection

The competence of Abkhazia and Ajaria Autonomous Republics in regulation if relations of free air protection covers:

- a) elaboration and approval of the free air protection plans and implementation of measures;
- b) the state control of free air protection;
- c) regulation of other issues in the free air protection within their competence".

8. To word Article 6 of the Law as follows:

" In accordance with this Law the state administration in the field of free air protection in Georgia is exercised by the President of Georgia, the higher bodies of authorities, the councils of ministers of Abkhazia and Ajaria autonomous republics, local administration and self-government bodies as well as the respective state bodies under the law of Georgia".

9. In Article 7 of the law to replace the words "executive committees of local councils of people's deputies" with the words "local self-government and administration bodies".

10. In Article 8 of the Law to replace the words "the state planes of economic and social development" with the words "under the rule established by the law of Georgia".

11. To delete the words " the state committee and" in Article 9 of the law.

12. To word para 1 of Article 10 as follows:

"Public associations and citizens shall support the state bodies in implementation of the free air protection measures"; in para 2 of the same Article to replace the words "public organizations" with the words "public associations".

13. To withdraw last paragraphs from Articles 13 and 14.

14. In the title of Article 15 after the word "permit" to add the word "limit" and to word the text as follows:

" Extraction of contaminants into free air by the fixed source of pollution is allowed in any case only on the ground of the permit (limit) determined under the rule established by the law".

15. In Article 16 to replace the words " the Council of Ministers of USSR" with the words "the Ministry of Environment and Natural Resources Protection of Georgia".

16. In the first paragraph of Article 17 to replace the word "proper" with the word "adjusted".

17. To word the title of Article 20 as follows:

"Article 20. Measures for Free Air Protection under Unfavorable Meteorological Conditions".

18. In the first paragraph of Article 21 to replace the words "ministries, state committees and departments" with the words "the state authorities".
19. In Article 22 to replace the words "the Council of Ministers of USSR" with the words "the Ministry of Environment and Natural Resources Protection of Georgia".
20. In Article 24 to replace the words "local councils of people's deputies" with the words "local self-government and administration bodies".
21. In Article 25 to replace the words "local councils of people's deputies, ministries, state committees, departments" with the words "the state authorities".
22. To delete the words "regardless their departmental subordination" in Article 31.
23. In Article 34 to replace the words "ministries, state committees and departments" with the words "the state authorities".
24. In Article 36 to replace the words "the councils of people's deputies" with the words "local self-government and administration bodies".
25. To delete the words "in the national industry" in Article 40.
26. To delete the words "soviet farms, state farms, other" in Article 41.
27. In Article 43 to replace the word "sticking" with the words "with strong and unpleasant smell".
28. To delete the words "for the industrial purpose" and the words "by ministries, state committees and departments, enterprises, institutions and organizations" in Article 48.
29. In the second paragraph of Article 50 to replace the words "at the state expense by the universal system of USSR" with the words "under the law of Georgia".
30. In the first paragraph of Article 53 to replace the words "the Council of Ministers of USSR, the councils of ministers of Abkhazia ASSR and Ajaria ASSR, executive committees of local councils of people's deputies" with the words "the Ministry of Environment and Natural Resources Protection".
31. In Article 54 to replace the words "all ministries, state committees and departments, state, cooperative and other public enterprises" with the words "state authorities".
32. In Article 55 to replace the words "councils of people's deputies, their executive and instructive bodies" with the words "local self-government and administration bodies".
33. In the first paragraph of Article 56 to replace the word "making" with the word "having" and to delete the words "the state committees" in paragraph 2.
34. To word Article 57 as follows:

"The dispute arisen on the territory of Georgia out of the free air protection issue is resolved under the procedure established by the law of Georgia".
35. To delete the words "in USSR" in paragraph 8 of Article 60.
36. To word Article 62 as follows:

"If the international agreements of Georgia establish the rules differing from the law of Georgia on free air protection the rules of international agreement shall prevail".

37. If the article is composed of some paragraphs these paragraphs shall be numbered consequently with ciphers point by point, and the consequence of paragraphs in items shall be indicated according to the alphabetic order and deem as subitems.

II. This law is effective on its promulgation.

President of Georgia

Eduard Shevardnadze

signed & sealed

Tbilisi

October 15, 1997

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