

Order N27
Of the Minister of Environment and Natural Resources of Georgia
Dated May 10, 2013
Tbilisi

On Approval of the Statute of the Legal Entity of Public Law –
National Environmental Agency

Based on Article 35.15.1 of the Law of Georgia on the Structure, Powers and Order of Activity of the Government of Georgia, Article 61 of the General Administrative Code of Georgia and Article 4.2.g of the Statute as approved under Enactment N98 of the Government of Georgia dated April 26, 2013 on the Approval of the Statute of the Ministry of Environment and Natural Resources Protection of Georgia, I hereby, order:

1. To approve the attached Statute of the Legal Entity of Public Law the National Environmental Agency.
2. To annul Order N 7 of the Minister of Environment Protection of Georgia dated April 13, 2011 on the Approval of the Statute of the LEPL the National Environmental Agency.
3. This Order shall become effective from May 14, 2013.

The Minister of Environment and Natural Resources Protection of Georgia
Khatuna Gogaladze

The Statute of the Legal Entity of Public Law - the National Environmental
Agency

Article 1. General Provisions

1. The Legal Entity of Public Law - the National Environmental Agency (hereinafter the Agency) is the legal entity of public law falling within the framework of the Ministry of Environment and Natural Resources Protection of Georgia (hereinafter the Ministry).
2. The Agency is an organization independent from the state governed authorities independently undertaking its activity under the government control.
3. In its activity the Agency shall guide with the Constitution of Georgia, Georgia's international treaties, Ordinances of the President of Georgia, Enactments, Decrees of the Government of Georgia, Orders of the Minister of the Environment and Natural Resources Protection of Georgia (hereinafter the Minister), this Statute, other legislative and bylaw normative acts and individual administrative legal acts of the Head of the Agency.
4. For achieving the goals set and implementing the tasks assigned, the Agency shall, on its behalf, acquire the rights and duties, conclude transactions, earn own income and be able to appear in the court as a plaintiff and respondent.
5. The Agency shall have its independent balance sheet, the property as handed over in accordance with the legislation, an account with the treasury and settlement account with the bank, letterhead and stamp

depicting a small size state emblem and indicating its name, other relevant stamps, seals, Agency's logo and other attributes of legal entity. The Agency's logo shall be approved by the Head of the Agency in the form of an individual administrative legal act.

6. The legal address of the Agency is 150, David Aghmashenebeli Ave., Tbilisi.

Article 2. The Goals, Objectives, Tasks and Rights and Duties of the Agency

1. Set up and ensure proper functioning of the compatibility system of monitoring over the meteorological, hydrological, geodynamical processes occurring in the environment (atmosphere air, surface and underground waters, sea, soil) on the territory of Georgia, and over environmental quality status;
2. Collect environmental surveillance data and propagate them on national and international level as well as in global information networks;
3. Process the environmental surveillance data, conduct environmental assessment and propagate relevant information product;
4. Draft notifications on short, medium and long-range forecasts of hydro-meteorological and geological conditions and environmental quality status, expected natural calamities and extremely high environmental pollution rate and provide the central and local authorities as well as mass media with these notifications;
5. Initiate and implement artificial influence works on unfavorable hydro-meteorological and geological phenomena (snow slide, hail, fog, rainfall deficit, erosive-abrasive processes, landslide, mudflow etc.);
6. Research physical processes of climate change, take part in the development of the measures for mitigation and relevant adaptation of possible negative consequences caused by these changes;
7. Identify the necessity of resettlement of the population from hydro-meteorological and geological disaster zones on the territory of Georgia, define and assess the settlement areas for eco-migrants.
8. Take part in the risk assessments of hydro-meteorological, geological and ecological threats on the territory of Georgia;
9. In order to ensure sustainability of hydro systems, carry out hydro and litho-dynamic studies of Black Sea and river basins and forecast the processes; Undertake hydro-biological studies of the Black Sea coast line, coastal zone and internal water reservoirs, develop recommendations, suggestions, methodological and other material;
10. Take part in the discussion on management plans (other than forest exploitation and hunting farm management plans) as developed in accordance with the exploitation licenses.
11. Within its competence, update information funds on quality status of hydro-meteorology, geology and environment and create databases by using state-of-art technologies;

12. Statistical processing of the current and multi-year data describing the hydro-meteorological, geological and environmental quality status and develop relevant reports, bulletins, reviews and other awareness material;
13. Within its competence, provide service to the users in the fields of monitoring of hydro-meteorology, geology and environmental pollution;
14. Carry out assembling, installation and repair works of tools and devices and telecommunication equipment needed for undertaking monitoring of hydro-meteorological, geological and environmental quality status, to organize precision control of measured parameters;
15. Prepare the maps of mineral deposits (or occurrence), maintain register of mineral deposits and occurrences, create national register and cadastral information database and organize works for updating them;
16. Organize expeditions needed for natural resources (other than oil and gas) and fishing licensing;
17. In accordance with the Georgian legislation, issue licenses, pursuant to the Law of Georgia on Licenses and Permits, for exploitation of natural resources (other than oil and gas) and carry out and coordinate the work to be implemented in this regard;
18. Issue license certificates and other strict accounting documents;
19. Maintain institutional register(s) of licenses;
20. Approve quotes for extraction of natural resources to the holders of exploitation license, in accordance with the prescribed procedure;
21. Render administrative support to the management of consolidated state fund on minerals, in accordance with the prescribed procedure;
22. Maintain register of all kinds of conducted and ongoing industrial and scientific geological works on Georgia's state territory, its territorial waters, continental shelf and special economic zone;
23. Within its competence, fulfill international commitments as assumed by Georgia in the fields of hydro-meteorological, geological and environmental pollution monitoring;
24. On issues falling within the Agency's authority, review the applications, complaints and suggestions filed by the public, take relevant decisions, ensure close relations with the public and mass media;
25. Plan and design marine infrastructure sites and undertake studies needed for these works, develop sea and river bank-protection projects;
26. Provide information on existence or absence of mineral deposit on projected construction area;

27. Within its competence, develop and approve draft normative acts, as well as take part in the development of draft normative acts;
28. Raise awareness on its own practice and undertake various advertising activities in this regard;
29. Draft expert opinions on Cyclamen root-balls and/or Galanthus (snowdrop) bulbs grown on privately owned lands and maintain special register for this purposes;
30. Within its competence, take part in prioritization of scientific-research works, development of state programs and their implementation;
31. Within its competence, cooperate with local and international scientific and non-governmental organizations, establish contacts with donors, propose and implement projects;
32. Represent the Agency before the court, in accordance with the prescribed procedure;
33. Within its competence, provide information to the Ministry's Environmental Policy and International Relations Department with the information on the progress of projects financed from international funds, meetings planned within the framework of the projects, implementation of the commitments assumed under international agreements and actions undertaken in Georgia under the auspices of international organizations/processes, as well as with the copies of national reports submitted to the respective secretariats;
34. Exercise other powers as prescribed under the legislation.

Article 3. Administration of the Agency

1. The Head of the Agency shall be personally responsible for the administration of the Agency, to be appointed and dismissed by the Minister of Environment and Natural Resources Protection of Georgia.
2. The Head of the Agency shall have two deputies, one of them - first deputy, to be appointed and dismissed by the Head of the Agency as agreed with the Minister of Environment and Natural Resources Protection of Georgia. In the absence of the Head the first deputy shall act for him.
3. The Head of the Agency shall:
 - a) Ensure performance of the tasks assigned to the Agency, coordinate the Agency's work, regulate the issues falling within the Agency's governance, and approve the Agency's internal regulation;
 - b) Within the framework of the Agency's authority, be responsible for the adherence to the Constitution of Georgia, Georgia's international agreements, Laws of Georgia and bylaw acts;
 - c) Act on behalf of the Agency, conclude agreements, and represent the Agency before the state authorities and other entities, within its mandate;
 - d) Submit progress report to the Ministry of Environment and Natural Resources Protection of Georgia;

- e) Represent the Agency's interests before the legislative, executive and local government authorities, courts, natural and legal entities, or empower the Agency's employees with the authority for such representation of the Agency;
- f) Within its competence, issue individual and normative acts;
- g) Sign agreements and issue exploitation licenses;
- h) Approve the Agency's budget as agreed with the Minister of Environment and Natural Resources Protection of Georgia;
- i) Appoint and dismiss the Agency's employees. Apply incentives for and disciplinary liability against them;
- j) Based on individual administrative legal act, empower the Agency's employees with relevant authorities;
- k) Set up and abolish temporary working groups in consideration of specific objectives;
- l) Exercise other powers as prescribed under the legislation.

Article 4. The Structure of the Agency

The Agency's structure shall be organized into the following subdivisions:

- a) Administrative Department;
- b) Environmental Pollution Monitoring Department;
- c) Environmental Information Service;
- d) Licensing Department;
- e) Department of Geology;
- f) Department of Hydro-Meteorology;
- g) Fishery and Black Sea Monitoring Center.

Article 5. The Tasks of the Agency's Structural Subdivisions

1. The following shall be the tasks of the Administrative Department:

- a) organizational support of the Agency's work;
- b) register the Agency's incoming and outgoing mail, ensure their fulfillment and control;
- c) perform and control the assignments given by the Agency's Management;
- d) prepare documentation needed for rendering chargeable service by the Agency;
- e) carry out procedures by the Agency needed for public procurement;
- f) legal support of the Agency's work, including representation before the court;
- g) financial and accounting support of the Agency's work;
- h) Agency's human resources management;

2. The following shall be the tasks of the Environmental Pollution Monitoring Department:

- a) establish the pollution rate caused by different degrees of natural and anthropogenic load on the territory of Georgia, maintain regular observation on atmosphere air, waters, atmospheric precipitates, chemical, biological and microbiological pollution Black Sea and soil, as well as natural background radiation through fixed observation points on atmosphere air and identify the levels of physical factors of environment (electromagnetic field, noise and vibration);
- b) Create databases of environmental quality status and quality control of relevant data;
- c) Provide the state authorities and stakeholders with the information on the status of environmental pollution;

- d) Take part in the works performed for detecting the facts of extremely high environmental pollution rate;
- e) Within its competence, take part in the evaluation of the damage caused by environmental emergencies;
- f) Take part in the risk assessment of environmental threats and in identification of potential harm on the territory of Georgia;
- g) Prepare yearbooks, bulletins, reviews, communications and other awareness material containing factual information on environmental pollution;
- h) based on the contracts signed with stakeholders (clients), research and monitor the sources of environmental pollution and emissions, identify the efficiency of purifying structures and dust and air proof equipment; draft the norms of maximum allowable emissions and discharges of hazardous substances;
- i) Within its competence, provide practical and/or methodological assistance to the respective structural subdivisions of the Ministry;
- j) Within its competence, take part in the international cooperation in the field of environmental pollution monitoring.

3. The following shall be the tasks of Environmental Information Service:

- a) Create and administer consolidated databases of environmental data (meteorological, hydrological, geological, environmental pollution);
- b) Process, update, protect, and archive the environmental data by using state-of-art technologies. Develop special software;
- c) Introduce new technologies and create information-inquiry system;
- d) Within the Agency's competence, supply relevant information to stakeholders (clients) for the purposes of rendering the service.

4. The tasks of the Licensing Department shall be:

- a) In accordance with the procedure laid down under the Georgian legislation, administer and coordinate the issuance of licenses, as laid down under the Law of Georgia on Licenses and Permits, for exploitation of natural resources (other than oil and gas) and the work to be performed for this purposes;
- b) within the prescribed time frame, check the compliance of the application and supplemented documents submitted by a license seeker with the requirements laid down under the legislation;
- c) Organize auction on license issuance;
- d) accept, register, process documents necessary for license issuance and send these documents to the Ministry's/Agency's structural subdivision, lower organization and legal entities of public law falling within the framework of the Ministry for their review and opinion, in accordance with the prescribed procedure;
- e) prepare documentation needed for announcement of auction, issuance of license, amendment, annulment and extension thereof in the event laid down under the legislation. Based on the decision made, submit draft recommendation and relevant individual administrative legal act to the Agency's Head;
- f) In order to define requirements for using a specific object, submit recommendations to the Agency's Head;
- g) Use and register license certificates in accordance with the Law of Georgia on Strict Accounting Forms;
- h) Prepare and issue license certificates;

- i) maintain institutional register of licenses;
- j) Publish, in accordance with the legislation, in the mass media, about the conduction of auction on issuance of license for exploitation of specific natural resource (other than oil and gas);
- k) Draw up the report on the results of the auction;
- l) Store documentation submitted by a license seeker in accordance with the legislation;
- m) in the event of violation of license conditions by a license holder, for the purposes of their improvement, prepare recommendations on defining the reasonable time and the conditions fulfillment of which shall be necessary for carrying out a specific activity;
- n) Within its competence, review applications incoming from public and other legal entities;
- p) Within its competence, take part in the administrative and judicial proceedings of license-related complaint and appeal;
- q) In order to approve the natural resources (other than oil and gas) extraction quotes to the exploitation license holder, review relevant material and documents and prepare recommendations;
- r) Within its competence, render consultations to public;
- s) Within its competence, take part in drafting of normative acts;
- t) Draft an individual administrative legal act for the purposes of approving the plan on acquisition of minerals as submitted by the holder of minerals extraction license;
- u) Within its competence, perform tasks and objectives as provided for under the Orders of the Head of the Agency and other normative acts.

5. The tasks of the Department for Geology shall be:

- a) promptly assess the conditions of excessive activation of processes of geological disasters in populated areas, identify negative consequences, identify risk of danger, issue recommendations to the population facing emergency and prepare opinions on implementation of urgent measures;
- b) Monitor processes of geological disasters;
- c) Prepare annual information bulletin, assess and forecast possible danger, identify preventive measures to be implemented for each region and municipality;
- d) Conduct engineering-geological, engineering-geodynamical and geo-ecological studies, basic mapping for acquisition of territory, safe arrangement of facilities and engineering sites, optimal management of geological environment and zoning of processes of geological disasters;
- e) as per the frequency and intensity of reoccurrence of dangerous geological processes, regionalize the territory of Georgia vis a vis long-range forecast;
- f) create, within spatial parameters, the database of status of geological disasters, risk of danger and changes in geological environment, based on the material available from the geological fund and information generated from the ongoing monitoring studies;
- g) In order to acquire nonagricultural lands, to identify and prevent danger of processes of geological disasters, prepare preterm special engineering-geological findings;
- h) Monitor technogenic and technogenic-natural processes on urban territories;
- i) Within its competence, take part in the solution of geological environment management and waste dumping issues;
- j) Undertake engineering-geological, geo-technical and hydro-geological works on the objects intended for different purposes;
- k) Anthropogenic impact assessment of the environment and ender engineering-geological and hydro-geological consulting works;
- l) Monitor underground waters;

- m) Prepare sets of geological information and relevant maps for objects preliminarily selected for licensing for minerals exploitation;
- n) Maintain consolidated state fund on minerals – register minerals deposits and occurrences, maintain state balance and cadastre, regular update of mineral resources database;
- o) Review, register the reports (including the reports on the reserves) submitted by the holders of minerals (other than oil and gas) exploitation license and incorporate them in the consolidated state fund on minerals;
- p) Prepare information on existence or absence of mineral deposit (other than oil and gas);
- q) Prepare geological information and/or finding for those wishing to purchase license;
- r) Conduct geological mapping-out and exploration and research works;
- s) Support maintenance of mineral resources databases.

6. The following shall be the tasks of the Department of Hydro-Meteorology:

- a) On the territory of Georgia, in Black Sea territorial waters, continental shelf and special economic zones:
 - a.a.) Organize standard and specialized (satellite, aerologic, radar, ozonometric, actinometric, glaciological, snow slide, agro-meteorological, marine, aviation etc.) fixed hydro-meteorological network (stations, posts) of regular observation and ensure its proper functioning;
 - a.b) conduct specialized expeditionary hydro-meteorological works (identifying the reasons causing hydro-meteorological disasters, participating in identification of negative impact of these phenomena, annual evaluation of snow reserve accumulated in mountainous and high-mountainous zones of river basins, study processes ongoing on glaciers, conduct marine and oceanological observations);
 - a.c) conduct research work of sea coastal shelf;
 - a.d) plan and design marine infrastructure sites, within its competence;
 - a.e) complex (landscape) description of natural conditions of relevant territories;
 - a.f) Conduct studies for protecting the river basins against hydro-meteorological disasters and identify preventive measures, draw up projects for mitigation of erosive-abrasive processes;
- b) Technical support of hydro-meteorological observation network – conduct assembling, installation and repair works of measuring tools;
 - c) Regular methodological inspection of hydro-meteorological observation network;
 - d) Ensure collection of data from hydro-meteorological observation network on the territory of Georgia and prompt (24-hour operation) dissemination on national and international levels
 - e) Ensure regular (24-hour operation) receipt, visualization, processing and analyzing of meteorological data and synoptic product from global meteorological observation network of World Meteorological Organization and world weather forecast centers;
 - f) Make and disseminate short, medium and long-range general forecasts of weather and hydrology;
 - g) Prepare notifications on hydro-meteorological disasters expected on the territory of Georgia and immediately provide decision-making authorities, stakeholders and legal entities and mass media with this notifications;
 - h) Update the fund of hydro-meteorological observation data, convert them in electronic format, and conduct initial processing and quality control;
 - i) systemize multiyear rows of hydro-meteorological initial data and create databases harmonized with standards of the World Meteorological Organization;
 - j) Statistical processing of multiyear hydro-meteorological data, convert them in GIS format;
 - k) Prepare climate reference books, hydrologic cadastres, hydro-meteorological bulletins, reviews and other awareness material;

- l) In consideration of global climate change, study the dynamics of change in hydro-meteorological parameters;
- m) Regionalize country's territory in terms of frequency and intensity of hydro-meteorological disasters;
- n) as requested by different sectors of economy (agriculture, energy, military and civil aviation and navy, motor roads and rail ways, construction, tourism etc.) and other stakeholder natural and legal entities, render service by using specialized hydro-meteorological information and information product, as well as other type of hydro-meteorological activity (organize expeditionary and fixed hydro-meteorological observations, conduct assembling, installation and repair works of hydro-meteorological measuring tools);
- o) Conduct hydrographic and topographic survey mapping-out works;
- p) Organize and conduct active influence actions on unfavorable hydro-meteorological phenomena (snow slides, hails, draught, and fog);
- q) Take part in risk assessment of hydro-meteorological threats on the territory of Georgia;
- r) Identify the necessity of resettlement of the population from hydro-meteorological disaster zones on the territory of Georgia, define and assess the settlement areas for eco-migrants;
- s) Hydro and lytho-dynamic study of Black Sea basin and forecast processes to ensure sustainability of seascape;
- t) Introduce state-of-art technologies in the field of hydro-meteorology;
- u) Within its competence, participate in international cooperation in the field of hydro-meteorology.

7. The following shall be the tasks of the Fishery and Black Sea Monitoring Center:

- a) Undertake hydro-biological studies of Black Sea coast line, coastal zone and internal water reservoirs. Prepare recommendations, suggestions, methodological and other type of material concerning fishery; if necessary, identify fish resource in the water body subject to auction;
- b) take part in the approval of fishing quotes as presented by the fishing license holders, in accordance with the prescribed procedure;
- c) within its competence, take part in the review of management plans as developed in accordance with exploitation licenses, as well as prepare methodological material, recommendations and suggestions on issues of fishery;
- d) Support implementation of sustainable fishery, elaborate on issues of rational use of water bio-resources and prepare relevant recommendations;
- e) monitor Georgia's lands with excess rainfall and wetlands, prepare suggestions on conservation and rehabilitation of hydrobionts and water habitats;
- f) Within its competence participate in international cooperation.

Article 6. The Agency's Activity Requiring Consent

The activity of the Agency requiring the consent shall be laid down under the applicable legislation of Georgia.

Article 7. The Property of the Agency

The Agency shall be given, in accordance with the procedure laid down under the legislation, the property needed for the achievement of the goals as prescribed for the Agency under the legislation and this Statute.

Article 8. Accounting of the Agency

1. The Agency shall be obliged to maintain accounting and reporting on financial and economic activity, make balance sheet and submit for approval to the Ministry in accordance with the procedure laid down under the Georgian legislation.
2. The Agency's annual balance sheet shall be audited by the independent auditor as appointed by the Ministry.

Article 9. Financing of the Agency

The Source of income of the Agency shall be prescribed under the legislation.

Article 10. Governmental Control

1. The Ministry shall exercise governmental control on the legitimacy, relevance, efficiency of the practice and of financial and economic activity implemented by the Agency.
2. The Ministry shall be entitled to suspend or revoke illegitimate decision of the agency.
3. The Ministry shall, if requested so, provide relevant information to the Ministry.

Article 11. Reorganization and Liquidation of the Agency

The Agency shall be reorganized and liquidated in accordance with the procedure laid down under the Georgian legislation.

Article 12. The Procedure for Changes and Amendments to the Agency's Statute

Changes and/or amendments to the Agency's Statute shall be made in accordance with the procedure laid down under the Georgian legislation.