

LAW OF GEORGIA
ON ENVIRONMENTAL LIABILITY

Chapter I – General Provisions

Article 1 – Purpose of the Law

The purpose of this Law is the legal regulation of issues related to environmental damage based on the 'polluter pays' principle.

Article 2 – Scope of the Law

1. This law regulates legal relations related to the prevention of significant environmental damage, the mitigation of environmental damage or significant environmental damage, the measures to be taken in the event of environmental damage (including the implementation of remedial measures, and compensation for environmental damage and significant environmental damage).

2. This Law, except for the provisions of paragraph 3 of this Article, and Article 3, Article 14(3) and Article 28(1)-(3) of this Law, shall not apply to:

a) cases of environmental damage/significant environmental damage or imminent threat of environmental damage/significant environmental damage, caused by:

a.a) force majeure situations;

a.b) armed conflicts;

a.c) actions related to national security, national defence and/or international security;

b) cases where it is impossible to identify an operator whose illegal actions have caused environmental damage or significant environmental damage (unless there are grounds for imposing strict environmental liability on an operator);

c) damage inflicted on a private owner that does not exclude the private owner's right to claim compensation for damage from an operator responsible for the damage as provided for by the legislation of Georgia;

d) cases caused by diffuse emission (ambient air pollution, noise, vibration, electromagnetic radiation);

e) environmental damage and significant environmental damage caused by actions carried out before the entry into force of this Law;

f) environmental damage and significant environmental damage caused by actions carried out by a natural person (except for an individual entrepreneur provided for by the Law of Georgia on Entrepreneurs);

g) environmental damage and significant environmental damage caused by vessels sailing in the Black Sea or by transit shipment of cargo through the territory of Georgia;

h) damage and significant damage to minerals;

i) environmental damage and significant environmental damage caused by nuclear and radiation activities.

3. If the illegal actions of an operator have caused environmental damage, but the level of environmental damage does not meet the criteria set out in Annex No 1 (Criteria for Determining Significant Damage) to this Law, as well as in the cases provided for by



paragraph 2(f)-(h) of this Article, the operator shall provide monetary compensation for the environmental damage/significant environmental damage. The procedure for providing monetary compensation for environmental damage/significant environmental damage shall be established by a subordinate normative act of the Government of Georgia.

4. This Law shall apply to cases that are regulated by the international treaties of Georgia, unless otherwise provided for by the same international treaties.

5. This Law shall not apply to the procedure and amount of compensation for environmental damage/significant environmental damage caused by damaging, destroying or uprooting, or deliberately damaging and destroying, green plantings regulated by the Law of Georgia on Special Protection of Green Plantings and State Forest within the Boundaries of Tbilisi and Its Adjacent Territories.

6. The state management, regulation and control provided for by this Law, which are related to activities regulated by the Law of Georgia on Oil and Gas, shall be carried out in accordance with the principles of the same Law by the Legal Entity under Public Law called the State Agency of Oil and Gas, operating within the system of the Ministry of Economy and Sustainable Development of Georgia.

Article 3 – Definition of terms

The terms used in this Law shall have the following meanings:

a) environment – the totality of the natural environment and the human-modified (cultural) environment, which includes interdependent living or non-living, or preserved or human-modified, natural elements, and natural and anthropogenic landscapes;

b) human-modified (cultural) environment – a constituent part of the environment, which includes the human-modified natural environment, modified ecosystems and combined types of ecosystems, interdependent modified natural elements and anthropogenic landscapes formed by those elements;

c) environmental damage (hereinafter 'damage') – adverse effects on the environment caused by an industrial accident and/or an illegal action of an operator. An adverse effect on the environment, which was predetermined and for which an authorised body has issued a relevant authorising document or consent provided for by the legislation of Georgia, shall not be considered as damage;

d) industrial accident – an explosion, fire, or leak of hazardous substance (substances) that is caused by an uncontrolled development in the production process at a facility, and that poses a sudden and serious threat to human life, health, and/or the environment, both inside and outside the facility;

e) force majeure situation – a natural disaster (earthquake, landslide, flood or any other similar event), as well as a crisis situation caused by a natural disaster in a specific area;

f) significant environmental damage (hereinafter 'significant damage') – damage, in the event of which the level of environmental damage meets the criteria set out in Annex No 1 (Criteria for Determining Significant Damage) to this Law. In the case of monetary compensation for significant damage, the amount of significant damage shall be determined by a subordinate normative act of the Government of Georgia provided for in Article 2(3) of this Law;

g) imminent threat of damage – a sufficient likelihood that environmental damage will occur in the near future;

h) strict environmental liability – liability that is imposed on an operator carrying out activities, notwithstanding whether the operator has been at fault or not, if the significant damage provided for in Annex No 1 (Criteria for Determining Significant Damage) to this Law is caused by carrying out the activities provided for in Annex No 2 (Particularly Hazardous Activities for the Environment) to this Law or by the failure to comply with the obligations proceeding from such activities. In this case, proving the fault of the operator specified in this sub-paragraph is not necessary for imposing strict environmental liability on him/her/it;

i) compensatory remediation measure – any action taken in the event of significant damage to compensate for interim losses of natural resources and/or services that occur from the date of significant damage occurring until remediation has achieved its full effect;

j) environmental programme – an environmental programme, determined by Article 45² of the Budgetary Code of Georgia, for



financing the prevention of environmental damage, the restoration of damaged environment, the improvement of the state of the environment and environmental research activities;

k) Environmental Programme Commission – a commission established by an ordinance of the Government of Georgia, which prepares recommendations on the implementation of environmental measures and other recommendations provided for by this Law within the framework of funds accumulated under the environmental programme;

l) operator – a natural or a legal person, an administrative body or other organisational entity;

m) interested party – an interested party provided for by the General Administrative Code of Georgia (including an environmental non-governmental organisation);

n) the Ministry – the Ministry of Environmental Protection and Agriculture of Georgia;

o) the Minister – the Minister of Environmental Protection and Agriculture of Georgia;

p) the Agency – a Legal Entity under Public Law called the National Environmental Agency within the system of the Ministry;

q) the Department – the state sub-agency called the Department of Environmental Supervision operating within the Ministry;

r) baseline condition – the condition at the time of environmental damage/significant environmental damage of the natural resources and/or services that would have existed had the environmental damage/significant environmental damage not occurred, estimated on the basis of the best information available;

s) restoration of the environment to its original condition (existing before damage) – the return of damaged natural resources and/or impaired services to a baseline condition through any remedial measures;

t) restoration of the environment to the state close to its original condition (existing before damage) – the return of damaged natural resources and/or impaired services to the state close to the baseline condition through any remedial measures;

u) complementary/adequate remedial measures – a set of measures that ensure the creation of natural resources and/or services similar to those damaged, at a site adjacent to the damaged area or at an alternative site.

Chapter II – Main Provisions

Article 4 – Prevention/mitigation of significant damage

1. As soon as an imminent threat of significant damage emerges, an operator shall:

a) take all necessary measures to prevent/mitigate significant damage;

b) immediately notify the Department of the threat through the hotline of the Ministry according to the procedure established by the legislation of Georgia if, despite the implementation by the operator of all necessary measures provided for by sub-paragraph (a) of this paragraph, the imminent threat of significant damage has not been eliminated.

2. The Department shall have the right, based on the information on an imminent threat of significant damage (including the information provided to it by any person), to request from an operator any information related to that threat.

3. If, in the cases provided for in paragraphs 1 and 2 of this Article, the existence of an imminent threat of significant damage is confirmed, the Department shall be authorised:

a) to require from an operator that he/she/it implement necessary measures to prevent/mitigate significant damage;

b) to provide recommendations to an operator on the implementation of measures necessary to prevent/mitigate significant damage.

4. In the case of a failure to implement the measures provided for by paragraph 3(a) of this Article an operator shall be subject to



administrative liability.

5. The Department shall monitor the implementation of the measures necessary to prevent/mitigate significant damage.

6. If an operator fails to fulfil the obligations provided for by paragraph 1(a) and paragraph 3(a) and (b) of this Article, the Department shall have the right to apply to the Environmental Programme Commission with a request to implement necessary measures.

7. An operator shall reimburse the expenses incurred within the framework of the environmental programme for the implementation of the measures provided for by paragraph 6 of this Article. The amount of reimbursed expenses shall be transferred to the state treasury single account of the state budget of Georgia.

Article 5 – Measures to be implemented in the case of damage/significant damage

1. An operator responsible for causing damage/significant damage shall:

a) immediately inform the Department about the significant damage through the hotline of the Ministry and provide it with appropriate information;

b) take necessary measures to prevent and/or mitigate the spread of the damage/significant damage, and take all possible actions to immediately control, contain, remove or otherwise manage the contaminants and/or other factors causing the damage/significant damage, in order to minimise or eliminate further damage/significant damage, or adverse effects on human health, or further deterioration of the environment;

c) compensate for the damage/significant damage according to the procedure established by the subordinate normative act of the Government of Georgia provided for in Article 2(3) of this Law and, in the case of significant damage provided for in Annex No 1 (Criteria for Determining Significant Damage) to this Law, by implementing appropriate remedial measures;

d) implement remedial measures at his/her/its own expense and under his/her/its own responsibility;

e) reimburse the expenses determined by Article 8(9), Article 9(6) and Article 11(5) of this Law;

f) within 30 calendar days after the coordination of the remedial measures according to the established procedure, transfer to the state treasury single account of the state budget of Georgia 2% of the total cost of the measures determined by the cost estimate of the plan of remedial measures, or the amount provided for in this sub-paragraph, which shall be transferred in monthly instalments proportionally over the overall period of the implementation of the plan of remedial measures.

2. The Department shall be authorised to carry out the following in relation to an operator responsible for damage/significant damage:

a) to request information on the damage/significant damage;

b) to request the implementation of the measures provided for by paragraph 1(b) of this Article, and/or to determine the mandatory measures to be implemented;

c) to request the implementation of remedial measures in accordance with Article 7 of this Law;

d) to provide relevant recommendations regarding the measures to be implemented.

3. The funds provided for by paragraph 1(e) and (f) of this Article shall be transferred to the state treasury single account of the state budget of Georgia.

Article 6 – Assessment of damage and making decisions by the Department

1. The Department shall, on a case-by-case basis, assess whether the environment has suffered damage or significant damage.



2. The criteria for determining significant damage are set out in Annex No 1 (Criteria for Determining Significant Damage) to this Law.
3. The Department shall be authorised to invite experts or to procure relevant expert services in the assessment process provided for in paragraph 1 of this Article. The grounds for the inadmissibility of participation in administrative proceedings determined by Article 92 of the General Administrative Code of Georgia shall apply to the experts participating in the assessment process.
4. The Department shall make a decision on the existence of significant damage not later than 120 calendar days after the identification of the damage. If necessary, the Department shall ensure the participation of the administrative bodies concerned in the decision-making process. Appealing against the Department's decision on the existence of significant damage shall not suspend its validity.
5. After making a decision under paragraph 4 of this Article, the Department shall make a decision on imposing environmental liability on an operator in accordance with paragraph 6 of this Article or on imposing strict environmental liability on an operator in accordance with paragraph 7 of this Article. Appealing against such decision shall not suspend its validity.
6. Environmental liability shall be imposed on an operator for carrying out actions causing significant damage after the entry into force of a decision on imposing liability, except as provided for in paragraph 7 of this Article.
7. If significant damage has been caused within the scope of the activities determined by Annex No 2 (Particularly Hazardous Activities for the Environment) to this Law, the operator carrying out such activities shall be subject to strict environmental liability, together with the Department's decision on the existence of significant damage under paragraph 4 of this Article.
8. If there are several operators responsible for causing significant damage, they shall be jointly and severally liable.

Article 7 – Remedial measures

1. The imposition of environmental liability or strict environmental liability on an operator responsible for causing significant damage implies the imposition on the operator of an obligation to implement remedial measures. Such measures shall be implemented in the following order:
 - a) restoration of the environment to its original condition (existing before damage);
 - b) restoration of the environment to the state close to its original condition (existing before damage);
 - c) implementation of compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site.
2. An operator responsible for causing significant damage shall implement the measures provided for by paragraph 1 of this Article according to the established procedures, in accordance with a plan of remedial measures, developed by the operator and agreed with the Agency. The plan shall also include compensatory remediation measures.
3. An operator responsible for causing significant damage shall develop a plan of remedial measures determined by this Article, and shall implement the remedial measures at his/her/its own expense and under his/her/its responsibility.
4. The criteria for determining remedial measures by an operator responsible for causing significant damage and the procedure for developing a plan of remedial measures shall be approved by a subordinate normative act of the Government of Georgia.

Article 8 – Determining remedial measures

1. When determining remedial measures, it shall first be determined whether the damaged environment can be restored to its original condition (existing before damage) or not.
2. If the damaged environment can be restored to its original condition (existing before damage) within a reasonable period of time and it does not require disproportionate costs, the operator responsible for causing significant damage shall restore the environment to its original condition (existing before damage).
3. If it has been established that the damaged environment cannot be restored to its original condition (existing before damage), or



that it is impossible to do so within a reasonable period of time, or it requires disproportionate costs, the operator responsible for causing significant damage shall restore the environment to the state close to its original condition (existing before damage).

4. If it has been established that the damaged environment cannot be restored to the state close to its original condition (existing before damage), or that it is impossible to do so within a reasonable period of time, or it requires disproportionate costs, the operator responsible for causing significant damage shall implement compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site.

5. If the damaged environment can be restored to its original condition (existing before damage) or to the state close to its original condition (existing before damage), the operator responsible for significant damage shall:

a) not later than 60 calendar days after making a decision under Article 6(5) of this Law, submit in writing to the Agency information on the possibility to implement the measures determined by paragraphs 2 or 3 of this Article;

b) not later than 180 calendar days after making a decision under Article 6(5) of this Law, submit to the Agency, in accordance with this Article, a draft plan of remedial measures (it shall include a list of measures and the deadlines for their implementation). A draft plan of remedial measures shall be accompanied by a cost estimate of the draft plan approved by an auditor/audit firm.

6. A draft plan of remedial measures shall also include the justification of the sequence of circumstances set forth in paragraphs 1-3 of this Article as provided for by the same paragraphs.

7. In the case provided for by paragraph 4 of this Article, an operator responsible for causing significant damage shall, not later than 60 calendar days after the decision specified in Article 6(5) of this Law is made by the Department, submit to the Agency a substantiation of the impossibility of implementing the measures provided for by paragraphs 1-3 of this Article, which entails the need to implement compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site.

8. In the case of a failure to fulfil the obligations determined by paragraphs 5, 6 or 7 of this Article, an operator responsible for causing significant damage shall be subject to administrative liability as provided for by the legislation of Georgia. At the same time, if, despite the imposition of administrative liability, an operator responsible for causing significant damage fails to fulfil the obligation provided for by paragraph 5(b) or paragraphs 6 or 7 of this Article, the Department shall have the right to apply to the Environmental Programme Commission with a request to develop a plan of remedial measures.

9. The Environmental Programme Commission shall, according to the established procedures, produce a recommendation on determining a body responsible for developing a plan of remedial measures, and appropriate funding for such measures within the funds/allocations provided under the environmental programme. The recommendation of the Environment Programme Commission shall be submitted to the Ministry, which makes a final decision on determining a body responsible for developing a plan of remedial measures, and appropriate funding for such measures.

10. An institution within the system of the Ministry, other than the Department, may be designated as a body responsible for developing a plan of remedial measures.

Article 9 – Determining compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site

1. In order to determine compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site, a commission determining compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site (hereinafter 'the Compensatory Remedial Measures Commission') shall be established by an individual administrative act of the Minister.

2. The Agency shall review the substantiation determined by Article 8(7) of this Law within 30 calendar days after its submission. If the Agency approves the substantiation, it shall submit the substantiation to the Compensatory Remedial Measures Commission, which shall determine the compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site.

3. The Agency shall submit to an operator responsible for significant damage information on the compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site determined by the Compensatory Remedial Measures Commission. Within 180 calendar days after the submission of such information, the operator shall submit to the Agency for approval a draft plan of remedial measures (it shall include a list of measures and the deadlines for their implementation). A draft plan of remedial measures shall be accompanied by a cost estimate of the draft plan approved by an auditor/audit firm.

4. If the Agency does not approve the substantiation determined by paragraph 2 of this Article, a relevant negative opinion shall be



provided to an operator responsible for causing significant damage. The operator shall submit a draft plan of remedial measures to the Agency within the timeframe and in compliance with the requirements established by Article 8(5)(b) and (6) of this Law.

5. In the case of a failure to fulfil the obligations determined by paragraphs 3 or 4 of this Article, the operator responsible for causing significant damage shall be subject to administrative liability as provided for by the legislation of Georgia. At the same time, if, despite the imposition of administrative liability, an operator responsible for causing significant damage fails to fulfil such obligation, the Department shall have the right to apply to the Environmental Programme Commission with a request to develop a plan of remedial measures.

6. If there are relevant funds available in the environmental programme, the Environmental Programme Commission shall, according to the established procedures, produce a recommendation on determining a body responsible for developing a plan of remedial measures and on allocating appropriate financing for such body. The recommendation of the Environmental Programme Commission shall be submitted to the Ministry, which makes a final decision on determining a body responsible for developing a plan of remedial measures and on allocating appropriate financing for such body.

7. An institution within the system of the Ministry, other than the Department, may be designated as a body responsible for developing a plan of remedial measures.

8. The composition of the Compensatory Remedial Measures Commission shall be determined and the procedures for reviewing matters and making decisions by the Commission shall be determined by the statute of the Commission, which shall be approved by a subordinate normative act of the Minister.

9. The procedure for selecting compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site shall be established by a subordinate normative act of the Government of Georgia.

Article 10 – Participation of interested parties in the process of determining remedial measures in the case of significant damage

1. In order to ensure the participation of interested parties in the process of determining remedial measures in the case of significant damage, the Agency shall publish a draft plan of remedial measures on its official website within 5 calendar days after its submission.

2. Within 20 calendar days after the publication of a draft plan of remedial measures on the official website of the Agency, the interested parties shall have the right to publish on the website and/or to submit to the Agency in a tangible form their opinions/comments regarding the draft plan. The Agency shall review the opinions/comments of the interested parties within 10 calendar days and, if necessary, submit them to an operator responsible for causing significant damage for the consideration of those opinions/comments in a draft plan of remedial measures.

3. An operator responsible for causing significant damage shall, within 45 calendar days after receiving the opinions/comments of the interested parties, submit to the Agency for approval a final plan of remedial measures developed with due consideration of the opinions/comments.

4. If an operator responsible for causing significant damage fails to take into consideration the opinions/comments of the interested parties regarding a draft plan of remedial measures, he/she/it shall submit to the Agency a substantiation of the refusal to take into consideration those opinions/comments before the expiry of the period provided for by paragraph 3 of this Article. The substantiation shall be published on the official website of the Agency.

5. In the cases provided for by Article 8(9) or Article 9(6) of this Law, the fulfilment of the obligation determined by paragraph 3 of this Article shall be ensured by a body responsible for developing a plan of remedial measures.

Article 11 – Coordinating with the Agency a plan of remedial measures and making amendments to it

1. The Agency shall review and approve a plan of remedial measures within 120 calendar days after its submission. An operator responsible for causing significant damage shall comply with a plan of remedial measures approved by the Agency.

2. An operator responsible for causing significant damage shall have the right to apply to the Agency with a request to replace a measure provided for by a plan of remedial measures with another measure. The request shall include a substantiation of the fact that the implementation of a measure, provided for by a plan of remedial measures approved by the Agency, cannot remedy



significant damage, and/or that the replacement of the measure with another measure is necessary and efficient for remedying the significant damage, or that a force majeure situation has occurred, which requires the amendment of the plan of remedial measures.

3. In order to replace a measure provided for by a plan of remedial measures with another measure, it is mandatory to follow the procedures determined by Article 10 of this Law.

4. The Agency shall make a decision on amending a plan of remedial measures within 60 calendar days after the submission of an appropriate request to it. Prior to making such decision, the deadline for the implementation of the remedial measure, which is required to be replaced by another measure, shall be suspended.

5. An operator responsible for causing significant damage shall fully reimburse the costs incurred by the Agency for reviewing a plan of remedial measures, as well as for reviewing the issue of amending it and of the need to implement compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site (including the costs of expert examination and research work, as well as the remuneration and business trip expenses of public experts). The procedures for calculating and reimbursing such expenses shall be established by the legislation of Georgia.

6. The Agency shall be authorised to establish, in each specific case, an appropriate commission by an individual administrative act, in order to coordinate a plan of remedial measures. The composition and the rules of operation of such commission shall be determined by an order of the Minister.

Article 12 – Implementation of remedial measures and supervision over the fulfilment of a plan of remedial measures

1. An operator responsible for causing significant damage shall implement remedial measures in accordance with a schedule provided for by a plan of remedial measures.

2. The Department shall supervise the implementation of a plan of remedial measures.

3. An operator responsible for causing significant damage shall be liable for non-compliance with a plan of remedial measures according to the procedure established by the legislation of Georgia.

4. In the case of a change of operator, the obligation to determine and implement remedial measures shall be transferred to the new operator.

Article 13 – Financial security for the risks of environmental damage

1. An operator carrying out the activities provided for in Annex No 2 (Particularly Hazardous Activities for the Environment) to this Law shall provide appropriate financial security instruments for the risks of environmental damage upon starting and in the process of carrying out such activities.

2. The types of financial security instruments for the risks of environmental damage are:

a) insurance;

b) bank guarantee.

3. The amount of financial security for the risks of environmental damage shall be determined based on the assessment of the risks of environmental damage and shall consist of the following stages:

a) a risk assessment;

b) a processing of the risks;

c) an identification of expenses and a cost estimation for the worst-case scenario.

4. The procedure for providing financial security for the risks of environmental damage caused by carrying out especially hazardous activities for the environment shall be established by a subordinate normative act of the Government of Georgia.



5. The obligation to provide financial security for the risks of environmental damage under this Article shall not apply to budgetary institutions.

Article 14 – Main goals of the environmental programme and the administration of its funds

1. The main goals of the environmental programme are as follows:

- a) the prevention of environmental damage;
- b) the restoration of the state of the environment;
- c) the improvement of the state of the environment;
- d) environmental research.

2. The funds of the environmental programme shall be administered by the Ministry based on the recommendation of the Environmental Programme Commission. The Environmental Programme Commission shall carry out its activities in compliance with the principles of publicity and transparency.

3. The measures financed by the environmental programme may serve only the resolution of the issues provided for by paragraph 1 of this Article and Article 2(2)(a), (b) and (d)-(h) of this Law, and the implementation of the relevant measures determined by this Law.

4. The Environmental Programme Commission shall comprise representatives of the legislative and executive authorities of Georgia and interested parties.

5. The composition of the Environmental Programme Commission shall be determined and the procedure for the preparation by the Commission of the recommendations determined by this Law shall be established by an ordinance of the Government of Georgia.

Article 15 – The source of financing of the environmental programme

1. The source of financing of the environmental programme shall be the state budget of Georgia.

2. The funds provided for in Article 4(7) and Article 5(1)(e) and (f) of this Law, as well as the funds paid as monetary compensation for damage, shall be transferred to the state treasury single account of the state budget of Georgia.

Article 16 – Implementing and supervising measures financed from the environmental programme

Based on the recommendation of the Environmental Programme Commission, the Ministry shall, by its decision, determine a body (other than the Department) responsible for the implementation of the measures financed from the environmental programme and/or a body supervising the implementation of such measures. Such body shall be authorised to procure services for the implementation of the relevant measures.

Chapter III – Administrative Offences, Administrative Proceedings and Criminal Liability

Article 17 – Failure to report an imminent threat of significant environmental damage or significant environmental damage

The failure of an operator to report an imminent threat of significant environmental damage or significant environmental damage



shall result in the imposition of a fine from GEL 5 000 to GEL 10 000.

Article 18 – Failure to provide information on the possibility of restoring a damaged environment to its original condition (existing before damage) or to the state close to its original condition (existing before damage)

The failure to provide information on the possibility of restoring a damaged environment to its original condition (existing before damage) or to the state close to its original condition (existing before damage) shall result in the imposition of a fine of GEL 5 000.

Article 19 – Failure to implement necessary measures to prevent/mitigate environmental damage

Failure to implement necessary measures to prevent/mitigate environmental damage shall result in the imposition of a fine from GEL 10 000 to GEL 20 000.

Article 20 – Failure to implement necessary measures to prevent/mitigate the spread of damage/significant damage

Failure to implement necessary measures to prevent/mitigate the spread of damage/significant damage shall result in the imposition of a fine from GEL 20 000 to GEL 40 000.

Article 21 – Failure to fulfil the obligation to transfer the funds determined by Article 15 of this Law to the state treasury single account of the state budget of Georgia

Failure to fulfil the obligation to transfer the funds determined by Article 15 of this Law to the state treasury single account of the state budget of Georgia shall result in the imposition of a fine from GEL 5 000 to GEL 10 000.

Article 22 – Failure to fulfil the requirement to submit a plan of remedial measures and/or an opinion on the cost estimate of the measures to be implemented

1. The failure of an operator responsible for causing significant environmental damage to submit, within the established timeframe, a plan of remedial measures and/or an opinion on the cost estimate of the measures to be implemented, shall result in the imposition of a fine of GEL 1 000.

2. The failure of an operator responsible for causing significant environmental damage to fulfil the obligation to submit a plan of remedial measures and/or an opinion on the cost estimate of the measures to be implemented shall result in the imposition of a fine from GEL 20 000 to GEL 40 000.

Article 23 – Failure of an operator responsible for causing significant environmental damage to implement the measures determined by a plan of remedial measures

The failure of an operator responsible for causing significant environmental damage to implement the measures determined by a plan of remedial measures shall result in the imposition of a fine from GEL 40 000 to GEL 80 000.

Article 24 – Carrying out particularly hazardous activities for the environment without providing financial security for the risks of environmental damage

Carrying out particularly hazardous activities for the environment without providing financial security for the risks of environmental damage shall result in the imposition on an operator of a fine of GEL 10 000.



Article 25 – Failure to comply with the requirements of the bodies authorised to draw up protocols of administrative offences under this Law

1. The failure of an operator, despite the imposition of liability for committing an administrative offence under this Law (except for the cases provided for by Article 232 of the Administrative Offences Code of Georgia), to comply, within the established timeframe, with the obligation imposed by an administrative order of a body authorised to draw up protocols of administrative offences, shall result in the imposition on the operator of a fine of twice the maximum sanction specified in the article or paragraph of this Law, for the violation of which the operator has been charged to remedy the administrative offence.
2. Despite the imposition of liability on an operator for the failure to comply with an administrative order provided for by paragraph 1 of this Article (except for the cases provided for by Article 232 of the Administrative Offences Code of Georgia), the failure to comply, within the established timeframe, with an obligation imposed by the administrative order of a body authorised to draw up protocols of administrative offences under this Law, shall result in the imposition on the operator of a fine of four times the maximum sanction specified in the article or paragraph of this Law, for the violation of which the operator has been charged to remedy the administrative offence.
3. Interference by an operator with the exercise of the rights and performance of the duties of an employee of a body authorised to draw up protocols of administrative offences under this Law shall result in the imposition of a fine of GEL 5 000.

Article 26 – Administrative proceedings

1. Administrative proceedings shall be carried out and sanctions shall be imposed, as provided for by this Law, according to the procedures established by this Law and the Administrative Offences Code of Georgia.
2. The actions provided for in Articles 17-24 and Article 25(3) of this Law, if committed repeatedly, shall result in the doubling of the maximum fine provided for in the relevant article/paragraph.
3. The imposition of liability on an offender under this Chapter shall not exempt him/her/it from fulfilling the obligations set forth in this Law.
4. The protocols of administrative offences provided for in Articles 17-25 of this Law shall be drawn up by the Department.
5. A district (city) court shall review the cases of administrative offences provided for in Articles 17-25 of this Law.
6. The offender shall have the right to appeal to court a protocol of administrative offence drawn up on an administrative offence determined by this Law.

Article 27 – Criminal liability

1. In the case of significant environmental damage, the issue of criminal liability of an operator responsible for causing significant damage shall be regulated by the Criminal Code of Georgia.
2. The criminal liability of an operator responsible for causing significant damage shall not exclude his/her/its environmental liability.

Chapter IV – Transitional and Final Provisions

Article 28 – Transitional provisions related to the entry into force of this Law

1. Damage/significant damage caused by an illegal act committed by an operator before 1 July 2022 shall be calculated and



compensated for according to the procedures applicable before 1 July 2022, and if the obligation to compensate for the damage/significant damage has not been imposed on an operator for the environmental damage/significant environmental damage caused by an illegal act committed before 1 July 2022 (there is no decision that has entered into force), the operator shall have the right to apply to the Department before 1 December 2022 and request the application of the procedures for imposing environmental liability or strict environmental liability provided for by this Law.

2. If an operator exercises the right provided for by paragraph 1 of this Article, he/she/it will lose the right to compensate for the damage/significant damage according to the procedures applicable before 1 July 2022.

3. If an operator exercises the right provided for by paragraph 1 of this Article, the damage/significant damage shall be assessed and he/she/it shall be subject to environmental liability or strict environmental liability only in the cases and in the manner determined by this Law.

4. An operator carrying out the activities provided for in Annex No 2 (Particularly Hazardous Activities for the Environment) to this Law, who has started such activities before 1 July 2023, shall be liable under Article 13 of this Law from 1 July 2023.

Article 29 – Legal acts to be issued/adopted and declared invalid, and measures to be implemented in connection with the entry into force of this Law

1. Before 1 July 2022, the Minister shall issue an order on approval of the statute of the commission for determining compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site.

2. The Government of Georgia shall:

a) before 1 July 2022, adopt the following ordinances:

a.a) on the procedures for monetary compensation for environmental damage;

a.b) on the criteria for determining remedial measures and the procedure for drawing up a plan of remedial measures by an operator responsible for causing significant environmental damage;

a.c) on determining the composition of the Environmental Programme Commission and approving its statute;

a.d) on the procedure for selecting compensatory/adequate remedial measures at a site adjacent to the damaged area or at an alternative site;

b) before 1 July 2023, adopt an ordinance on the procedure for providing financial security for the risks of environmental damage caused by carrying out particularly hazardous activities for the environment.

3. As from 1 July 2022, the Law of Georgia on Compensation for Damage Caused by Hazardous Substances of 23 July 1999 shall be declared invalid (Legislative Herald of Georgia, No 40(47), 1999, Art. 200).

4. As from 1 January 2022, the Agency and the Department shall implement appropriate measures provided for by the legislation of Georgia in order to establish the structural subdivisions necessary for the unhindered performance of the functions assigned to them under this Law and/or to announce appropriate competitions for the appointment of employees to vacant positions.

Article 30 – Entry into force of the Law

1. This Law, except for Articles 1-28 and Annexes No 1 and No 2 to this Law, shall enter into force upon its promulgation.

2. Articles 1-12 and 14-28 of this Law and Annexes No 1 and No 2 to this Law shall enter into force on 1 July 2022.

3. Article 13 of this Law shall enter into force on 1 July 2023.



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Annex No 1

Criteria for Determining Significant Damage

1. Biodiversity:

a) at least 1 (one) of the following included in the following categories of the Red List of Georgia was destroyed, or damaged in such a way that posed a risk of its destruction:

a.a) a taxon in danger of extinction – EN (Endangered);

a.b) a taxon in critical danger of extinction – CR (Critically Endangered);

a.c) a taxon extinct at the regional level – RE (Regionally Extinct);

b) under the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention):

b.a) at least 1 (one) of the following strictly protected species, which is also included in the following categories of the Red List of Georgia: a taxon in danger of extinction – EN (Endangered), a taxon in critical danger of extinction – CR (Critically Endangered), a taxon extinct at the regional level – RE (Regionally Extinct), was destroyed or damaged in such a way that posed a risk of its destruction;

b.b) other protected species of the remaining species were destroyed or damaged in such a way that posed a risk of destruction of their national or local populations;

c) a state reserve, a national park, a natural monument, or a managed reserve was destroyed in whole or in part (more than 0.01% of the total area), or the designation and/or purpose of its establishment was lost;

d) an area of the Emerald Network was damaged in such a way that the designation and/or purpose of its establishment was lost;

e) the Ramsar Site was damaged in such a way that the designation and/or purpose of its establishment was lost;

f) more than 0.5 hectares of forest were damaged/destroyed in such a way that the forest lost its designated function and it is impossible to restore it in part or in whole.

2. land:

a) 500 m² or more of agricultural land is contaminated (the contamination level exceeds twice or more the baseline condition) or completely degraded;

b) 1500 m² or more of agricultural land is contaminated (the contamination level exceeds the baseline condition) and/or degraded;

c) 500 m² or more of the territory of the state forest is contaminated (the contamination level exceeds the baseline condition) and/or degraded;



d) 250 m or more of the territory of the Emerald Network, the Ramsar Site and/or any category of a protected area is contaminated (the contamination level exceeds the baseline condition) and/or degraded.

3. water:

a) the surface water body has dried up (in the case of a river, the riverbed has dried up at a distance of a minimum of 500 meters);

b) the amount of contaminants in waste waters discharged into a surface water body is ten times or more than the established norms;

c) adverse effects on a water body have destroyed fish resources.

Annex No 2

Particularly Hazardous Activities for the Environment

1. The activities provided for in Annex I to the Environmental Assessment Code of Georgia; activities for which an environmental decision determined by the same Code has been issued and/or, before 1 January 2018, a respective enabling administrative act in the field of environmental impact has been issued; activities for which a decision granting the right to continue a current activity has been issued, or which are subject to the issuance of such decision.

2. The activities provided for in Annex II to the Environmental Assessment Code of Georgia, which shall be subject to environmental impact assessment as a result of the screening procedure provided for by the same Code.

3. The activities determined by Article 26(1)(d) of the Waste Management Code of Georgia.

4. The carriage of dangerous goods, which is regulated by Ordinance No 89 of 15 February 2019 of the Government of Georgia 'On Approval of the Technical Regulations on the Procedure for the Carriage of Dangerous Goods by Means of Transport'.

5. The carriage of dangerous goods, which is regulated by Order No 263 of 27 December 2013 of the Director of the LEPL Civil Aviation Agency 'On Approval of the Procedure for the Carriage of Dangerous Goods by Air'.

6. Activities envisaged by a special licence for timber production.

7. Activities envisaged by a special licence for the hunting industry.

8. The production of timber as provided for by the Forest Code of Georgia.

