

Analysis of existing Georgian legislation regulating the production of PLASTICS and plastic products, PLASTICS waste generation and management

The table below presents 11 normative acts from Georgian legislation that directly or indirectly regulate issues related to the production of plastic or plastic products, the use of plastic, and plastic waste management.

Waste Management Code

The purpose of this Code is to create legal grounds in the field of waste management for the implementation of activities that contribute to the prevention of waste generation, expansion of its secondary utilization, treatment of waste in an environmentally safe manner (which includes recycling and separation of secondary raw materials, energy recovery from waste, safe disposal of waste).

The Code establishes an extended producer obligation (EPO), including:

- A manufacturer subject to the ROP is required to register in the electronic Extended Producer Obligation Registry administered by the Ministry prior to placing a product on the market.
- The producer of a product that subsequently becomes a specific waste and the person placing said product on the market are obliged to ensure the segregated collection, transportation, recovery (including recycling) and environmentally safe disposal of waste generated from the product.

The Code does not directly regulate transboundary transportation of waste. Import, export and transit (transboundary transportation) of wastes are regulated taking into account the requirements and procedures stipulated by the Law of Georgia "On Waste Import, Export and Transit" and the Basel Accord

Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of March 22, 1989.

This Code shall apply to waste of any type, except for the following types of waste:

- (a) Radioactive waste;
- b) gaseous emissions into the atmosphere;
- c) Land (in situ) including unremoved contaminated soil, buildings,

inextricably linked to the land;

d) uncontaminated soil, as well as materials distributed in nature, removed as a result of excavations during construction, if it is obvious that the said materials in their natural form will be used in the same place where the said construction is being carried out, and they were removed for the purposes of this construction; (24.06.2016 N5563)

e) waste water, pollution of water bodies (including the Black Sea) with waste water or (and) waste;

(e) Explosives withdrawn from use;

g) biological mass - fecal matter / manure, straw, as well as other similar harmless materials of natural origin used in farming, forestry or for energy production from the said biological mass by means of processes and methods that do not pose a threat to the environment and human health; (24.06.2016 N5563)

h) mining and processing wastes - wastes generated as a result of work in quarries and exploration, extraction, processing and storage of mineral resources;

(i) Military chemicals withdrawn from use;

j) uncontaminated mass (overlay) removed as a result of operational, rehabilitation measures carried out with reclamation systems, placed in the systems' exclusion zones.

<https://matsne.gov.ge/ka/document/view/2676416?publication=15>

Georgian law Environmental Assessment Code

This Code regulates matters relating to strategic documents and public or private activities, which implementation may significantly impact the environment, human life, and/or health.

<https://www.matsne.gov.ge/ka/document/view/3691981?publication=13>

Decree of the Government of Georgia dated January 15, 2014N^o 72, "On Approval of Technical Regulation - Sanitary and Hygienic Requirements for Food Packaging"

The Technical Regulation establishes control indicators and permissible migration volumes of chemical substances in packaging materials and products (polymeric, synthetic, steel, alloys, etc.) related to foodstuffs (food products) that are safe for foodstuffs and harmless to human health. Assessing food packaging safety is a multi-step process defined by decree. Annex 2 of the regulation contains a list of hygienic indicators of materials in contact with food products and chemical substances emitted from the products. The table in the annex details the list of chemical substances, their maximum permissible limits concentrations and defined hazard classes of these substances. The Technical Regulations do not establish control mechanisms.

<https://matsne.gov.ge/ka/document/view/2196588?publication=0>

According to the Government of Georgia's Resolution No. 50 dated March 7, 2013, "On acceptance by Georgia of technical regulations of other countries, recognition of documents confirming conformity, admission to Georgia of products with relevant marks without additional conformity confirmation procedures, as well as on placement on the Georgian market without restrictions of products of the regulated sphere produced in other countries".

According to the resolution, technical regulations in the member states of the European Union and the Organization for Economic Cooperation and Development, defined in the annex to the resolution, are allowed to operate in Georgia.

The annex to the decree defines 37 countries, imported products from which do not need additional (repeated) procedures of confirmation of conformity in the case of placement on the market of Georgia, if they have documents confirming conformity assessment provided for by the legislation of the same countries and marked with labeling.

<https://matsne.gov.ge/ka/document/view/1868168?publication=0>

Resolution of the Government of Georgia No. 472, dated September 14, 2018, "On Approval of Technical Regulations - Rules for Regulation of Plastic and Biodegradable Bags"

The Technical Regulation establishes basic requirements related to the production, import and sale of plastic bags, as well as biodegradable and compostable bags on the territory of Georgia.

The purpose of the technical regulation is to reduce the harmful impact on the environment and human health caused by the use of plastic bags.

The technical regulations regulate the following issues:

- Terms and conditions of the polyethylene, biodegradable and compostable bags market;
- compliance assessment;
- labeling;
- compliance monitoring;
- Liability for violation of the rule.

The ordinance does not directly affect the volume of single-use plastic imports because it does not regulate all types of single-use plastic products.

<https://www.matsne.gov.ge/ka/document/view/4325640?publication=0>

Resolution of the Government of Georgia dated August 17 2015 № 426, "On defining and classifying the list of wastes by type and characteristics"

The purpose of the list and classification of wastes by types and characteristics is to define the rules for classification of wastes (hereinafter - the rule) and determination of their hazardous properties in order to ensure proper implementation of the Waste Management Code and by-laws issued on its basis.

<https://matsne.gov.ge/ka/document/view/2952265?publication=0>

Georgia Government Resolution, June 5, 2018, № 317, "Requirements for Materials and Items Intended for Food Contact"

The Ordinance establishes requirements for materials and items intended for direct or indirect contact with and regulates the conditions for their production and placement on the market by a business operator.

The purpose of the Regulation is to ensure the effective functioning of the internal market for materials and items intended for direct or indirect contact with food, protection of human health and consumer rights.

The requirements specified in the Ordinance apply to materials and articles intended for direct or indirect contact with food, including active materials and , and to "smart" materials and articles that are in finished form intended for one of the following purposes:

- is intended for contact with foodstuffs;
- that have already been in contact with food and were intended for this purpose;
- Usually, when used under normal or foreseeable conditions, there is a possibility that they will come into contact with food or that their components will get into or on food.

The requirements defined by the Ordinance do not apply:

- To materials and items represented as antique materials and items;
- To protective materials and casings, such as cheese rinds, meat products or protective fruit casings, which are part of food products and are intended to be consumed with food;
- On fixed devices of private and public water supply.

<https://matsne.gov.ge/ka/document/view/4217106?publication=0>

Decree of the Government of Georgia dated June 8, 2022, № 304, "On Approval of Technical Regulations on Plastic Materials and Products (Items) Intended for Contact with Foods with products."

Technical Regulations establish special requirements for plastic materials and products (items) and regulate the conditions for their production and placement on the market by the business operator.

The technical regulation establishes special requirements defined in Article 6 of the rules approved by the Decree of the Government of Georgia dated June 5, 2018 № 317

"Requirements for materials and objects intended to come into contact with food products" to those

plastic materials and articles (items) that are produced and/or placed the market for one of the following purposes:

- is intended for contact with foodstuffs;
- that's already been in contact with food;
- less likely to come into contact with food.

The ordinance has not gone into effect; it will go into effect on January 1 2026.

<https://matsne.gov.ge/ka/document/view/5489071?publication=0>

Decree of the Government of Georgia No. 143 of March 29, 2016, on approval of technical regulation - "Rules of Waste Transportation".

The technical regulation defines the requirements for the experience of the driver of the vehicle used for waste transportation, the packaging used for waste transportation and the vehicle transporting hazardous waste, as well as the authority and responsibility of the participants of the waste transportation process.

<https://matsne.gov.ge/ka/document/view/3237425?publication=0>

Resolution of the Government of Georgia No. 32 of January 3, 2014, Resolution on Approval of Technical Regulations "Rules of Carriage of Goods by Vehicles"

The Technical Regulations establish the conditions for the transportation of goods by means of transport, requirements related to safety and property protection, as well as the rights, duties and responsibilities of participants in the transportation process.

<https://matsne.gov.ge/ka/document/view/2190104?publication=0>

The Resolution of the Government of Georgia dated April 1, 2016N^o 160 "On Approval of the National Waste Management Strategy for 2016-2030 and the National Action Plan for 2016-2020" addresses issues related to plastic waste:

- The paper summarizes issues related plastic waste:
- Plastic waste statistics;
- Measures to improve plastic waste management;
- Challenges in plastic waste management

The Government of Georgia also developed an action plan for improvement measures, dated September 7, 2022, Ordinance N^o 1629. The document "On Approval of the Fourth National Environmental Action Program Georgia for 2022-2026" discusses plastic issues from a waste perspective, including

- Legal and policy framework
- Reforms and measures implemented
- Main problems and causal factors

Resolution of the Government of Georgia No. 259 of June 9, 2016, "On Approval of the List of Wastes Allowed for Import to the Territory of Georgia, Export from the Territory of Georgia and Transit through the Territory of "

The Resolution establishes the list of wastes permitted for import, export, and transit through the territory of Georgia. This list includes plastic waste as well as waste containing plastic. Wastes identified by the Basel Convention's annexes on plastic waste are part of this list.

<https://www.matsne.gov.ge/ka/document/view/3305667?publication=0>

Code of Georgia on Administrative Offenses Committed an administrative offense
The Code determines what action or inaction is an administrative offense, what administrative fine, by what body (official) and in what order may be imposed on a person,

Analysis of the current legislation in the country that regulates the production of plastic and plastic products, the generation and disposal of plastic waste.

The discussed 14 normative acts of Georgian legislation directly or indirectly regulate issues related to the production of plastic or plastic products, the use of plastic, and plastic waste management. However, the legal framework in Georgia is not comprehensive enough to fully address issues related to plastic usage, so several matters remain unresolved, namely:

- Monitoring and controlling the safety and intended use of plastic products;
- Labeling rules that define the required label information, material composition, hazards, and consumption/application specifics;
- Promotion of the use of alternative materials. In particular, there are bans or restrictions on the use of certain plastic products, as well as the potential for sustainable management of alternative materials;
- Monitoring and control of plastic waste record keeping and reporting management.

In addition to the general legal rules, which are comparatively more comprehensive in covering the issues of plastic waste management, there are targeted normative acts in Georgian legislation that regulate some issues of plastic materials utilization:

- Resolution of the Government of Georgia No. 472 dated September 14, 2018 "On Approval of Technical Regulations - Rules for Regulation of Plastic and Biodegradable Bags";
- Resolution of the Government of Georgia dated June 8, 2022, № 304 "On Approval of Technical Regulations on Plastic Materials and Products (Items) intended for contact with foodstuffs".

The normative acts outlined in Georgia's legislation signify a meaningful step forward in regulating the use of plastic products. Nevertheless, enforcing the established legal framework norms remains the main priority.

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project:

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