



Applying the Polluter-Pays Principle to environmental compliance assurance in the Eastern Partnership

OECD Regional Meeting, 11 March, 2024

Item 3. Taking stock of achievements and challenges in environmental compliance assurance in the Eastern Partnership

Tariel Iremadze – Deputy Head of Administration
Department of Environmental Supervision of Georgia (DES)



Strengthen administrative and inspection capacities in the environment and climate sector and implement structural reforms in Georgia

LAW OF GEORGIA ON INDUSTRIAL EMISSIONS (Adopted last year 2023)

Current status:

- The department will be responsible for preventing activities without an integrated permit and for monitoring compliance with the conditions of the integrated permit. Therefore, it is necessary to strengthen the department of environmental supervision with human, technical and financial resources as well.

Planned activities based on the Law:

- Set up an additional structural unit within the DES structure
- Increase of number of DES inspectors (16 inspectors)
- Retraining of inspectors through relevant educational modules
- Development of general inspection strategy for IE Law purposes
- Development of an annual inspection strategy for IE Law purposes





Strengthen administrative and inspection capacities in the environment and climate sector and implement structural reforms in Georgia

F-GAS REGULATIONS IN GEORGIA

Current status:

- The monitoring system for fluorinated greenhouse gases is not perfect (especially for those substances not defined by the Montreal Protocol), and enforcement of the legislation is not ideal as it stands today. In addition, in order to create a deterrent effect, it will be necessary to clearly formulate the sanction in the Code of Administrative Offenses.

Planned activities:

- Establish a structural unit within the DES structure for the control of ozone-depleting substances and fluorinated greenhouse gases;
- Improve the electronic system related to fluorinated greenhouse gas management;
- Revise the technical regulations on the management of fluorinated greenhouse gases;
- Capacity building of inspectors, both in terms of training and equipment parts;
- Prepare of amendments to the Code of Administrative Offenses and impose of relevant sanctions





Align with the EU water acquis

LAW OF GEORGIA ON WATER RESOURCES MANAGEMENT (Adopted last year 2023)

Current status:

In accordance with the Law On *Water Resources Management* the Department of Environmental Supervision will be responsible for the control of the following activities: Control of its fulfillment of the conditions of those combined permits for water abstraction, water discharge into a surface water body, and water use with a surface water body. The department will also prevent illegal use of water resources and water pollution. In order to fully implement the mentioned regulations, it is necessary to strengthen the department with human and financial resources.

Planned activities based on the Law:

- Increase of number of inspectors (In total 17 inspectors)
- Capacity building of new inspectors in term of new water regulations





Georgia is party to the Aarhus Convention and follows of its provisions on access to environmental information and justice. Environmental IT portals help to ensure a certain degree of public access to environmental information



4. Public Inspections

Current status:

The department controls the fulfillment of the conditions of licenses and permits, as well as environmental decisions. On the one hand, it verifies compliance with the issued license or permit conditions, and on the other hand, it verifies the extent and condition of the impact and damage caused to the environment as a result of the activity. The right to live in a healthy and safe environment and the availability of information regarding the protection of the aforementioned are rights guaranteed by the Constitution of Georgia. In order to ensure the realization and protection of the said right, proactively publishing information on the inspections carried out by the department on the online platform will provide important information to the public and help prevent environmental violations.

Planned activities:

- In accordance with the 2024-2025 Open Government Action Plan of Georgia, approved by Resolution No. 555 of December 29, 2023, the Department of Environmental Supervision ensures the proactive publication of information (protocol, court decision, damage to the environment and administrative correspondence) about the inspection of regulated entities after the court decision. As well as proactively publishing information about the facts of illegal mineral extraction on the department's web page at www.des.gov.ge



Environmental policy implementation and enforcement represent a challenge, notably due to limited administrative capacity. Various aspects of Georgia's environmental compliance assurance system must improve to tackle the high level of environmental noncompliance in the country.

ENFORCEMENT

Current status:

- There is no electronic system of decisions, permits and licenses, the department does not have access to the extent to which the established condition has been fulfilled and this information is requested in writing, which increases the inspection period and delays the inspection process, therefore, effective control cannot be implemented. At the same time, the established reasonable deadlines for the elimination of violations cannot be controlled through the electronic system. (reminder system). It is not possible to increase the number of inspections to fully cover high-risk and medium-risk enterprises, to optimally spend inspection time, which will minimize the duration of inspections;
- There is no electronic risk assessment system, including for the planning of inspections and patrols;
- Non-competitive remuneration leads to the outflow of qualified staff, and due to fragmented training programs, it is not possible to raise the qualifications of staff members





Environmental policy implementation and enforcement represent a challenge, notably due to limited administrative capacity. Various aspects of Georgia's environmental compliance assurance system must improve to tackle the high level of environmental noncompliance in the country.

ENFORCEMENT

Current status:

- Environmental penalties are not a sufficient deterrent because the amount of the penalty is still low and it is not indexed according to inflation;
- There is no medium-term strategy of the department, although it is impossible to develop a strategy without assessing the compliance;
- There are no periodic training programs on environmental issues in law enforcement bodies (police, prosecutor's office and judges)





Environmental policy implementation and enforcement represent a challenge, notably due to limited administrative capacity. Various aspects of Georgia's environmental compliance assurance system must improve to tackle the high level of environmental noncompliance in the country.

Planned activities:

- Set up an electronic system of decisions and permits to which all interested agencies will have access (National Environment Agency, Customs Department of the Revenue Service, National Mineral Resources Agency)
- Set up an electronic system, including electronic maps, where all regulatory objects will be marked, including hot spots based on the information stored in the department, for the effective implementation of patrolling
- Increase salaries and improve financial incentives to retain qualified staff and create structured training programs





Environmental policy implementation and enforcement represent a challenge, notably due to limited administrative capacity. Various aspects of Georgia's environmental compliance assurance system must improve to tackle the high level of environmental noncompliance in the country.

Planned activities:

- The Industrial Emissions Law provides for sanctions, particularly: 25,000 to 30,000 GEL for activities without an integrated environmental permit, and 10,000 to 15,000 GEL for non-fulfillment of the conditions of the integrated environmental permit (will come into effect on September 1, 2026). The department ensures the preparation of relevant amendments to the Code of Administrative Offenses of Georgia, and violation of the conditions of the environmental decision and/or sanction for activities without a decision will be equal to the sanctions established by the Law on Industrial Emissions;
- Adopt a proactive rather than reactive approach to information sharing, such as regular alerts via email and other electronic means, e.g. SMS message for reminder.
- Regular sectoral meetings, sectoral training modules and trainings for companies (with the involvement of the Environmental Information and Education Center)
- Develop a medium-term strategy for the department based on compliance assessment and research
- Development of training modules for police officers, prosecutors and judges in environmental issues (with the involvement of the Environmental Information and Education Center)



Since 2021, continuous monitoring of air emissions applies to 94 large stationary facilities

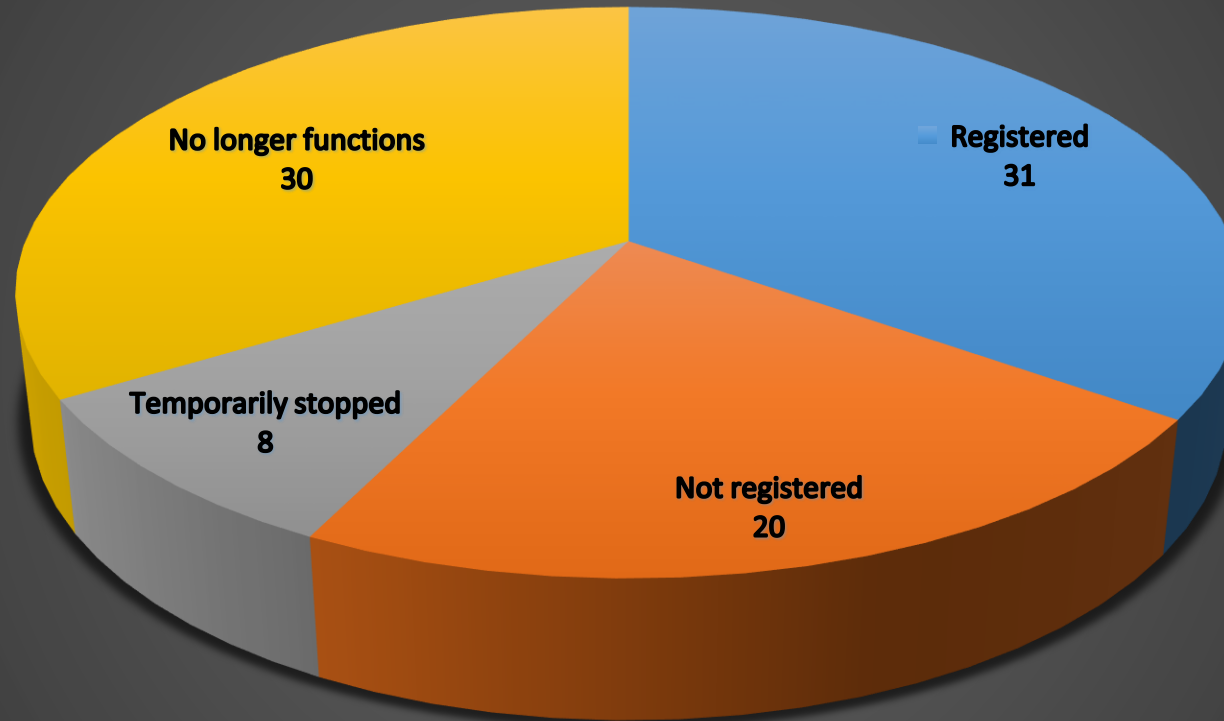
Ambient air pollution

Current status:

The obligation of continuous instrumental self-monitoring of the emission of harmful substances into the ambient air applies only to operating enterprises, the total number of which is 50. As of today, 31 enterprises are registered in the electronic system of continuous self-monitoring of emissions.



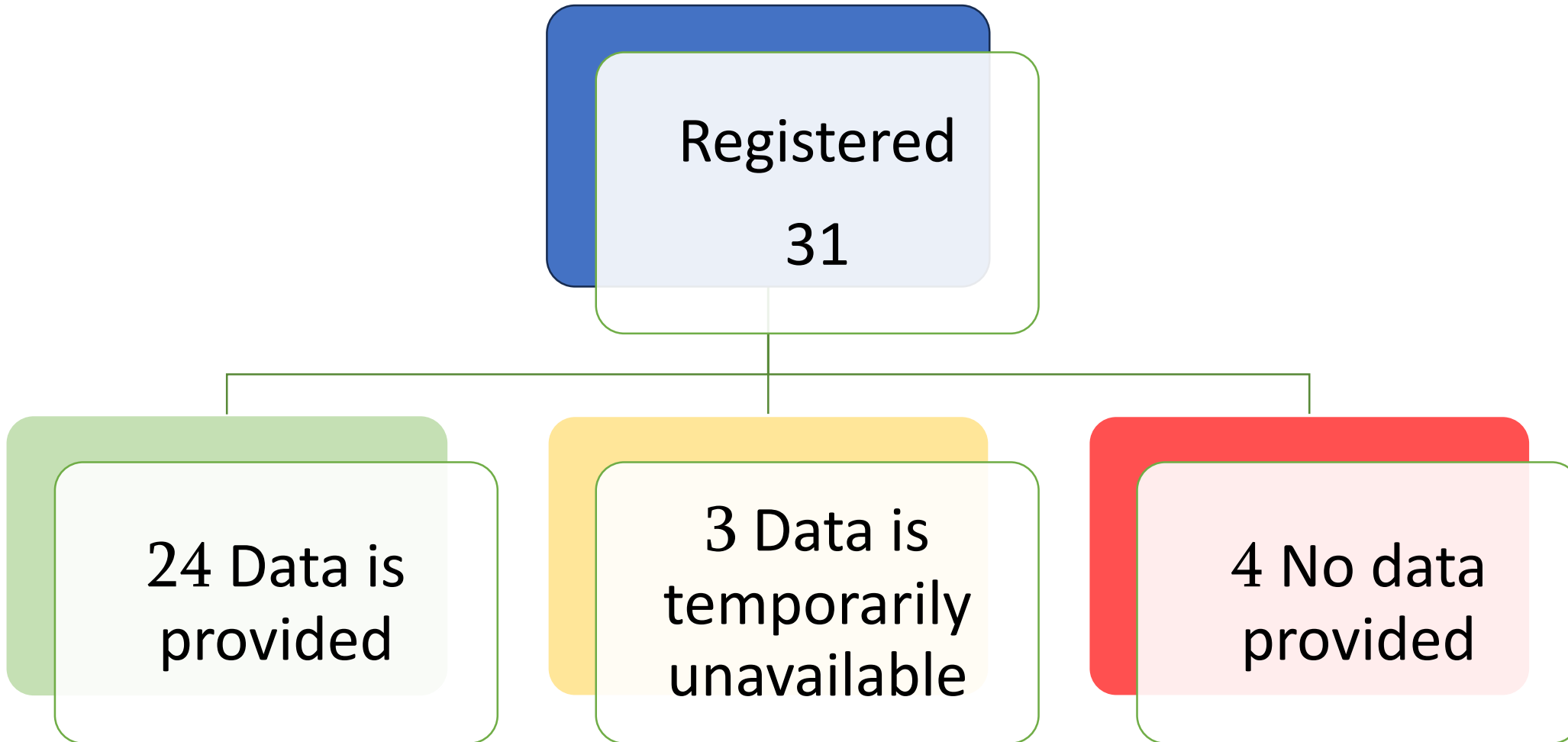
In total 89 Enterprises



■ რეგისტრირებულია
 ■ არარეგისტრირებულია
 ■ დროებით გაჩერებულია
 ■ აღარ ფუნქციონირებს

სტატუსი	დაამონტაჟა	ჩამოიტანა	შეიძინა	არ შეუძენია
რეგისტრირებულია	31	31		
არარეგისტრირებულია	20	8	1	2
გაჩერებულია	8	1	2	1
არ მუშაობს	30			30
სულ საწარმო	89	40	3	43

Results of implementation of self-monitoring of emissions in the country - registered enterprises





Thank you for your attention!