

# The reforms related to environmental protection and climate change under EU – Georgia Association Agreement

November 2016 – June 2017

The Association Agreement between EU and Georgia (AA), signed on June 27, 2014 creates a framework for bilateral cooperation through environmental protection and climate change chapter, while implementation of numerous multilateral environmental agreements (MEA) is requirement of DCFTA part.

During the period there has been some progress on institutional and legal approximation:

- Georgia ratified Paris Agreement on Climate Change;
- There is ongoing work for elaboration of Road Map for Climate Action Plan 2021-2030;
- The new environmental impact assessment code was ratified by parliament of Georgia. The Code ensures introduction of new environmental impact assessment (EIA) and strategic environmental impact assessment (SIA) system, as well as integrates the procedures for Transboundary impact assessment. While the law enter into the force on July 1<sup>st</sup>, the full pledge implementation of law is to be expected by the end of 2018, including elaboration of bylaws that would define the competences of the Ministry of labor, Health & Social Affairs of Georgia to undertake activities defined by the Code;
- Last two years the work on preparation of the new forestry Code is ongoing. The Forest Code preparation process during 2015-2016 was participatory; however, by the end of 2016 the process was stopped. In June the process of elaboration was revived and new public hearing organized. However, the clear explanations related why the law was stalled still missing. It's also not clear when the legislation would pass for Parliament for adoption;
- It should be also mentioned that there is very intensive process of elaboration of Bylaws related to Code, as well as development of Forest Sector reforms strategy and Action plan;
- Ministry of Environment starts elaboration of 3<sup>rd</sup> Environmental Action Plan (NEAP), and the draft version has been available for public hearing in June 2017. The Association Agreement, SDG goals and relevant MEAs represent the core political foundation for 3<sup>rd</sup> NEAP. However, it should be stressed that 2<sup>nd</sup> NEAP implementation was not that successful. However, draft document does not contain any assessment or lessons learned of previous NEAP.

The Government reports that there is ongoing work on Environmental Liability law, including defining the environmental damages and regimes, as well as prevention and remediation. It intends to submit and have adopted

law by Parliament of Georgia by the end of 2017. However, till now public have not seen any draft developed by the government.

It should be admitted that the quality of public participation in environmental decision-making is still low. In most cases, with few exceptions, the involvement of public and environmental groups happens only after development of the first drafts. That restricts participation on earlier stages of decision-making, as Aarhus Convention requires it. The absence of public participation procedure also implies the fact, that environmental NGOs or other interested groups never receive the feedback or explanations on submitted comments. That makes cooperation very ineffective and discouraging.