

## ASSOCIATION AGREEMENT REQUIREMENTS IN RELATION TO ENVIRONMENT – GEORGIA

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The Association Agreement (AA) covers a wide array of topics. However, despite the large volume, most of the requirements stipulated in the document are quite general. Annex XXVI of the AA is dedicated to environmental issues. The chapter provides a broad context on environment-related topics. It states, “Georgia undertakes to gradually approximate its legislation to the following EU legislation and international instruments within the stipulated timeframes that are mentioned in the document.” The Annex lists legislative and regulatory approximation requirements for Georgia and establishes a timeframe for implementation. Article 431 of the Agreement states that the starting point for implementation of those requirements is 1 September 2014. DCFTA, which is a part of the Agreement, does not include a similar timeframe.

Overall, the requirements stipulated in the AA apply to the governance and legislative bodies of the country. The particular government institution responsible for meeting each obligation varies according to their specific responsibilities. The drafting of legislation, concepts, plans and programs should be followed by activities, which require remarkable investments (such as the establishment of a monitoring system or setting up a waste-recycling infrastructure, flood risk management, etc.). Significant parts of those non-administrative implementation activities will not be the tasks of the ministries, but of other governmental institutions, municipalities, or the private sector.

### Environmental Governance

The field of “environmental governance” includes core aspects of environmental sectors, which are “horizontally” applicable. Eight directives<sup>1</sup> directly address this field and five additional directives<sup>2</sup> are to be read in conjunction with the directives. They all concern the “Environmental governance and integration of environment into other policy areas.”

According to the requirements of the directives, Georgia has to elaborate the 3rd National Environmental Action Plan (NEAP-3), develop





a new law on “EIA and SEA” (including necessary amendments to affected legislation) and relevant by-laws. Currently, the implementation support for this commitment is provided through EaP GREEN project (EU/UNECE). However, the project ends in 2016. The requirements of EIA and SEA Directives shall be implemented by 01.09.2017. Currently, the Dutch government and GIZ are supporting the development of EIA scoping and reporting guidelines on cumulative EIA for hydropower projects. The project is scheduled to finish at the end of 2015. One of the main activities, which contributes to the AA requirements, is setting up and continuous expansion of Environmental Information Management System (EIMS) – a system for disseminating environmental information to the public. This task is scheduled to be completed by 01.09.2016. Considering its urgency, the donor support will be requested (potentially EU FWC) for elaboration of the draft law on Environmental Liability and a new law on Environmental Protection.

## Waste management

The EU-Georgia AA also covers waste management. Namely, this topic is dealt in the Section VI “Cooperation in other areas”, Chapter 3 “Environmental Protection” and in the Article 302, which states that “the cooperation is aimed at maintaining the quality of the environment, environmental protection, improvement and rehabilitation, protecting human health, sustainably using natural resources and promoting the international cooperation to deal with regional or global environmental challenges, including in areas such as: (d) waste management.”

Directives related to the waste management sector, which Georgia needs to approximate with are Directive No 1999/31/EC on the landfill of waste as amended by Regulation (EC) No 1882/2003, Directive No 2008/98/EC on Waste and Directive No 2006/21/EC on the management of waste from extractive industries and amending Directive No 2004/35/EC.

The main objective of these directives is to direct any action related to waste management towards the protection of human health and the environment.

The Directive No 2008/98/EC on Waste sets general terminology and definitions, as well as stipulates the main concept of the waste man-



agement policy and legislation based on the five-step waste hierarchy and outlines waste management principals. It calls member countries to reduce waste by means of clean technologies and the use of recyclable materials. The Directive obliges all member countries to elaborate waste management plans, introduce permits, waste monitoring, and registration. The Directive formulates the “Polluter Pays” Principle, which obliges the producer of non-recyclable wastes to pay for the disposal.

The specific requirements of above-mentioned directives are presented in the annex XXVI of the AA.

The Directive No 1999/31/EC on the landfill of waste as amended by the Regulation (EC) No 1882/2003 defines different categories of wastes (municipal, hazardous, non-hazardous, and inert) and options for their disposal. Landfills are divided into three classes: hazardous wastes landfills, non-hazardous wastes landfills, inert wastes landfills.

This Directive clearly defines peculiarities, standards, rules, and procedures for construction and further operation of the landfills of all three classes. Once again, it calls all member countries to reduce the amount of wastes to be disposed at landfills through reduction, recycling, and reuse.

In the country, the responsibility for waste management is divided among different state institutions. Although, Georgia has adopted Waste Management Code (2014), the legal framework still requires significant improvement. According to the current legislation, there is no clearly defined institution responsible for certain types of waste (for example, inert and hazardous). The elaboration and introduction of new waste management standards—according to which, the responsible agencies will carry out solid waste collection, recycling and disposal process—is one of the crucial issues.

Currently, major shortcomings of waste management system include the lack of a waste management database and the difficulty of obtaining accurate data, such as on the amount and composition of waste. Waste separation is not carried out in Georgia to any significant level, although, some centres have been established for collection of recyclables such as metal, paper, plastic, and glass. These materials are collected from different sources, such as waste bins and landfills, and are delivered to the recycling centres. Recycling centres pay small fees to individuals, who deliver separated waste.

Furthermore, low level of public awareness is also a problem: limited public information and participation in decision-making, the lack of a vision for waste management’s potential for business development and innovation (recycling, energy production).

It is also noteworthy that all recent treaties with the EU, among them – European Neigh-

bourhood Policy and Eastern Partnership, imply harmonization of existing legislation with EU legislation, where environmental and climate change issues are given high priority. Despite the acknowledgement of these priorities by the government, public awareness regarding environmental and waste management issues is fairly low. This greatly impedes the introduction of modern methods of waste management in the country.

The management of waste from extractive industries is the subject of Directive No 2006/21/EC and amending Directive No 2004/35/EC. Those directives cover identification and classification of waste facilities, and establishment of a system to ensure that operators develop waste management plans (Articles 4 and 9 and Annex III, first indent that shall be implemented by 2019). Furthermore, the directives require the introduction of financial guarantees, the establishment of a permit and inspection system (Articles 7 and 17), closure and after-closure procedures for mining waste facilities, and procedures for the management and monitoring of excavation voids (Article 10). Georgia has 6 years to comply with those implementation requirements.

Activities related to the improvement of waste management in the country started before 2015. Nowadays, it is obvious that the country needs to adopt a new Waste Management Code and at the same time, ensure full approximation of legislation to the requirements of the AA Environmental Annex. The deadlines for approximation of waste management legislation are very tight. In line with the requirements, three by-laws have already been adopted by 1 August 2015, while the adoption of three additional by-laws is planned by 1 February 2016. In addition, National Waste Management Plan and Strategy will be submitted to the Government for approval by 31 December 2015. Donor support will be essential to put newly adopted plans and legislation into practice and reach visible results.

### **Water Quality and Resource Management including Marine Environment**

Approximation with the provisions of affordable and high quality drinking water and the improvement of water supply and drainage systems



remain as one of the most challenging aspects of the AA for Georgia. Water quality and resources management is a complex field due to its crosscutting nature. The AA contains specific articles on water quality and water resources management in line with the EU Directives. The responsibility on the implementation of requirements of the drinking water directive (98/83/EC) is shared among different governmental institutions, namely the Ministry of Health, the Ministry of Agriculture, and the Ministry of Regional Development and Infrastructure. The Ministry of Labour, Health and Social Affairs of Georgia is responsible for developing drinking water quality standards in line with the AA requirements, while the Ministry of Agriculture has to establish good agricultural practices for nitrate vulnerable zones (Directive No 91/676/EC). The Ministry of Regional Development and Infrastructure takes a lead in the field of drinking water supply and urban wastewater treatment related activities.

Main activities include the drafting of new legislation, policy documents/guidelines. Moreover, the country should also conduct surveys, mappings and planning activities (management plans for different river basins will require separate drafting processes). A number of projects have already been implemented and many activities are ongoing in this sector.

A number of activities in the field of water management are already started with donor support regardless of their less strict AA deadlines. The donor support is offered primarily by the EU, UNECE, Adaptation Fund, and ENVSEC. The support is mainly focused on drafting legislation and promoting trans-boundary cooperation and capacity building. Additional support in the water quality and resources management sector will be required for marine environment. The AA requires the adoption of national legislation and designation of competent authorities in the field of marine environment by 1 September 2017.

Planning and organizing capacity-building activities are necessary preconditions for a successful implementation of the activities within the framework of the AA. For example, the operation of a forecasting model/early warning system needs an intensive capacity-building program for involved public institutions after it is developed.

The AA obligations concerning water supply and wastewater treatment are subject to three EU directives: Directive 91/271/EEC and as amended by Directive 98/15/EC and Regulation (EC) No 1882/2003 Urban waste water treatment, Directive 98/83/EC as amended by Regulation (EC) No 1882/2003 on Urban waste water treatment and Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency. The specific requirements of above-mentioned directives are presented in the annexes XXVI and XXV of the AA.

The objective of the Directive 91/271/EEC and as amended by Directive 98/15/EC and Regulation (EC) No 1882/2003 Urban wastewater treatment is to protect the environment



from adverse effects of wastewater discharges. It identifies agglomerations and sensitive areas and requires more stringent treatment of wastewater in sensitive areas.

According to the Directive, the urban wastewater treatment plants should be built in compliance with these requirements to ensure sufficient performance under local climate conditions. When designing the plants, seasonal variations of the load shall be taken into account. Moreover, urban wastewater entering collecting systems shall be treated properly with consideration of geographical and territorial areas before discharge. Treated water should be re-used in appropriate time.

The Directive requires that information on the disposal of wastewater and sludge should be available to the public in the form of periodic reports.

According to the Directive 98/83/EC on the quality of water intended for human consumption as amended by Regulation (EC) No 1882/2003 on urban wastewater treatment water supply undertakings should meet the quality standards for drinking water and appropriate water protection measures should be applied to ensure that surface and groundwater is kept clean. This can be achieved by appropriate water treatment measures before supply.

The quality of water intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and its supply must not constitute a potential danger to human health.

The directive requires regular monitoring of the quality of water intended for human consumption in order to check that the water meets the requirements of this Directive and in particular, the parametric values set.

Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency is the framework directive and is aimed to introduce and implement energy efficiency technologies in the supply, transmission and distribution of energy as well as energy end-use.

In case of accession of Georgia to the Energy Community Treaty, the Directive's provisions shall be implemented in accordance with the time-

line to be agreed in the framework of the Treaty. If Georgia will not become the part of the Energy Community Treaty, a proposal for a timeline should be submitted to the Association Council no later than three years after the entry into force of the AA.

Georgia's water-related legislation is inconsistent, contradictory, and fragmented throughout the wide range of legal acts. Moreover, water management related responsibilities are divided among different state institutions and sometimes are not defined clearly. One of the major problems related to water resources is the absence of effective pollution prevention and water extraction control mechanisms. Current legislation on water needs to be improved and harmonized with the EU directives in frames of the EU Association Agreement. It is essential to introduce and implement drinking water and wastewater quality control and monitoring systems according to the EU Directives. Existing wastewater infrastructure (network and unworkable municipal wastewater treatment plants) does not comply with international requirements. The poor conditions of water supply and sanitation systems, as well as the poor condition of bathing waters, are directly linked with human health problems.

Consequently, it is crucial to rehabilitate existing infrastructure and construct new infrastructure to ensure quality of drinking water and establish water supply and wastewater treatment systems according to the safety standards. These changes can only be carried out if significant investment is mobilized and institutional capacities of responsible bodies are strengthened.

The obligations set by the EU Directives in the water management sector require financial and technical assistance and capacity strengthening of key stakeholders. Those efforts will result in improvement of drinking water supply and wastewater treatment services and align those services to EU standards.

## Climate Change

The body text of the AA (Article 308, 310) and its Annexes on climate change require development of relevant legislation, action plans, and elaboration of Low Emission Development Strategy (LEDS). Most of those activities are commenced before 2015 or in 2015. The EU, German Government, UNDP, and USAID are key donors supporting the implementation of those activities.

The development of National Appropriate Mitigation Actions (NAMA) on low carbon buildings (energy savings measures) is currently undertaken by Ecofys through the funding

of the German Government. Notably, the donor support is required for elaboration of other NAMAs.

Currently 9 cities in Georgia have signed the Covenant of Mayors (an EU initiative), which requires them to prepare the plans within 1 year and in order to implement Sustainable Energy Action Plans for their cities, the municipalities will need to undertake some capacity-building related activities.

Given the crosscutting nature of climate action, a number of activities, like the development of LEDS or the preparation of project proposals to get support from climate change funds, require close cooperation and strong communication among relevant ministries and local government bodies. Further support on climate change will be requested and it needs to be provided in order to comply with the obligations set by the AA for Georgia.

