

Water Act of Georgia

(As of 1 December 2000)

Water is a unique and primary natural resource being of vital importance for humans. The animal kingdom and vegetative cover, as well as for the development of Georgian economy.

In accordance with the Constitution of Georgia, to secure safe the human health environment in compliance with the ecological and economic interests of the society, with regard to the interests of the present and future generations, the state shall ensure protection of the environment and, correspondingly, protection of water as its main component.

All residents of Georgia are liable to ensure the rational and sustainable use and protection of water, prevent its contamination, pollution and depletion.

Water available on the land area of Georgia in its entrails, in the continental shelf, territorial waters and within a special economic zone is the national wealth of Georgia and is protected by the state.

Section I. General Part

Chapter I. General Provisions

Article 1. Terms Used in the Act

The terms used in this Act have the meaning as defined in Article 2 of the same Act, unless otherwise stipulated by this Act.

Article 2. Definition of Terms

1. Water use - the use of water resources for drinking, housing and public

Utility, industrial, power engineering, agricultural, transport, scientific, cultural, recreational, balneological, sports, tourism and other purposes with or without application of technical facilities.

2. Water user - a natural or legal person (regardless of the form of ownership

And the legal-organisational status), including a foreign national, engaged in water use in accordance with the procedure established by laws of Georgia.

3. Water intake - withdrawal of a definite amount of water from surface or underground water bodies with or without application of technical facilities.

4. Water discharge - organised discharge of the industrial-household, drainage, storm and other waters into the surface water bodies.

5. Trans-border water body - a river, lake and other surface reservoir located in the frontier zone. Banks of which only partly belong to Georgia.

6. Inland waters of Georgia - waters of rivers, lakes and other water bodies, which banks completely belong to Georgia: the Black Sea waters within the straight reference lines established for measuring of the land and territorial waters: Georgian port waters restricted by the line crossing the farthestmost points of the waterside by hydrotechnical or other permanent structures of the port from the sea.

7. Underground waters - the entrails, water in any aggregate (liquid, solid, and vapor), and static or dynamic state available in the entrails.

8. Territorial waters of-Georgia - a part of the Black Sea coastal waters which width is 12 nautical miles and is counted off from the straight reference lines connecting the points the coordinates of which are to be approved by the President of Georgia on presentation by the State Department for State Border Defence.
9. Special economic zone of Georgia - a marine zone which is counted off from the straight reference lines from which the territorial waters are counted off and which width does not exceed 200 nautical miles.
10. Continental shelf of Georgia - sea floor and the underwater region entrails spreading on the whole length of the natural extension up to the outer border of the submerged land area edge within 200 nautical miles, or spreading within not more than 200 nautical miles from the straight reference lines wherefrom the territorial waters are counted off if the outer border of the submerged land edge does not extend on this distance.
11. Continental shelf resources - (the fossil and other non-living resources of the sea floor and its entrails, those objects and other living organisms of the sea fauna which, during the period defined for the trade of these objects, are attached to the sea floor or its entrails, or can move only on the sea floor or in the entrails.
12. Entrails - the part of the exposed Earth crust, or that under the land surface, soil and the bottom of reservoirs which, available for research and use, thanks to modern scientific-technical facilities.
13. Fossil - the natural formations existing in the entrails.
14. Mineral resources - the explored fossils which extraction and processing, thanks to the modern level of the scientific and technical development, is possible, economically expedient and ecologically acceptable.
15. Mineral deposit - mineral resource naturally concentrated within the certain limits of the entrails.
16. Mining allotment - an area of the entrails dimensionally defined by a mineral use license, within which a user of the entrails is entitled to use minerals.
17. Geological allotment - an area of the entrails which transfer into use is effected only with the purpose of studying the mineral reserves.
18. Sustainable development - the society development system which, in compliance with the interests of environment protection and economic development of society, ensures the raising of the living level of man and the right of future generations to make use of natural resources and the environment maximally protected from the irrevocable quantitative and qualitative changes.
19. Principles of sustainable development -the principles integrated in the final documents adopted by the UN 1992 Rio-de-Janeiro International Conference on the Environment and Development, namely "the Rio Declaration on the Environment and Development", "the Global Sustainable Development Program of the 21st Century - Agenda 21" and "the Declaration of Non-Legislative Liabilities to, the Forest Protection, Sustainable Development and Management Principles".
20. Activity - the entrepreneurial, economic and any other activity, including the implementation of the settlement and development plans and projects, infrastructure projects, the construction and sectoral development plans. the projects and programs on the protection, operation and use of water, forests, land, mineral and other natural resources of Georgia, as well as the substantial reconstruction and technical and technological renovation of the existing enterprises which affect or may affect the state of environment.
21. Subject of activity - a subject of the public or private law engaged in any activity.

22. Environmental permit - a written decision of the Ministry of Protection of the Environment and Natural Resources, its regional and local bodies and the ministries of protection of the environment and natural resources of the Abkhazian and Ajarian autonomous republics. Its content, form (execution rules) and issuance procedure differ according to the category of activity. The environmental permit is an integrated permission comprising a permit for emissions, waste disposal, etc. The environmental permit is only needed for the activity which implementation was envisaged after the Law of Georgia "On Environmental Permit " has entered into force.

23. State environmental impact assessment - necessary environment protection measures to be carried out in the process of making decision on the granting of an environmental permit of activity.

24. Ministry - the Ministry of Protection of the Environment and Natural Resources of Georgia.

Article 3. Water Legislation of Georgia

The water legislation of Georgia is based on the Constitution of Georgia, international treaties and agreements of Georgia, the laws of Georgia "On Protection of the Environment". "On the Entrails", this Act and other enactment's in the sphere of water protection and use.

Article 4. Objectives of the Water Act of Georgia

The main objectives of this Act are:

- a) to ensure pursuance of the uniform state policy in the sphere of water protection and use;
- b) to protect water bodies (including the Black Sea) and use rationally water resources with due regard to the interests of the present and future generations and the principles of sustainable development;
- c) the meeting of population needs in drinking water as the priority task;
- d) the water fauna sustainability and sustain able use;
- e) the prevention of the adverse effects of water and the effective liquidation thereof;
- f) the guaranteed protection of the state interests of Georgia in the sphere of water protection, use and international trade in water;
- g) the commercial production of water in compliance with international principles and standards;
- h) the protection of the lawful rights and interests of natural and legal persons in the sphere of water protection and use.

Article 5. Domain of the Water Act of Georgia

1. This Act governs the basis legal relations:

- a) between the state authority bodies and natural and legal persons (regardless the form of ownership and the legal-organizational status) in the sphere of water protection, slimy and use;
- b) in the sphere of water protection, restoration and use on the land, in the continental shelf, territorial waters and. in the special economic zone;
- e) in the sphere of commercial production of water and international trade in water;

2. This Act defines competence of the autonomous republics, as well as the local self-government and administration bodies in the sphere of relations associated with water.

3. The relations in the sphere of the protection, study and use of underground waters

are regulated under this Act and the Law of Georgia "On the Entrails".

4. The relations in the sphere of the protection, study, reproduction and use of the water bodies are regulated under this Act and the Law of Georgia "On the Wildlife".

5. The legal relations associated with the use of the wildlife, vegetative cover, forest, land and other natural resources during water use are regulated under this Act and the appropriate laws of Georgia.

6. This Act is applied throughout Georgia.

Article 6. Water Status of Georgia

1. Water available on the territory of Georgia is the state ownership so he only provided for usage. Any action that may directly or indirectly prejudice the state's right of water ownership shall be prohibited
2. Water use shall be subject to a license issued by authorized state bodies which form, content and issuance procedure are stipulated by Articles 48-52 of this Act
3. The right of ownership in land shall not envisage the right of use of the mining, surface of underground waters available on this land, except for the cases provided for in Articles 32 and 34 of this Act.
4. Water use in Georgia is for consideration, except for the cases stipulated by Article 32 of this Act.

Article 7. Water State Fund of Georgia

1. Waters of Georgia according to their location on the surface and in the entrails, the resources formation and usage peculiarities are divided into the surface and underground.
2. Waters of all the water bodies listed in paragraph 4 of this article, except for those indicated in subparagraph "b", are ascribed to the surface waters.
3. The aggregate of all water available in all the water bodies of Georgia Forms the water state fund.
4. The following belong to the state fund of water of Georgia:
 - a) rivers, lakes, reservoirs, oilier natural and man-made surface water storage basins available and flowing throughout Georgia, as well as waters of canals and ponds:
 - b) underground waters (including springs and waters of the continental shelf):
 - c) glaciers and the permanent snow cover,
 - d) swamps;
 - e) territorial waters of Georgia;
 - f) waters of a special economic zone.
5. Pursuant to the procedure stipulated by article 77 of this Act, water bodies are subject of registration in the State Water Inventory.

6. The Water State Fund shall be disposed by the supreme state, autonomous republican, local self-government and administration bodies of Georgia within the limits of competence hereof.

Article 8. The Water State Fund Land

1. Pursuant to the land legislation of Georgia, the Water State Fund land shall

include the land occupied by water bodies (except for the underground waters), hydraulic works and her waterworks as per Article 7 of this Act. as ell as the land allocated as a water-body protecting strip, a sanitation zone, etc.

2. The Water State Fund land is used for the development and operation of the

structures ended for meeting, drinking, household. curative, spa and other demands on water, as 11 as water requirements of agricultural ms, industries, fisheries, power energy, transport and other facilities.

3. The procedure for using the Water State Fund land is defined under this Act and the land legislation of Georgia.

Article 9. Water Groups

1. Water bodies in respect of their hydrographic peculiarities and geographical location. (lie particular scientific and aesthetic, as well as of economic significance and conjuncture are grouped as follows:

a) of particular stale significance:

b) of stale significance:

c) of local significance.

2. The group of particular stale significance includes:

a) glaciers and the permanent snow cover:

b) surface water bodies of the particular scientific and aesthetic value.

3. The special use of the surface water bodies of particular scientific and aesthetic significance is prohibited in full or in part.

4. The following is allowed on water bodies of particular stale significance under this Act:

a) the scientific-research and water state improvement and its protection work:

b) the water use to secure the state border defense, for fire-fighting requirements, for implementing measures to prevent natural disasters and liquidation hereof.

5. Specific activities of water and other natural resources usage in the body of the particular state significance (or part thereof), which special use is partly prohibited, shall not be allowed (permanently or during the defined periods).

6. The group of the stale significance includes:

a) swamps;

b) bodies of the surface water, which Water Fund lands, are located on the territory of two or more administrative-territorial units (regions) of Georgia;

c) Trans-border water bodies;

d) territorial waters and waters of the special economic zone;

e) substantial underground water resources.

7. The group of local significance includes all water bodies available on the territory of Georgia, except for the water bodies stipulated by paragraphs 5 and 6 of this Article.

8. Lists of the surface water bodies of particular state and state significance are made out and approved by the Ministry under the Order "On Approval of Lists of Surface Water Bodies of Particular State and State Significance", while the lists of underground water bodies of the state and local significance are approved by the Ministry and the State Department of Geology of Georgia under the joint Order "On Approval of Lists of Underground Water Bodies of the State and Local Significance".

Chapter II. Division of Competence in the Sphere of Governing Water-Associated Relations

Article 10. Competence of the Supreme State Bodies of Georgia in the Sphere of Governing Water-associated Relations

The following shall constitute competence of the supreme state bodies of Georgia in the sphere of governing water-associated relations:

- a) state policy determination in the sphere of water protection and use;
- b) adoption of legislative acts concerning water use and protection and control of the implementation thereof;
- c) establishment of specially authorised state bodies of water protection and use governing and control;
- d) creation of protected territories on the Water State Fund lands:
- e) establishment of the procedure for Fixing water-use fees, penalties for the actions causing pollution, depletion and other adverse impact and the amount of the damage caused:
- f) uniform state control over water protection and use on the land territory of Georgia, in the territorial waters, continental shelf and in the special economic zone:
- g) organisation of water protection and the state governing of its use:
- h) suppression of unauthorised water use and unwarranted economic activity on water bodies;
- i) coordination of activities of state bodies in the sphere of water protection and use:
- j) restriction or prohibition of water use on individual water bodies, including in the zone of historic and cultural monuments protection:
- k) state registration of water, the recording of its use and the maintenance of the Water State Inventory;
- 1) system of water state supervision and analysis (monitoring);
- m) working out of regulations for water protection and use, commercial production of water and trade in water, quotas- limits, uniform state standards and quality assessment methods and criteria;
- n) creation of an information collection related to water resources and use thereof (within the limits of the common information collected on natural resources as stipulated by the Law of Georgia "On the Entrails") and its disposal. Also, the establishment and maintenance of the procedure for carrying out of state statistics related to water resources and use thereof;
- o) working out and approval of multipurpose state water reserve, water use and protection plans, the water economy balance;
- p) conduct of the state ecological examination and issuance of an environmental permit on any activity which may adversely effect the state of water and its bodies in the course of its use within the limits

defined by the laws of Georgia "On an Environmental Permit" and "On the State Ecological Examination":

q) disposal of the water fund of the particular state and the state significance and of a mining allotment for operating .the underground waters within the limits of the approved plans, limits and programs of multipurpose water management and protection on the territory of Georgia:

r) granting of a license on commercial production of water:

s) carrying out of the uniform scientific and technical policy, the coordination, organization and financing of research, experimental and design and other works in the sphere of water use and protection;

t) conclusion of international treaties and agreements in the sphere of water use and protection;

u) financing of restoration work of the water bodies of particular state and state significance damaged as a result of a natural catastrophe.

Article 11. Competence of State Authorities of the Autonomous Republics of Georgia in the Sphere of Governing Water-associated Relations

1. The following shall constitute the competence of state authorities of the autonomous republics of Georgia in the sphere of governing water-associated relations:

a. the disposal of the surface water stale fund of the state significance, which

Water Fund lands are located only on the territory of the autonomous republics and of a mining allotment for operating .the underground waters within the limits of the approved plans, limits and programs of multipurpose water use and protection;

b) the exercise of controls over water protection and use on the territory of an autonomous republic;

c) the organization of water protection and the state regulation of its use on the territory of an autonomous republic:

d) the participation in the working out of multipurpose water use and protection plans and water-economy balances;

e) the supervision of measures for the rational water use and protection on the territories of the autonomous republics;

f) the state registration of water and its use on the territory of an autonomous republic:

g) the participation in the definition and implementation of the uniform scientific and technical policy of water use and protection in Georgia:

h) the carrying out of the uniform scientific and technical policy of water use and protection, the coordination, organization and financing of research, experimental-design and other work on the territory of an autonomous republic;

i) the restriction or prohibition of water use on individual water bodies of local significance within the territory of an autonomous republic. including in the zone of historic and cultural monument protection:

j) eradication of unauthorized water use and illicit economic activities on the water bodies within thee territory of an autonomous republic:

k) Financing of restoration work of the water bodies of the state and local significance damaged as a result of a natural catastrophe on the territory of an autonomous republic:

l) settlement of a dispute in connection with water protection and use on the territory of an autonomous republic within competence of the autonomous republic:

m) settlement of other matters related to water protection and use within the limits of competence established under legislation of Georgia.

Article 12. Competence of Local Self-government and Administration Bodies in the Sphere of Governing Water-associated Relations

The following shall constitute the competence of local self-government and administration bodies in the sphere of governing water-associated relations:

- a) the supervision of measures for the rational use and protection of water on the territory of local-government and administration bodies;
- b) the suppression of the unauthorised water use and economic activity on the water bodies on the territory of local self-government and administration bodies:
- c) the control over water protection and use on the territory of local self-government and administration bodies:
- d) the participation in the working out of multipurpose water-management and protection plans and water-economy balances:
- e) the State registration of water and its use on the territory of local self-government and administration bodies:
- f) the participation in the definition and implementation of the uniform scientific and technical policy of water use and protection of Georgia:
- g) the disposal of the State Water Fund of the local significance and a land allotment for operating underground waters within the limits of approved plans, limits and programmes of water use and protection:
- h) the restriction or prohibition of water use on individual water bodies of the local significance available on the territory of self-government and administration bodies, including in the zone of historic and cultural monument protection:
- i) the financing of restoration work of the water bodies of local significance damaged as a result of a natural catastrophe on the territory of self-government and administration bodies:
- j) the settlement of a dispute within their competence in connection with water protection and use on the territory of self-government and administration bodies within their competence:
- k) the settlement of other matters related to water protection and use within the limits of competence established under legislation of Georgia.

Article 13. Participation of Natural and Legal Persons in the Implementation of Water Protection and Rational Use Measures

1. Natural and legal persons participate in the activities to ensure water protection, rational and sustainable use under the procedure established by legislation of Georgia.

2. Natural and legal persons shall:

a) protect water from pollution and depletion;

b. assist bodies of state authority and public organisations in the implementation of water protection measures;

c) notify appropriate bodies about the known to them violations of the water legislation.

3. Natural and legal persons are entitled:

- a) to receive from bodies of state autonomy full timely and objective information (except for the information containing state 01 commercial secrets) on the state of water:
- b) to bring with a respective court an action against the natural or legal persons (including bodies of state power) who are in default of legislation of Georgia in (the sphere of water protection and use:
- c) to conduce to the implementation of appropriate state programmes:
- d) to participate directly in the water protection operations:
- e) to submit water protection improvement proposals.

Section II. General Part

Chapter III. Water Protection

Article 14. Planning of Water Protection Measures

1. Water protection measures are financed from the state budget of Georgia, as well as the budgets of the autonomous republics and bodies of self-government and administration, proceeding from the competence thereof.

2. Water protection measures are planned in compliance with the principles of sustainable development - on the basis of the country's sustainable development strategy, the national programme of environmental protection, the regional, departmental and local programmes of environmental protection actions and the management plans of environmental protection on the units of activity - in accordance with the laws of Georgia "On the Environment protection", "On the Entrails". "On the Wildlife". "On the System of Protected Territories" and other enactment's. The procedure of working out and periodicity of the country's sustainable development strategy, the national programme of environmental protection measures, the regional, departmental and local programmes of environmental protection actions and the management plans of environmental protection of the subjects of activity are defined by (he respective legislation of Georgia.

3. The planning of water protection measures comprises the working out and integration of the measures indicated in paragraph 2 of tins Article:

- a) in the indicative plans of economic and social development of Georgia, the autonomous republics and other administrative territorial units:
- b) in the land-utilization plans of administrative-territorial units (regions).
- c) in the settlement and development plans and projects:
- d) in the infrastructure projects:
- e) in the town and sectoral development plans:
- f) in the management plans of protected territories;
- g) in the perspective and management plans of the arrangement and management of foresties:
- h) in the plans, projects and programmes for use, protection and utilization of Forests, land. the entrails and other natural resources available on the territory of Georgia.

4. The planning and implementation of water-protection measures shall be subject to ensuring of the following basic requirements:

- a. the protection of water bodies from pollution. depletion and oilier adverse impacts which may damage the health of population. reduce fish reserves, deteriorate water-supply conditions and cause the worsening of physical. chemical, biological properties of water, the determination of the natural sell cleaning capacity, the violation of the hydrological and hydro-geological regime and other undesirable effects:

- b) the satisfaction of population's needs of drinking and household water in compliance with the respective state standard requirements;
- c) the protection of water bodies of the special scientific, aesthetic and recreation value;
- d) the undeviating observance of the regime established in the sanitation zone of the public water supply industry headwork's;
- e) the reliable forecasting and assessment of the environmental impact of the water-management operations and the taking of necessary measures for ensuring the security for the environment and population;
- f) the assignment of the category of a protected territory to individual water bodies:
- g) the preservation of diversity of the sea Fauna species:
- h) the presentation and protection of coastal areas and zones of the sea and other water bodies:
- i) the prevention of an adverse impact of the sea and the liquidation of its effects.

5. The water-protection measures within the protected territories are planned on the basis of this Act and the Law of Georgia "On the System of Protected Territories".

6. The water-protection measures within the sea coastal area are planned on the basis of this Act and the respective legislation of Georgia.

Article 15. Protection of Water from Contamination and Pollution

1. The dumping of industrial, household and other garbage and wastes in water bodies is prohibited.
2. Any placement or burial of toxic, radioactive as well as other hazardous wastes in the sea, other water bodies and the areas of their protection is prohibited.
3. The disposal of industrial, household and other effluents into water bodies is permitted on the basis of a license by the Ministry only in the cases and under the procedure stipulated by Articles 51 and 52 of this Act.
4. Owners of water transport, pipelines swimming and other facilities available on water bodies, timber-rafting organisation, as well as other natural and legal persons are obliged to prevent water contamination and pollution with oil timber, chemical, petroleum, mineral and organic fertiliser, pesticide and other product wastes.
5. The natural and legal persons engaged in timber rafting are liable to regularly clear the timber-rafting ways from the submerged and floating timber.
6. The floating of non-rafted timber is prohibited.
7. Natural and legal persons are liable to prevent the pollution of catchment basins, water reservoirs, snow and ice covers, glaciers, the permanent snow cover with industrial, household and other garbage, wastes and emissions which discharge will cause the deterioration of the underground waters' quality.
8. Land owners and users are liable to prevent the pollution of water with mineral and organic fertilizers and pesticides.
9. The piling of industrial and household wastes near the public water headwork's and in their sanitation zones, effluent irrigation, the construction of the facilities and other activity which may cause water pollution are prohibited.
10. Prohibited is the drilling of dead wells and the arrangement of seepage pits, as well as the operation and use of gas and oil fields, mines and open-cast collieries for discharging industrial and household waste water if this may cause pollution of the underground water-bearing horizons.

11. With the object of protecting the Black Sea and preserving its ecological system, all natural and legal persons (including foreigners) are obliged to take measures preventing pollution of the sea with waste water from the sources of pollution located on the land. ships, as a result of operations carried out on the continental shelf, during trans-border shipments. from the air, with hazardous substances and materials.

Article 16. Preventing Water Depletion

1. With the purpose of preventing water depletion:

a) prohibited is the carrying out of activities defined under the Law of Georgia "On Environmental Permit" without the environmental permit, which may adversely affect the state of water:

b) the special water use is allowed only under a license issued by the Ministry on the basis of multipurpose water-management and protection plans and water-economy balances approved thereby:

c) Prohibited is the recovery of underground waters with the object of extraction other mineral resources, the water level lowering in preventing projects, territories and facilities from the supposed flooding, the construction and operation on the reclaimed land of drainage systems without a water-use license:

d) gravity-flow prospecting holes as well as unfit for operation or unused wells shall be equipped with regulator devices or shall be laid up or liquidated under the procedure established by legislation of Georgia:

e) all underground water- scoops shall be equipped with devices ensuring regular observations of water regime and water discharge -for establishment water debit..

2. If during the prospecting and study of mineral resources, the carrying out of operations connected with the use of minerals, the construction and operation of underground structures the underground water-bearing horizons are opened, the person in charge of work shall, under established procedure, timely take measures to protect underground waters and immediately inform the State Geology Department and local self-government and administration bodies thereon.

3. With the purpose of preserving the natural regime of rivers, lakes, water reservoirs, underground waters and other water bodies, preventing soil erosion, the silting of water reservoirs, the deterioration of the water fauna habitat, the reduction of water course variability. etc., the protective forest zones shall be created with the carrying out of forest-amelioration, anti-erosion, hydrotechnical and other measures under the law-established procedure.

Article 17. Protection of the Black Sea Natural Resources

1. With the object of protecting the Black Sea fauna (fish, water invertebrates and sea mammals) and other living resources within the Georgian jurisdiction the state shall provide:

a) the imposition of bans and restrictions upon the use of the sea fauna objects and other living resources;

b) the protection of the habitat of sea wild animals, the reproduction conditions.. areas and ways of migration:

c) the creation of protected territories within the sea area:

d) the protection of wild animal species endangered with extinction and the financing of the creating and functioning of the genofund reservations:

e) the protection of the sea Fauna and other living resources from the unauthorised use and other violations:

f) with the aim of preventing the death of sea wild animals, the examination of the projects of those construction, industrial or technological processes which implementation may damage the animal kingdom:

g) the giving help to and saving of sea wild animals under emergency conditions resulting From a natural disaster or oilier reasons:

h) the financing of the research aimed at the elaboration and perfection of methods to protect the sea fauna and other living resources:

i) the establishment of the status of species for individual sea wild animals:

j) the propagation of protection of the sea fauna and other living resources through mass media.

2. The fishing of small cetaceans is prohibited, except for the cases provided for in the Law of Georgia "On the Animal Kingdom".

3. The submarine chasing of sea mammals is prohibited.

4. The use of the sea fauna objects within the Georgian jurisdiction may be exercised by foreign natural and legal persons only on the basis of international treaties and agreements. With this object the Ministry shall:

a) once every five years, establish the annual permissible fishing rate for each individual object of the sea fauna allowed for the use (the natural resource use quota) and part of the rate which- on the basis of international treaties and agreements of Georgia, may be transferred into the use to foreign natural and legal persons under the regulations "On the rates of loading on the environment" stipulated by the Law of Georgia "On Protection of the Environment". The annual permissible fishing rate (quota) for each individual object of the sea fauna allowed for the use is determined under the Regulations "On the Procedure for Establishing the Natural Resources Use Quotas" stipulated by the Law of Georgia "On Protection of the Environment"

b) where necessary, the state shall, together with the State Department for the State Border Defence, allocate individual regions of the sea where foreign natural and legal persons may engage in the fishing (hunting) of the sea fauna objects. The allocation of such a region (regions) shall be under the joint order by the State Department for the State Border Defence and the Ministry "On the Approval of an Individual Region (Regions) of the Black Sea Allocated for Fishing (Hunting) of the Sea Fauna Objects to Foreign Natural and Legal Persons".

5. The protection of the anadromous fish species (the fish species whose mass seasonal migration takes place against the steam) of the Georgian rivers shall be effected through the creation of the necessary for their reproduction conditions, the habitat preservation, the establishment of fishing regulations, the establishment of general fishing (hunting) rates within the territorial waters of Georgia, its special economic zone and beyond Land through other measures provided for in the laws of Georgia.

6. The observance of measures and regulations in connection with the anadromous fish species of the Georgian rivers beyond the special economic zone of Georgia shall he secured on the basis of an agreement between Georgia and their states concerned.

7. The fishing of the anadromous fish species of the Georgian rivers by other states concerned beyond the special economic zone of Georgia shall be effected under an agreement made between Georgia and these states.

8. The extraction of chemical substances available in the Black Sea water within the Georgian jurisdiction for commercial purposes shall not be allowed without the environmental permit and the water-use license issued by the Ministry.

9. The unauthorised construction and erection of necessary structures and facilities in the sea for performing operations connected with the study, extraction and processing of natural resources of the continental shell of Georgia is prohibited. A permit for such activity shall be issued by the Ministry and the Stale Technical Supervision Inspection in coordination with the State Department for the State Border Defence under the procedure established by Georgian legislation.

10. A safety zone, which extent radius owing to the peculiarities of structures and devices may reach 500 meters shall be provided around the necessary structures and devices in order to carry out the

work associated with the study. extraction and processing of natural resources of the continental shelf of Georgia. When operating the structures and devices the following conditions shall be observed:

a) these structures and devices and the safety zone thereof may not be located in the sea sections intended for international navigation lanes:

b) a ship may enter the safety zone of these structures and devices only under a special permit to be issued by a natural or legal person - holder of these structures and devices, in co-ordination with the State Department for the State Border Defence:

c) a natural or legal person - holder of the structures and devices, shall ensure protection of these structures and devices, their keeping in operable state, the carrying out of measures for protecting the sea living resources in the safety zone:

d) the structures and devices which operation has been finished in full or suspended shall under decision of the competent state, agencies, be subject to liquidation in accordance with the procedure established by Georgian legislation and withdrawal from the sea.

11. The requirements of the Law of Georgia "On the State Border of Georgia" shall be complied with during the economic, fishing and research activities in the frontier zone of Georgia. A natural and legal person who intends to engage in such activities shall notify the State Department for the State Border Defence thereon in the procedure and from established by the latter. The notice shall indicate the nature of the economic, fishing and research activities, the technology and technical facilities used, as well as the place, time and length of operations performed, the number of participants and personality of the responsible persons.

12. Natural and legal persons shall be provided with material and more incentives for promoting protection of the sea wildlife in compliance with Georgian legislation.

13. In exceptional cases with the purpose of protection, preservation and reproduction of individual objects of the sea wildlife, other living organisms, the continental shelf resources the Ministry is restrict or prohibit the use of the resources in the whole area of distribution or in the part thereof under the procedure established by Georgian legislation.

14. Other requirements related to the protection of the Black Sea natural resources within the jurisdiction of Georgia shall be governed under the laws of Georgia "On the Environment Protection". "On the Animal Kingdom", "On the Entrails". "On the System of Protected Territories" and other enactments.

Article 18. Location, Design, Construction and Commission of an Enterprise, Structure and other Facility Affecting the State of Water

1. When locating, designing, constructing and commissioning a new or reconstructed enterprise, structure and other facility, as well as in introducing new technological process that affect the state of water, the rational water use shall be secured with due regard for population's health care requirements and the first-priority satisfaction of drinking and household water needs. At the same time, due attention shall be given to the measures ensuring safe accounting of water abstracted from and returned to water bodies, the protection of water from contamination, pollution and depletion. the avoidance of the unfavourable water impact. the restriction of land flooding up to minimum necessary level, the protection of land from silting, swamping or drying up. as well as the environmental protection and landscape preservation.

2. When locating, designing, constructing and commissioning a new or reconstructed enterprise, structure and other facility on fish ponds, the measures ensuring conditions for the protection and reproduction of fish. other objects and plants of the wildlife shall be carried out together with the meeting of the requirements stipulated by the first paragraph of this Article.

3. When designing, constructing and operating in new or reconstructed enterprise, structure and other facility, as well as in introducing new technological process the following conditions shall be observed:

a) the purification of waste water to be discharged in a water body up to the fixed standard;

- b) a natural reservoir may not be used for effluent dilution;
 - c) the wastewater irrigation may not be applied to the land devoid of the underground water regime and composition-monitoring network.
4. The following may not be commissioned:
- a) a new or reconstructed enterprise, shop, terminal, set, municipal and other facilities, unless they are properly equipped to prevent water pollution or its adverse impact;
 - b) the irrigation and water supply system, water basin and canal, unless the project-stipulated measures for preventing the land swamping, water stagnation and alienation, soil erosion are carried out;
 - c) drainage systems - unless the water-inlet header and other structures are ready in accordance with the approved projects;
 - d) the water intake works - unless, pursuant to the approved projects, they are equipped with a fish facility;
 - e) hydraulic structures - unless, pursuant to the approved projects, the flood protection, fish conservation work and riverbeds are ready, as well as the Black Sea coast-protecting measures are secured;
 - f) underground water intake works and wells - devoid of water-regulating and underground water monitoring equipment and without the defined sanitation zones, where appropriate:
 - g) oil pipeline and terminal - devoid of water-protecting, oil-leak detecting, control, measuring, oil trapping Facilities and devices in the places of water bodies most liable to oil contamination, the emergency (including information) service;
 - h) self-propelled vessel and barges devoid of the on-board service and sewage water collectors.
5. A water reservoir shall not be filled, unless the project-stipulated measures for its lied preparation are carried out.
6. The site of an enterprise, structure and other project affecting the state of water shall be coordinated with the Ministry, the Slate Geology Department, the Stale Sanitary Supervision, local self-government and administration bodies, as well as other bodies in the cases and under the procedure established by Georgian legislation.

Article 19. Water-protecting Strip

1. Water-protecting strips include the coastal (bank) strips of rivers, lakes, reservoirs, the right of way of main and other canals well as other strips stipulated by laws.
2. The construction, deepening of the bottom and blasting operations, the extraction of mineral resources peat, sapropel, sunk wood, the laying out of a cable, pipeline and other communications, wood cutting, drilling and other activity in water bodies and water-protecting strips shall be carried out on the basis of an environmental permit for a concrete activity and under the license and the procedure established by the laws of Georgia.
3. The procedure for fixing the limits of a water-protecting strip, a list of the permitted in the strip operations, their conditions and regime are defined under the Statute "On a Water-protecting Strip" to be worked out by the Ministry in coordination with the Ministry of Health, the State Department for Land Management and Forestry of Georgia and approved by the Ministry.

Article 20. Water-protecting Strip of a River

1. The water-protecting strip of a river is its adjacent territory, wherein a special regime to protect water resources from pollution, sitting and depletion is established.

2. The water-protecting strip may include the dry riverbed, its adjacent terraces, the elevated and slopy banks, as well as the ravine immediately abutting upon the riverbanks.

3. The river water-protecting strip's width is counted off from the riverbed edge to both sides in meters under the following procedure:

a) for a river with a length of up to 25 km -10 meters:

b) for a river with the length up to 50 km- 20 meters:

c) for a river with the up to 75 km length -30 meters:

d) for a river with the length of over 75 km -50 meters.

4. The following is prohibited within tills strip:

a) the construction or expansion and reconstruction of the operating enterprises, except for the cases directly provided by the law:

b) the application of pesticides upon perennial plants, crops and forests through aerial spraying:

c) the accumulation, storage or burial of pesticides and mineral fertilisers, as well as various household, economic and industrial wastes.

5. Hydraulic works located in the water-protecting strip shall generally be equipped with the appropriate technical facilities in order to completely exclude a possibility of river pollution and contamination.

Article 21. Sanitation Zones

1. In order to protect the water used for drinking, household water supply for the therapeutic and recreational purposes, sanitation zones are created in accordance with Georgian legislation.

2. The existing or constructed general-purpose water pipeline or the industrial water pipe-line, which is also applied or may be applied for the public water supply, shall be provided with the sanitation zone of the surface and underground water bodies which serve as the source thereof.

3. The sanitation zone of water-supply water bodies is divided into three belts, each having a special regime.

4. The first belt (the strict-regime zone) comprise the territory where the water body is located, within the water-abstraction regions and the water-supply facilities. Where necessary, proceeding from the special sanitary indicators and on the basis of special studies, the first belt may also include the territory adjoining the water-abstraction regions and water-supply facilities. The following is not permitted in the first belt:

a) residence and temporary staying of the persons who are not directly associated with the water pipeline facilities, except for the persons who, proceeding from the technical requirements of the water pipeline, are included in the manning table of the maintenance personnel, and apart from the persons defined by Georgian legislation:

b) any construction, except for water pipeline facilities, the location of any residential or administrative buildings; the extraction of inert material; the laying of a pipeline (except for that required for serving the water pipeline facilities); the discharge of effluents, swimming, cattle grazing and watering, washing, fishing, the application of pesticides for protecting plants.

5. The second belt comprises the territory immediately bordering water-supply water bodies and their tributaries. The following is not permitted in the second belt:

a) the application of the territory or water bodies which may lead to a quantitative or qualitative deterioration of water:

b) construction, the destruction of vegetation cover, the lying of railways and motor roads. the application of land parcels for agricultural purposes. Any sport and recreational events in the belt shall be allowed only subject to decisions by the Ministry and the State Sanitary Supervision bodies.

6. The third belt comprises the territory bordering the second belt, which improper condition may cause the chemical pollution of water.

7. The sanitation zones of water-supply water bodies in each populated locality are established and divided into belts by local government bodies on the basis of a preliminarily worked out project and approved by the state sanitary supervision bodies under the law-established procedure.

8. Borders of each sanitation zone of water-supply water bodies shall be accurately defined on a map, while borders of the first belt of a zone shall be fenced, marked by appropriate marks (inscription-bearing poles, etc.) and provided with a guard service.

9. Local self-government and administration bodies shall notify population about the sanitation zone of water-supply water bodies and border of the belts thereof

as well as the regime application within the zone..

10. Necessary sanitation measures shall be carried out within the sanitation zone of water-supply water bodies by decision of local government bodies.

11. A list of and procedures for the sanitation zone establishment, its borders' determination, its division into belts and the activities allowed therein are defined by the Statute "On Sanitation Zone of Water Bodies Used for Drinking and Household Water Supply. Therapeutic and Recreation Purposes to be worked out and approved under the Order of the Ministry of Health of Georgia."

Article 22. Requirement of Land Use Water-protecting Strip

1. Lands of a water protecting strip may be transferred in the possession or use of natural and legal persons on condition that the activity restrictions stipulated by this Act are observed.

2. The restrictions stipulated by this Act apply to the land plot or part thereof being possessed or used by natural or legal persons, provided that the land plot or part thereof is within the water-protecting strip.

3. The water-protecting strip lands are transferred into the possession or use under the procedure established by land legislation of Georgia.

4. The use of land within a water-protecting strip is controlled by the Ministry, the State Department of Land Management, of the appropriately authorized state bodies and local self-government and administration bodies within the competence defined by Georgian legislation.

Article 23. Requirements of Forest Use in a Water-protecting Strip

1. The economic activity regime in the water-protecting strip forests shall be directed at the preservation of natural water properties.

2. Any cutting in the water-protecting strip forest is prohibited. Allowed are only those forest economic measures, the carrying out of which ensures the protection of water bodies from pollution, contamination and depletion.

3. The procedure and form of granting the water-protecting strip forest-use license are defined by the forest legislation of Georgia.

4. The forest-use within a water-protecting strip is controlled by the Ministry, the State Department of Forestry of Georgia and local self-government and administration bodies within the competence defined by Georgian legislation. The Ministry is authorised to suspend or prohibit forest-use if it adversely affects the state water.

Article 24. Water Protection by a System of Protected Territories

1. In order to protect and restore the most important national heritage - water, unique, rare and characteristic ecosystems, plant and animal species, natural formations and cultural areas. to ensure their scientific, recreational and sound economic use, individual water bodies may be given the appropriate category of a protected territory under procedure established by the Law of Georgia "On a System of the Protected Territories".

2. The regime of protection and use of a water body given the category of a protected territory or the water bodies located within a protected territory is defined by the laws of Georgia.

3. The inclusion of water bodies of Georgia into the international network of protected territories (biosphere reservation, world heritage area, region of excess moisture of international significance) is carried out in compliance with standards established by international treaties and agreements.

4. The legal regime of protection and use of the protected territories included into the international network is defined under international treaties and agreements and the laws of Georgia.

5. A reserve inventory of water bodies is formed with the purpose of creating the perspective network of water bodies given the category of a protected territory.

6. A reserve inventory of water bodies is formed on the basis of water objects relating to the group of particular state significance.

7. The procedure for forming the reserve inventory of water bodies is worked out and approved in coordination with the State Department of Land Management of Georgia by the State Department or Protected Territories. Reserves and Hunting Grounds of Georgia under the order concerning the approval of the Statute 'On a Reserve Inventory of Water Bodies formed on the Basis of the Water Bodies Relating to the Group of Particular State Significance with the Purpose of Creating a Perspective Network of Water Bodies Given the Category of Protected Territories.'

8. Borders of the reserve inventory water bodies are defined in coordination with the State Department of Land Management by the State Department for Protected Territories. Reserves and Hunting Grounds of Georgia under the order concerning the approval of the Statute "On a Reserve, Inventory of Water Bodies Formed on the Basis of the Water Bodies Relating to the Group of Particular State Significance with the Purpose of Creating a Perspective Network of Water Bodies Given the Category of Protected Territories". The borders in each concrete case are changed under the corresponding order of the State Department for Protected Territories., Reserves and Hunting Grounds of Georgia, in coordination with the State Department of Land Management of Georgia

Chapter IV. Prevention of Adverse Water Impacts and Liquidation of their Effect

Article 25. Responsibility of Natural and Legal Persons for Preventing Adverse Water Impacts and Liquidating Their Effects

1. Natural and legal persons engaged in the use and protection of water bodies are obliged to implement measures for preventing adverse water impacts and liquidating their effects in coordination with the Ministry, local self-government and administration bodies or at instructions thereof.

2. The following is meant under the adverse water impacts:

a) flood, impoundment and inundation:

b) marginal degradation, destruction of embankments, dikes and other protecting structures:

c) land bogging and salinization:

d) soil erosion, the occurrence of landslides, mudflows and other adverse effects.

Article 26. Flood Types and their Effects

1. An adverse flood effect may include:

a) the stream-bed degradation and deformation, the wash-out or collapse of banks and slopes:
b) the damage, break-through and destruction of protecting (embankments, dike, etc.) and hydraulic (water diversions, dams, etc.) structures and works.

c) the Hooding of populated localities, arable lands, forests, bridges, motor and railroads, industrial and other economic facilities, as well as their washout, destruction, damage and the disturbance of normal operating conditions thereof.

2. The Following flood types are defined according to conditions of runoff and formation of levels:

a) spring and water Hood:

b) rainfall and storm flood:

e) torrential flood.

3. An expected flood, according to the level of magnitude and danger, is conventionally divided into three categories:

a) a dangerous event:

b) a n especially dangerous event;

c) a natural disaster.

4. A dangerous event is characterised by an annual or repeated usual flood which conditions the water level rise and insignificant wash-out of the river-bed, as a result of which the normal operation of the facilities of local significance may be disturbed (temporary flooding of developed lands, washing and damage of roads, communication and electricity transmission lines, temporary delay in operation of municipal communication and transport systems, etc.).

5. An especially dangerous event is characterised by a flood or mudflow conditioning a partial flooding of the territories of towns and populated localities, railroads and motor-roads. as well as of large economic facilities and agricultural lands, which may result in:

a) electricity supply cuts and communication facilities failure for 6 hours and more;

b) the suspension or-termination of water and power supply to towns and large industrial objects, as well as the disturbance or discontinuation of the city transport operation for 24 hours and more:

c) a partial destruction and damage of houses, administration and production buildings and structures.

6. A natural disaster is characterised by the especially dangerous and rarely repeated flood and mudflow causing the substantial flooding of arable lands, the mass destruction and damage of specially significant economic facilities. residential houses, production buildings and structures and other objects, as well as the resettlement of population from the dangerous area and damaged houses.

7. The notification of an expected danger is effected in accordance with the given gradation and indication of the event nature.

Article 27. Flood Control and its Effect-Liquidation Work Supervision System

1. Special standing commissions composed of officials from the state administration and local government bodies are set up for the organisation of work against a flood and liquidation of its effect.

2. Instructions of the said commissions within their competence are binding for all natural and legal persons.

3. The following commissions are established:

a) with the President of Georgia - the State Extraordinary Flood Control Commission;

b) at the Councils of Ministers of autonomous republics - the Hood Control Commissions of Autonomous Republics:

c) at local government bodies - the district and city flood control commissions:

d) at state administration establishments -the departmental Hood control commissions.

4. The flood control work and operations for liquidating its effects during dangerous events are directly supervised by the district and city flood control commissions.

5. The flood control work and operations for liquidating its effects during especially dangerous events are supervised by the flood control commissions of autonomous republics, the district and town commissions which coordinate activities of the departmental flood control commissions. These commissions provide the

State Extraordinary Flood Control Commission with information concerning the progress of work in the course of implementation thereof.

6. The operational supervision of activities of the flood control commissions during a natural disaster is exercised directly by the State extraordinary Flood Control Commission.

7. The procedure for preventing a flood and other adverse water impacts, liquidating its effect and implementing other urgent measures, restricting activities, establishing powers of commissions, their staffing and operation is established under the Statute "On the Organisation in Georgia of the Struggle against floods and other Adverse Water Impacts and liquidation of their Effects" to be approved by e Order of the President of Georgia.

Article 28. Financing of Flood-related Work

The work concerning the forecasting of Hoods, the liquidation of their effects and the restoration is financed from the state budgets, the budgets of autonomous republic and other territorial units in the cases and under procedure established by Georgian legislation, as well as by donations of natural and legal persons.

Article 29. Emergency Ecological State and Emergency Ecological State Area

1. The state of emergency is announced on the territory where, as a result of a flood or other adverse water impact, the environmental state has deteriorated or the ecological balance has been upset, the human health and life, the flora and fauna have been endangered and the created situation is considered as the ecological catastrophe.

2. An emergency ecological state or ecological disaster zone is created on the territory where the state of emergency has been declared.

3. The zone of emergency ecological state or ecological disaster is declared and annulled by the President of Georgia.

4. The regime of the emergency ecological state or ecological disaster zone is established by Georgian legislation.

Chapter V. Water Use

Article 30. Water-use Body

1. The water bodies indicated in Article 7 of this Act are subject to use.

2. The utilization of water bodies, which under this Act are of the particular slate significance or of the special scientific and cultural value, may be prohibited in full or in part under procedure established by Georgian legislation.

Article 31. Water-use Types

1. The utilization of water comprises:

a) the abstraction or transfer of water from a water body, its impoundment, the artificial change of water level or flow direction:

b) the removal of substances from water bodies or application of substances and discharge of waste waters into them:

c) the creation and operation of multipurpose structures which influence the condition of water:

d) the study of groundwater's.

2. Georgian legislation may also provide for other types of water use.

3. The water utilization is exercised in the general and special water-use form.

Article 32. General Water Use

1. The general water use is carried out for satisfying non-industrial, personal (individual) drinking and household, aesthetic, recreational, sanitation and other requirements without the application of the structures and facilities which influence the condition of water.

2. The general water use for the purposes stipulated by paragraph one of this Article may also be effected by means of the simplest structures and facilities which are not registered in the State Inventory of Water Resources (pond, groundwater shall well, etc.) and are located on the land plot being in the possession or use of a natural or legal person.

3. The general water use is free of charge.

4. The general water use is effected without a license with the observance of the requirements stipulated by legislation of Georgia.

5. The underground water use for the purposes as per paragraph one of tills Article by arranging a shaft well, a eased filtrated well and tapping of springs, unless they lead to the compulsory water-level decline, is effected in the form of general water use.

6. The arrangement of a shaft well, a case filtrated well as well as the tapping of springs in the form of general water use is subject to registration with local government bodies.

7. The registration form and procedure are defined by the Statute "On the Procedure for Registering the Simplest Structures and Facilities to Implement General Groundwater Use" to be worked out and approved by the Ministry.

Article 33. Special Water Use

1. The special water use is carried out with the application of such structures and technical facilities which influence the condition of water.

2. Sometimes the special water use may also include the use of water bodies without applying structures and technical-facilities if such use influences the condition of water.

3. Water bodies may be transferred in the special use for the purposes as follows:

a) for drinking and household application:

b) for recreation (rest, sport, tourism, spa treatment, etc.);

c) for studying (groundwater):

d) for Industry:

e) for agriculture:

f) for hydraulic power engineering and hydraulic construction:

g) for fish-breeding and fishing and trade of other water wildlife and plant resources:

h) for hunting grounds:

i) for the purposes of water and air transport:

j) for discharge of drainage, storm, used and other waste waters from mine and quarries:

k) for timber rafting:

1) for extracting mineral resources, including non-metallic mineral resources, peat, sapropel, sunk wood, the diluted in water and suspended (colloidal) substances, as well as for executing the construction of hydraulic structures the arrangement of pipelines and communications and other work:

m) for burial of the natural material extracted in the course of construction or reconstruction of wharves and ports or fairway deepening within the given water body area;

n) for abstraction or transfer of water. ponding, the artificial changing of its level or flow.

4. Water bodies may be transferred into the special use for other purposes as well in accordance with Georgian legislation.

Article 34. General Water Use on a Water Body Transferred into Special Use

1. The general water use on a water body transferred into the special use is allowed subject to the observance of the terms and conditions, established by the license holder in accordance with the license-granting state body. or may be prohibited where necessary.

2. A water user shall announce the general water-use terms or their prohibition on the water body transferred into the use thereby.

3. In the case of non-announcement of such terms or the prohibition, the general water use shall, in accordance with the water legislation, be recognised as permitted and unrestricted.

Article 35. Joint and Separate Water Body Use

1. A water body may be transferred into special use in full or in part, in the joint or separate possession with one or several purposes.

2. A water body or parts thereof may be transferred into joint use to several natural and legal persons.

3. In making the joint use of a water body, water users shall take into account and meet mutual interests and protect rights of the parties within the limits of the water body and its basin.

4. One deposit of groundwater's shall be treated by several users under a coordinated technology scheme to exclude its irrational utilization. In such case the coordination of water users subject to their agreement may be entrusted to a certain enterprise. The said conditions are fixed in a license.

5. The groundwater study work within one and the same geological allotment may be performed under different licenses.

6. Other activities within a mining allotment may be carried out by other persons only subject to consent of the license holder on the basis of a contract concluded there between.

7. The water-use right is not subject to transfer.

Article 36. Satisfaction of Population with Drinking and Household Water

Water bodies are transferred into use first of all with the aim of satisfying the demands of population for drinking and household water.

Article 37. Land Allotment

A land allotment is a parcel of land to be allocated to a water user when transferring a water body or part thereof into use within the limits of a mining allotment, provided he is engaged in the groundwater utilization, or From the water body's water inventory lands (or its adjacent territory), when utilizing surface waters.

2. The limits of a land allotment in each concrete case are defined by the Ministry in coordination with the State Land Management Department.

3. A land allotment is an integral constituent part of the water-use license and is automatically issued together with the water-use license under procedure established by the land legislation of Georgia.

Article 38. Water User

1. A water user may be a natural or legal persons including an alien, irrespective of the form of ownership, under procedure established by laws of Georgia.

2. A user of groundwater's under a special form may be a subject of entrepreneurial activity, in compliance with the laws of Georgia.

3. A water user shall enjoy all rights as listed in the license and shall be responsible for complying with the terms and conditions thereof.

Article 39. Rights of Water User

1. A water user is entitled:

a) to use water bodies in the general use form:

b) to use water bodies in the special use form, pursuant to the license, under established procedure;

c) to apply his labour results, including Inc produced water, in accordance with the water-use and water commodity production licenses and the laws of Georgia;

d) to engage in management within the limits of the allocated land allotment with the license-stipulated object, unless it runs counter to the applicable legislation;

e) to apply to the license-granting body for altering the license-stipulated terms and conditions in the event of a substantial change of the situation due to the reasons beyond his control;

f) to enjoy the priority right in extending the license validity;

g) to bring an action for damages resulting from the illegal actions by natural and legal persons leading to the water body's pollution, contamination and depletion, under procedure established by law;

h) to appeal against the decisions of executive bodies and officials which violate his rights on water use under established procedure.

2. Any activity which may be carried out within the limits of a water body transferred into use is allowed only with the consent of the license holder.

3. The land owner and water user may use water bodies located on his territory without a license only in the general water-use form, provided it does not damage other natural and legal persons and the condition of water.

4. The water user may also have other rights provided for in the laws of Georgia.

5. The rights of a water user may be widened or curtailed in accordance with the laws of Georgia.

6. The rights of a water user are protected under law and are subject to restitution where violated.

Article 40. Restriction of Rights of Water Users

1. In the event of an especial lack of water, the risk of the occurrence of an emergency situation, epidemic, epizootic on a water body, a natural disaster and under other extreme or other circumstances stipulated by the laws of Georgia, the rights of water users may be restricted with a view to safeguard the population health as well as in the interests of other water users.
2. The restriction of the rights of water users effected in the implementation of urgent measures aimed at preventing a natural disaster resulting from the adverse water impact and eliminating the consequences thereof is dealt with in Chapter IV of this Act.
3. The special water-use right may be restricted by the body which has transferred this body into special use.
4. The general water-use right may be restricted with a view to protect the life and health of population, to protect fish and with other object. With this purpose the local-government bodies shall, on presentation by (he Ministry and state sanitary supervising bodies, define the places where swimming, boating, taking water for drinking and household needs, watering of cattle, fishing and other alike activities are not allowed.
5. A body of local self-government and administration is required to make public the terms of the general water-use restriction established thereby.
6. In the exceptional cases, the procedure and rules of restriction of the rights of water users (except for during the adverse water impact) shall be defined under the Statute "On the Restriction of Water Users' Rights in Particular Cases" to be worked-out and approved in coordination with the Ministry under order by the Ministry of Health of Georgia.

Article 41. Liabilities of Water User

1. A water user is liable:
 - a) to make use of water bodies only with the purposes and within the scope defined by the license;
 - b) to secure the rational water use and take care of the presentation and restoration of the quality thereof;
 - c) to prevent the violation of other water users' rights and the damage to economic or natural objects; where such occurrences still happen, the water user shall compensate for the damage caused under the law-stipulated procedure;
 - d) to keep in order the water treatment and other facilities, engineering works which influence the condition of water, to improve their operational level;
 - e) to keep the water-use accounting in compliance with the law-established procedure;
 - f) to submit to the state unified information collections of natural resources of the Ministry and of the entrails (groundwater's) of the State Geology Department any information concerning water use, under procedure established by the laws of Georgia;
 - g) to secure the presentation of wells in a state that would enable their future use and the abandonment of those unfit for operation in the established manner;
 - h) to provide the unlimited access of representatives of the authorised state supervising bodies to its equipment, structures and facilities; to furnish all necessary information and documents to the controlling bodies at the first request thereof;
 - i) to strictly observe the safely regulations.
2. A water user is liable to comply likewise with other water protection and use requirements stipulated by legislation of Georgia.

Article 42. Water Use Period

1. Water bodies are transferred into the unlimited, long-term and short-term use.
2. The unlimited water use period applies to a water body or parts thereof to be used for the centralised supply of population with drinking and household water.
3. The short-term use is defined up to 5 years, while the long-term use - up to 25 years.
4. A license for waste water discharge into the surface water bodies is issued for a five-year period.
5. The groundwater-use period is fixed under the Law of Georgia "On the Entrails".
6. The general water use is not restricted in terms of time.
7. The water use period is calculated as of the date of state registration of the appropriate license.

Article 43. Refusal of Granting Water Use Right

1. A water-use license is not granted:
 - a) if the application for its obtaining has been filed in violation of the established requirements;
 - b) if the applicant has presented the incorrect personal data;
 - c) if the applicant has failed to or cannot present the document evidencing that he has or will have the necessary financial or technical possibility to ensure the safe and effective work performance;
 - d) if the applicant has failed to present the environmental permit in the cases and under the procedure defined by the Law of Georgia "On an Environmental Permit".
 - e) if water use may cause such damage to the environment, public or private interests and especially to the drinking and household water supply to population that cannot be prevented or compensated;
 - f) a waste water discharge license is not granted if the waste water amount and the qualitative indicators thereof do not comply with the environmental requirements;
 - g) if the water user has not presented the water-use license receipt.

Article 44. Invalidation of Water Use Right

The water use right is invalidated upon:

- a) gross violation of a contest or auction terms;
- b) refusal on the part of the claimant to pay license fees;
- c) violation of the requirements of antimonopoly legislation of Georgia;
- d) establishment of the fact of dealing aimed at the illegal liberalisation of the license terms and the reductions of fees due;
- e) assignment of illegal privileges to any claimant;
- f) violation of the environmental legislation;
- g) violation of sanitary regulations and standards in the cases stipulated by Georgian legislation;
- h) other grounds provided for in Georgian legislation.

Article 45. Grounds for Cessation and Termination of Water Use Right

1. The water use right shall cease if:

- a) the water user refuses to use the water body or part thereof;
 - b) the water-user license period has expired;
 - c) the water-user - natural person has died:
2. In the event of long conservation of the water-producing enterprise or violation of the conservation terms, which may damage the water body, the Ministry may invalidate the given license.
 3. Water use shall be restricted, terminated or ceased before due:
 - a) if the water user has violated Georgian legislation or the conditions stipulated by the license;
 - b) if the life and health of the people working or living in the area of work related to water use has been endangered;
 - c) the water user has violated rules and standards concerning water protection and use, safety of work, sanitary norms, as well as other environmental protection regulations established under the effective laws;
 - d) under conditions of the state emergency (natural disaster, military operation, etc.);
 - e) if the user has not initiated water use in compliance with the terms and requirements defined by the license;
 - f) in the event of liquidation of the enterprise, on which the license has been issued.
 4. The water use right may be ceased likewise in the event where the user is regularly violating the water protection and use regulations, limits and other requirements.
 5. Water use may be restricted or prohibited by President of Georgia under the applicable law-established procedure with the aim to protect the environment or monuments of history and culture.

Article 46. Procedures of Ceasing and Terminating Water Use Right

1. In the cases stipulated by Article 45(3) "b", water use shall be ceased as soon as the decision is made and the water user be notified in writing.
2. In the cases provided for in Article 45(3) "a", "c", "e", the decision on the water use right cessation shall be made following a month as of the date of receipt by the water user of the written notice concerning the violations made by him and the non-implementation of measures for eliminating them.
3. In the cases provided by Article 45(3) "d". water use shall be ceased upon occurrence of the circumstances indicated in this subparagraph.
4. In the cases provided by Article 45(3) "b" and "c", the decision on the water use restriction, cessation or termination shall be made by the Ministry and the Ministry of Health of Georgia; in the cases as per paragraphs "a". "b", "c" and "d" - by the Ministry or the State Technical Supervision Inspection in coordination with the Ministry, while in the cases as per paragraphs "e" and "f" - by the Ministry only.
5. The water use right may be ceased before due on the water user's initiative, on which the Ministry shall be notified in writing.
6. Upon cessation or temporary suspension of the water use right, the water-taking system or the related structure shall be liquidated, or be conserved in full or in part.
7. During the full or partial liquidation or conservation the underground structures and well shall be brought to the state wherein the life and health of population would not be endangered, as well as the environment and the existing buildings and structures. Recultivation measures must be implemented during the complete liquidation.

8. During the liquidation or conservation of a water-taking system or alike structure, the geological, hydrogeological, mine-surveying or other documents reflecting the state of affairs at the date of completion of the work shall be delivered to the Ministry in the case of surface waters, or to the State Geology Department in the case of groundwater's.

9. The liquidation or conservation of a water-taking system or alike structure is considered completed from the moment when the appropriate report has been signed by the State Technical Supervision Inspection.

10. During the water use right suspension before due, the liquidation or conservation of an enterprise is effected under the law-established procedure. Expenses in connection with the liquidation or conservation are borne by the water user, provided water use has been suspended owing to the reasons as per Article 45(3) "a", "b", "c" and "e" and on the water user's initiative.

11. The conservation and liquidation expenses of the enterprise shall be borne by the state if water use has 1 been suspended owing to the reasons as per Article 45(3)"b" and where the enterprise has no fault, as I well as owing to the reasons as per paragraph "d". paragraph 3 of the same Article.

12. If the condition and terms causing the water use right's suspension or restriction are eliminated, this right may he resituated to the full extent. At the same time, the period, during which water use was suspended, will not be included in the total period of the license, provided the suspension or restricting, was not caused through the water user's fault.

13. Where, following the license grant new kinds of valuable components associating groundwater are revealed or the difference between the approved and actual water reserve, or other water use-associated conditions have changed, the state examination of the geological and hydrogeological material shall take place with the revision of the license terms.

14. In the event of changing the water realisation-associated conditions, the license holder may temporarily suspend the work and conserve the water-producing enterprise for the established time, or effect its liquidation with the consent of the Ministry. In such cases the conservation time shall be included in the total license period.

15. The water use right is terminated by way of the license revocation.

16. Where the water user does not agree with the decision on the water use right suspension, termination or restriction, he may appeal against it in a court.

17. The water use right suspension shall not release from the responsibility for the compensation for the damage caused through violation of the water legislation.

18. The procedure and regulations for the water use right restriction, suspension or termination are defined by the Statute "On the Water Use Right Restriction, Suspension or Termination Procedure" to be worked out and approved under order by the Ministry in coordination with the Ministry of Health of Georgia.

Article 47. Compensation of Damage Caused by Implementation of Water Management Measures, Water Use Suspension or Alteration of Terms

The damage caused to a natural or legal person by the implementation of water management measurers (hydrotechnical work. etc.), the water use suspension or the alteration of terms shall be compensated for in (he cases and under procedure established by the laws of Georgia.

Article 48. Water Use License

1. Water use in the special form is effected on the basis of a license.

2. License is the only formal document evidencing the water use right.

3. License is the only ground for allocating and transferring into use land and a mining allotment.

4. A water-use license approves the water use conditions and form, including the terms of concession. It may also provide for other conditions which do not run counter to Georgian legislation and this Act.

5. A water-use license is granted to the water user proper without the right of alienation thereof.

6 According to the water use types, the license is granted:

- a) for abstracting water from surface water bodies;
- b) for groundwater use (abstraction and study);
- c) for discharge of effluents into water bodies;
- d) for using water bodies without water abstraction;
- e) for extracting substances (water-diluted, etc.) from waterbodies;
- f) for recreational and sport purposes;
- g) for timber rafting;
- h) for arranging hunting grounds:
- i) for long-term use of inner fisheries, objects of the water animal kingdom;

7. Such types of water use as the man-made change of the surface water level or flow, the erection and operation of various purpose structures which do not affect the condition of surface water, provided it is not connected with the draw off from a water body, does not require the water-use license and is subject to the obtaining of an environmental permit under procedure and circumstances stipulated by the Law of Georgia "On an Environmental Permit".

8. The removal from a water body of substances (water-diluted and suspended-colloidal substances, float wood) is effected under the license, the form, content and issue procedure of which are defined by the Statute "On the License for Removing from a Water Body Substances (Water-diluted and Suspended-Colloidal Substances, Float Wood)" to be worked out and approved under order by the Ministry.

9. The form, content, issue conditions and procedure of a license for groundwater use and extraction of non-metallic mineral resources. peat, sapropel are defined under the Law of Georgia "On the Entrails".

10. The form, content and issue procedure of a license for special use of a water body or part :hereof for the recreational (without draw off) and sport purposes are defined by the Statute 'On the License for Special Use of a Water Body or Part Thereof for Recreational (Without Draw off) or Sport Purpose" to be worked out and approved by the Ministry. The license issue procedure is defined by Article 49 of this Act.

11. The form, content and issue procedure of a license for wood rafting on water bodies are defined by the Statute "On the Water-use License for Wood Rafting on Water Bodies" to be worked out and approved by the Ministry.

12. The form, content and issue procedure of a license for arranging hunting grounds and inner fisheries (for a long term use of water animal kingdom objects) are defined by the Law of Georgia "On the Animal Kingdom".

13. A license for water intake from a groundwater body shall comprise:

- a) the data on the water user;
- b) the geographical location and name of the water body transferred into use;
- c) the limits of the allocated land or mining allotment and data on the area and boundaries of the water body or part thereof transferable into use with indication of coordinates of the contour points;
- d) the data on the transfer of land into use;

- e) the license period;
- f) the water use limits;
- g) the water use objective;
- h) the water use terms and conditions;
- i) the water use charge and payment procedure.

14. The form of an application for obtaining a license for the withdrawal of water and substances from a surface water body and the filing procedure are established under the Statute "On the Form of an Application for Obtaining a License for the Withdrawal of Water and Substances from a Surface Water Body and the Filing Procedure" to be worked out and approved by the Ministry.

Article 49. Procedure of Granting a License for Withdrawal of Water from a Surface Water Body

1. A subject interested in the obtaining of a license for the withdrawal of water from a surface water body shall apply to the Ministry with an application including the data as follows:

- a) the kind and parameters of water use:
- b) the address of the applying natural or legal person, his economic relations with production and financial partners:
- c) the data on the applying natural or legal (managers or owners) persons who represent this natural or legal person in obtaining the license;
- d) the financial potentialities of the applying natural or legal persons;
- e) the technical and technological potentialities of the applying natural or legal person as well as the potentialities of those natural or legal persons that are engaged as pieceworkers:
- f) the information on past activities of the applying natural or legal person, including a list of those states where it has operated during the last 5 years;
- g) the proposals of the applying natural or legal person concerning the water use conditions, a brief technical-economic survey of the planned activity:
- h) the legal aspects of the water use information ownership;
- i) the general data on the area of the demanded water body and its basin (the geographical and administrative-territorial location, area, development, characteristics of the farmland and forests, etc. and the ecological state survey:
- j) the prior consent of the land owner concerning the land use terms and conditions:
- k) the substantiated data on the borders and arrangement of the sanitation zones (for drinking and household water supply).

2. Where the use of a surface water body or its part is claimed by several subjects and their activities are incompatible within the body limits, the license shall be granted on the basis of a contest and auction in compliance with the antimonopoly legislation.

3. Winner in the contest system shall be deemed the applicant who meets the contest terms and presents the most appropriate and feasible technical solution concerning the water protection requirements.

4. During the contest system the priority shall be given to the application providing for the supply of population with drinking and household water.

5. A contest is deemed to be disrupted if none of the claimants meets the contest terms. The expenses incurred by the contest participants shall not be reimbursed thereto.

6. Winner of the auction for license granting shall be the claimant who meets the auction terms and offers the largest amount for obtaining the water use license.

7. An auction shall be held in the case where the projects presented to the contest equally meet the contest terms.

8. Where water use is expected to harm other persons concerned, then the license shall be granted only in the case if the damage is prevented or indemnified.

9. The period, procedure and terms of holding a contest and auction are defined by the Statute "On the Period, Procedure and Terms of Holding a Contest and Auction for the License for Water Withdrawal from a Surface Water Body" to be drafted and approved under order by the Ministry.

10. A license is valid as of the date of its state registration.

Article 50. Form of License for Water Withdrawal from a Surface Water Body

1. The license for water withdrawal from a surface water body is a ^{1/4} % format folded sheet of the state mark paper bearing the appropriate forgery-protecting marks. Its first page has a depiction of the Georgian State Emblem. Under the Emblem, the following inscriptions are made in succession: "Georgia" "License for Water Withdrawal from Surface Water Body".

2. The license has the following form:

License for Water Withdrawal from Surface Water Body

Series _____ Number _____ Type _____

Date of License State Registration _____

Issued to _____

name of natural or legal person-license recipient

data on recipient (address, zip code, telephones, etc.)

with the purpose of _____

indication of water use type and principal objectives

on the territory _____

water body location-name of town, region, village

confirming the holder's right to use water body within the contour passing dots Nos.

_____ marked on the topographic plan attached to the license. The table of co-ordinates of the above-mentioned dots is given on the topographic plan attached to the license.

For water use of _____

water body, with the objective of use

under Regulation No. _____ of _____ Georgia of 19

are allocated _____ hectares of land allotment, boundaries of which

(in words)

or part thereof are marked on license-attached topographic plan. Area of land allotment associated with the license-stipulated water use constitutes _____ hectares

(in words)

License validity: date of start _____

(in words)

date of end _____

(in words)

License is issued for _____ years.

Water Use Terms:

Partners of _____

natural/legal person - license holder

in the conduct of water use works are _____

name of partner

In accordance with terms presented by _____

natural/legal person - license holder

is entitled under the license to the following:

Water withdrawal limits by month:

Minimum: Maximum:

January _____ cubic metres

February _____ cubic metres

March _____ cubic metres

April _____ cubic metres

May _____ cubic metres

etc. _____ cubic metres

Water withdrawal limit⁶ during a year _____ cubic metres

(in words)

For water use _____

name of natural/legal person-license holder

is liable to tax payable to state budget at the rate of _____

The water use tax payment to the state budget is effected during _____

period

name of water user

is liable to the following:

- to make use of water bodies only for and within the license-stipulated purpose;
- to secure rational water use and care for its quality preservation and restoration;
- to prevent violation of rights of other water users and damage to economic or natural objects; where such occurrence still happens, water user is liable to compensate for damage caused under the law-established procedure;
- to maintain in order the purification and other facilities, technical devices influencing the condition of water; to improve their operational quality;
- to keep water use accounting under the law-established procedure;
- under procedure established by Georgian legislation, to provide any water use-related information to the joint information state collections on natural resources under the Ministry;
- to ensure free access for authorised state supervisory bodies to its facilities, structures and equipment; to furnish necessary information and documents to the controlling bodies or their representatives at the request thereof;
- to strictly observe safety regulations;

The water user is liable to comply with other water protection and use requirements as provided by the laws of Georgia.

Additional license terms _____

Head or authorised proxy The license terms are
of license-granting known to me and I undertake
state body to observe them

(signature) (signature of natural/legal person

license holder seal)

For non-fulfilment of the above-listed liabilities the natural or legal persons (their managers) shall be subject to criminal liability, administrative and other responsibility under the laws of Georgia.

Article 51. Procedure of Granting a License for Waste Water Discharge into a Surface Water-Body

1. The use of a surface water body for discharging industrial, communal-household, drainage and other waste waters is allowed only under a water use license issued on the basis of the Ministry-approved multipurpose water utilization plans and water management balance-sheet.
2. A license for discharging waste waters into surface water body is granted only in the case if this does not lead to an increase in water pollutants' content in excess of the established standards and if the water user purifies waste waters up to the level as defined by the Ministry.
3. The discharge of industrial, communal-household, drainage and other waste waters in the water bodies destined for supplying population with drinking and household water is not allowed.
4. A subject interested in the obtaining of a license for discharging waste waters into a surface water body shall apply to the license-granting body with an application containing the data as follows:
 - a) the address of the applying natural or legal person;
 - b) the data on the applying natural or legal persons (in the capacity of an authorised person) who represents the given natural or legal person in obtaining the license;

c) a draft of discharge limit of harmful substances into water (a draft of temporary standards of discharge (emission) of harmful substances into water for the first year of the license period) and water use parameters (the projected amount and composition of waste waters dischargable by the discharge points, years and quarters);

e) the waste waters' purification technology and method;

e) the state and complete technical description of water-treatment work;

f) the location of waste waters' discharge;

g) the financial potentialities of the applying natural or legal persons;

h) the technical and technological potentialities of the applying natural or legal person as well as the potentialities of those natural or legal persons that are engaged as pieceworkers (for the projects under construction or reconstruction);

i) the information on activities of the applying natural or legal person including a detailed description of the technological process;

j) the calculation of the rate of the purified sewage mixing with waters of the water body at one kilometre distance above the nearest populated locality (against the stream);

k) the legal aspects of the water use information ownership;

1) the general data on the area of the demanded water body and its basin (the geographical and administrative-territorial location, area, development, industrial and other objects, the hydrological and hydrochemical regime, characteristics of agricultural land and forests, etc.) and the ecological survey;

m) the prior consent of the land owner concerning the land use terms and conditions.

5. Where the use of a surface water for discharging sewage is claimed by several subjects and their activities are incompatible within the body limits, then the license shall be granted on the basis of a contest and auction, pursuant to the Article 49 of this Act.

6. The period, procedure and terms of holding a contest and auction for granting a license on discharge of sewage into a surface water body are defined by the Statute "On the Period, Procedure and Terms of Holding a Contest and Auction for Granting a License on Sewage Discharge a Water Body" to be drafted and approved by the Ministry.

7. A license enters into force as of the date of its state registration.

Article 52. Form of License to Discharge Sewage into a Surface Water Body

1. The license to discharge sewage into a surface water body is a format folded sheet of the state mark paper bearing the appropriate forgery-protecting marks. Its first page has a depiction of the Georgian State Emblem. Under the Emblem, the following inscriptions are made in succession: "Georgia" "License to Discharge Sewage into a Surface Water Body" .

2. The license has the following form:

The State Emblem Georgia

License on Discharge of Sewage Into a Surface Water Body

Series ____ Number _____ Type _____

Dale of License State Registration _____ .

Issued to _____

name of natural or legal person - license recipient

_____ data on recipient (address, zip code, telephones, etc.)

with the purpose of _____

indication of water use type and principal objectives

on the territory _____

water body location - name of town, region, village

confirming the holder's right to use water body within the contour passing dots Nos. _____ marked on the topographic plan attached to the license. The table of co-ordinates of the above-mentioned dots is given on the topographic plan attached to the license. For water use of _____

water body, with the objective of use

under Regulation No. ____ of _____ Georgia of 19

are allocated _____ hectares of land allotment, boundaries of which

(in words)

or part thereof are marked on license-attached topographic plan.

License validity: date of start _____

(in words)

date of end _____

(in words)

License is issued for _____ years.

Water Use Terms:

In accordance with terms presented _____

name of recipient -
natural/legal person

is entitled under the license to the following:

Effluent discharge limits by dots, not exceeding:

1. _____ m³ //day (thou m³/year)

2. _____ m³/day (thou m³ //year)

3. _____ m³/day (thou m³/year)

4. _____ m³/day (thou m³/year)

Maximum allowable discharge (emission) limits for harmful substances by discharge dots:

| Component (harmful substance) | Maximum allowable concentration, mg/l | Volume | |
|-------------------------------|---------------------------------------|--------|--------|
| | | g/h | t/year |
| | | | |

Type and capacity of sewage disposal plant _____

For water use _____

name of recipient - natural/legal person

is entitled under the license to temporary limits of discharge (emission) of harmful substances during the first year of the license validity and shall be liable to pay tax:

| Component (harmful substance) | Tax rate lari/ton | Tax payable (lari) | |
|-------------------------------|-------------------|--------------------|--------------|
| | | Including quarters | Annual total |
| | | I II III IV | |
| | | | |

- 1.
- 2.
- 3.
-

Total tax lari per first year of the license period.

(in words)

Temporary rates (limits) for harmful substance discharge (emission) into water for subsequent years of the license period are approved for each subsequent year under the procedures established by Georgian legislation.

Tax is paid in accordance with Georgian tax legislation.

is liable:

name of water user

- to make use of water bodies only for and within the license-stipulated purposes:
- to care for water quality preserving and restoration:
- to prevent violation of rights of other water users and damage to economic or natural objects: where such occurrence still happens, to compensate the damage caused under law-established procedure:
- to keep in order the treatment and other facilities, technical devices which affect the condition of water, to improve their operational standard;
- to keep accounting of sewage amount and quality under the law-established procedure:
- to provide the Ministry and state sanitary supervising bodies with any use-related information under procedure established by legislation of Georgia:
- to ensure free access for authorised state supervising bodies to its facilities, structures and equipment, to furnish necessary information and documents to the controlling bodies or their representatives at the request thereof;
- to strictly observe labour safety regulations.

The water user shall also comply with other water protection and use requirements provided for in the laws of Georgia.

Additional license terms _____

Head or authorized proxy The license terms are

of license-granting known to me and I undertake

state body to observe them

(signature)

(signature of natural/legal
(seal) person-license holder)

(seal)

For non-fulfillment of the above-listed liabilities the natural or legal persons (their manager) shall be subject to criminal liability, administrative and other responsibility under the laws of Georgia.

Article 53. Conditions of Using a water Body Transferred into the Special Use by Principal Use Objectives

1. The following conditions shall be met in using a water body for supplying population with drinking and household water:

a) the supply of population with drinking and household water shall be at the expense of surface and underground waters reliably protected from pollution and contamination, the quality of which in their natural state or following the appropriate treatment complies with the norms established by the state standards of Georgia;

b) a water body usable for drinking and household water supply shall be selected with due regard for its reliability and the actual possibility for organising the sanitation zone;

c) the utilization of groundwater fit for drinking with the industrial object is allowed only in the exceptional cases when the production technology, proceeding from the existing sanitary norms and standards, requires the drinking-quality water;

d) in the regions lacking the appropriate amount of surface water, but having the sufficient amount of the drinking-fit groundwater the Ministry may, as an exception, allow the use of groundwater for non-drinking and non-household purposes, but only subject to the appropriate substantiation;

e) the use of drinking water from the state water pipeline for industrial purposes is allowed only in exceptional cases and subject to the appropriate substantiation, unless it damages the supply of population with drinking and household water;

f) the supply of population with drinking water during a natural disaster, ecological catastrophe and other emergency situations is elected from the reserve water bodies established on the basis of underground or surface waters that are reliably protected from pollution, a list of which is drawn up and approved by the Ministry together with the State Geology Department in coordination with the bodies of the state sanitary supervision and local self-government and administration. The protection and use of these bodies is carried out under the same procedure as provided for the water bodies being used for the drinking and household water supply purposes:

g) the regulations of the protection and use of a water body intended for supplying population with drinking and household water are defined under the Statute "On the Regulations for Protection and Use of Water Bodies Usable for Supplying Population with Drinking and Household Water" to be approved under the joint order by the Ministry and the Ministry of Health of Georgia.

2. The following conditions must be met in using water bodies for medicinal, recreational and sport purposes: .

a) the water bodies ascribed to the medicinal category are used for medical treatment, recreation and the water (medicinal mineral water) commodity production purpose. In exceptional cases, subject to the appropriate substantiation, the Ministry may, in coordination with the bodies of the state sanitary supervision and other interested bodies, allow the medicinal category water bodies to be used for other purposes:

b) a list of water bodies ascribed to the medicinal category is defined under the Order "On Approval of a List of the Water Bodies Ascribed to the Medicinal Category" to be drawn up, in coordination with the Ministry and approved by the Ministry of Health of Georgia. The procedure for using these bodies is defined under the laws of Georgia:

c) the use of water bodies for recreation and sport is allowed to a natural person in the general use form;

d) for mass recreation and sport, water bodies are used in the places defined by local self-government and administration bodies in coordination with the Ministry and state sanitary supervising bodies, or in coordination with the navigation regulating bodies -on navigation routes;

e) for recreation (without water withdrawal) and sport purpose, water bodies may be transferred in full or in part to natural or legal persons in special use, pursuant to the procedure stipulated by Article 48(10) of this Act:

f) the use of water bodies for navigation with small-size vessels (ore boats, -sailing yachts, etc.) is allowed in the general-use form, with observance of the approved small vessels' use regulations;

g) the navigation of small vessels on a water body transferred into the special use is allowed subject to the license holder's consent.

3. The following conditions must be met when using water bodies for agricultural requirements:

a) the natural and legal persons engaged in the use of a water body for agricultural purposes are obliged to comply with the established water-use regulations, standards and regime, take measures for reducing losses from water filtration and evaporation from the land-reclamation system, prevent ineffective water transfers therefrom, prevent the passing of fish from fish-breeding ponds to the irrigation systems, as well as to create the favorable soil moisture regime:

b) the natural and legal persons engaged in the driving of cattle are obliged to protect the water bodies located along the driving route from pollution and depletion, the water-management structures and Facilities - from damage.

c) the driving of cattle, agricultural machinery and transport means through canals and other water-management facilities is not allowed in the places that are not specially intended there for:

d) the driving of cattle, agricultural machinery and transport means through canals and other water-management facilities is allowed in the places defined by local self-government and administration bodies in coordination with the Ministry and the state sanitary supervising bodies:

e) the irrigation of agricultural land with sewage is allowed under a permit by the Ministry in coordination with the bodies of state sanitary and veterinary supervision:

f) the live-stock farms, complexes and other agricultural enterprises must be equipped with sewage treatment facilities to protect water bodies and catchment basins from pollution:

g) the provisions as per subparagraphs "a" and "e" of this paragraph shall also apply to the irrigation and drainage of forest, forest strips and nursery garden lands:

h) the procedure for operation of irrigation water reservoirs for each reservoir, cascade of a system of reservoirs is worked out and approved in coordination with the state sanitary supervising bodies and the Ministry, by the Ministry of Agriculture and Food of Georgia under the Order "On Approval of the Statute on the Rules of Irrigation Reservoirs' Operation".

4. The following conditions shall be met when using a water body for industrial and hydroenergy purposes:

a) the water users engaged in the utilization of water bodies for industrial purposes shall observe the technological standards and water-use regulations, as well as take measures for reducing water consumption and terminating sewage discharge through perfection of the production technology and the water supply schemes (applying water-free technological processes, air cooling, circulating water supply and other techniques):

b) the groundwater, that is not ascribed to the drinking or medicinal category, may, under established procedure, be used for technical supply, for extracting chemical elements from its composition, to generate thermal power and for other industrial purposes, with due regard for the rational water use and protection requirements:

c) the use of water bodies for hydroenergy purposes is carried out with observance of the complex water use requirements and account for other branches' interests:

d) the natural and legal persons engaged in the operation of water-development works are obliged to observe the reservoir filling and discharge regime as established with due regard for interests of the users of water and land located within the water reservoir operation area:

e) the operation procedure for each power-generating reservoir, cascade or a system of reservoirs is worked out by the Ministry of Fuel and Energy of Georgia in coordination with the state sanitary supervising bodies and the Ministry and is approved by the Ministry of Fuel and Energy of Georgia under its Order "Concerning the Approval of the Statute on the Regulations of Operation of Power-engineering Reservoirs"

f) the same provisions shall also apply to the operation of lakes and other water bodies used as water reservoirs.

5. The following conditions shall be observed when using a water body for water transport, air transport and timber rafting requirements:

a) the rivers, lake, water reservoir, canals, the territorial waters of Georgia and the special economic zone represent navigation ways of the general use, except for the cases when their use for those purposes is fully or partially prohibited or they are transferred into the special use:

b) the timber rafting on a water body is allowed under the special water-use license to be issued under the procedure as per Article 48(1 1) of this Act:

c) the procedure for assigning the navigation and timber rafting category to waterways, as well as the regulation of operation of waterways for the above purposes are defined under the Statute "On the Procedure for Assigning the Navigation and Timber Rafting Category to Water Ways and Operating - Water Ways for these Purposes" to be worked out and approved by the Ministry:

d) the procedure for using water bodies for standing, take-off/landing of aircraft, as well as for other air transport, requirements is established under the laws of Georgia.

6. The following conditions shall be met when using a water body for the fish industry purposes:

a) in water bodies or on industrial parts thereof which are of special significance for the preservation and reproduction of valuable fish species and other objects of water fauna and flora, the rights of water users may be restricted in compliance with the fish industry interests;

b) a list of such water bodies and sections thereof as well as the kinds of water-use restrictions are defined by the Statute "On a List of Water Bodies, their Industrial sections of Special Significance for Fish Industry and the Water-use Restriction Within their Limits" to be drawn up and approved by the Ministry;

c) in operating hydrotechnical and other facilities the measures for the protection and reproduction of fish reserve shall be timely implemented in the fish-breeding reservoirs:

d) the use of inland reservoirs of fish industry (during a long-term use of water fauna) is allowed under the special water-use license to be issued under the procedure as per Article 48(12) of this Act.

Article 54. Water Use in Trans-border Waters of Georgia

1. The water use on the trans-border water objects of Georgia is carried out on the basis of international treaties and agreements.

2. The water use, unless it is completely regulated in the part of trans-border waters of Georgia by international treaties and agreements to which Georgia is a party, shall be exercised under the laws of Georgia.

Chapter VI. Water Commodity Production and Trade

Article 55. Objectives of Water Commodity Production and Trade State Regulations

1. Objectives of the water commodity production and trade state regulation are:

a) the water industry development in Georgia;

b) the water commodity production in compliance with international standards:

c) the guaranteed protection of the state interests in Georgia in the sphere of water use international trade commodity production:

d) the regulation of legal relationship in the sphere of water commodity production and international trade in water:

e) the definition of competence of the supreme state bodies of Georgia, autonomous republics, local governments in the water commodity production regulation sphere.

2. The state regulation of water commodity production and trade shall require the implementation of measures as follows:

a) the definition of water commodity production categories:

b) the establishment of sanitary conditions. quality control, packing material categories. label design rules and production technological conditions of water commodity production complying with the corresponding international requirements;

c) the ecological safety assessment of water bodies and production:

d) the state certification of water commodity production:

e) the establishment of water quality and state standards:

f) the state licensing of water commodity production.

3. The water commodity production and trade rules, defined in this Chapter, apply to all water produced (bottled) in Georgia and beyond its borders being sold (to be sold) on the territory of Georgia or destined for export.

Article 56. Water Commodity Production Categories

1. Only specifically fit for water commodity production (bottling) underground and surface waters fit for such activities only are used in Georgia, the rules and sanitary conditions of which production, use of trademarks and packaging material, operation of necessary technological facilities and sanitary and hygienic terms are regulated under this Act and other statutory acts of Georgia.

2. Water commodity production produced (bottled) in Georgia in terms of its origin, physical and chemical composition and treatment degree is classified into four categories:

a) natural mineral water:

b) medicinal mineral water:

c) spring water;

d) table water.

3. Natural mineral water is the water produced (bottled) from one naturally pollution-safe body of groundwater characterised by the stable chemical composition, temperature, yield and the established reserve. The water is treated by such technology that cannot cause the change in its natural microbiological and chemical composition. The natural mineral water may have curative properties and may have a favourable influence upon the health of man.

4. The produced (bottled) natural mineral water may be carbonated and non-carbonated. The carbonated natural mineral waters in terms of its carbon dioxide origin and content falls into the groups as follows:

a) naturally carbonated natural mineral water - the natural mineral water which, carbon dioxide content does not change after it has been bottled. To the same group may be attributed the natural mineral water added with carbon dioxide produced from the same body, unless the added amount exceeds the amount of carbon dioxide lost during bottling

b) natural mineral water carbonated with the body's carbon dioxide - the natural mineral water which is carbonated with carbon dioxide produced from the same body and the content of carbon dioxide in the bottled product is more than when produced from the body:

c) carbonated natural mineral water is the natural mineral water which is partly or fully carbonated with carbon dioxide produced from another body.

5. Medicinal mineral water is the mineral water which may be only used for medicinal purposes, this being provided by its principal mineral and carbonaceous composition, high content of biologically active components and specific properties (radioactivity, temperature, acidity, etc.).

6. Spring water is the water produced (bottled) from one naturally pollution-safe body which chemical composition, temperature and yield may not be stable and the reserve established. The technology used in its treatment may not affect its natural microbiological and chemical composition.

7. Table water includes all the rest produced (bottled) underground or surface water. It may be concurrently produced from several water bodies and may be subject to any treatment defined under the established rules.

Article 57. Classifying Water Commodity Production

1. In classifying the produced (bottled) water as natural mineral water, the following requirements shall be complied with:

a) the body's ecological safety:

- b) the stability of water's chemical composition, temperature and yield in the body;
- c) the water production (bottling) shall be effected from one body;
- d) the water body reserve shall be established in accordance with the Law of Georgia On the Entrails;
- e) the water transportation between the water body and water bottling company shall be carried out only through their connecting pipeline.
- f) the application of such water treatment technology which will not affect water's natural microbiological and chemical composition:
- g) the compliance of water quality with the norms established by the state natural mineral water standards.

2. The information submitted for classifying natural mineral water shall include:

- a) the body's hydrogeological description:
- b) the description of water's microbiological, physical and chemical properties and their compliance with the norms established by the state natural mineral water standards:
- e) the description of water's clinical and pharmacological properties (where necessary):
- d) the description of the body's ecological safety:
- e) the two-year information at least testifying to the stability of water's chemical and microbiological composition, temperature and yield in the body;
- f) the description of the company's water supply and water treatment technology:
- g) the body's geographical location and its full name:
- h) the water body's reserve establishment

3. The rule and procedure for classifying water as the medicinal mineral water is defined by the statute to be approved by the Ministry of Health of Georgia, while the rules of its production, trade and use under this act and the appropriate legislation of Georgia.

4. In classifying the produced (bottled) waters as spring water, the requirements defined by paragraph one of this Article shall be met, except for those defined by subparagraphs "b" and "d".

5. The information submitted for the spring water classification shall include the information defined by paragraph 2 of this Article except for that defined by subparagraphs "e" and "h".

6. The produced (bottled) water shall comply with the requirements established by the state drinking water standard. The information submitted for such classification shall include:

- a) the comprehensive description and full name of the water body,
- b) the description of water's microbiological, physical and chemical properties and their compliance with the requirements established by the state drinking water standard:
- c) the description of the company's water supply and treatment technology.

7. The water commodity production classification and registration is carried out by the Interdepartmental Experts Council of Water Commodity Production Licensing operating at the Sakminkhiltskali Department (Georgian Mineral Water and Soft Drinks) under the Ministry of Agriculture and Food of Georgia on the basis of information submitted by the company.

8. Decisions on the classification of water commodity production are made within not later than 3 months from receipt of the application.

9. The use of a one-category classified produced (bottled) water's name for another category water is not allowed.

10. This form and issuance procedure of a document evidencing water procedure of a document evidencing water commodity production classification as natural mineral water, spring water and table water, its registration, information submission are defined under the Statute "On the Rules of Water commodity Production and Realisation" to be worked out and approved by the Ministry of Agriculture and Food of" Georgia in coordination with the Ministry.

Article 58. Principal Requirements of Water Commodity Production and Realisation

Water commodity production and realisation in Georgia is carried out on the basis of approved rules, which main elements are:

- a) technological conditions of the company and water bottling:
- b) water commodity production categories:
- c) pollution security and sanitary conditions at the company:
- d) packaging materials, including those in contact with water:
- e) the production quality control system and regime:
- f) inspections and testing:
- g) documentation and records:
- h) production labelling:
- i) production shelf-life:
- j) water treatment technology:
- k) adulteration-control system.

2. The rules of water commodity production and realisation are defined by the Statute "on the Rules of Water Commodity Production and Realisation".

Article 59. Water Commodity Production License

1. Water commodity production is carried out on the basis of a license.
2. The license represents a single official document evidencing the right to engage in water commodity production.
3. Water commodity production without a license and its further realization shall be prohibited.
4. The water commodity production license is issued to the company itself without the right of disposal.
5. The water commodity production license shall be submitted by its holder for registration to the local government on which territory the production is located.

Article 60. Form and Content of the water Commodity Production License

1. The water commodity production license represents a 1/4 format state mark paper of special quality bearing the appropriate forgery-protecting marks. The State Emblem of Georgia is depicted on its first page. Under the Emblem. in the inscription are made in succession as follows: "Georgia". "Ministry of Agriculture and Food", "Sakminkhiltskali Department", "Water Commodity Production License".

2. The water commodity production license shall include:
 - a) the state registration number and date of entry into force:

- b) the company's registered name geographical location and address:
- c) the license validity:
- d) the water commodity production category and name;
- e) a list of the entrepreneur's main liabilities:
- f) signature by the authorised and responsible persons of the license-granting body and the company.

3. The form of the water commodity production license is established under the Statute on the form and content of the Water Commodity Production License to be worked out and approved by the Ministry of Agricultural and Food of Georgia.

Article 61. Procedure for Granting the Water Commodity Production License

1. A subject interested in obtaining the water commodity production license shall apply to the license-granting body with an application and submit the documents as follows:

- a) a copy of the notarially certified state registration evidencing document:
- b) the enterprise's legal address with the indication of contact telephones:
- c) the data on the enterprise's manager (owner) or his proxy who represents the enterprise in obtaining the license:
- d) the financial potentialities of the applying natural or legal person:
- e) the water use license:
- f) the approved project of the body's sanitation zones:
- g) the enterprise's sanitary certificate:
- h) the environmental permit on production:
- i) other necessary documents (compliance with the fire safety, standardisation and metrology, labour safety requirements, etc.) established under legislation of Georgia:
- j) information on qualification of the specialists engaged in the enterprise:
- k) detailed information on the material-technical and technological base of the enterprise, as well as on the production process organisation;
- 1) the document evidencing the water commodity production classification;
- m) information on the structure and exercise procedure of the internal production quality control;
- n) water treatment technology;
- o) identification codes of the State Department for Statistics and the Tax Inspection of Georgia;
- p) a copy of the contract (on service) with the state-accredited testing laboratory;
- q) the registration certificate - in the case of the state registration of a trademark;
- r) the commodity product's registered label or the design thereof;
- s) the license fee payment receipt.

2. The procedure, terms and period of the water commodity production license issue are defined under the Statute on the Procedure, Terms and Period of the Water Commodity Production License Issue to be worked out and approved by the Ministry of Agriculture and Food of Georgia.

3. The license enters into force upon its state registration.
4. A decision on the license issue or refusal of its issue is made within 30 days as of the date of entry of the application and the documents enclosed.

Article 62. Refusal of the Water Commodity Production License

1. An application for the water commodity production license is not considered if:
 - a) the applicant has failed to submit the whole documentation stipulated by Article 61(1) of this Chapter;
 - b) the application has been filed in violation of the established requirements.
2. The water commodity production license is not granted if:
 - a) the applicant is found to have presented the incorrect data;
 - b) the enterprise fails to comply with the requirements as per Article 58 of this Chapter;
 - c) the applicant has not submitted the water commodity production right's license fee payment receipt.

Article 63. Grounds of the Water Commodity Production License Revocation and Suspension

1. The water commodity production license shall be revoked or suspended if:
 - a) the license-stipulated water-use period has expired or the Ministry has revoked or suspended the enterprise's water use license in the cases defined under this Act and the Law of Georgia on the Entrails;
 - b) the water commodity production license-stipulated period has expired;
 - c) the enterprise engaged in water commodity production has violated the terms and rules defined under this Act or the license;
 - d) the enterprise engaged in water commodity production has violated the labour safety, environmental and sanitary regulations and standards established under the applicable legislation;
 - e) the life and health of people living or worker in the area of operations associated with the water commodity production have been directly threatened;
 - f) the state of emergency (natural disaster, military action, etc.) has been created;
 - g) the natural person engaged in water commodity production has died;
 - h) the licensed enterprise has been liquidated.
2. Other grounds for revocation or suspension of the water commodity production right may also be provided for in legislation of Georgia.

Article 64. Procedure for Restriction, Suspension and Termination of the Water Commodity Production Right

1. In the cases provided by Article 63(1) a, b, e, f, g and h, the right of water commodity production shall be terminated upon arising of the circumstances indicated in the above sub-paragraphs.
2. In other cases, a decision to terminate the right of water commodity production is taken after a month from written notification of the producer about the violations on its part and the non-implementation of measures to avert such violations.
3. The right of water commodity production may be terminated before due on the initiative of the procedure itself subject to written notification of the Ministry of Agriculture and Food of Georgia thereon in advance of six months at least.

4. Where the situation and circumstances giving rise to the suspension or restriction of the right of water commodity production are eliminated, this right may be restored in full. At the same time, the periods during which water use was suspended will not be included in the general period of the license validity, unless the suspension or restriction was through the producer's fault.
5. The water commodity production right is terminated upon the license revocation.
6. The producer may appeal against the decision on suspension, termination or registration of the right of water commodity production in the court.
7. The termination of water commodity production right does not release the user from liability for damages resulting from violation of legislation of Georgia.
8. A decision on restriction, suspension or termination of the water commodity production right is made by the Interdepartmental Experts' Council of Water Commodity Production Licensing under the Ministry of Agriculture and Food of Georgia.
9. The procedure for and rules of the water commodity production right restriction, suspension or termination are defined under the Statute on the Procedure for Restriction, Suspension or Termination of the Water Commodity Right to be worked out and approved by the Ministry of Agriculture and Food of Georgia.

Article 65. Water Commodity Production License Validity

1. The water commodity production license is valid for a defined term.
2. The water commodity production license is granted for a term not more than 5 years. The water commodity production license validity shall not exceed the license-defined water use period.
3. The water commodity production license period shall be calculated from the date of the license state registration.

Article 66. Organisational Support of the State System of Water Commodity Production Licensing

1. The organisational support of the state system of water commodity production licensing on the territory of Georgia is provided by the Ministry of Agriculture and Food of Georgia, at which Sakminkhiltskal Department operates the Interdepartmental Experts Council of Water Commodity Production Licensing.
2. Functions of the Interdepartmental Experts Council of Water Commodity Production Licensing comprise the examination, assessment of the submitted license applications and projects, as well as other law-stipulated documents and appropriate decision-making to be drawn up in the Council meeting minutes.
3. The Intradepartmental Experts Council shall be staffed with representatives of corresponding ministries and departments, research institutions and other competent persons.
4. The Intradepartmental Experts Council's shall not include representatives of water commodity production subjects as its members.
5. Pursuant to the Intradepartmental Experts Council's decision

decisions, the water commodity production license is executed, issued, subjected to state registration, revoked and withdrawn from state registration by the Ministry of Agriculture and Food of Georgia.

6. The regulation and staffing procedure of the Pursuant to the Intradepartmental Experts Council of water Commodity Production Licensing are defined under the Statute on the Procedure for Regulations and Staffing of the Pursuant to the Intradepartmental Experts Council of Water Commodity Production Licensing worked out and approved by the Ministry of Agriculture and Food of Georgia.

7. The composition of the Pursuant to the Intradepartmental Experts Council of Water Commodity Production Licensing is approved under the Order "On Approval of the Composition of the Pursuant to the Intradepartmental Experts Council of Water Commodity Production Licensing" of the Ministry of Agriculture and Food of Georgia.

Chapter VII. Economic Regulation of Water Protection and Use

Article 67. Water Protection and Use economic Regulation Scope

The economic regulation of water protection and use comprises:

- a) the definition and management of economic relationship in the sphere of water protection and use, including relationship between state authorised and water users;
- b) the Formation of a system of taxes for using water and its bodies:
- c) the economic protection of water users.

Article 68. Water Protection and Use Economic Regulation Mechanism

The machinery of water protection and use economic regulation comprises:

- a) water accounting and economic assessment:
- b) a system of economically substantiated water use taxes:
- c) the funding of measures for water protection, restoration, prevention of adverse water impact and liquidation of its consequences from the budget:
- d) a system of economically substantiated fines for violation of the laws of Georgia on water protection and use of its bodies:
- e) the purposeful application of funds received from sales of the technical and transport facilities confiscated under the established by Georgian legislation procedure in using water illegally and water commodity products, as well as of voluntary donations by natural and legal persons.

Article 69. System of Water Use Taxes

1. The system of water use taxes comprises;
 - a) a tax on the special use of the water bodies:
 - b) the water use license lee.
2. The payment of the water use tax and fine does not release a water user from a liability to implement water protection measures and for damages caused.
3. The water use tax is paid upon issue of the license for the whole its period.

Article 70. Water Use Taxpayers

The water use taxpayers are natural and legal persons (including foreigners) enjoying the special-form water use.

Article 71. Water Use Tax privilege

The Parliament of Georgia, may fully or partially, exempt individual water-user categories from the water use tax.

Article 72. License Fee

I. The license fee is a one-time tax and includes the necessary organisational and material technical support expenses on the preparation of a contest and auction for granting the water use license (contest and auction fee) and the water use right fee.

2. The contest or auction fee is paid by all the contest and auction participants individually. The document evidencing payment of the amount is submitted to the license-granting body in advance of 10 days before the contest or auction holding.
3. The water use right fee is paid by the contest or auction winner and the holder of the license granted without a contest or auction. The fee amount is applied for the material and technical support of the work needed for the license granting, the material and technical support of the Expert Council members, the remuneration of the licensing service employees and material incentives, etc.
4. The license fee amount and payment procedure are defined under legislation of Georgia.
5. The license fee is not taxable.

Article 73. Economic Stimulation of Water Protection, Rational Use and Restoration

The economic stimulation of water protection, rational use and restoration comprises:

- a) the establishment of tax and other privileges for the enterprises ensuring the rational use and protection of water by introducing scientific and technical achievements;
- b) the extension of preferential state credits for the restoration and protection of water bodies, as well as the conduct of (leak prevention and liquidation work associated with the adverse water impact:
 - a. the material encouragement and award of officials and citizens for special merits in the water protection field and the courage and selflessness revealed in the process of adverse water impact.

Chapter VIII. State Management of Water Protection and Use

Article 74. State Management of Water Protection and Use

1. With the object of pursuing the uniform state policy in the sphere of water protection and use the united state system of water protection and use management operates in Georgia. The system's objectives are:

- a) ensuring practical implementation of the state rational water use policy;
- b) ensuring water protection from pollution, contamination and depletion;
- c) preventing adverse water impact and liquidating the consequences thereof;
- d) ensuring equal water use opportunities for all natural and legal persons;
- e) developing free economic links;
- f) developing international relations in the sphere of water protection and use and water commodity production and trade, including the export and import regulation in accordance with international treaties and agreements of Georgia;
- g) pursuing antimonopoly policy in the water use sphere;
- h) ensuring necessary guarantees for water users, including aliens, and protecting their water use rights.

2. The state management of water protection and use in Georgia is exercised by the Ministry, as well as by the ministries of health care and agriculture and Food of Georgia, State Geological Department and the State Technical Supervision Inspectorate bodies of autonomous republican authorities, local governments-within the limits of their competence.

3. The state management of water protection and use is exercised through accounting, monitoring, licensing, control and supervision.

Article 75. Goals of Water Protection and Use State Management

1. The goal of the state management of water protection and use is the comprehensive and rational water use and environmental protection as well as the state regulation of relationship arising in the water use process, the creation of groundwater resources base.
2. The following is accomplished with the purpose of implementing the goals of water protection and use state management:
 - a) the establishment of the allowed water abstraction amount (limits);
 - b) the establishment of limits of waste water discharge into water bodies and the amount of pollutants therein;
 - c) the working out of water use and protection complex schemes and water economy balances;
 - d) the development of the groundwater resource base:
 - c) the definition of water use economic grounds.
 - f) the establishment of standards and norms in the sphere of water study and protection, the comprehensive and rational use of its resources, the safe conduct of the water use -related work and the control and supervision over their implementation.

Article 76. State System of Water and Its Use Accounting

1. The purpose of the state system of water and its use accounting is the establishment of the number of water bodies and the amount and quality of their water, its utilization data, the scientifically justified distribution of water for priority satisfaction of population's drinking and household needs, the protection of water and the ensuring of its adverse impact prevention.
2. The state water use accounting is carried out according to the reporting forms approved by the State Department for Statistics of Georgia. The Forms are filled out on the basis of initial statistical accounts, which maintenance under the established order is binding upon all water users.
3. The water-use initial reporting forms and their maintenance are worked out by the Ministry in coordination with the State Department for Statistics of Georgia under the Order "On the Approval of water-Use Initial Reporting Forms and their Maintenance Procedure".
4. A special-form water user is liable to furnish any water use-related information free of charge to the Ministry's Common Information Natural Resources Fund in accordance with the Form worked out and approved by the Ministry.
5. The groundwater study work, then bodies, reserves and resources, the construction and operation of underground structures, as well as any other use of underground waters are subject to state registration and accounting under the procedure established by the Law of Georgia on the Entrails.

Article 77. State Water Cadastre

1. The state water cadastre comprises water accounting, water use registration, as well as water use reporting data by the quantitative and qualitative indicators.
2. The state water and its use accounting and the state water cadastre maintenance are funded from the state budget.
3. The rules of presenting necessary data for the state accounting of water and its use, the drawing up of the cadastre are defined by the Statute "On the Rules of Presenting Necessary Data for State Accounting of Water and Its Use, the Drawing up of the State Cadastre" to be worked out and approved under Order by the Ministry in coordination with the State Geology and Hydrometeorological Departments of Georgia.

Article 78. Water Management Balances

1. Water management balances are drawn up by individual water body basins, administrative units, regions and autonomous republics in order to assess the water state quality, the structure of and correlation between the available resources and their consumption.
2. The compilation of water management balances is funded from the state budget.
3. The procedure for drawing up water management balances is defined by the Statute "On the Procedure of Drawing up Water Management Balances" to be approved under the joint resolution of the Ministry and the Ministry of Economy of Georgia.

Article 79. Multipurpose Water Use and Protection Plans

1. Master, basin and territorial multipurpose water use and protection plans define the principal water management and other measures to be implemented for satisfaction of population's and natural economy's perspective water requirements, as well as for protecting water and preventing its adverse impact.
2. The measures envisaged in the master, basin and territorial multipurpose water use and protection plans ensure the most effective water use (taking into account the priority satisfaction of population's water needs) through taking measures for the regulation of runoff, the economical water consumption and the ceasing of unpurified waste water discharge on the basis of perfection of process technology and water supply plans (the application of water-free processes, air cooling, circulating water supply and other technical facilities).
3. The master, basin and territorial multipurpose water use and protection plans are elaborated by specialised design and scientific-research organisations to be coordinated by the Ministry.
4. The master, basin and territorial multipurpose water use and protection plans are approved by the Ministry in coordination with the Ministries of Agriculture and Food, Construction and Urbanisation, Health Care, Finance, Economy, the State Departments of Geology and Forestry.
5. The elaboration of master, basin and territorial multipurpose water use and protection plans is funded from the state budget.
6. The procedure for elaborating master, basin and territorial multipurpose water use and protection plans is defined by the Statute: "On the Procedure for Elaborating Master, basin and Territorial Multipurpose Water Use and Protection Plans" to be approved by the joint order of the Ministry and the Ministry of Economy of Georgia.

Article 80. State Water Monitoring (State Observance and Analysis System)

1. The state water monitoring is the united-system or regular observance and information analysis of the quantitative and qualitative state water in water bodies and effluents, which is the obtaining of information on the state water and its bodies, the assessment of its relation (natural and anthropogenic) with the environment, the energy potential of water resources and rivers, the projection of water adverse impact (flood, mudflow, landslide, etc.).
2. The state water monitoring is exercised within the united state environmental monitoring system.
3. The legal regime of the state water monitoring exercise is defined under legislation of Georgia.
4. The state water monitoring shall be exercised the Ministry of the Environment and
Natural Resources Protection and the state Hydrometeorological Department of Georgia
within the limits of their competence.

Article 81. State Groundwater Resources Balance. Condition. Resources Approval and their Writing off from Balance

The groundwater resources balance maintenance, the establishment of conditions, the resources approval and writing off from the balance carried out under the procedure established by the Law of Georgia on the Entrails.

Article 82. Water-related Information Ownership

1. Information relating to water reserve, resources and quality state, the groundwater mining-technical conditions and other properties or parameters constitutes ownership subject at whose expense the information is obtained.
2. Water-related information may be sold or acquired.
3. Georgian legislation protects the right of ownership with regard for water-related information.
4. The delivery of information entered in the state information funds to other natural and legal persons without the information owner's consent is prohibited, except for the cases established by legislation of Georgia.

Article 83. Organisational Support of State Water Use Licensing System

1. The state system of licensing the use of the water bodies of the particular state and the state significance on the territory of Georgia is organisationally supported by the Ministry, while licensing the use of surface water bodies of the state significance, which water inventory lands are located only on the territory of an autonomous republic - by a corresponding body of the autonomous republic, at which operates the Interdepartmental Experts Council.
2. The locally significant water bodies' use licensing system is organisationally supported by the regional body of local government, at which operates the specialised commission.
3. Functions of the Interdepartmental Experts Council and the Commission comprise the examination of applications, project, other law-provided documents submitted to obtain the water use license, their assessment and the working out of corresponding recommendations to be drawn up in the Council and Commission minutes .
4. The interdepartmental Experts Council is staffed with representatives of the corresponding ministries and departments, scientific-research institutions and other competent persons.
5. The Interdepartmental Experts Council may not include the subjects engaged in water use as its members.
6. The license for the use of water bodies of the particular state and the state significance is executed, issued and subjected to state registration, revoked and withdrawn from state registration by the Ministry, while the license for using surface water bodies of the state significance, which water inventory lands are located only on territory of an autonomous republic by the Ministry's autonomous republican corresponding body.
7. The license for using surface water bodies of local significance is executed, issued, registered, revoked and withdrawn from registration by the Commission set up at the local government body with the mandatory participation of the Ministry's local representative.
8. The right of licensing the use of water bodies of the state significance may be delegated by the Ministry to its corresponding regional service as well, at which the corresponding Experts Commission shall be set up.
9. The regulations and staffing procedure of the Groundwater Bodies' Use Licensing Inter-departmental Experts Councils. Regional Experts Commissions and Local Commissions are defined by the Statute "On the Procedure for regulations and Staffing of Groundwater Bodies' Use Licensing Interdepartmental Experts Councils, Regional Experts Councils and Local Commissions", which is elaborated by the Ministry.
10. The composition of the groundwater bodies' use licensing Interdepartmental Experts Council and Regional Experts Commissions is Approved by the Ministry under the Order "On the Approval of the

Composition of the Groundwater Bodies' Use Licensing Interdepartmental Experts Council and Regional Experts Commission".

11. The composition of the Interdepartmental Experts Council of an autonomous republic is established and approved by the corresponding autonomous republican body of the ministry, while the composition of Local Commissions - by, the local government body.

12. The composition of the Groundwater Use Interdepartmental Experts Council and Regional Experts Commissions is approved by the Ministry under the Order "On the Composition of the Groundwater Use Interdepartmental Experts Council and Regional Experts Commissions" in accordance with the Law of Georgia on the Entrails.

Article 84. Water Protection Standards and Use Rates

1. The object of introducing water protection standards and use rates is to establish such water management standards and rates which will ensure the preservation of water environment and ecological balance. The following are established with this purpose:

a) water quality standards:

b) maximum permissible rates of the emission of substances (including microorganisms) into water bodies;

c) water bodies' load rates.

2. The water quality standards are the maximum permissible for human health and the environment rates of harmful substances and microorganisms.

3. The maximum permissible rates of the emission of harmful substances (including microorganisms) are the levels of industrial, household-communal and other effluents discharge into water bodies to be established for each concrete source of pollution with account for its technological peculiarities and ambient pollution in the manner preventing the concentration of emission substances and microorganisms on the spot to exceed the maximum permissible level.

4. In separate cases, temporary rates (limits) of emission of harmful substances (including microorganisms) into water may be established with definite requirements and terms. Said rates represent the limit of harmful substances discharge into water.

5. The water bodies' load rates mean the water abstraction quotas from water bodies which, pursuant to the principles of sustainable development, are fixed on the basis of the approved master, basin and territorial multipurpose water use and protection plans and water-management balances in each concrete case.

6. The procedure fixing the water quality standards, the maximum permissible rates of emission of harmful substances (including microorganisms) into ambience, the water abstraction quotas and the temporary rates (limits) of emission of harmful substances (including microorganisms) into water is defined by the Law of Georgia "on the Environmental Protection".

Article 85. State Water Protection and Use Control and Supervision

1. The state water protection and use control and supervision aims at ensuring the fulfillment by all natural and legal persons of the water protection liabilities, the observance of water use and protection regulations and other rules established by legislation.

2. Any action of a user relating to water bodies' use shall be subject to the state water protection and use control and supervision.

3. The state water protection and use control and supervision is exercised by the Ministry, as well as by the Ministries of Health Care and Agriculture and Food of Georgia - within the limits of their competence.

4. The Ministry shall control and govern the observance by natural and legal persons of the law-established water use rules, the requirements of water pollution and depletion rates and standards, the measures to prevent the adverse water impact and liquidate the consequences thereof, the maintenance of initial and state water use accounting and the fulfillment of other obligations.

5. The state water protection and use control objectives are:

a) the observance of the environmental and water legislation of Georgia, water protection and use instructions by enterprises, establishments and organisations, vessels and other means of navigation (irrespective of the form of ownership and legal organisational status), officials and citizens.

b) the rational use of water bodies (with regard for their multipurpose management requirements), the protection of water resources from pollution, contamination and depletion, as well as the utilization of water resources in compliance with the purposes of their use:

c) the observance of the rules of operation of water-management systems and water reservoirs, as well as lakes and other basins used as water reservoirs;

d) the ensuring of effective operation of water treatment works and facilities, as well as the strict observance of sewage water discharge rules and conditions:

e) the observance of water management and water discharge rates and rules, as well as the established water use regime:

f) the introduction in enterprises, establishments and organisations of the scientific and technical achievements and advanced experience in the water protection and use area:

g) the implementation by natural and legal persons in water protection areas and sanitation zones of water protection measures, as well as the measures to control the adverse water impact (Hood, collapse of banks and other adverse effects):

h) the correct maintenance by natural and legal persons of the initial accounting of the amount of water abstracted from and discharged into water bodies and the determination of the discharged water quality, the provision of necessary water use and discharge metering equipment and facilities, the check up of their state as well as the observance of the established for these facilities and equipment state testing terms.

6. The Ministry is entitled:

a) to terminate the unlawful use of water and its bodies as well as the use thereof in violation of water protection and use rules, terms, quotas and other requirements:

b) to issue instructions regarding the eradication of violations of water protection and use rules, quotas, terms and other requirements:

c) to cease operations which conduct is associated with regular violations of water protection and use rules, quotas and other requirements until the eradication thereof.

7. The state water commodity production control and supervision is exercised by the Ministries of Agriculture and Food and Health Care of Georgia within their competence.

8. Other objectives of the state water protection and use control and supervision may be established by statutory acts of Georgia.

Article 86. Environmental Permit and State Environmental Impact Assessment in Water Use Area

1. Water use work is subject to the mandatory state environmental impact assessment and the environmental permit issue procedure under the procedure and in the cases established by legislation of Georgia.

2. The transfer of water bodies in special use is permitted only after the environmental permit has been obtained.

Chapter IX. Responsibility for Water Legislation Violation

Article 87. Responsibility of Violation of this Act

1. The concession of the water use right and other transactions which violate openly or secretly the water state ownership right shall be invalid.
2. The persons charged with the conclusion of the transaction indicated in paragraph one of this Article, as well as:
 - a) with the unlawful occupation or use of water bodies:
 - b) with the withdrawal of water from water bodies in violation of the established rates:
 - c) with water pollution and contamination:
 - d) with the commissioning of such enterprises, agricultural and economic, public and other objects that are not equipped with the works and facilities to control water pollution, contamination and its adverse impact:
 - e) with violation of the water protection regime on the water collector causing water pollution, soil erosion and other adverse effects:
 - f) with violation of the established economic activity regime in sanitation zones and water protection areas;
 - g) with unlawful conduct of hydrotechnical and other operations affecting the state of water;
 - h) with damage of water management and water protection works and facilities.
 - i) with the concealment and distortion of information on emergency situations, critical discharges, other extraordinary situations affecting the state of water;
 - j) with the provision of incorrect water use-related information, the lack of water metering equipment and the evasion of maintenance of the water initial and state accounting:
 - k) violation of rules of exploitation of water economy constructions and facilities:
 - l) with violation of water management structures' and facilities' operation rules:
 - m) with violation of the water sanitary rules and requirements, - shall bear criminal, civil and administrative responsibility in accordance with the laws of Georgia.
3. Georgian legislation may provide liability for other violations of law in the water protection and use sphere.

Article 88. Damages

1. Water users shall compensate for damages caused by violation of this Act in the amount and under procedure established by legislation of Georgia.
2. The Statutes "On the Calculation of Damage Caused to the State through Water resources Pollution" and "On the Calculation of Damage Caused to the State through the Black Sea Waters Pollution" are worked out and approved by the Ministry under the Orders concerning the approval of the Statute on the "Calculation of Damage Caused to the State through Water Resources Pollution and the Statute on the Calculation of Damage Caused to the State through the Black Sea Waters Pollution".
3. The responsibility placement does not release the offender from the compensation for damages caused through violation of this Act in the established amount and procedure.

4. The unwarranted water use, the unlawful development of the water inventory lands and other illegal activity shall be caused without reimbursement of the incurred costs.

Article 89. Settlement of Water Use Disputes

A dispute arising in connection with water use matters is settled by the court under the procedure established by legislation of Georgia.

Chapter X. International Treaties and Agreements

Article 90. International Treaties and Agreements of Georgia in Water Protection and Use Sphere

If international treaties and agreements of Georgia provide rules than those of water legislation of Georgia and do not contradict the Constitution of Georgia, the provisions of international Treaties and agreements shall apply.

Section III. Transitional Part

Chapter XI. Transitional Provisions Associated with Enactment of this Act

Article 91. Transitional Provisions Associated with Organisational Support of the System of Licensing the Use of Water Bodies of Local Significance

1. Legal norms associated with the organisational support of the system of licensing the use of water bodies of local significance come into effect upon expiry of two years as of the date of local governments election of Georgia.

2. Prior to enactment of legal norms associated with the organisational support of the system of licensing the use of water bodies of local significance, the organisational support of the system of licensing the use of water bodies of local significance shall be entrusted to the Ministry's regional bodies and to the Ministry's corresponding autonomous republican body -in autonomous republics.

Article 92. Transitional Provisions Associated with Article 57 (1, e). Chapter VI of this Act

Water transport between a water body and the bottling enterprise without a pipeline by means of specialised tanks, is permitted before 31 December 2005 only for a producing (bottling) enterprise registered prior to enactment of this Act.

Article 93. Statutory Acts to be Adopted in Connection with this Act

The following statutory acts shall be adopted in connection with this Act:

- a) Order of the President of Georgia "On the Organisation in Georgia of Measures Directed at Flood and Other Adverse Water Impact Control and Liquidation of its Consequences";
- b) Order of the Minister of Environmental and Natural Resources Protection of Georgia "On the Approval of a List of Surface Water Bodies of the Particular State and the State Significance";
- c) Joint Order of the Minister of Environmental and Natural Resources Protection and the Chairman of the Geological Department "On the Approval of a List of Groundwater Bodies of the State and Local Significance";
- d) Joint Order of the Minister of Environmental and Natural Resources Protection and the Chairman of the State Border Defence Department "On the Approval of a Separate Regions of the Black Sea Allocated for Fishing (Hunting) of Sea Animal Kingdom Objects to Foreign Natural and Legal Persons";
- e) Order by the Minister of Health Care of Georgia on approval of the Regulations "On Sanitation Zone of Water Bodies Intended for Drinking and Household Water Supply. Medicinal and Recreational Purposes";

- f) Order by the Chairman of the State Department of Protected Territories, Reserves and Hunting Grounds concerning approval of the Statute "On the Reserve Fund of Water Bodies Available on the Basis of Water Bodies Belonging to the Group of Particular State Significance with the Purpose of Creating a Perspective Network of Water Bodies Ascribed to the Category of Protected Territories";
- g) Order of the Chairman of the State Department of Protected Territories, Reserves and Hunting Grounds of Georgia concerning the "Approval of Borders of the Reserve Fund of Water Bodies Available on the Basis of Water Bodies Belonging to the Group of Particular State Significance with the Purpose of Creating a Perspective Network of Water Bodies Ascribed to the Category of Protected Territories";
- h) Order by the Minister of Environmental and Natural Resources Protection concerning approval of the Statute "On the Procedure for Registration of the Simplest Structures and Facilities Necessary for Exercising the General Groundwater Use";
- i) Order by the Minister of Health Care of Georgia concerning approval of the Statute "On the Restriction of Water Users' Rights Upon Emergency";
- j) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Procedure for Restriction, Suspension or Termination of the Water Use Right";
- k) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the License for Extracting from a Water Body Substances (Water-diluted and Suspended-Colloidal Substances, Sunk Timber)";
- l) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the License for Special Water Use of a Water Body for Recreational (Without Water Withdrawal) and Sport Purposes";
- m) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Water License for Timber Rafting on Water Bodies";
- n) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Form and Filing Procedure of an Application for Obtaining the License for Withdrawing Water and Substances from a Surface Water Body";
- o) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On Term, Procedure and Conditions of Holding a Contest and Auction for Obtaining a License to Abstract Water from a Surface Water Body";
- p) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Term, Procedure and Conditions of Holding a Contest and Auction for Obtaining a License to Discharge Waste Water into a Water Body";
- q) Joint Order by the Minister of Health Care and the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Rules of Protection and Use of Water Bodies Intended for the Supply of Population With Drinking and Household Water";
- r) Order by the Minister of Health Care of Georgia "On the Approval of a List of Water Bodies Ascribed to the Medicinal Category";
- s) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Rules of Ascribing the Navigation and Timber Rafting Category to Waterways and Operating the Waterways for his Purpose";
- t) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Restriction of Water Use on Water Bodies of Special Significance for Fishing Industry, on Separate Sections thereof and within their Borders";

- u) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Procedure for Furnishing Data Necessary for State Accounting of Water and its Use, Drawing up of the State Cadastre and its Registration";
- v) Joint Order by the Minister of Economy and the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Water Management Balance Drawing up Procedure";
- w) Joint Order by the Minister of Economy and the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Procedure for Elaborating Multipurpose Water Use and Protection Plans";
- x) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On Regulations and Staffing Procedure of Surface Water Bodies' Use Licensing Interdepartmental Experts Councils, Regional Experts Commissions and Local Commissions".
- y) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Approval of the Composition of the Surface Water Bodies' Use Licensing Interdepartmental Experts Council and Regional Experts Commissions";
- z) Order by the Minister of Agriculture and Food of Georgia concerning approval of the Statute "On Regulations of Water Commodity Production and Realisation":
- za) Order by the Minister of Agriculture and Food of Georgia concerning approval of the Statute "On the Form and Content of the Water Commodity Production License";
- zb) Order by the Minister of Agriculture and Food of Georgia concerning approval of the Statute "On the Procedure. Conditions and Term of Granting the Water Commodity Production License";
- zc) Order by the Minister of Agriculture and Food of Georgia concerning approval of the Statute "On the Procedure for the Water Commodity Production Right's Restriction, Suspension or Termination":
- zd) Order by the Minister of Agriculture and Food of Georgia concerning approval of the Statute "On Regulations and Staffing Procedure of the Water Commodity Production Licensing Interdepartmental Experts Council";
- ze) Order by the Minister of Agriculture and Food of Georgia concerning approval of the Statute "On the Approval of the Composition of the Water Commodity Production Licensing Interdepartmental Experts Council";
- zf) Order by the Minister of Fuel and Energy of Georgia concerning approval of the Statute "On the Rules of Operation of Power Engineering Water Reservoirs";
- zg) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On Water Use Initial Reporting Forms and their Maintenance Procedure";
- zh) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Calculation of Damage Caused to the State from Water Resources Pollution";
- zi) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On the Calculation of Damage Caused to the State from the Black Sea Water Pollution";
- zj) Order by the Minister of Environmental and Natural Resources Protection of Georgia concerning approval of the Statute "On a Water Protection Strip";
- zk) Order by the Minister of Agriculture and Food of Georgia concerning approval of the Statute "On the Rules of Operation of Irrigation Water Basins".

Article 94. Term of Putting the Act-associated Statutory Acts into Effect

1. The statutory acts indicated in Article 93 if this Act shall be put into effect from 31 December 1997, upon their entry into the State Register of Statutory Acts and official promulgation of their texts under the procedure established by legislation of Georgia.

2. Amendments and addenda to the statutory acts as per Article 93 of this Act shall be made taking into account the general state of water resources protection and use.

Section IV. Final Part

Chapter XII. Final Provisions

Article 95. Invalidated Statutory Acts

The known law of the Georgian SSR dated 5 June 1974 "On Approval of the Water Code of the Georgian SSR" (The Gazette of the Supreme Council of the Georgian SSR. 1974, No 6, art. 107) and bylaws approved on its basis shall be invalidated.

Chapter XIII. Putting the Act into Effect

Article 96. Putting of the Water Act of Georgia into Effect

This Act shall be put into effect from 25 November 1997.

President of Georgia

Eduard Shevardnadze

Tbilisi.

16 October 1997 No 936-Is