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EXPLANATORY NOTE

OBLIGATIONS OF THE EU-GEORGIA ASSOCIATION
AGREEMENT AND THE NATIONAL LEGISLATION RELATED
TO WASTE WATER TREATMENT

USAID GOVERNING FOR GROWTH (G4G) IN GEORGIA

19 December 2016

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GEORGIA**

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DATA

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ACRONYMS

| | |
|-------|--|
| AA | Association Agreement with European Union |
| BAT | Best Available Technique |
| ELV | Emission Limit Value Approach |
| EIA | Environmental Impact Assessment |
| EQS | Environmental quality standards |
| EU | European Union |
| G4G | Governing for Growth in Georgia |
| IPPC | Integrated Pollution Prevention Control Directive |
| MAC | Maximum Allowable Concentration |
| MPD | Maximum permissible discharge |
| PE | Population Equivalent |
| PHS | Priority hazardous substances |
| PS | Priority substances |
| USAID | United States Agency for International Development |
| UWWTD | Urban Waste Water Treatment Directive |
| UWWTP | Urban Waste Water Treatment Plant |
| WFD | Water Framework Directive |
| WQO | Water quality objective approach |

ABSTRACT

This Explanatory Note provides a short overview of the EU legislation related to water pollution and treatment of waste waters from different sources. The given brief analysis covers requirements of the EU Association Agreement on the EU Water Framework Directive (2000/60/EC), the Urban Waste Water Treatment Directive (91/271/EEC), the Dangerous Substances Directive (76/464/EEC) and also, for large industrial installations, the IPPC Directive (96/61/EC) to be transposed into national legislation and implemented, and presents the current processes and reforms planned to meet the obligations of these Directives.

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1. INTRODUCTION

Water is one of the most comprehensively regulated areas of European Union (EU) environmental legislation. Despite 30 years of extensive EU water protection legislation, the general state of waters has improved but not into the extent it was expected. Particularly, it is valid for small rivers, and the true state of the aquatic environment in terms of key hydrological and ecological parameters remaining largely unknown. In 2000 the EU adopted a comprehensive new water law, the Water Framework Directive (WFD), which for the first time established an overall objective for all surface, groundwater and coastal waters in the EU. The WFD provides an umbrella for other relevant water policies, repeals a number of Directives related to water pollution. Furthermore to WFD, the Urban Waste Water Treatment Directive (91/271/EEC), the Dangerous Substances Directive (76/464/EEC) and also, the IPPC Directive (96/61/EC) for large industrial installations cover water pollution issues as well and have to be implemented to fulfill the overall environmental objectives.

Nowadays, Georgia regulates waste water treatment partly via environmental permits issuing process. However, this process is only focused on the large sources of pollution. In the case of small sources of pollution there is no frame to be applied. After signing Association Agreement with EU, there is a need to transpose and implement the requirements related to water pollution into the national legislation.

1.1 PURPOSE OF THE HANDBOOK DOCUMENT

The purpose of this Explanatory Note document is to provide information on the necessary steps to be used by the policy and decision makers to transpose and implement relevant EU directives for the water pollution into the national legislation in Georgia.

This document is intended for regulators (policy makers, water managers, inspection and control authorities, monitoring and assessment experts). This document does not provide a road map on compliance with EU requirements, but attempts to provide the user with a better understanding of the needs to be considered in implementation of the EU water policy in Georgia.

This document was developed in the framework of the USAID Governing for Growth (G4G) in Georgia Project “Innovative Technologies for Water Re-use and Waste Water Treatment” based on a review of relevant EU directives and guidance documents and existing national water legislation in Georgia. Chapter 2 of this document provides an introduction to legal frame and the regulatory aspects governing water pollution in EU. Chapter 3 describes existing state of the national legislation on water pollution in Georgia and planned reforms. Chapter 4 presents some additional remarks on the process of EU water policy implementation. Chapter 5 presents several proposals for further readings.

2. LEGAL ASPECTS

With signing the AA, Georgia became obliged to transpose all relevant elements of EC directives into the national legislation in accordance with the agreed timetable. However, consideration should be given to the order in which the various items are transposed and subsequently implemented. Framework type directives is recommended to transpose at an early stage as these provide the outline for other daughter legislation, and usually the requirements for competent authorities and administrative infrastructure set up to meet the frameworks will suffice for the whole sector.

In the water sector, the Water Framework Directive will become the main lead directive. However, some others would be transposed some time prior to adoption of the Water Framework Directive. The Dangerous Substances Directive (76/464/EEC) has been the framework for another seven daughter directives, but is itself brought within the framework of the Water Framework Directive. The Urban Waste Water Treatment Directive (91/271/EEC) is an important directive and, in areas with basic sewerage needs, should be implemented at an early stage. At the same time the issue of sewage sludge in the context of wastes legislation has to be addressed as appropriate ways for sewage sludge reuse and/or disposal will be required. The horizontal IPPC Directive (96/61/EEC) will also be an influence in implementation of the Water Framework Directive as its provisions are a means to control pollution from large industrial installations, and it will be one of the foundations of the improvement programmes for river basin districts.

This Explanatory Note document fits to requirements and principles of relevant EU legislation mainly:

- Directive 2000/60/EC, the Water Framework Directive (WFD);
- Directive 91/271/EC on urban waste water treatment in sounding of the Commission Directive 98/15/EC and statement of European Parliament and Council 1882/2003/EC (Directive UWWT);
- Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control;
- Directive 2010/75/EU, the Industrial Emissions Directive;
- Directive 2013/39/EU amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy.

In the past decades, there have been, in European Union, used two different approaches to tackle water pollution as follows:

THE WATER QUALITY OBJECTIVE APPROACH (WQO)

This approach defines the minimum quality requirements of water to limit the cumulative impact of emissions, both from point sources and diffuse sources. This approach therefore focuses on a certain quality level of water, which, in the prescribed condition and use, is not harmful for the environment or human health. This approach was mainly used in the directives in period from 1975 to 1980.

THE EMISSION LIMIT VALUE APPROACH (ELV)

This approach focuses on the maximum allowed quantities of pollutants that may be discharged from a particular source into the aquatic environment. This approach in fact looks at the end product of a process (waste water treatment, discharges from industry, effect of agriculture on water quality) or what quantities of pollutants may go into the water and was mainly used in the water legislation during the 1990s.

Subsequently, more recent legislation both at European and Member State level has been based on so called “combined approach” where ELVs and WQOs are used to mutually reinforce each other. In any particular situation, the more rigorous approach will apply. The new European Water Policy, and its operative tool, the Water Framework Directive (2000/60/EC), are based on this “combined approach” (see, in particular, Article 10 of WFD). The “combined approach” to pollution control includes:

- Limiting pollution at source by setting emission limit values or other emission controls;

- Establishing water quality objectives for water bodies;
- Providing for control of certain diffuse impacts.

2.1 THE EU WATER FRAMEWORK DIRECTIVE

Official Title: Directive 2000/60/EC of the European Parliament and the Council establishing a framework for Community action in the field of water policy (OJ L 327/1 of 22.12.2000), as amended by Decision 2455/2001/EC of the European Parliament and the Council establishing the list of priority substances in the field of water policy (OJ L 331/1 of 12.12.2001).

The Water Framework Directive establishes the basic principles of sustainable water policy in the European Union on an integrated basis through the establishment of a management structure for future European water policy, relying on close cooperation and coherent action at the Community, Member State and local levels, with the close involvement of the public, and with hope for close cooperation with non Member States and assistance of relevant international water protection bodies.

The general environmental objectives of the WFD are as follows:

- To prevent deterioration of and to protect, enhance and restore the status of all bodies of surface water with the aim of achieving *good surface water status* - which is determined by the poorer of the ecological status and chemical status of that water body;
- to protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving good ecological potential and good surface water chemical status;
- to prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater;
- to protect, enhance and restore all bodies of groundwater, with the aim of achieving good groundwater status;
- the progressive reduction of pollution of surface waters by priority substances and the ceasing or phasing out of emissions, losses and discharges of priority hazardous substances, and;
- the achievement of compliance with any standards and objectives established under other EU Community legislation for protected areas.

The WFD requires that the status of each of the surface waters is determined through the assessment of:

- Ecological status or, in the case of artificial and heavily modified water bodies, ecological potential,
- Chemical status.

Regarding addressing the water pollution following activities should be taken into account when transposing and implementing the WFD:

- Establish programmes for monitoring water status in order to establish a coherent and comprehensive overview of water status in each river basin district (Art. 8(1) and Annex V, and see below under Monitoring), and make these programmes operational after the Directive came into force (Art. 8(2));
- Identify, based on the results from these monitoring programmes, applicable as relevant to each water body, its ecological status, its chemical status and applicable determinations of "surface water status" and "groundwater status" (Art. 8 and Annex V);
- Ensure that relevant regulatory measures are in place to ensure the establishment or implementation, in accordance with existing Community legislation, of the emission controls and the relevant emission values set out in the Directives referred to in Article 12(2) and by the end of twelve years after the Directive comes into force at the latest, and for the application of any necessary more stringent measures (Art. 12(1));
- Initiate programmes to identify point and diffuse sources of pollution of all waters subject to the Directive and requiring control measures under the Directive, and consider whether to adopt generally binding rules for their prior authorisation or registration where permitted under Community legislation (Art. 11(3));

- Measures, further to action required under Article 16, to eliminate pollution of surface waters by priority list substances (List I), and to progressively reduce pollution by other substances (List II) which would otherwise prevent Member States achieving the objectives for bodies of surface waters set out in Article 4;
- Measures required to prevent significant losses of pollutants from technical installations, and to prevent/reduce the impact of accidental pollution, including as a result of floods.

Implementation of the relevant EU directives in context of the water pollution should result into elaboration the River Basin Management Plans. In this RBMP, operational the programme of measures will be specified to implement the necessary measures to ensure achievement of the various objectives of Article 4 in respective of the various categories of water bodies, and in accordance with any extensions of time, derogations, “exemptions” from compliance under Article 4.

The WFD’s Article 10 requires Member States to control, all substance discharges and process covered by the IPPC, UWWT and Dangerous Substance Directives as well as all discharges of the priority substances of Annex X of WFD following a combined approach. That means firstly establishing or implementing:

- Emission controls based on best available techniques, or
- Relevant emission limit values, or
- In the case of diffuse impacts the controls including, as appropriate, best environmental practices.

Environmental quality standards (EQSs) for all pollutants ‘identified as being discharged in significant quantities’ into bodies of surface water have to be set at Member State level according to the procedure laid out in Annex V, 1.2.6. (an indicative list of the main pollutants is provided in Annex VIII). In setting an EQS, detailed data on biological toxicity and the aquatic ecosystem need to be taken into account. Hence, environmental quality standards (EQSs) are likely to differ from region to region and from water type to water type. The environmental quality standards (EQSs) are subject to peer review and public consultation.

Note: Programmes for the reduction of pollution by List II substances may be drawn up on a national, or local basis. They could be integrated with river basin plans to be established under the WFD. Plans must cover the entire territory of the country and provide for the practical reduction of pollution from listed substances.

2.2 THE URBAN WASTE WATER TREATMENT DIRECTIVE

Official Title: Council Directive 91/271/EEC concerning urban waste water treatment (OJ L 135, 30.5.91), as amended by Commission Directive 98/15/EC.

The directive concerns:

- The collection, treatment and discharge of urban waste water from agglomerations;
- The treatment and discharge of biodegradable waste water from certain industrial sectors.

Its objective is to protect the environment from the adverse effects of such waste water discharges. Member States must ensure that urban waste water is collected and treated prior to discharge according to specific standards and deadlines. In terms of the treatment objectives, secondary (i.e. biological) treatment is the general rule, with additional nutrient removal in so-called sensitive areas (tertiary treatment); for certain marine areas primary treatment might be sufficient.

The transposition and implementation of this Directive in Georgia should bear in mind the extensive provisions of the Water Framework Directive, which has altered the legislative framework for water related legislation, and provided an altered structure for practical application of this Directive. It is recommended that further implementation of this Directive take place after careful consideration of the Water Framework Directive.

The Urban Wastewater Treatment Directive is a specifically mentioned directive in the Water Framework Directive for the purposes of the new “combined approach” to water protection legislation (see Article 10 of the WFD), is relevant to the designation of “protected areas” under Article 6 and Annex IV, and is also specifically required to be encompassed as a “basic measure” within programmes of measures for river basin management plans in order to achieve the objectives of the WFD (see also Annex VI of the WFD).

Implementation of the Urban Waste Water Treatment Directive ranked amongst the most challenging and expensive tasks throughout the range of EU legislation. There are a number of tasks that must be carried out at a very early stage in order to be able to proceed with transposition and implementation. These relate primarily to the administration of the directive and the collection of data to enable plans to be developed. The later stages involve construction of sewers and waste water treatment facilities and the timescale will depend upon the availability of finance, and construction engineering resources in Georgia.

The first steps of transposition and implementation will include:

- Development and adoption of Law on public sewerage systems (public drinking water supply may be also included) and daughter legislation (standards, methodologies) that will be used in the implementation part;
- Identification and delineation of the “agglomerations” in the country covered by the Directive;
- Identification and designation of “sensitive areas” in the country covered by the Directive;
- Identification of existing infrastructure (sewerage systems and waste water treatment plants), and assess where improvements are required;
- Assess your existing monitoring and inspection system, and provide for adaptation to the requirements of the Directive where necessary;
- Prepare the institutional and administrative structure (establishment of competent authorities, authorisation system) and other institutional structures.

Next steps will concentrate on an implementation programme for the construction of sewerage networks and waste water treatment plants, investment plans, making monitoring and inspection schemes operational and completion of the construction and upgrading of infrastructure (sewerage networks, waste water treatment plants).

2.3 THE DANGEROUS SUBSTANCES DIRECTIVE

Official Title: Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community as amended Commission Directive 2013/39/EU amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy.

The aim of the directive is to eliminate, or to reduce, pollution of water by certain dangerous substances listed in the directive. The implementation of this directive must be closely coordinated with the implementation of the Water Framework Directive. This directive is integrated into the Water Framework Directive and with provisions under Article 6 of the WFD, a list of priority substances has been adopted as Annex X to the WFD by Decision 2455/2001/EC.

In respect of discharges of listed substances, Georgia should set emission standards, establish a system of prior authorisation, and implement programmes to prevent or reduce pollution. Selected substances are regulated further by “daughter directives”, which establish emission limit values and water quality objectives for List I substances.

The daughter directives are as follows:

- Council Directive 82/176/EEC on Limit Values and Quality Objectives for Mercury Discharges by the Chlor-alkali Electrolysis Industry (OJ L 81, 27.3.82);
- Council Directive 83/513/EEC on Limit Values and Quality Objectives for Cadmium Discharges (OJ L 291, 24.10. 83);
- Council Directive 84/156/EEC on Limit Values and Quality Objectives for Mercury Discharges by Sectors other than the Chlor-Alkali Electrolysis Industry (OJ L 74, 17.3.84);
- Council Directive 84/491/EEC on Limit Values and Quality Objectives for Discharges of Hexachlorocyclohexane (OJ L 274, 17.10.84);
- Council Directive 86/280/ EEC on Limit Values and Quality Objectives for Discharges of Certain Dangerous Substances included in List I of the Annex to Directive 76/464/EEC (OJ L 181, 4.7.86), as amended by Directive 88/347/EEC and Directive 90/415/EEC.

The directive applies to inland surface water, territorial waters, and internal coastal waters (referred to below as ‘waters’). Groundwater is regulated through Directive 80/68/EEC and is not covered by this directive.

The Dangerous Substances Directive requires Member States to control all discharges of dangerous substances into water an authorisation procedure. List I substances have to be eliminated where for list II substances emission reduction programmes have to be established including water quality objectives. Where these objectives are exceeded authorised emission limit values have to be set. Under Directive 76/464/EEC Georgia still has to decide whether wants to use “emission limit based approach” or “water quality objective based approach”. However, both approaches have certain drawbacks for the efficient reduction and elimination of dangerous substances in the aquatic environment. In fact, the WFD is a step forward by introducing the 'combined approach'. In addition, a list of priority substances has been established by Decision 2455/2001/EC and provides Community wide water quality objectives and emission controls.

With regard to measures to control pollution by List I substances, the most important elements are:

- The establishment of a prior authorisation procedure and the subsequent issue of permits to the dischargers of dangerous substances;
- The collection of sufficient data on water quality in the receiving watercourses to enable water quality objectives to be set.

An important phase will be the establishment of an administrative structure to allow authorisations of emission limit values to be issued. This will involve the staffing and training of an inspectorate capable of determining applications.

Additionally, there will be the need to establish an organisation to identify waters which are affected by dangerous substances, and collect quality information on the levels of the substances, in order to set quality objectives, and to assess the impact of discharges and other sources on these waters.

2.4 THE IPPC DIRECTIVE

EU (1996) Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control. Official Journal of the European Communities No. L257, 10.10.1996; Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control.

The horizontal IPPC Directive requires Member States to issue permits for major industrial installations to promote the use of Best Available Techniques (BAT) for reducing emissions of specified pollutants. The aim is to achieve “*a high level of protection to the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land*”.

The word “Integrated” in the title of the Directive means that the permit must consider emissions to all environmental media, as well as the use of raw materials and energy. IPPC is a Directive, not a regulation. It has to be enacted by each Member State in its own national legislation.

The IPPC directive defines an integrated permitting procedure for 30 industrial sectors, such as the metal, mineral, chemical and waste treatment industries. Permits are intended to, above all, prevent pollution in air, water and land and where prevention is not possible, to control this pollution (Preamble 8 and Art. 1). Industrial operators who want to receive a permit, must comply with several ambitious principles. They must apply preventive measures against pollution, not cause significant pollution, avoid waste production, and recycle or deposit unavoidable waste, use energy sources efficiently and take preventive action against accident risk and aftercare after economic activity has stopped (Art. 3).

The key concept, which aims to achieve the principles of art. 1 and 3, is that of “Best Available Technique” (BAT). BATs are, according to the directive, the “*most effective and advanced stage in the development of activities*.” It must be proven that such activities are practically suitable in order to derive emission limit values.

There are close links between IPPC and nearly all other EU environmental policies, including the EU’s waste, air, climate, water, environmental liability and management and pollution emission register policies (see chapters IV and V), where the IPPC permit and/or BAT concept is utilised to achieve their objectives. To be able to understand the above-mentioned policies it is essential to have some knowledge of the IPPC Directive.

Other links are also important – such as those with water, chemicals and waste policies as well as the increase in the use of market based environmental policy instruments. This creates a highly demanding and complex network of legislation, which needs careful scrutiny, especially on whether IPPC’s “best available technique” concept merits such an increasingly important role in environmental policies.

3. STATUS OF THE NATIONAL LEGISLATION

3.1 CURRENT LEGISLATIVE BASIS

The main legislative document regulating the management of water resources in Georgia is the Law of Georgia on Water (1996) according to which water resources on the territory of Georgia are state property and shall be allocated only for use. Any action directly or indirectly violating the state property right to water shall be prohibited.

The purpose of the Law of Georgia on Water is to:

- a) ensure implementation of a unified national policy in the field of water conservation and use;
- b) protect water bodies (including the Black Sea waters of Georgia) and ensure the rational use of water resources considering the interests of present and future generations and the principles of sustainable development;
- c) prioritize the demand of the population for clean drinking water;
- d) ensure the sustainability aquatic fauna and its sustainable use;
- e) prevent hazardous impacts of water and eliminate their consequences effectively;
- f) ensure the protection of the state interests of Georgia in protection, use and international trade in water;
- g) ensure the production of marketable water products in compliance with international principles and standards;
- h) protect lawful rights and interests of natural and legal persons in the field of water conservation and use.

The Law of Georgia on Water specifies the two types of water use: general and special. According to the Law, the general water use shall be exercised for non-industrial purposes to meet personal (individual) drinking and household, aesthetical, recreational, health improvement and other needs without using structures and equipment that affect the condition of water resources. The special use is a type of water use that is exercised with the use of structures and technical equipment that affect the condition of water resources. In certain cases the special water use may also imply the use of water bodies without using structures and technical equipment that affect the condition of water resources.

In the beginning, the special use of water specified by the Law of Georgia on Water (1997) was regulated on the basis of licenses and permits. This system has been abolished and currently the special use is regulated by the Law of Georgia on Environmental Impact Permit (2007). The Law specifies the list of activities subject to mandatory environmental impact assessment and ecological examination. Among other activities, certain projects related to water infrastructure, such as construction of wastewater treatment facilities (with the capacity of 1 000 cubic meters and more per 24 hours), construction of main sewer systems and arrangement of water reservoirs (with the volume of 10 000 cubic meters and more) are subject to mandatory ecological examination and require obtaining an environmental impact permit.

To obtain a construction permit for the activity subject to ecological examination, a project developer shall submit additional documentation describing volumes and types of anticipated emissions along with EIA report to the permitting authority. Specifically, if the activity is associated with discharges into water bodies, a project on calculation of maximum permissible norms for pollutants discharged with wastewater into surface waters shall be submitted along with the EIA report. The methodology for calculation of maximum permissible discharge (MPD) limits are defined by the Resolution #414 of the Government Georgia on Approval of the technical regulation on maximum permissible norms for pollutants discharged with wastewater into surface waters (2013). This document specifies the principles for determination of maximum permissible discharge (MPD) limits for pollutants discharged with wastewater into surface waters. Specifically, maximum permissible discharge of pollutants into surface waters is a maximum permissible amount of pollutants which can be discharged into a specified cross-section of a surface water body considering its established regime and standard water quality; maximum permissible discharge (MPD) limits are established for each monitoring indicator based on baseline

concentrations, water use category, maximum allowable concentrations (MACs) of substances in water and assimilation capacity. Baseline concentrations of substances in a water body is an index that describes the condition of water in the water object before the impact of a specific water user on the water body. Projects on maximum permissible norms for discharged pollutants shall be submitted to the Service of Water Resources Management of the Ministry of Environment and Natural Resources Protection of Georgia once in 5 years.

According to the Law of Georgia on Environmental Impact Permit, activities which are not subject to mandatory ecological expertise shall observe Environmental Technical Regulations approved by the Resolution #17 of the Government of Georgia (2014). Annex 1 to this Regulation specifies technical conditions for wastewater discharges from industrial and non-industrial facilities into surface water bodies and maximum allowable concentrations (MACs) of pollutants in wastewaters. As for abstraction of water from surface water bodies, according to Environmental Technical Regulations approved by the Resolution #17 of the Government of Georgia, when abstracting water from a surface water body, a water user the activity of which is not subject to ecological examination shall prepare a Project on technical regulation on abstraction of water from surface water body (according to the form in the Annex 2 of this document) to be approved by the Service of Water Resources Management of the Ministry of Environment and Natural Resources Protection; and in Adjara Autonomous Republic - by the Directorate of Environment Protection and Natural Resources of the Adjara Autonomous Republic. Technical regulation on abstraction of water from surface water body shall be determined once in 5 year.

According to the Law of Georgia on Licenses and Permits, abstraction of groundwater is subject to licensing.

3.2 PLANNED REFORMS

As mentioned above, the EU-Georgia Association Agreement (AA) signed in 2014 commits Georgia to harmonize its environmental legislation with that of the EU. Specifically, commitments undertaken by Georgia in the field of water resources management proceed mainly from the EU Water Framework Directive (FWD) (Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy and the Decision No 2455/2001/EC of the European Parliament and of the Council amending Directive 2000/60/EC) and the Urban Waste Water Treatment Directive (UWWT) (Council Directive 91/271/EEC concerning urban waste-water treatment, Commission Directive 98/15/EC amending Council Directive 91/271/EEC and Regulation (EC) No 1882/2003 of the European Parliament and of the Council).

Therefore, according to the commitments undertaken by Georgia under AA, Georgia has to ensure implementation of the following requirements of EU Water Framework Directive:

- identify an appropriate competent authority in the field of water resources management;
- ensure the management of water resources at river basin/basin district levels;
- develop water resources management plans for river basins/basin districts;
- develop water resources monitoring programs at river basin/basin district levels.

The commitments of AA regarding to of EU UWWT direqtive inculde the following requirements:

- adoption of national legislation and designation of competent authority/ies;
- assessment of the status of urban waste water collection and treatment;
- identification of sensitive areas and agglomerations;
- preparation of technical and investment programmes for polluted waste water collection and treatment.

In addition according to this Directive, maximum permissible discharge limits for urban waste water have to be calculated considering population equivalents¹ and relevant sensitive areas urban waste water.

First steps towards implementation of the above-mentioned commitments have already been taken at the national level. The new draft Law on Management of Water Resources has been developed. In general, the draft law is in line with the EU WFD. Its main purpose is to introduce the principles of integrated water resources management and establish a solid basis for ensuring safe environment for human health and protection and sustainable use of inland surface waters, transitional waters, coastal waters and groundwater.

Moreover, 6 draft bylaws have been already developed in accordance with the EU WFD guidelines. These bylaws will be approved after the enactment of the Law on Management of Water Resources.

The Law on Management of Water Resources considers the introduction of the following novelties:

- development of the water resources management strategy;
- establishment of river basin water management territorial bodies;
- classification of water bodies;
- development of river basin management plans;
- creation of river basin councils;
- introduction of a permit system for special water use; introduction of fees for abstraction of water from surface water bodies;
- introduction of the “polluter pays” principle;
- calculation of maximum permissible discharge limits considering population equivalents and relevant sensitive areas.

According to the new Law, special use of water in case of abstraction above 20 m³ from surface water bodies will require a permit. The permit can be a multi-purpose – for abstraction and discharge, or single-purpose – only for abstraction or only for discharge. The permit will be valid for 5 years, except for irrigation systems (10 years), hydroelectric power plants (30 years) and centralized water supply systems (30 years).

After enactment of the new Law, the water resources management system will combine water resources conservation and use planning and management mechanisms at the national and river basin/basin district levels. River basin/basin district water resources management plans which will be developed every 6 years and approved by the resolution of the Government will serve as a basis for the planning and management of water resources at river basin/basin district level.

The new Law considers classification of water bodies by their type specific conditions and water status. Based on ecological status of a surface water body determined by its biological, hydromorphological, physicochemical characteristics, it can be classified as having: a) high; b) good; c) moderate; d) poor; e) bad water status. For each surface water body (except for heavily modified water bodies) the target will be achieving the compliance with the requirements of a “good” water status). Therefore, to achieve this status, maximum permissible concentrations for discharges and stricter limits for abstraction of water from certain surface water bodies shall be introduced.

¹ Population equivalent (PE) is a unit for water loading with the organic biodegradable stuff, which corresponds to pollution produced by one person during 24 hours. It is obviously expressed as BOD₅ (a five-day biochemical oxygen demand). 1 PE is equal to 60g (BOD₅) of oxygen per day.

4. ADDITIONAL REMARKS

It would be advisable for Georgia to carry out a review of the existing national legislation including regarding monitoring, regulatory and reporting structures and practices. Having established the same, a comparison with the specific requirements of the Directives should be made, which should aim to allow for three main exercises to take place:

- Identification of gaps in legislation and practice between the current situation and the requirements of the relevant Directives;
- Taking steps needed to eliminate those gaps and streamline the same;
- Produce plans for re-organising existing legislation and practice to correlate with the requirements of the relevant Directives.

5. FURTHER READINGS AND REFERENCES

EU Directive 2000/60/EC establishing a framework for Community action in the field of water policy (Water Framework Directive).

Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment).

Guidance on "Terms and Definitions of the Urban Waste Water Treatment Directive 91/271/EEC" (2007).

Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control.

Directive 2010/75/EU, the Industrial Emissions Directive.

Directive 2013/39/EU amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy.

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