



The State Sub-Agency Department of Environmental Supervision of Georgia

Enforcement and promotion of environmental compliance

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Environmental Law Enforcement

Law enforcement goal

- Creation of a deterrent environment, prevention of violations, use of financial sanctions against violators;
- Prevention of illegal benefits received by infringers;
- Creation of equal conditions of competition by compensation of illegal benefits;
- Compensation for environmental damage.

Ways to achieve

- Applying sanctions proportional to the severity of violations.
- Sustained reasoned, proportionate, strict but fair approaches to inspection and enforcement.

საფუძვლები

Administrative liability

- Code of Administrative Offenses of Georgia;
- Law of Georgia - Waste Management Code;
- Law of Georgia – Environmental Liability

Criminal liability

Criminal Code of Georgia;

Refund

- Technical regulations - the method of determining (calculating) the damage caused to the environment

Corrective measures

- Law of Georgia – Environmental Liability

Challenges

Administrative liability

- Ineffectiveness of sanctions;
- Lower fines;
- In some cases, the court imposes an unjustified light sanction (verbal notice).

Reason -

- Low awareness of some judges about environmental issues, activities of enterprises;
- Possible evidence collection gaps

Criminal liability

- A long process of investigating criminal cases in the field of environmental protection and use of natural resources
- Uninvestigated cases when the identity of the violator is unknown

Reason -

- Lack of specialists in the relevant field in investigative bodies and workload with other criminal cases

Challenges

- Existence of the same fine sanction for violation of different conditions (critical, non-critical) of the environmental decision (except in the part of air pollution);
- Low awareness of entrepreneurs regarding the Law on "Environmental Liability" (Enforced from July 2022)
- Non-existence of ecological insurance system

Progress - Legislative initiatives - 2022

The draft laws will be considered in the first reading in the Parliament of Georgia:

- **Regarding making amendments to the Code of Administrative Offenses**
- **Regarding making amendments to the Criminal Code**

The responsibility becomes stricter:

For use of minerals without a proper license –

In case of illegal extraction/transportation of timber –

- in protected areas
- in the protected areas of the strict regime
- in the territory of the forest fund;

A draft of amendments to the Waste Management Code has been prepared and along with the increase in sanctions, it is also planned for non-compliance with the requirements of the extended producers responsibility.

For fishing with an electric current, electric shock device or other prohibited weapons, administrative liability is canceled and criminal liability is established.

Progress - tightening of legislation

2021 year

In order to prevent and reduce environmental pollution from the industrial sector, important legislative changes were implemented:

Sanctions related to harmful anthropogenic impact on atmospheric air were tightened

Increased fines and penalties –

- for excessive emissions from industrial facilities,
- For not having or not using a dust collection system,
- For violating the conditions of the environmental decision/activities without a decision.

Progress - tightening of legislation

In order to improve the deterrent effect of law violations and perfect the legislation

In accordance with paragraph 7 of Article 57 of the Environmental Protection Law,

The authority of the Department of Environmental Supervision has been increased (September 2021)

to make a decision on the complete or partial restriction of the relevant action for the object of regulation, in the event that:

- The object under the regulation carries out its activities in the field of environmental protection without a mandatory document stipulated by the current legislation;
- The activity of the object under the regulation poses a significant threat to the environment and its elimination is mandatory, although it is impossible to do so immediately;
- The activity of the object under the regulation may endanger human life or health and/or evidence.

Awareness raising needs

Training of judges to provide information on environmental issues (December 2022);

dissemination of information about objects polluting the environment;

Publication of information on the results of the conducted inspection

Provision of informing entrepreneurs about expected legislative changes, new obligations.



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