

LAW OF GEORGIA  
WASTE MANAGEMENT CODE

Chapter I – General Provisions

**Article 1 – Purpose and objectives of the Code**

1. The purpose of this Code is to establish a legal framework in the field of waste management to implement measures that will facilitate waste prevention and its increased re-use as well as environmentally safe treatment of waste (which includes recycling and separation of secondary raw materials, energy recovery from waste and safe disposal of waste).
2. The objective of this Code is to protect the environment and human health through:
  - a) the prevention or reduction of waste and its adverse impact;
  - b) the establishment of effective mechanisms for waste management;
  - c) the reduction of damage caused by the consumption of resources and the more efficient use of resources.

**Article 2 – Scope of the Code**

1. This Code applies to all types of waste, except for waste under paragraph 2 of this article.
2. The scope of this Code shall not include:
  - a) radioactive waste;
  - b) gaseous effluents emitted into the atmosphere;
  - c) land (in its original location – *in situ*), including unexcavated contaminated soil and buildings permanently connected to the land;
  - d) uncontaminated soil, also naturally occurring material extracted as a result of excavations in the course of construction activities if it is obvious that the material will be used in its natural form in the same place where the construction is in progress, and if it was extracted for the purposes of this construction;
  - e) waste waters, the pollution of water bodies (including water bodies of the Black Sea) with waste waters and/or waste;
  - f) decommissioned explosives;
  - g) biomass – faecal matter/manure, straw, also other similar natural non-hazardous material used in farming, forestry, or to derive energy from the biomass as a result of processes and methods that do not harm the environment and human health;
  - h) mining waste – waste generated as a result of work conducted in quarries and the study, production, processing and storage of mineral resources;
  - i) decommissioned chemical substances of military purposes;
  - j) non-contaminated sludge extracted as a result of operational and rehabilitation activities carried out for land reclamation systems, which is to be placed in sale lines of land reclamation systems.



3. The Government of Georgia shall adopt an ordinance defining the List of Waste and the classification of waste according to its type and characteristics.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

### **Article 3 – Definition of terms**

For the purposes of this Code, the following terms have the following meanings:

- a) waste – any substance or object that the holder of waste discards, intends to discard or is obliged to discard;
- b) hazardous waste – waste with one or more characteristics under Annex III of this Code;
- c) non-hazardous waste – waste that does not fall under the definition of 'hazardous waste';
- d) domestic waste – waste generated by households;
- e) municipal waste – domestic waste and other waste similar to domestic waste due to its characteristics and composition;
- f) inert waste – waste that does not undergo any significant physical, chemical or biological changes: does not dissolve, burn, or come in any other chemical or physical reaction, biodegrade or affect other material in a manner that will cause environmental pollution or damage to human health;
- g) biodegradable waste – waste that may undergo anaerobic or aerobic decomposition, including food/feed waste, garden/park waste, and paper and cardboard;
- h) liquid waste – waste existing in liquid form;
- i) healthcare waste – waste produced by medical institutions, medical laboratories, medical research centres, guardianship institutions, veterinary clinics, and pharmaceutical companies and warehouses;
- j) animal waste (non-food products of animal origin) – animal body or another product derived from an animal, which is not intended for human consumption, under Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009;
- k) specific waste – waste generated from products, which, due to their characteristics and major distribution, require specific management measures and special care after they become waste (packaging, oil, tyres, means of transport, batteries, accumulators, electric and electronic equipment, etc.);
- l) producer of a product that becomes specific waste – a natural or legal person producing, processing, treating, selling or importing products that become specific waste after their life cycle expires;
- m) product – any movable thing, including things that are components of other movable or immovable things. A product also includes goods placed in the market (irrespective of whether they are directly intended for final consumers), which have been delivered or are otherwise made available as new, used or processed products for commercial or non-commercial purposes, free of charge or in return for payment. A service related to a product is not considered as a product;
- n) placing on the market – a primary supply of a product to the market in the customs territory of Georgia (except for free industrial zones) by means of domestic production, import, lease or otherwise, for commercial or non-commercial purposes, free of charge or in return for payment. Each subsequent supply of the product is not considered as placing it in the market;
- o) waste producer – a person, as a result of whose activities waste is generated (original waste producer) or a person who carries out pre-treatment, mixing of waste or other operations resulting in a change in the nature or composition of the waste;
- p) waste holder – a waste producer or any natural or legal person who is in possession of waste;
- q) waste transporter – a natural or legal person engaged in the transportation of waste;



- r) operator – a natural or legal person who is granted a right to manage a waste collection facility, a temporary storage facility, a waste treatment facility, or a part of such facility;
- s) waste management – the collection, temporary storage, pre-treatment, transportation, recovery and disposal of waste, and the supervision of such activities, measures, operations and the after-care of waste disposal facilities;
- t) waste treatment – waste recovery and disposal operations under Annexes I and II of this Code, and waste pre-treatment prior to recovery or disposal;
- u) waste pre-treatment – preliminary operations defined under R12 Code of Annex I, and D13 of Annex II that are performed prior to waste recovery or disposal;
- v) littering – discarding (throwing) waste into the environment, or discarding (throwing) and/or abandoning waste outside waste collection containers and facilities;
- w) prevention – taking measures before a substance, material or product will become waste, that will reduce:
- w.a) the quantity of waste. In addition to other means, through re-use of a product or the extension of the life span of a product;
- w.b) the adverse impact of the generated waste on the environment and on human health;
- w.c) the content of harmful substances in materials or products;
- x) recovery – operation, the main result of which is using waste for useful purposes by replacing materials that would have otherwise been used to fulfil a particular function defined in, but not limited to, Annex I of this Code. Recovery includes recycling;
- y) re-use – a product and/or its component, before it becomes waste, is used again for the same purpose for which it was conceived;
- z) preparation for re-use – a recovery operation (namely checking, cleaning or repairing), as a result of which, a product and/or its component that has become waste is ready for being re-used without any other impact;
- z<sup>1</sup>) recycling – a recovery operation, through which waste material is reprocessed into a product, material or substance that is intended to be used for its original or other purposes. Recycling includes the reprocessing of organic materials but does not include energy recovery and reprocessing into materials that are to be used as fuel or for backfilling operations;
- z<sup>2</sup>) collection – the gathering of waste, including preliminary sorting and preliminary storage for the purposes of transport to a waste treatment facility;
- z<sup>3</sup>) separate collection – the collection of waste, where a waste stream is kept separately by type and nature to facilitate further treatment of waste;
- z<sup>4</sup>) transportation – the movement of waste to a waste storage facility and/or a waste treatment facility;
- z<sup>5</sup>) disposal – an activity that is defined in, but not limited to, Annex II of this Code;
- z<sup>6</sup>) waste treatment facility – a stationary or mobile technical or non-technical unit where waste is treated (including a waste transfer station or other places where such facility is constructed);
- z<sup>7</sup>) temporary storage facility – a facility where waste is stored for a period of less than three years if the waste is intended for recovery, or for a period of less than one year if the waste is intended for disposal;
- z<sup>8</sup>) waste transfer station – a facility where waste is reloaded for further transportation to waste treatment facilities;
- z<sup>9</sup>) landfill – a waste disposal facility where waste is placed on or under the ground. A landfill includes an internal waste disposal facility (a waste landfill where a waste producer disposes its own waste at the place of production), but it does not include a temporary storage facility and a waste transfer station;



z<sup>10</sup>) existing landfill – a landfill that is operated at the time of entry into force of this Code;

z<sup>11</sup>) waste incineration plant – a stationary or mobile technical facility or equipment designed for thermal treatment of waste, with or without recovery of generated combustion heat, through the incineration of waste by means of corrosion (oxidation) of waste, or by means of other thermal treatment processes, such as pyrolysis, gasification or plasma processing, provided that the substances resulting from the treatment are incinerated;

z<sup>12</sup>) waste co-incineration plant – a stationary or mobile technical facility or equipment, the main purpose of which is to generate energy or produce material products that use waste as basic or additional fuel, or in which waste is thermally treated for the purpose of disposal through incineration by means of corrosion (oxidation), or by means of other thermal treatment processes, such as pyrolysis, gasification or plasma processing, provided that the substances resulting from the treatment are incinerated;

z<sup>13</sup>) environmental decision – a decision issued under the Environmental Assessment Code;

z<sup>14</sup>) Ministry – the Ministry of Environment Protection and Agriculture of Georgia;

z<sup>15</sup>) natural and legal persons – persons under the Law of Georgia on Entrepreneurs (except for Chapter X of this Code);

z<sup>16</sup>) waste oil – mineral or synthetic lubricant oil or other industrial oil that has become unusable for its intended purpose, namely used engine oil, gearbox oil, lubricating oil, turbine oil, hydraulic oil, etc.;

z<sup>17</sup>) pollution – entry into the environment of waste containing pollutants that may cause harmful effects to the environment or to human health;

z<sup>18</sup>) resource – any primary or secondary raw material, including waste if it is used instead of other primary raw materials.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

*Law of Georgia No 1692 of 7 December 2017 – website, 14.12.2017*

#### **Article 4 – Waste management hierarchy**

1. Waste management policy in Georgia and the legislation of Georgia on waste management is based on the following waste management hierarchy:

- a) prevention;
- b) preparation for re-use;
- c) recycling;
- d) other recovery, including energy recovery;
- e) disposal.

2. When determining specific obligations with respect to the waste management hierarchy referred to in paragraph 1, the following shall be taken into account:

- a) environmental benefits;
- b) technical feasibility by using appropriate, best available equipment;
- c) economic feasibility.



## **Article 5 – Principles of waste management**

1. Waste management shall be carried out without posing a threat to the environment and human health, and in particular in a manner that waste management is not:
  - a) posing a threat to water, air, soil, flora and fauna;
  - b) causing a nuisance through noise or odour;
  - c) adversely affecting the entire territory of the country, in particular in protected areas and cultural heritage sites.
2. Waste management shall be carried out based on the following principles:
  - a) Precaution – to prevent the threat that waste poses to the environment, measures shall be taken even if scientific certainty data is not available;
  - b) Polluter pays – a waste producer or holder is obliged to cover costs associated with waste management;
  - c) Proximity – waste shall be treated at the nearest waste treatment facility, taking into account environmental and economic efficiency;
  - d) Self-sufficiency – an integrated and adequate network of disposal and recovery facilities for municipal waste shall be established and operated.

## **Chapter II – Competence and General Obligations in the Field of Waste Management**

### **Article 6 – Competent authorities in the field of waste management**

1. The competence of the Ministry in the field of waste management shall be to:
  - a) develop and implement a unified state policy for waste management;
  - b) keep record of waste and maintain a database of waste according to Articles 29 and 30 of this Code;
  - c) develop a national waste management strategy and a strategy for municipal biodegradable waste management according to Article 11 of this Code;
  - d) develop, coordinate and submit reports on the implementation of a national waste management action plan according to Article 12 of this Code;
  - e) issue environmental decisions for waste management-related activities under this Code and maintain their registration;
  - f) facilitate the prevention, separation, pre-treatment, re-use and recycling of waste;
  - g) exercise state control of waste management.
2. The Ministry together with the Ministry of Finance of Georgia shall regulate transboundary movements of waste according to Article 28 of this Code.
3. The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia together with the Ministry shall, as determined by the legislation of Georgia, regulate and supervise healthcare waste management.
4. The Ministry shall, as determined by the legislation of Georgia, regulate and supervise animal waste management.



5. A relevant agency within the system of the Ministry of Economy and Sustainable Development of Georgia shall issue admission certificates for means of transport to transport hazardous waste.

6. The Ministry of Economy and Sustainable Development of Georgia and a relevant agency within its system shall, together with the Ministry, develop and submit to the Government of Georgia for approval a draft/drafts of a subordinate act/acts determining the requirements related to the transportation of waste, in particular with respect to:

- a) the standards of means of transport to be used for the transportation of waste;
- b) the containers to be used for the transportation of waste;
- c) the experience of drivers of means of transport carrying hazardous waste.

7. The competence of the Ministry of Regional Development and Infrastructure of Georgia in the field of waste management shall be to ensure the construction of, manage and close non-hazardous waste landfills and to ensure the construction of and manage waste transfer stations taking into consideration the requirements of this Code and relevant subordinate normative acts. The powers defined in this paragraph may be transferred to a third party by a decision of the Government of Georgia.

8. According to this Code and the Organic Law of Georgia – the Local Self-government Code, the authority of municipalities in the field of waste management includes the management of municipal waste (including the development of a municipal waste management plan) in accordance with Article 16 of this Code (except for the powers under paragraph 7 of this article).

9. The construction, operation and closure of non-hazardous waste landfills within the administrative borders of the Autonomous Republic of Ajara and the city of Tbilisi falls within the authority of the relevant bodies of the Autonomous Republic of Ajara and the Municipality of Tbilisi.

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

*Law of Georgia No 1692 of 7 December 2017 – website, 14.12.2017*

*Law of Georgia No 3065 of 5 July 2018 – website, 11.7.2018*

## **Article 7 – General requirements related to waste management**

1. The collection, transportation and treatment of waste shall be carried out according to its type, characteristics and composition, without preventing its further recovery.

2. Collection, transportation and treatment of waste shall, to the maximum extent possible, exclude environmental pollution, littering and harmful effects on human health.

3. In the case of environmental pollution/littering resulting from the transportation of waste, the waste transporter shall ensure the implementation of cleaning activities.

4. A waste producer and a waste holder shall treat their waste on their own or transfer it for collection, transportation and treatment to persons entitled to carry out such activities according to this Code and other legislative and subordinate normative acts of Georgia.

5. Where waste has been transferred for recovery or disposal, the responsibility of the original waste producer and/or waste holder shall remain in force until recovery or disposal of waste is completed.

6. A person carrying out waste collection or transportation shall transfer the waste for treatment to an appropriate facility which has an environmental decision or has been registered.

7. A waste transporter shall, before transporting hazardous waste, obtain an admission certificate for a means of transport to transport waste, whereas the driver of a means of transport shall have the above certificate with him when transporting hazardous waste.

8. Waste may not be incinerated outside an incinerator with an environmental decision.



9. Conditions for waste incineration and co-incineration shall be defined by an ordinance of the Government of Georgia.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

### **Article 8 – Prohibition on littering**

1. It shall be prohibited to discard (throw) waste into the environment, or discard (throw) and/or abandon waste outside waste collection containers and facilities.
2. The organiser of an event shall be obliged to clean up the littered area if it has been littered as a result of the event organised by him/her.
3. A municipality, the territory of which has been littered, may require the person who has littered the territory to clean it up. If the person who has littered the territory cannot be ascertained or found, the municipality may impose an obligation on the owner of the littered territory to clean it up within a reasonable period of time.
4. The obligation to clean a municipality territory shall be imposed on the municipality, unless the territory is a private property.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

### **Article 9 – Extended producer responsibility**

1. A producer of a product that becomes specific waste and a person placing this product on the market shall design the product in a way that ensures:
  - a) the reduction of the negative impact on the environment and the reduction of waste in the course of production and subsequent use of the product;
  - b) the recovery and disposal of waste from the product.
2. The obligation under paragraph 1 of this article shall be fulfilled by creating, producing and placing on the market such product that is intended for multiple uses and is technically durable, and the waste from such product is suitable for recovery and safe for disposal in the environment.
3. The producer of a product that becomes specific waste and a person placing this product on the market shall ensure the separate collection, transport, recovery (including recycling) and environmentally safe disposal of waste generated from such product.
4. The obligation under paragraph 3 of this article shall be carried out individually or collectively through an association of producers.
5. The Ministry shall, together with the Ministry of Economy and Sustainable Development of Georgia and other agencies, develop and propose to the Government of Georgia for adoption draft ordinances defining the detailed obligations in relation to the extended obligation of manufacturers under this article.

### **Article 10 – Establishing product-related charges, subsidies and restrictions of product**

1. To ensure the implementation of the objectives under Article 1(2) of this Code, it is possible, as determined by the legislation of Georgia, to:
  - a) establish charges or subsidies for the use of certain products;
  - b) prohibit or restrict the placement of certain products in the market in special cases.



2. The action under paragraph 1 of this article shall be acceptable, necessary and proportionate to the purpose and objectives of this Code, for the achievement of which this action is performed. Such restriction may be introduced only after consultations with interested parties.

### **Chapter III – Waste Management Planning**

#### **Article 11 – Waste management strategies**

1. According to this Code, the Ministry shall develop a national waste management strategy defining the waste management policy in Georgia and waste management objectives for a period of 15 years.
2. The Ministry shall develop a strategy for municipal biodegradable waste management, defining targets and activities to be implemented to reduce the quantity of biodegradable waste disposed of in landfills.

#### **Article 12 – National waste management action plan**

1. To achieve the purpose of this Code and to comply with the principles of waste management and the policy defined by the national waste management strategy under Article 11(1) of this Code, the Ministry shall, together with authorities defined in Article 6 of this Code, develop a 5-year national action plan every five years, which is approved by the Government of Georgia.
2. Prior to approving the national waste management action plan, the Ministry shall hold public discussions involving relevant interested parties.
3. After the national waste management action plan is approved, the Government of Georgia shall publish it in an appropriate manner.
4. The Ministry shall submit to the Government of Georgia reports on implementation of the plan every three years.
5. The national waste management action plan shall define environmentally safe activities to be implemented for the prevention, re-use, recycling, recovery and disposal of waste.
6. The national waste management action plan shall include:
  - a) information on the type, quantity and sources of waste generated within the territory of Georgia, and an evaluation of development of waste streams in the future;
  - b) available data on the export and import of waste, as well as forecasts on the waste that is expected to be imported to or exported from the territory of Georgia;
  - c) information on existing waste collection systems and basic waste recovery and disposal facilities (including facilities designed for specific waste streams or hazardous waste);
  - d) an assessment of the need for the closure of existing waste treatment facilities, additional waste treatment infrastructure and new waste collection systems;
  - e) information on the criteria for determining locations of future waste recovery and disposal facilities and their capacity;
  - f) information on the locations of regional landfills and the period of time within which they shall start operating;
  - g) planned technology and methods of waste management, including management of waste that requires a specific approach;
  - h) measures to be taken for waste prevention and progress indicators for the planned period;
  - i) organisational issues related to waste management, which cover the distribution of responsibilities between the legal entities





under public and private law carrying out waste management;

j) existing or planned arrangements related to inter-municipal waste collection and waste treatment facilities;

k) measures of awareness campaigns and information provision on waste management issues directed at the general public;

l) information on historically contaminated sites for waste disposal, and measures for their rehabilitation;

m) an action plan and deadlines for implementation of the activities provided for by the management plan, data on responsible persons, estimated costs and sources for financing;

n) other important information.

7. In addition to the national waste management action plan, plans can be developed for the management of certain types of waste such as persistent organic pollutants (POPs), mercury, healthcare waste, animal waste, asbestos waste, etc. These plans shall comply with the national waste management action plan.

### **Article 13 – Municipal waste management plan**

1. Each municipality shall adopt a 5-year plan for the management of municipal waste generated within its territory. A municipal waste management plan may be prepared jointly by neighbouring municipalities.

2. A municipal waste management plan shall comply with the national waste management action plan and plans for the management of certain types of waste under Article 12(7) of this Code.

3. Prior to the adoption of a municipal waste management plan, public discussion involving interested parties and representatives of neighbouring municipalities shall be held. Public discussion shall be carried out by the respective municipality (municipalities).

4. A municipal waste management plan shall include:

a) information on the existing system for collection of waste of the population;

b) data on the amounts and types of non-hazardous waste collected, recovered and disposed of;

c) data on the amounts and types of hazardous waste of the population collected, recovered and disposed of;

d) information on the location of waste treatment facilities;

e) information on planned measures to be taken for the establishment of separate collection and recovery of municipal waste, including biodegradable waste and packaging waste;

f) plans for the construction of new waste treatment facilities;

g) programmes to raise awareness of society on waste management issues;

h) information on existing and planned measures for cooperation with other municipalities in the field of waste management;

i) action plan and deadlines for implementation of the activities provided for by the management plan, data on responsible persons, estimated costs and sources for financing.

### **Article 14 – Company waste management plan**

1. Natural or legal persons who annually produce more than 200 tonnes of non-hazardous waste or more than 1 000 tonnes of inert waste, or any amount of hazardous waste, shall prepare a company waste management plan. The plan shall generally include:

a) information about waste generated (in particular about its origin, and types, composition and amount of waste defined in the



List of Waste);

- b) information on the measures to be taken for the prevention of waste generation and its recovery, especially in the case of hazardous waste;
- c) a description of the method for separation of waste generated, in particular of hazardous waste, from the other waste;
- d) methods and conditions for the temporary storage of waste;
- e) waste treatment methods applied and/or information on persons to whom waste is transferred for further treatment.

[1. Natural persons or legal persons who annually produce more than 200 tonnes of non-hazardous waste or any amount of hazardous waste, or natural persons who annually produce more than 1 000 tonnes of inert waste, or legal persons who annually produce more than 400 tonnes of inert waste, shall prepare a company waste management plan. The plan shall basically include:

- a) information about waste generated (in particular about its origin, and types, composition and amount of waste determined in the List of Waste);
- b) information on the measures to be taken for the prevention of generation of waste, especially of generation of hazardous waste, and waste recovery;
- c) a description of the method for separation of waste generated, in particular of hazardous waste, from the other waste;
- d) methods and conditions for the temporary storage of waste;
- e) waste treatment methods applied and/or information on persons to whom waste is transferred for further treatment. **(*Shall become effective from 1 January 2021*)**

2. A company waste management plan shall be submitted to the Ministry. The Minister of Environment Protection and Agriculture of Georgia shall determine the procedure for the consideration and approval of the plan. If so requested, the plan shall be made available to the municipalities concerned and to other persons.

3. A company waste management plan shall be revised every three years or when there are substantial changes in the types and quantities of waste generated, or in processes of waste treatment.

*Law of Georgia No 1692 of 7 December 2017 – website, 14.12.2017*

*Law of Georgia No 6751 of 13 July 2020 – website, 20.7.2020*

## **Article 15 – Environmental manager**

- 1. The persons determined in Article 14 of this Code shall nominate an environmental manager. Information about such nomination (in particular, the name and surname of the environmental manager) shall be immediately provided to the Ministry.
- 2. The waste related duties of an environmental manager shall be the following:
  - a) to draft and update the waste management plan of the company;
  - b) to organise the implementation of the waste management plan of the company;
  - c) to supervise internal compliance with legal requirements of the legislation of Georgia on waste management.
- 3. The responsibility of an environmental manager under paragraph 2 of this article does not limit the liability of a company for complying with relevant requirements of this Code and subordinate normative acts based thereon.



## **Article 16 – Collection and treatment of municipal waste**

1. Municipalities shall ensure:

a) the collection of municipal waste, introduction of a system of collection of municipal waste for this purpose and proper functioning of such system;

b) the gradual introduction and proper functioning of a system of separate collection of municipal waste.

2. Producers of municipal waste shall make municipal waste produced by them available to the relevant municipal waste collection services, provided that such systems exist.

3. Producers of municipal waste, except for residents, are entitled not to use the municipal waste collection service and transfer municipal waste produced by them for collection and treatment to persons who are granted the right according to this Code to collect and treat waste. In such case, the waste producer shall give prior notice of the above to the respective municipality.

4. If a separate waste collection system is introduced by a municipality, producers of municipal waste are obliged to use the system.

5. Municipal waste shall be collected and treated according to an ordinance of the Government of Georgia on the procedure for the collection and treatment of municipal waste.

6. Municipalities may create, introduce and manage a joint municipal waste management system.

7. A person carrying out waste collection, transportation and/or treatment must have an environmental decision or be registered based on Chapter VII of this Code.

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

## **Chapter V – Hazardous Waste Management**

### **Article 17 – Main obligations related to hazardous waste management**

1. Hazardous waste shall be generated, collected, transported and treated in a way that protects the environment and human health.

2. It shall be prohibited to:

a) discard hazardous waste outside waste collection containers;

b) discharge hazardous waste into the sewerage systems or ground and/or surface waters (including the sea);

c) incinerate hazardous waste outside an incinerator with an environmental decision;

d) treat hazardous waste outside a waste treatment facility with an environmental decision.

3. The residents shall discard municipal hazardous waste generated by them in special containers provided by municipalities for that purpose, if such containers exist.

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

### **Article 18 – Special obligations related to hazardous waste management**



1. Waste producers producing more than 2 tonnes of hazardous waste during a year shall:

- a) create and introduce a system of separation and collection of hazardous waste;
- b) appoint an environmental manager according to Article 15 of this Code, who will be responsible for taking appropriate measures for the safe management of hazardous waste;
- c) provide information and appropriate training of personnel handling hazardous waste.

1<sup>1</sup>. Obligations under paragraph 1 of this article shall also be imposed on waste producers producing less than two tonnes of hazardous waste during a year, who are engaged in the activity defined by an order of the Minister of Environment Protection and Agriculture of Georgia.

2. Until the establishment of the exact composition of waste, waste shall be considered as hazardous.

3. If there are no appropriate techniques and/or technologies within the territory of Georgia to treat hazardous waste, such waste shall be exported for treatment purposes. Until the export is carried out, the hazardous waste shall be safely stored at temporary storage facilities as determined by this Code.

4. In the case provided for by paragraph 3 of this article, the period of temporary storage of hazardous waste may be extended once for not more than one year by a decision of the Ministry if this is justified and does not harm the environment and human health.

5. Hazardous waste may be collected and transported by a natural or legal person if they are registered according to this Code.

6. Hazardous waste shall be transported in compliance with the requirements of Article 17(1) of this Code and a subordinate act/subordinate acts provided for by Article 6(6) of this Code.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 1692 of 7 December 2017 – website, 14.12.2017*

#### **Article 19 – Prohibition of mixing hazardous waste with other waste**

1. It shall be prohibited to mix a hazardous waste with other types of hazardous waste or with other waste, substances or materials (except as provided for by Article 17(3) of this Code). Mixing shall include the dilution of hazardous substances.

2. As an exception to paragraph 1 of this article, the mixing of hazardous waste shall only be allowed by prior written consent of the Ministry, provided that the consent is requested by an operator and the mixing does not harm the environment or human health.

#### **Article 20 – Special requirements for the collection and treatment of hazardous waste**

1. Special requirements for the collection and treatment of hazardous waste shall be defined by an ordinance of the Government of Georgia.

2. Along with other requirements, the following shall be defined by an ordinance under paragraph 1 of this article:

- a) a traceability mechanism from generation of hazardous waste until final disposal;
- b) packaging and labelling requirements for hazardous waste;
- c) requirements for temporary storage facilities of hazardous waste;
- d) requirements for POP waste;
- e) requirements for hazardous waste, such as waste oil, asbestos waste, etc.



## Chapter VI – Landfills

### Article 21 – Categories of landfills

1. Landfills are divided into the following categories:

- a) landfill for hazardous waste;
- b) landfill for non-hazardous waste;
- c) landfill for inert waste;

2. Hazardous waste shall be disposed of only in hazardous waste landfills.

3. Only municipal waste and other non-hazardous waste meeting the criteria for the acceptance of waste at this landfill category, which are defined by an ordinance adopted based on Article 22 of this Code, shall be disposed of in non-hazardous waste landfills.

4. The operator of a non-hazardous waste landfill shall accept municipal waste generated within the territory of a respective municipality, including from persons under Article 16(3) of this Code.

5. Only inert waste shall be disposed of in inert waste landfills.

5<sup>5</sup>. Inert waste that can be used for backfilling operations or construction purposes may not be disposed of in landfills if they will be used, in coordination with a state or a municipality authority, for backfilling operations or construction purposes provided for under the project. In such a case, requirements of Article 24 of this Code shall not apply.

6. Only treated waste may be placed in a landfill with an environmental decision. This does not apply to inert waste that technically cannot be treated, neither does this apply to such waste technically feasible treatment of which cannot help achieve the objective of this Code.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

### Article 22 – Requirements for the construction, operation, closure and after-care of landfills

1. An ordinance of the Government of Georgia on the construction, operation, closure and after-care of landfills shall define:

- a) technical and other requirements for the construction of landfills;
- b) technical and other requirements for the operation of landfills, including requirements related to the monitoring and application of the criteria for acceptance of the waste at the different categories of landfills;
- c) technical and other requirements for the closure and after-care of landfills;
- d) the conditions and measures that shall be undertaken by operators of landfills to prevent harm to the environment and human health.

2. Waste that does not meet the criteria determined by an ordinance under paragraph 1 of this article shall not be accepted in a landfill.



## **Article 23 – Existing landfills**

1. A landfill operating at the time when this Code takes effect shall continue to function if it has a permit issued according to the Law of Georgia on Environmental Impact Permits. A holder of such a permit shall, after the Environmental Assessment Code takes effect, request issuance of an environmental decision under the procedure established by Article 48(4) of the Environmental Assessment Code.

2. If an existing landfill does not have a permit under paragraph 1 of this article, the operator of the landfill shall, within 18 months after an ordinance of the Government of Georgia on the construction, operation, closure and after-care of landfills is adopted, address the Ministry to agree upon a plan for bringing the landfill into compliance with the conditions defined in that ordinance. During the above mentioned period, the landfill shall continue to operate.

3. The Ministry shall consider the documents submitted by the operator of a landfill for continuing its operation, and shall make one of the following decisions taking into account the conditions defined by an ordinance of the Government of Georgia on the construction, operation, closure and after-care of landfills:

a) if the existing landfill poses a serious risk to the environment and human health and the operator of the landfill cannot prevent the risk, it shall be closed not later than four years after entry of this Code into force. A landfill, for which a plan for bringing the landfill into compliance to continue its operation has not been submitted, such landfill shall be closed within the same period of time;

b) if the existing landfill does not pose a serious risk to the environment and human health, but it cannot be brought into compliance with the requirements of this Code and the ordinances based thereon, it shall continue to operate on terms determined by the Ministry. Such landfills shall be closed not later than eight years after entry into force of the ordinance under this article;

c) if the existing landfill can be brought into compliance with the requirements of this Code and the ordinances based thereon, it may be granted the right to continue operating for the requested period of time.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

## **Chapter VII – Issuance of Environmental Decisions for Waste Management-related Activities and Registration**

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

### **Article 24 – Waste treatment-related activities subject to environmental decisions**

1. Activities under the Environmental Assessment Code shall be subject to an environmental decision.

2. The list of documents to be submitted to an authorised administrative body for obtaining an environmental decision under paragraph 1 of this article, and requirements as to the content of the documents shall be defined by this Code, the Environmental Assessment Code and the subordinate normative acts adopted and issued on the basis of these Codes.

3. If a person carries out more than one activity under paragraph 1 of this article and these activities are essentially interrelated, such a person may apply for one environmental decision.

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

### **Article 25 – Information to be submitted for obtaining an environmental decision to carry out a waste treatment-related activity**

In addition to the information provided for by the Environmental Assessment Code, the following information shall be submitted to an authorised administrative body for obtaining an environmental decision to carry out a waste treatment-related activity:

a) the type of waste to be treated (waste code and name according to the ordinance adopted on the basis of Article 2(3) of this



Code;

- b) the quantity and origin of waste to be treated;
- c) the waste recovery or placement operation codes and descriptions according to Annex I or Annex II to this Code;
- d) the facilities and devices to be used, and their capacity;
- e) information under the legislation of Georgia regarding a landfill to be constructed.

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

#### **Article 26 – Registration of waste management activities**

1. The following waste management activities shall be subject to registration:

- a) collection and/or transportation of waste;
- b) construction and operation of facilities for the temporary storage of more than 50 tonnes of non-hazardous waste;
- c) pre-treatment of non-hazardous waste;
- d) construction and operation of facilities for the temporary storage of not less than 2 tonnes and not more than 10 tonnes of hazardous waste;
- e) construction and operation of waste transfer stations.

2. Activities under paragraph 1 of this article shall be registered for business entities registered according to the Law of Georgia on Entrepreneurs, for state-owned and municipal enterprises and associations (unions) of municipalities.

3. The procedure and conditions for the registration of collection, transportation, pre-treatment and temporary storage of waste shall be determined by an ordinance of the Government of Georgia.

#### **Article 27 – Registry of environmental decisions and registrations**

Environmental decisions issued for the activities under this Code and registrations shall be entered in the waste database according to Article 30 of this Code.

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

### **Chapter VIII – Trans-boundary Movements of Waste**

#### **Article 28 – Trans-boundary Movements of Waste**

The import, export and transit (trans-boundary movement) of waste shall be regulated taking into account the requirements and procedures provided for by the Law of Georgia on the Import, Export and Transit of Waste, and the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal of 22 March 1989.

*Law of Georgia No 4956 of 13 April 2016 – website, 26.4.2016*



**Article 29 – Obligation for keeping records of waste and reporting**

1. The obligation to keep a record of waste and to report to the Ministry shall be imposed on:

- a) persons performing activities provided for in Articles 24 and 26 of this Code;
- b) a waste producer, whose entrepreneurial activity results in production of more than 2 tonnes of non-hazardous waste (except for municipal waste), or any amount of hazardous waste during a year.

2. The data on the waste under paragraph 1 of this article shall be retained by the persons under the same paragraph for three years. This requirement shall not apply to landfill operators. The operator shall keep the above data until the expiry of the landfill's operating period and during the landfill's post-closure care period.

3. The obligation to keep a record of waste and to report shall not be imposed on the population.

4. The form and content of keeping a record of waste and reporting shall be defined by an ordinance of the Government of Georgia.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

**Article 30 – Database of waste**

The Ministry shall maintain and update a database of waste that includes:

- a) data under Article 29 of this Code;
- b) information on persons to whom an environmental decision was issued on the basis of Article 24 of this Code;
- c) information on persons whose activities were subject to registration according to Article 26 of this Code.

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

**Chapter X – Administrative offences and administrative offence proceedings**

**Article 31 – Littering the environment with municipal waste**

1. Littering the environment with municipal waste up to 2 kg –

shall carry a fine in the amount of GEL 80.

2. The same action committed from residences or other buildings and structures –

shall carry a fine in the amount of GEL 100.

3. The same action committed from a means of transport

shall carry a fine for the driver, and in the case of public transport – a fine for the offender in the amount of GEL 120.

4. Littering the environment with up to 5 units of tyres (except for bicycle tyres) –





shall carry a fine in the amount of GEL 150.

5. Littering the environment with 5 or more units of tyres (except for bicycle tyres) –

shall carry a fine in the amount of GEL 500.

6. Littering the environment with up to 2 kg of batteries, accumulators, electric bulbs, electronic goods, graphite electrodes, sharp and piercing objects (including glass fragments, nails or other similar objects) –

shall carry a fine in the amount of GEL 100.

7. Littering the environment with 2 kg or more of municipal waste (except as provided for by paragraph 8 of this article) –

shall carry a fine for natural persons in the amount of GEL 150, and for legal persons in the amount of GEL 500.

8. Littering the environment with more than 1m<sup>3</sup> of municipal waste –

shall carry a fine for natural persons in the amount of GEL 300, and for legal persons in the amount of GEL 1 000.

9. Littering the environment with bulk waste (including means of transport, electrical and engineering equipment, construction equipment or other similar equipment) –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 1 500.

[2. The same action committed from residences or other buildings and structures, –

shall carry a fine in the amount of GEL 200.

3. The same action committed from a means of transport, –

shall carry a fine for the driver, and in the case of public transport – a fine for the offender in the amount of GEL 250.

4. Littering the environment with up to 5 units of tyres (except for bicycle tyres) –

shall carry a fine in the amount of GEL 500.

5. Littering the environment with 5 or more units of tyres (except for bicycle tyres) –

shall carry a fine in the amount of GEL 2 000.

6. Littering the environment with up to 2 kg of batteries, accumulators, electric bulbs, electronic goods, graphite electrodes, sharp and piercing objects (including glass fragments, nails or other similar objects) –

shall carry a fine in the amount of GEL 500.

7. Littering the environment with 2 kg or more of municipal waste (except as provided for by paragraph 8 of this article) –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 1 500.

8. Littering the environment with more than 1m<sup>3</sup> of municipal waste –

shall carry a fine for natural persons in the amount of GEL 1 000, and for legal persons in the amount of GEL 3 000.

9. Littering the environment with bulk waste (including means of transport, electrical and engineering equipment, construction equipment or other similar equipment) –

shall carry a fine for natural persons in the amount of GEL 2 000, and for legal persons in the amount of GEL 6 000.

10. Improper placement of waste in the waste collection containers determined by an act of a municipality representative body



(including, placement of non-hazardous municipal waste in the containers) –

shall carry a fine for natural persons in the amount of GEL 200, and for legal persons in the amount of GEL 1 000. *(Shall become effective from 3 August 2020)*

**Note:**

1. Waste is considered as bulk waste under paragraph 9 of this article if its size is more than 2 m<sup>2</sup>.

2. If in the case of throwing domestic waste on a road from a means of transport (except for public transport) an administrative offence report (a fine receipt) has not been drawn up at the place of the administrative offence by a patrol police officer, an authorised employee of a local self-government body or of an agency within the system of the Ministry, or an administrative sanction has not been imposed on the driver of the means of transport, and the administrative offence has been recorded on a video and/or photo tape, the fine under paragraph 1 of this article shall be imposed on the owner of the means of transport. The latter will be sent the decision imposing an administrative sanction to the place of his/her registration.

3. In cases determined in paragraph 7 of this article, a person against whom an administrative offence report has been drawn up shall immediately clean up the littered territory.

*Law of Georgia No 6751 of 13 July 2020 – website, 20.7.2020*

**Article 32 – Littering the environment with construction or other inert waste**

1. Littering the environment with up to 1 m<sup>3</sup> of construction or other inert waste –

shall carry a fine for natural persons in the amount of GEL 200, and for legal persons in the amount of GEL 500.

2. Littering the environment with 1 m<sup>3</sup> or more of construction and other inert waste –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 1 500.

**Note:** In the case determined in paragraph 1 of this article, a person against whom an administrative offence report has been drawn up shall immediately clean up the littered territory.

**[Article 32 – Littering the environment with construction waste or other inert waste**

1. Littering the environment with up to 1 m<sup>3</sup> of construction or other inert waste –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 2 000.

2. Littering the environment with 1 m<sup>3</sup> to 10 m<sup>3</sup> of construction or other inert waste –

shall carry a fine for natural persons in the amount of GEL 1 500, and for legal persons in the amount of GEL 3 000.

3. Littering the environment with 10 m<sup>3</sup> to 50 m<sup>3</sup> of construction or other inert waste –

shall carry a fine for natural persons in the amount of GEL 5 000, and for legal persons in the amount of GEL 15 000.

4. Littering the environment with 50 m<sup>3</sup> or more than 50 m<sup>3</sup> of construction or other inert waste –

shall carry a fine for natural persons in the amount of GEL 15 000, and for legal persons in the amount of GEL 30 000.

**Note:** In the cases determined by this article, a person against whom an administrative offence report has been drawn up shall immediately or within the set reasonable timeframe clean up the territory littered with construction waste or other inert waste. *(Shall become effective from 3 August 2020)*



### Article 33 – Polluting a territory with sludge waste – faecal matter or sewage waste

1. Polluting a territory with small amounts of faecal matter of a dog or other domestic animal –

shall carry a fine for a person in the amount of GEL 50.

2. Polluting a territory with up to 1 m<sup>3</sup> of faecal matter or sewage waste –

shall carry a fine for natural persons in the amount of GEL 150, and for legal persons in the amount of GEL 500.

[1. Polluting a territory with small amounts of faecal matter of a dog or other domestic animal –

shall carry a fine for a person in the amount of GEL 100.

2. Polluting a territory with up to 1 m<sup>3</sup> of faecal matter or sewage waste –

shall carry a fine for natural persons in the amount of GEL 400, and for legal persons in the amount of GEL 1 500. (*Shali become effective from 3 August 2020*)

3. Polluting a territory with 1 m<sup>3</sup> or more of faecal matter or sewage waste –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 2 000.

#### Note:

1. The liability under paragraph 1 of this article shall be imposed on a person for actions performed in populated territories defined by a normative act of a representative body of the respective municipality.

2. The liability under paragraph 1 of this article shall not be imposed on an owner of a dog or other domestic animal if he/she immediately and entirely cleans up the territory polluted with faecal matter.

### Article 34 – Littering the environment with parts of animals

1. Littering the environment with up to 20 kg of parts of animals (including from slaughterhouses) –

shall carry a fine for natural persons in the amount of GEL 150, and for legal persons in the amount of GEL 500.

2. Littering the environment with 20 kg or more than 20 kg of parts of animals (including from slaughterhouses) –

shall carry a fine for natural persons in the amount of GEL 300, and for legal persons in the amount of GEL 1 000.

**Note:** In the case determined in paragraph 1 of this article, a person against whom an administrative offence report has been drawn up shall immediately clean up the territory littered with parts of animals.

[Article 34 – Littering the environment with parts of animals

1. Littering the environment with up to 20 kg of parts of animals (including from slaughterhouses) –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 1 500.



2. Littering the environment with 20 kg or more than 20 kg of parts of animals (including from slaughterhouses) –

shall carry a fine for natural persons in the amount of GEL 1 000, and for legal persons in the amount of GEL 2 000.

**Note:** In the case determined by paragraph 1 of this article, a person against whom an administrative offence report has been drawn up shall immediately clean up the territory littered with parts of animals. For the purposes of this article, placement of parts of animals into the municipal waste containers shall be also considered as littering of the environment. *(Shall become effective from 3 August 2020)*

*Law of Georgia No 6751 of 13 July 2020 – website, 20.7.2020*

### **Article 35 – Burning non-hazardous waste in the open air or inside inappropriate burning equipment**

1. Burning non-hazardous municipal waste (including leaves, garden/park waste, domestic waste) in the open air or inside an inappropriate burning device –

shall carry a fine in the amount of GEL 200.

2. Burning non-hazardous municipal waste (except for the waste under paragraph 1 of this article) (including tyres, rubber and other elastomeric materials) in the open air or inside an inappropriate burning device –

shall carry a fine in the amount of GEL 500.

### **[Article 35 – Burning non-hazardous waste in the open air or inside inappropriate burning device**

1. Burning non-hazardous municipal waste (including leaves, garden/park waste, domestic waste) in the open air or inside an inappropriate burning device –

shall carry a fine in the amount of GEL 500.

2. Burning non-hazardous municipal waste (except for the waste under paragraph 1 of this article) (including tyres, rubber and other elastomeric materials) in the open air or inside an inappropriate burning device –

shall carry a fine in the amount of GEL 1 500. *(Shall become effective from 3 August 2020)*

*Law of Georgia No 6751 of 13 July 2020 – website, 20.7.2020*

### **Article 36 – Failure to fulfil the requirements and obligations related to hazardous waste management**

1. Discharging hazardous waste into a sewage system or ground or surface water bodies –

shall carry a fine for natural persons in the amount of GEL 400, and for legal persons in the amount of GEL 1 000.

2. Littering the environment with hazardous waste, or other actions committed outside a waste collection container, also disposing of hazardous waste produced as a result of entrepreneurial activity into an unsuitable container (including into a municipal non-hazardous waste container) –

shall carry a fine for natural persons in the amount of GEL 400, and for legal persons in the amount of GEL 1 000.

**[1. Discharging hazardous waste into a sewage system or ground or surface water bodies –**

shall carry a fine for natural persons in the amount of GEL 5 000, and for legal persons in the amount of GEL 10 000.



2. Littering the environment with hazardous waste, or other actions committed outside a waste collection container, also disposing of hazardous waste produced as a result of entrepreneurial activity into an unsuitable container (including into a municipal non-hazardous waste container) –

shall carry a fine for natural persons in the amount of GEL 5 000, and for legal persons in the amount of GEL 10 000. **(Shall become effective from 3 August 2020)]**

3. Incineration of hazardous waste outside an incinerator with an environmental decision –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 1 500.

4. Treatment of hazardous waste outside a waste treatment facility with an environmental decision –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 1 500.

5. Passing over hazardous waste by a business entity to an unauthorised person for collection, transportation and processing –

shall carry a fine for the business entity in the amount of GEL 400.

**Note:**

The cost of carrying out an expertise commissioned for the purposes of this article shall be compensated by the person against whom an administrative offence report has been drawn up, provided that this expertise shows that the waste is hazardous.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017*

*Law of Georgia No 6751 of 13 July 2020 – website, 20.7.2020*

**Article 37 – Littering or polluting the environment with waste while transporting waste**

1. Littering or polluting the environment with non-hazardous waste while transporting waste –

shall carry a fine for natural persons in the amount of GEL 200, and for legal persons in the amount of GEL 400.

2. Polluting or littering the environment with hazardous waste while transporting waste –

shall carry a fine for natural persons in the amount of GEL 350, and for legal persons in the amount of GEL 800.

**Article 38 – Violating waste transportation procedures**

1. Violating the procedure for transportation of non-hazardous waste –

shall carry a fine in the amount of GEL 200.

2. Violating the procedure for transportation of hazardous waste –

shall carry a fine in the amount of GEL 400.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

**Article 39 – Mixing hazardous waste with other waste, substances or materials**



1. Mixing less than 20 kg of hazardous waste by an operator with other waste, substances or materials without prior written consent of the Ministry –

shall carry a fine for natural persons in the amount of GEL 200, and for legal persons in the amount of GEL 300.

2. Mixing 20 kg or more than 20 kg of hazardous waste by an operator with other waste, substances or materials without prior written consent of the Ministry –

shall carry a fine for natural persons in the amount of GEL 550, and for legal persons in the amount of GEL 1 500.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

#### **[Article 39 – Mixing hazardous waste with other waste, substances or materials]**

1. Mixing less than 20 kg of hazardous waste by an operator with other waste, substances or materials without a prior written consent of the Ministry –

shall carry a fine for natural persons in the amount of GEL 500, and for legal persons in the amount of GEL 1 000.

2. Mixing 20 kg or more than 20 kg of hazardous waste by an operator with other waste, substances or materials without a prior written consent of the Ministry –

shall carry a fine for natural persons in the amount of GEL 1 000, and for legal persons in the amount of GEL 3 000. **(Shall become effective from 3 August 2020)**

*Law of Georgia No 6751 of 13 July 2020 – website, 20.7.2020*

#### **Article 40 – Violation of the procedures and conditions for the registration of collection, transportation, pre-treatment and temporary storage of waste or violation of the procedures for the collection and treatment of municipal waste**

1. Collecting and transporting waste without appropriate registration –

shall carry a fine in the amount of GEL 1 000.

2. Arranging and operating a pre-treatment facility for non-hazardous waste without appropriate registration –

shall carry a fine in the amount of GEL 2 000.

3. Arranging and operating a temporary storage facility for at least 2 tonnes and not more than 10 tonnes of hazardous waste without appropriate registration –

shall carry a fine in the amount of GEL 2 000.

4. Arranging and operating a waste transfer station without appropriate registration –

shall carry a fine in the amount of GEL 2 000.

4<sup>1</sup>. Arranging and operating a temporary storage facility for more than 50 tonnes of non-hazardous waste without registration under the established procedure –

shall carry a fine in the amount of GEL 2 000.

5. Failure to comply with registration requirements under this Code –

shall carry a fine in the amount of GEL 1 000.



6. The violation of the procedures for the collection and treatment of municipal waste –

shall carry a fine in the amount of GEL 2 000.

7. Failure to prepare a municipal waste management plan within the period of time under this Code and/or failure to carry out the activities defined by such plan –

shall carry a fine in the amount of GEL 5 000.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

#### **Article 41 – Violation of the period and conditions for the operation of existing landfills**

The violation of the period and conditions under this Code for the operation of existing landfills –

shall be subject to a fine in the amount of GEL 3 000.

#### **Article 42 – Failure to fulfil the obligation to identify an environmental manager and/or notifying the Ministry of his/her identity**

Failure to fulfil an obligation to identify an environmental manager and/or notifying the Ministry of his/her identity –

shall carry a fine in the amount of GEL 200.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

#### **Article 43 – Violation of the requirements for submitting a company waste management plan**

1. Failure to submit a company waste management plan to a municipality upon request –

shall carry a fine in the amount of GEL 200.

2. Failure to submit a company waste management plan within the established period and/or failure to implement measures defined under this plan –

shall carry a fine in the amount of GEL 500.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

#### **[Article 43 – Violation of the requirements for submitting a company waste management plan and implementing the measures determined by the plan**

1. Failure of a natural or legal person determined by Article 14(1) of this Code to submit a company waste management plan to a municipality upon request –

shall carry a fine in the amount of GEL 4 000.

2. Failure to submit a company waste management plan within the established timeframe and/or failure to implement the measures determined by the plan –

shall carry a fine in the amount of GEL 5 000. **(Shall become effective from 1 January 2021)]**

*Law of Georgia No 6751 of 13 July 2020 – website, 20.7.2020*



#### **Article 44 – Failure to fulfil the obligation to keep a record of waste and reporting**

Failure to fulfil the obligation to keep a record of waste and reporting –

shall carry a fine in the amount of GEL 200.

#### **Article 45 – Failure to fulfil special obligations related to hazardous waste management**

1. Failure to fulfil the obligation to provide information to, and arranging appropriate training for, personnel handling hazardous waste –

shall carry a fine in the amount of GEL 200.

2. Failure to fulfil the obligation to establish and introduce a separation and collection system for hazardous waste –

shall carry a fine in the amount of GEL 600.

#### **Article 46 – Failure to comply with the requirements of the bodies authorised to draw up reports on administrative offences under Articles 31-45 of this Code**

1. After an administrative offence under this Code is committed, failure to fulfil, within the established period, the obligation to eliminate that administrative offence imposed by a body authorised to draw up administrative offence reports –

shall entail imposing an administrative sanction (a fine), within the limits of the sanction determined by the appropriate article or paragraph of an article of this Code, for violation of which a person has been required to eliminate the administrative offence.

2. Obstructing the exercise of the powers and performance of duties by an employee of a body authorised to draw up administrative offence reports under this Code –

shall carry a fine in the amount of GEL 5 000.

3. Failure to comply with lawful requests of an employee of a body authorised to draw up administrative offence reports under this Code (including failure to present documents, material and information provided for by the legislation of Georgia, and refusal of a facility to be inspected to ensure representation during inspection) –

shall carry a fine in the amount of GEL 500.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

#### **Article 47 – Administrative offence proceedings**

1. Proceedings of administrative offences under this Code and imposition of sanctions shall be carried out as determined by this Code and the Administrative Offence Code of Georgia.

2. A respective act under Articles 31–46 of this Code committed repeatedly, –

shall entail doubling the amount of the respective fine.

3. Committing administrative offences under Articles 31-35 and 37 of this Code within the established boundaries of a state protected area, a strict natural protection zone of a national park, natural monument, biosphere reserve core (strict natural protection) zone, world heritage site, wetlands of international importance shall entail doubling the amount of the respective fine,





whereas committing the above administrative offences repeatedly shall entail quadrupling the amount of the respective fine.

4. The liability for violation of the conditions established under the environmental decision shall be determined by the legislation of Georgia.

5. The imposition of liability under this chapter shall not release the offender from the obligation to compensate damages caused to the environment in the established amount and manner. In case of committing an administrative offence under Articles 31-34, Article 36(2) and Article 37 of this Code, the obligation to clean up the territory contaminated/littered with waste shall also be imposed on the offender. In case of failure to voluntarily fulfil this obligation, the territory shall be cleaned up by an executive body of a municipality or a person authorised by an executive body of a municipality, and the clean-up costs shall be imposed on the offender.

6. Administrative offence reports under Articles 31-36, 39-42, 43(2) and 44-46 shall be drawn up by authorised employees of agencies within the system of the Ministry.

7. Administrative offence reports under Articles 31-34, 36(2), 37, 38 and 40(1) of this Code shall be drawn up by employees of an authorised body of the Ministry of Internal Affairs of Georgia if the offence is committed using a means of transportation; also in such a case when an authorised person of the Ministry of Internal Affairs of Georgia witnesses (documents) the offence.

8. Administrative offence reports under Articles 31-35, 36(1-2), 39, 43(1) and 46 of this Code shall be drawn up by an executive body of a municipality or a person authorised by an executive body of a municipality.

9. A regional (city) court shall hear administrative offence cases under Articles 31-46 of this Code.

10. Authorised employees of agencies within the system of the Ministry may review administrative offence cases under Articles 31-36, 39-42, 43(2) and 44-46 and may impose administrative sanctions.

11. Employees of an authorised body of the Ministry of Internal Affairs of Georgia may review administrative offence cases under Articles 31-34, 36(2), 37, 38 and 40(1) of this Code and impose administrative sanctions if the offence is committed using a means of transportation; also in such a case when an authorised person of the Ministry of Internal Affairs of Georgia witnesses (documents) the offence.

12. An executive body of a municipality or a person authorised by an executive body of a municipality may review administrative offence cases under Articles 31-35, 36(1-2), 39, 43(1) and 46 of this Code and impose administrative sanctions.

13. When an administrative offence under this Code is committed and the administrative offence does not require administrative investigation, a person authorised to draw up an administrative offence report shall review the administrative offence case and impose an administrative sanction on the offender on the spot.

14. In the case provided for in paragraph 13 of this article, the fine shall not be paid on the spot, whereas a fine receipt shall be issued on the spot, which, at the same, time is an administrative offence report.

15. The form of a fine receipt under paragraph 14 of this article and the procedure for filling in, delivering and presenting a fine receipt shall be defined in a subordinate normative act of the Ministry, the Ministry of Internal Affairs of Georgia, or a representative body of a municipality, respectively.

16. An administrative offence report drawn up for an administrative offence under this Code may be appealed by the offender in court.

Law of Georgia No 3098 of 19 February 2015 – website, 27.2.2015

Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016

Law of Georgia No 898 of 1 June 2017 – website, 21.6.2017

Law of Georgia No 2198 of 20 April 2018 – website, 10.5.2018

## Chapter XI – Transitional and Final Provisions



## Article 48 – Transitional provisions related to entry into force of this Code

1. The national waste management strategy under Article 11(1) and the national action plan for waste management under Article 12(1) of this Code shall be adopted before 31 December 2015.
2. The Ministry shall develop a strategy for management of biodegradable municipal waste under Article 11(2) of this Code before 31 December 2019.
3. Each municipality shall adopt a municipal waste management plan under Article 13 of this Code before 31 December 2017.
4. The first company waste management plan under Article 14(1) of this Law shall be submitted to the Ministry before 1 July 2017.
5. The liability under Article 31(1), (7) (except for legal persons), (9) (except for legal persons) and Article 35(1) of this Code shall not apply to the populated territories defined under an act of a representative body of a respective municipality, where there is no municipal waste collection and transfer system in operation.

[5. The liability under Article 31(1), (7) (except for legal persons), (9) (except for legal persons), (10) and Article 35(1) of this Code shall not apply to the populated territories determined by an act of a representative body of a respective municipality, where there is no municipal waste collection and transfer system in operation. **(Shall become effective from 3 August 2020)**]

6. Obligations under Articles 14 and 15 and Article 29(1) of this Code shall not apply to the activities defined by an ordinance of the Government of Georgia until 1 January 2025.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 124 of 21 December 2016 – website, 29.12.2016*

*Law of Georgia No 5302 of 26 November 2019 – website, 4.12.2019*

*Law of Georgia No 6751 of 13 July 2020 – website, 20.7.2020*

## Article 49 – Subordinate normative acts to be adopted and issued on the basis of this Code

1. The Government of Georgia shall, before 1 August 2015, adopt:
  - a) an ordinance on the List of Waste and Classification of Waste According to its Types and Characteristics according to Article 2(3) of this Code;
  - b) an ordinance on the Construction, Operation, Closure and After-care of Landfills according to Article 22(1) of this Code;
  - c) an ordinance on the Form and Content of Keeping a Record of Waste and Reporting according to Article 29(4) of this Code.
2. The Government of Georgia shall, before 1 February 2016, adopt:
  - a) an ordinance on the Collection and Treatment of Municipal Waste according to Article 16(5) of this Code;
  - b) an ordinance on the Procedure and Conditions for the Registration of Collection, Transportation, Pre-treatment and Temporary Storage of Waste according to Article 26(3) of this Code;
  - c) an ordinance on Special Requirements for the Collection and Treatment of Hazardous Waste according to Article 20 of this Code.
- 2<sup>1</sup>. The Government of Georgia shall, by ordinance, before 1 September 2020, define activities that will not fall within the scope of obligations under Articles 14 and 15 and Article 29(1) of this Code until 1 January 2025.
3. The Government of Georgia shall, before 1 February 2017, adopt an ordinance on the Incineration and Co-incineration of



Waste according to Article 7(9) of this Code.

4. The Ministry, in co-operation with the Ministry of Economy and Sustainable Development of Georgia and interested parties, shall develop and submit to the Government of Georgia for approval draft ordinances, in accordance with Article 9(5) of this Code before 31 December 2018.

5. The Ministry of Economy and Sustainable Development of Georgia, along with the Ministry, shall develop and submit to the Government of Georgia for adoption one or more draft subordinate act(s) defining the requirements for the transportation of waste according to Article 6(6) and Article 7(7) of this Code before 1 February 2016.

6. The Government of Georgia shall issue an act on healthcare waste management according to Article 6(3) of this Code.

7. The Ministry of Agriculture of Georgia and the Ministry shall issue a joint subordinate act on animal waste management according to Article 6(4) of this Code before 31 October 2017.

8. The Minister of Environment and Natural Resources Protection of Georgia shall issue an order on the Procedure for Considering and Coordinating Company Waste Management Plans according to Article 14(2) of this Code before 1 August 2015.

9. The Minister of Environment and Natural Resources Protection of Georgia shall, by order, before 1 September 2016, define the list of activities that result in production of less than 2 tonnes of hazardous waste during a year, and that fall within the scope of obligations under Article 18(1) of this Code.

10. The Ministry shall, before 1 October 2018, elaborate and submit to the Government of Georgia the draft ordinance on Approval of the Technical Regulation – Procedure for Regulating Plastic and Biodegraded Bags, in accordance with Article 10(1)(b) of this Code.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 124 of 21 December 2016 – website, 29.12.2016*

*Law of Georgia No 2198 of 20 April 2018 – website, 10.5.2018*

*Law of Georgia No 3065 of 5 July 2018 – website, 11.7.2018*

*Law of Georgia No 5302 of 26 November 2019 – website, 4.12.2019*

#### **Article 50 – Entry of this Code into force**

1. This Code shall become effective from 15 January 2015, except for Article 7(7), Article 9, Article 15(1), Article 16(1)(b), Article 18(1)(a), Articles 26, 29, 30 and 38, Article 40(1-6), Articles 42, 44 and 45.

2. Article 15(1), Article 40(6) and Article 42 of this Code shall become effective from 1 February 2016.

3. Articles 26, 29 and 30 of this Code shall become effective from 1 January 2018.

4. Article 7(7), Article 18(1)(a) and Articles 38 and 45 of this Code shall become effective from 1 February 2018.

5. Article 40(1-5) and Article 44 of this Code shall become effective from 1 April 2018.

6. Article 16(1)(b) of this Code shall become effective from 1 February 2019.

7. Article 9 of this Code shall become effective from 1 December 2019.

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016*

*Law of Georgia No 124 of 21 December 2016 – website, 29.12.2016*



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Annex I

*Law of Georgia No 5563 of 24 June 2016 – website, 13.7.2016***Recovery Operations**

R 1	Use as a fuel or other means to generate energy
R 2	Solvent recovery/regeneration
R 3	Recycling/recovery of organic substances that are not used as solvents (including composting and other biological transformation processes)
R 4	Recycling/recovery of metals and metal compounds
R 5	Recycling/recovery of other inorganic materials <sup>[2]</sup>
R 6	Regeneration of acids or bases
R 7	Recovery of components that are used to reduce pollution
R 8	Recovery of components from catalysts
R 9	Oil re-refining or other re-use of oil
R 10	Treatment of land resulting in benefit to agriculture or environmental improvement
R 11	Use of waste as a result of any of the operations listed under codes from R 1 to R 10
R 12	Exchange of waste to conduct operations listed under codes from R1 to R11 <sup>[3]</sup>
R 13	Storage of waste intended for any of the operations listed under codes from R1 to R12 (this does not include temporary storage of waste at the place of its generation, and preparation for collection)

[1] This includes gasification and pyrolysis.

[2] This includes cleaning of soil as a result of soil recovery of and recycling of inorganic construction materials.

[3] Unless another R code is used, this may include pre-treatment of waste prior to the waste recovery, including the pre-treatment operations such as sorting, crushing, pressing, granulating, drying, shredding, conditioning, re-packaging, separating or mixing prior to submission for performing any operation specified under codes from R1 to R11.



## Placement Operations

D 1	Placing into or on land (e.g., on landfills, etc.)
D 2	Soil treatment (e.g., biodegradation of liquid or sludgy waste discharged into soil, etc.)
D 3	Deep injection (e.g., injection of waste into wells, salt domes or natural reservoirs, etc.)
D 4	Surface impoundment (e.g., discharge of liquid or sludgy waste into pits, ponds or basins, etc.)
D 5	Specially engineered landfills (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
D 6	Discharge into water reservoirs (except for seas and oceans)
D 7	Discharge into seas and oceans including sea-bed insertion
D 8	Biological treatment which is not listed in this annex and which results in final compounds or mixtures that are disposed of by means of any of the operations listed under codes from D1 to D12
D 9	Physiochemical treatment which is not listed in this annex and which results in final compounds or mixtures that are disposed of by means of any of the operations listed under codes from D1 to D12 (e.g., evaporation, drying, calcination, etc.)
D 10	Incineration on land
D 11	Incineration at sea <sup>[1]</sup>
D 12	Permanent storage (e.g., placement of containers in a mine, etc.)
D 13	Mixing prior to submission to conduct any of the operations listed under codes from D1 to D12
D 14	Re-packaging prior to submission to conduct any of the operations listed under codes from D1 to D13
D 15	Storage in the course of any of the operations listed under codes from D1 to D14 (this does not include temporary storage of waste at the place of its generation and preparation for collection)

[1] This operation is prohibited by international conventions.

[2] Unless another D code is used, this may include pre-treatment of waste prior to the waste disposal, including the pre-treatment operations such as sorting, crushing, pressing, granulating, drying, shredding, conditioning or separating prior to submission for performing any operation specified under codes from D1 to D12.

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## Hazardous waste defining characteristics

H 1	'explosive' – substances and preparations which may explode under the effect of flame or which are more sensitive to friction than dinitrobenzene.
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H 2	'oxidising' – substances and preparations which show highly exothermic reactions when in contact with other substances, particularly flammable substances.
H 3-A	'highly flammable': <ul style="list-style-type: none"> <li>• liquid substances and preparations with a flash point below 21°C (including extremely flammable liquids);</li> <li>• substances and preparations which may heat up and inflame when in contact with air at ambient temperature without application of energy;</li> <li>• solid substances and preparations that may readily inflame after minor contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition;</li> <li>• gaseous substances and preparations which are flammable in air at normal pressure;</li> <li>• substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.</li> </ul>
H 3-B	'flammable' – liquid substances and preparations with a flash point equal to or greater than 21°C and less than or equal to 55°C.
H 4	'irritant' – non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, may cause inflammation.
H 5	'harmful' – substances and preparations that are dangerous to health if they are inhaled or ingested or if they penetrate the skin.
H 6	'toxic' – substances and preparations (including very toxic substances and preparations) that may cause serious, acute or chronic damage to health or even death if they are inhaled or ingested or if they penetrate the skin.
H 7	'carcinogenic' – substances and preparations that may cause cancer or increase its incidence if they are inhaled or ingested or if they penetrate the skin.
H 8	'corrosive' – substances and preparations that may destroy living tissue on contact.
H 9	'infectious' – substances and preparations containing micro-organisms or their toxins that are known or reasonably believed to cause disease in humans or other living organisms.
H 10	'toxic for reproduction' – substances and preparations that may cause non-hereditary congenital pathologies or increase their incidence if they are inhaled or ingested or if they penetrate the skin.
H 11	'mutagenic' – substances and preparations that may cause hereditary genetic defects or increase their incidence if they are inhaled or ingested or if they penetrate the skin.
H 12	Waste that releases toxic or very toxic gases in contact with water, air or an acid.
H 13[1]	'sensitising' – substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of causing a reaction of hypersensitisation, particularly prolonged exposure to these substances or preparations may cause characteristic adverse effects.
H 14	'ecotoxic' – waste that poses or may pose an immediate or continuous risk to one or more sectors of the environment.
H 15	Waste which, after being disposed of, may yield another substance, e.g., a leachate that possesses any of the characteristics listed under codes H1-H14.



[1] If testing methods are available.

