

## Second National Report on Implementation of Aarhus Convention

### Article 3

#### **Paragraph 1: A clear, transparent and consistent framework to implement the Convention**

- Have there been any legislative changes in non-environmental (sectoral) legislation significant for the environment that may limit public participation in certain cases (e.g. facilitating construction of highways or inland navigation issues)?
  - *Such legislative changes had not been implemented in Georgia.*
- Is there any mechanism in place to monitor implementation of the Convention's provisions and those of the relevant domestic legislation (e.g. information ombudsperson or commissioner)?
  - *The person responsible for issuing information from the Ministry of Environment Protection and Natural resources of Georgia (MoE) had been assigned by the decree of Minister. Also, in order to assist MoE in implementation of Aarhus Convention in Georgia, the "Aarhus Centre" had been established.*

#### **Paragraph 2: Assistance and guidance to the public in public participation matters**

- Which principal legal tools does the general administrative law provide to facilitate exercise by the members of the public of their procedural rights? Does environmental legislation provide for any additional such tools?
  - *The public administrative proceedings are set up by 9<sup>th</sup> Chapter of General Administrative Code of Georgia. More precisely, these issues are: issuing the individual administrative legal act by using public administrative proceeding and publishing note containing list of documents to be submitted to the public introduction, the guidelines for presentation of self opinion, preparation of project of individual administrative-legal act and presenting it to the public, etc.*

*The General Administrative Code of Georgia literally implies the procedures of submission of administrative appeal to administrative court; the procedures of considerations and decision-making; also the procedures for citizens to appeal to the court in case of violation of their rights in the field of access to information, or participation in decision making process (Georgian Administrative Procedural Code);*

- What are the institutional and budgetary arrangements for capacity building (e.g. public relations departments, information booths, full- or part-time officers)?
  - *The Public Relations and Media Service represents the structural unit of the MoE. It employs 4 fulltime staff.*
  - *With the purpose of environmental control enforcement, in the field of implementation of environmental legislation existed problems and in the field of implementation of environmental requirements, in the 2005 Georgian Government created the control*

*enforcement body in the MoE. This body is titled as “Inspectorate for Environment Protection” (Inspectorate). The “Hot Line” was established in the Inspectorate. It functions also in the regions of Georgia. The purpose of this service is to establish direct connection between public and the Inspectorate and to enable Inspectorate to receive information on any legislative violations in timely and efficient manner; Also to assist contribute to the Inspectorate to timely react on violations of environmental legalisation.*

- Are there specific regulations and/or practices concerning capacity building for public authorities performing functions relating to the environment (e.g. water management, forestry, fishery authorities)?
  - *On the one hand, the numbers of environmental laws do contain norms, which carry the enforcing manner for the applicable executive authorities. More precisely: According to the Georgian Law on Public Health, Article 23:*
    1. *The Ministry of Labour, Health and Social Affairs of Georgia following the recommendations of World Health Organization, defines the norms and technical regulations of safe water quality for human health;*
    - *The National Centre for Disease and Public Health Control of the abovementioned ministry has a division of Environmental Health, which in turn participates in the elaboration of norms and standards of environmental quality of water, atmospheric air, soil, noise, vibration, electromagnetic radiation to ensure a safe environment for human health.*
    2. *The Ministry of Agriculture of Georgia carries out the control of compliance of drinking water safety and quality parameters with the established legislative requirements and, without the drinking water, selected laboratory control;*
    3. *The Ministry of Environment Protection and Natural Resources of Georgia provides the following:*
      - a) *To elaboration and carry out the joint policy for State Management of water resources and with application of sustainable development and principles of river basin management;*
      - b) *Protection of water resources from such negative impact which could affect public health, worsen the water supply conditions and result in its qualitative changes;*
      - c) *Organization state system for water use licences;*
      - d) *To plan and conduct arrangements to limit water usage, its termination or restriction in special cases.*
    4. *According to the Georgian Law on Public Health, Chapter VI, Article 23, par. 4, with regard to ensure a safe water for human health, internal control and audit of water quality is carried out by independent accredited laboratories.*
  - *On the other hand, based on the state budget and donor financial support, different activities are permanently conducted, which strengthen the technical capabilities of these institutions. The one of the examples of such activities is the funded project “Aarhus Centre Georgia”, financed by the OSCE Mission to Georgia. The aim of this Centre is to support the MoE in the full implementation of duties and responsibilities under the Aarhus Convention;*
  - *It is to be noted that the elaboration of the mechanism of integrated basin management is one of the obligations of Georgian Government;*
  - *The reorganization of Georgian Forest Department is in the process. This will contribute and enable the implementation of duties and responsibilities of government under the Aarhus Convention in the field of Forest Policy. The Forest Policy Document is in the process of elaboration.*

- Are there specific training curricula for judges concerning environmental protection and issues addressed in the Convention?
  - *Such specific training curricula in Aarhus Convention does not exist. However, the Supreme School of Justice does exist in Georgia. This School undertakes organization of trainings for judges and is open for environmental educational programmes, especially in the field of Aarhus Convention. But the School does not have its own resources as local experts and depends on foreign experts.*

*P.S. With the support of OSCE Mission to Georgia and “Aarhus Centre Georgia”, such training is planned to be conducted in 2008.*

### **Paragraph 3: Environmental education and awareness raising**

- How do curricula of lower-, medium- and higher-level education institutions address environmental and governance issues, in particular those addressed in the Convention? Are there any institutional arrangements that deal with this matter (e.g. memoranda of understanding between ministries of environment and education)?

*- Any type of Memorandum does not exist between these two ministries. However, the MoE and The ministry of Education and Sciences of Georgia actively cooperate in the implementation of “Strategy for Education for Sustainable Development”;*

*- In 2004 the Government of Georgia approved the “National Goals for General Education”, where the role of environmental education is especially emphasized; Based on this document in May 2005 the elaboration of General National Curriculum was completed. It was completed by May 2005. The environmental education is one of priorities there. The concept of sustainable development is the basement for subjective programs of natural and social sciences. This is clearly indicated on initial and base step integrated course books and programs: natural science (1-VI grades) and social sciences (V-VII grades). Among base and average stage particular subjective programs on the awareness raising of environmental and other applicable legal subjects are: “biology”, “geography”, “chemistry”, “civil education”, “economics”, “state and citizen”. Also, on the average stage, in the graduating XII grade students will have opportunity to study “Geography of Global Problems” from the blocks of Natural and Social Sciences. This will be the summary course in the study of environmental issues. From 2006-2007 study years all secondary schools step by step work on implementation of mentioned National Curriculum.*

*From 2006 one more competition was added to the Ministry’s national and international Olympiad by grouping integrated projects for sustainable development. The partner of the competition is the MoE. It should be noted, that in the years of 2006 and 2007, 610 school groups from all around Georgia (1962 students and 207 teachers) participated in this program. As a result of completions, the interest on the issues of sustainable development had been significantly increased. The bigger impulse was given to this issue after the conference “Education for Sustainable Development” held in Lithuania, in 2005.*

*In 2007, the Center for Teachers Professional Development elaborated the professional standards project for teachers, which is now the subject for discussion at schools professional societies. After approval, this document will become a manual for teachers’ certification. According to the project, all teachers starting from primary school grades and ending with teachers of higher basis-average steps of natural and social sciences will be required to demonstrate a high efficiency and knowledge in environmental issues, as well as, to have professional pedagogical skills in the development of environmental sensitivity attitude among their students.*

Since September 2007, the National Curriculum and Assessment Centre has started elaboration of preschool educational standards, the one of principal basement of which is the establishment of environmentally positive attitude within preschool children.

Applicable Web Sites:

<http://www.ganatileba.org>

[http://www.mes.gov.ge/index.php?lang\\_id=GEO&sec\\_id=280#http://www.mes.gov.ge/index.php?lang\\_id=GEO&sec\\_id=600&info\\_id=1410](http://www.mes.gov.ge/index.php?lang_id=GEO&sec_id=280#http://www.mes.gov.ge/index.php?lang_id=GEO&sec_id=600&info_id=1410)[http://www.mes.gov.ge/index.php?lang\\_id=GEO&sec\\_id=600&info\\_id=1045](http://www.mes.gov.ge/index.php?lang_id=GEO&sec_id=600&info_id=1045)

As a result of 2003 -2005 reforms in in the higher education system of Georgia, the universities (State Universities among them) are fully independent institutions. Currently, the enviormnata and research programs area being rapidly developed in countries leading universities. For example:

from 2007, the Ivane Javakhishvili Tbilisi State University (TSU) has launched the masters programmes in Sustainable Environmental Development, Ecology and Environmental Control, Regional Geography and Landscape Planning, Taxonomic Research and Biodiversity Conservation;

Since 1995, the UNESCO Department of Environmental Education is successfully working at Georgian Technical University;

Since 2006, the direction of Live Nature Faculty of I. Chavchavadze University is following the directions of "Education for Sustainable Development".

Applicable Web Sites:

<http://www.science.tsu.ge/mastprograms.asp>

<http://unesco.ucesm.gtu.ge/>

<http://iliauni.edu.ge/>

- Are there awareness-raising campaigns implemented by the environmental administration?

- The different campaigns are being conducted to raise awareness of local population and students in the field of protection of unique environmental cites, their preservation, as well as conservation of natural ecosystems. The "Concep for Ecological-Educational Activities on Protected Areas" and the "Instructions for Ecological-Educational Activities on Protected Areas" had been elaborated. Field guide for flora and fauna and guide for protected areas had been published. Key areas of several national parks were provided with interpretation boots, road posters, pictures and texts; the Georgian-English map-collage for tourists, different magazines, leaflets and flyers were published; Biodiversity photo exhibition of one region of Georgia have been conducted; Promotion videos about protected areas have been on the air; Four brief Georgian-English documentary films were shot; Seminars for local teachers and schoolchildren in different natural reserves were conducted; With the initiative of the Department of Protected Areas and with the support of "Aarhus Centre Georgia" the eco conference was organized with the motto: "Protect Natural Diversity of Georgia". The winners of the competition visited one of National Parks of Georgia.

P.S. For the better promotion and information spread on the functioning of Department of Protected Areas, the special web-site was developed ([www.dpa.gov.ge](http://www.dpa.gov.ge)). This web-site is functioning and will be constantly updated.

- The Inspectorate for Environment Protection had organized the TV advertisement, which contributes to the raising public awareness and their participation in environmental matters; in 2005, the special seminar was held for the employees of Inspectorate for Environment Protection.

*Within the frames of this workshop the participants were trained as trainers and later they themselves conducted trainings for the other employees of all territorial bodies of Inspectorate for Environment Protection. In 2007, in the Inspectorate for Environment Protection with the help of Organization for Economic Cooperation and development (OECD) and support of the governments of Norway and Netherlands, in the frames of current project (Creation of the base of the system ensuring enforcement of requirements of the Environmental Legislation in Georgia) the booklet "Carry out better your environmental rights and duties" was prepared and published. This booklet is targeted towards wide society, physical or legal entities, the bodies that carry out their activities on Georgian territory. This booklet enables them to receive information on the requirements and procedures stated by legislation, as well as the methods of appeal against administrative sanction of inspectorate.*

*- The Waste and Chemical Substances Management Division had arranged awareness raising meetings with local population;*

*- In order to raise public awareness, in 2007, the Climate Change Division arranged the seminar on the climate change issues; the new educational programs for schools and specified the faculties of institutes were studied; the strategy on climate change problems was prepared; the textbook for adaptation and vulnerability issues was prepared and published in Georgian; The manual on the methodologies for evaluation of vulnerability of healthcare sector was prepared and is being published in Georgian; the lectures for decision makers are conducted periodically; Together with one NGO, the number of lectures on climate change issues were conducted in number of secondary schools. The drawing exhibition on the subject of climate change was organized after lectures for children under age of 12. It is planned to issue 2008 year calendar with these drawings; The new version for one of the children's' tale illustrating the climate change problems was prepared; The project on creation of a cartoon film on this scenario is under the process of design; Articles on the issue of climate change are systematically published in newspapers; several TV programs and live radio program were broadcasted; The workshops are conducted in Tbilisi and Selected regions;*

*- The MoE Employees participate in local and international trainings and other educational programs, which contributes to the improvement of their qualification as applicable to the existed requirements and standards;*

*- Different trainings connected to environmental issues are held for employees of the MoE and the relevant state institutions, as well as business and NGO sector representatives.*

• Are there any relevant capacity-building activities aimed at journalists and, if so, which institutions or organizations implement them?

*- The special seminars and trainings are conducted mainly in the frames of that projects, which are carried out in the Ministry of Environment Protection and Natural Recourses of Georgia with the funding of international organizations. In 2006, only several out of city seminars/meetings for mass media representatives and journalists were conducted;*

*- The different media campaigns are carried out, which are the most effective tool for information spread and awareness raising, however, due to the lack of finances, these campaigns are quite fragmented.*

• Do environmental non-governmental organizations (NGOs) participate in environmental awareness raising? If so, how do they do this, and what support do they receive from the government to implement such activities?

*- Nongovernmental sector is actively participating in the component of awareness raising though implementation of different projects or trainings;*

- *Non-governmental sector is provided with technical support, grants and credits from international organizations;*
- *Even though, the service offered by the Project “Aarhus Centre Georgia” cannot be considered as a direct service provided from the government, anyway, it is worth to note, that the conference room and conference equipment of the project is free and accessible to any activity connected to environmental issues (seminars, conferences, trainings, workshops and meetings). Center also holds free environmental library, has free access to internet and also offers variety of services. Not only NGOs or governmental institutions, but any interested parties or persons can use the services offered by Aarhus Centre Georgia.*

#### **Paragraph 4: Support for environmental NGOs**

- What is the level of complexity of the existing procedures for NGO registration (e.g. registration by a court or an administrative authority, length of procedure, expenses involved, required documentation, need of legal assistance)?

*- The registration procedures of non-governmental organizations in Georgia are pretty simple. They are registered by an authorized body of the Ministry of Finance of Georgia, namely by the Tax Department of Income Office, which, under article 28, par. 9 of Georgian Civil Code is obliged to register non-commercial legal entity within 3 days after the submission of application or within the same time to send motivated refusal to it. Article 29 of Georgian Civil Code establishes the basis requirements for the application form, it shall include:*

1. a) *The name of authority to which the application shall be submitted; The date of the submission;*
- b) *The name of person (persons) who submit the application;*
- c) *The name of non-commercial legal entity;*
- d) *The information about domicile of non-commercial legal entity;*
- e) *The objectives or the activity of non-commercial legal entity;*
- f) *The information about the founder of non-commercial legal entity;*
- g) *The information about the governing body of non-commercial legal entity;*
- h) *The information about the rules of establishment (election) and warrant period of governing body (governing person) of non-commercial legal entity;*
- i) *The information about the governing person of non-commercial legal entity;*
- j) *The information about the rules and procedures of decision-making by the governing body (governing person) of non-commercial legal entity;*
- k) *The information about the representative of non-commercial legal entity, rules of its election and warrant period;*
- l) *The information about the authorized person for representativeness;*
- m) *The rules of acceptance as a member, exclusion and leaving from membership of non-commercial legal entity, if it is non-commercial membership based legal entity;*
- n) *The name of reorganization and liquidation decision-making body and rules and procedures of decision-making, if these procedures differ from regulations described in sub-paragraph „j” of paragraph 1 of this article;*
- o) *The list and amount of attached files to the registration application form;*

- p) *The name and domicile of the Notary who confirmed the charter of the non-commercial legal entity.*
2. *The registration application of non-commercial legal entity shall be signed by founders of non-commercial legal entity and the authorized person (persons) for representativeness; The registration application shall be confirmed by the signature and official stamp of the Notary.*
3. *The registration application shall be attached with:*
- a) *The notarial act of the non-commercial legal entity foundation;*
  - b) *In case of registration of the national sport federations, professional unions and the governing organizations based on collective property rights – charters confirmed by the Notary;*
  - c) *The official document confirming the payment of registration fee;*
  - d) *The sample of the signature which is used by the governing and representative bodies in official relations;*
  - e) *The note about the domicile of non-commercial legal entity – with the Notary confirmed consent of the owner of the domicile or with relevant agreement about legal use of the domicile.*

*According to the Georgian Law on Registration fees, the fee for registration of non-commercial legal entity is 60 GEL<sup>1</sup>.*

- *Is there an established practice of including NGOs in environmental decision-making structures (committees, etc.)?*
  - *Legal norm, which prohibits involvement of NGOs in the environmental decision-making institutions does not exist. NGOs do participate and have a consultative status in the legislative and executive governmental meetings and committee hearings (otherwise the session is declared as closed deriving from the specifics and legal cases, but deriving from environmental specifics and legislation, this practically is not happening). According to the Georgian Parliament Regalement (article # 153, paragraph # 8), the possibility for public organizations to attend committee sessions during the consideration of draft laws is provided;*
  - *In 2007, the Inspectorate for Environment Protection (Inspection) elaborated “2007-2009 Strategy of Inspectorate for Environment Protection”. The document written in Georgian and Russian Languages and clearly defines the strategy of communication with public. More precisely:*

*Establishing connections with NGOs and media; Accessibility of information to NGOs, mass media and the public about inspectorate and regulation issues regarding environmental activities; Except responding on the incoming applications in the inspectorate, the active voluntarily information dissemination through different ways, for example though press releases. Inspectorate wishes to involve the public in activities connected disclosure of violations and into the activities contributing to follow legal regulations.*

*Generally, inspectorate will consider the requirements of the “Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters” (Aarhus, Denmark 1998) and will act according to them.*

*The draft of mentioned document - “2007-2010 Strategy of Inspectorate for Environment Protection” was disseminated through the electronic newsletter of Caucasus Environmental NGO*

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<sup>1</sup> Exchange rate as for 10.12.2007: 1 USD is equal to 1.60 GEL.

*network (CENN), the suggestions and comments were received and meeting with number of NGOs was conducted.*

- How do any existing recognition and support measures address local-level and grass-roots (community) organizations?
  - *Because, these types of organizations also belong to non governmental organizations, the mentioned norms relate to them too.*
- Does the government provide financial support to environmental NGOs?
  - *Deriving from Georgian Legislation, the government does not provide financial support to environmental NGOs.*

### **Paragraph 7: Public participation in international environmental decision-making processes**

- Is there a practice of including NGO members in delegations representing the State in international environmental negotiations or in any national-level discussion groups forming the official position for such negotiations?
  - *This type of practice exists. The representatives of NGOs have the consultative, as well as state delegation members status during the international negotiations connected to environmental matters.*
- What measures have been undertaken by the Party to implement the Guidelines on Public Participation in International Forums adopted at the second meeting of the Parties?
  - *This is demonstrated from the regional and international organizations, working in the country, with such activities as they financially support NGO sector and media representatives in order to enable them to participate in international activities, will it be with the status of governmental delegation members or independently. The practical example of this is the 5th Pan-European "Environment for Europe" Ministerial Conference (21-23 May, 2003, Kyiv), where the REC Caucasus had provided financial support to NGOs and media representatives;*
  - *The mentioned document was translated in Georgian and disseminated to the applicable organizations in the country through electronic newsletter.*
- Has there been internal consultation between the officials dealing with the Aarhus Convention and officials involved in other international forums in matters relating to the environment with regard to the implementation of the Guidelines?

*\_ Not yet.*

### **Paragraph 8: Prohibition of penalization for public participation**

- Have any libel, slander or similar provisions of civil or criminal law been used in the context of environmental decision-making processes?



- *The paragraph 8 of the article 3 of “Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters” is the self executive norm, which is in force on the territory of Georgia and bears specific rights and duties. Deriving from aforementioned, under the Convention the applicable activity will not cause criminal justice, civil or administrative responsibility. Hereby, we would like to mention that such case had not happened yet in our practice.*

- Have there been any cases of NGOs being ordered to pay damages (of a private entity or a public authority) in connection with their public interest environmental protection activities or litigation (e.g. due to a delay in a procedure)?

*\_ This kind of cases had not been registered in our practice so far.*

## **Article 4**

### **Paragraph 1: Ensuring provision of information and other general issues**

- Are public authorities required to keep records of information requests received and responses provided, including refusals? If so, is there a practice in place to periodically report on such activities?

- *According to General Administrative Code of Georgia, article 49, on December 10 every year the Ministry of Environment Protection and Natural Resources of Georgia reports to the Parliament and President of Georgia regarding the general situation on providing the public information, where the statistics on requested and provided information are given.*

- Is there a separate body that oversees matters of access to environmental information (e.g. a data protection ombudsperson or a commission on access to administrative documents)?

- *The Ministry of Environment Protection and Natural Resources of Georgia (and the several sub – structures), as well as different state institutions, have a person responsible to provide the information (General Administrative Code of Georgia, article 36).*

### **Paragraph 1 (a): The interest not having to be stated**

- Is there a requirement or practice of requesting certain basic data from the applicant for administrative purposes (e.g. for budgetary purposes, record keeping, statistics)?

- *According to the General Administrative Code of Georgia, article 37, an applicant is not obligated to indicate the motivation or reason for the request of information.*

- Is there a mechanism in place to assist the original provider of information in identifying the applicants in cases of claims related to misuse of information?

- *According to the General Administrative Code of Georgia, article 37, the administrative body provides the information, based on the application, where the ID details of an applicant are indicated. That is why, there is no difficulty to identify the applicant.*

### **Paragraph 2: Timeliness of information**

- In addition to the specific deadline, is there a requirement to provide information as soon as possible?

- According to the General Administrative Code of Georgia, article 40, the information shall be provided immediately. If an administrative body can not provide the information immediately, it has 10 days if responding to the information requires:

- (a) The acquisition of information from its subdivision that operates in another area, or from another public agency, or processing of such information,
- (b) The acquisition and processing of separate and large documents that are not interrelated, or
- (c) Consultation with its subdivision that operates in another area, or with another public agency, if those are interested in the decision-making on the matter.

In such cases, an administrative body shall inform the applicant, that it needs 10 day period to provide the information.

- Are there separate deadlines for refusals to provide information or for other specific cases?
  - According to General Administrative Code of Georgia, article 41, an applicant shall be informed regarding the denial immediately. After this, in the period of 3 days, the applicant shall be provided with the letter of explanation, where the institution which was consulted for refusal must be indicated. Also, the guidance and right of appeal this refusal shall be explained in the letter.
- What is the legal effect of a failure to respond to an information request?
  - According to the General Administrative Code of Georgia, article 36, the administrative body is obliged to define the Public Servant responsible for providing the public information. If the responsible person does not implement assigned duties and violates law and does not provide the public information, this person will be charged with disciplinary measures according to the Georgian Law on Public Service.

### **Paragraph 3 (a): Information not in the public authority's possession**

- What are the procedure and practice for handling situations when the public authority does not hold the requested information but *should have it* pursuant to the relevant legislation?

*According to the General Administrative Code of Georgia, paragraph 1, article 41, in case there is deny from public authority with provision of public information, an applicant shall be immediately informed about this circumstance. According to paragraph 2, article 41 of this Code, in case of deny of the public information a public authority is obligated to provide an applicant with information concerning his rights and procedures to fill a complaint within three days after the decision on deny. The agency shall also specifies those subdivisions or public agencies, which provided their suggestions regarding the decision on deny.*

### **Paragraph 3 (b): Unreasonable or overly general requests**

- Do public authorities have a responsibility to try to clarify with the applicant requesting the information any questions which appear unreasonable or too general?

*According to the National Legislation public authorities are not obliged to clarify with the applicant any questions which appear unreasonable or too general but it shall be mentioned that in such cases public authorities are obliged to reply to the applicant with relevant justification.*

**Paragraph 3 (c): Confidentiality of administration**

- What mechanisms are in place to ensure free expression of professional opinion by the officials involved in internal communications or in preparing the relevant materials?

*According to the General Administrative Code of Georgia, article 29, names of the public servants participating in decision-making process are protected against disclosure under “executive privilege”. So their identification is protected from disclosure.*

- Can materials that directly or indirectly serve as a basis for an administrative decision be considered confidential?

*According to the General Administrative Code of Georgia, article 96, during an administrative proceeding, an administrative agency is obliged to investigate all important case-related circumstances and make a decision through the evaluation and comparison of those circumstances”. Reasoning from this, administrative agency is obliged to utilize the confidential information in case its investigation is necessary for decision making.*

**Paragraph 4 (d) Commercial Secrecy**

- Are various categories of confidentiality of commercial or industrial information defined by several laws (e.g. trade law, civil law, commercial law, business law, company law, competition law, banking law, insurance law), and are these definitions in harmony with each other and with the Convention?

*The General Administrative Code of Georgia, article 27, is determined the following:*

*Personal data to be considered as personal secrecy is determined by the person whose identification is allowed by this information excluding the cases prescribed by law.*

*Commercial secrecy is the information on a commercial plan, formula, process or other kind of information used for production or reproduction of goods or used for providing services. Or the information with innovation and significant outcome of technical venture or the kind of information disclosure of which may impose threats to the competitiveness of the individual.*

*Professional secrecy is the information on other person’s commercial or personal secrecy that was disclosed to another person during fulfilling the professional duties. Professional secrecy can not be the information that does not embody commercial or personal secrecy of another person.*

*State secrecy information is determined under the National Legislation. The state secrecy information is protected under different normative acts and the laws listed in the given question above. Secret information is also protected under the specific norms.*

- Does the original provider of information have to justify the existence of a potential adverse effect that a public release of information might have on a legitimate economic interest?

*Such kind of obligation is not prescribed by the National Legislation of Georgia.*

**Paragraph 4 (f): Personal data**

- How does the national legislation define personal data?

*According to the General Administrative Code of Georgia, article 27, “Personal data” means the public information that allows identification of a person”*

- Can a legal person (entity) have personal data protection?

*A legal person (entity) can not have personal data protection. Based on the National Legislation personal information allows identification of a person while the personal data of legal person (entity) is accessible to the public according to the Legislation of Georgia.*

**Paragraph 4 (General Terms)**

- Does confidentiality of classified information *remain protected* after such information has been made public through other means?

*When the administrative body decides on the confidentiality of the information then disclosure of this information lies in the responsibility of the same administrative body. But in case the administrative body provides the information secrecy due to the requirement of the applicant then the Administrative Body is allowed to provide disclosure of the information just only due to the applicant’s requirement.*

- Does the national legislation envisage a strict classification of certain types of information as confidential, or is there a requirement to *balance the argument* for and against the disclosure individually in each case?

*As already has been mentioned above such classification is envisaged by the General Administrative Code of Georgia.*

*According to the General Administrative Code of Georgia, article 30, the decision designating public information to be classified may be rendered if law provides express requirement to protect such information from disclosure, establishes concrete criteria for such protection, and provides exhaustive list of classified information. The General Administrative Code of Georgia, article 31, should also be taken into consideration where it is noted that “the term for keeping professional and commercial secrecy is open-ended excluding the cases prescribed by the law. Commercial secrecy shall be disclosed if it no longer contains any secret value. Personal secrecy is preserved during the life-time of a person excluding the cases subscribed by the law.*

*Article 33 of the General Administrative Code of Georgia regulates the rule of publishing the secret information, in particular, after classified information is declassified, any part of classified public information or protocol of the closed session of a corporate public agency that can be separated on reasonable grounds shall be publicized. In such case there will also be publicised the*

*name of the person who provided the disclosure of the information, the basis of disclosure and period of secrecy.*

#### **Paragraph 5: Forwarding requests submitted to the wrong authority**

- How are the deadlines referred to in article 4, paragraph 2, applied in cases where a public authority does not hold the information requested and forwards the request to another authority?

*According to the General Administrative Code of Georgia, public authority shall identify a relevant public agency that is responsible for responding to a written request for public information within 5 working days and send it to the agency. In case such responsible agency could not be identified than the request shall be sent back to the claimer with written justification no later than 5 days from its submission.*

#### **Paragraph 8: Charges**

- Are charges for public information services regulated *uniformly* (e.g. in a published table of charges or fees)? If not, are there large differences between charges for information in different sectors?

*Georgian Law on Fees for Coping of Public Information states the rule of payment and amount of the fee to make a copy of the public information defined by the Law of Georgia and the General Administrative Code of Georgia. A public agency shall provide access to the copy of public information. No fees shall be charged for distributing public information. That does not refer to the fee of information service for which the fee is determined by relevant legislative act.*

- Is there a charge for supplying information? If yes, what is the cost or range of costs *per page* for having official documents copied?

*It is prohibited to charge any fee for information provision, except the necessary fees for service. According to the Law on Fee on Copy of Public Information physical or legal entities interested in receiving copies of public information are obligated to pay:*

*Special fee for coping by cash to the cash desk of the Ministry of Environmental protection and Natural Resources of Georgia. The fees are the following:*

- a) Copy of A4 and A5 sheet of paper – one page – 0,05 GEL<sup>2</sup>;*
- b) Printout on laser printer – one page – 0,10 GEL;*
- c) Burning on compact disk – 1 CD – 2, 65 GEL*
- d) Recording information on diskette – 1 diskette– 1, 3 GEL*
- e) Recording the information on the video cassette provided by claimant – 1 hour - 2,75 GEL*
- f) Recording the information on the audio cassette provided by claimant - 1 hour – 0, 5*

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<sup>2</sup> Exchange rate as for 10.12.2007: 1 USD is equal to 1.60 GEL.

- Is there a requirement and/or practice with regard to waiving or partially waiving the charges (e.g. by determining preferential rates for certain users or purposes)?

- According to the Georgian Law on Fees for Coping of Public Information, unlike the physical or legal entities the payment of the fees for copying of public information is provided by administrative body in case the amount of fees for Coping of Public Information is more than 50 GEL.

- According to article 7 of Georgian Law on Fees for Coping of Public Information the fees for coping of public information is not charged on the following:

- a) recording information on diskette or on compact disk, provided by the applicant
- b) sending public information via E-mail
- c) Making physical persons the copies of their private information stored at the public agency.

- On this stage it is difficult to categorize the applicants and decide who should be charged with differentiated fees and identify the objectives that determine the reason whether to pay the preference tariff or be free of charge (whether the statistical data can show the tariffs as obstacles for interested persons to receive public information). Recently, there is no necessity to differentiate fees.

- Is there a differentiation between the limited charges for making and providing copies of information that is and/or is required to be in the possession of a public authority and any additional services (e.g. research, compilation of data not required by laws)?

According to the Georgian Law on Fees for Coping of Public Information, fee for copying of public information is kind of mandatory payment to the budget paid by a physical or legal person interested to get public information (and administrative body as well in particular cases, see the paragraph above). Thus this rule prescribes fee for copying service provided by state agencies only. Any Normative Act that envisages conduction of researches and regulation of those taxes does not exist from the side of the State. The Georgian Civil Code regulates legal relations between private and legal persons within contractual legal sphere, the task of which might be an ordered research or data compilation.

P.S. See Article 5, paragraph 1 a, the last passage of the question.

## **Article 5**

### **Paragraph 1 (a) and (b): Existence and quality of environmental data**

- Is there an institutionalized system of data transfer between the authorities of several branches of administration? If yes, what are the main features of the system (e.g. is environmental data provided free of charge within the system)?

- There exists the institutional system of data transfer in the field of hydrometeorology, geodynamical processes and environmental pollution. Two types of information – standard and specialized are being prepared for interested parties about hydrometeorology and environmental pollution. The formats of information about standard hydrometeorological and environmental pollution, the list of Governmental Authorities, Ministries and Departments - to whom the standard information is provided without special request, are determined in advance; The terms and types of data transfer about hydrometeorological and environmental pollution (courier, fax, email, mail) are also included. Dissemination of standard hydrometeorological information is free of charge. But

*special information about hydrometeorological, geodynamical processes and environmental pollution developed upon the request of interested party is the special fee charged that depends on the type of service provided.*

*- The one of the main principle of National Law of Public Health is to provide clear specification of competence among public agencies in the field of public health and to facilitate their close coordination at the process of planning and implementing of the health related activities (article 4, paragraph b)).*

*- Environmental Health Department – (established at the National Centre of Disease Control and Public Health of the Ministry of Labour, Health and Social Affairs) is responsible:*

*-To prepare recommendations along with the Ministry related to children and youth issues.*

*-To cooperate with governmental, international and non-governmental organizations that are to facilitate secured environment for public health.*

- Do various levels and kinds of environmental and sectoral authorities operate *parallel* data-processing systems? If so, are there any measures to make the information flow more effective and harmonize the data (e.g. linking several databases together, using standard definitions or operator codes)?

*- Major Environmental State Subdivisions (hydrometrology, geodynamical processes, environmental pollution, biodiversity, wastes, etc) are subordinated under the Ministry of Environment Protection and National Resources of Georgia. Large number of these subdivisions is under the supervision of the “Centre for Monitoring and Forecast”. Special subdivision is established within the centre that works on linking of the data on hydrological, metrological, geodynamical processes and environmental pollution. As for the correlation of data basis between other state or non-governmental structures has not been relevantly regulated yet.*

- Are there mechanisms in place to ensure or control the *quality* (accuracy, categorization, comparability and timeliness) of environmental data included in the databases?

*Different mechanisms are used to ensure the quality of data on meteorological, hydrometeorological and environmental pollution and their control. These mechanisms include:*

- *Supply of meteorological gauging to measure hydrometeorological and environmental pollution. Though certain obstacles are identified caused by lack of appropriate modern monitoring technical devices*
- *Planned or unplanned methodical inspection on the observation posts*
- *Training and qualification development for observers*
- *Using special quality measuring methods during statistical processing of data, also data checking by methodists.*

*- The Environmental Health Department established at the National Centre of Disease Control and Public Health of the Ministry of Labour, Health and Social Affairs is engaged under treaty in monitoring of the health risks, analysis and in conduction of scientific researches for promoting secure environment for human health.*

- Is certain information provided in *real-time* mode (e.g. information on air quality in larger cities)?

- *Information about existed and possible hydrometeorological occasions is provided daily to the preliminary determined category of consumer. Information about possible natural hydrometeorological and geodynamical phenomena is provided to consumer immediately. Information about extreme pollution of the environment is also provided immediately (the criteria for measuring extreme pollution of the environment is set in advance).*

### **Paragraph 1 (c): Environmental emergency information**

How is communication of information to the public covered under the *emergency planning* legislation? Are there measures in place to coordinate emergency information dissemination efforts of the participating authorities?

- *According to the Georgian Law on Protection of the Population and the Territory from the Natural and Man-caused States of Emergency: the State Authority, Abkhazia and local authorities and administrative body of legal entity are responsible to provide the public with timely and clear information through information sources ( via printing or electronically, including internet.)*

*Article 8 of this law envisages accessibility of the information during the state of emergency. Also under the Georgian Law on Hazardous Chemical Substances, article 44, local government bodies are responsible to publicise the information on accidents and states of emergency caused during apply to hazardous chemical substances.*

*According to this law, the National Reaction Plan on the Natural and Man-caused States of Emergency envisages combination of all reaction plans of the entire system of those ministries, state departments under the ministries' supervision and legal entities of public law that facilitate the protection of the population and the territory from natural and man-made states of emergency.*

*From the main principles of Georgian Law of Public Health the following is worth to be mentioned (article 4, paragraph a), b)).*

*a) To provide prevention activities in order to prevent health related threats.*

*b) To provide clear specification of competence among public agencies and to facilitate their close coordination at the process of planning and implementing of the health related activities.*

*Chapter 2 of the mentioned law refers to the duties and responsibilities of the public and legal entities in the field of Healthcare. According to article 5, paragraph e), each person on the territory of Georgia is obliged to provide the information to public healthcare service on every emergency situation related to violation of sanitarian norms during the production and technological processes.*

*According to article 35, paragraph 6 of the abovementioned law, the Ministries of Defence, Justice and Internal Affairs of Georgia are responsible for providing immediate information to Public Health Service on every situation that may appear hazardous for public health and security.*



- Do *polluters* have an obligation to directly inform the public in emergencies?

*Polluters along with other certain agencies provide information in emergencies to local government bodies that are responsible for providing the information to the general public.*

- Is there a legal requirement and/or practice to disseminate post-emergency information (e.g. information about responsible parties, causes of the emergency, measures taken to prevent future accidents)?

*- According to the Georgian Legislation this kind of information is public and is accessible to everyone excluding the cases when the investigation is under the process of identifying the persons and reasons causing the emergency situations.*

*It should be noted that under the article 233 of the Criminal Code of Georgia the act of concealing or providing non-complete information on an accident on nuclear or radiation object is regarded as the criminal offence. According to Article 247 of Criminal Code of Georgia the act of concealing or providing false emergency information related to hazardous situation for human health and life is also regarded as criminal offence.*

## **Paragraph 2: Information on the type and scope of the available environmental information and practical arrangements for information dissemination**

- Is there an environmental *meta-database* (e.g. a catalogue of environmental data sources)?

*Environmental meta-database does not exist yet, though preliminary activities for its development are under way.*

## **Paragraph 5: Dissemination of information: strategic and normative materials**

- Are environmental laws, strategies, policies, international agreements and the like, as well as information about their implementation, *widely and easily* accessible for the public?

*- Environmental legislation, strategies, policy, international agreements and related documentations are disposed on the official web-site of the Ministry of Environmental Protection and Natural Resources of Georgia. In case the official application on receipt of such information is submitted to the Ministry the eligible person has to provide access to the information immediately or within 10 days. Procedures of the documentation are included in annual reports of the Ministry. Since 2007, the Georgian Environmental Legislation has been placed on the web-site of the "Aarhus Centre".*

## **Paragraph 6: Encouraging operators to actively disseminate information**

- Are there any measures of the kind referred to in this paragraph that have been specially designed for *small and medium-size enterprises*?

*- Such measures are not prescribed by the Legislation of Georgia.*

## **Paragraph 7: Dissemination of information: facts, analyses, explanatory materials and information on the performance of public functions relating to the environment**

- What kinds of environmental *facts, analyses and explanatory materials* are being published?

- *The Public and Media Relations Service at the MoE of Georgia is responsible for updating the website with the information related to ongoing activities and future objectives of the MoE. The Office arranges press conferences, briefings, provides press-releases, press digests, information for different agencies, interviews, statements for media, etc. It organizes duty trips for journalists along with the Ministry Officials, promotes awareness raising campaigns, makes social advertisements, video clips, and conducts social inquiry on environmental issues. For effective dissemination of the information, the Public and Media Relations Service applies to the network of NGOs and information agencies.*

### **Paragraph 8: Product information**

- Is there a legal requirement and/or practice of *public participation* in awarding or monitoring the use of eco-labels?

- *Such requirement is not prescribed by the National Legislation of Georgia. There is no practice also on this issue in the country. According to the Provision on Eco-labelling (article 4, 1999), which was adopted on the basis of the Georgian Law on Environmental Protection (article 19, paragraph 2), ecologically clean production is granted eco-label by the Eco-labelling Interagency Committee, established within the MoE. The Committee membership shall be represented by the representatives of environmental protection, healthcare and other relevant government agencies and public organizations.*

### **Paragraph 9: Pollutant Release and Transfer Register (PRTR)**

- Please describe briefly your progress towards ratification of the *Kiev Protocol*.

\_ *Feasibility study on the development of National Register of Pollutant Release and Transfer Register has been prepared.*

- If a PRTR system is already in place, what are its *outstanding features* (unique to the given Party, elements additional to those of the Protocol or the EC Regulation)?

\_ *At the moment there is no PRTR system in the country.*

- Have the PRTR reporting obligations been *harmonized* with the other existing environmental and related reporting obligations (e.g. CO<sub>2</sub> reporting, chemical safety, accident prevention) to reduce parallel reporting?

\_ *No*

## **Article 6**

### **Paragraph 1: Activities falling under article 6**

- Does the national legislation or practice apply the procedures of article 6 of the Convention exclusively to decision-making requiring an environmental impact assessment (EIA) or also to *other types* of decision-making?

*\_ Decree # 154 of September 1, 2005 of Government of Georgia applies the procedures of article 6 of the Convention in regard to submission of environmental impact assessment (EIA) of planned activity.*

- In case a number of *consecutive decisions* are required in order to permit a proposed activity listed in annex I (e.g. a planning permission, a construction consent, an environmental permit, a mining license), does the legislation require public participation only in relation to one of such decisions (which one?), some of them (which ones?) or all of them?

*\_ According to the national legislation of Georgia, public participation in the procedure of issuance of permit is envisaged from the announcement of information on an activity (for 45 days) to submission of EIA to the Ministry of Environment Protection and Natural Resources of Georgia. Final decision to issue the permit is made by the Ministry of Environment Protection and Natural Resources of Georgia by taking into consideration comments and suggestions from the public.*

### **Paragraph 2: Notification of the public concerned**

- Does the national law define the *public concerned* and, if so, *how*?

*\_ National law does not define this term, however the public concerned implies any person living in Georgia whose interest is to live in healthy and safe environment. The right is protected under the Article 37 of the Constitution of Georgia: Everyone shall have the right to live in healthy environment and enjoy natural and cultural surroundings. Everyone shall be obliged to care for natural and cultural environment.*

- Are any special measures taken to *encourage* public participation in the most significant environmental decision-making cases?

*\_ The national legislation does not provide any special mechanism for the encouragement of public participation.*

- What is the *legal effect* of failing to duly notify the public concerned?

*\_ Administrative body is obliged to notify the public concerned. In case the public is not timely informed the responsible official is brought to account according to the norms of the national legislation of Georgia.*

### **Paragraph 3: Time frames for public participation**

- How much time is usually allocated for public consultation? Is there a *minimum* period prescribed by law?

*\_ Chapter IX of the General Administrative Code of Georgia defines the procedures of public consultations during the decision-making process. According to the Code time frame for receipt of public comments shall not be less than 20 days.*

- What are the *time frames* for:
  - < Notifying the public about the availability of the relevant information?

\_ Under the September 1, 2005 Decree of the Government of Georgia on Rules and Conditions of Issuing of Environmental Permit investor is obliged to disseminate information and conduct public hearing prior to application to Administrative body for the permit for implementation of its activity.

- < The public to access the relevant information, form its opinion and submit its comments?

\_ Under the September 1, 2005 Decree of the Government of Georgia on Rules and Conditions of Issuing of Environmental Permit investor is obliged to receive written comments and suggestions from the public within 45 days upon announcing the information.

- < Notifying the public about the commencement of public hearings?

\_ As mentioned previously investor shell conduct the public hearing within 60 days upon announcing the information.

#### **Paragraph 4: Early public participation**

- Does the law clearly identify *specific stage(s)* of a decision-making procedure at which the public notification shall take place?

\_ Mentioned stages are well defined in both the General Administrative Code of Georgia and September 1, 2005 Decree of the Government of Georgia on Rules and Conditions of Issuing of Environmental Permit.

- Is public participation provided for in the *screening and/or scoping* phase of an EIA procedure?

\_ Public participation is considered neither in screening nor in scoping phases.

- Does public participation in a decision-making process for proposed activity which is subject to an EIA take place at a stage when *alternatives* are still open?

\_ Yes, according to the national legislation of Georgia, investor is obliged to inform public in advance on public hearing of the planned activity.

#### **Paragraph 5: Encouraging prospective applicants to enhance public participation**

- What is the developer's role in *organizing* public participation during the decision-making procedure?

\_ According to the national legislation of Georgia only investor is obliged to conduct public hearing of the planned activity.

#### **Paragraph 6: Ensuring access to information relevant to decision-making**

- Have there been cases where a complete set of *EIA documentation* was classified on the basis of commercial confidentiality or intellectual property rights?

*\_ Under the subparagraph f) of article 4 of the Decree # 154 of September 1, 2005, in case the activity includes state or commercial secret investor shall submit application on the confidentiality of the application. According to the abovementioned Decree, article 4, paragraph 3: Applicant of the permit is to provide administrative body with complete scheme of technological cycle, even if the activity constitutes industrial, commercial and state secrets. Above mentioned situation in case of issue environmental impact permit has not been registered so far by the MoE of Georgia.*

### **Paragraph 7: Public comments**

- What role do multilateral discussion techniques (e.g. public hearings, clarification meetings) play in the environmental decision-making procedures?

*\_ Multilateral discussion techniques are effective, when participation of all public concerned is equally ensured in the decision-making processes that can have impact on health, working and living environments of the public and generally on environmental issues and policy.*

### **Paragraph 8: Taking due account of the results of public participation**

- Are there practical techniques for taking due account of public comments in cases where many comments have been received? Are there legal regulations to this end?

*\_ According to the Regulation on Rules and Provisions on Issue Environmental Impact Permit (2005), in any case investor is obliged to consider all comments received from the public. If suggested comments are not taken into account, the investor is obliged to provide with written reasonable arguments the authors of the comments.*

- Can public comments which have already been submitted be viewed by other members of the public throughout the commenting procedure?

*\_ The national legislation does not provide any regulation for this issue. Such cases have not been registered so far.*

### **Paragraph 9: Information about the decision**

- Does the reasoning part of the decision refer to the factual, professional and legal arguments raised in the procedure? If not, can such omissions be challenged under the procedure referred to in article 9, paragraph 2 of the Convention?

*\_ According to the General Administrative Code of Georgia, article 53: An administrative decree shall include a written justification. Section 5 of this article says: An administrative agency may not ground its decision on the circumstances, facts, evidence, or arguments that have not been examined and analyzed during the administrative proceeding. Hence, a legal administrative decree issued by an administrative agency is based on the professional and legal conclusions if such are essential for*

*determination of factual circumstances important for the case.*

### **Paragraph 10: Public participation in reconsideration or updating of the decision**

- What kinds of changes in the operating conditions of an activity falling within the scope of paragraph 1 of article 6 qualify as significant and therefore lead to a new decision-making procedure where public participation should be provided for?

*\_ When reconsidering and updating the decision of an administrative agency it should be taken into account that there is no definition of such terms in the national legislation. However, Chapter XIII of the General Administrative Code can be considered. According to it the public concerned have right to rise an administrative complain against the administrative agency. An administrative complaint is reviewed and resolved by the administrative agency that issued the administrative act, if there is an official or the higher official of a structural subdivision who issued the administrative act. A complaint against the administrative act issued by the chief official of an administrative agency shall be considered at the higher administrative agency. Given chapter also describes procedures for reviewing an administrative complaint and administrative proceeding. Administrative agency shall invite interested parties on the review process to participate, protect their rights and conduct oral hearing. An oral hearing shall be open to public.*

### **Article 7**

- What are the most important differences between definitions of plans, programmes and policies according to the national legislation (e.g. in scope, in details, in binding force)?

*\_ According to the national legislation policies are defined by the parliament of Georgia and plans and programmes, depending on their content can be established either by particular administrative agency or by law normative act issued by the government of Georgia and the president of Georgia.*

- Which types of strategic decisions are considered to be “relating to the environment”?

*\_ The national legislation does not define such term.*

### **Article 8**

- Are there any requirements for public participation at the conceptual stage of the legislative procedure?

*\_ This issue is regulated by the General Administrative Code of Georgia, chapter XV –The Administrative Proceeding Related to the Issuance of a Normative Administrative Decree.*

- What are the time limits given to the members of the public to form their opinion?

*\_ Under Chapter IX of the General Administrative Code of Georgia public can submit written comments within 20 days.*

- Are drafts regulations and rules available through the Internet?

*\_ Generally, each administrative agency puts draft normative acts on its website.*

- Are the public comments received in the course of the participation process under article 8 of the Convention communicated to the legislature?

*\_ According to the General Administrative Code of Georgia the agency issuing the act shall provide publicity of a draft normative act and hence the agency shall receive public suggestions and comments for review.*

- Are there specific techniques for facilitating public participation in the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment (e.g. public committees, advisory bodies with NGO members)?

*\_ Such issue is not regulated by the legislation of Georgia, however administrative agency places information on its web-site and cooperates with NGOs who provide information dissemination and familiarization of local population with projects.*

## **Article 9**

General issues

- Do the courts apply the text of the Aarhus Convention directly?

*\_ The practice of applying of the Aarhus Convention text already exists.*

- Do the courts have only cassation or also reformatory rights in cases under this article?

*\_ In case the claim against the decision of an administrative agency and after its review the courts have right to null and void the decision according to norms stated by the Code of Administrative Proceeding Code of Georgia.*

### **Paragraphs 1 and 2: Remedies**

- How is the independence of the administrative review ensured?

*\_ The independence of the administrative review is regulated by the General Administrative Code of Georgia, Chapter XIII - The Administrative Proceeding Regarding the Administrative Complaint.*

- How do the national law and adjudication interpret the phrase “NGOs promoting environmental protection and meeting any requirements under national law”?

*\_ Under the national legislation NGO shall be registered in accordance with law. If an NGO undertakes activities to promote environmental protection then this shall be included in its Charter.*

### **Paragraph 3: The public’s right to challenge acts and omissions by private persons and authorities**

- Which level of legislation implements the requirements of article 9, paragraph 3?

*\_ The General Administrative Code of Georgia, the Administrative Proceeding Code of Georgia and the Procedural Criminal Code of Georgia.*

- Can members of the public initiate administrative cases through petitions, complaints or motions?

*\_ According to the legislation of Georgia any member of the public can appeal to court if his/her right has been violated.*

- Can a member of the public challenge decisions of the type regulated by articles 7 and 8 of the Convention by challenging them as contravening the provisions of the national law relating to the environment?

*\_ According to the legislation of Georgia any member of the public can appeal to court if his/her right has been violated and if he /she suffered damage or his/her right has been restricted by the decision or activity of an administrative agency.*

- What are the conditions of issuing an injunctive relief by the court in cases brought under article 9, paragraph 3, of the Convention and/or the relevant the national legislation?

*\_ These procedures are considered by the Administrative Proceeding Code of Georgia, Procedural Criminal Code of Georgia and Code of Procedural Civil Law of Georgia.*

#### **Paragraph 4: Timely, adequate, effective, fair, equitable and not prohibitively expensive remedies**

- What kinds of sanctions are available in cases where an official fails to fulfill his or her responsibilities concerning access to information or public participation?

*\_ Under the General Administrative Code of Georgia, administrative agency shall designate a public servant who will be responsible for ensuring to provide the public information. In case of illegal denying access to public information or disregarding the responsibilities by the public servant he/she is brought to account according to the norms of the law on Public Service of Georgia.*

- Are there judges specializing in environmental cases?

*\_ In the national legislation there is no classification of judges specializing in environmental cases*

- What overall costs do members of the public incur in bringing cases to court?

*\_ Tariff for public taxes rates according to the Georgia Law on Public Taxes, article 4, of the year 1998:*

*\_ 1. The scheme of the payment of public taxes on the cases brought to the common courts:*



- a) *On the suit and also on the statement on receipt of simplified payment order - 3 per cent of the object of dispute but no less than 100 GEL<sup>3</sup>;*
  - b) *On the appeal, including the decision of the regional (city) court on the deny to resume the case – 4 per cent of the object of dispute but no less than 150 GEL;*
  - c) *On the cassation, including the decision of Court of Appeal on the deny to resume the case – 4 per cent of the object of dispute but no less than 150 GEL;*
  - d) *Personal suit – 50 GEL*
  - e) *On the appeal to satisfy the suit and on the suit – if the claimant is private person – 50 GEL and if the applicant is juridical person – 150 GEL*
  - f) *On the appeal to resume the case due to the new circumstances - if the claimant is private person – 100 GEL and if the applicant is juridical person – 300 GEL*
  - g) *On the appeal on nullification of a decision – 50 GEL*
- \_2. Public tax tariff on the cases brought to the common courts shell not exceed 50 000 GEL*
- \_3. Public tax tariff on the cases brought to the Constitutional Count is as follow:*
- a) *On constitutional appeals of the private person -10 GEL*
  - b) *On constitutional appeals and constitutional submittal of any other person – 55 GEL.*

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<sup>3</sup> Exchange rate as for 10.12.2007: 1 USD is equal to 1.60 GEL.