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## **Oder # 31 of the Minister of Environment and Natural Resources of Georgia made on May 15m 2013, Tbilisi**

### **on Approval of the Regulation on Environmental Impact Assessment**

In accordance of the subparagraph b of the Article 23 Law of Georgia on Environmental Impact Permit and the general Administrative Code of Georgia I order:

1. to approve the enclosed Regulations on Environmental Impact Assessment.
2. to abolish the Oder # 14 of the Minister of Environment Protection and Natural Resources of Georgia dated October 4, 2011 on Approval of the Regulations of Environmental Impact Assessment.
3. to enact the order upon its publication.

Minister of Environment and  
Natural Protection of Georgia

*Khatuna Gogaladze*

### **Regulations on Environmental Impact Assessment**

#### **Article 1**

Regulations on EIA (hereinafter Regulations) regulate legal relationships related to environmental impact assessment.

#### **Article 2**

Principles of EIA include:

- a) comprehensive consideration of technical, technological, social and economic characteristics of design decisions of the planned activity;
- b) consideration of alternative design decisions to meet the requirements of environmental standards;
- c) comprehensive consideration of local factors;
- d) publicity and public participation;
- e) appropriates of methods applied during EIA and reliability and validity of obtained information and conclusions.

#### **Article 3**

1. The EIA procedure is defining a source, nature and degree of all expected impacts of the planned activity as well as the integrated assessment of their environmental, social and economic outcomes during the process of the development of substantiating documents for the planned activity in accordance with the list specified by the legislation and obtaining an environmental impact permit (hereinafter – permit)/conclusion of ecological expertise for this activity.

2. The procedure of the EIA report development shall be carried out by the developer to ensure environmental and social-economic balance of the future development. Decision-making on the feasibility of the planned activity by the developer and on implementation of the relevant project - by the Ministry of Environment and Natural Resources of Georgia (hereinafter - Ministry ) shall be preceded by EIA.

3. The EIA shall identify and describe any direct and indirect impact of the planned activity and study their consequences on:

- a) living environment and human health;
- b) flora and fauna;
- c) natural and modified ecosystems;
- d) landscapes;
- e) air, water, soil and climate;
- f) historical monuments and cultural values;
- g) social-economic factors;
- h) assessment of the current state of geological and hydrological environment and expected risks.

#### **Article 4**

Subject of the EIA shall be activities listed under the Article 4 of the Law of Georgia on Environmental Impact Permit.

#### **Article 5**

1. The EIA shall be carried out by the developer.

2. The EIA is a set of the following interrelated stages:

a) The first stage:

a.a) collecting complete information on the current state of the environment;

a.b) determining quantities and characteristics of possible emissions and wastes released into the environment for the different stages and regimes of the operation of the prospective facility, development of a plan of their transportation, disposal, utilization and removal;

a.c) study and analysis of environmental components (air, water, soils, geology, climate, protected areas, etc.) in the contexts of potential environmental impact on them;

a.d) analysis of socio-economic conditions existing at the location of the prospective facility and prediction of potential changes in the environment as a result of the implementation of the proposed activity.

b) At the second stage the sources, types and receptors of the possible environmental impacts of implementation alternatives of the proposed activity shall be identified on the basis of available information.

c) At the third stage the following shall be determined to identify the quantity and the nature of the impact:

c.a) Probability of the impact;

c.b) Factors of the impact;

c.c) Main receptors of the impact (population, natural resources, landscape, ecosystems, biodiversity, historical and cultural values, etc):

c.d) Scales of the impact;

c.e) Geographical distribution of the impact;

c.f) temporal distribution of the impact;

c.g) Types of impacts (direct, indirect, cumulative, etc.):

c.h) Prediction of the new state of the environment as a result of impact;

d) At the fourth stage the risks of possible accidents shall be identified and assessed, which will imply:

d.a) Analysis of the probability of accidents and development;

d.b) Possibility of localization and management of their consequences;

d.c) Development of a plan of accident management and impact mitigation action plan.

e) At the fifth stage the following shall be identified:

e.a) Possibilities for impact reduction;

e.b) Opportunities of application of the best available technologies;

e.c) Opportunities of minimization, management and utilization of all types of emissions and wastes;

e.d) Proposed compensation measures.

f) At the sixth stage the possible effects of the project implementation on the following shall be identified:

f.a) living environment and health of the population;

f.b) separate environmental components;

f.c) socio-economic state of the population and development trends.

g) At the seventh stage:

g.a) The methods of impact control and monitoring shall be determined;

g.b) A plan of mitigation or prevention of identified and possible negative environmental impacts shall be developed;

g.c) An environmental strategy for all implementation stages shall be developed.

## **Article 6**

1. The application submitted by the developer to the Ministry to obtain permit/conclusion of the ecological expertise shall contain the results of the EIA in the form of the EIA report

2. The EIA report shall contain the following:

- a) The analysis of the current state of the environment;
- b) Identification of sources, types and receptors of the impacts caused by the activity;
- c) Prediction of changes in quantitative and qualitative characteristics of the environment;
- d) Determination of the probability of possible accidents as a result of the implementation of the proposed activity and assessment of expected consequences;
- e) Assessment of environmental, social and economic outcomes of the planned activity;
- f) Determination of the ways of reduction and avoidance of the negative impact on the environment and human health and identification of compensation measures if needed;
- g) Identification of the residual (cumulative) impact and determination of its control and monitoring measures;
- h) Carrying out environmental-economic assessment of projects;
- i) Identification of alternative locations of the project and alternative technologies of the proposed activities;
- j) Identification of ways and means of the reinstatement of the environment to its initial state in case of termination of industrial and other activity;
- k) Informing the public and studying the public opinion;
- l) A plan of the post project situational analysis;
- m) Determination of the types and volumes of expected emissions;
- n) Analysis of risks associated with the planned activities (at the construction or/and operation stage);
- o) Description of the technological cycle of the planned activity (including nameplate data of the installation);
- p) Prediction of the state of the environment expected as a result of the impact of identified factors;
- q) Development of environmental monitoring plans for the implementation and operation stages of the planned activity which shall consider self-monitoring program of environmental safety;

3. The EIA report shall be accompanied with the following:

- a) Documents evidencing agreement with those administrative bodies, which are responsible for deciding on various aspects related to the implementation of

different phases of the planned activity;

- b) Materials evidencing the consideration of the results of public participation in the EIA process, mainly description of disagreements (if any);
  - c) Action plans on mitigation of environmental impacts;
  - d) Emergency response plans considering the local specifics;
  - e) A brief non-technical summary of the EIA accompanied with graphical and other visual materials to ensure public information and participation;
  - f) Names and registered addresses of organizations or consulting companies participating in the EIA process and development of conclusions;
  - g) A short note on the aims of the project and justification of the need of its implementation
  - h) Criteria for selecting the location of the planned activity considering alternative options;
  - i) A brief description of the affected environment;
  - j) GIS (Geographic Information System) coordinates, situational map and master map of the location of the planned activity, indicating the production site, temporary structures, utility systems and sources of impact;
  - k) The list of literature used in the process of the development of the project design (with references), relevant laws and regulations;
  - l) Extract from the Public Register.
4. The EIA report shall enable the agency responsible for carrying out ecological expertise to adequately evaluate the project design in terms of its environmental safety, examine the compliance of the project with the legislation and the existing set of restriction, develop a conclusion on the reliability of the information obtained in the EIA process and the appropriateness of the project design developed on the basis of this information.

#### **Article 7**

1. Information provided in the EIA report by the developer shall be public except the case specified in the Law of Georgia on Environmental Impact Permit.

2. In case the EIA report contains any commercial or state secret, the Ministry shall be responsible for ensuring confidentiality of the information in accordance with the Law of Georgia on Environmental Impact Permit.

#### **Article 8**

1. The developer shall organize and carry out the EIA process.
2. Duties and responsibilities of the developer in organization of the EIA process are specified in the Law of Georgia on Environmental Impact Permit.

#### **Article 9**

The developer shall cover all costs incurred during the EIA process.