

Feasibility Study of New Terminal
Facilities in the Georgian Ports
Phase 2 Report
Vol. V - Environmental
Assessment
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Volume V:

Environmental Impact Analysis

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1. Introduction

This volume of the feasibility study presents the environmental assessment of options for the development of the two Georgian ports Poti and Batumi.

1.1 Objectives

The overall objective of this report is to provide an assessment of possible impacts - negative or beneficial - of the proposed development plans concerning the environment. The main objectives are:

- Review and summarise the available information, literature and data on environmental quality in both ports.
- Assess the environmental impacts of possible development projects in the ports.
- Recommend mitigation and enhancement measures to reduce or eliminate possible negative impacts of port development.

In both ports, the construction components consist of the rehabilitation and improvement of existing port facilities. No "greenfield", major extension or transformation-conversion operations are projected. Normally these components can be classified as "C" level operations according to the environmental screening categories given in the "Environmental procedures" of the European Bank for Reconstruction and Development (EBRD). These operations merely require an initial environmental examination. Because of some areas of ecological concern which are described later (see chapters 3.2.2 and 4.1.2 of this report), the port rehabilitation projects have been considered and treated as "A" level operations. It was decided to follow Annex 2 of the "Environmental procedures" of the EBRD, which provides a sample report format for a full Environmental Impact Assessment, as far as it seems appropriate. It has to be stressed that this assessment only covers the first development stage of the ports. As soon as the decisions for further expansion are made, a new Environmental Impact Assessment has to be carried out.

To obtain background information, several meetings and interviews with local experts and authorities as well as site-visits to different parts of the ports were conducted. This was done during two field researches at Poti, Batumi and Tbilisi from August 13th to September 11th 1997 (Phase I of the project) and from January 20th to February 5th 1998 (Phase II). A list of local contacts made during these phases is enclosed as Annex A of this report.

As one of the first activities the Consultant has analysed the following publications:

- 1996 IMO Mission Report: "Needs Assessment and Programming Mission within the Framework of the Integrated Technical Co-operation Programme CIS/Eastern Europe Region" - Ukraine and Georgia
- 1997 Tacis "Feasibility Study for Reception Facilities in Black Sea Ports of Georgia, Ukraine and the Russian Federation" including and Environmental Assessment of predicted tank vessel traffic increase
- 1993 Rogge Marine Report "Port of Poti Development and Freight Traffic Reorganisation in Georgia".

These reports delivered useful background information and formed the basis for the further investigations.

Within Phase I, the Consultant organised and held scoping meetings in order to meet the national requirements of public participation and to obtain as much information as possible. The meetings took place on September 4th 1997 in Poti and September 9th 1997 in Batumi (see Phase I Report, chapter 4).

1.2 Development Projects:

The following projects, environmental impacts of which are discussed in this volume, are recommended in Volume VII (Civil Engineering Aspects) within this study:

Batumi

- a) Reconstruction of handling facilities at berth No. 9
 - demolition of warehouses and the bunker
 - relocation of the railway lines
 - construction of new warehouses
- b) Reconstruction of aprons and storage areas
 - pavement of the area from berth No. 9 to berth No. 5
- c) Construction of a multi purpose terminal at berth No. 5
 - replacement of broken parts of the quay walls
 - construction of new storage facilities
 - enlargement of the area

Poti

- a) Extension of the existing container terminal at berth No. 7
- b) Reconstruction and upgrading of handling and storage facilities at berths No. 9 to 11
 - demolition of old buildings
 - reconstruction of aprons and storage areas
 - building of new warehouses
- c) Reconstruction of shunting yard at berths No. 4 to 6

Volume VII presents a detailed analysis of the projects proposed.

2. Legal and Institutional Framework

2.1 National Legislation

National Environmental Law

The Ministry of Environment and Natural Resource Protection in Tbilisi, with departments in the Autonomous Republics Abkhazia and Adjara, is the main authority responsible for governing and implementing decisions on environmental policy and management. In the two ports Poti and Batumi it is represented by its subdivisions, the Marine Inspection.

In 1995 the new Constitution of Georgia was adopted. Article 37 of this Constitution provides the citizens' right to a healthy environment.

Besides the new Constitution, a number of new laws of relevance to the protection of the environment have been adopted:

- 1996 Environmental Protection Act (EPA; framework law)
- 1996 Mining Act
- 1996 Law on the Wild Fauna Protection
- 1996 Law on Protected Areas System
- 1996 Law on Environmental Permission
- 1996 Law on State Ecological Examination (SEE)
- 1995 Law on Transition and Import of Waste to the Territory of the Republic of Georgia
- 1995 Law on Tourism
- 1994 Law on Soil Protection
- 1994 Law on Plant Protection
- 1994 Law on Basic Taxation

Since the beginning of 1997 four new Laws for Protection of the Environment and Natural Resources are in force:

- Law of Georgia on Environmental Permits
- Law of Georgia on State Ecological Examination
- Law of Georgia on Protected Areas
- Law of Georgia on Mineral Resources

The first two laws are of high importance since they are opening the way for the introduction of Environmental Impact Assessment (EIA) procedures for major development projects.

EIA-Regulations

The EIA-regulation and procedure is defined in Article 14 of the Law of Georgia on Environmental Permits. The procedure is divided into several steps (see figure 1):

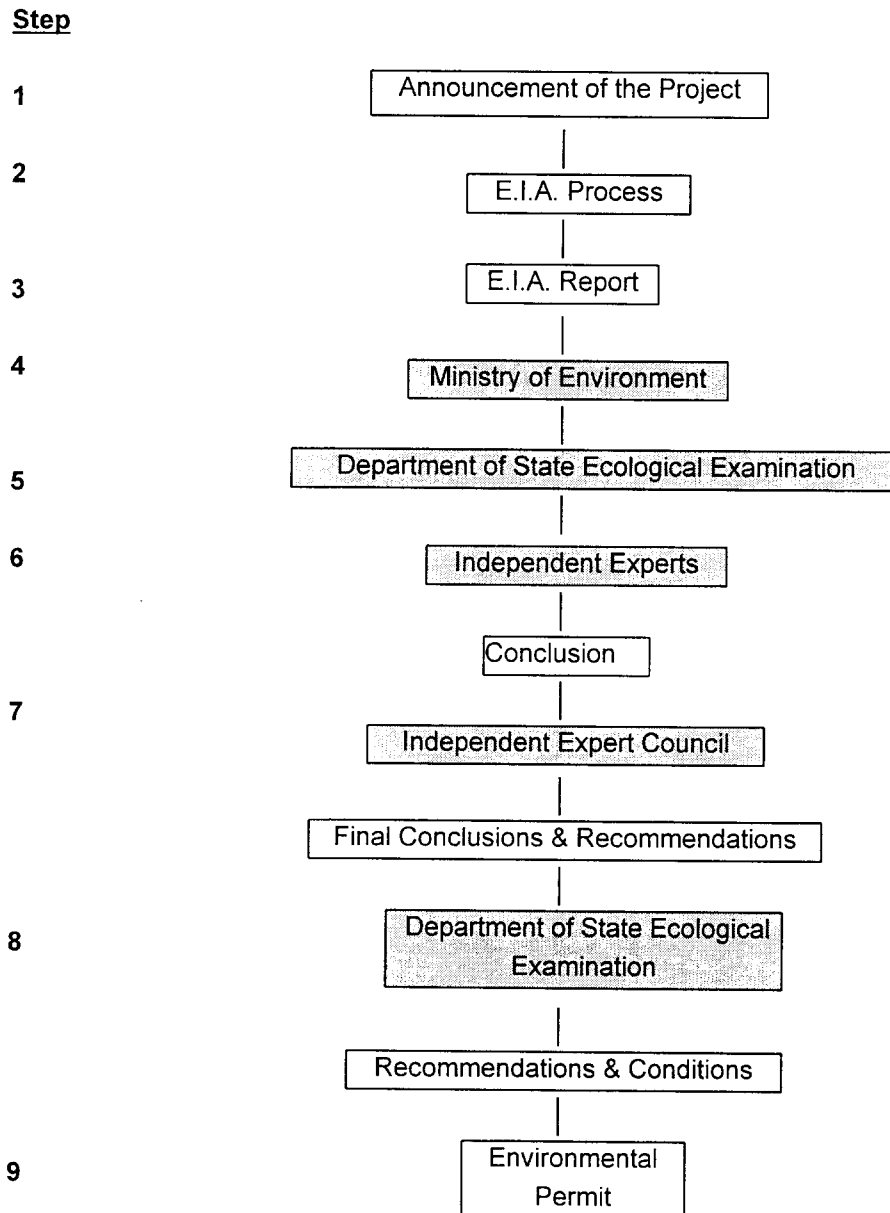


Figure 1: Procedure for Environmental Impact Assessment

Source: The Law of Georgia on Environmental Permits, Chapter III, Article 14

The consultancy firm / the developer bears the responsibility for carrying out the EIA in an unbiased manner (step one to three).

The Ministry of Environment of Georgia, represented by its regional or local bodies is responsible for the compliance of the results of the EIA with environmental given standards (steps four to nine).

The results of the Environmental Impact Assessment shall be taken into consideration during the decision-making process.

The period to achieve the Environmental Permit should not exceed three months.

Requirements for Public Participation

The Environmental Protection Act (EPA) contains a set of rights and duties of citizens. The Act includes the citizens' right to obtain timely information and the right to participate in decisions related to the environment.

Article 14 and Article 15 of the Law of Georgia on Environmental Permits, as well as Article 3 of the Law of Georgia on State Ecological Expertise state that public participation in the Environmental Impact Assessment procedure shall be obligatory. The public opinion has to be taken into consideration.

These requirements have been met by executing scoping meetings in both ports within Phase I.

Non-Governmental Organisations

At present 19 different Non-Governmental Organisations (NGOs) are active in Georgia, among them:

- The Georgian Greens
- The Georgian Club of Rome
- Green Wave (radio wave)
- CUNA GEORGICA
- Association of Ecological Monitoring
- Association of Ecology and Tourism in Georgia
- WWF Georgia

A complete list of NGOs is attached to this report as annex 2

These NGOs are operating in close contact with the Ministry of Environment, regular meetings are held.

Pollution Control Standards

Since the end of 1997 a new water control law is in force, which replaced the Soviet 1974 Water Code.

Some port relevant air control standards are given below:

Substance	Maximum single permissible concentration [mg/m ³]
Nitrogen dioxide	0.085
Carbon monoxide	5.000
Sulphide anhydride	0.500
Soot	0.150
Hydrocarbons	5.000
Inorganic dust	0.500
Coal dust	0.500
Wood dust	0.100
Grain dust	0.500
Cement dust	0.300
Ash	0.150
Abrasive dust	0.150
Ammonia	0.200
Alkali	0.100
Hydrogen fluoride	0.020
Fluorides	0.030
Silicon dioxide	0.020
Manganese dioxide	0.010
Iron monoxide	0.400

Table 1: Pollution control standards, Poti

Source: Commercial Sea Port of Poti Reconstruction Project, Designing Institute Geoproject, Tbilisi 1994

Guidelines on Emission Limits

Air emission requirements are based on the 1981 Air Protection Law..

The emission limits used in Georgia under the former Soviet regime were based on so-called Maximum Allowable Concentrations (MACs). Such MACs, set by several departments of the Ministry of Environment, were defined through the relation of discharge of waste and emission into air. Any implementation of standards has not been successful: the standards were unrealistically strict. The economy and technical equipment did not allow an implementation of such strict limits. At present, new types of standards are under development, based on the provision of the Environmental Protection Act (EPA). The principle progress in this field depends on new water and air laws replacing the 1974 and 1981 Codes.

2.2 International and Regional Binding Conventions

The Republic of Georgia is member of several international conventions, some of the most relevant are:

- CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE
- 1985 VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER
- 1987 MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER1987 MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
- 1992 CONVENTION ON THE PROTECTION OF THE BLACK SEA AGAINST POLLUTION (BUKHAREST CONVENTION)
- 1992 UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE
- 1993 MINISTERIAL DECLARATION ON THE PROTECTION OF THE BLACK SEA (ODESSA DECLARATION)
- 1996 BLACK SEA STRATEGIC ACTION PLAN
- 1973/78 CONVENTION ON THE PREVENTION OF THE POLLUTION FROM SHIPS (MARPOL 73/78)

The regional Black Sea Strategic Action Plan (BS-SAP), based on the implementation of the Bukharest Convention and the Odessa Ministerial Declaration, was prepared and then approved and signed on October 31st 1996 by all six Black Sea littoral countries. This BS-SAP and the MARPOL-Convention are of special importance because they directly influence construction and operation of ports and port facilities³

3. Present Environmental Situation in the Area of the Two Ports

3.1 Summary of Key Environmental Regulations and Environmental Policy in the Ports

The ports have to follow the general national Georgian Environmental Legislation.

Like all economic enterprises the ports are obliged to present an Ecological Passport issued by an independent institute which has been selected by the Ministry of Environment. In these passports the ecological situation as well as all sources of pollution, are described annually.- They list up the characteristics of cargo residuals, sewage, and the characteristics of the emission of harmful substances into the atmosphere.

For the implementation of any new activity on the territory of Georgia, the issuance of an Environmental Protection Permit is required. The same procedures are also required for the modification or expansion of port facilities. This is issued by the Ministry of Environment, after the procedure of the EIA has been followed (see chapter 2.1, EIA-Regulations).

The most important international Convention for the protection of the marine environment in the port and shipping industry is MARPOL 73/78.

In Poti as well as in Batumi, the main organisations responsible for the environmental and ecological issues of the ports are the Conventional Black Sea Marine Inspection and the Ecological Department of the Port (Ecological Engineer).

Conventional Black Sea Marine Inspection:

The Conventional Black Sea Marine Inspection (Marine Inspection) is directly subordinated to the Ministry of Environment. In its present existence it was founded in July 1997, its head office is located in Batumi. One subdivision is working in Poti, another subdivision, which was supposed to be stationed in Sukhumi, is at present located in Anaklia, since the port of Sukhumi, the capital of the Autonomous Republic of Abkhazia, is for the time being not under the governmental control.

In total, the staffing of the Marine Inspection consists of 11 people. Its main duties are:

- pollution control in territorial waters
- vessel inspections (MARPOL)
- control of cargo handling activities (dangerous cargo)
- control of fishing vessels / illegal fishing
- control of reception of sewage and garbage from vessels
- preparation of paper to declare all demands and incidents

Ecological Department:

In both ports the Ecological Departments are operated by one Ecological Engineer. In Poti this department belongs to the Engineering Department. In Batumi it is subordinated to the Department of Construction.

The duties of the Ecological Engineers are:

- control of discharge of sewage and wastewater from vessels
- reporting of air and water pollution
- control of water management in the port
- control of ecological conditions in the port
- co-operation with the Marine Inspection in case of pollution

3.2 Description of the Marine Environment

As described above, Georgia has a modern legal framework for the regulation of port activities and the control of the marine environment. Despite the fact that theoretically all environmental concerns are covered by legislation, there has only been limited success in the implementation of the environmental policy in the ports. Consequently, the ports and the areas around suffer severe environmental problems. One reason for this is, of course, the lack of implementation authority.

The activities of the Marine Inspection in both ports are limited. In Poti the control of territorial waters is nearly impossible because there is no survey vessel available. In Batumi there is a boat, however, surveys and controls cannot take place as scheduled, since they depend on the availability of fuel. In both locations the analytical and laboratory equipment of the Marine Inspection is insufficient and needs upgrading. For the time being the surveys can only be conducted in a superficial way, often merely by "visual control", which makes it impossible to identify and fine polluters.

The Ecological Departments in Poti as well as in Batumi have no practical means to stop a polluter. Being subordinated to the Department of Construction it is hardly possible for the Environmental Engineer in Batumi to control constructional works with regard to environmental concerns.

3.2.1 Waste Management

Marine waste is defined under the International Convention for the Prevention of Pollution from Ships (MARPOL). Having signed MARPOL the Georgian ports are obliged to provide reception facilities for all kinds of vessel generated wastes, as oily wastes (ballast water, bilge, sludge), chemical waste, garbage and sewage.

MARPOL Annex I - Oily Waste

Poti

On request of the vessels, oily wastes are collected in a barge with a capacity of 400 t. As soon as the tanks of this barge are full (which is said to be every one to three months) the waste is transported to Batumi. Upon delivery of oily waste the master of the collecting barge issues a receipt about the delivered quantity and documents it to the vessels' Oil Record Book.

Batumi

In Batumi, ballast water from tankers and other vessel generated oily wastes are pumped directly into 3 storage tanks with a capacity of about 1,500 t each. Without any further treatment, oil and water are separated by gravity. The oil at the surface is skimmed off by mechanical means and is said to be reused for heating purposes. The heavy, incombustible parts ("sludge") remain at the bottom of the tanks. The

separated water is drained and pumped directly to the sea via a pipeline. The effluent is said to be controlled and to have a maximum oil content of 20 ppm. In order to avoid a concentration of oil on the water surface, the outlet of the discharging pipe has originally been installed in a considerable distance from the shore at a water depth of about 130 m. This pipe, however, broke right at the water surface during a storm. Therefore, the separated water is discharged directly at the breakwater side of the pier and a silver sheen of oil could be observed indicating an oil concentration of more than 20 ppm.

The present way of treating wastes according to MARPOL Annex I is absolutely insufficient in Batumi. The plant and adjacent area are in a very poor condition. Ground and soil are partly polluted by oil. Next to the storage tanks there is an open basin of approximately 20 by 30 m in size which has been filled with oily sludge for decades. At present, there is no possibility for an environmentally safe final deposit of this oil sludge.

Considering the increase of vessel traffic, a new installation of a treatment facility for MARPOL Annex I wastes according to international standards should be of the highest priority for both ports.

MARPOL Annex II - Noxious Liquid Substances in Bulk

According to the information received, there is no import of noxious liquid substances (chemicals) for the time being in both ports. Consequently, there is no need for MARPOL Annex II reception facilities at present.

MARPOL Annex IV - Sewage

Poti

On request, sewage is collected from the vessels by a barge and discharged into the city's sewage system. There is no treatment plant operating at present. The sewage from the vessels as well as the town's sewage is discharged untreated to the sea.

Batumi

As in the port of Poti, sewage is collected by barges (two barges, capacity 300 to 400 tons) and pumped into the municipal canal system. According to the information received, about 25 per cent of the sewage in Batumi is treated mechanically, the rest is discharged untreated into the Black Sea.

MARPOL Annex V - Garbage

In both ports, garbage is collected on vessels' request and added to the cities' household waste which is brought to the municipal landfill. According to information obtained from the city council in Poti, this landfill has reached its capacity. Therefore, a considerable amount of garbage is dumped in the port extension area north of Poti at the bank of the river Rioni.

3.2.2 Areas / Activities of Highest Environmental Concern

In both ports, water pollution is mainly attributed to oil handling operations.

Poti

In Poti, the oil is unloaded directly from the tank vessels to rail tank wagons via temporary loading facilities, which have been constructed in December 1993. A fire extinguishing system is installed along the whole oil terminal and a fire truck is on stand-by during loading and unloading operations.

Since there is no drainage system and no retention basins for rainwater or fire extinguishing water on the terminal, accidental spills and overflows are washed directly into the sea.

Batumi

The oil loading and unloading facilities on the first oil pier are approximately 25 years old. Rubber hoses, connections and manifolds are worn out and far from being according to the standard.

The facilities at the second oil berth have been constructed about 70 years ago. The wooden pier is severely damaged and partly rotten. Most of the rubber hoses for loading and unloading are old too. The connections are also not according to the standard.

Underneath the oil piers there are reception bowls installed to collect spilled oil. These bowls are emptied by electric pumps. In case of electrical shortage they can not be emptied, and especially during rain there is a permanent overflow of oil to the sea water.

The old subterranean oil-pipeline poses the main environmental problem at the oil terminal in the Port of Batumi. This pipeline has been built in the 1920ies; it is severely damaged and permanently leaking oil (see Phase I Report, Annex C, Figures 1, 2 and 3). On a length of at least 900 m soil and subsoil are heavily polluted by oil.

- In both ports areas could be seen, where oily washing water from tank vessel cleaning is collected in open basins (see Phase I report, Annex C, Figures 4 and 5)
- The lack of adequate reception facilities for marine wastes, as described in 3.2.1, has to be considered a serious problem and a permanent source of pollution in both ports, even though no quantitative data can be given.
- Untreated wastewater is the main land-based source of water pollution. The need for better sewage treatment facilities is evident.

3.2.3 Casualty Statistics

No records of accidental or illegal oil pollution at the Georgian coast are kept, since there is only insufficient equipment for detection available. Within the ports, a tanker accident has not occurred during the last years and oil pollution is mainly attributed to cargo handling operations as described above. The quantities of oil and oil products discharged to the sea are unknown.

3.2.4 Survey and Inspection According to MARPOL and SOLAS

In both ports, vessels are said to be controlled according to the MARPOL requirements. Inspections and surveys regarding the safety aspects of shipping (SOLAS) do not take place. A co-ordinated system for the conduction of Port State Control does not exist yet.

3.2.5 Maintenance Dredging and Disposal of Dredged Material

Poti

The Port of Poti needs regular dredging operations to remove blown in river sediments. The amounts which have been dredged within the last years are:

Year	Amount [m ³]
1992	1.189.250
1993	618.650
1995	1.005.700
1997	1.296.270

According to information from the Ministry of Environment the quality of the dredged material is in compliance with the standards. Therefore it is allowed to dispose at sea, about 3 km south of the port, to support the breakwater.

Batumi

No dredging operations have taken place within the last five years for financial reasons.

3.2.6 Emergency Plans / Emergency Response Equipment

There do not exist any special emergency plans in existence at local or national level. The guidelines in case of an oil spill in both ports are the "Rules for Management of Cleaning Works in Polluted Ports", edited by the Ministry of Marine Fleet of the USSR, 1991.

Neither in Poti nor in Batumi effective oil spill response is possible at present due to the lack of adequate equipment. The emergency response equipment in both ports needs complete upgrading. At present, in Poti as in Batumi there is no possibility to handle oil pollution situations.

Poti

Except for one small oil skimming vessel which has recently been repaired there is no oil spill combating equipment at Poti.

Batumi

In Soviet times an ocean going tug with high sea oil spill fighting devices was stationed in Batumi (SVEDLOMOR IV). It is now stationed in Odessa. The high sea equipment is still in Batumi and is said to be in a good condition, but due to the lack of an adequate boat there is no possibility to handle it.

There are no harbour booms or any equipment at all to clean spills in the port .. One small oil skimming vessel was found to be of very limited operational condition since the bow flaps are missing. At present it is used to clean the water surface from garbage.

3.3 Socio-Economic Environment

The sudden disruption of economic links and trading routes after independence from the Soviet Union, followed by years of civil war, had the effect that a big part of the industry works at low capacity or has closed

down, accompanied by a considerable unemployment rate. At present, both ports are the substantial employer in their region.

In Soviet times, the area north of Batumi up to Kobuleti intensively has been used as a tourist and recreation area. It is planned that this type of economic activities in future again will provide sustainable livelihoods for the local population and generate an alternative source of income. Special care has to be taken that port development and increasing vessel traffic will not impact this area of tourism.

3.4 Ecology and Biotic Resources

The coastline between the two ports is of high ecological value.

The port of Poti is located in the mouth of the river Rioni and surrounded by wetlands. The Kolkheti wetlands are a Black Sea coastal ecological resource of international significance. In 1994 the World Wildlife Fund Georgia identified the Kolkheti wetlands as one of seven potential national park sites in Georgia and subsequently drafted guidelines for the development of the park. The Kolkheti National Park was designated as a "Ramsar Site" (a wetland of international significance) in 1996. The draft of a law creating the Kolkheti National Park has passed the first hearing in the Parliament.

The Kobuleti Nature Reserve is located in an adjacent area to the Kolkheti National Park. It includes an ecosystem with rich biodiversity including rare and endemic species, swampy alder grovels and swampy forests.

4. Environmental Assessment of the Possible Development Projects

A summary of the present development projects is provided in Chapter 1 and further detailed in Volume VII of this Report.

4.1 Impacts Associated with Construction

4.1.1 Noise Impacts

Temporary generation of noise during the construction phase cannot be avoided, especially during the demolition of old buildings and bunkers and the removal of the existing pavement. The workers will have to be provided with personal ear protection when being exposed to excessive site-specific noise. The construction noise has to be controlled and (whenever feasible) to be suppressed by use of muffled equipment.

These noise impacts are short term and not considered to be of major significance.

4.1.2 Air Related Impacts, Dust

The generation of dust during the demolition of old buildings will in some cases cause environmental and safety concern, since the roofs of three small buildings in the port of Poti contain asbestos (at berths No. 6, 9 and 10). The workers have to be equipped with personal protective means and overall corresponding safety precautions must be considered.

According to information obtained from the Marine Inspection the buildings to be demolished in the port of Batumi do not contain asbestos.

4.1.3 Water-Related Impacts

Since the present rehabilitation project does not include any construction on the water side (dredging or reclamation) no significant impacts on the water quality are expected. If pile driving or the construction of a new quay wall should become necessary, adequate methods will have to be selected. These activities might cause local damage to the substrate, but the area to be affected will be small. Therefore, no significant negative impact on the aquatic resource in the direct vicinity of the terminals is expected.

In the port of Batumi berth No. 5 is an area of special environmental concern (see chapter 3.2.2 of this Report). Within this area there is an old subterranean oil pipeline reaching from berth No. 1 along the quay wall to the Batumi Refinery (approx. 900 m length within the port area). This pipeline has partly been removed by the refinery. The soil is still heavily oil polluted and a permanent source for water pollution. Before surfacing this area the polluted soil has to be exchanged and then disposed off in a safe deposit. The removal of the remaining parts of the old pipeline and the contaminated soil will definitely have a beneficial impact on the water quality.

The oil separator and buffer reservoir which is situated on the same berth (see chapter 3.2.2) will have to be relocated before the construction works can begin. Since this separator system is very old and does not meet the present standard, a new construction of this system will improve the water quality significantly.

4.1.4 Socio-Economic Impacts

The provision of employment during the construction phase will have a beneficiary impact on the socio-economic situation in Poti as well as in Batumi.

At the present state of planning, no relocation, loss of land use or any resettlement is planned. Therefore negative impacts in this direction are not expected.

4.2 Impacts Associated with Operation

4.2.1 Noise Impacts

During operation, all equipment at a port contributes to the generation of noise. Noise sources will be vessels, container trucks, trains, generators and cargo handling equipment. This operational noise is continual and - considering the fact that both ports are located in close vicinity to the city - it is likely to be one of the more serious sources of community disturbance. Noise associated with on-site terminal operations will mostly be confined to the site itself. The ports of Poti as well as Batumi are surrounded by a wall of approximately 2.5 m height, which provides a damping effect for the time being.

A part of the future cargo throughput will be handled by heavy duty trucks. Due to this noise will be an issue along access roads and in the vicinity of the port entrance. In order to cope with the future amount of cargo, expansion is planned for both ports. These plans which are not subject to this study include new port entrances and access roads in the absence of dwellings to relieve congestion and noise impacts.

4.2.2 Air Related Impacts, Dust

The handling and storage of bulk might cause air pollution depending on the dust generating properties of the materials, as well as the chosen methods of handling these goods. Dust emitting materials require applied technical measures such as sprinkling devices, spraying vehicles, sheds to protect these goods from the wind, etc. Materials that require strict attention are dry bulk cargoes such as bauxite, phosphates, sulphur and coal.

Another source of air pollution is the exhaust-gas emission generated by vessels (auxiliary engines, boiler). Increasing vessel traffic will contribute significantly to this kind of pollution. International commissions and organisations as the IMO are dealing with this problem since years, without being able to come up with a solution. Ships' connection to shore electricity will not solve this problem, even if a reliable power supply would be available. Mitigation measure could be the use of high grade fuel oils onboard the vessels.

Table 2 provides an example on ship emission in port:

Table 2: Example of vessel generated emission.

Power requirements: 2,000 kW

Lay time: 10 hours

Figures relates to kilograms

	Boilers	Auxiliary Engines
Fuel consumption	1800.0	4123.7
Nox	7.5	288.7
CO	-	20.6
THC	-	4.1
Soot	-	2.1
Sulphur	9.0	20.6

Source: IMO/ESCAP Seminar on Environmentally Sound Port Development and Management
UNITED NATIONS 1992

4.2.3 Water Related Impacts

The rehabilitation plan includes the construction of a new pavement in both ports. At present, in both locations the floor is uneven and broken or even unpaved. This makes it very difficult to clean any accidental spill. At the existing container terminal in Poti, wholes on the terminal lead directly into the harbour basin. As a consequence, anything spilled on the ports working surface finds its way into the sea. The direct run-off of storm- and rainwater from the terminal into the harbour basin has to be avoided in order to minimise the risk of water pollution in the case of spillage. Therefore the new surfacing shall include a drainage system which is equipped with sand traps for solid materials and skimmers for floating solids and liquids (hydrocarbons) at all outlets into the sea.

Improving the pavement of the terminals provides a significant environmental benefit.

With regard to the handling of containerised dangerous cargo in Poti, it is necessary that the outlets of the drainage system can be closed in case of a leakage. Other operational means should also be available, e.g. a mobile trailer with a collecting basin big enough to contain the volume of a full tank container.

The expected increase of ships traffic contains the risk of possible discharges from ships (bilge water, ballast water, oily wastes, sewage and garbage) as a source of water pollution. Every ship en route produces oily wastes, as a result of its operation.

Type of Vessel	General Cargo	Car Ferry RoRo	Bulk Carrier	Container Ship	Fishing Trawler
Oily Bilges [m ³ /day]	3	3	3	3	1
Sludges [m ³ /day]	0.5	1	2	4	0.1
Used Lubricating Oil [m ³ /year]	1	1.2	1.5	2	1
Total Pure Waste Oil [m ³ /year]	39	75	156	300	8

Table 3: Average Rate of Waste Oil Production by Vessels

Source: Hans J. Peters (1991): A Framework for Environmental Assessments in the Maritime Industries

Table 3 shows that there is a considerable amount of oil and oily wastes generated by ships which have to be disposed off adequately.

The provision of reception facilities has been described already (see chapter 3.2.1 of this report). Without these reception facilities such wastes will end up as operational pollutants in the regional waters. To avoid adverse impacts, strict control of the MARPOL regulation is indispensable.

Since accidental spills can not be avoided, equipment for the removal of oil and other pollutants has to be on stand by.

4.2.4 Local Traffic and Access Impacts.

The port upgrading will result in more vehicular traffic. The conclusion of the Traffic Forecast (Vol. II of this Report) announces a relatively high growth rate for the total turnover of the ports of Poti and Batumi. Based on scenario III, the "probable case", an annual growth rate of 20 % is indicated for the period from 1997 until 2002, followed by an annual growth rate of 6 % in the next years until 2012. The on-transportation of transit cargo is assumed to be carried out by rail to a considerable share (about 80 % of the in- and outbound traffic of the ports), i.e. a means of transportation with a low emission rate, and to a much lesser extend by trucks.

In the year 2002 the truck traffic will be

- 112 trucks per day in Poti, and
- 70 trucks per day for Batumi.

Based on 18 working hours per day that means that the additional truck traffic will be

- less than 10 per hour in Poti and
- less than 6 trucks per hour in Batumi, respectively.

These figures indicate that the vehicular traffic associated with cargo on-transportation to the Georgian hinterland will not cause any considerable increase of the local traffic.

Considering the present status of road and rail network, plans should be developed to improve roads, highways and rail tracks and to build new bypass routes to serve the additional traffic.

4.2.5 Socio-Economic Impacts

A beneficial impact on the population of Poti and Batumi through the project is expected by offering temporary and permanent employment. The payroll of this direct labour force will stimulate the local economy by some multiplier effect.

5. Measures to Enhance Environmental Benefits

The ports suffer of high-potential environmental problems. These manifold problems, however, are directly related to the ecological and economical situation of the country itself and therefore far beyond the scope of this project.

There are different ecological studies, programmes and projects in a planning or implementation state, addressing more or less the same problems, as:

- "Needs Assessment and Programming Mission with in the Framework of the Integrated Technical Co-operation Programme CIS/Eastern Europe Region" by the International Maritime Organization (IMO) (1996)
- "Feasibility Study for Reception Facilities in Black Sea Ports of Georgia, Ukraine and the Russian Federation" by Tacis (1997)
- "Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (BS-SAP)" by the Global Environment Facility - Black Sea Environmental Programme (signed 1996 by all six Black Sea Littoral States)
- "Georgia - Integrated Black Sea Environmental Project"
- "Georgia - Municipal Infrastructure Rehabilitation Project", both in a planning state, to be financed by The World Bank
- others.

Close co-ordination and co-operation between those involved in the projects is absolutely necessary in order to work out the priority issues to be addressed.

5.1 Waste Management

One of the largest sources of pollution is the discharge of untreated municipal waste-water and uncontrolled disposal of solid wastes. The discharged material contaminates the coastal area with garbage, organic matter and bacteria.

As stated in chapter 4.2.3, the contribution of vessel source pollution is essential and the need for harbour reception facilities is evident. The BS-SAP gives a clear statement to this matter and also gives the dates for implementation. According to the BS-SAP,

"Harbour reception facilities will be installed:

- for garbage by December 1999;
- for oil by December 2000; and
- for chemicals by December 2002."

The provision of reception facilities, however, especially those for oil and oily wastes (MARPOL Annex I), is relatively expensive. Considering the costs involved in operation and maintenance and the ultimate disposals of the wastes, this can be quite a burden for a port. In order to reduce costs, it is advisable, that the Georgian

ports Poti, Batumi and Soupsa (oil terminal) use one common oil reception facility. The most favourable site for this is Soupsa, since

- it is more or less in the centre of the three ports (distance to Poti: approximately 10 nms, to Batumi: approximately 30 nms)
- when the operation of the loading facilities by end of 1998 starts a high number of tankers (crude oil and product tankers) are expected in Soupsa
- the recently signed contract for building a refinery in Soupsa brings the best preconditions for the treatment of vessel generated oily wastes.

The disposal of sewage from ships (MARPOL Annex IV) has already been discussed (see ...). The public sewage systems in Poti as well as in Batumi are absolutely insufficient and a permanent source of pollution of the marine environment. The upgrading of the sewage system should be of highest priority for both cities and the precondition for compliance with MARPOL.

For the discharge of garbage from ships (MARPOL Annex V) it is necessary that within the planning of the terminals, sufficient space for containers for the collection of solid wastes has to be considered. The type of container should be selected in accordance with the municipal refuse disposal. Here again, the ultimate disposal of these wastes has to be assured. Both ports favour the idea of having an incinerator for vessel generated solid wastes inside the port area. For public health reasons they do not want the garbage from foreign vessels to be taken outside the port. The installation of an incinerator, however, is very expensive. If it is considered to burn combustible solid wastes, plans should be worked out together with residential and commercial areas.

Above all, the strict enforcement of anti pollution regulation is indispensable.

5.2 Contingency Planning and Emergency Response

A key requirement of the ports is the response to small or medium spillages of all kinds is. Therefore the provision of cleaning / skimming equipment and specialised oil spill response equipment is essential for both ports, together with a trained crew to operate it.

The equipment needed is listed below:

Equipment	Poti	Batumi
Harbour Containment Boom <ul style="list-style-type: none"> • 900 mm height • incl towing gear 	400 m	1,000 m
Floating Skimmer <ul style="list-style-type: none"> • incl power pack 	1 unit	1 unit
Skimming Vessel	available	needs to be repaired

Table 4: Oil spill fighting equipment needed in the ports of Poti and Batumi

A contingency plan has to be prepared for both ports. It has to provide a clear outline of authorities and responsibilities to handle such incidents. According to policy actions to be implemented within the BS-SAP, these local and national contingency plans should be developed and adopted by December 1998.

With the construction of the new oil terminal in Soupsa, the handling of oil products will have a diminishing importance for the ports of Poti and Batumi, whereas a considerable number of big sized crude and product tankers is expected in Soupsa by the end of 1998.

Therefore, the provision of high sea oil spill equipment and the outline of an offshore contingency plan should be in the responsibility of Soupsa.

5.3 Need for Environmental Monitoring

At the present state of development no specific environmental aspects have appeared that would require protection provided by construction and/or operation monitoring. These development plans, however, have to be considered as an intermediate solution for the next three years. The growth rate for the turnover in both ports requires the construction of new terminal, including dredging and land reclamation. In this case, compensation and/or mitigation measures have to be defined and followed-up by environmental monitoring.

Annex 1

The Law of Georgia "On State Ecological Expertise"

RESOLUTION OF THE PARLIAMENT OF GEORGIA

On the Law of Georgia "On State Ecological Expertise"

The Parliament of Georgia resolves:

1. The Law of Georgia "On State Ecological Expertise" to be implemented from January 1, 1997.
2. To request the President of Georgia to ensure that the Ministry of Environment of Georgia elaborate and approve before January 1, 1997 the Provisions "On the rule of conducting the state ecological expertise" and "On Environmental impact assessment".
3. From January 1, 1996, the provisional Provision "On the state ecological expertise of Georgia" adopted by the Resolution of the Government of Georgia N 894 of September 5, 1992 on "Provisional provisions of the state ecological expertise of the Republic of Georgia and the approval of the provisional rule for state ecological expertise funding and compensation" to be deemed void.

Deputy Chairman
of the Parliament of Georgia

Edward Surmanidze

Tbilisi,
15 October, 1996

\No 427-IS

THE LAW OF GEORGIA

ON THE STATE ECOLOGICAL EXPERTISE

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1

STATE ECOLOGICAL EXPERTISE

1. The state ecological expertise is an essential environmental measure which shall be carried out in the course of decision-making process on the issuance of environmental permits for an activity which covers entrepreneurial, economical or any other activity, implementation of habitation and development plans and projects, infrastructure projects, the implementation of settlement, habitation and sectoral development plans, including the implementation of plans and projects for protection, utilization and use of water, forests, land, mineral ore and other natural resources *existing* on the territory of Georgia, as well as significant reconstruction and technical and technological re-equipment of existing enterprises.
2. The list of the categories of activities, which in the course of decision-making process for the obtention of environmental permits, are subject to state ecological expertise, shall be determined by the legislation of Georgia. The law shall be applied only to the activities, the implementation of which is planned after the enactment of the Law.

The purpose of the state ecological expertise shall be to ensure control on conservation of ecological balance in the environment, basing on the principles of environmental requirements, rational utilization of natural resources and sustainable development.

The opinion of the state ecological expertise shall be an essential condition for making decision on the issue of environmental permits for implementation of an activity.

ARTICLE 2

STATE ECOLOGICAL EXPERTISE LEGISLATION

State ecological expertise legislation shall be based on the Constitution of Georgia, international agreements and arrangements, this Law as well as other legislative regulations.

ARTICLE 3

KEY PRINCIPLES OF THE STATE ECOLOGICAL EXPERTISE

The key principles of the state ecological expertise shall be:

1. Potential ecological risk assessment arising from entrepreneurial or other types of activities specified by the law;
2. All-round assessment of the possible impact of entrepreneurial or other type of activities on the environment prior to their commencement;
3. Giving heed to environmental requirements and standards;
4. Independence of experts and unlimited execution of their powers;
5. Argumentation and legality of the expertise conclusion;
6. Publicity in carrying out of the expertise. Public participation and consideration of public opinion.

CHAPTER II

THE BODY AUTHORIZED TO CARRY OUT THE STATE ECOLOGICAL EXPERTISE

ARTICLE 4

BODY AUTHORIZED IN CARRYING OUT THE STATE ECOLOGICAL EXPERTISE, ITS RIGHTS AND OBLIGATIONS

1. The Ministry of Environment of Georgia, the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics, regional (urban) environmental divisions included into and subject to the Ministry of Environment of Georgia (including the Tbilisi Committee for environmental protection and regulation of natural resources), as well as the regional structural sub-divisions of the regional (urban) environmental divisions, Ministries of Environment of Ajarian and Abkhazian Autonomous Republics, and the Tbilisi Committee for environmental protection and

regulation of natural resources (further referred to as the bodies authorized to carry out state ecological expertise) shall be authorized to carry out state ecological expertise.

2. The obligations of the Ministry of Environment of Georgia shall be:
 - to elaborate and approve provisions and the rule for conducting state ecological expertise;
 - to elaborate and approve necessary normative-technical documentation and methodical instructions.
3. The body authorized to conduct the state ecological expertise shall be obligated:
 - to set up expert commissions intended for studying the objects subject to the expertise;
 - to provide the expertise process with required information;
 - to register independent experts and to develop their data base;
 - to cooperate with executive authorities on state expertise related issues.
4. In the state ecological expertise area the Ministry of Environment of Georgia shall have the right to:
 - invite, in accordance with the established rule, in the process of making decisions on the issue of environmental permits for the activities, foreign specialists to conduct state ecological expertise except for the cases when the expert project is a state or commercial secret;
5. The body authorized to carry out state ecological expertise shall have the right to:
 - obtain from executive authorities and state juridical persons free of charge information (data, statistics and including the information for official use), required to conduct state ecological expertise, within the period specified by the law;
6. The body authorized to carry out state ecological expertise shall be obligated to:
 - ensure the compliance of state ecological expertise with the legislation in force, normative-technical documentation and methodical instructions;
 - provide for familiarization the applicant of an expert object (an activity entity) with legislative, normative-technical documentation and methodical instructions regulating the organization and execution of the state ecological expertise;
 - at the request of public representatives, to provide them for familiarization purpose, the documents regulating the conducting of the state ecological expertise;

- notify local authorities and public representatives having submitted argued comments on an expert object, the results of their comments review;
- at the request of government authorities, deliver the information on the results of the state ecological expertise carried out at an individual object;

ARTICLE 5

THE OBJECTS SUBJECT TO STATE ECOLOGICAL EXPERTISE

The object of the state ecological expertise shall be the evidential documentation of all the activities the list of which, apart from entrepreneurial and other types of activities, shall include the following:

- the drafts for: infrastructural planning (urbanization and town-planning, industrial, power systems and transport infrastructure development programmes including the projects for: purification facilities for populated areas, highways, railways and airfields, bridges and viaducts, main pipelines designated for any purpose, marine ports and terminals, metros, underground road and railway communications, hotel and resort complexes, sport complexes and facilities, hospitals of oncological, infectious and tuberculosis diseases), development plans for populated areas, settlement and sectoral development plans and programmes, production capacities development and placement schemes, plans and programmes, which should be approved, adopted and confirmed by the state executive and legislative authorities;
- construction, reconstruction, conservation, expansion, technical and technological re-equipment projects (notwithstanding the ownership and organizational-legal forms of the activity entities) pertaining to the activity;
- long-term rehabilitation programmes for the territories where emergency ecological situation, resulting from ecological catastrophes and epidemics, was announced;
- schemes and plans for protection, use and utilization of water, forests, woods, soil, mineral wealth and other natural resources existing on the territory of Georgia;
- projects and programmes pertaining to changing the purpose and status of the territories;
- layouts and projects of all types of economic and engineering objects (national, regional and local) targeted at evading negative effects of natural disaster processes on the territory of Georgia.

ARTICLE 6

THE RULE FOR CARRYING OUT STATE ECOLOGICAL EXPERTISE

1. Within the limits of decision-making process for the issue of environmental permits, the state ecological expertise shall be carried out after the submission, in a manner established by legislation, of an application for the expertise of an activity. The application should contain the documentation evidencing the activity which shall include: the application of an activity entity for the obtention of a permit for his activity, the feasibility study draft and environmental impact assessment report on the categories specified by the law as well as a brief annotation..
2. The decision on the necessity of incorporating environmental assessment report in evidential documentation shall be made in a manner established by the law.
3. The conducting procedure of state ecological expertise shall be defined by provisions "On the rule for carrying out state ecological expertise".
4. Within the limits of decision-making process for the issue of environmental permits, the body authorized to carry out state ecological expertise shall conduct the state ecological expertise and, accordingly, prepare the state ecological expertise opinion by activity categories within the period specified by the legislation of Georgia.

ARTICLE 7

STATE ECOLOGICAL EXPERTISE OPINION

1. The results of the state ecological expertise shall be incorporated into the state ecological expertise opinion which shall be prepared by the state ecological expertise expert commission and shall be approved by the body authorized to carry out the state ecological expertise.
2. State ecological expertise opinion may be positive or negative. The positive opinion of the state ecological expertise shall be issued in the cases when the evidential documentation:
 - is in compliance with the legislation of Georgia as well as the environmental norms and standards effective on the territory of Georgia;
 - the implementation of the activity outlined in it shall not cause irreversible qualitative and quantitative changes in the environmental condition and natural resources.
 - makes provision for measures reducing or evading the impact on the environment including the measures for liquidation of possible effects of emergency situations.
3. The validity of terms and conditions of the positive opinion of the state ecological expertise on the activity specified by the law shall be determined by the provisions "On carrying out of state ecological expertise" within the limits of decision-making process for the issue of environmental permits by activity categories.

CHAPTER III

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

ARTICLE 8

ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

1. Environmental impact assessment shall represent the preparation of evidential documentation for an activity and determine the nature and quality of their anticipated impact on the environment in the course of decision-making process on this activity, as well as assess their ecological, social and economic effects.
2. The responsibility for organization and conducting of environmental impact assessment shall be assumed by an activity entity specified by the law.
3. The environmental impact assessment result shall be represented by environmental impact assessment report.
4. The environmental impact assessment procedure as well as the requirements for the content of environmental impact assessment report shall be defined by the legislation of Georgia and "The environmental impact assessment" provisions which shall be elaborated and approved by the Ministry of Environment of Georgia.

CHAPTER IV

RIGHTS AND OBLIGATIONS OF THE ACTIVITY ENTITY IN THE STATE ECOLOGICAL EXPERTISE AREA

ARTICLE 9

RIGHTS OF THE ACTIVITY ENTITY IN THE STATE ECOLOGICAL EXPERTISE AREA

The activity entity in the state ecological expertise area shall be entitled to:

- submit to the state ecological expertise authorized body the evidential documentation for carrying out of the state ecological expertise.
- appeal to Court in the event of disputes arising from conducting of the state ecological expertise.

ARTICLE 10

OBLIGATIONS OF THE ACTIVITY ENTITY IN THE STATE ECOLOGICAL EXPERTISE AREA

The activity entity in the state ecological expertise area shall be obligated:

- to submit evidential documentation of the activity for the state ecological expertise in accordance with the requirements provided for by the law;
- to provide funding of the state ecological expertise process;
- subsequent to the obtention of environmental permit for the activity, to implement the activity provided for in evidential documentation in accordance with the terms and conditions of the positive opinion issued by the state ecological expertise.

CHAPTER V

STATE ECOLOGICAL EXPERTISE FUNDING

ARTICLE 11

STATE ECOLOGICAL EXPERTISE FUNDING RULE

Expenses required to prepare and carry out the state ecological expertise shall be the part of the total expenses, required for organization of the decision-making process for the issue of environmental permits for the activity, that, in accordance with the legislation, shall be incurred by the activity entity.

The expenses to be incurred by the activity entity for compensation of preparation and carrying out of the state ecological expertise shall cover: the costs of material and technical provision of the state ecological expertise process, compensation of independent experts and expenses pertaining to drawing up of the state ecological expertise opinion.

CHAPTER VI

RESPONSIBILITY FOR VIOLATION OF THE LAW OF GEORGIA "ON STATE
ECOLOGICAL EXPERTISE"

ARTICLE 12

RESPONSIBILITY FOR VIOLATION OF THE LAW OF GEORGIA "ON STATE
ECOLOGICAL EXPERTISE"

Responsibility for violation of this law shall be borne in a manner established by the
legislation of Georgia.

President of Georgia

Edward Shevardnadze

Tbilisi
15 October 1996,
No 426-IS

Annex 2

The Law of Georgia "On Environmental Permits"

THE LAW OF GEORGIA

ON ENVIRONMENTAL PERMITS

This law establishes the legal basis for the issue of the environmental protection permits for an activity implemented on the territory of Georgia, state ecological expertise, environmental impact assessment as well as the legal basis for the public notification and participation in the decision-making process on the issue of the environmental protection permits.

Only activities planned after the enactment of the law shall be subject to the present law.

This law does not regulate the issue of other permits on the activity.

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1. THE AIM OF THE LAW

The aim of the law shall be:

1. to protect human health, natural environment, cultural and material valuables during the implementation of the activity.
2. to ensure basic rights of a citizen provided for by the Constitution of Georgia - to acquire full, objective and timely information on his working and living environment as well as, with the purpose of democratic development of the country, to ensure public participation in the adoption of important decisions by the state in the area of environmental protection.
3. to take into consideration ecological, social, economic interests of the society in the process of the adoption of important decisions pertaining to the activity.

ARTICLE 2. THE OBJECT OF THE LAW

The object of the law shall be:

1. to elaborate and defend the rights and obligations of investors, community and the state in the area of environmental protection.
2. to facilitate protection of the environment and national resources from irreversible quantitative and qualitative changes as well as to ensure their rational utilization.

ARTICLE 3. DEFINITION OF TERMS

The term “activity” shall denote entrepreneurial, economical or any other activity, implementation of habitation and development plans and projects, infrastructure projects, the implementation of settlement, habitation and sectoral development plans, including the implementation of plans and projects for protection, utilization and use of water, forests, land, mineral ore and other natural resources *existing* on the territory of Georgia, as well as significant reconstruction and technical and technological re-equipment of existing enterprises.

The term “investor” shall denote a physical or juridical person - the initiator of an activity who shall address the body authorized in the issue of environmental permissions for the obtention of the environmental protection permission.

The term “Environmental Protection Permission” shall denote a written decision of the Ministry of Environment of Georgia, its regional and local bodies and the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics. The contents and the issuance procedures of the permission are different for different kinds of activities. The environmental protection permission represents an integrated permission which consists of permissions on exhausts, waste disposals, etc.

The term “Consultation Firm” shall denote a consulting juridical person which is entitled under the charter to carry out consultation works in the area of environmental protection.

The term “Environmental Protection Standards” shall denote the establishment of such standards of the impact on the environment which shall ensure the ecological balance. In view of the foregoing, the following standards shall be established: qualitative standards on the condition of the environment - in atmospheric air, water and soil; permissible standard limits for the quantity of the concentrates and micro-organisms harmful for human health and nature, permissible standard limits for noise, vibration, electromagnetic fields and other physical impacts, permissible standard limits for radiation impact; permissible standard limits for the inputs of harmful substances into the environment and environment pollution by microorganisms; permissible standard limits for the utilization of chemical means, ecological requirements for the products; load standards on the environment.

The term “Significant reconstruction, technical and technological re-equipment” - shall mean such reconstruction, technical and technological re-equipment, the implementation of which shall require an elaborate feasibility study.

The term “Regional body of the Ministry of Environment” shall denote the organizations subject to the Ministry of Environment of Georgia, in particular, regional (urban) environmental divisions, as well as the Tbilisi Committee for environmental protection and regulation of natural resources.

The term “The local body of the Ministry of Environment” shall mean regional structural sub-divisions of: regional (urban) environmental divisions of Georgia, as well as the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics and the Tbilisi Committee for environmental protection and regulation of natural resources.

The term “Best technology” shall denote the best, usable and economically available technology in terms of environmental protection which: is most effective in avoiding, minimizing or transforming harmful impact on the environment; may not be widespread but its mastering and utilization are possible from technical standpoint; economically may not condition the reasonableness of the obtention of marginal environmental benefit at the expense of considerably high value, but which at the same time from economic standpoint is available for investor.

CHAPTER II

THE PROCEDURE FOR THE ISSUE OF ENVIRONMENTAL PROTECTION PERMISSION

ARTICLE 4. CATEGORIES OF ACTIVITIES

1. In accordance with the present law the activities shall be grouped into 4 categories by their scope, importance and the quality of their impact on the environment..
2. The first category is the category which, due to its scope, location and essence, can cause serious and irrevocable impact upon the environment and human health.

The first category of activity are the following:

a) Mining of mineral ores

- Mining of mineral ores (except the activities listed in Point 3 of Article 4) and mineral dressing;
- Ground and underground constructions for the extraction and dressing of mineral ores;
- Deep drilling, especially activities aimed at the extraction of deep circulation thermal waters;
- Activities for the accumulation and deployment of mining output.

b) Power industry

- Processing of oil raw materials and petro-chemical production;
- Gasification and liquefying of coal;
- Carbonization of coal;
- Briquetting of coal and lignite;
- Construction of heat and power stations and other thermal enterprises;
- Construction of main facilities; for gas, steam, hot water and electric power transmission;
- Construction of hydro-electric power stations (with the capacity of more than 10 Megawatts);
- Construction of dams, artificial water reservoirs and other hydro-technical buildings;
- Construction of nuclear reactors of different purposes and capacities;
- Construction of nuclear power stations;
- Production and dressing of nuclear fuel, processing of the used nuclear fuel.

c) Agriculture

- Fisheries;
- Wood-felling (including all systems of felling) and the usage of forest fund soils for different purposes;
- Utilization of virgin soils and unbroken expanses for intensive agriculture activities;
- Carrying out soil melioration works;
- Soil re-cultivation;
- Measures taken against hazardous natural calamities;

d) Food industry

- Production of flour from fish and animal bones;
- Production of vegetable and animal oils and fats;
- Industrial production of starch;
- Production of canned goods (objects processing more than 5 000 tons of raw materials);
- Breweries, liquor, cognac, vodka distillers, wine production (objects with the production capacity of greater than 30 mln. liter bottles per year)

d) Chemical industry

Chemical industry of any type and capacity:

among them: chemical processing of semi-finished goods (interim products) and production of chemical substances; production and processing of pesticides, pharmaceutical goods, chemical colourings, varnishes, peroxide and production and processing of elastic substances (rubbers or plastic substances), production and packing of gunpowder or any other explosives; production of batteries; production of graphite electrodes, production of refrigerators.

e) Metallurgy

Metallurgy of any type and capacity;

f) Machine-building and ship-building among them:

- automobile, shipbuilding, railway and aircraft industries;
- ship-repair, railway-repair, aircraft-repair industries;
- production and testing of engines, turbines, reactors;

g) Production of building materials

- Any asbestos utilizing production;
- Production of cement;
- Production of asphalt;
- Production of glass and glass ware;

h) Wood processing, paper, leather and textile industries

- Production of fibre and sawdust boards and plywood ;
- Production of artificial mineral fiber;
- Production of cellulose, paper and cardboard;
- Leather processing industry and leather utilizing production;
- Construction of fullery-worsted spinning group of enterprises in which wool is refined, degreased, bleached.

i) Waste processing and disposal

- Disposal of municipal and industrial wastes, location of their dumping places and location and operation of the factories for their processing and burning;
- Disposal of toxic, hazardous and radioactive wastes, location and operation of their dumping places and rendering them harmless.

j) Location and operation of storages

- Location and operation of ground and underground storages for gas, oil, coal, petrochemical products;
- Location and operation of storages for radio-active substances.

k) Implementation of infrastructural plans, projects and programmes

- Urbanization and city-planning programmes;
- Industry development programmes;
- Power-systems' development programmes;
- Residence area purification utilities construction projects;
- Forest use programmes (including prospective projects for forestry and hunting farms organization and follow up plans);

- Transport infrastructure development programmes, projects for motorways, railways, airfields, bridges, over-passes;
- Land use schemes for administrative-territorial units (regions);
- Projects for the main pipe-lines for any purposes;
- Projects of sea ports and terminals;
- Projects for subways, underground motor-way and railway communications;
- Projects of hotel and resort complexes;
- Projects of sport complexes and constructions;
- Projects of hospitals of oncologic, infectious and tuberculosis diseases.
- Long-term rehabilitation programmes for preserved territories;
- Plans and projects for protection and utilization of water, forests, land, mineral ore and other natural resources existing on the territory of Georgia;
- Programmes and projects of national, regional and local importance for location of all types of economical and engineering objects with the view to avoid negative effects of natural spontaneous processes anticipated on the territory of Georgia.

All the afore-mentioned activities are subject to the environmental protection permits.

Infrastructural plans, projects and programmes shall require environmental permits issued by state legislative and executive bodies in accordance with the rule specified by the law prior to their adoption, approval or confirmation.

The environmental protection permission for these categories of activities shall be issued by the Ministry of Environment of Georgia.

The obligatory integral part of the procedure for the issue of the environmental protection permits shall be the following:

- environmental impact assessment (EIA); the procedure shall be carried out in accordance with Chapter III of the present law).
 - state ecological expertise; the procedure shall be carried out in a manner specified by the law);
 - participation of the community in the decision-making process.
3. The IInd category is represented by an activity the scope, location and content of which can have a significant impact on human health and the nature of the region where the activity will be carried out.

The IInd category is comprised of:

a) Mining of mineral ore:

- ore reconnaissance and mining activities;
- operation of low capacity (below annual 100 000 tons) quarries for building, inert, decorative materials and reconnaissance activities;
- drilling activities for the reconnaissance of sweet potable and mineral water.

b) Power industry:

- construction of thermal and power-stations for industrial purposes and other thermal enterprises (with the capacity of less than 10 Megawatts);
- construction of hydro-power stations (with the capacity less than 10 Megawatts).

c) Agriculture and food industry

- utilization of virgin soils and unbroken expanses for intensive agriculture activities;
- construction and operation of potable and irrigation water supply internal systems;
- utilization of agricultural arable land (of the area from 30 to 50 hectares) for non-agricultural purposes;
- construction of complex poultry and cattle breeding farms;
- reception of carbamide from the cattle-breeding farms;
- setting up of maricultural and aquacultural farms;
- setting up of fishing and hunting farms;
- production of sugar;
- breweries, liquor, cognac, vodka distillers, wine production (objects with the production capacity from 20 to 30 mln. liter bottles per year)
- production of jams, syrups and juices;
- production of dairy goods;
- production of yeast;
- setting up of smoking-drying enterprises;
- setting up of enterprises for the processing of animal remains;
- construction of grain production factory;
- setting up of a non-alcoholic, wine and spirit bottling enterprise.
- re-cultivation of land (of the area greater than 100 hectares);
- canning industry (objects annually processing from 3000 to 5000 tons of raw materials).

d) Forestry

- using of forestry fund lands (of the area greater than 100 hectares) for non-forestry and economic purposes);
- wood-felling - on the forest area greater than 500 hectares (including all felling types).

Other activities:

- publishing activities;
- construction of timber and wooden furniture factory;
- construction of mineral and insulation cotton enterprise;
- construction of lime-stone and chalk production enterprise;
- municipal facilities including sewerage;
- fibre drying industry;
- construction of a brick and ceramic tile production enterprise;

- construction of a plaster tile production enterprise;
- construction of a building-structural production enterprise;
- municipal facilities including sewerage;
- establishment of an enterprise for the production of building materials out of mineral raw materials;
- construction of chemical product containers' washing enterprise.

The environmental permits for the IIInd category of activities shall be issued by the Ministry of Environment of Georgia.

The obligatory integral part of the procedure for the issue of the permission shall be:

- state ecological expertise; the procedure shall be carried out in a manner established by the law;
- public participation in the decision-making process.

4. The IIIrd category comprises activity, the scope, location and content of which will not bring about serious impact on the environment.

The activities under the IIIrd category are the following:

a) Agriculture and food industry

- collection of medicinal herbs in the environment;
- setting up of slaughter-houses;
- construction of a coffee beans and sunflower roasting enterprise;
- utilization of agricultural arable land (of the area from 20 to 30 hectares) for non-agricultural purposes;
- establishment of an egg product manufacturing enterprise (with the annual capacity exceeding 40 tons);
- establishment of semi-finished food production factories (with the annual capacity exceeding 200 tons);
- construction of a grain drying, cleaning, storing and silo tower;
- production of non-alcoholic beverages;
- production of tobacco;
- construction of buildings to store agriculture goods;
- construction of hot-houses of industrial designation;
- construction of agricultural product storing and processing buildings, facilities and enterprises;
- construction of warehouses for chemical pesticides and mineral fertilizers;
- canning industry (objects annually processing from 3000 to 5000 tons of raw materials).
- breweries, liquor, cognac, vodka distillers, wine production (objects with the production capacity from 10 to 20 mln. liter bottles per year)

b) Forestry

- using of forestry fund lands (of the area from 50 to 100 hectares) for non-forestry and economic purposes);
- wood-felling - on the forest area from 100 to 500 hectares (including all felling types).

Other activities:

- production of flax;
- establishment of a sawmill (with the annual capacity exceeding 1000 cubic meters);
- construction of buildings for timber storage (land-based, water spraying or on-water of more than 1000 cubic meters);
- setting up of a ceramical goods enterprise;
- construction of local motor-ways;
- construction of gasoline stations;
- construction of a harbour for sailing vessels;
- operation of sterilization equipment in the hospitals using ethylene oxide;
- setting up of municipal laundries;
- construction of hospitals.

The environmental protection permits for the IIIInd category of activities shall be issued by the regional bodies of the Ministry of Environment of Georgia as well as the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics.

The obligatory integral part of the procedure for the issue of the permission shall be the following:

- state ecological expertise; the procedure shall be carried out in a manner established by the law;
- notification of the community of the planned activity.

5. The IVth category is not included in points 2, 3 and 4 of Article 4. and its the impact of which on the environment is insignificant.

The list of the activities under IVth category shall be elaborated and approved by the Ministry of Environment of Georgia basing on the provisions "On the list of IV th category activities specified by the procedure of the issue of environmental permits".

The environmental protection permission for the IV th category of activities shall be issued by the regional or local bodies of the Ministry of Environment of Georgia.

The obligatory integral part of the procedure for the issue of the permission shall be the state ecological expertise; the procedure shall be carried out in a manner established by the law.

ARTICLE 5. APPLICATION FOR THE ENVIRONMENTAL PROTECTION PERMISSION

1. In order to obtain the environmental protection permits, the investor shall be obligated to submit an application to the Ministry of Environment of Georgia, its regional or local bodies and the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics.
2. The investor shall be obligated to prepare a detailed application in a complete shape and in written form.
3. The application should include the evidential documentation on the activity, investor's application for the obtention of the environmental protection permission, feasibility study project of the activity, assessment report on the activity's impact on the environment (for the 1st category activity).

The application should include the following information:

- a) name of the planned activity, name and address of the investor;
- b) location of the planned activity on the map of the given region;
- c) assumed date of the initiation and termination of the activity, the aims of the activity;
- d) plan of the buildings necessary for the activity;
- e) description of the technological process;
- f) the list of substances which will be used during the activity or are received as a result of the activity;
- g) detailed description of the measures which are planned in order to reduce the impact of the activity on the environment and social factors;
- h) types and quantity of the natural resources to be used;
- i) volume and type of the expected emission;
- j) methods for the measurement of emission volume;
- k) types and quantity of the industrial wastes, the probable places for their disposal, measures planned for the reduction of the waste volume and processing.
- l) safety measures to be taken against accidents of technical nature.

4. For the activities under I, II, III categories, along with the application the investor shall be obligated to submit a brief annotation in accordance with the form given below.

- name of the planned activity, name of the investor;
- location of the planned activity;
- assumable date of the initiation and termination of the activity;
- aims of the activity;
- category of the activity;
- place and time for the public discussion of the activity;
- address, where the public will be able to familiarize itself with the documentation connected with the activity.

The information submitted in this form shall be published in the press and shall be made available to the representatives of the public.

5. The investor shall have the right to submit additional information which he finds necessary for the specific case.
6. Having received the application presented in full, the Ministry of Environment of Georgia, its regional or local bodies and the Ministries of Ajarian and Abkhazian Autonomous Republics shall commence the procedure provided for by the law.
7. The Ministry of Environment of Georgia shall determine the content and form (the issuance rule) of environment permits as well as the form of the application to be submitted for the obtention of environment permits, on the basis of the provision "On the rule for submission of applications for the obtention of environmental permits and the issuance of environmental permits".

ARTICLE 6. STATE, INDUSTRIAL AND COMMERCIAL SECRETS

1. The investor shall be obligated to provide the Ministry of Environment of Georgia with the complete scheme of the technological process even in case the activity contains industrial, commercial or state secret.

The part of the application which contains industrial, commercial or state secret should be submitted separately by the investor.

2. The part of the application including the secret should be labeled and kept separately. This sector should be inaccessible for public representatives.
3. The body issuing environmental permits shall be obligated to keep the secrecy. Relevant officials shall be given the right of access to the secrecy in accordance with the rule laid down by the law.
4. The persons who shall be authorized by the present law to familiarize themselves with the part of the application containing secret information, in the event of its disclosure, shall bear responsibility in accordance with the legislation of Georgia in force.

ARTICLE 7. PROCEDURE FOR THE ISSUE OF ENVIRONMENTAL PERMITS FOR THE FIRST CATEGORY ACTIVITIES

1. In order to obtain an environmental protection permit for the Ist category activity, the investor shall be obligated to conduct environmental impact assessment.
2. In order to conduct a thorough environmental impact assessment and ensure the public participation in the assessment process, the investor shall be entitled to:
 - announce a tender for obtaining the right to conduct the EIA. The terms and conditions of the tender should be published in the central press.

- ensure the availability of the examination materials, reviewed by the environmental impact assessment, to public representatives.
3. After the receipt of the detailed application on the Ist category activities, the Ministry of Environment of Georgia shall be obligated to carry out the procedure provided for by the present article which covers the state ecological expertise of the activity (the procedures for the expertise shall be regulated by the applicable legislation of Georgia) and to assure public participation in the decision-making process for the issue of the environmental permits.
 4. Within 10 days following the receipt of the application the Ministry of Environment of Georgia shall be obligated to:
 - a) ensure the publishing in press of the application and brief annotation to which the information on the date and venue of public discussion of the issues related to implementation of the activity should be enclosed;
 - b) receive and discuss the written comments of the public in 45 days following the publishing of the information on the activity.
 5. Within 2 months at maximum after the receipt of the application the Ministry of the Environment of Georgia shall be obligated to hold a public discussion of the activity with the participation of the Investor, the Ministry of Environment of Georgia, local administration bodies and public representatives.
 6. The review period of the evidential documentation on the activity at the Ministry of the Environment of Georgia shall be 3 months at maximum.
 7. The copy of the application shall be kept by the body of the Ministry of Environment of Georgia where the review of the evidential documentation on the activity is planned and the public representatives shall be able to familiarize themselves with the application (with the exception of the part containing commercial, industrial and state secrets) within the entire period of application review.
 8. Within this period the Ministry of Environment of Georgia shall be obligated to:
 - carry out the expertise of environmental impact assessment;
 - determine the compliance of the activity or its separate part with the legislation of Georgia in force;
 - determine the compliance of the activity or its separate part with the standards in effect of the condition of the environment in Georgia;
 - determine the measures the elaboration of which shall be necessary for the reduction of the impact on the environment in case the activity is implemented;
 - adopt a decision on the issue of the environmental permission for the activity taking into account the environmental impact assessment conclusion and public opinion.

ARTICLE 8. PROCEDURE FOR THE ISSUE OF ENVIRONMENTAL PERMITS FOR THE II CATEGORY ACTIVITIES

ARTICLE 9. PROCEDURE FOR THE ISSUE OF ENVIRONMENTAL PERMITS FOR THE III CATEGORY ACTIVITIES

1. After the receipt of the detailed application for the obtention of environmental permits for the IIIrd category activities, the regional bodies of the Ministry of Environment of Georgia (further referred to as a “regional body”) and the Ministries of Ajarian and Abkhazian Autonomous Republics shall be obligated to carry out the procedure as provided for by the present article which covers the state ecological expertise of the activities well as public notification on the planned activity.
2. Within 10 days following the receipt of the application for public notification, the regional bodies of the Ministry of Environment of Georgia and the Ministries of Ajarian and Abkhazian Autonomous Republics shall ensure the publishing of the information on the activity in the form of a brief annotation along with the application.
3. The copy of the application shall be kept by the body of the Ministry of Environment of Georgia (also in the Ministries of Ajarian and Abkhazian Autonomous Republics) where the review of the evidential documentation on the activity is planned and the public representatives shall be able to familiarize themselves with the application (with the exception of the part containing commercial, industrial and state secrets) within the entire period of application review.
4. Maximal term for the review of the evidential documentation of the activity following the receipt of the application at the regional bodies of the Ministry of Environment of Georgia and the Ministries of Ajarian and Abkhazian Autonomous Republics shall be 2 months. During this period the regional bodies of the Ministry of Environment of Georgia and the Ministries of Ajarian and Abkhazian Autonomous Republics shall be obligated to:
 - carry out the state ecological expertise of the evidential documentation;
 - determine the compliance of the activity or its separate part with the legislation of Georgia in force;
 - determine the compliance of the activity or its separate part with the standards in effect of the condition of the environment in Georgia;
 - determine the measures the elaboration of which shall be necessary for the reduction of the impact on the environment in case the activity is implemented;
 - adopt a decision on the issue of the environmental permission for the activity taking into account the environmental impact assessment conclusion and public opinion.

ARTICLE 10. PROCEDURE FOR THE ISSUE OF ENVIRONMENTAL PERMITS FOR THE IV CATEGORY ACTIVITIES

1. After the receipt of a detailed application for the environmental protection permission on the IIInd category activity the Ministry of Environment of Georgia shall be obligated to carry out procedures provided for by the law, which cover the expertise of the activity and public participation in the decision-making process on the issue of the permission.
2. In 10 days following the receipt of the application for public information, the Ministry of Environment of Georgia shall be obligated to provide the publishing of application and a brief annotation of the planned activity to which the information on the date and venue of public discussion of the issues related to implementation of the activity should be enclosed;

In view of the above, the Ministry of Environment of Georgia shall:

- ensure the publishing of the information in press;
 - receive and discuss public comments in writing within 45 days following the publishing of the information .
3. The copy of the application shall be kept in the body of the Ministry of Environment of Georgia where the review of the evidential documentation on the activity is planned and the public representatives shall be able to familiarize themselves with the application (with the exception of the part containing commercial, industrial and state secrets) within the entire period of application review.
 4. In order to ensure public participation in the process of the issue of the environmental protection permission for the activity, the Ministry of Environment of Georgia shall be obligated to carry out a public discussion within 2 months at maximum after the receipt of the application, with the participation of the investor, the Ministry of Environment of Georgia, local administration bodies and public representatives;
 5. Maximal term for the review of the evidential documentation of the activity following the receipt of the application at the Ministry of Environment of Georgia shall be 2 months. During this period the Ministry of Environment of Georgia shall be obligated to:
 - carry out the state ecological expertise of the evidential documentation;
 - determine the compliance of the activity or its separate part with the legislation of Georgia in force;
 - determine the compliance of the activity or its separate part with the standards in effect of the condition of the environment in Georgia;
 - determine the measures the elaboration of which shall be necessary for the reduction of the impact on the environment in case the activity is implemented;
 - adopt a decision on the issue of the environmental permission for the activity taking into account the environmental impact assessment conclusion and public opinion.

1. In order to issue an environmental protection permission the regional or local body of the Ministry of Environment of Georgia (further referred to as a “local body”), after the receipt of a detailed application shall commence the procedures provided for by this law which cover the state ecological expertise of the activity .
2. The maximum period for the discussion of the evidential documentation of the activity by a regional or local body shall be one month. Within this period the regional or local body shall be obligated to:
 - carry out the state ecological expertise of the evidential documentation;
 - determine the compliance of the activity or its separate part with the legislation of Georgia in force;
 - determine the compliance of the activity or its separate part with the standards in effect of the condition of the environment in Georgia;
 - determine the measures the elaboration of which shall be necessary for the reduction of the impact on the environment in case the activity is implemented;
 - adopt a decision on the issue of the environmental permits for the activity taking into account the environmental impact assessment conclusion and public opinion.

ARTICLE 11. GROUNDS FOR THE DENIAL TO THE ISSUE OF THE ENVIRONMENTAL PERMITS

1. The Ministry of Environment of Georgia, its regional or local bodies and the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics shall not issue an environmental protection permit if:
 - a) the legislation of Georgia is violated during the implementation of the activity;
 - b) the standards for the condition of the environment effective in Georgia are violated during the implementation of the activity and the deterioration of the condition of environment in the place where the activity is carried out is caused by the use of technologies which do not meet the technology standards established by the law,
 - c) implementation of the activity (for infrastructure projects) is not feasible for its location, content or scope;
 - d) the existing environmental protection standards are not violated as a result of the implementation of the activity but there is a precedent of the deterioration of the health of the population due to the implementation of the similar activity or any of its part.
2. In case the Ministry of Environment of Georgia, its regional or the local body and the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics (for the IVth category activity) refuses to issue a permission on the activity, the investor shall be notified in writing on the decision with the detailed argumentation upon the expiry of the specified period (3 months for the Isth category, 2 months for the IIInd category and IIIrd categories and 1 month for the IVth category).

ARTICLE 12. THE BASIS FOR THE ISSUE OF PERMITS ON THE ACTIVITY

1. The Ministry of the Environment of Georgia, its regional or local bodies and the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics shall issue a permit on the activity, if:
 - a) in the case of implementation of the activity the legislation of Georgia is not violated;
 - b) in the case of implementation of the activity the standards for the condition of environment in Georgia are met;
 - c) the implementation of the activity is feasible for its location, nature and scope (for the infrastructure projects).
2. In the case when it is identified that: - as a result of the implementation of the activity, the standards in effect for the condition of the environment in Georgia are violated and that the violation of the standards for the condition of the environment are caused by the increase in the total emission by different enterprises located in a place where the activity is implemented, but at the same time the activity under discussion plans to use best available technologies, then the investor will be given the right to implement the activity. The emission standards for the existing enterprises shall be revised and the period shall be specified by the Ministry of Environment of Georgia, upon the expiry of which the enterprises shall adhere to the new emission standards.
3. In case of the issue of the permission, the Ministry of Environment of Georgia, its regional or local bodies and the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics shall, upon the expiry of prescribed period (3 months for the Ist category, 2 months for the IInd and IIIrd categories and 1 month for the IVth category), notify the investor in a written form on the decision and provide the list of measures to be taken after the implementation of the activity. in case the decision on the issue of a permission on the activity is made

ARTICLE 13. RIGHTS AND RESPONSIBILITIES OF THE INVESTOR

1. The investor shall be obligated to provide the Ministry of Environment of Georgia, its regional or local bodies, the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics and the consultation firm (for the 1st category activities) with the objective data on the planned activity.

The investor shall bear the responsibility in accordance with the legislation of Georgia for the provision of the biased information.

2. In case the permission on the activity is granted, the investor shall be obligated to:
 - a) implement the activity provided for by evidential documentation in accordance with terms and conditions of the state ecological expertise conclusion;

- b) after commencing to implement the activity, to take the measures reducing the impact on the environment which the Ministry of the Environment of Georgia, its regional or local bodies, the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics shall deem necessary.
3. The investor shall have the right to select on the basis of a tender a consultation firm to carry out the environmental impact assessment.
4. In the case when the investor does not agree with the decision of the Ministry of Environment of Georgia, its regional or local bodies, the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics he shall have the right to appeal to the court.

CHAPTER III

ENVIRONMENTAL IMPACT ASSESSMENT

ARTICLE 14. THE ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

1. The procedure for environmental impact assessment shall be determined by the Ministry of Environment of Georgia.

Environmental impact assessment shall denote the study and investigation procedure of the planned activity aimed at the protection of certain elements of the environment, people, landscape and cultural heritage.

2. Environmental impact assessment shall reveal and describe direct and indirect impacts on the human health and safety, vegetation, and animal world, soil, air, water, climate, landscape, eco-systems and historical monuments or the aggregate of the above-listed factors, including the impact of these factors on the cultural values (heritage) and social and economical factors (for infrastructural projects).
3. In accordance with the present law, if the activity planned by the investor falls under the Ist category, environmental impact assessment shall be the essential and significant part of the decision-making on the issue of an environmental protection permission. The issue of a permission for the Ist category of activities shall be forbidden without the environmental impact assessment except for the cases listed in paragraph 14.4. of the present law.
4. The activity may be released from environmental impact assessment if:
 - The investor repeats or continues the activity undertaken before for which the procedure for environmental impact assessment has been carried out and the repeated assessment cannot not include additional information,

- Common state interests require that the activity shall commence and the decision shall be made urgently.

The decision on the release of the activity from environmental impact assessment shall be made on the basis of investor's request by a special council for environmental impact assessment. The composition and functions of the council shall be defined by the Ministry of Environment of Georgia.

The decision of the council shall be approved by the Ministry of Environment of Georgia.

5. The consultation firm shall, in accordance with the legislation of Georgia, bear the responsibility for carrying out environmental impact assessment in an unbiased manner.
6. The Ministry of Environment of Georgia, its regional or local bodies and the Ministries of Environment of Ajarian and Abkhazian Autonomous Republics shall be responsible for the compliance of the results of environmental impact assessment expertise with environmental standards. The executor of the state ecological expertise shall, in accordance with the Georgian legislation, be liable to conduct the expertise in an unbiased manner.
7. The expenses required to conduct environmental impact assessment shall be borne by the investor.
8. Public participation in the environmental impact assessment procedure shall be obligatory.

ARTICLE 15. PARTICIPATION OF PUBLIC REPRESENTATIVES IN THE ENVIRONMENTAL IMPACT ASSESSMENT

1. Public representatives shall be entitled to provide the investor with their considerations and comments on the first category activity.
2. With the view to take into consideration public opinion and to ensure public participation, the investor shall be obligated to familiarize himself with public representatives' written considerations and comments on the first category activity and give heed to their arguments in the process of final issuance of evidential documentation.
3. Public representatives shall be entitled to carry out independent environmental impact assessment for the first category activity for their own account and present it to the body issuing environmental permits.
4. The results of independent environmental impact assessment should be taken into consideration during the decision-making process on the issue of environmental permits.

5. If the public representative deems that his rights have been violated, he shall be entitled to apply to Court.

ARTICLE 17. DENIAL TO PROVISION OF INFORMATION FOR FIRST CATEGORY ACTIVITY

1. The investor shall (in the course of planning first and second category activities and in the environmental impact assessment process) have the right to refuse the provision of information, based on adequate argumentation, only if:
 - a) the demanded information includes a state, commercial or industrial secret;
 - b) the specific investigation pertaining to EIA, has not yet been finalized and, accordingly, the information is not complete and does not describe the actual state of affairs.
2. In the event of a denial to provide the information, the public representative shall have the right to appeal to the Court.

ARTICLE 18. THE RULE FOR FUNDING OF ENVIRONMENTAL PERMITS.

Within the limits of the process of the issue of environmental permits, the expenses required for arranging the environmental permission procedure, shall be funded in accordance with the legislation.

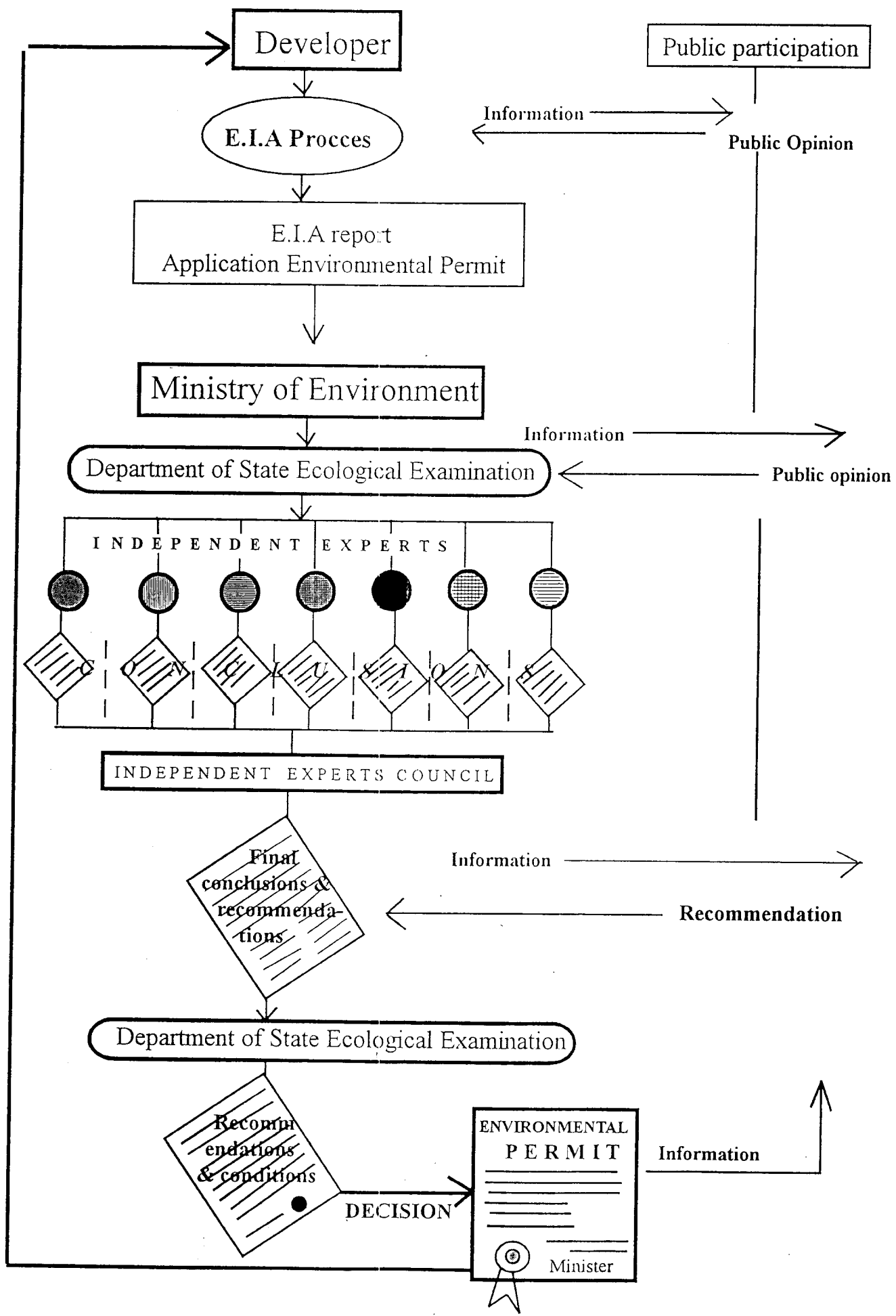
ARTICLE 19. RESPONSIBILITY FOR THE VIOLATION OF THE LAW "ON ENVIRONMENTAL PERMITS"

The responsibility for violation of this law shall be borne in accordance with the legislation of Georgia.

President of Georgia

Edward Shevardnadze

Tbilisi
15 October 1996
No 424-IS



Annex 3

Record of Meetings and Consultations

Annex 3: Record of Meetings and Consultations

Wednesday, 13 August 1997

Departure Hamburg to Tbilisi

Thursday, 14 August 1997

Arrival Tbilisi, Travel Tbilisi to Poti

Meeting with: **Mr. Devi Gvalia**, Deputy General Manager, Commercial Sea Port of Poti

Friday, 15 August 1997

Meeting with: **Mr. Ninidze Djambul**, Vice President, Georgian Maritime Department,
Mr. Valeri Bekaya, Deputy Chief Engineer,
Batumi Sea Port

Saturday, 16 August 1997

Meeting with: **Mr. Kukuri Kakulia** and
Mr. Levan Bubuteishvili,
Ecological Department, Commercial Seaport of Poti

Monday, 18 August 1997

Meeting with: **Mr. Anzor Tkhebuchava**, Environmental Consultant of the City Mayor,
City Council, Poti

Tuesday, 19 August 1997

Meetings with: **Mr. Tariel Gogoli**, Inspector at the City Council, Poti
Mr. Guram Janjghava, Marine Inspection Department, Poti

Wednesday, 20 August 1997

Port visit with: **Mr. Sergo**, Port Construction Engineer, Commercial Seaport of Poti

Thursday, 21 August 1997

Meeting with: **Mr. G. Vachnadze**, Managing Director of the International Business Planning
and Development Institute, Tbilisi

Friday, 22 August 1997

Meetings with: **Dr. Mamuka Cantladze**, Deputy Head, International Relations Department,
Ministry of Transport, Tbilisi
Prof. Dr. Rezo G. Chageslishvili, Deputy Minister,
Mr. Zurab Tvardkiladze, First Deputy Minister and
Mr. Soso Tsabadze,
Ministry of the Environment, Tbilisi

Saturday, 23 August 1997

Meeting with: **Mr. Aidmir Lagvilava**, Ecological Department of the Police, Poti

Monday, 25 August 1997

Port visit with: **Mr. Kukuri Kakulia** and
Mr. Levan Bubuteishvili, Ecological Department,
Commercial Seaport of Poti

Wednesday, 27 August 1977

Port visit, Seaport Batumi

Thursday, 28 August 1997

Meeting with: **Mr. Tengiz Gogotishvili**, Head of the Conventional Black Sea Marine
Inspection, Batumi

Friday, 29 August 1997

Meetings with: **Mr. Niko Charkviani**, Deputy Manager
Mr. Merab Davitadze, Environmental Engineer
Mr. Aslan Smirba, Manager
Seaport Batumi

Monday, 1 September 1997

Meetings with: **Mr. Kalandadze Otari**, Head of Ecological Expert Division
Ministry of Environment of Adjara, Batumi
Capt. Valerian G. Imnaishvili, Head of Legal and Foreign Affairs Division
Georgia Marine Department, Batumi

Tuesday, 2 September 1997

Meeting with: **Mr. Tengiz Gogotishvili**, Head of the Conventional Black Sea Marine
Inspection, Batumi
Inspection of the port and oil terminal

Thursday, 4 September 1997

Scoping Meeting
Commercial Seaport of Poti

Friday, 5 September 1997

Meeting with: **Mr. Tengiz Gogotishvili**, Head of the Conventional Black Sea Marine
Inspection, Batumi

Saturday, 6 September 1997

Meeting with: **Mr. Akaki Komakhidze**, Director of the Black Sea Ecology and Fishery
Institute, Batumi

Monday, 8 September 1997

Meetings with: **Mr. Tengiz Gogotishvili**, Head of the Conventional Black Sea Marine
Inspection, Batumi
Mr. Akaki Komakhidze, Director of the Black Sea Ecology and Fishery
Institute, Batumi

Tuesday, 9 September 1997

Scoping-Meeting
Seaport Batumi

Wednesday, 10 September 1997

Departure Batumi to Tbilisi

Thursday, 11 September 1997

Departure Tbilisi to Hamburg

Tuesday, 20 January, 1998

Departure Hamburg to Trabzon via Istanbul

Wednesday, 21 January, 1998

Trabzon → Poti

Friday, 23 January, 1998

Meeting with: **The World Bank Delegation**
at the World Bank Resident Mission Georgia, Tbilisi

Monday, 26 January, 1998

Meeting with: **The World Bank Delegation** and
Mr. Devi Gvalia, Deputy General Manager, Commercial Sea Port of Poti

Tuesday, 27 January, 1998

Meeting with: **The World Bank Delegation** and
Mr. Scott Bates, Project Construction Engineer, GPC, Soupsa

Wednesday, 28 January, 1998

Meeting with: **Mr. René van Lierop**, Project Engineer, Poti
Mr. Guram Adamia, Chief Engineer, Poti Sea Port Office of Reconstruction, Poti

Thursday, 29 January, 1998

Meeting with: **Mr. Tengiz Gogotishvili**,
Chief of the Convention Inspection for the Protection of the Black Sea, Batumi
Mr. Akaki Komakhidze, Director of the Black Sea Ecology and Fishery Institute, Batumi
The Deputy Chief Engineer of the Railway Administration, Batumi

Friday, 30 January, 1998

Poti → Tbilisi

Meeting with: the **Minister of Environment** and **The World Bank Delegation**,
Ministry of Environment, Tbilisi

Annex 4

List of Non-Governmental Organisations

Annex 4: List of Participants of NGOs in the Scoping Meeting in the Ministry of Environmental Protection and Natural Resources

1	Green Party of Georgia	Nana Nemsadze, Ruslan Simonidze T: 95 20 33
2	N. Kovral "Noya" *	Iason Badridze T: 22 57 91, 95 20 58
3	Poseidon *	David Nigoreishvili
4	"Elkana"	Zurab Narbelashvili T: 35 19 14, 23 06 19
5	"S.A.E.M." *	Georgyi Dartsimeliya T: 22 61 07, 99 53 37
6	"Lomisa"	Mzia Kolashvili T.: 99 60 22, 36 01 13, 93 25 10, 51 10 20
7	Club of Rome, Georgia	Eleonora and Medea Adashidze T.: 99 84 08, 38 04 06
8	Green Wave (Radio)	Maka Dzakhua T.: 99 71 69, 39 10 12
9	GUPA GEORGIA **	Elsa Gabedava T.: 99 25 55, 99 60 45
10	Aragvi - Scouts	Nana Bolashvili T.: 23 22 93
11	"Vita Centre"	Shota Mallakelidze T.: 30 22 53, 98 39 98
12	"Association of Ecological Biomonitoring" *	M. Zhuruli, N. Chomakhidze, M. Chichua T.: 95 96 02
13	Association of Ecology and Tourism of Georgia	Beso Barkalaya T.: 39 77 21, 95 78 79
14	"Morioni" (Speliological Club)	Mamuka Nikoladze T.: 96 15 38, 95 38 26
15	Georgian Centre of Wildlife	T.: 22 34 47
16	Centre of Civil Education and Natural History	Zaza Nikvidze T.: 98 38 43, 98 45 41
17	WWF (Tbilisi Office) **	Paata Shanshiashvili T.: 99 84 64
18	"AETI" * Association of Coast Guard	Pia Sofadze T.: 38 99 14, 99 85 10
19	Nature Fond of Georgia	Mamuka Salukvadze T.: 39 03 15, 51 48 54

* Organisations, which work or are thematically linked to the coastal (maritime) zone

** Founders of the project on management and co-ordination of Kolchhis National Park-

