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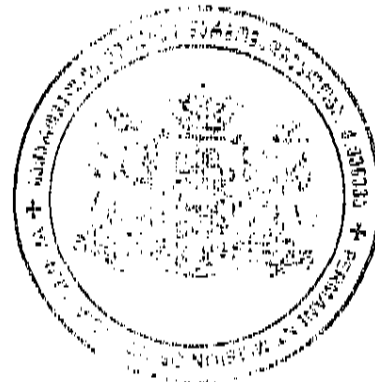
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The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and in response to letter of the Special Rapporteur on the right to food, Ms. Hilal Elver dated October 12, 2016 regarding the annual report on the implications of the widespread use of pesticides on the right to food, has the honour to convey the response prepared by the Government of Georgia.

The Permanent Mission of Georgia to the United Nations Office and other international organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 13 December 2016

**Office of the United Nations
High Commissioner for Human Rights
Geneva**



Encl. 9 pages.

Information of the Government of Georgia in response to the questionnaire on the implications of the widespread use of pesticides on the right to food

1. Please list any laws (both domestic and international) that are being enforced by your government to regulate the rule of pesticides.

In the field of chemical control, Georgia is a party to the **Rotterdam, Stockholm, Basel, Vienna Conventions and Montreal Protocol**. International Code of Conduct on the Distribution and Use of Pesticides (FAO) has the legal power on the territory of Georgia, much like any other normative act.

Georgia signed the **Minamata Convention on Mercury** on October 10, 2013, but has not ratified it yet. Georgia has also ratified **International Plant Protection Convention**, in accordance to which, National Food Agency represents the National Plant Protection Authority. It is therefore tasked to apply quarantine and anti-pest measures in line with the convention, i.e. adequate use of plant protection products.

According to the EU-Georgia Association Agreement ratified in 2014 the country shall develop and strengthen their cooperation on environmental issues in order to contribute to the long-term objective of sustainable development. Policy objectives concerning management of chemicals, including POPs pesticides, are included in the Association Agreement with the EU. In order to translate the Agreement into more specific actions, the Government adopted the "National Action Plan for the Implementation of the Association Agreement" in 2014 which presents a roadmap for development of legislation that is necessary for the implementation of EU directives relevant for chemicals management.

Georgia participates in the implementation of Strategic Approach to International Chemicals Management SAICM (Strategic Approach to Sound Management of Chemicals). In 2009, within the scope of the project "Updating a National Chemicals Management Profile, Development of a National SAICM Capacity Assessment, and Holding of a National SAICM Priority Setting Workshop" the Chemical Profile of Georgia has been elaborated (with the technical assistance of the United Nations Institute for Training and Research (UNITAR) and the financial support of the Strategic Approach to International Chemicals Management (SAICM) Quick Start Programme Trust Fund).

Georgia is implementing the SDG goal 12.4: By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their lifecycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize adverse impacts on human health and the environment.

Efficient and safe use of pesticides (plant protection products and growth regulators) is governed by the Law on Pesticides and Agrochemicals (1998), Food/Feed Safety, Veterinary and Plant Protection Code of Georgia (2012), Code of Administrative Offences of Georgia and Law on Licenses and Permits (2006).

Besides, several acts regulate the "life cycle" of pesticides: its introduction, production (packaging), storing, transportation, sale and use, marking, promotion, sample taking for the purpose of controlling pesticide quality as well as pesticide and nitrate residues in food.

The following Regulations of the Government of Georgia has been adopted:

- Decree of the Government of Georgia #427 on "Marking of Pesticides and Agrochemicals" Rules;
- Decree of the Government of Georgia #447 on Rules for "Control and Sample Taking of Marketed Pesticides and Agrochemicals";
- Decree of the Government of Georgia #443 on approval Provision on Registration Examination and Registration of Pesticides and Agrochemicals;
- Decree of the Government of Georgia #451 on Rules for „Storage, Transportation, Sale and Use of Pesticides and Agrochemicals“;
- Decree of the Government of Georgia #437 on Approval Rules for "Organization of Small-Size Packaging of Pesticides";
- Decree of the Government of Georgia #35 on approval Technical Regulation for "Sample Taking for Purpose of Controlling Pesticide and Agrochemical Residue Quantities in Food/Feed and Environmental Objects";
- Decree of the Government of Georgia №59 of 31st January, 2011 on approval "Costs and Terms of Service Provided by LEPL National Food Agency";
- Governmental Decree N263 on "Rule of Import and Export of Certain Hazardous Chemicals and Pesticides and Implementation of Prior Informed Consent Procedure" (adopted in 2016)
- Order № 2-152 of the Minister of Agriculture of Georgia of 28th September 2007, on "Additional Requirements for the Registration of Pesticides/Agrochemicals Approved in EU and OECD States (in Georgia)"
- Order № 2-235 of the Minister of Agriculture of Georgia of 29th October 2013, on "Approval of Official Catalog of Licensed Pesticides for Use in Georgia" and order № 2- 127 of 2nd July 2014 of "Amending the Catalog";
- Order № 2-152 of the Minister of Agriculture of Georgia of 7th August 2006, - Rules on "Introduction of Required Pesticide and Agrochemical Samples, Standardized Drugs and Analytical Standards";
- Decree N133/N of the Ministry of Labor, Health and Social Affairs on "Approval of the list of hazardous chemical substances subject to prohibition of production, use and export-import or severely restricted use";
- Order N 301/N of(16 August 2001, of the Minister of Labour, Health and Social Affairs of Georgia about approval of "Sanitary rules and norms for food products' quality and safety";

- Order N 309/N of 16 August 2001, of the Minister of Labour, Health and Social Affairs of Georgia about approval of "Hygienic normative in production of pesticides in the environmental objects".

Initial National Implementation Plan (NIP) on POPs was elaborated, adopted by the government and submitted to the Stockholm Convention secretariat in 2012.

2. The use of pesticides has had detrimental effects not only on the environment but also on human health, both from direct and indirect exposure. What are the successful and unsuccessful measures taken by your government to prohibit, ban, restrict and phase out pesticides that are harmful to human health?

In order to regulate the use and transaction of pesticides and agrochemicals, a registration and control system is in place. The registration authority for the products of plant protection and agrochemicals is the National Food Agency. The procedures for the testing, examination, and registration of pesticides and agrochemicals have already been established. Since 1999 "Official Catalog of Approved Pesticides and Agrochemicals for Use in Georgia" is periodically published.

The registration of pesticide in Georgia is performed in view of new EU Regulation (EC) № 1107/2009 concerning the placing of plant protection products on the market as well as certain terms of 91/414 Directive EEC of July 15th, 1991. During the registration, we strictly follow the list of active substances approved by the abovementioned regulation. An active substance shall be registered for a period of ten years, while preparatory (preparation) forms - for a period of 5 years. Temporary registration - for a period of 3 years and registration, which enables the subsequent extension of sphere of use, is also accounted for.

Registration Principles:

Registration of those pesticides, which had been approved in EC and OECD countries, is performed based on document analysis. Profiling scientific research institutes and laboratories conduct biological, toxicological-hygienic, ecological, veterinary-toxicological and fishery examinations.

Registration of those pesticides, which had been approved in EC countries bearing similar soil and climatic conditions as Georgia, carried out based on the document analysis by National Food Agency.

Registration of those pesticides which are not registered yet in EC and OECD countries as well as of substances of local origin, is conducted based on the bio-registration examination (during 1-2 vegetation seasons) and document analysis is being done by relevant profiling scientific research institutes.

The Official Catalog of Pesticides is, essentially, a unified list, which encompasses all those chemical and biological substances, the use of which is permitted on the entire territory of Georgia. The catalog, the main instrument for the authorities to perform their tasks, contains: regulations on the use of pesticides, hygienic and ecological norms. The new 2013 catalog introduced new, active substances, which are also less hazardous to human health and environment.

Annually state catalog is amended, updated and supplemented. As of now, catalog includes 258 active substances and their combinations, up to 700 preparatory (preparation) forms, of which 400 are analogs.

Notably, already in 1999, more than 145 substances had been removed from the First List of Products of Plant Protection and Growth Regulators, inherited from the Soviet Union and comprised of 325 designated substances.

The list of prohibited and strictly regulated chemical substances and pesticides had been developed by the Plant Protection Service already in 1999 (contained 32 pesticides, that eventually were included in Annex III of Rotterdam Convention) and was approved by the Order of the Minister of Labor, Health and Social Affairs of Georgia.

According to Regulation № 184 of the Government of Georgia of 28 September, 2016, Annex III of the Rotterdam Convention and abovementioned order, 55 substances (including 42 pesticides) had been banned in total. Not a single prohibited or strictly regulated pesticide is in the State Catalog of active substances.

On 13 June, 2016, Regulation № 263 has been enacted by the Government of Georgia, on "Procedures and Rules Regarding the Prior Valid Affirmation and Export-Import of Certain Hazardous Chemical Substances and Pesticides". The National Food Agency of the Ministry of Agriculture of Georgia represents the Designated National Authority (DNA) with regards to pesticides in according to the Rotterdam Convention and therefore is authorized to perform administrative functions as per convention.

From 2015, taking into account the obligations of the EC N 1107/2009 regulation, a Pesticide Preparation Form Re-evaluation program has also been initiated. The assortment of means of plant protections is updated and refined regularly. For example, 11 such drugs, which contained 8 substances, not approved in European Union, had been removed from the list of licensed ingredients.

Import, export, transportation and production of pesticides and industrial chemicals were included in Decree N133/N of Ministry of Labor, Health and Social Affairs on "Approval of the list of hazardous chemical substances subject to prohibition of production, use and export-import or severely restricted use" (since 2001). The production, import, storage, sale, use or advertising of the pesticides, which are not included either in the abovementioned list or in the National

Catalogue of Pesticides and Agrochemicals, are subject to state registration at the Ministry of Agriculture. Furthermore, the rules for production, packing and labeling of pesticides have been established.

The GEF funded project "Review and update of the national implementation plan for the Stockholm Convention on Persistent Organic Pollutants (POPs) in Georgia" is implemented by UNEP in cooperation with the Ministry. Project envisages the new POPs inventory, assessment of the existing plan and development and adoption of the new plan, as well as public awareness raising regarding POPs.

POPs pesticide management activities:

- 230 tone of POPs Pesticides were collected, packed and exported to Belgium and France for disposal in 2014;
- The territory of Iagluja Dumpsite was fenced and the warning signs has been installed;
- Iagludja chemicals landfill remediation action plan is elaborated (for site remediation and environmental improvement three conceptual scenarios);
- POPs inventory and Awareness raising activities;
- Additional 208 tone of POPs Pesticides were collected, packed and sent to France for disposal in April 2016.

3. Some particularly exposed or vulnerable groups such as children, pregnant women, farmers, farm workers, indigenous peoples and migrant workers, are at greater risk to the effects of pesticides due to higher exposure or increased sensitivity. Please explain the efforts undertaken by your Government to prevent and mitigate detrimental impacts of pesticides on the health of these vulnerable groups.

In 2011-2015 the Ministry of Agriculture had executed a project - GCP/RER/040/EC Project "Improving capacities to eliminate and prevent recurrence of obsolete pesticides as a model for tackling unused hazardous chemicals in the former Soviet Union". Within the framework of 2014 Rotterdam Convention and joint PAN-UK Project GCP/RER/040/EC „Protecting farmers and vulnerable groups from pesticides poisoning”, a regional training was held in Tbilisi for all interested specialists of both government and non-governmental organizations, on which the impact of pesticides on volatile groups had been discussed. Following that, the research had been performed in several regions of Georgia (Marneuli), special questionnaires had been completed with the purpose of determining the effect of pesticides on seasonal workers, women and children. Within the framework of this project, FAO had organized a seminar in 2015 on the topic of "Protection from Pesticide Poisoning" for agricultural, health care and environmental experts. Pesticide management issues had been discussed and recommendations had been drafted for the purpose of protecting volatile groups from pesticide poisoning.

4. Have any studies been conducted, with the support of your Government, using disaggregated data to differentiate and detect impacts on above-mentioned vulnerable groups?

In 2015-2016, within the context of European Union project GCP/PER/040/EC, under the auspices of PAN/UK and Rotterdam Convention and with the support of non-governmental organization "Ecolife", project "Evidence-Based Assessment of Pesticide Influence in Farms" has been concluded in Georgia. Almost 1300 farmers and hired workers had been interviewed in the region of Kvemo Kartli, issues affecting pesticide users and volatile groups had been studied, incorrect utilization of pesticides as well as accidents of pesticide poisoning and erroneous approaches towards personal safety rules by the volatile groups had been duly identified.

In 2016 Rotterdam Convention was held along with the work meeting between the representatives of PAN -UK and the specialists of agricultural, environmental and health care authorities on the issue of promoting the development of pesticide regulations in Georgia. The results of the research on the health impacts of pesticide use in regions on volatile groups, conducted by "Ecolife" with the involvement of NFA specialists, had been heard. Risk factors had been determined and the published information materials had been assessed.

5. Considering that States have an obligation to implement the right to information on hazardous substances, please give examples of how your Government has ensured that pesticide users and consumers are informed of the hazards and risks of pesticides used in food production?

National Food Agency of Georgia has published posters - "Effective and Safe Use of Means of Plant Protection" and brochure - "Rules on Safe Pesticide Use", that have been widely distributed throughout the country regions (at Regional Service offices of National Food Agency, Consultation Centers of Ministry of Agriculture of Georgia, pesticide sale points, etc.),

The National Food Agency website provides recommendations to farmers on measures against pests and diseases, which contain safety rules on pesticide use. Also, booklets on countermeasures against various pest organisms, which also cover safety rules, are published and spread throughout regions among the farmers. Safety Instructions are given to the workers regarding machines and instruments of plant protection.

6. Please provide any good practices that your Government has initiated to assess, monitor, prevent and mitigate the risks of exposure to hazardous pesticides and what future efforts could be undertaken?

Regulations about pesticide management includes requirement about necessity of usage of personal protection equipment (mandatory requirement), working hours for manufacturing processes connected with pesticides are determined, above mentioned regulations also include safety instructions regarding storage, transportation, realization production, packaging and usage of pesticides. By the rule of pesticide labeling is determined character and volume of obligatory information which should be presented on packaging on Georgian Language in order to inform consumer fully. In order of fulfillment of terms of DCFTA upgrading of above mentioned

regulation in line with Regulation (EC) No 1272/2008 on classification, labeling and packaging of substances and mixtures is in process.

7. Gaps and weaknesses in international and national regulatory systems allow the use of pesticides that are unsafe, even when used legally and per instruction, on the market. Please provide examples of good practices initiated by your Government in building effective protection frameworks governing the production and use of pesticides.

In 2007, with financial support of World Bank was elaborated and published "Code of model practice of agriculture in Georgia", in process of elaboration of these code was involved experts from Ministry of Agriculture, Ministry of Environment and Natural Resources Protection, research and educational institutes.

Main purpose of the code is to promote establishment of less harmful for environment rules of agriculture, to avoid contamination of Surface and underground waters, air pollution, degradation of natural resources, soil erosion, reduction of fruiting and harmful results of pests' activities.

At present in frame of FAO project process of elaboration of GAP-s for different cultures (seeded crops, berry-field, plural stone-fruits, subtropical fruits, citrus) is ongoing.

In accordance with association agreement with EU National Food Agency is carrying out policy of legislation approximation with EU, in frame of these process approximation with REGULATION (EC) No 1107/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 concerning the placing of plant protection products on the market and directive 2009/128/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides is ongoing. Basic principles of usage and turnover of pesticides is reflected in Georgian Legislation in force. At present we are working out on particular rules and technical requirements of pesticide related activities in line with above mentioned regulations and directives.

Refining of registration process (in line with euro legislation) of biocides and disinfectants which are used in communal farms is ongoing.

8. Please provide examples of efforts supported by our Government to reduce the use of pesticides in agriculture food production, including by incentivizing ecological methods of pest control and agro-ecology (including training programs, provision of financial support, etc.). Please indicate how successful and how widely implemented such efforts have been to date.

In Georgian from 30 July 2013 resolution about "bio production" is in force, which includes list of plant protection products allowed for use in biological farms. National Food Agency have registered biological insecticides and fungicides and promotes their usage among farmers. In the frame of the project Agency (NFA) have bought micro meteorostations, they are sited in vinery

region (Kakheti Region), it helps to predict spread and up growth of vineyard diseases, these information is transferred to growers make chemical treatment in optimal time and to minimize their usage. Agency uses biological measures against especially dangerous and quarantine pests in frame of state programs, also it uses pheromones for phytosanitary monitoring. In regions are held seminars and workshops for farmers about modern measures of plant protection and about usage of less harmful pesticides as for human health as environment.

Awareness raising activities regarding pesticides and inventories of POPs pesticides have been conducted within the scope of different projects, such as:

- FAO/EU project "Improving capacities to eliminate and prevent recurrence of obsolete pesticides as model for tackling unused hazardous chemicals in the former Soviet Union" (2012-2016);
- GEF/UNDP project "Disposal of POPs Pesticides and Initial Steps for Containment of Dumped POPs Pesticides in Georgia" (2011-2014);
- GEF/UNEP project "Demonstrating and Scaling up Sustainable Alternatives to DDT for the Control of Vector Borne Diseases in Southern Caucasus and Central Asia").

10. Please provide any additional information you believe would be useful to understand the challenges confronting your Government in its efforts to prevent and mitigate adverse impacts of pesticides on human health, the right to food and the environment.

Ministry of Agriculture is involved in management of Persistent Organic Pollutants (POPs). National Food Agency together with Ministry of Environment and Natural Resources are Designated National Authorities (DNA) by Rotterdam Convention and they are empowered to fulfill administrative functions legally provided by above mentioned Convention.

National Food Agency participated in following Projects and activities:

- FAO/GEF capacity building project for solving problem of validity expired pesticides and POPs (Eastern Europe, Caucasus and Central Asia) in 2009-2012 years;
- UNDP/GEF participated in Board work of starting measures for POPs liquidation and localization;
- In 2000-2014 in board works against POPs with Ministry of Environment and Natural Resources.
- project (GCP/RER/040/EC) about capacity building for management of pesticides and other toxic chemical substances in post-soviet countries (2011-2015 years) and performed component of capacity building in order to avoid usage of obsolete pesticides as management model to solve problem of unused chemical substances in post-soviet countries.

In order to strengthen the efforts toward prevention and mitigation of adverse effects of pesticides on human health and the environment the Ministry of Environment and Natural Resources Protection of Georgia plans to:

- Implement the activities defined under the “Roadmaps of the Ministry of Environment and Natural Resources Protection for EU Approximation in the Environmental and Climate Action Fields”:
- Elaborate a Law on Chemicals (in 2017-2019 - as envisaged in 2015-2019 Action Plan of the National CBRN);
- Elaborate a Law/By-Law on Classification, Labeling and Packaging of Substances and Mixtures;
- Successfully implement the ongoing GEF / UNDP project “Strengthen national decision making towards ratification of the Minamata Convention and build capacity towards implementation of future provisions”. The project aims to undertake a Mercury Initial Assessment that enables the Government of Georgia to determine the national requirements and needs for the ratification of the Minamata Convention and establish a national foundation to undertake future work towards the implementation of the Convention.