



**THE ASSESSMENT OF IMPLEMENTATION OF  
THE ENP EU-GEORGIA ACTION PLAN  
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT  
2007-2012**



**Tbilisi, 2013**

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## Introduction

The European Neighborhood Policy (ENP) was developed in 2004 within the framework of neighborhood policy strategy. The strategy sets out the EU foreign policy with regard to the neighboring countries. It aims at strengthening the prosperity, stability and security of these countries. In 2004 Georgia, together with 15 other countries (Algeria, Armenia, Azerbaijan, Belarus, Egypt, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia and Ukraine) joined the European Neighborhood Policy. One of the basic principles of the ENP is to promote domestic reforms in the neighboring countries on the basis of equal partnership, which implies a mutual commitment to common values, such as: rule of law, good governance, human rights, good neighborly relations, market economy principles and sustainable development.

Bilateral Action Plans between the EU and each ENP partner is the chief tool for the implementation of the ENP. These set out an agenda of political and economic reforms aiming at further integration. The priorities in certain sectors are also set out jointly.

14 November 2006 EU-Georgia Action Plan (AP) until 2013 was signed. The following priorities are set forward in the Action Plan: political dialogue and reform, trade-related issues and preparation of the partners with a view to adopting the positions on the international market, rule of law and domestic issues, sustainable development, energy, transport, public awareness, environmental protection and science, social policy and people-to-people contacts.

Implementation of EU-Georgia AP officially started in 2007. Twice a year Georgian government prepares reports on the implementation of EU-Georgia AP and the European Commission publishes each year the ENP progress reports. As of February 2013 the EC has published 2007-2012 progress reports<sup>1</sup>. Non-governmental organizations (NGOs) also prepare reports on the progress in implementation of different sectors of the AP. Present report is one of such attempts.

In the beginning of 2009 the Green Alternative published its first report on the progress in implementation of environmental protection and sustainable development sector of the AP, which covered the period of 2007-2008 (available at: [www.greenalt.org](http://www.greenalt.org)). Another report covering period of 2009-2010 as well as summarizing progress during four years (2007-2010) of AP implementation was published in 2011. The present report reflects the progress in the implementation of the AP during next two-year period (2011-2012) and sums up the measures taken and achievements of 2007-2012, i.e. during entire period of the AP.

Hence this is the last report of Green Alternative assessing implementation of the EU-Georgia AP under the ENP. In March 2013 the negotiations were finalized on the contents of the Association Agreement to be concluded between the EU and Georgia; now the works are underway to conclude the agreement. Under the agreement, Georgia commits itself to carry out reforms and to ensure harmonization of the national legislation with a number of the EU directives including in the field of environmental protection and sustainable development. Accordingly, over the next years Green Alternative will assess progress in implementation of new obligations under the Association Agreement.

## Assessment methodology

The assessment of the ENP AP and its implementation in environmental protection and sustainable development sectors was carried out under the methodology suggested in the handbook (Assessment of implementation of the Action Plans in the field of the environment) jointly developed by the WWF European Policy Office and EU Regional Office of Heinrich Boell Foundation<sup>2</sup>.

The handbook was developed for assessment of any Action Plan under the ENP aegis. It is possible insofar as all Action Plans are identically structured and have similar objectives and characteristics. Specific objectives were selected in environmental protection and sustainable development sectors of the Action Plan for the assessment in terms of their implementation. Two general objectives were added for the assessment. These objectives on the one hand reflect the readiness of the governments of appropriate countries for the implementation of Action Plans, and on the other hand assess the EU arrangements to enhance the implementation of these plans. Thus, the following objectives are assessed in the report:

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<sup>1</sup> Available at: [http://ec.europa.eu/world/enp/documents\\_en.htm](http://ec.europa.eu/world/enp/documents_en.htm)

<sup>2</sup> Available at: [http://www.boell.be/download\\_en/Greening\\_the\\_ENP\\_Handbook.pdf](http://www.boell.be/download_en/Greening_the_ENP_Handbook.pdf)

- Objective 1: Strengthening cooperation with the EU;
- Objective 2: Assessing the level of the EU commitment;
- Objective 3: Ratifying international environmental conventions and protocols;
- Objective 4: Developing plans and programs for the environment;
- Objective 5: Promoting the adoption of environmental legislation (sectoral approach – water and waste);
- Objective 6: Strengthening administrative structures and procedures;
- Objective 7: Reinforcing structures and procedures to carry out EIA;
- Objective 8: Improvement of permitting and enforcement structures;
- Objective 9: Improving public information and participation;
- Objective 10: Preparing regular reports on the state of environment;
- Objective 11: Supporting civil society actors and local authorities;
- Objective 12: Cooperation with neighboring countries;
- Objective 13: Integration of environmental aspects into other sectors;
- Objective 14: Implementing the provisions of the Kyoto Protocol and UNFCCC;
- Objective 15: Improving sustainability of energy and transport policy.

Questionnaires have been developed to measure the national initiatives taken with regard to each objective. The answers to the questions enable to assess the percentage progress bar for each objective. Such methodology of using the percentage indicators enables to evaluate the progress, should the assessment be carried out following years.

Four options of answers to each question are offered:

- “Yes” – three levels are possible, from the best to the worst (3 - the best, 2 – adequate, or 1 – bad)
- “No” – indicated by 0.

Each indicator is usually followed by an explanation as for why is the certain indicator assigned. Alongside the percentage indicator the whole range of problems related to each objective is reviewed. Besides, often recommendations on the measures to be undertaken in order to achieve the Action Plan objectives are suggested.

The above methodology was applied for the assessment of implementation of environmental protection and sustainable development sectors of EU-Georgia Action Plan for the periods of 2007-2008 and 2009-2010.

2012 parliamentary elections resulted in election defeat of political party that since 2004 led the country’s legislative and executive authorities. The winning political party (which also runs the cabinet of ministers) declares different principles and approaches in virtually all areas of the state governance. Often the pre-electoral promises of the winning political party are not yet transposed into the practical measures; there are areas (among them in environmental protection and sustainable development sectors) where certain changes have been initiated, however they are still subject to discussions and therefore, not yet formalized. Such initiatives were also reflected in the study as far as possible; however they had no influence either on last two-year or the entire AP implementation period assessment of the progress.

## 2007-2012 major trends

The table below reflects major trends in the implementation of environmental protection and sustainable development sectors of the AP during the period of 2007-2012. The first column lists the AP objectives in the field of environmental protection and sustainable development; the second column lists percentage indicator of the fulfillment of each objective, as reflected in the first assessment report; the third column lists percentage indicators from the second assessment report, while last column lists the percentage indicators reflecting the results of current study.

Objectives of EU-Georgia AP	Indicators (%) 2007-2008	Indicators (%) 2009-2010	Indicators (%) 2011-2012
1. Strengthening cooperation with the EU	33	35	36.7
2. Assessing the level of EU commitment	44	55.5	52.4
3. Ratifying international environmental conventions and protocols	20.8	20.8	20.8
4. Developing plans and programs for the environment	22.2	22.2	30.3
5.1. Promoting the adoption of environmental legislation (water sector)	11.5	21.4	20.2

5.2. Promoting the adoption of environmental legislation (waste sector)	18.5	22.2	22.2
6. Strengthening administrative structures and procedures	26.6	26.6	23.3
7. Reinforcing structures and procedures to carry out EIA	16.7	16.7	16.7
8. Improvement of permitting and enforcement structures	54.2	47.9	35.4
9. Improving public information and participation	23.2	20.8	20.8
10. Preparing regular reports on the state of environment	13.3	70	23.3
11. Supporting civil society actors and local authorities	21.2	28.2	28.2
12. Cooperation with neighboring countries	43.5	41	41
13. Integration of environmental aspects into other sectors	5.5	11.1	11.1
14. Implementing the provisions of the Kyoto Protocol and UNFCCC	44	60.6	69.7
15. Improving sustainability of energy and transport policy	11.1	14	16.7

As shown in the table above there is insignificant increase in implementation of the first objective (Strengthening cooperation with the EU). One of the most important challenges in reaching this objective is still absence of country's European integration strategy and action plan. Completion of negotiations on association agreement with the EU in 2013 is certainly a significant step forward towards strengthening of EU-Georgia cooperation; this however did not affect the indicator for this objective.

There is some progress in achieving the second objective (Assessing the level of EU commitment). The major factor of progress here is more transparency on the side of European Commission as well as clear prioritization of environment protection in national and regional indicative plans as well as in trans-boundary programs.

There is no progress in achieving the third objective as demonstrated by indicators. Georgia still has not made effective steps to ratify international environmental conventions and protocols.

There is little but still progress in achieving the objective 4. This is only due to approval of the second National Environmental Action Programme for 2012-2016 in 2012 (elaboration and then approval of the programme was procrastinated for several years); the situation otherwise remained unchanged in environmental planning during reporting period.

The indicators show certain progress in achieving the fifth objective in 2009-2010 - promoting the adoption of environmental legislation in water and waste sectors. Little progress was attributed to the fact that draft regulations have been prepared in both sectors; it should be noted, though that none of them have become publicly available and approved either in 2009-2010 or in 2011-2012.

Indicator decrease in achieving objective 6 (strengthening administrative structures and procedures) was due to institutional reforms conducted in spring 2011 that have significantly weakened national environmental authority.

The Environmental Impact Assessment (EIA) system has not undergone any change during six years of AP implementation (objective 7); the current system was established in 2005-2006, just before concluding the AP. The EIA system remains one of the weakest segments of environmental regulation.

The first (2007-2008) comparatively high percentage indicator in the assessment of the eighth objective (improvement of permitting and enforcement structures) was due to high assessment given to enforcement structures (Environment Protection Inspectorate). Respectively, slight decrease of indicator in 2009-2010 during second assessment was also related to enforcement structures and their inefficient planning and reporting systems. Decrease of indicator in 2011-2012 is also related to reformation of enforcement authority. As for permitting structures, the situation practically has not changed during entire AP implementation period.

There was some regress in achieving the objective 9 (improving public information and participation) in 2009-2010 mainly due to further decay of existing public participation procedures (the situation remained unchanged in the next two-year reporting period). No measures were taken to improve public access to information procedures and practice or access to justice either in 2009-2010 or in 2011-2012.

Notable progress, almost 60 percent in the achievement of tenth objective (preparing regular reports on the state of environment) in 2009-2010 assessment was due to methodological support provided in the framework of the EU financed project "Support for the Improvement of Environmental Governance in Georgia" and development of 2007-2009 national State of the Environment (SoE) report within the above project (this was first three-year SoE report). The report had not yet been approved at the time of second assessment; it was officially endorsed in the next reporting period. Almost 50 percent regress in achievement of this objective in 2011-2012 was mainly due to the fact that the process of second three-year SoE

report preparation was not as participative as in case of the first one; also the content of the second report was unknown at the time of the last assessment.

Small increase in achieving objective 11 (supporting civil society actors and local authorities) during second assessment was reached due to establishment of Civil Institutionalism Development Fund in 2009 at the initiative of Georgian President; otherwise no improvement was noticeable in achieving this objective either in 2009-2010 or in 2011-2012.

The situation is practically unchanged with regard to objective 12 (Cooperation with neighboring countries). Unfortunately, in recent years exchange of information between neighboring countries happens only within international projects; the countries in the region try to avoid direct contact channels in their relations with neighboring states and interested parties. The process of development of multilateral and bilateral agreements with countries in the region, as well as implementation reports are not open to public.

The situation has almost not changed in reaching the objective 13 (integration of environmental aspects into other sectors). Some increase of percentages in 2009-2010 assessment here happened due to elaboration of the State Strategy for Regional Development of Georgia for 2010-2017. Attempts were made to integrate environmental protection while developing the strategy.

In 2009-2010 significant progress was observed in achieving objective 14 - Implementing the provisions of the Kyoto Protocol and UNFCCC. For the first time in these years Georgian government openly declared climate change and adaptation the national priority. In 2009 Georgia also joined Copenhagen Accord and made political commitment to take measures for reducing greenhouse gas emissions. In 2010 Georgia's capital city joined The Covenant of Mayors on climate change and started work on developing the national program to meet commitments of the Covenant. In 2011-2012 four more Georgian cities (Batumi, Gori, Rustavi, Kutaisi) joined the Covenant of Mayors. Georgia still does not have integrated policy for climate change, nor does the legislation which is problematic in the light of meeting membership requirement for European energy community.

Insignificant changes can be seen in achieving 15<sup>th</sup> objective. There is some progress in transport sector (mainly related to highways safety). At the same time Georgian government still does not take effective measures to develop sustainable transport policy and solve transport sector related problems (health, environment protection). Development of legislation on renewable energies and energy efficiency, and harmonization of Georgian energy sector legislation with European legislation are still pending.

<b>Objective 1</b>					
<b>Strengthening cooperation with the EU</b>					
This objective is not linked to specific provisions of the Action Plan. Its aim is to present a general overview of the country's commitment toward the development of its cooperation with the EU and the implementation of the ENP agreements and associated Action Plans.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Policy</i>					
1. Has a policy declaration on integration/cooperation with the EU been adopted?	x				<p>Georgia has signed the Agreement on Cooperation and Partnership with the EU. Besides Georgia has signed EU-Georgia Action Plan under the ENP aegis.</p> <p>EU integration is top priority of Georgia's domestic and foreign policy. This has been declared in the Parliament Resolution of 28 March 2003 which charges executive bodies with starting negotiations in this regard. In 2005 governmental commission was set up, co-chaired by Ministers of Foreign Affairs and for European Integration.</p> <p>The need for EU and Euro-Atlantic integration is stressed in the National Security Concept, annual governmental documents and foreign policy document of 2006-2009.</p> <p>July 2010 the first official negotiations between Georgia and EU on the Association Agreement and Deep and Comprehensive Free Trade Agreement took place. The negotiations were concluded in March 2013.</p>
2. Has a strategic policy instrument for the implementation of the Action Plan been adopted? If yes, does it have legal status?			x		<p>At 2007, 21 February government meeting, attended by President of Georgia, EU-Georgia Action Plan Implementation Plan (APIP) matrix was endorsed as a basis for the final document; the final document, though, has not been approved. Eventually, annual programs for implementation of the Action Plan are approved at government meetings; moreover, each ministry has its own plan. In 2011-2012 respective annual action programmes were developed.</p>
3. Do legislative programming instruments incorporate the adoption of legislation necessary for the implementation of the Action Plan? If yes, does it set clear deadlines?				x	<p>Action plan-matrix provided for passing appropriate legal documents and the deadlines were set. Annual strategic documents for implementation of Action Plan are more general and do not set specific timeframe, detailed description of the proposed actions, etc.</p>
4. Does the working plan of the relevant ministries integrate steps for the implementation of the Action Plan? If yes, does it set clear deadlines?			x		<p>Annual action plan-matrix is drafted by the Office of State Minister of Georgia on European and Euro-Atlantic Integration on the basis of the information provided by individual ministries. The plans of the ministries in their turn, coincide with the priorities of 2006-2009 mid-term plan. Deadlines in the action plan are usually set as "during the year", responsible body – the ministry is assigned and the source of funding (donor, budget) are indicated.</p>

<i>Implementation (general aspects)</i>				
5. Have the adopted documents been actually implemented?			x	Some activities took place, but since annual plans give very general idea about the objectives and the proposed actions, any steps made by the Government are regarded as fulfilment of its obligations.
6. Are the necessary financial resources available and effectively allocated?			x	In general, no financial resources are allocated for the program; nor is it clear how these priorities are financed from the budget. It should be noted that the plan-matrix, which, as mentioned above, has not been finally approved, identified necessary financial resources and their sources.
7. Are monitoring mechanisms in place to follow-up implementation? If yes, is the Action Plan implementation regularly and officially monitored through these mechanisms?			x	<p>The monitoring is carried out by the office of the State Minister on European and Euro-Atlantic Integration on the basis of the information submitted by individual ministries. Monitoring reports are presented to European Commission bi-yearly.</p> <p>Committee for European Integration of Georgian Parliament is hearing the government report at its public sitting.</p> <p>European Commission, on its side, prepares its progress report annually.</p> <p>It should be mentioned that no public discussions of government or the EC reports, to identify strengths and weaknesses and to consider them in future planning are taking place.</p>
<i>Institutional Aspects</i>				
8. Within the Ministry of Foreign Affairs has a department on cooperation/integration with the EU been set up?	x			<p>Governmental Commission on Georgia's Integration in the EU, headed by Georgian Prime-Minister is set up; State Minister on European and Euro-Atlantic Integration and Minister of Foreign Affairs are his two deputies. The Commission includes all the Ministers. There is also inter-agency council composed of representatives of all the ministries.</p> <p>State Minister on European and Euro-Atlantic Integration coordinates implementation of the European Neighbourhood Policy Action Plan. Departments for European Integration and Department for European Issues function within the Ministry of Foreign Affairs.</p>
9. Have government officials received training on cooperation/integration with Europe?		x		Staff of the State Minister on European and Euro-Atlantic Integration office, as well as representatives of other ministries receive trainings on different aspects of European Neighbourhood Policy. Trainings are usually organized by different European institutions as well as by member states' governments. .

10. Does the Government provide information to the public on cooperation policy and activities with the EU?			x	<p>There is a website of the Office of State Minister on European and Euro-Atlantic Integration, where the information on the office activities can be found;</p> <p>Twice a year Georgian government holds high level meetings to discuss the progress in implementation of the Action Plan. These meetings are, in principle, open for NGOs.</p> <p>In first semester of 2013 Georgian the Government started to work on Georgia's European Integration Communication and Information Strategy that is expected to be adopted soon.</p>
11. Does the Government monitor regularly and officially the Action Plan's implementation?			x	<p>Georgian government presents reports on Action Plan implementation to European Commission bi-yearly; However, in the absence of a specific time frame and indicators, these reports are ineffective; Often the ministries' information about their activities is not true.</p>
<i>Cooperation in the field of the environment</i>				
12. If a policy instrument has been adopted for the implementation of the Action Plan, does it describe specific actions and deadlines for achieving environmental objectives?			x	<p>In the above mentioned plan-matrix of 2007-2010 (which has not been approved) specific actions and deadlines for achieving environmental objectives were defined.</p> <p>Georgian Ministry for Environmental Protection and Natural Resources drafts annual action plan and presents it to State Minister on European and Euro-Atlantic Integration.</p> <p>In 2012 National Environmental Action Programme for 2012-2016 was adopted (see Objective 4 below).</p>
13. Do legislative programming instruments provide for the adoption of the legislation necessary for the implementation of the environmental objectives of the Action Plan?			x	<p>The action plan provided for adoption of legal documents in certain areas, since no objective could have been achieved otherwise. However there is no work plan in place, which would set deadlines and ensure the adoption and implementation of legislative initiatives necessary for the Action Plan implementation.</p>

<p>14. Does the working programme of the Ministry in charge of the Environment provide for the adoption of legislation necessary for the implementation of the environmental objectives of the Action Plan?</p>			x	<p>Annual action plans always contain a list of legal acts to be adopted, including the international ones. It should be noted however that during 2007-2012 in the field of environmental protection and sustainable development none of the new conventions, laws, strategies or policies required under the ENP Action plan were adopted. Meanwhile, number of amendments introduced in the legislation made compliance with EU environmental acquis even more problematic. In addition, in spring 2011, unplanned full reorganization of the Ministry of Environmental Protection and Natural resources significantly weakened the ministry.</p> <p>In all annual action plans of 2007-2012, ratification of UN ECE Conventions were considered as a priority. According to the plans, ministry planned ratification of UN ECE Conventions, including Convention on the Protection and Use of Transboundary Watercourses and International Lakes, Convention on Environmental Impact Assessment in a Transboundary Context and Convention on the Transboundary Effects of Industrial Accidents. None of these conventions were ratified.</p> <p>For implementation of Johannesburg commitments, Ministry of Environmental Protection in annual action plans committed to: introduce forestry sector reform; create geoinformation system of natural resources, to ensure electronic licensing system and attraction of new investors for new licencing objects; introduction of new models for environmental damage compensation.</p> <p>It should be stressed that, by its content, none of these actions were designed for environmental protection; they were designed in a way to achieve fiscal effects for state budget. In addition, in case of forestry, the electronic tools for the enforcement introduced in a sector in 2011-2012, were fully abolished in September 2012, prior to parliamentary elections.</p>
<p>15. Are the adopted documents implemented?</p>			x	<p>In some cases certain work has been done; for instance, draft laws or authentic texts in Georgian of international conventions are prepared, but nothing indicates that these documents will finally reach the phase of endorsement/adoption.</p>
<p>16. Are the necessary financial resources regarding the environmental aspects of the Action Plan available and effectively allocated?</p>			x	<p>It is usually through donors' support that environmental aspects of the Action Plan are implemented; in other words, measures which have already been agreed upon with donor organizations are usually reflected in the plan.</p>
<p>17. Are monitoring mechanisms in place and used to follow-up implementation on environmental issues?</p>			x	<p>Ministry of Environmental Protection and Natural Resources provides certain information on its activities to the Office of State Minister on European and Euro-Atlantic Integration. However, often this information is vague and not true, or is outdated. The information provided in progress reports during recent three years is almost identical, hence no progress can be detected.</p> <p>The EC progress reports usually identify the problems in the area of environment, but they do not suggest the priority actions to be conducted by the Georgian Government.</p>

<i>Country-specific questions</i>				
18. Does national legislation need to be harmonized with EU legislation?			x	Article 43 of the Partnership and Cooperation Agreement between the European Union and Georgia provides that Georgia commits itself to harmonization of its legislation with that of the European Union. In accordance with 14 June 2001 Decree No.613 of President of Georgia “The Strategy of Harmonization of Georgian Legislation with that of the European Union” was developed and on 8 <sup>th</sup> May 2004 Georgian government endorsed “National Program of Harmonization of Georgian Legislation with that of the European Union”.
19. Is there the European Integration Strategy and Action plan in place?			x	Taking into account, that Georgian government, at the political level, declares integration with EU is its main priority, Georgia must develop European integration strategy and action plan.
20. Has national environmental legislation been harmonized with that of the EU after signing the Action Plan?			x	No steps have been taken in this regard during 2007-2012. Even regression can be observed in certain areas; such examples include: EIA regulating legislation, reorganization of the Ministry of Environmental Protection, abolishment of Inspectorate for Environmental Protection, legal changes that made it possible to conclude agreement among the offender and the state (see reference1 of Objective 7 below)
<b>Overall assessment</b>				
<b>Overall assessment:</b> Score of 0 to 60 (3x number of questions)	22			
<b>Total Score</b> = % of maximum score obtainable	36.7			
<b>Comments, explanation and recommendations regarding the overall assessment:</b>				
<p>Georgia still aspires to integrate with the EU and to finally become a member of the bloc, and this serves as a red line in all political negotiations. The conclusion of negotiations on Associated Partnership Agreement, including Deep and Comprehensive Free Trade Agreement (DCFTA), is good example of its aspiration. However, it is clear that the aspirations are translated only at political level. Georgia does not use all the potential to implement EU-Georgia ENP Action Plan. The national parliamentary elections of 2012 have been assessed as an important test of democracy for the country – according to international observers, Georgia passed this test successfully.</p> <p>The main reasons for the problems related to implementation of EU-Georgia ENP Action Plan are rested in absence of strategic instrument (matrix, indicators) and adequate monitoring mechanisms. The revision and analysis of 2007-2012 annual plans and the reports makes possible to conclude that line ministries plan and report not in accordance with ENP Action Plan’s content and priorities, but they rather try to adapt already planned activities to various commitments of the Action Plan, and sometimes even incorrectly.</p> <p>The monitoring mechanisms were inadequate due to non-existence of instrument and indicators, from one side and understaffing of State Minister for EU Integration, on the other. Rare parliamentary hearings do not ensure fruitful discussions on the important issues, due to the scale of the issues, as well as due to the superficial attitude of EU Integration Committee to the issues.</p> <p>The reforms undertaken in environmental and sustainable development sector were inconsistent and did not ensure implementation of priorities underlined by ENP Action plan, including required harmonisation with EU aquis. The analysis of annual action plans and reports of the Ministry of Environmental Protection makes it clear that the ministry’s attitude towards implementation EU Action Plan was formal; in addition ministry often reported incorrectly and provided unverified information both to State Minister of European Integration as well as to the public.</p>				

## Objective 2

### Assessing the level of EU commitment

This objective is not linked to specific provisions of the Action Plan, except where it concerns EEA activities. Its aim is to present a general overview of the EU's commitment to supporting the neighbouring countries in their implementation of the ENP agreements and associated Action Plans.

**Relevant text in the Action Plan:**

Enhance co-operation on environmental issues; Possible participation in selected European Environment Agency activities.

#### Evaluation

Question	Yes			No	Notes
	3	2	1	0	
<i>EC support to civil society actors</i>					
<p>1. How active is the EC in communicating and supporting civil society actions? In particular, in your activities, are the delegation officials easily accessible and ready to share information? Has the EC set up a capacity-building system and/or information mechanisms for civil society actors?</p>	x				<p>EC Delegation in Georgia has grant programmes to strengthen civil society sector in Georgia. It does not have specific capacity building programs.</p> <p>The delegation facilitates communication and meetings among representatives of non-governmental organizations and different institutions and missions of the EU.</p> <p>It can be asserted that EC actions at all levels have become more transparent; as a rule it is possible to obtain information, relevant contacts or documents about any funded project.</p>
<p>2. How active is the EC in involving civil society actors in the preparation and adoption of programs, reports, etc.?</p>		x			<p>Georgian non-governmental sector and the EC Delegation have the experience of successful cooperation, owing, in a great deal to the openness of the Delegation staff.</p> <p>Good example of the progress in this field is the fact that the EC held formal consultations with civil society actors and took notes of their comments on the Action Plan implementation and on indicative plan mid-term review process.</p> <p>In 2011-2012 the consultations continued on implementation of 2010-2013 indicative plan; the delegation actively involved NGOs in preparation of Single Support Framework document for 2014-2020.</p> <p>When it comes to sectoral support, civil society actors, in some cases, participate in so called coordination councils, e.g. in Justice Sectoral Support Program, which is also a step forward.</p> <p>It is expected that adoption of the new regulation on European Neighbourhood Instrument by European Parliament will ensure involvement of CSOs in planning and implementation processes, and would lay foundation for partnership approach.</p>

ENPI				
<p>3. Do projects funded by ENPI address the needs of your country in order to implement the environmental objectives of the Action Plan?</p>		x		<p>2007-2009 National Indicative Plan did not identify environment as priority sector.</p> <p>In 2010-2013 National Indicative Plan environment and sustainable development were identified as sub-priority within main priority of regional development and fighting poverty, which should be welcomed. This allows to address environment as an integrated, not a separate issue.</p> <p>As a consequence, the Regional Development Budget Support Program funded by the EU and Regional Development Strategy for 2010-2017 includes environmental objectives, including with regard of environmental infrastructure and sustainable development.</p> <p>In 2011 Agriculture Budget Support Program preparation has started; the agriculture strategy was elaborated and in January 2013, the agreement was reached on first trench.</p> <p>Regional indicative plans and transboundary programs include development of trans-European energy networks in the region as well as fulfilment of environment objectives. In East Regional Indicative Plan sustainable management of natural resources, including water is stressed.</p>
<p>4. Do the environmental projects funded by ENPI under the current annual programming address satisfactorily the environmental priorities set by your country for implementing the Action Plan?</p>			x	<p>Those are only cross-border programs, and some of the regional programs designed to address environment objectives, and this on regional rather than national level.</p>
<p>5. Does the share of ENPI funds allocated to environmental projects under the country programme reflect the importance of the environmental objectives of the Action Plan?</p>			x	<p>The funds allocated under the country program reflect certain priorities of the Action Plan in the context of regional development. On 14 November 2011 the EU commenced Euro 19 million Regional Development budget Support Program. On 28 August, 2012 EU allocated Euro 60 million for Agriculture development Budget Support Program for Georgia.</p>
<p>6. Is ENPI funding for environmental projects available for civil society in the country? If yes, is it easily accessible (e.g. amount of grants and co-financing required, procedure, etc.)</p>			x	<p>Only thematic environmental program is available to NGOs. This is a global program, however, which makes it difficult to assess its accessibility or effectiveness.</p> <p>Amount of grants, co-financing and coincidence of program priorities with the country's priorities are the problems, which civil sector faces.</p>

<i>EEA Activities</i>					
7. Has the region been supported by the EU (including financially) to participate in EEA's activities? If yes, has the country benefited from this program (e.g. capacity-building, data collection)?				x	
<i>Bilateral cooperation</i>					
8. Is some form of bilateral cooperation with EU Member State(s) in place with your country in the field of the environment?	x				Georgia cooperates with several countries in the field of environment; among them are Finland, The Netherlands and Germany.
9. If yes, do projects funded by the Member State(s) address the needs of your country in order to implement the environmental objectives of the Action Plan?		x			
<i>Country specific questions</i>					
<i>EU Sectoral Budget Support Programs and Environmental Protection</i>					
10. Has civil society been involved in preparation of sectoral strategies under EU Sectoral Budget Support Programs?		x			In case of sectoral budget support programming process, the degree of civil society involvement during preparation of diagnostic studies and elaboration of strategies was quite high. However, the approaches used varied on a case by case bases. For instance, in case of preparation of regional development strategy CSOs' involvement was higher than during preparation of agriculture development strategy; this had naturally had an impact on the quality of the documents.  Furthermore, degree of public involvement reduced at later stages of programming, for instance, in case of preparation of regional development plans that were developed for each Georgian region. In some cases the plans become public only after parliamentary elections of 2012.
11. Has the civil society been involved in preparation of annual action plans, regional development plans and other documents prepared under the Budget Support Programs?			x		The preparation of annual action plan represents the sole responsibility of line ministries. During 2011-2012 during preparation of these plans the level of involvement of CSOs was very low. Since October 2012, both, Ministry of Agriculture, as well as Ministry of Regional Development and Infrastructure changed their approaches and actively involved CSOs in preparation of annual action plan for 2013.

12. Is information available for civil society and local communities regarding the projects implemented by the State under the Sectoral Budget Support Programs?			x	<p>In a number of the cases, it was quite difficult to have access to the information regarding specific projects. This was mostly the case with the water infrastructure rehabilitation projects carried out by the Municipal Development Fund in 2010-2012. For instance, Georgian Civil Society Development Association from Tetritkaro had to apply to the European Investment Bank in Luxembourg to receive information on the project and establish communication with project implementing company. It is noteworthy that the Municipal Development Fund often substantiated refusal to release the information by the fact that the projects were financed by international financial institutions and therefore the information was confidential.</p> <p>Ministry of Regional Development and Infrastructure made statements regarding the plans for development of landfills in different regions of Georgia; however, in case of information requests no information was provided to civil society organizations.</p>
13. Is local population involved in decision-making processes related to specific ongoing projects under the Sectoral Budget Support Program?			x	<p>Since access to information was quite problematic, involvement in decision-making was even more problematic. In order to ensure involvement in decision-making processes, local communities were often using direct actions as the major communication tool with central and local governments. There were number of the problems related to water infrastructure projects implemented in the regions. Provision of population with safe drinking water during 24 hours is still problematic in almost all the settlements where water rehabilitation projects took place.</p>
14. Was donor assistance transparent and coordinated within the Budget Support Sectoral Programs and to what extent?			x	<p>In general, donor coordination was quite effective. For instance, regional development was one of the major priority areas for Asian Development Bank, European Bank for Reconstruction and Development, European Investment Bank and KfW. However, it is important to increase transparency of donor funded projects, ensure involvement of local organizations in monitoring and evaluation of projects and etc. In addition, frequent changes of state priorities and development of instant projects (such as Lazika) creates problems for targeted use of already allocated funds by donors (e.g. problems with disbursement of funds by KfW for Kazbegi National Park).</p>
<b>Overall assessment:</b> Score of 0 to 27 (3x number of questions)	22			
<b>Total Score</b> = % of maximum score obtainable	52			
<b>Background information</b>				
<b>Question</b>	<b>Notes</b>			
What is the share of ENPI funds allocated to environmental projects under the previous country annual programming?	The budget support in 2011 and 2012 was allocated for regional development (Euro 19 million) and agricultural development (Euro 60 million) which included improvement of environmental infrastructure; It is difficult to state how much will go directly for environmental projects.			

<p>What is the planned share of ENPI funds allocated to environmental projects under the current country annual programming?</p>	<p>Full information on the funds is not available because there is no due reporting on disbursed amounts. This, however, does not mean that there are no funds allocated. There are number of web-sites, including EC and EC-funded projects that provide some information on different project funds. However, there is a need to have a data in easily accessible and user friendly manner.</p>
<p>Environmental projects from which your country benefited under the previous annual ENPI programming and their amounts. If possible break down into country, regional, and CBC programmes.</p>	<p>According to information available at the EU Delegation web-site, about Euro 20 million have been spent for environmental protection projects in 2010, mainly for climate change, nature protection, waste management, water and air protection, and prevention of natural disasters.</p>
<p>Same as above, for current annual ENPI programming.</p>	<p>One of the main priorities of 2007-2013 ENPI regional action plan was „Improving Forest Law Enforcement and Governance (FLEG) in the ENP East countries and Russia”, under which Euro 6 million was allocated. It is difficult, though, to ascertain how much of this amount is being spent in Georgia.</p>
<p>Projects with potential damaging impacts for the environment under the previous annual ENPI programming and their amounts. If possible break down into country, regional, and CBC programmes.</p>	<p>Allocation of Euro 8.5 million by Neighbourhood Investment Facility for Tbilisi bypass railway project was problematic. Though the financing was designed to mitigate negative environmental impacts that the railway construction may entail, the problem was that Facility was planning to finance extremely controversial project without any prior public discussions or consultations. At the end of 2011 Georgian railway refused to take the EBRD allocated loan. As a result, on 16march 2012 the NIF operational board decided to stop funding of Tbilisi railway project.</p>
<p>Same as above, for current annual ENPI programming.</p>	
<p>projects from which your country benefited under the previous annual programming under the thematic programme for the environment and sustainable management of natural resources, including energy (ENRTP). Their amounts.</p>	
<p>Same as above, for the current annual programming.</p>	
<p>Does your country benefit from capacity building and technical assistance programmes (e.g. TAIEX, twinning, participation in EEA activities) in order to address environmental issues in the country?</p>	<p>In recent years the EU allocated around Euro 35 million for meeting environmental objectives in Georgia through national and regional funding lines. The funding involved actions against climate change and natural disasters, improvement of waste, water and air management, nature protection, as well as environmental awareness raising.</p> <p>In 2012 Ministry of Environmental Protection started twinning program in waste management. Number of regional programs addressed issues of air quality, water protection, climate change and natural disaster.</p>

**Comments, explanation and recommendations regarding the overall assessment:**

The role of the EU in prioritization of environment has significantly increased for recent four years. This, on the one hand was due to the implementation of a range of regional programs and on the other, preparatory period before starting negotiations on extended and deep trade agreement between Georgia and the EU. Besides, as it was mentioned above, about Euro 35 million was spent for environmental projects since 2010, which played its positive role in demonstrating to Georgian Government the importance of environmental protection.

Generally, the procedures of information dissemination by the EU, as well as routine publication of the documents on different projects and programs have improved. The same could be said about dissemination of special information materials about programming, the news and EU processes, etc. Specially designed websites, such as [www.enpi-info.eu](http://www.enpi-info.eu) and others should also be noted. The projects have improved publication of their information on special websites.

As most of the funding is designed for so called budget support it is essential that the EC more actively involves civil society in project preparation (e.g. development of indicators) and project implementation processes, recommends civil society actors to so called joint monitoring groups.

It is also important that all the agreements concluded among the Georgian government and the European Commission, donor countries or international organizations are published routinely.

It should be noted that in 2008-2009 Ministry of Finance of Georgia regularly published the information (charts) regarding international funding following the events of August 2008 and international agreements including those with the EU; After June 2010 the agreements are no more available on the Ministry's website. It should be kept in mind that the more transparent are the relations between the EU and the recipient country, the easier will be monitoring of agreement.

**Objective 3**  
**Ratifying environmental international Conventions and Protocols**

**Relevant text in the Action Plan:**

Enhance co-operation on environmental issues; Implement provisions under the Kyoto Protocol and the UN Framework Convention on Climate Change including through the active cooperation under the Clean Development Mechanism.

Participate actively in the Danube – Black Sea Task Force and the Black Sea Commission to implement a trans-boundary approach to water management; ensure active participation in the Eastern European, Caucasus and Central Asia component of the EU Water Initiative.

Ratify relevant UN-ECE Conventions on the environment.

**Evaluation**

Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Adoption of an international agreement</i>					
1. Has the convention/ agreement/protocol been ratified since signing the AP?				x	Unfortunately, Georgia has not ratified any new environmental conventions, agreements or protocols during 2010-2012, including the UNECE conventions as it was required by EU-Georgia ENP Action Plan.
2. If not, has the Government taken steps to initiate the ratification procedure?				x	
<i>Implementation of the international agreement</i>					
3. Has legislation been adopted or adapted to implement the requirements of the international agreement? If yes, does it address satisfactorily the obligations set out in the agreement?				x	
4. Have other steps been taken to implement the international agreement?			x		Some steps have been taken to implement the Convention on Climate Change; otherwise practically no progress can be observed.

<p>5. Is there a reporting system for the implementation of the international agreement in place in your country? If yes, has the country already reported on the implementation of the agreement?</p>			x		<p>There is no unified reporting system for the implementation of the international agreements in place. Ministry of Environmental Protection is reporting in accordance with the reporting requirements established under the conventions. According to recording obligations database, ROD (<a href="http://rod.eionet.europa.eu">http://rod.eionet.europa.eu</a>) Georgia does not timely reports to all relevant conventions.</p> <p>From time to time these reports are made publicly available, for example, at the end of 2010 progress report on implementation of UNECE Aarhus convention on access to information, public participation in decision-making and access to justice in environmental matters was prepared. The draft report was available for public discussion.</p>
<p>6. Does the competent authority (focal point) have enough resources and competence to take measures for the implementation of the agreement?</p>			x		<p>Usually, a medium or high level official of Ministry of Environmental Protection is appointed as focal point for one or another convention.</p>
<i>General questions on international agreements</i>					
<p>7. Has the country committed to ratifying other environmental Conventions and/ or agreements not mentioned in the Action Plan?</p>		x			<p>25 September 2008 Cartagena Protocol on Biosafety was ratified. On 31 December 2008 the Bern Convention on the Conservation of European Wildlife and Natural Habitats was ratified.</p>
<p>8. When relevant, was the country found to be in non- compliance with any of the international agreements adopted, and in particular, by treaty bodies?</p>				x	<p>This has never happened.</p>
<b>Overall assessment</b>					
<p><b>Overall assessment:</b> Score of 0 to 24 (3x number of questions)</p>	5				
<p><b>Total Score</b> = % of maximum score obtainable</p>	20.8				
<p><b>Comments, explanation and recommendations regarding the overall assessment:</b></p> <p>During 2007-2012, Georgia has not ratified any new environmental conventions, including the UNECE conventions, as it was required under EU-Georgia ENP Action Plan.</p>					

<b>Objective 4</b>					
<b>Developing plans and programmes for the environment</b>					
<b>Relevant text in the Action Plan (including any specific plans or programmes identified):</b>					
Develop framework legislation and basic procedures and ensure planning for key environmental sectors, air quality, water quality, waste management, nature protection.					
Implement existing national plans and programmes (e.g. on integrated coastal zone management, forest management, and water management).					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Preparation and adoption</i>					
1. Have relevant plan(s) or programme(s) been prepared since the AP was signed?		x			<p>On 24 January 2012 the second <b>National Environmental Action Programme (NEAP) for 2012-2016</b> was approved by the Georgian government (order #127); the first NEAP for 2000-2004 was approved in 2000 and only in 2012 adoption of the second programme was made possible.</p> <p>In the previous assessment it was mentioned that in 2007 the Ministry of Environmental Protection and Natural Resources finalized preparation of the second NEAP for 2008-2012 (it was prepared with the UNDP assistance). In the end, the document was not adopted due to the criticism towards the methodology and the contents of the document, also absence of formal procedures for reviewing and adoption of the document. In 2010, this time with financial support of the Netherlands' government, the ministry continued working on second national programme and finally the programme for 2012-2016 was approved in 2012.</p> <p>To achieve 2020 objectives agreed on the Tenth Conference of Parties of the Convention on Biological Diversity, in 2011 elaboration (updating) of <b>the second National Biodiversity Strategy and Action Plan</b> has commenced. It is expected that both documents will be finalized in 2013.</p> <p>In 2011 the project designed for the improvement of waste management sector was launched with the EU financial assistance. The project implies, among other activities, development of a <b>national strategy and action plan for waste management</b>. By this time development status of these documents is not clear.</p> <p><b>Waste Management Strategy and Action Plan for Kvemo Kartli region</b> was finalized in the reporting period. The documents were developed with financial assistance of the EU. The strategy is designed for 15 years (2015-2030).</p>

2. Have these plan(s) or programme(s) been officially adopted at ministerial or government levels?	x			<p>None of the documents mentioned in previous assessment (national strategy and action plan for protected areas, action plan for persistent organic pollutants (POPs), strategy for integrated coastal zone management, national forest policy) except <b>the second NEAP</b>, have been formally approved.</p> <p>It should be noted that in 2011 the framework Law on Environmental Protection of 1996 was amended to clarify the national authority entitled to approve a national environmental action programme (prior to 2011 amendment, the law included only general provision stating that reviewing of the draft programme and its approval shall be done in accordance with the rules defined under the Georgian legislation). According to 2011 amendment, the government is entitled to approve the national programme.</p> <p><b>Waste Management Strategy for Kvemo Kartli region</b> was endorsed by the self-governance units of the region (Rustavi, Gardabani, Bolnisi, Dmanisi, Tetrtskaro, Tsalka); The memorandum of understanding was concluded among the municipalities to implement the strategy.</p>
<i>Process</i>				
3. Did ministries in different sectors e.g. transport, industry, energy, health, play an active role in preparing the plan(s) or programme(s)? In particular, did the Ministry of the Environment play a significant role in the development of the plan(s) and programme(s)?			x	<p>The process of developing of all the above mentioned strategies, programs and plans was led by Ministry of Environmental Protection and National Resources, with the assistance of external experts and the donors' financial support.</p> <p>To date Georgian legislation does not provide for the procedures for developing and adopting national, regional and/or sectoral strategies, plans and programs. In general, no legislation to regulate the planning is in place.</p> <p>There is certain practice of circulating draft strategies/programs/plans among different authorities occasionally followed by consultative meetings. Hereby it should be mentioned that the interest to such documents is usually not very high, because they are almost never approved (permanently postponed, rather) and even if they are approved, are seldom implemented. This happens due to uncertainty with regard to their legal status and their place in the budgetary system. Lack of interest on the side of public authorities and other stakeholders may also be attributed to low sense of ownership at the ministries responsible for developing such documents.</p>
4. Did local and regional governments play an active role in preparing the plan(s) or programme(s)?			x	<p>The practice of involvement in developing strategies, programs and plans does not always apply to local governments. Local governments are seldom invited to participate in preparatory processes, neither are they asked the opinion.</p>
5. Did society stakeholders in different sectors (environmental NGOs, industry, others) play an active role?			x	<p>In general, different stakeholders play some role, but their participation is rather sporadic.</p> <p>As for the second NEAP, the Ministry of Environmental Protection and Natural Resources made certain efforts to involve stakeholders, however those efforts were insufficient.</p>

<i>Content</i>				
6. Do(es) the plan(s) or programme(s) clearly define responsibilities for their implementation?			x	Seldom. Even if they do, it would be difficult to understand how binding are the obligations provided in the plans and documents due to uncertainty of their legal status.
7. Do(es) the plan(s) or programme(s) include a clear and realistic financial plan that identifies resources, requirements and ways of meeting them?			x	Seldom. If they include financial plans, then these plans are more focused on donors' support than mobilizing budgetary resources.
8. Do(es) the plan(s) or programme(s) set priorities for action?			x	They do, in some cases.
9. Do(es) the plan(s) or programme(s) provide monitoring and evaluation mechanisms?			x	They does not, as a rule. The second NEAP defines indicators for each activity included in the programme; this will make possible for any interested person to check in 2016 if specific activities were implemented and objectives were achieved. However, the programme does not contain any mechanisms for monitoring and evaluation of implementation.
If so, are the monitoring systems in place? If yes, are these being used?				The question is not relevant for Georgia
<i>Implementation</i>				
10. Have steps been taken to implement the plan(s) or programme(s)?			x	Since second NEAP does not provide monitoring and evaluation mechanisms it is difficult to judge if activities under the NEAP are being implemented as planned. There is no practice of public reporting on progress in implementation of programmes / plans / strategies (to say nothing of legally binding requirements). In addition, after 2012 parliamentary elections it is not clear if priorities under second NEAP will be shared by the new government.
11. Have the planned resources been allocated?			x	It is not clear, if planned resources have been allocated. The second NEAP does not define precisely what are the resources required for implementation of the programme. See also note to the question 3.

<b>Overall assessment</b>		
<b>Overall assessment:</b> Score of 0 to 27 (3x number of questions)	10	
<b>Total Score</b> = % of maximum score obtainable	30.3	
<p><b>Comments, explanation and recommendations regarding the overall assessment:</b></p> <p>As is evident from the above information, plans and programs have been developed in certain areas for recent years. Though, it remains unclear, what their role in overall national planning system would be, partly because these plans and programs are never formally approved/endorsed; the same explanation can be applied to lack of the sense of ownership among the authorities, who are supposed to use plans or programs as a guideline in their activities. Lack of the sense of ownership in different public institutions, on its side, causes lack of public interest to the documents in the process of preparation. As a result limited, but still the opportunity of public participation in the decision-making is lost. Frequent change of governmental priorities, as well as changes of leadership in the authorities also results in lack of a sense of ownership.</p> <p>Public and/or interested parties' involvement in the development of plans and programs remains problematic. Transparency and participation are ensured, to certain extent, only when programs are implemented with the support of donors or international organizations. Though Georgia joined Aarhus Convention already in 2001 and it takes precedent validity with respect to national regulatory documents, transposition of its provisions into national legislation never took place. Accordingly, due to absence of specific procedures on access to information and participation in the decision-making, the requirements of Article 7 - public participation concerning plans, programs and policies relating to the environment - cannot be fulfilled.</p> <p>The situation could be partly improved by passing the law on environmental planning. Developing and passing of this law should have taken place immediately after the adoption of framework-law on Environment Protection in 1996; one of the articles of the latter sets out general norms of environmental planning, which should have been further itemized in the specific law.</p>		

<b>Objective 5.1</b>					
<b>Promoting the adoption of environmental legislation (water sector)</b>					
<b>Relevant text in the Action Plan:</b>					
Develop framework legislation and basic procedures and ensure planning for key environmental sectors, air quality, water quality, waste management, nature protection.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>General</i>					
1. Has the required new legislation or amendment to legislation been adopted?				x	As it was mentioned in the previous report, the draft framework law on water was prepared <sup>1</sup> , however, it was not subject to public discussions during reporting period, neither has it undergone procedures necessary for parliamentary approval.  Important legal changes were introduced during reporting period which have worsened environmental legislation and weakened environmental safeguards, among them, including in the water sector (20 March 2012 Law on Introducing Changes in Certain Legal Acts is meant here); Please, refer to footnote 1 for the Objective 7 (reinforcing structures and procedures to carry out EIA).
2. Have the main principles and features of the relevant EU legislation been well identified?		x			National Harmonization Program identifies the EU directives, which Georgian legislation on water should be harmonized with.  Convergence plan for Georgian water sector was prepared within EU financed "Cooperation for protection of Black Sea environment" project.
3. Has a satisfactory analysis of the relevant national legislation and institutional arrangements been conducted in order to determine to what extent it integrates the EU principles and features?		x			Analysis of Georgian water legislation and institutional framework was conducted within the EU project on "Cooperation for protection of Black Sea environment" in order to identify to what extent is it in line with EU legislation. On the basis of this analysis Convergence plan for Georgian water sector was developed.
4. Has a satisfactory economic assessment of implementation costs been carried out?				x	
<i>Legislation or draft legislation content</i>					
5. Have all the terms been clearly defined in line with EU definitions?			x		There is a range of terminological inconsistencies <sup>3</sup>
6. Are the rights and obligations of those to whom the legislation applies clearly defined?			x		The existing legislation, in a number of cases, does not strictly separate or clearly define the functions of national authorities, authorities of autonomous republics and local governments, for instance, in the field of control of water use and protection.

7. Are the different provisions of the legislation consistent with each other?			x		Recent changes and amendments to Georgian water legislation were incomplete and fragmented, which led to inconsistency and contradictions of the law.
8. Are the provisions of the legislation consistent with other related legislation (e.g. the Framework Law on Environment Protection)?				x	As a result of recent reforms the water legislation became absolutely inconsistent with existing licensing and permitting system, Georgian tax code and other sectoral laws.
9. If not, have amendments necessary to ensure such consistency been adopted or prepared for adoption?				x	No necessary amendments have been adopted.
10. If the full implementation of the legislation necessitates the adoption of secondary legislation, are such measures likely to be adopted on time?				x	According to the Law on Water in force, some 26 by-laws should have been adopted, but these by-laws are not even drafted.
<b>Water legislation (Water Framework Directive)</b>					
11. Does the legislation provide for a river basin approach?				x	The draft law provides for it.
12. Is the process of identifying river basin districts (RBD) clearly set up?				x	
13. Have RBDs been set up?				x	River basins or river basin districts have not been formally identified as basin management units, though certain recommendations within different projects were proposed.
14. Are satisfactory administrative arrangements provided within each RBD?				x	
15. Is coordination between the competent agencies properly ensured?				x	

16. Do appropriate cooperation procedures and structures exist for cooperation with other countries when RBDs extend beyond the territory of the country?				x	
17. Does the legislation provide for river basin management plan, including a programme of measures to ensure achievement of good water status?				x	
18. Does the legislation provide for public consultation for the development of river basin management plans?				x	
19. Does the legislation provide for the classification of water bodies in line with the classification set up in the WFD?				x	Georgian water legislation, unlike respective EU legislation does not provide for classification of water bodies in accordance with ecological status. <sup>4</sup>
20. In this case, does it provide for the designation of water bodies according to this classification?				x	
21. Does the legislation provide for and define environmental objectives?		x			The existing legislation aims at protection of water bodies and water resources management in accordance with sustainable development principles. <sup>5</sup>
22. Are water quality objectives already set up by EU legislation integrated in national legislation?				x	Only drinking water quality objectives have been updated. <sup>6</sup>
23. Are emission limit values already set in EU legislation integrated in national legislation?				x	Environmental technical regulations have been adopted. <sup>7</sup>

24. Does the legislation provide for prior authorisation or regulation with emission controls for point source discharges?			x		This is regulated by the Environment Impact Permit, though existing permitting system is ineffective and needs to be improved.
25. Does the legislation provide for prior authorisation for abstraction and recharge of surface and groundwater?			x		Use of groundwater is regulated by the license for mining.
26. Does the legislation prohibit the direct discharge of dangerous substances into groundwater?	x				There is no direct provision for it in the legislation, though it is provided by Georgian Law on Minerals and Law on Water.
27. Does the legislation provide for measures to prevent or control diffuse pollution?				x	There are virtually no mechanisms to control diffuse pollution.
28. Does the legislation provide for water monitoring programmes?			x		National Environmental Agency conducts regular monitoring in accordance with the approved plan. However, so far there are no monitoring programs with set deadlines in Georgia, which would fit the requirements of the EU directives. <sup>8</sup>
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 84 (3x number of questions)		17			
<b>Total Score</b> = % of maximum score obtainable		20.2			

**Comments, explanation and recommendations regarding the overall assessment:**

No significant changes in the water sector legislation directed at its improvement have been introduced during reporting period (2011-2012), as well as, in general, during entire AP implementation period. Although a new draft water law was developed, as well as based on the analysis, necessary measures for approximation of the Georgian legislation with that of the EU were identified, the Ministry of Environmental Protection / the Georgian Government did not show any interest and neither made any effort to adopt the draft law or to implement other necessary measures. The new management team of the Ministry of Environmental Protection (which runs the ministry after 2012 parliamentary elections) plans to submit the draft water law to the parliament during 2013.

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*(1) Georgian water legislation is fragmented and often contradictory. It does not provide for application of international methods of water management, like integrated management of water resources on the basis of basin management unit. The Law on Water is practically invalid as it is inconsistent with existing environmental licensing and permitting system, Georgian Tax Code and other sectoral laws.*

*New draft framework law on water is ready now. Unlike existing law, new framework law covers all types of water bodies, including groundwater. It provides for both quantitative and qualitative aspects of water, ensures water management based on river basins and other aspects of integrated water management. Adoption of this law would be a major progress in terms of bringing Georgian legislation into line with respective EU legislation. No public discussions on the draft law have been offered yet, the government has not discussed it either and therefore it earned the score 1.*

*(2) December 2009, in coordination with Ministry of Environmental Protection and Natural Resources, Georgian Water Sector Convergence Plan was developed within legislative component of the EU project "Cooperation for the protection of Black Sea environment". This is a guideline document to bring Georgian water legislation in line with appropriate EU directives. It contains appropriate action plan and implementation deadlines. With consideration of priorities, needs and resources of Georgian water sector and the pledges within the ENP, four priority directives were selected for the convergence plan: water framework directive (2000/60/EC); directive on assessment and management of flood risks (2007/60/EC); bathing water directive (2006/7/EC) and directive on urban wastewater treatment (91/271/EEC).*

*(3) Terminology used in Georgian water legislation is not in line with definitions of EU water directive. For example, there is no definition or is wrong interpretation of such terms as inland waters, transient waters, modified water bodies etc. in Georgian legislation. Besides, there are no definitions for water status, e.g. good water status (surface waters and groundwater); ecological status; groundwater status; priority substances, direct discharge into groundwater; good chemical status of surface water and groundwater; available groundwater resources; river basin, sub-basin, basin district, etc. Most of these terms are included in new draft law.*

*(4) European legislation provides for classifying water bodies by their ecological status. For example high, good and medium ecological status is set for surface waters Quantitative and chemical status are set for groundwater. Status for each type of water body is established on the basis of the content of biological, hydro-morphological, physical, chemical and other elements. Georgian legislation in force does not recognize such classification system. However, new draft law on water includes such concepts as water status and ecological status.*

*(5) Georgian Law on Water aims at protection of water bodies and water resources management based on sustainable development principles. It should be noted that unlike European water legislation, Georgian legislation is not task-oriented or result-oriented. No specific, feasible tasks are set forth; e.g. to ensure good status of water within specific timeframe.*

*(6) Georgian legislation provides for qualitative standards for water of which only qualitative standards for drinking water have been streamlined in accordance with international standards.*

*(7) Emission limit values are set in Georgian legislation and they are calculated on the basis of qualitative standards of water status. Emission limit values for the enterprises that need Environment Impact Permit are established in the process of environmental impact assessment. Enterprises that do not need Permit for Impact on Environment must just meet the requirements of environmental technical regulations. Qualitative standards for water status have not been updated (except for drinking water). Environmental technical regulations do not allow taking into account the basic situation, sensitivity of the territory or cumulative effects.*

<b>Objective 5.2</b>					
<b>Promoting the adoption of environmental legislation (waste sector)</b>					
<b>Relevant text in the Action Plan:</b>					
Develop framework legislation and basic procedures and ensure planning for key environmental sectors, air quality, water quality, waste management, nature protection.					
Evaluation					
Question	Yes			No	Note
Grade	3	2	1	0	
General					
1. Has new legislation been passed, or have there any amendments been made to the existing one to meet the requirement.			x		In March 2013 the Ministry of Environmental Protection disclosed initial version of a new draft law on waste management for public discussion (the draft law was developed under the EU funded twining project). The document will be subject to rigorous discussions and it will most likely undergo substantial changes; therefore, it was considered inappropriate to review the content the draft law at this stage.
2. Were basic principles and parameters of appropriate European legislation well identified?			x		National Harmonization Program identifies the EU directives, which Georgian waste legislation should be harmonized with. It is also known that while developing draft law on waste basic principles of appropriate EU legislation were identified.
3. Was adequate analysis of respective National legislation and institutional structure carried out, in order to identify whether EU principles and characteristics are integrated there?				x	It is known that under the EU twinning project such analysis should have been conducted however, the results are not known.
4. Was adequate economic assessment of expenses carried out?				x	
<i>Legislation or draft legislation content</i>					
5. Are the terms consistent with EU terminology?			x		As the law on waste has not been passed yet, most of waste terminology is not identified yet.
6. Are the rights and obligations of responsible authorities strictly identified?			x		Due to absence of national legislation on waste, except for household waste, which is within the competence of local authorities, responsibilities for management of other waste streams have not been identified.
7. How consistent various pieces of legislation are?			x		There are inconsistencies and discrepancies since waste legislation is outdated.

8. Are the legislation articles consistent with other related legislations? If not, were necessary amendments introduced or developed in order to ensure consistency?			x		No changes to waste legislation were introduced alongside with certain legal and institutional changes, which entailed inconsistency with other sectoral legislation <sup>1</sup> .
9. If adoption of by-laws is necessary for full implementation of the law, are they adopted timely?				x	
<b>Waste legislation</b>					
10. Is national waste management policy well designed and/or is there a law on waste management?				x	
11. Are waste management institutional structure issues and tasks and obligations of responsible bodies well designed?			x		<p>Due to absence of national legislation on waste, the competencies are not clearly identified.</p> <p>From the changes introduced in the waste management sector during last years the one that was introduced in March-April 2012 should be mentioned here. The changes concerned the establishment of a body responsible for the management of landfills. In particular, on March 16, 2012 the Organic Law on Local Self-Governance was amended. According to the amendment, since 1 May 2012 the local self-governance units were deprived of the responsibility of landfills' management, whereas this responsibility was delegated to the newly established LLC Solid Waste Management Company, the legal entity of public law subordinated to the Ministry of Regional Development and Infrastructure (this is the state-owned company established at the end of April 2012). Thus, now this company shall take care of all the landfills located in Georgia, except those located in Tbilisi and Adjara Autonomous Republic.</p> <p>Until the amendments mentioned above, in 2010-2011 local self-governance units were responsible for management of landfills.</p>
12. Is there a clear waste classification system, which would be consistent with classification provided for in EU legislation?				x	
13. Does the legislation provide for unambiguous and clear definition of hazardous waste? Does the legislation provide for developing hazardous waste management plan?			x		The definition for hazardous waste is provided in the Law on transit and import of waste on the territory of Georgia. There are no hazardous waste management plans in place.

14. Does the legislation provide for and regulate the placement/ recycling/transportation of hazardous waste issues?			x		The law regulates transit and import of hazardous waste, no disposal or recycling regulations are in place.
15. Is there legislation on transboundary movements of hazardous waste in place?	x				Is regulated by Basel Convention.
16. Is there legislation on waste oil in place?				x	
17. Does the legislation provide for adequate and effective regulations for the waste storage/ recycling? Are there any arrangements in place to safeguard that waste disposal/ recycling does not endanger human health and that methods are not used, which would cause adverse impact on the environment?				x	
18. Are there any standards set with regard to waste disposals, the site, conditions, management, control and conservation issues, as well as with regard to protective measures to prevent environment impact risk for both short-term and long-term perspectives (including groundwater pollution risks)?			x		Legal acts in force are outdated and do not provide for modern approaches of landfill arrangement <sup>2</sup> .
19. Is there a list of types of waste allowed or prohibited to be placed at waste disposals?				x	
20. Does the legislation provide for arrangements aimed at reduction of methane at waste disposals?				x	There are no obligations under the law in this regard; however, collection of methane is envisaged when new sanitary landfills were designed.
21. Does the legislation provide for the arrangements for sorted waste collection, recycling, recycling bidegradable waste?				x	

22. Do waste storage or recycling procedures need environmental protection permit?	x				
23. Are the agencies, responsible for waste storage/recycling required to keep records of such waste characteristics, as quantity, substance, origin etc.?				x	There are no obligations under the law in this regard; however, Tbilisi, e.g., keeps records of household waste.
24. Does the legislation provide for periodic control by appropriate authorities of the agencies, responsible for waste removal/ movement/ storage/ recycling?				x	As it was mentioned in the previous assessment, from 2011 Environmental Protection Inspectorate was planning to enhance enforcement measures over permitted entities, including those related to waste management; however, inspectorate was unable to meet its plans as it was reorganized in 2011.
25. Are there any appropriate arrangements in place to prohibit leaving, throwing or uncontrolled placement of waste?		x			Punishable under the Code of Administrative Offences <sup>3</sup> .
26. Does the legislation provide for implementation of “the polluter pays” principle?				x	
27. Is there a legislation that provides for biological recovery and energy processing of waste?				x	
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 81 (3x number of questions)	18				
<b>Total Score</b> = % of maximum score obtainable	21.4				
<b>Comments, explanation and recommendations regarding the overall assessment:</b>					
<p>No significant changes in the waste sector legislation directed at its improvement have been introduced during reporting period (2011-2012), as well as, in general, during entire AP implementation period. In general it should be noted that, in terms of legal regulation, waste management sector is of the weakest in Georgia. This is largely due to the fact that the framework law on waste is still not adopted that would at least define waste categories and competent authorities. Since 1990s several versions of the draft law were developed, however, none of them reached the parliament for unknown reasons. Currently, the new government, specifically the Ministry of Environmental Protection, reveals the willingness to adopt the law, which gives hope that by the end 2013 Georgia will have a framework law on waste.</p>					

*(1) Order No. 36/n of 24 February 2003 of Ministry of Labour, Health and Social Protection on "Approval of sanitary regulations and norms for establishment and operation of municipal solid waste landfills" mentions regulatory authorities that no longer exist.*

*In the Law on Environmental Protection principles of waste management, such as "cleaner production", "waste minimization principle" "the polluter pays" "recycling principle" are mentioned. Besides, obligations and incentives for waste minimization are listed; however, these principles are not reflected in the legislation.*

*(2) The existing legal document on establishment and operation of municipal solid waste landfills - Order No. 36/n of 24 February 2003 of Ministry of Labour, Health and Social Protection on "Approval of sanitary regulations and norms establishment and operation of municipal solid waste landfills" - is outdated and does not provide for modern requirements for waste treatment and final disposal.*

*(3) Georgian Code on Administrative Offences sets penalties for inappropriate disposal of the household and construction waste; for violation of the rules for maintaining cleanliness and order in big cities and other communities; for lack of care for the surrounding territory, etc.*

<b>Objective 6</b>					
<b>Strengthening administrative structures and procedures</b>					
<b>Relevant text in the Action Plan:</b> Strengthen administrative structures and procedures to ensure strategic planning of environment issues and co-ordination between relevant actors.					
<b>Evaluation</b>					
Question	Yes			No	Notes
Grade	3	2	1	0	
<b>Administrative structures</b>					
<i>At the national level</i>					
1. Are the responsibilities of the Ministry in charge of environment clearly defined?			x		<p>As it was mentioned in the previous report, the Ministry of Environmental Protection and Natural Recourses was responsible for all environmental issues; however, there were issues, where the Ministry shared responsibility with other ministries (e.g. Ministry of Health, Ministry of Agriculture, Ministry of Economy and Sustainable Development, Ministry of Interior) and/or with local authorities. Distribution of responsibilities between these institutions was not always clear; besides, there were areas (e.g. certain aspects of waste management, genetically modified organisms, invasive species) which did not fall under any agency's responsibility.</p> <p>In the end of 2010 President of Georgia, while commenting on the arrest on corruption charges of one of Ministry of Environmental Protection and Natural Resources officials (head of forestry agency), charged Georgian government with developing the plan of reorganization of the entire Ministry. At the time of previous assessment, it was not clear how the functions between the state agencies would have been redistributed and whether the Ministry of Environmental Protection and Natural Resources will exist at all.</p> <p>In spring 2011 the parliament endorsed the governmental initiate and adopted the amendments to several legal which had absolutely changed institutional framework for environmental protection and weakened authority responsible for environmental protection; specifically:</p> <ul style="list-style-type: none"> <li>• Environmental Protection Inspectorate has been abolished as a result of reorganization of the Ministry of Environmental Protection and Natural Resources and the Ministry of Energy; until this change, the inspectorate operated under the Ministry of Environmental Protection and Natural Resources for almost six years as a single environmental enforcement body (at the moment of reorganization the inspectorate counted 300 employees);</li> <li>• Department for Ecological Expertise and Inspection was established within the Ministry of Environmental Protection; the Inspection unit within this department now employs only nine people.</li> </ul>

				<ul style="list-style-type: none"> <li>• Until reorganization the natural resources management functions were shared among the Ministry for Environmental Protection and Natural Resources and the Ministry of Economy and Sustainable Development; As a result of reorganization the ministries were deprived of these functions and instead the Ministry of Energy was entitled natural resources management functions. The Agency of Natural Resources was established within the ministry; the title of the ministry has also changed – it was titled “Ministry of Energy and Natural Resources”.</li> <li>• Now, after the reorganization, Monitoring Department under the Agency of Natural Resources (at the Ministry of Energy and Natural Resources) with around 175 employees is responsible for enforcement of environmental and natural resources’ use legislation.</li> <li>• It was also planned to withdraw the Agency of Protected Areas from the jurisdiction of the Ministry of Environmental Protection and to subordinate it to the Ministry of Economy and Sustainable Development, however, finally the agency remained under the Ministry of Environmental Protection.</li> </ul> <p>The institutional changes described above were heavily criticized by the non-governmental organizations and the donor community, however, neither the government, nor the parliament listened to other parties (the only compromise reached was related to the Agency of Protected Areas that remained under the Ministry of Environmental Protection).</p> <p>The political party that came into power after 2012 parliamentary elections considers institutional changes described above unjustified; currently the amendments to certain legal acts are submitted to the parliament for adoption which will restore the Ministry of Environmental Protection in its previously held functions.</p>
2. Are structures of cooperation with other governmental authorities sufficient and effective?			x	There are legally binding procedures to ensure consultations between governmental agencies in the process of developing legal acts (e.g. the initiator agency should seek for the consent of other agencies). These procedures however apply only to legal acts and they are not sufficiently effective.
3. Have resources been increased since signing the AP in order to ensure that the national authorities can carry out their mission?			x	After reorganization of 2011 the funding of the Ministry of Environmental Protection reduced drastically.

<i>At the regional/local level</i>				
4. Do regional/local authorities have competences for environmental issues? Is the distribution of competences between national and regional/local authorities clearly defined?			x	<p>Despite very positive assessment by the government of local government reforms and decentralization (the government that was in power until 2012 parliamentary elections in referred here), it refrained from delegating competencies to local governments under the pretext of lack of competencies at the local level and local corruption.</p> <p>The political party that won the 2012 parliamentary elections and formed the government shows interest in decentralization. It has already planned to submit legal initiatives to the parliament promoting decentralization processes.</p> <p>In general Georgian legislation recognizes subsidiarity principle with regard to distribution of functions related to environmental protection and natural resources management. However, this principle has never been applied in practice. The Law on Local Self-Governance confers certain powers on them to deal with environmental issues, but the provisions of the law are very general and rather declarative, the same as media-specific environmental legislation.</p>
5. Have resources been increased in order to ensure that the authorities can carry out their mission since the signing of the AP?			x	<p>At some municipalities funding for improving local waste management systems has slightly increased.</p>
<b>Strategic Planning</b>				
6. Is there a strategy in place or planned for the environment? If yes, is it of good quality?			x	<p>No strategy for the environment is in place or planned. Strategy developing commitments are not provided in Georgian legislation<sup>1</sup>.</p> <p>July 2009 Ministry of Environmental Protection and Natural Resources held a meeting for donor community and selected NGOs, to present the Ministry's strategy and action plan for 2009-2013. The following aspects should be taken note of here: the documents were presented as "the country's priorities for the environment during next 5 years" and not as the priorities of one particular agency; the strategy and the plan had not been publicly discussed neither before nor after the meeting (though several disputable issues arose during the presentation); the Ministry itself never reverted to these documents (monitoring, reporting, etc.).</p>
Have steps been taken to implement the strategy?				Question in not relevant for Georgia.
Is the strategy being regularly revised (e.g. three yearly)?				Question is not relevant for Georgia
7. Are there sector-specific strategies to support the overall strategy?			x	<p>There are sector-specific draft strategies in certain fields, but not approved to date. Also see notes to Objective 4.</p>

8. Are there procedures such as consultation procedures between ministries/authorities in place? if so, are these use?				x	There are no such procedures in place. The form and intensity of the consultations, in each particular case depend on good will of the leading agency.
If yes, is the role of the Ministry of Environment or environmental authorities important in these procedures?					Question is not relevant for Georgia
9. Are there formal procedures in place to facilitate coordination between the authorities and other relevant actors (civil society, the scientific community)?				x	There are no formal coordination procedures between the authorities and other interested parties.
10. Has cooperation between the different actors improved since the signing of the Action Plan?				x	<p>The cooperation between different actors has not significantly improved during recent years. This may be partly due to lack of transparency and accountability of the authorities. The government, including Ministry of Environmental Protection, pretended to be interested in debates, but civil society was sceptic about sporadic “openness” in the absence of well-developed formal democratic procedures and democratic institutions.</p> <p>To illustrate above, it would probably be sufficient to mention that such important changes as those related to institutional reorganization in 2011, as well as March 2012 amendments to environmental legislation – all were approved without providing public access to information and public participation.</p>
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 39 (3x number of questions)		7			
<b>Total Score</b> = % of maximum score obtainable		23.3			

**Comments, explanation and recommendations regarding the overall assessment:**

Environmental institutions have existed in Georgia for years, but there is no political will in the country to confer real powers on them. This entails a neglect of environmental concerns when making important decisions. Recent years could in short be characterized as follows: very high rate of turnover of management of Ministry of Environmental Protection and Natural Resources; endless structural changes without prior efficiency study of previous changes; dismissal of the old staff and recruitment of new, mostly incompetent and inexperienced personnel; lack of responsibility or commitment to the decisions of previous management at all levels – starting from the Minister and ending with average civil servants that in addition do not have any motivation to improve performance.

The situation is exacerbated by frequent structural changes of executive authorities resulting either in creation of a new agency, abolition of the old one or just changing the title of the existing agency. The fact, that these changes are not part of long-term (at least 5 years) strategy, publicly declared and known to the agency “under reform”, is also a matter of concern. The expectation for “reforms” usually becomes more stressful after the President publicly (on TV) scolds the management of one or another agency. Fear of the reforms and uncertainty about the future practically paralyze the agency and causes inaction, slow decision-making and reluctance to carry out routine responsibilities.

Institutional reforms were planned again after 2012 parliamentary elections and the governmental team changes; The reforms are claimed to be aimed at returning to the institutional and regulatory setting of pre-spring-2011 reforms. In addition, further institutional changes are planned in the future that is promised to be based on detailed governance effectiveness study.

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*(1) Article 15 of the framework Law on Environment Protection of 1996 provides for basic elements of environmental planning system. These are: country's sustainable development strategy, national (5 years) environmental action program, regional, sectoral and local environmental programs and environmental management plans for facilities. Such planning system does not imply developing strategy for the environment. These deficiencies are made up, to some extent, by second National Environmental Action Program for 2011-2015 under development (see also objective 4), which implies some strategy elements.*

<b>Objective 7</b>					
<b>Reinforcing structures and procedures to carry out EIA</b>					
<b>Relevant text in the Action Plan:</b> Reinforce structures and procedures to carry out environmental impact assessments.					
<b>Evaluation</b>					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>General</i>					
<p>1. Does the existing legislation require EIA for activities likely to have a significant impact on natural resources and the environment? If not, is the adoption of such legislation planned?</p>			x		<p>Legislation on Environment Impact Assessment (EIA) has not undergone positive changes. The following issues in EIA legislation remain problematic:</p> <p>(a) the law gives exhaustive list of activities subject to EIA; the list does not include such activities/projects as for instance, mining, nuclear power stations, agricultural and food industries, wood, paper, leather and textile industries, certain types of infrastructural projects (these activities used to be subject to EIA till the adoption of the Law on Licenses and Permits in 2005). The current list of activities subject to EIA does not comply with Annex I of the Council Directive 85/337/EEC and Annex I of Aarhus Convention. The law also does not include open-ended provision on activities that may be subject to EIA as it is foreseen under the Council Directive 85/337/EEC (Annex II activities).</p> <p>(b) EIA is applicable to private projects/activities listed in the law. Public (state-owned) projects are exempt from EIA, while the majority of the activities listed in the law can in principle be implemented only by the public institutions. Furthermore, The Law on State Support to Investments makes possible for any person to start implementation of activity without conducting EIA and obtaining permit on condition that he/she will fulfil these obligations in the future.</p> <p>Furthermore, important legal changes were introduced during reporting period that have undermined Georgian environmental legislation, including EIA legislation. The law of Georgia of March 20, 2012 on Making Amendments to Some Legislative Acts of Georgia is meant here<sup>1</sup>.</p> <p>The mentioned law, for instance, made it possible for the project developer be exempt from administrative and/or criminal liability in case of violation of EIA legislation (the company for instance, may not conduct EIA, do not comply with permit conditions or do not follow commitments undertaken in the EIA report, but it can be exempt from liability for such violations).</p>

2. Is the EIA process linked to enabling and condition setting?			x	<p>EIA process is a part of project enabling process. Depending on the type of a project, in addition to EIA/environmental permitting, project proponent might be required to obtain other permits/licenses/consents from competent authorities.</p> <p>As for EIA process specifically, according to the law, EIA reports are submitted by the project proponents to: (a) Ministry of Environmental Protection – in case construction permit is not required for commencement of a project; or (b) authority eligible of granting the construction permit (either Ministry of Economy and Sustainable Development, or local authorities – depending of the scale and type of the project) – in case construction permit is required to commence a project.</p> <p>In first case, the Ministry of Environmental Protection reviews the EIA reports (reviewing process is called Ecological Expertise) and prepares Conclusion of Ecological Expertise. The conclusion can be either positive (with or without conditions) or negative. The positive conclusion is attached to the Permit for the Impact on the Environment; i.e. conditions set out in the conclusion automatically become permit conditions. Commencement of activity listed in the Law on Permit for Impact on the Environment without permit is forbidden. Other permits, licenses or consents required to commence the project are obtained separately from the EIA procedures.</p> <p>In second case, when EIA process is linked to the process of granting the construction permit, EIA reports are submitted to authority that is entitled to grant construction permit which in turn transmits reports to the Ministry of Environmental Protection for review. Positive conclusion of the Ecological Expertise in such case becomes part of the construction permit, i.e. it becomes condition to construction permit. The Permit for Impact on the Environment is not issued in this case. Competent authority grants construction permit where along with construction conditions environmental obligations are outlined. Commencement of activities regulated by the law without construction permit is also forbidden.</p> <p>In case of second scheme described above, the problem is that the construction permit is issued for the construction period only, while environmental conditions are set for the entire lifetime of a project, including operation and decommissioning stages. This makes illogical formal integration of environmental permitting into the construction permitting process.</p>
<i>Structures</i>				
Are responsibilities clearly defined and distributed between the national and local/regional governments?				<p>Question is not relevant for Georgia.</p> <p>The regional (Adjara Autonomous Republic) and local governments do not have any role in EIA system (neither in decision-making nor in the follow-up). The decisions on granting the permit on the activities defined by the Law on Permit for Impact on the Environment are taken by the Ministry of Environmental Protection and Natural Resources exclusively.</p>

3. Is the capacity of the regulatory authorities sufficient?			x		
<i>Procedure</i>					
4. Are criteria and procedure for defining which activities are subject to EIA clearly established?			x		No, they are not. In many cases activities are listed without thresholds, thus putting excessive burden on the Ministry of Environmental Protection and Natural Resources and the developers of small and medium size projects which have no significant environmental impacts.
5. Does the procedure in place provide for a preliminary screening stage to decide if an EIA is required for the proposed project?				x	
6. Does the procedure in place provide for a scoping stage to identify the potential significant impacts and the main alternatives to assess?				x	
7. Is the information to be provided by the developer in the EIA clearly established e.g. through setting the minimum content of the EIA?			x		There is a regulation setting minimum content requirements for EIA report.
8. Are consultation procedures with authorities likely to be concerned by the project in place and well applied?				x	
9. Does the legislation clearly require the relevant country authorities and stakeholders to be informed in the case of probable trans-boundary impacts?				x	
10. Does the legislation clearly require consultation with the relevant country authorities and stakeholders in case of probable trans-boundary impacts?				x	
11. Are clear procedures in place to ensure effective information for the public early on in the process?				x	

12. Is the public concerned given early and effective opportunities to participate in the environmental decision-making procedures?				x	
13. Are the results of the consultations with the public and relevant environmental authorities taken into account in the decision-making process?				x	<p>To date there is no procedure to reveal the opinion of the public or central, regional and local governments.</p> <p>In case EIA process is linked to the process of granting the construction permit (see note to the question 2 above), the opinion of the Ministry of Environmental Protection and Natural Resources (set forth in the Ecological Expertise) is attached to the construction permit issued by the Ministry of Economy and Sustainable Development or local authority.</p>
14. Is the competent authority required to inform the public of the decision to grant or refuse development consent?				x	<p>It was not required until May 2012. The Georgian legislation did not oblige competent authorities to inform the public of the decision to grant or refuse permit or license, including permit for the impact on environment.</p> <p>In May 2012, the Law on Licenses and Permits was amended. According to the amendment, permitting authorities shall within 10 days after taking the decision, publish the information on permits granted, cancelled or amended.</p> <p>In practice, however, issued permits have been officially published so far.</p>
Is the competent authority required to inform the country(ies) consulted in case of trans-boundary impact of the decision to grant or refuse development consent to the developer?					Question in not relevant for Georgia.
15. Are the exceptions to information rights, e.g. related to commercial confidentiality, clearly set out?				x	There are some general provisions on confidentiality set out.
16. Can the authority, which takes a decision on the development consent, attach conditions to a positive decision?				x	<p>The Georgian legislation does not recognize development consent notion.</p> <p>Formal integration of different types of permitting processes into construction permitting can be considered as an attempt to introduce such consent. See also note to the question 2 above.</p>

17. Is a public right of appeal against the decision clearly set up and in place?			x	<p>Public right of appeal against the decision is in place and appropriate procedure is set up. However, there are problems to exercise this right. Just few of them are: high appeal fee, too lengthy judicial procedure, limited independence of courts and therefore, low confidence in courts.</p> <p>Besides, there is a problem, immediately related to EIA process and granting permits – Until May 2012, Ministry of Environmental Protection and Natural Resources was not obliged to make the decision public. Hence the public is denied the opportunity to appeal against it. Granted permits were available (is still available even after May 2012 amendment) only on demand (if the public accidentally learns about it) but by then, permitted activities are ongoing and the appeal becomes meaningless (especially that access to justice is limited).</p>
18. Does the EIA procedure include a follow-up requirement? If yes, is it well applied?			x	<p>As it was mentioned in the previous assessment, in May 2010 an amendment was introduced to the Law on Permit for the Impact on Environment in order to eliminate the vagueness in the provisions related to the post-decision making compliance monitoring and control. However, reorganization that took place in spring 2011 had changed entire enforcement structure.</p>
<b>Overall assessment</b>				
<b>Overall assessment:</b> Score of 0 to 54 (3x number of questions)	9			
<b>Total Score</b> = % of maximum score obtainable	16.7			
<b>Comments, explanation and recommendations regarding the overall assessment:</b>				
<p>As is evident from the above information the existing EIA system is full of shortcomings, which affect its effectiveness. The system does not ensure public participation in environmental decision-making procedure; nor does it help decision-makers in taking informed decisions. Follow-up monitoring and control is also weak. Georgian EIA legislation does not meet the requirements of both, Aarhus Convention and appropriate EU directives. The government's commitment for deregulation after the "Rose Revolution" and the overall trend of weakening democratic institutions and democratic procedures in the country had crucial impact on the shaping of present EIA system.</p>				
<p>The shortcomings of the EIA system, as well as planning system in general, and the decision-making process on development projects were especially apparent in recent years. In Georgia there are many instances when the state expresses interest in implementation of a large-scale project without prior discussions on need and feasibility of such projects with the line ministries and other stakeholder groups. As a rule, such an interest is based on the expected economic and social benefits, or political considerations. There are also well-known examples of the country's president (both, Micheil Saakashvili and his predecessor - Eduard Shevardnadze) initiating various projects (which were in the interest of certain ministries or powerful groups) and requesting from national and local authorities to fully support those projects. EIA and environmental permitting in such cases become merely a formal procedure of approving decisions that were already made. Environmental authority is not given a room to make a judgement on environmental implications of the projects.</p>				
<p>Georgian EIA system, similar to planning system, needs fundamental changes; at this stage it is possible to identify the following, most urgent measures:</p>				
<p>1. Revision/improving of legislative framework for EIA system; the least it should imply is that: EIA apply to those public and private projects which are likely to have significant effects on the environment and human health (the activities, provided for in Annex 1 to Aarhus convention and Annex 1 to the EU directive 85/337/EEC); procedures of public information and participation are in place which would ensure early and effective public participation in decision-making processes.</p>				

2. Full inventory of regulated community and compliance promotion: alongside with legislative improvements, specific groups of regulated community should be identified (as well as specific facilities in each group) that are required to obtain permit for the impact on environment (pursuant to paragraph 2 of Article 22 of the Law on Permit for the Impact on Environment); to develop effective and realistic short-term and long-term strategic plans for each group to promote environmental compliance, instead of present strategy of “closing eyes” and postponing the problems to “better times“. Implementation of this condition will require proper cost estimates and its reflection in appropriate agency’s budget. Also it is important that public is informed about plans and consulted.

3. Often, decision on the implementation of a project falls beyond the competence of a single institution – when final decision on implementation of the project should be taken with consideration of environmental, as well as political, social and economic aspects of the project. For this reason, perhaps, it would expedient to change the decision-making procedures on some of the activities/projects that are subject to EIA. Specifically, in case of some projects/activities the final decision (consent) giving green light to the projects could be taken by the government or the prime-minister (after Ministry of Environmental Protection reviews EIA and makes its conclusion). Along with other requirements, the amount of investment could serve as a criterion for selection of such activities. In other words, if the amount of project investment exceeds certain predefined threshold, the final decision on such project, granting the right to implement the project, should be taken the government or prime-minister. Such changes in decision-making procedures will be useful in many ways: (a) it will make possible to consider environmental, political, economic and social aspects of proposed projects during final decision-making; (b) the decision-making burden will be borne by the government/prime-minister rather than a specific ministry; (c) in the long run, this may lead to eradication of faulty practice of promoting and taking decision on implementation of the projects without assessing projects’ costs and benefits.

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*(1) On March 20, 2012 the Parliament of Georgia adopted the Law on Making Amendments to Some Legislative Acts of Georgia. The law allows for concluding an agreement of unlimited duration between an interested party and the Ministry of Energy and Natural Resources of Georgia, which, in exchange for paying compensation in favour of the state, will exempt the interested person from liability for the violations committed in the sphere of environmental protection and natural resources (all violations committed during the agreement period will be considered as lawful). At the same time, a signatory interested person will be released from any obligation, fines and/or compensation for damage, as well as from the obligation to pay fee for use natural resource. The law also bans inspection of the activities of an interested person by enforcement authorities.*

*The draft law triggered concerns among the civil society organizations; in their opinion, the legislative amendments were unacceptable in terms of economic and sustainable development; they neglected the principles of social and environmental justice, created a high risk of corrupt deals and would definitely lead to environmental degradation. Despite all these risks, on March 20, 2012 the Parliament of Georgia adopted the draft law hastily, without any public participation. On March 23, 2012 civil society organizations held a rally outside the presidential residence, during which the protesters called on the President to veto the draft law; an appeal with the same request was submitted to the President on the same day. Despite civil resistance, the President signed the draft law; thus, the Law of Georgia on Making Amendments to Some Legislative Acts of Georgia came into effect on March 30, 2012 (legal analysis of the law is available at Green Alternative’s web-site: [www.greenalt.org](http://www.greenalt.org), see policy brief: Agreement against the environment).*

*Till now the government did not provide any arguments or statistics, which would have proved the urgency of adopting the law, the correctness of regulatory mechanism offered by the law or would have allayed the concerns of civil society organizations. Shortly after the adoption of the law though it became clear it was in the interest of certain groups to adopt such law. Specifically:*

- *Shortly after the adoption of the law, 15 May 2012, first agreement was concluded among the Ministry of Energy and Natural Resources on the one hand, and Madneuli JSC and Kvartsiti Ltd, on the other. Under the agreement, all the actions carried out by Madneuli JSC and Kvartsiti Ltd in the sphere of environmental protection and natural resources from April 1, 1994 to May 14, 2012 were considered lawful (the agreement does not list the violations it applies to); in exchange, the companies were obliged to pay GEL 13 million jointly before March 2014 under the agreed scheme (it is noteworthy to mention that in a month after signing the agreement, GeoProMining, the owner of companies made a statement on selling its assets in Georgia).*
- *Second agreement was concluded on 24 July 2012 among the Ministry of Energy and Natural Resources and Saknakhshiri Ltd (GIG Group). The agreement was concluded in respect of three mining licenses and envisages payment of GEL 40 000 for all those violations committed under three licenses during almost two years (the period between January 6, 2010 and October 12, 2011) to be considered lawful. Character of violations was not specified either.*
- *Third agreement was signed on 6 August 2012 between the Ministry of Energy and Natural Resources and the Georgian branch of the company Polat Iol Iapi Sanaii ve Tijareti (Turkey). All the violations committed from July 8, 2011 to July 20, 2012 in the sphere of environmental protection and natural resources were considered lawful under the agreement and GEL 20 thousand was defined as the sum of compensation. Like in two other cases, the character of violations was again unknown.*

*Detailed information about agreements mentioned above is available at Green Alternative’s web-site at: [www.greenalt.org](http://www.greenalt.org) (see publication: Secretly concluded agreements against the environment).*

*The new government that was appointed after 2012 parliamentary elections shows more interest in environmental protection as compared to previous government. Currently the parliament considers legal initiative of the government proposing abolishment of March 2012 amendments.*

<b>Objective 8</b>					
<b>Improving permitting &amp; enforcement structures</b>					
<b>Relevant text in the Action Plan:</b> Enhance administrative capacities, including for the issuing of permits as well as for enforcement and inspection.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Permitting</i>					
1. Is there a satisfactory permitting system in the country both from a legal point of view and in practice? <sup>3</sup>			x		Permitting and licensing system dramatically changed when the Law on Permits and Licenses was adopted 24 June 2005. The law puts environment protection and natural resources management under general rules without any exception. The law is discriminative in terms of public participation as it does not provide for any possibility of public to be informed and participate in the permitting or licensing processes for the projects significantly affecting the environment and human health. Besides, many activities, previously regulated by licenses and permits, after the adoption of the law are not regulated. No justification for such change has ever been presented.
2. Is the permitting system integrated, i.e. is there a single integrated permit? How well integrated are permits for water, air or IPPC type installations?			x		There is no integrated permitting system in Georgia, although the legislation provides for introduction of such system. For instance, 1999 Law on Ambient Air Protection (Article 17) provides for adoption of Law on Integrated Pollution Control System, though the deadlines for introduction of integrated control system and adoption of the law are not specified.  Some attempts to introduce integrated permitting system took place in recent years, but these attempts were poorly designed and inconsistent; it was rather an echo of “one window” principle enunciated by the government to improve investment climate in the country.
3. Are there resources allocated to environmental permitting in the administration in charge of the environment <sup>4</sup> ?			x		Some, but very limited resources have been allocated to environmental permitting system.
4. Have the resources (human and financial) allocated to permitting been increased since the signing of the AP?				x	It has reduced instead of increasing.
5. Have initiatives been launched in order to strengthen the capacity of the permitting authorities (e.g. training, manuals...)?			x		Trainings are, as a rule sporadic and the results – unsustainable. Normally the trainings are not followed by strengthening/ increasing the authorities and resources so that the trained staff could apply new knowledge in practice.

<sup>3</sup> The question is considered and score awarded in the context of environmental permitting system.

<sup>4</sup> The assessment takes into account the level of resources, e.g. no resources, limited resources, highly trained civil servants, etc.

6. Are the authorities in charge of permitting easy to identify and contact?	x				Yes, the authorities in charge of permitting are easy to identify and contact.
7. Are there time limits imposed by law on the administration to issue permits? If so, are they satisfactorily applied?		x			Time limits for issuing all kinds of licenses and permits are imposed by the Law on Licenses and Permits, including those, issued by Ministry of Environmental Protection and Natural Resources. Also see notes to question 16.
<i>Enforcement structures</i>					
8. Are there environmental inspection authorities in place in the country?	x				<p>In 2005-2011 Environmental Protection Inspectorate was a structural unit within Ministry of Environmental Protection and Natural Resources. As a result of structural reorganization the inspectorate was abolished. Currently the environmental enforcement functions are distributed among two agencies:</p> <ul style="list-style-type: none"> <li>• There is the Inspection Division at the Department of Ecological Expertise and Inspection within the Ministry of Environmental Protection. The regulation defining its functions says that it is entitled to check environmental compliance of those companies that were granted permit by the Ministry.</li> <li>• There is the Monitoring Department at the Natural Resources Agency within in the Ministry of Energy and Natural Resources. This unit is responsible for enforcement of environmental protection and natural resources use norms and standards. The rules of its operation are defined under the regulation approved by the Georgian government.</li> </ul>
9. Does the police (or equivalent enforcement authorities in the country) have specific units in charge of environmental matters?		x			<p>There are no such units in the Police; instead, until 2011, Environmental Protection Inspectorate assumed responsibilities of the police as far as administrative environmental offences were concerned. There was also Investigation Department under the same ministry which was entitled to investigate criminal environmental offences.</p> <p>After 2011 reorganization Investigation Department was abolished, while functions held by the Inspectorate were redistributed among the Department of Ecological Expertise and Inspection within the Ministry of Environmental Protection and Monitoring Department at the Natural Resources Agency of Ministry of Energy and Natural Resources.</p>
10. Are the tasks of the authorities in charge of enforcement clearly defined and competences shared?			x		The functions of agencies mentioned above are overlapping.
11. Is a plan (or plans) for environmental inspection adopted or in the process of being adopted?				x	In 2007 the Environmental Protection Inspectorate adopted Strategy and Operational Plan for Environmental Compliance Assurance in Georgia for 2007-2010. The inspectorate has not had any other plans adopted since. In 2011 the inspectorate was abolished; see also comments above.

12. Have initiatives been launched in order to strengthen the capacity of the enforcement authorities (e.g. training, manuals...)?			x		There were initiatives to train the staff of the Environmental Protection Inspectorate before 2011; however the results were unsustainable due high staff turnover at the inspectorate.
13. Are there statistics publicly available as to the number of environmental infractions punished? If so, are they regularly updated?			x		
14. Are there in-depth analyses of the data obtained through statistics to further interpret the quality of enforcement?				x	
15. Have specific resources (human and financial) allocated to the enforcement of environmental laws been increased since the signing of the AP?				x	
<i>Country-specific questions</i>					
16. Are legally provided time limits for granting permits adequate to decision-making process?			x		In case of environmental permitting, time limits imposed by the framework Law on Licenses and Permits are irrelevant (too limited). For instance, only 20 days are allocated for reviewing the EIA reports and taking the decision on granting or refusal to issue the permit for impact on the environment (before the adoption of the Law on Licenses and Permits time limits were three months).
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 48 (3x number of questions)		17			
<b>Total Score</b> = % of maximum score obtainable		35.4			
<b>Comments, explanation and recommendations regarding the overall assessment:</b>					
<p>2011 reorganization virtually destroyed the system of environmental enforcement. At the time of the reorganization the Inspectorate for Environmental Protection was still weak, but it had ambitious development plans.</p> <p>Now the new government is again planning changes, namely environmental enforcement function will return to the Ministry of Environmental Protection. This should certainly be welcomed however restoration of the functions will most likely take several years and this will have effect on the state of environment.</p>					

<b>Objective 9</b>					
<b>Improving public information and participation</b>					
<b>Relevant text in the Action Plan:</b>					
Adopt legislation and establish procedures regarding access to environmental information and public participation, including implementation of the Aarhus Convention.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>General</i>					
1. Has the country ratified the Convention?	X				
2. Have texts been adopted to transpose the Aarhus Convention?				X	<p>According to Georgian Constitution international agreements overrides domestic legal acts provided they do not contradict to Georgian Constitution. So it is not necessary to transpose international agreements in the legislation. However, application of international agreements is not always easy. In most cases courts and administrative bodies (so called quasi courts) do not consider a Convention as the existing law.</p> <p>It should be mentioned that in the end of 1990s a draft law, based on Aarhus Convention principles and aiming at implementation of these principles, was elaborated, but no further developments followed.</p>
<i>Access to environmental information</i>					
3. Are there satisfactory administrative systems in place for prompt responses to requests for information from the general public?		X			Public access to information is provided for by General Administrative Code but there are significant shortcomings in practice.
4. Are there satisfactory guidelines available on information held by authorities & how to request access to this information?		X			Rules for requesting public information are provided in General Administrative Code but the type of information, to be held at public institutions is not specified.
5. Are there well established channels of publication of environmental information in the country (e.g. laws, case-law, decisions of the administration, etc.)?			X		<p>Statutory acts, including laws were published in "Legislative Herald of Georgia". Administrative decisions, case-laws or other environmental information are not published.</p> <p>22 October 2009 new Law on Statutory Acts was adopted. According to it publishing statutory acts in printed media is not compulsory anymore. According to new regulations, which entered into force 1 January 2011, first publication of the full text of a statutory act on the website of "Legislative Herald of Georgia" shall be the official (legally operative) publication.</p>

6. Is access to information free of charge or inexpensive?			X	<p>According to Article 38 of General Administrative Code it is impermissible to set any fee for the information except for copy fee.</p> <p>Note should be taken of the fact, that the fee is not very high; however, copy fee is very effective barrier, which public institutions have in their command. The procedures for collecting fee vary in different institutions, and in a range of cases its existence is a serious problem.</p>
7. Is there a secure data management system to handle commercially sensitive information & personal data in place in the country?			X	<p>Personal data and commercially sensitive information management issues are set forth in General Administrative Code. However, there are significant shortcomings in terms of vagueness of information classification rules and their practical application.</p>
8. Are there clear guidelines for authorities on how to apply commercial confidentiality requirements, including when to disclose because of public interest?			X	<p>General Administrative Code provides for the guidelines on publication of confidential information. Besides, according to Article 42, environmental information, including the information on the hazard to human lives or health shall not be confidential. Despite such legal regulations, there are many problems in practice.</p>
<i>Public participation</i>				
9. Are there procedures for enabling public participation in decision making in place in the country, e.g. have clear procedures been established for submitting comments in writing or at hearings and for the notification of decisions?			X	<p>No mechanisms enabling public participation in decision-making are in place. Nor is there any mechanism for the notification of decisions.</p>
10. Have tools been developed for the identification of the participating public? In particular, if there is an Environmental Impact Assessment procedure in place, does it also involve public participation?			X	<p>The Law on Permit for the Impact on Environment provides for public participation during conducting Environmental Impact Assessment study. Consultation meetings at this stage are not held by competent authority, but by project proponent. This cannot be considered as participation in decision-making process.</p>
11. If so, are the citizens well informed of these procedures?			X	
12. Are the outcomes of public participation procedures taken into account in an appropriate manner, e.g. does public input have a tangible influence on the actual content of the decisions?			X	<p>The existing mechanism of public participation cannot ensure public participation in the decision- making processes; hence public opinion cannot have any influence on the actual content of the decisions.</p>
13. Have incentives been developed to allow applicants to engage in early dialogue within the framework of participation procedure?			X	

<i>Access to justice</i>					
14. Does the country provide for independent and impartial review bodies, including courts?				X	There is a general court system in Georgia but independence and impartiality of courts is point at issue in Georgia.
15. Have clear rules been developed concerning the standing of individuals and NGOs to access judicial and other reviews for violations of the Convention and for violations of domestic environmental law?				X	Rules for appealing against denial of public information or its unlawful classification as secret are set forth in General Administrative Code. It also provides for appealing against administrative decisions. No appeal against violations of specific environmental law or of Aarhus convention is provided for in Georgian legislation.
16. Have remedies to stop the application of a decision dangerous for the environment been developed (e.g. preliminary injunctive relief while the decision is being challenged)?				X	Both, the author of administrative complaint filed with administrative body and the petitioner in the court can demand to suspend an administrative act. The court can, at a party's demand, suspend administrative act or part of it, if there is reasonable suspicion about its lawfulness or if its immediate application causes significant harm to the party or makes it impossible to protect its legal rights and interests.  There was a case when temporary suspension of administrative act was requested while the complaint was being considered, because the decision would have been dangerous for the environment. The administrative authority did not suspend the act.
17. Have mechanisms been established to provide the public with information on access-to-justice procedures?				X	
18. Have assistance mechanisms been developed for the public in accessing review procedures, e.g. financial support to pay a lawyer if necessary?				X	According to General Administrative Code no public tax or any other fee can be set for processing of an administrative complaint. All the fees, including the lawyer's fee, are paid by administrative authority if complaint is satisfied. For the court hearings paying public tax depends on whether the appeal was allowed or not. As for the amount of tax, it is quite high given the economic situation.
19. Is there a time limit set by national law between the introduction of an appeal and the decision given by the judge/ authority of appeal? If not, is the average length of the procedure time acceptable?				X	Although time limits for processing of cases are set by national law, average length of a procedure may vary from 8-10 months to 18 months.
<i>Country-specific questions</i>					
20. Are public institutions required to file and update environmental information?				X	To date there is no publicly available comprehensive environmental information in place.

21. Are there tools to ensure informing the public on the kind and body of environmental information, available at respective public institution?				X	
22. Must public institutions report on received appeals, negative decisions and their reasons?			X		As provided by General Administrative Code public institutions must report annually to the President and the Parliament about public information output. In reality most of public institutions do not prepare such reports.
23. Is it possible to sue administrative body without lodging administrative complaint?				X	In accordance with the amendments to General Administrative Code, administrative body cannot be sued if the complainant did not use a one-time opportunity of lodging administrative complaint. Given the fact, that existing administrative proceedings are not efficient enough, this change created additional barrier in terms of access justice.
24. Are there any mechanisms in place to ensure public participation during the preparation of executive regulations and/or generally applicable legally binding rules (Article 8 of Aarhus convention)				X	There were such mechanisms in place (chapter 15 of General Administrative Code) but they were seldom applied in practice. October 2009, despite the NGOs' opposition, this mechanisms were annulled. In particular, the provisions of General Administrative Code about public participation in preparation of regulations by public authorities through public administrative proceedings were annulled.
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 57 (3x number of questions)	15				
<b>Total Score</b> = % of maximum score obtainable	20.8				
<p><b>Comments, explanation and recommendations regarding the overall assessment:</b></p> <p>Only one out of three pillars of Aarhus Convention is comparatively well represented in Georgia – it is access to information. In particular General Administrative Code of Georgia provides for access to public information and defines the rules for requesting the information. However, there are significant shortcomings in practice: often the information release is delayed; the staff, responsible for information output is not appointed; it is not clear what responsibility is set for the violators of rules of releasing the information; sometimes there are problems related to protection of personal data and often with information classification; there is no practice of processing confidential information and isolation of secret piece of information. Besides, the type of information in disposal of each public institution is not defined.</p> <p>Procedures for participation in decision-making are not practically ensured. In compliance with existing mechanisms of public participation, consultations with the public on specific activities (that are subject to EIA) are held not by decision-making body, but by the project developers prior to commencement of administrative decision-making procedures. This means that there is no opportunity for public to participate in decision-making processes. Nor is public informed on already taken decisions.</p> <p>Access to justice is also problematic. No clear rules are set for individuals and NGOs to access judicial bodies for violations of environmental law. Besides, there are no mechanisms of informing the public on access to justice procedures, deadlines for court proceedings are often violated.</p> <p>Judging from the last few months practice (January – March 2013), the new government is showing greater openness which is reflected in creating opportunities for general public and different stakeholder groups to be informed and consulted over governmental initiatives. It should be stressed however that public information and participation procedures are still not institutionalized.</p>					

<b>Objective 10</b>					
<b>Preparing regular reports on the state of the environment</b>					
<b>Relevant text in the Action Plan:</b>					
Continue preparing regular reports on the state-of-the-environment.					
<b>Evaluation</b>					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Implementation</i>					
1. Has a state of the environment (SoE) report been prepared since the signing of the AP, or is a report under preparation?	X				<p>State of the environment (SoE) annual reports used to be prepared in 2001-2005. As a result of December 2007 legislative changes, preparation of such reports were suspended and resumed in the end of 2009.</p> <p>In 2010 Ministry of Environmental Protection and Natural Resources, with EU financial support, prepared 2007-2009 state of the environment report. The next three-year SoE report (2010-2012) is being prepared and will supposedly be published in 2013.</p>
2. Is there a legal requirement to prepare such a report regularly?	X				<p>The Law on Environmental Protection (1996) required the Ministry of Environmental Protection and Natural Resources to publish annually national SoE reports. The amendments introduced in the law on 14 December 2007 require the Ministry to prepare such reports once every three years. There is also another legal act, setting rules for preparing SoE report.</p> <p>During the reporting period, changes were made in the procedures for the approval of the SoE report. As it was noted in the previous assessment, approval of 2007-2009 SoE report by president was delayed - by 2010, under legislation in force, a report was prepared by the Ministry of Environmental Protection, while approval was upon the country's president after consultations with interested agencies. At the end 2007-2009 SoE report was approved by the president. Instead the framework Law on Environmental Protection was amended in November 2011; the law entitled Minister of Environmental Protection to approve the national SoE report, instead of the president. Finally, the first three-year national SoE report for 2007-2009 was approved with significant delay in December 2011 by Minister of Environmental Protection.</p>
<i>Process</i>					
3. Were NGOs consulted during the preparation of the report?				X	Unlike the 2001-2005 reports, preparation process of the first three year (2007-2009) report was transparent and participative. As to the nest three-year report, it has not been made subject to public discussions yet.
4. Was the scientific/academic community involved in the process?				X	See comment to previous question.

<i>Content</i>					
5. Does the SoE report cover the most important environmental issues in the country?				X	In case of second three-year report, it is not clear if the report covers the most important environmental issues or not, since it was not made public yet (none of the draft versions). The first three-year report did, inasmuch as the data available to public institutions and other agencies allow.
6. Is the report based on recently collected data?		X			It is not known. Please, see previous comment. First three year report, in contrast to previous reports, indicates to informational shortcomings.
7. Does the report identify important problems that need to be addressed?		X			It is not known. The previous report identified important challenges by each topic (thematic area).
<i>Dissemination</i>					
8. Does the report have a clear and understandable summary?	X				It is not known. In contrast with previous reports, first three-year report for 2007-2009 had a clear and understandable summary.
9. Is the report available on the Internet?			X		First three-year SoE report for 2007-2009, as well as annual SoE reports produced earlier in 2001-2005 are available at Aarhus Center web-site, however none them is available at official web-site of Ministry of Environmental Protection.
10. Did the government widely disseminate the results of the report to the press, schools and other groups?				X	
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 30 (3x number of questions)		7			
<b>Total Score</b> = % of maximum score obtainable		23.3			
<b>Comments, explanation and recommendations regarding the overall assessment:</b>					
<p>This area (objective) earned one of the lowest score in our first, 2009 report and the highest score in the second assessment report produced in 2011. This was due to the fact that the first three-year national SoE report, in contrast to reports from previous years, was a higher quality and at the same time it was developed with a wide participation of stakeholders (the was prepared with the methodological guidance under the EU supported project). This time, the Ministry of Environmental Protection is preparing 2010-2012 national report independently, without external assistance. It is important for the ministry to make use of the experience gained from the previous process, especially in terms of involvement of different stakeholder groups. It is also important that more resources are allocated for the promotion of the SoE report among various groups.</p>					

Objective 11					
Supporting civil society actors and local authorities					
Relevant text in the Action Plan: Support civil society actors and local authorities.					
Evaluation					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Role of civil society actors</i>					
1. Are there NGOs or NGO networks active in environmental issues in your country?		X			There are some active environmental NGOs, but generally speaking, environmental NGO sector is weak in the country. Experience in networking is very limited.
2. Are there legally binding procedures requiring the involvement of civil society actors in decision-making regarding environmental issues?				X	See objective 7 and objective 9.
3. Are civil society actors included in practice in the legal decision-making process?			X		Sometimes civil society actors are involved in decision-making processes, but usually as a result of NGO efforts and persistence.
4. Are civil society actors included in practice in the development of policies at the national level?			X		There is no specific mechanism of involvement, but there is some experience of including civil society actors. When developing policies with support of international organizations, their internal policy is usually applied in order to ensure the inclusion of civil society actors.
5. Are civil society actors included in practice in the development of policies at the local level?			X		
6. Are NGO initiatives supported (financially or by other means) by the State?			X		As it was noted in the previous report, at Georgian President's initiative in May 2009 Civil Institutionalism Development Fund was established. According to the information provided at Fund's website ( <a href="http://www.cidf.ge/">http://www.cidf.ge/</a> ), "the idea of establishment of the Fund is that Georgian State, like western democracies, takes responsibility for facilitation of civil sector development, support of civil initiatives and development of civil institutions".  The fund, in accordance with its set priorities, provides grants to NGOs, community organizations and initiative groups. The Fund provides small grants, amounting from 5 to 10 thousand USD per project.

7. If yes, has this support increased since the previous assessment?				X	In 2009 (when the Fund was established) the competition fund amounted to: 600 thousand GEL for the first competition and 200 thousand GEL for the second one. In 2010 the second competition fund amounted to 350 thousand GEL and the first competition purse is unknown. The amount of competition funds allocated in 2011 and 2012 is not clear (in 2012 the Fund announced "open door" grant programme).
<i>Role of local authorities</i>					
8. Are local authorities in regular contact with civil society actors?				X	Such contacts usually take place only within some of those, implemented by civil society actors projects.
9. Do local authorities freely provide information to civil society actors?				X	
<i>Communication strategies and other tools</i>					
10. Have communication strategies been established in the country regarding environmental issues? If already in existence at the time the baseline situation was assessed, have they been improved since then?				X	
11. Have awareness raising programmes targeting civil society (including information campaigns) been developed and implemented?				X	
12. Have civil society actors initiated environmental education in the country?				X	Some but fragmented measures are implemented at NGOs initiative.
13. If so, have they been supported by the authorities?				X	In some cases.
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 39 (3x number of questions)		11			
<b>Total Score</b> = % of maximum score obtainable		28.2			

## Objective 12

### Enhancing cooperation with neighbouring countries

**Relevant text in the Action Plan:**

Participate actively in the Danube – Black Sea Task Force and the Black Sea Commission to implement a trans-boundary approach to water management; ensure active participation in the Eastern European, Caucasus and Central Asia component of the EU Water Initiative.

Identify possibilities with neighbouring countries for enhanced regional co-operation, in particular with regard to water issues.

#### Evaluation

Question	Yes			No	Notes
Grade	3	2	1	0	

#### *Existing or possible cooperation agreements with neighbouring countries*

<p>1. Are the structures provided for by the agreement fully in place?</p>		X			<p>Georgia is a party to the Convention on Protection of the Black Sea Against Pollution and its protocols:</p> <ul style="list-style-type: none"> <li>On the Protection of the Marine Environment of the Black Sea from Land Based Sources and Activities;</li> <li>On Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations;</li> <li>Protection of the Black Sea Marine Environment against Pollution by Dumping.</li> </ul> <p>Georgia has permanent representatives to the Commission on the Protection of the Black Sea Against Pollution and its advisory groups.</p> <p>Within the convention's project on Black Sea Integrated Coastal Zone Management (1999) State Advisory Committee and the working group for integrated coastal zone management were established.</p> <p>Until 2011 reorganization of the Ministry of Environmental Protection and Natural Resources, there also was the Convention Inspectorate for Black Sea Protection, which was a territorial unit of the Inspectorate for Environmental Protection under the ministry. Currently there is Black Sea Service under the Natural Resources Agency at the Ministry of Energy and Natural Resources.</p> <p>In order to promote studies in Black Sea biodiversity and landscape conservation, biodiversity regional center was established, which at the moment is not operative.</p> <p>Georgia is a party to 1996 London Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters (1972), as well as to 1973 Marpol Convention. The commitments under the two latter conventions are met within the Convention on Protection of the Black Sea against Pollution.</p>
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				<p>In 2001 Georgia ratified the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAM). Focal Point for the agreement is Ministry of Environmental Protection and Natural Resource, in particular, its biodiversity protection service.</p> <p>In 2003 Georgia became a member of Global Water Partnership (GWP) and the same year Georgia joined its regional organization GWP CACENA, which includes two Caucasian and five Central Asian countries. In 2007 local organization “Global Water Partnership – Georgia” (GWP-Georgia) was established which includes 24 partner organizations (governmental structures, academy, industry and NGOs).</p>
2. Are these structures functioning properly (i.e. are there regular meetings, are decisions taken, etc.)?		X		<p>Georgia routinely participates in meetings of parties under Black Sea Convention (twice in year till 2008, since than once in year), as well as in events under Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAM). The decisions taken by the Georgian side are presented to the Black Sea Commission.</p> <p>Within GWP, GWP CACENA and GWP-Georgia GWP-funded meetings and seminars are regularly held on local (4-5 a year), regional (4-5 a year) and international (minimum one meeting a year) levels.</p> <p>Georgia participated in GWP 2009-2013 activities strategy development. From 2003 to date several brochures were published, EU directives were translated, comments and proposals on a range of strategic and legislative documents were studied and presented to governmental structures.</p>
3. If the agreement provides for exchange of information, does it happen effectively?			X	<p>It should be noted that according to the report of the Black Sea Commission on implementation of 1996-2001 Black Sea Protection and Rehabilitation Strategic Plan, Georgian input is one of the poorest. Besides, the Georgian side often does not respond to the Black See Commission request for specific information.</p> <p>Regular exchange of information within GWP is carried out through GWP CACENA regional office, more specifically via its officer. Systematically there is meetings and workshops on local (4-5 per year), regional (4-5 per year) and international (at least one per year) levels.</p> <p>Georgia participates in preparation of GWP 2009-2013 implementation strategy. Since 2003 there were number of publications prepared, relevant EU directives translated and reviewed.</p>
4. Have the financial contributions planned for by the agreement been paid?		X		<p>In 2003-2004 Georgia failed to pay contribution set by the Convention. Now, alongside with regular payment of contributions, Georgia is paying off old debts.</p>

<p>5. Have steps been taken to implement the agreement at national level?</p>			X	<p>The following were developed within the project on Black Sea Integrated Coastal Zone Management:</p> <ul style="list-style-type: none"> <li>• Draft law on Integrated Coastal Zone Management (2005);</li> <li>• Guidelines for integrated coastal zone management (2006);</li> <li>• Concept for strategic directions for integrated coastal zone management in Georgia;</li> <li>• Oil spill response plan;</li> <li>• Integrated coastal zone management strategy for Georgia.</li> </ul> <p>Regrettably, none of the above documents have been approved to date and hence, they do not enjoy any official status.</p> <p>According to the above mentioned Black Sea Commission report, of all the states participating to the Convention on the Protection of the Black Sea Against Pollution, Georgia has carried out the least activities towards implementation of the Black Sea strategic action plan.</p> <p>In 2010 Integrated coastal zone management strategy for Georgia, developed within the EU project, was presented to Ministry of Environment. However, document is still not approved.</p> <p>In 1997-1998 small cetaceans monitoring network was established within the EU financed project “Study of human impact on the Black Sea small cetaceans and working out appropriate measures for their conservation”. The network reported 39 deaths of dolphins. The monitoring network is not operating anymore; there is an opportunity though, to resume it on the basis of Tbilisi State University, which owns certain facilities in Grigoleti, Black Sea coast. Please, see also comment to question 13.</p>
<p>6. Is it planned to sign cooperation agreement with neighbouring countries?</p>			X	<p>Georgia signed bilateral agreements with Ukraine (1993), Azerbaijan (1997), Armenia (1997 and Turkey (1997) on cooperation in environmental area. Besides, a bilateral agreement was signed with Ukraine (1996) on cooperation in fish industry.</p> <p>On the basis of bilateral agreement with Ukraine “On Cooperation in Fish Industry” (in force since 1997) a Ukrainian ship entered territorial waters of Georgia every year and in exchange for fishing permit, carried out estimations of fish resources. The results of these studies served as sole basis for setting fishery quotas. In 2004 10-year license for fishing has been issued by the Ministry that in fact stopped the operation of the agreement with Ukraine. Now basis for setting of fishery quotas now raises concerns.</p>
				<p>A document was prepared assessing capacities in Georgia and Azerbaijan for meeting the commitments under Helsinki and Espoo conventions. Besides, a working version of bilateral agreement between Georgia and Azerbaijan in water management sector was drafted.</p>

7. If this is the case, are negotiations processing effectively?			X	<p>Autumn 2010 Georgian government initiated UN ECE facilitated national consultations on integrated management of water resources. The dialogue concerns three major areas:</p> <ul style="list-style-type: none"> <li>• Development of national water legislation;</li> <li>• Setting the objectives for UNECE/WHO Protocol on Water and Health under UNECE water Convention;</li> <li>• Trans-boundary water cooperation with Azerbaijan;</li> </ul> <p>It should be mentioned that the public is not being informed permanently on the progress of negotiations, nor are working documents available.</p> <p>In June 2012 agreement between Georgia and Azerbaijan on water issues was prepared as a final product of ENVSEC project “Transnational water convention and bilateral agreement between Azerbaijan and Georgia for distribution of water resources”. The project established model for sustainable use of Mtkvari (Kura) river basin waters, as well as analysed legal and institutional needs and UN ECE water convention implementation status.</p>
<i>Informal cooperation</i>				
8. Have meetings on trans-boundary/ regional issues been organised at national, regional or local level?			X	<p>Some meetings take place but mostly within water related projects implemented by NGO and/or with financial assistance of international organizations. First of all, environmental cooperation for the Black Sea should be mentioned. Within this project several high level meetings were held in Georgia, which were very productive (see also objective 5 – water sector). Some other meetings took place within Mtkvari-Araks program.</p> <p>Number of meetings in such areas as forests, climate change, prevention of natural disasters, trans-boundary management of natural resources, is also increasing.</p>
9. Are exchanges of information taking place at national, regional or local level?			X	<p>Exchange of information takes place mainly in the framework of regional projects and this enabled to create appropriate websites in three Caucasus countries – Georgia, Armenia and Azerbaijan. For instance, in Georgia those are <a href="http://www.hydromet.ge">www.hydromet.ge</a> – includes database from monitoring of use of water resources and <a href="http://www.kura-araks-natosfp.org">www.kura-araks-natosfp.org</a> – water quality database.</p> <p>Exchange of information about development projects having transboundary impact is problematic. This, first of all due to the fact that none of the countries except Armenia has ratified Espoo Convention on Environmental Impact Assessment (EIA) in Transboundary Context. Respectively there are no commitments to inform each other on the planned activities that may entail significant negative impact on other countries’ territories. For instance, building dams on Chorokhi river in Turkey had negative impact on the watercourse and biodiversity in Georgia. It also limited the flow of sediments to the Black Sea, which poses danger to Georgian coastal zone. Appropriate agreement was signed with Turkish side; however it is unknown how efficiently it is implemented.</p>

				<p>The following example also indicates to the problems in sharing of information among countries – Armenia did not send the notification on building new reactor of Metsamor nuclear power station to the neighbouring countries. Instead, Armenia requested Secretariat of Espoo Convention to notify Georgia and Azerbaijan. Another example is the operation of Teghut copper and molybdenum mines in Armenia. The Armenian side claims that the project does not have any significant transboundary impact, but no appropriate studies have been carried out to support this statement.</p> <p>It should also be noted that Armenia extended validity of license for operation of Metsamor nuclear power station despite warnings of the EU that this poses risks to the entire region.</p> <p>Similar problems refer to all neighbouring countries, including Georgia.</p>
10. Have consistent political declarations been made on regional cooperation?			X	<p>Georgia’s international and bilateral agreements with neighbouring countries and its political declarations show its readiness to regional cooperation with all interested parties.</p>
11. Are joint regional projects in place, involving common activities for stakeholders from both countries?			X	<p>In 2000-2010 a range of water related projects were financed by different international organizations in Georgia (WB, USAID, DAI, TACIS, NATO, UNDP/GEF, UNDP/Sida, EC, Finnish government). Along with development of important for Georgia documents within these projects, three laboratories in Tbilisi, Batumi and Kutaisi were equipped with modern technology, 11 hydro power stations were restored-rehabilitated, database with appropriate websites was created, pilot projects in water quality monitoring and integrated coastal zone management were or are being implemented.</p>
12. Do regional/local administrations or other stakeholders have regular contacts with regard to environmental issues?			X	<p>Contacts are established and maintained mainly within current international and regional projects.</p>
<i>Country-specific questions</i>				
13. What are the major steps to meet international commitments?			X	<p>Since 2003 Georgia is heading for a quick economic recovery and promotion of private investments. Along with positive effects this had significant negative impact on different areas including the environment.</p> <p>Certain regression can be traced in terms of meeting the commitments of harmonization of Georgian legislation with that of the EU. This is due to the following:</p>

					<ul style="list-style-type: none"> <li>• Removal of environment from country priorities both in practical and formal terms;</li> <li>• Neglect of environmental issues by high level officials in favour of promoting investments in economy;</li> <li>• Introduction of changes in environmental legislation under marked pressure from economic team and in total non-transparency;</li> <li>• Insufficient financing for environment;</li> <li>• Permanent and often unjustified reforms and structural changes of the environment authorities.</li> </ul>
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 39 (3x number of questions)		16			
<b>Total Score</b> = % of maximum score obtainable		41			
<p><b>Comments, explanation and recommendations regarding the overall assessment:</b></p> <p>Bilateral relations take place mainly within international projects; the project, as a rule, imply development of documents, exchange of information, meetings at different levels, as well as practical results, such as equipment of laboratories and restoration/updating monitoring network; the documents developed within these projects, including the strategic ones, enjoy the status of recommendations as they are not discussed or approved at government level; upon completion of the project, all the activities (databases, monitoring, water tests, etc.) terminate or become fragmented due to absence of financing; often targets and appropriate activities in internationally financed projects are set forth unfairly, which causes overlapping.</p>					

**Objective 13**  
**Ensuring integration of environmental aspects in other policy sectors**  
**(promoting sustainable development)**

**Relevant text in the Action Plan:**

Promotion of sustainable development

- Identify steps to establish and implement the national strategy on sustainable development;
- Ensure strategic planning of sustainable development and coordination between relevant actors;
- Take steps to improve integration of environmental considerations into other policy sectors.

**Evaluation**

Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Integration of environment into sectoral policies</i>					
1. Administration: have joint committees been set up or other steps taken to integrate the environment into sectoral policies?			X		<p>Joint committees or commissions are being set up only at the donors' demand. For instance for all UN agencies' projects supervisory boards are usually set up, where representatives of respective ministries participate.</p> <p>As was noted in the previous report, there was an attempt to integrate environment into sectoral policies when developing State Strategy for Regional Development of Georgia for 2010-2017 (approved on 25 June 2010).</p> <p>At the end of 2011 the parliament approved the National Security Strategy (it has replaced the document with the same title adopted in 2005) where "ensuring environmental security of the country and the regions" is listed as one of the national interests; Degradation of Black Sea cost due to illegal extraction of construction material, as well as illegal logging in Abkhazia and export of illegally extracted resources to Russia (where they used for construction of Sochi 2014 Winter Olympics' facilities) is considered as the major environmental challenge for the country.</p>
2. Plans and programmes: have any joint policies been issued?			X		Joint programs and plans have not been developed in such areas as transport, health and environment. See also the notes above.
<i>Preparation of the National Strategy</i>					
3. Has a national strategy on sustainable development been adopted since the signing of the AP?				X	

4. Are there any activities to develop it?				X	<p>In 2005 governmental committee on sustainable development, chaired by the Prime Minister was set up. The committee exists nominally; no activities to develop the strategy are in place.</p> <p>As mentioned in previous report, in July 2010 Ministry for Economic development changed the title into “Ministry for Economy and Sustainable Development”. In October 2010 new department was established within the ministry – “Department for Sustainable Development”. One of its functions is “to develop sustainable development strategy and action program”. The ministry has not so far made any effort to start preparation of sustainable development strategy.</p>
<i>Process</i>					
5. Did ministries in different sectors play an active role in preparing the strategy?				X	
6. Did society stakeholders in different sectors (environmental NGOs, industry, others) play an active role?				X	
<i>Implementation</i>					
Have steps been taken to implement the actions in the strategy?					Question is not relevant for Georgia
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 18 (3x number of questions)	2				
<b>Total Score</b> = % of maximum score obtainable	11.1				
<p><b>Comments, explanation and recommendations regarding the overall assessment:</b></p> <p>It can be stated that during the reporting period, as well as during entire period of the Action Plan, no effort was made to integrate environmental aspects in other sectors. The small steps that have been taken for integration during this period were superficial and insignificant especially when compared to institutional and regulatory reforms of last years that have postponed environmental integration to the distant future.</p>					

<b>Objective 14</b>					
<b>Implementing the provisions of the Kyoto Protocol &amp; UNFCCC</b>					
<b>Relevant text in the Action Plan:</b>					
Implement provisions under the Kyoto Protocol and the UN Framework Convention on Climate Change including through the active cooperation under the Clean Development Mechanism.					
<b>Evaluation</b>					
Question	Yes			No	Notes
Grade	3	2	1	0	
<i>Implementation</i>					
1. Is there a monitoring system for the emissions of greenhouse gases in the country?		X			Georgia is not Annex I country to Kyoto Protocol; therefore, the country is not required to have permanent monitoring system in place. Periodically, inventory of previous years' emission is carried out in the frame of national communication reports. Therefore, statistical data is not reliable and in addition, it based on experts calculation, rather than continuous emissions' monitoring system.
2. Has the country benefited from the Clean Development Mechanism (participation in CDM activities for non-Annex I)? In particular, have projects been carried out to implement the mechanisms?		X			<p>Georgia has benefited from CDM programs to a certain degree.</p> <p>1. The project for leak reduction from "Kaztransgaz" gas distribution net and the system was the first project registered in CDM in September 2009 (from 2009 emissions were reduced by 194,420 tonne of CO<sub>2</sub> equivalent. After implementation of the project there will be annual reduction up to 339,197 tone of CO<sub>2</sub> equivalent).</p> <p>2. In October 2012, the Enguri rehabilitation project has been registered under the CDM; it is estimated to generate more than 5.8 million carbon credits over the 10-year crediting period.</p> <p>3. In October 2012, the project "Leak reduction in above ground gas distribution equipment in Socar Georgia Gas gas distribution system" was also registered.</p> <p>The UNFCCC CDM secretariat received from CDM Designated National Authority number of small and medium size hydro projects for validation. Actually, during preparation of those projects the Georgian environmental legislation was violated, that in unacceptable practice for CDM projects (e.g. Dariali and Paravani HPPs).</p>
3. Have cost-effective national and/or regional programmes been formulated to improve the quality of local emissions factors, activity data and/or models for the preparation and updating of the inventory?		X			<p>In May 2010 Tbilisi joined the Covenant of Mayors on climate change. Under the Covenant, Tbilisi Mayor's office committed to reduction of emissions by 20% by the year 2020 through enhanced energy efficiency and cleaner production. The Mayor's office is to prepare baseline document with regard to energy consumption and emission levels. Besides, it should develop sustainable energy action plan.</p> <p>In March 2011, Tbilisi Government adopted Sustainable Energy Action Plan for Tbilisi 2011-2020. The action plan involves inventory of basic emissions and reduction of emissions by 25% by 2020.</p>

				<p>The action plan establishing the strategy and vision for reduction of emissions, defines activities for energy efficiency, in transport, energy and construction sectors. The action plan also focuses on issues, such as waste management and green spaces development to mitigate climate change impacts.</p> <p>It should be underlined that document was prepared with wide participation of interested stakeholders, including representatives of international financial institutions (World Bank, EBRD, ADB), bylateral donors (EC, Kwf, GIZ), relevant ministries, non-governmental organisations and private companies. The Action Plan also assessed the costs of activities; part of the costs are planned to be covered from city (Tbilisi) budget.</p> <p>The Covenant of Mayors on Climate change was also signed by mayors of Rustavi, Gori, Batumi and Kutaisi cities.</p>
<p>4. Are there national and/or regional programmes in place (or planned) containing measures to mitigate climate change (e.g. sectoral programmes on energy, transport, waste, land use, industry, households, buildings or specific technologies such as energy conservation or renewables) (Art. 4.1 (b))?</p>		x		<p>International organizations, such as GTZ, KfW, UNDP, USAID and donor governments, e.g. Norwegian government implement renewable energy supporting projects through different grants and low-interest credits. The projects also envisage rehabilitation and development of small and medium hydropower stations. The latter initiative is officially supported by Georgian government. There is the list of potential hydro power stations at the website of Ministry of Energy. All other projects are purely donors' initiatives, since there is no legal framework document in place to support renewable energy development in Georgia (see objective 15).</p> <p>Besides, European Bank for Reconstruction and Development has provided a credit line for local banks (TBC Bank, Republic Bank, Kartu Bank, Bank of Georgia) to finance high-quality energy-efficient devices for organisations since (2008) and individuals (since 2009). British Petroleum participates in the project and funds grant component. Unfortunately, in November 2012, the credit line was closed for physical persons (700 users receive around USD 1 million). By 2011 the credit line supported 13 projects (USD 27 million), while overall costs of the projects were USD 80 million. The return on period of the project is eight years.</p> <p>Since 2009 Winrock International implements project NATELI (New Applied Technology Efficiency and Lighting Initiative) funded by USAID. The project includes energy efficiency improvements in public buildings and hospitals, development of local capacities, energy efficiency investments' economic and financial analysis for long-term capacity building programs. Energy efficeincy promotion among the public, accessibility on energy efficiency investments and energy efficient pilot projects implementation in Tbilisi multi-apartment residential buildings.</p> <p>Energy Efficiency Center (<a href="http://www.eecgeo.org/">http://www.eecgeo.org/</a>), with the financial assistance of Norwegian Ministry for Foreign Relations, is working on a project to support development of small hydropower stations in Georgia.</p>

<p>5. Has the country made efforts regarding the development and exchange of practices and processes to control emissions and to hinder climate change (Art. 4.1 (c), (g), (h))?</p>		<p>X</p>		<p>Second National Communication provides for emission reduction strategy. According to official governmental position<sup>5</sup> full development of hydropower potential in the energy sector is top national priority. Long-term objective of national energy policy is to satisfy the demand for electricity by that generated at local hydropower stations.</p> <p>At the same time Georgian government in its documents to Copenhagen conference admits, that the country needs to make steps for introduction of greenhouse gas emissions reduction technologies, especially in renewable energy and energy efficiency.</p> <p>In November 2010 the project on „Technology needs assessment and technology actions plans for climate change mitigation” took a start. In September 2012 the report was published under the project. The report addressed technology needs in following directions:</p> <ul style="list-style-type: none"> <li>• Energy consumption in household and public buildings;</li> <li>• Transport sector, including public and private transport systems;</li> <li>• Renewable energy sources.</li> </ul> <p>As a result, three technologies were recommended for elaboration of the Technology Development Action Plan and pilot projects:</p> <ul style="list-style-type: none"> <li>• Energy efficient wood ovens production and utilization;</li> <li>• Efficient construction technologies, including integrated building design, energy efficient materials and construction practice;</li> <li>• Solar water heating systems for household and commercial use.</li> </ul> <p>The Technology Development Action Plan was prepared and existing barriers analyses was also conducted.</p>
<p>6. Have plans been adopted to adapt to climate change (coastal zone management, water resources...) (Art.4.1 (e))?</p>		<p>X</p>		<p>Presently, NAPA (National Adaptation Program of Activities) is being developed, which will identify appropriate measures and necessary funds.</p> <p>In 2009 adaptation plans within Second National Communication were developed and approved for the following regions: Dedoplistskaro, lower Svaneti and the Black Sea coast. Two plans are being implemented at the moment:</p> <ul style="list-style-type: none"> <li>• In Dedoplistskaro region measures for adaptation and combating desertification are being carried out with GTZ support. They imply planting windbreaks, forest program and irrigation.</li> <li>• A Dutch organization is carrying out the Black Sea coastal zone expert assessment. Besides, coastal shore protection works at Batumi-Adlia segment are ongoing.</li> </ul> <p>No specific measures have started as yet in lower Svaneti.</p> <p>Progress is evident as compared with the previous year since adaptation action plans are being implemented.</p>

<sup>5</sup> It should be noted that in terms of fossil fuel consumption, transport sector has leading position in Georgia – in accordance with Second National Communication in 2006 this sector used 65% of all fossil fuel consumed; consumption of fossil fuel in energy sector is much lower.

				<p>According to Ministry of Environmental Protection and Natural Resources, CENN, with USAID funding, is carrying out vulnerability assessment and adaptation project in: Dedoplistskaro, Sagarejo, Akhaltsikhe, Borjomi, Khelvachauri and Keda regions. Thus, there is hope, that new adapataion programs will be developed for Akhaltsikhe, Borjomi, Khelvachauri and Keda after the completion of this project. At the same time, some inconvenience is caused by overlapping with existing plans in Dedoplistskaro region.</p> <p>In 2012 Adaptation Fund adopted project that aims to establish long-term flood management measures which will enable the government of Georgia to manage flood risk in a more sustainable manner. Flood plain management measures such as development zoning, for example, should reduce the need for response and recovery as the populations at risk will be greatly reduced. The project area will cover the Rioni basin with the exemption of the Rioni delta.</p> <p>Local communities are threatened by the dams located in Rioni river basin. There are four major dams on the Rioni River – Rioni Hydroelectric Station I, Gumati Hydroelectric Station I, Gumati Hydroelectric Station II and Vartiskhe Hydroelectric Station. There are also three other HPP dams located on tributaries of the Rioni, those are: Lajanuri HPP dam, Shaori HPP dam and Tkibuli HPP dam. These dams pose a flood risk in a number of ways. Firstly, they suffer from high rates of sedimentation (e.g. Gumati reservoir has reduced from 18 Million cubic meters to 1 Million cubic meters in storage capacity, a 95% reduction, since its construction. Vartsikhe HPP said to have experienced a similar rate of sedimentation). The impact of this reduced storage capacity will put communities at risk as the dams provide very much reduced attenuation to large floods. In addition, the sediment prism associated with this high rate of sedimentation, has resulted in a severe decrease in the river bed slope from 1.5% to 0.9%, which has caused a decrease in flood conveyance capacity in the upstream reaches and the reduced channel depths has led to more frequent and severe river bank overtopping and flooding of property and infrastructure. The reduction in reservoir storage capacity will continue if poor land use practices that increase erosion and sedimentation continue, and will be further exacerbated by climate change as landslides and other mass sediment transport processes associated with the region increase and intensify. Georgia does currently have the Soviet era dam safety standards. However, the dam safety regulations that would impose compulsory inspections and maintenance on owners are missing. This poses a second threat to the downstream population as the toppling or breaching of dams would lead to the sudden and catastrophic release of flood waters. This risk is increased with climate change, as the increase in flood peak flows and sedimentation, both the risk of overtopping and hence toppling of the dams.</p> <p>World Bank implements climate change adaptation project in agricultural sector for South Caucasus region. The project aims climate change adaptation and mitigation measures integration in agriculture policy, programs and investments.</p> <p>The EU supports the project of local capacity building and regional cooperation for climate change adaptation and conservation of biodiversity in Georgia and South Caucasus.</p>
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7. Have initiatives been launched to raise public awareness regarding climate change issues (Art.4.1 (i)) (e.g. training programmes)?		X		<p>The system of regular informing the public is not established.</p> <p>From time to time the Ministry of Environmental Protection holds seminars and information campaigns within certain projects.</p> <p>Since 2009, every fall, Climate Week is organized with the support of the EC Delegation. The events under the Week aim at raising public awareness regarding climate change. Lectures, workshops, street rallies are usually held within the campaign.</p>
<i>Reporting</i>				
8. Does the country have a system of national inventories of anthropogenic emissions (Art.4.1 (a) of the Convention)?				<p>Question in not relevant for Georgia</p> <p>No such system is in place; only single inventories are carried out during preparation of National Communication. The Convention on Climate Change, as well as Kyoto Protocol do not obligate Georgia to carry out permanent monitoring. However, in future Georgia might be required to have such a system if it comes to the approval of Nationally Appropriate Mitigation Action (NAMA) program.</p> <p>Currently NAMA strategy is being developed with financial support of UNDP, German Federal Environment Ministry and number of other donors.</p>
9. If so, is it periodically updated and published?		X		<p>Results of the inventories within Second National Communication were published in 2008. Georgia has no obligations to update inventory annually. However, 2009 National Communication recommends Georgian government to update the data at least every two year.</p>
10. If the country submits a national communication to the UNFCCC Secretariat, does it submit it on a regular basis? In particular, where the first communication has been submitted, are steps being taken to prepare a second communication?	X			<p>Two national communications have been developed so far and they were submitted to the Convention respectively in 1999 and 2009.</p> <p>Funds have been raised for project proposals for preparation of the third communication and work is ongoing.</p>
11. Do the communications contain information regarding steps taken or envisaged to implement its legal commitments?	X			<p>National communication follows UNFCC guidelines and contains information regarding all its commitments (inventories, adaptation, etc.)</p> <p>The work on third national communication report has been commenced with the financial support of UNDP. Following measures are planned within this program:</p>

				<ul style="list-style-type: none"> <li>• Renewal and specification of national and regional indication, priorities and strategies;</li> <li>• Inventory of GGH in different sectors of economy in 2006-2012;</li> <li>• Assessment of vulnerability of ecosystems of different regions of Georgia and different sectors of economy and establishment of adaptation measures;</li> <li>• Development of GGH scenarios for 2050 and planning of appropriate mitigation measures and strategies;</li> <li>• Integration of climate change risks and its reduction ways in different sectoral strategies.</li> </ul> <p>It's planned that the report will be ready in 2013.</p>
12. In non-Annex I countries, (or for countries in economic transition), has the country already made propositions to the Secretariat for financing of projects on a voluntary basis to reduce emissions?			X	<p>Second National Communication contains the list of projects for emission reduction, as well as adaptation and mitigation projects. These projects can be found in different parts of the text depending on the topic. Only CDM projects are listed separately.</p> <p>After 2009 Copenhagen meeting Georgian officials started negotiations with UNDP and other international organizations to develop NAMA (Nationally Appropriate Mitigation Action) strategy. The presentation of the strategy took place in Bonn Climate Change Conference in 2012. It should be noted that it only included hydropower development in Kakheti region.</p>
<b>Overall assessment</b>				
<b>Overall assessment:</b> Score of 0 to 33 (3x number of questions)	23			
<b>Total Score</b> = % of maximum score obtainable	69.7			
<p><b>Comments, explanation and recommendations regarding the overall assessment:</b></p> <p>Georgian government's attitude to climate change underwent significant progress in 2007-2012. Now climate change and adaptation with its impact has been considered as national priority. Georgia associated with Copenhagen Accord in 2009 and stands ready to make steps in order to reduce greenhouse gas emissions despite its minor share in global emissions. The works for preparation of third national communication report, NAMA and NAPA documents have started.</p> <p>Georgia still does not have integrated climate change policy and legislation and that is quite problematic from the point of view of Georgia's formal application to European Energy Community (see Objective 15). Further institutional strengthening of respective authorities, new recruitments and personnel training is needed to ensure development/implementation of legislation in line with EU directives.</p> <p>Establishment of national climate change forum would enable access to information for all interested parties. It would also enable broader public participation in climate change related decision-making and further activities.</p> <p>It is also important that CDM national body makes the decision-making processes more open and involves wider spectrum of NGOs.</p>				

## Objective 15

### Improving sustainability of energy and transport policy

**Relevant text in the Action Plan:**

Continue implementation and refinement of the national sustainable transport policy for the development of all modes of transport and related infrastructure as well as where appropriate approximation of legislative and regulatory frameworks with European international standards, in particular for safety and security issues.

Develop an infrastructure strategy (identifying capacity constraints, lack of inter-modal equipment and missing link infrastructure) in order to identify the priority infrastructure projects in various sectors.

Elaborate and implement a coherent long-term energy policy converging gradually with the EU energy policy objectives including security of energy supply.

Establish a list of measures for gradual legal and regulatory convergence towards the principles of the EU internal electricity and gas markets, accompanied by time schedules and a financing plan.

#### Evaluation

Question	Yes				No	
Grade	3	2	1	0	Notes	

#### *Sustainable transport policy*

<p>1. Has a national sustainable transport policy been adopted since signing the AP? If not, is one being developed?</p>			X		<p>Sustainable transport policy has not been developed or adopted since signing the ENP AP. According to Ministry for Regional Development and Infrastructure, modernization of transport infrastructure is in compliance with international standards.</p> <p>In 2010 Georgian government approved Highway Safety National Strategy and Action Plan. Besides, appropriate technical regulations were approved in order to bring passengers and cargo motor vehicle transportation in line with international standards.</p> <p>On 2 December, 2010 Georgia signed joint sky agreement between Georgia, EU and member-states. Since 2012 Georgia is a member of EUROCONTROL organisation. Since November 2011 EUROCONTROL provides assistance to Georgia in establishment of national supervisory body that should ensure compliance with the EU standards, as well as development of human capacities.</p> <p>Regional Development State Strategy for 2010-2017 adopted 2010 defined necessary transport infrastructure for sustainable regional development, including:</p> <ul style="list-style-type: none"> <li>• Motorways and railway lines between region;</li> <li>• Internal flights infrastructure development between mountainous regions;</li> <li>• Rope-way infrastructure development in touristic areas.</li> </ul> <p>During 2010-2012 number of activities was implemented in order to comply with above priorities, including rehabilitation of motorways (international, national, local), as well as necessary infrastructure for internal flights (Mestia, Telavi, Kutaisi). All this activities were financed, both, from national and local budgets, as well as through international donors support (World Bank, ADB).</p>
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<p>2. Does the policy address major environmental issues arising from transport (e.g. air and water pollution, health impacts, acidification of the natural environment and climate change)?</p>			X	<p>30 December 2010 amendments (Government Resolution No.421) were introduced to Government Resolution No.124 of 31 December 2004 "On Gasoline Quality Standards". According to the amendments, from 1 January 2010 until 1 January 2012 lead content in gasoline should not exceed 0,013g/l, volume fraction of benzene – 0,005%, aromatic hydrocarbons – 45% and sulphur content – 500 mg/kg.</p> <p>It is noteworthy that 2004 Resolution provided that starting from already 2006 lead content in gasoline should not have exceeded 0,005g/l, volume fraction of benzene – 1%, aromatic hydrocarbons – 42% and sulphur content – 150 mg/kg. Starting from 2007 sulphur content should have decreased to not more than 50 mg/kg, and volume fraction of hydrocarbons – to 35%.</p> <p>2010 amendments to government resolution were made not for the first time – starting from 2005 it keeps being amended but the indicators of lead, sulphur, benzene and aromatic hydrocarbons have not changed for recent five years.</p> <p>Also noteworthy is that according to 2010 amendment lead content should not exceed 0,005 g/l from 1 January 2010 and sulphur content should not exceed 150 mg/kg only from 1 January 2013.</p>
<p>3. Did stakeholders in different sectors (environmental and other NGOs, industry, others) play an active role in the development of the policy?</p>			X	<p>According to the approved Highway Safety National Strategy and Action Plan permanent working group was set up consisting of representatives of Georgian executive authorities and civil society actors.</p>
<p>4. Have steps been taken to improve and enhance railroads and inter-modal services for both freight and passengers?</p>			X	<p>Since 2007 certain steps were made to improve and enhance railroads, including rehabilitation of its Akhalkalaki-Kartsakhi and Marabda-Akhalkalaki segments.</p> <p>Baku-Tbilisi-Kars new railroad construction project is ongoing. It will enable to transport cargo from China and Central Asia to Turkey and Europe. Currently "Georgian Railway" also implements Tbilisi bypass railway construction project and central railroad rehabilitation project. In 2011 Georgia joined the Convention concerning International Carriage by Rail (COTIF).</p>

				<p>In May 2010 Georgian Railway LLC (100% of its shares are state-owned) received Euro 200 million loans from the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) for financing the Tbilisi Railway Bypass Project. The main goal of the project is to relocate transit of hazardous goods (crude oil and oil products) from the densely populated area outside the capital with the purpose of increasing the efficiency and safety of railway operations. The project envisages the construction of a new railway section bypassing the central area of the capital city and modernization of the Didube and Navtlugi railway stations. According to the project, the redevelopment of freed-up territories will promote the development of the northern part of the capital.</p> <p>The project was problematic since the beginning. It envisages the construction of 18-20 meter high embankments in the densely populated Avchala district, where the trains loaded with hazardous freights (crude oil and oil products) will be moving. The project does not discuss adequate safeguard measures for the population living along the route, while left around 900 families without proper compensation for their land. Neither has it studied the negative impact of brake fluid on living conditions in the area. The minimal distance of the railway project from the Tbilisi Sea is 900 meters. Even in case of spilling half a cistern, i.e. 30 thousand litres, about 50% of useful capacity of the reservoir will become useless that will leave the population of three districts of Tbilisi as well as about 20 thousand ha of agricultural lands of the Gardabani district without water.</p> <p>In addition, the project does not include funds to clean up the freed territories from hazardous wastes, as well as does not includes any real costs of this exercise, that undermines possibility to assess whole economic viability of the projects.</p> <p>It should be mentioned that in September 2010, Government of Georgia refused to take subsidized loan from EIB, and refused the EBRD loan in November 2011. In order to finalize the project, Georgian Railway issued 250 million USD obligations (interest rate 9,875% - per coupon).The company also hopes to receive funding from state budget. In January 2013 the project was stopped and prosecutor's office commenced investigation.</p> <p>In May 2010 Georgian Railway LLC (100% of its shares are state-owned) received Euro 200 million loans from the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB) for financing the Tbilisi Railway Bypass Project. The main goal of the project is to relocate transit of hazardous goods (crude oil and oil products) from the densely populated area outside the capital with the purpose of increasing the efficiency and safety of railway operations. The project envisages the construction of a new railway section bypassing the central area of the capital city and modernization of the Didube and Navtlugi railway stations. According to the project, the redevelopment of freed-up territories will promote the development of the northern part of the capital.</p>
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<i>Implementation</i>				
5. Has the policy been implemented in practice?				X
6. Are financial resources available for that policy? If yes, have they been effectively allocated?				X
<i>Plans for energy efficiency and renewable energy</i>				
7. Has a good national plan for energy efficiency and renewable energy been adopted since signing the AP? If not, is a satisfactory one being developed?			X	<p>The action plan stresses the necessity for adopting legislation on energy efficiency and renewable energy. National plan for energy efficiency and renewable energy has not been even developed never mind its adoption. According to a representative of the Ministry of Energy, it is not even planned until 2012 due to the absence of appropriate expertise (it should be mentioned that in Summer 2008 Georgian government suspended USAID funded group's work on draft law).</p> <p>At the same time it is interesting that 2010 action plan of Ministry of Energy provided for announcing tenders with regard to Mtkvari and Oni hydropower stations (by all the rules, construction of Oni hydro-cascades should be ruled out, having experienced 8 September 2008 earthquake with epicentre (MS=6.2) in Oni). A Turkish company won the tender for Mtkvari cascades construction and is carrying out preparatory activities.</p> <p>Continuation of hydropower stations' rehabilitation process, including Enguri station in 2009-2010, deserves positive assessment. Besides works have started for rehabilitation of Vardnili HPP Cascade (EBRD, EIB, EU). This will provide the country with additional 245 megawatts and reduce hazard risks to the population living downstream the power plant in both, Zugdidi and Gali regions.</p> <p>Georgia participates in two regional programs of INOGATE (Interstate Oil and Gas Transport to Europe):</p> <ol style="list-style-type: none"> <li>1. "Support to Energy Market Integration and Sustainable Energy in New Independent States" aiming at setting up more integrated energy market in the region and promote energy security. The project will facilitate harmonisation of policies, legislations and regulatory practices in the partner countries. The program includes workshops on energy efficiency and renewable energies and development of sustainable energy policy.</li> <li>2. "Energy Saving Initiative in the Building Sector in the Eastern European and Central Asian Countries" aiming at supporting INOGATE partner states in reducing their fossil fuel dependence, strengthening energy security and mitigation of the impact of climate change; ensuring energy consumption control through promotion of energy efficiency and renewable energy in building sector.</li> </ol>

			<p>The fact that Georgian parliament ratified in Summer 2010 the IRENA (International Renewable Energy Agency) act thus becoming the Agency member, also deserves positive assessment.</p> <p>Ministry of Energy is considering introduction of “step-by-step tariffs” as one of the important energy efficiency tools under the pretext that “such tariff system will encourage consumers to save electricity”, through electricity stock-taking and control, as well as supplying rural areas with gas. To our opinion, these measures are important but not sufficient.</p> <p>According to “World Experience for Georgia” studies, Georgia today consumes 6 times less energy per capita, than Finland and Norway and 2.5 times less than Greece. At the same time Georgia consumes 4.5 times more energy per unit of GDP output than developed countries. It has been calculated that through cost-saving energy efficiency measures (replacement of incandescent bulbs with low-energy ones, insulation of buildings, transfer of motor transport to gas consumption, energy efficient stoves, new technologies, introduction of day-light saving time) would enable to reduce energy consumption approximately by 25 percent, improve energy efficiency and save tens and hundreds of million dollars. Important precondition for this is adoption of appropriate legislation and development of plans and programs promoting energy efficiency.</p> <p>2012 has been announced as hydro development year the government of Georgia, with aim to start construction of 18 hydro power station. The list of the project involves controversial large dam projects in mountains of Georgia, including Khudoni Hydro on Enguri river (installed capacity 702 MW, annual generation 1.5 TW /h)/ The planned projects does not comply with principles of sustainable development and may have serious negative impacts on environment, radically change social and demographic situation in Georgia high mountains and support cultural heritage destruction.</p> <p>After October 2012 elections the new Georgian government started revision of memorandums and agreements on hydropower development projects. It should be stressed however that the work on national energy development strategy and Strategic Environmental Assessment of the sector is still not considered as priority.</p> <p>It is positive that during 2010-2012 rehabilitation of existing hydropower stations continued, including Enguri HPP. The work starts on Vardnili HPPs (EBRD, EIB, EU) that in case of rehabilitation would bring additional 245 MW and prevents numerous flooding risks to people living downstream, both in Zugdidi and Gali regions.</p>
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8. If there is a plan, does it contain specific and measurable targets/objectives?				X	
9. If there is a plan, does it contain a clear and realistic financial plan (e.g. identifying likely sources for funding)?				X	
10. Did societal stakeholders (environmental and other NGOs, industry, others) play an active role in the development of the plan?				X	<p>Civil society sector has quite some expertise; USAID helps to increase its capacity and implements pilot projects; however these capacities are not fully used during development of strategic documents.</p> <p>In general, public participation in the decision-making related to energy issues is still problematic. Despite great public interest, some documents, for instance, memorandum signed with RAO AS on Enguri hydropower station, is still confidential.</p> <p>Main political parties (except for Republican Party, Social-Democratic Party) were quite passive during years; they rarely took part in the debates regarding the problems in the energy sector. The main reason is that political parties have no expertise regarding the energy issues. During parliamentary elections 2012 energy issues were covered only in electoral programs of Georgian Dream and Christian-Democratic Movement, however, in very superficial way. This again speaks of low interest of political parties towards energy issues in Georgia.</p> <p>After parliamentary elections of 2012 the situation regarding the public participation changed. The Ministry of Energy became more or less open to CSOs input in the discussions on energy policy directions. However, it is important to ensure that ministry involves all stakeholders in decision-making processes on both traditional and renewable energy, as well as energy efficiency issues. It is also important to institutionalize the processes, to define procedures for public participation in line with good international practice and ensure compliance with those rules.</p>

11. Have steps been taken to implement the actions in the strategy?				X	
<i>Country-specific questions</i>					
12. Have there been any steps made for human resources capacity building in energy efficiency and renewables sectors?				X	Some, but not sufficient steps have been made by donors in this regard.
13. Georgia EU Action plan provides for approximation of energy policy with the EU objectives, in particular, elaborate and implement a coherent long-term energy policy converging gradually with the EU energy policy objectives including security of energy supply. How are the engagements being met?				X	<p>In January 2013, Georgia applied for formal membership to the EU Energy Community that gives opportunities to closely align the Georgia Energy legislation with key EU policies and directives. To gain such status Georgia should comply with the EU horizontal environmental legislation, also with Kyoto Protocol, etc.</p> <p>In 2009 Georgian-European Policy and Legal Advise Center (GEPLAC) prepared preliminary assessment and recommendations about Georgian government's activities for obtaining full membership status. According to the studies<sup>6</sup>, no legislation is in place on several issues in Georgia. According to its findings, Ministry of Energy needs to be more proactive with regard to harmonization of Georgian legislation with EU directives and to enhance cooperation with Ministry of Environmental Protection.</p> <p>Country still does not have energy policy and strategy that is required under EU-Georgia Action Plan. Country has no overall energy balance, that would reflect supply and consumption of all types of energy carriers (including electricity, natural gas, liquid gas, coal, oil products, fuel wood, etc.) in different sectors of economy and household and that would create foundation for defining energy policy and strategic action plans.</p>
14. Georgia-EU Action plan provides for gradual convergence towards the principles of the EU internal electricity and gas markets. How is the engagement being met?				X	During 2010-2012 there were no activities that would support development of free and competitive market and tariff system. Nowadays, energy generation and energy distribution in Georgia are still carried out by the same companies; such situation cannot be assumed to be in line with EU internal market principles. It is important, that government as soon as possible starts to work on strategy to satisfy the implementation of these requirements.
<b>Overall assessment</b>					
<b>Overall assessment:</b> Score of 0 to 42 (3x number of questions)				7	
<b>Total Score</b> = % of maximum score obtainable				16.7	

<sup>6</sup> See [http://geplac.ge/newfiles/Environmental%20Implications%20vs%20ECC\\_JSarnacki%20May%202010.pdf](http://geplac.ge/newfiles/Environmental%20Implications%20vs%20ECC_JSarnacki%20May%202010.pdf)

Background information on energy		
Question		Notes
<p>What share of energy supply currently comes from renewables? Please break down into separate technologies and sectors (to avoid large hydro power plants swelling the figures!) Available from national statistics or from <a href="http://www.iea.org">www.iea.org</a>: hydro, geothermal, solar, etc. as a % of TPES.</p> <p>Trend analysis: Growth in % of renewables since the baseline situation?</p>		<p>Source: <a href="http://www.eia.org">www.eia.org</a> 2011 TPES = 3543 KTOE</p> <p>2516 i.e. 65% of TPES imported (oil and its products, gas) Hydro share - 679 Ktoe, renewable (geothermal, solar, etc.) - 9 Ktoe, firewood - 315 Ktoe, gas - 1057 Ktoe, coal – 63 Ktoe.</p> <p>Insignificant increase of renewables and hydro share and decrease of firewood and gas share can be observed as compared with previous year.</p>
<p>What is national energy intensity? And specific energy consumption? Available from national statistics or from <a href="http://www.iea.org">www.iea.org</a>: TPES/population; TPES/capita and TPES/GDP (Purchasing Power Parity, PPP)</p> <p>In addition: what is national carbon intensity? (same sources as above) CO<sub>2</sub>/country; CO<sub>2</sub>/capita and CO<sub>2</sub>/GDP (PPP)</p>		<p>Source: <a href="http://www.eia.gov">www.eia.gov</a></p> <p>According to energy information agency, national energy intensity is 8,996 Btu per 2005 USD (2011)</p> <p>Source: <a href="http://www.iea.org">www.iea.org</a> 2008 TPES/capita – 0.68 TPES/GDP – 0.55 TPES/GDP(PPP) - 0.18 CO<sub>2</sub>/TPS - 1.58 CO<sub>2</sub>/capita - 1.08 CO<sub>2</sub>/GDP – 0.86 CO<sub>2</sub>/GDP (PPP) - 0.28</p>
<p>How does national energy/carbon intensity compare with similar countries in the region? (higher or lower?)</p> <p>In addition: Trend analysis: growth/decline (in %) of above figures compared to the baseline situation?</p>		<p>Trend analysis is extremely difficult as there are low, if any intensity changes.</p> <p>Carbon dioxide emission (million metric ton): 2003 – 3.8, 2004 – 4.1, 2005 – 4.7, 2008 – 4.7., 2009 – 5.68. Source: <a href="http://www.iea.org">www.iea.org</a></p> <p>At the same time it should be mentioned that Georgia has lower than neighbouring countries carbon intensity, as hydro share of consumed energy is 53%.</p> <p>In 2008 carbon dioxide emission (million metric ton): Azerbaijan - 29.2, Armenia– 5.26, Russia - 1593.83, Turkey –263.53.</p>



**ASSOCIATION GREEN ALTERNATIVE**

Visiting address: 27/29, Paliashvili St., II floor, 0179 Tbilisi, Georgia

Mailing address: 62 Chavchavadze Ave., 0162 Tbilisi, Georgia

Tel.: +995 32 229 27 73; Fax: + 995 32 222 38 74

Web: [www.greenalt.org](http://www.greenalt.org)