Green Alternative’s Policy Briefs are short analyses on some of the challenges to country’s sustainable development. They are part of the broader Green Alternative’s analytical works; some complement or summarize reports, while others combine analysis from the research with consultation around a pressing issue. The purpose is to convey urgent public policy problems and promote debate on courses of action to resolve them.

This policy brief is intended for public policy makers and practitioners; it will also be useful for those groups and individuals seeking to influence the policymaking processes.

This policy brief is also available in Georgian.

WHAT ARE THE BENEFITS OF GEORGIA’S ACCESSION TO THE “EU-GEORGIA ASSOCIATION AGREEMENT” FOR THE NATURE OF GEORGIA

Short summary

The present policy brief aims at familiarizing the wider public with important issues related to the nature protection under “EU-Georgia Association Agreement”, independent assessment of existing problems and challenges, identification of ways to address them and advocacy. The studies show that the adoption and implementation of the laws of Georgia “On Biological Diversity” and “Forest Code of Georgia” would contribute significantly to the implementation of commitments under the association agreement, and many other international treaties. However, the above mentioned draft laws need further improvement, and appropriate sub-law regulations need to be developed. The issues of biodiversity conservation and sustainable use of natural resources, provided under these draft laws, shall be integrated in country’s development strategy at the very early stage. It seems quite realistic, that by 2020 about 12% of country’s territory is covered by high status protected areas (nature reserves, national parks, national monuments, sanctuaries), subject to the principles of spatial planning and sustainable development. And in conjunction with conservation projects implemented with milder protection regime (“emerald network”, protected landscape and multiple-use-areas and biosphere reserves), the acreage of protected areas may reach about 17% of Georgia’s total land area.

Issues related to nature protection und the “EU-Georgia Association Agreement”

In June 27 2014 the “EU-Georgia Association Agreement” was signed. The Agreement establishes a framework for cooperation between the EU and Georgia. The Agreement commits Georgia to reform agenda and adoption of European standards and progressive approximation of Georgian legislation to 300 acts of European law (stage by stage, within stipulated timeframes), including in the area of environment protection and sustainable development. The agreement (annex XXVI, “the Environment”) includes a separate chapter “nature protection”, which implies harmonization of Georgian legislation with the provisions of two European Directives: Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (“The Birds Directive”) and Council Directive 92/43/EC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (“The Habitats Directive”) as amended by Directive 97/62/EC, 2006/105/EC and Regulation (EC) No 1882/2003. Of all the commitments made under the Agreement, the key importance is attached to the creation of “Emerald network”; from the success of these actions depends not only the fulfillment of requirements under this particular part of Association Agreement (Annex XXVI, “Environment”, “Nature Protection”), but also the performance of other obligations under various multilateral international agreements and national policy documents which, for their part, ensure the protection of country’s biodiversity, preservation of ecosystem services and human well-being.

It should be stressed that under Article 233 of the Association Agreement, Georgia committed to the development of new “Forest Code”.

1 See annex 1 for specific commitments
“Emerald Network” and related to it international and national policies

“Emerald Network” is one of the main tools of “the Convention on the Conservation of European Wildlife and Natural Habitats” (Bern 1979) or “Bern Convention”. Its objective is the long term survival of the species and habitats of the contracting parties and facilitation of principles of sustainable use of natural resources. Special attention is given to endangered and vulnerable species, (including migratory). Besides, the contracting parties take measures to ensure the conservation of the habitats of the wild flora and fauna species. Such measures should be included in the Parties planning and development policies and pollution control, with particular attention to the conservation of wild flora and fauna. Under the Convention the “Emerald Network” is to be set up in each Contracting Party. “Emerald Network” consists of Areas of Special Conservation Interest (ASC) i.e. so called “Emerald sites”. The EU has set up the Natura 2000 network. Since parties to Bern Convention are not only the EU States, Natura 2000 is considered to be a part of the “Emerald Network”. Before being officially adopted as Emerald sites, all sites proposed to join the Network shall meet at least one criterion: ensure protection of endangered (including migratory) species; be characterized by high biological diversity; comprise (currently or in the past) the habitats defined under Bern Convention or their fragments; have special importance for migratory species and/or for the fulfilment of Bern Convention objectives. It should be stressed that both “Natura 2000” and “Emerald Network” sites may not be strictly protected areas. They may include reserves, national parks, natural monuments etc. However, conservation of habitats and species, in most cases, can be combined with economic activities, moreover, at some places the economic activity may be even necessary for normal functioning of “Emerald Site” so that it does not lose its importance for the conservation of species and habitats.

The establishment of “Emerald Network” has political importance for our country. The point is that East European countries who already had “Emerald Network” (Bulgaria, Romania, Czech Republic, Poland) found it easier to create “Natura 2000”, which is a necessary precondition for the membership in European Union.

Setting up the “Emerald Network” in Europe started in 1989. Preliminary process in Georgia started in 2003, however basic activities started only in 2009. Responsible for implementation of current “Emerald Network” project is Ministry of Environment and Natural Resources Protection, and information gathering and creation of appropriate database is provided by NACRES - Biodiversity Conservation and Research Center. About 34 “areas of special conservation interest”, 125 species of flora and fauna, and 27 habitats protected under Bern Convention have been identified in Georgia. The database and maps for these species and habitats have been submitted for evaluation to European Environment Agency and the Secretariat of Bern Convention. The final list of territories of special conservation interest shall be drafted, and scientific database finalized by the end of the year. The selected sites will enjoy the status of candidates for integration in “Emerald Network”. In 2017-2020 “Emerald Network” will be finally set up and start functioning. The decision on designation of emerald sites for integration in the Emerald Network is taken by Georgian Government. After the decision is made it shall be presented to the EC. Thus the Georgian Government takes responsibility for the protection of “areas of special conservation interest” and long-term conservation of species living there.

Setting up the “Emerald Network” is also among the priorities of Biodiversity strategy and action plan - a principal environmental policy document. One of Georgia’s national targets (target C.4.) is that “by 2020, at least 12% of the country’s terrestrial and inland water areas and 2.5% of marine areas are covered by protected areas; areas of particular importance for ecosystem services are effectively and equitably managed via an ecologically representative system and other effective conservation measures; development of the protected areas network and its integration into the wider landscape and seascapes if ongoing”. For the implementation of this strategic target, several objectives have to be performed,

2 “Bern Convention” was ratified by Georgian Parliament on 30 December 2008 under its resolution No. 940-RS. Entered in force on 1 March 2010.
3 Annex 1 to the Bern Convention includes the list of habitats, and Annex 2 - the list of species, to which the conservation actions are needed.
4 www.nacres.org
5 www.nacres.org
6 National Biodiversity Strategy and Action Plan of Georgia 2014-2020 Approved under the Resolution No. 343 of 08.05.2014 by Georgian Government
7 National Biodiversity Strategy and Action Plan of Georgia was developed in 2010 at the 10th conference of the Parties to the "Convention on Biological Diversity" (Nagoya, Japan, Aichi) in accordance with "Biodiversity Strategic Plan 2011-2020". The Convention set 20 Global targets, so called Biodiversity Aichi Targets. According to Target 11 By 2020, at least 17 per cent of terrestrial and inland water areas, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective are abased conservation measures, and integrated into the wider landscapes and seascapes.
including: “C.4-02. Plan the national protected areas network; C.4-03. Increase total protected areas coverage; C.4-04 initiate development of the protected areas network”; the latter implies the following actions: “action C.4-o4.1. Initiate the establishment of ecological corridors that consider national PA categories - 2015-2012; action C.4-o4.2. Develop the Emerald Network of Georgia - 2014-2017”.

The same resolution of the Government provides that “spatial planning is another tool for mainstreaming biodiversity into sectoral and crosssectoral plans since spatial plans determine where exactly economic activities or infrastructure developments are to take place. The process of spatial planning provides a good opportunity for different sectors and stakeholders to coordinate and communicate between each other. This tool needs to be further developed in Georgia. The Resolution states that “the system of spatial planning should be reviewed and amended with the intent of integrating biodiversity concerns and aligning it with conservation planning. According to the Resolution Ministry of Environment and Natural Resources Protection, together with other appropriate agencies, was supposed to implement by 2016 the following action (A.3-o1.3):” Conduct a review and modification of the current system of spatial planning to ensure the integration of biodiversity through both the mapping of biodiversity and ecosystem services and systemic conservation planning”.

Problems and Challenges

Georgia’s rich biodiversity is threatened by degradation, which is the reason why it is among two of 34 biodiversity hotspots (Caucasus and Iran-Anatolian hotspots). The loss of Georgia’s biodiversity has a number of underlying causes, the effects of which are exacerbated by enabling factors. Among them are: “the poverty of many, who are driven to use natural resources unsustainably for energy, food and financial gain; the greed and irresponsibility of a few who take and spoil without regard for their impact on the environment ignorance about the importance of biodiversity and the impacts of people’s own actions on biodiversity; insufficient regard paid to the value of biodiversity in policies, strategies and programmes; inadequate and in some cases perverse laws regulating the use of biological resources”.

Illegal resource extraction and poaching have traditionally been considered the main threat to biodiversity in Georgia. However, in contrast with the 90-ies of the last century, when no economic activity was conducted in Georgia, other threats came to the fore currently. The rate of destruction and degradation of biodiversity as a result of infrastructural/development projects and mining outperformed traditional threats such as the unsustainable and illegal extraction of natural resources. This is due to improper governance system and absence of control. Infrastructural projects (construction of roads, pipelines, buildings, HP stations and dams), open pit mining, and removal of topsoil leads to loss and degradation of forest cover. Mining and energy projects lead not only to forest degradation but also to degradation of such ecosystems/habitats, as rivers, Black Sea and coastal line, natural meadows and pastures. “There is a high risk that ecosystems with high biodiversity value will be lost due to infrastructure development activities. The destruction of even a relatively small portion of natural habitats could cause irreversible damage if it takes place in an ecological corridor or other environmentally sensitive areas”.

Among basic causes of the problem the above mentioned Resolution lists “pressure for rapid decision-making; insufficient knowledge of or negligence of ecological values; underestimation of the economic consequences of the destruction of natural ecosystems”.

One of the most important and efficient instruments of keeping biodiversity is the establishment of protected areas. The protected areas occupy a total of 520,811.14 hectares, which is about 8,6% of the country’s overall territory (including the reserves on the Territory of Abkhazia and South Ossetia). This number and acreage of protected areas is not enough to protect biodiversity and ecosystem services. Besides, Georgia’s reserves are virtually isolated and connected by ecological corridors, do not make a network. There are sensitive sites and regions in Georgia, where there is no reserve established yet (e.g. lower and upper Svaneti, mountainous Samegrelo, Racha, Lechkhumi, Mtuleti). The law and practices related to protected areas are imperfect - often not able to ensure implementation of PA’s basic function of biodiversity conservation.

In April 2016 Georgian Government made a presentation of the country’s rapid development plan, comprising the following four points: economic reform, education reform, spatial arrangement and government reform. The most large-scale component of this four-point reform plan is “the spatial arrangement of the country project”, which the Prime-Minister of Georgia presented on 16 September. Under this instrument the government intends rational, sustainable and balanced...
planning of the country’s territory, integration of different sectors, improvement of contacts between the regions; get economic, social and ecological benefits for the country, promote wise and rational use of the land and natural resources. Under the Plan different infrastructural projects shall be implemented over the next four years: first of all the creation of new “transport arteries”, covering roads construction and rehabilitation are planned (rehabilitation of 800 roads, construction of 550 km of new highway, up to 300 viaducts and 50 road tunnels); also construction of new railway stations, ports and airports; energy infrastructure development (construction of transmission lines); implementation of amelioration projects, projects aimed at efficient use of agricultural land and development of mountainous regions. Setting up new protected areas is specially highlighted in the plan. According to the presentation Kazbegi National Park will be expanded, Racha, Svaneti and Akhalcikhe protected areas will be set up. As a result, 230 thousand hectares will be added to the existing protected areas. The plan specially focuses on resorts (development of old and new resorts), and care for monument of cultural heritage and their formation as tourist attraction. The plan provides that after spatial arrangement reform old urban centers will strengthen and the new ones, so called “centers of attraction” will spring up.

As mentioned above the Biodiversity Strategy and Action Plan aims at protected areas problem’s stage-by-stage solution - by means of creation of new protected areas, “Emerald Network”, and ecological corridors, as well as the instruments of spatial planning. The government 4 point plant also provides for the expansion of protected areas and setting-up new national parks. However, basic problems and challenges related to the development of protected areas system and the “Emerald Networks” are:

- In 2006-2012 long-term (up to 20 years) logging licenses were issued on about 180 thousand hectares of forests without prior strategic zoning (categorization), spatial planning, and evaluation of resources, biodiversity, and social importance. As a result forest areas (so called “forest fund”) were fragmented, forest of high conservation interest were included in logging licenses; it became impossible to hold conservation activities in the sites characterized with high biodiversity, and potential protected areas, burden of haphazard logging fell on the forest, outside the licensed territories etc.
- In 2007, as a result of the amendment to the law, mining activity was exempt from environment impact assessment and released from obligation to obtain relevant permit; open pit mining in forest areas became permissible. Intensive mineral extraction is conducted in riverbeds.
- Hydro power stations construction is booming in the country. Over 100 HPP projects are on different stages of development (construction, designing, prior research, agreement between the State and the investor, showing interest). Ministry of Energy plans HPPs and signs contracts with the investors on their construction before holding the environment impact assessment, which leads to the disregard of ecological issues. For example, more than half of 30 HPSs, planned in Mestia region, are intended in the territory of planned Svaneti National Park. Among them is Nenskra HPS - the most harmful to Georgia’s biodiversity project - which is being built within the planned strict protection zone of Svaneti National Park. The planned HPPs prevent setting up “Emerald Sites” in Svaneti. Ministry of Energy has signed Memoranda on the construction of 2 HPPs in the potential “Emerald Site” of Machakhela. For the same reason it will be problematic to set up national parks and “Emerald Sites” in Racha region known for its outstanding biodiversity.
- The decisions on implementation of infrastructural and economic development projects, equally as in the case of HPPs, are made without strategic environmental assessment, prior to holding specific projects’ EIA (e.g. Poti airport project, Anaklia sea port, city Lazika, oil and mineral processing, construction of highways etc.). No cost-benefit analyses in terms of the value of natural wealth and ecosystem services is held prior to making the decision.
- The development of spatial arrangement project is a progressive and necessary step. However the plan uploaded on governmental web-site has a significant weakness: all the projects and the country’s development lines are not interlinked. The very essence of spatial planning is that one development line does not diminish or cause damage to another one, and to the natural and cultural environment. The spatial development project does not consider/cover such issues as planned and constructing HPSs, mining sites, landfills etc. that may cause degradation and fragmentation of ecosystems and agricultural lands.
- The establishment of new National Parks in the area of 280 thousand hectares is very important, but not enough to overcome biodiversity conservation and habitats fragmentation problems. The protected areas will remain isolated from each other, i.e. not connected with ecological corridors. Moreover, the implementation of transportation/transit projects planned by the government under “spatial arrangement plan” may enhance degradation and fragmentation of landscapes and ecosystems.

14 According to the World Bank report on “Protected Areas Development Project”
15 e.g. Anaklia deep-water port construction may, with high probability, cause the reduction of fish (anchovy) stocks in the Black Sea, which, as a result of breach of food chains, will lead to degradation of the Black Sea ecosystem - from the reduction of population of dolphins to the sea eutrophication, which in the end will adversely affect important sectors of economy - fishery and tourism
How to solve the existing problems

Keeping in mind that the country needs quick economic growth, many of the infrastructural and energy as well as natural resources (including wood and minerals) extraction projects are ongoing and some new ones are expected, it is important that the country has efficient tools of biodiversity conservation, restoration and preservation (legal, institutional, technical and human resources etc.). Georgia’s current legislation, relating to protection of nature (biodiversity), preservation of ecosystem services and use of natural resources, has shortcomings that need to be corrected immediately.

In the end of 2015, Ministry of Environment and Natural Resources published draft laws “On Biological Diversity” and “Forest Code” for public review and comments. The development of the Law “On Biological Diversity” aims at meeting the commitments under the EU-Georgia Association Agreement i.e. approximation of national law with the Birds and Habitats Directives as well as CITES requirements. The draft law defines the procedures of establishing “Emerald sites” and areas, important for wild birds; territories enjoying the status of “Emerald Networks” or important for wild birds territory, may be given the category of national protected area under the Law of Georgia “On the System of Protected Areas” if it meets appropriate prerequisites that. The draft law provides for inadmissibility encroachment of “Emerald Sites”, as well as the necessity of the assessment of the projects that may adversely affect these territories.

Draft Forest Code provides for introduction of essentially new approaches in the forest law of Georgia. In particular, according to the draft law, all forest area of Georgia shall be divided into four basic categories, proceeding from their ecological, social, and economic functions, and management goals: 1) Protected and Conservation forest; 2) Resort and recreational forest; 3) Protective forest; 4) Usable forest.

The main goal of management of protected and conservation forest is the protection of biodiversity and rear and/or threatened ecosystems. The main goal of management of resort and recreational forest is the protection of landscapes and specific elements of the nature. The main goal of management of protective forest is keeping and strengthening protective functions (regulating ecosystem services). The main goal of management of usable forest is sustainable use of forest resources and keeping the forests’ protective functions. The categorization, provided in the draft law, conforms to “classification functions (regulating ecosystem services). The main goal of management of usable forest is sustainable use of forest resources (including wood and minerals) extraction projects are ongoing and some new ones are expected, it is important that the country has efficient tools of biodiversity conservation, restoration and preservation (legal, institutional, technical and human resources etc.). Georgia’s current legislation, relating to protection of nature (biodiversity), preservation of ecosystem services and use of natural resources, has shortcomings that need to be corrected immediately.

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Table 1 MCPFE classification and its conformity with Categories of IUCN - The World Conservation Union, and EEA - European Environment Agency.

<table>
<thead>
<tr>
<th>MCPFE classes/main management objective</th>
<th>EEA</th>
<th>IUCN</th>
<th>Forest category under the draft law &quot;Forest Code&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 1: main management objective – “Biodiversity”</td>
<td>1.1. No Active intervention</td>
<td>A</td>
<td>I (reserve)</td>
</tr>
<tr>
<td>1.2 Minimum intervention</td>
<td>A</td>
<td>II (National park)</td>
<td></td>
</tr>
<tr>
<td>1.3 Conservation through active management</td>
<td>A</td>
<td>IV (Managed reserve)</td>
<td></td>
</tr>
<tr>
<td>Class 2 Main Management Objective: “Protection of Landscapes and Specific Natural Elements”</td>
<td>B</td>
<td>III (Nature Monument)</td>
<td>Resort and Recreational Forest</td>
</tr>
<tr>
<td>Class 3: Main Management Objective: “Protective Functions”</td>
<td>(B)</td>
<td>V (Protected Landscape) VI (Multiple use area)</td>
<td></td>
</tr>
</tbody>
</table>

17 MCPFE - Ministerial Conference on the Protection of Forests in Europe (Forest Europe). The classification under the Vienna Ministerial Resolution 4 (Conserving and Enhancing Forest Biological Diversity in Europe). Georgia joined this international process in 2002.
18 See Green Alternative’s publication for more details and explanations.
The above system gives good opportunities for setting up “Emerald Network”. Proceeding from management objectives there would be possible to develop “Emerald sites” in resort/recreation forests, protective and usable forests and be managed accordingly. Setting-up “Emerald sites” in the territories assigned to the owners of logging or hunting licenses is not a problem provided the consent of the licensees. According to license terms and management plans, different level protection regime covers about 70-80% of licensed areas and economic activity (extraction of resources) is not carried out there. This makes about 150 thousand hectares of Georgia’s territory. Founding “Emerald sites” by using new categorization system and development of “Emerald Network” will enable conservation activities within distinguished with biodiversity forests, located in licensed areas. At the same time this will facilitate the licensees to comply with license terms/obligations, raise their recognizability, and promote their production. Besides, it will be possible to settle the most acute biodiversity problem - their isolation from each other - “Emerald Network” will play the role of linking ecological corridor. At the end of the day we may have the situation beneficial for everyone - the government, private producers and the public (“win-win situation”).

It needs to be mentioned that to date documentation is prepared on the establishment of about 100 new monuments of nature; buffer zones of Javakheti and Pshav-Khevsureti national parks are managed as protected areas of multiple use (IUCN Category VI); activities are ongoing to establish biosphere reserve in Kakheti which will ultimately cover 200 km area from Tusheti to Vashlovani protected territories (about 300-500 thousand hectares).

Proceeding from all the above one can say, that it is quite realistic that about 12% of the country’s territory will be covered with high status protected areas, provided correct spatial planning and compliance with sustainable development principles. And with conservation project implemented with the use of milder protection regime (“Emerald Network”, protected and multiple use areas, and biosphere reserves) protected areas may reach 17% of Georgia’s land area.

The above legal changes and draft laws must be considered together with the reform of EIA Regulatory framework. New draft law on “Environment Assessment Code” is also developed by Ministry of Environment and Natural Resources Protection19. If it is brought in conformity with European directives the mining activity will inevitably become subject to EIA. Agreements and memoranda with project implementers will not be signed prior to holding EIA. Energy, transport and other sectors development projects will be subject to strategic environmental assessment. It is important, that decisions on projects are made on cost effectiveness basis.

Conclusion and recommendations

Forest categorization scheme proposed under draft Forest Code is an example of spatial planning, covering over 40% of the country’s territory. If it is approved, and in the case of the development and implementation of appropriate regulations, forest ecosystems’ environmental, social and economic functions will merge and their sustainable use be guaranteed. The following steps are:

1. Finalization and harmonization of draft laws on “Forest Code” and “Biological Diversity” with wide public participation and their adoption by the parliament in the nearest future. Development, approval and enactment of regulations applying the best practices of public participation. Forest categorization;

2. Dissemination of forest categorization schemes throughout the country, not only 40% of wooded area, including governmental “spatial arrangement project”;

3. Integrate in the government’s 4 point plan (including “spatial arrangement project”) the issues provided for in Biodiversity Strategy and Action Plan, and other environmental commitments (including the EU-Georgia Association Agreement); cover the activities of potentially adverse impact on the environment, such as building HPSs, mining and processing of mineral resources, waste placement-management etc;

4. The government’s “spatial arrangement project” as it looks now is just a collection of ideas, a presentation. It shall be developed as a program on the basis of recommendations of public policy strategic documents, in accordance with governmental decree No. 427 (19.08.2015) on approval of: “Strategic documents of public administration - “Public Administration Reform Roadmap 2020” and “Policy Planning System Reform Strategy 2015-2017”.

19 See public policy outlines relating to this project in Green Alternative’s publications www.greenalt.org
Annex 1. Under the EU-Georgia Association Agreement Georgia committed to implementation of following issues relating to the directives on the nature protection


- adoption of national legislation and designation of competent authority/ies;
- assessment of bird species requiring special conservation measures and regularly occurring migratory species;
- identification and designation of special protection areas for bird species (Article 4(1));
- establishment of special conservation measures to protect regularly occurring migratory species (Article 4(2));
- establishment of a general system of protection for all wild bird species of which the hunted species are a special subset and prohibition of certain types of capture/killing (Articles 5, 6, 7 and 8 and Article 9(1) and 9(2));
- establishment of a general system of protection for all wild bird species of which the hunted species are a special subset and prohibition of certain types of capture/killing (Articles 5, 6, 7 and 8 and Article 9(1) and 9(2)).


- adoption of national legislation and designation of competent authority/ies;
- completion of inventory of Emerald sites, designation of these sites and establish priorities for their management (Article 4);
- establishment of measures required for the conservation of such sites (Article 6);
- establishment of a system to monitor conservation status of pertinent habitats and protected species as relevant for Georgia (Article 11);
- establishment of a strict species protection regime for species listed in Annex IV of this Directive as relevant for Georgia and in line with reservations made by Georgia for some species in the Council of Europe Convention on the Conservation of European Wildlife and Natural Habitats (Article 12);
- establishment of a mechanism to promote education and general information to the public (Article 22(c));
The policy brief was prepared under Green Alternative’s project “The challenges of European integration - for better Environmental Governance”. The project is implemented with the financial support of Open Society Georgia Foundation.

The views expressed in this policy brief reflect Green Alternative’s position and should not be taken to represent those of Open Society Georgia Foundation or the European Union.

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27/29 Paliashvili St.
0179 Tbilisi, Georgia
Tel: (995 32) 229 27 73
Fax: (995 32) 222 38 74
greenalt@greenalt.org
www.greenalt.org