

**Format for the Aarhus Convention implementation report in accordance
with Decision IV/4(ECE/MP.PP/2011/2/Add.1)**

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

Party	Georgia
National focal point	
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I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account and on the material, which was used as a basis for preparing the report.

Answer:

Draft report, prepared by the Ministry of Environmental Protection and Agriculture of Georgia (hereinafter MEPA), was sent (24/07/2020) to the government and other relevant institutions for its further development¹.

16/10/2020 - draft report (reporting period 01/01/2017–30/07/2020) was disseminated electronically for the public comments (deadline 05/11/2020) through EIEC² and was uploaded on EIEC website.

03/11/2020 - information on the public hearing with draft report was disseminated through MEPA and EIEC; uploaded on their websites, Facebook pages.

22/12/2020 - public hearing conducted.

¹ Administration of the Government of Georgia; Ministry of Education, Science, Culture and Sport; Ministry of Economy and Sustainable Development; Ministry of Defense; Ministry of Justice; Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs; Ministry of Regional Development and Infrastructure; Ministry of Finance; Ministry of Internal Affairs; Office of the State Minister for Reconciliation and Civic Equality; Environmental Protection and Natural Resources Division, Autonomous Republic of Adjara; National Statistics Service; Environment Protection and Natural Resources Committee, and Agrarian Issues Committee, Parliament of Georgia; Tbilisi City Hall; Public Defender; Tbilisi City Court; Tbilisi Court of Appeal; Supreme Court; Constitutional Court.

² Legal Entity of Public Law (LEPL) Environmental Information and Education Center of MEPA, established on the basis of the Aarhus Centre Georgia in 2013.

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Based on the review of the public comments, they were reflected in the report, and about those that weren't considered, written justifications were sent to the authors of the comment.
Report (English/Georgian) was submitted on (01/02/2021).

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

Convention applies directly and can be used in the process of activities of all three branches of power. International agreement not in conflict with the Constitution of Georgia, Constitutional law and Constitutional agreement has prevailing legal force over national normative acts³.

Financial constrains relatively impede information collection/processing/publication and dissemination.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

Explain how these paragraphs have been implemented. In particular, describe:

(a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;

(b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally:

³ According to the Constitution of Georgia (Article 4); Law of Georgia on International Agreements (1997, Article 6); and Law of Georgia on Normative Acts (2009, Article 7).

- (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, and the Almaty Guidelines, indicating whether the measures to coordinate are ongoing;
 - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
 - (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g. inviting NGO members to participate in the Party's delegations in international environmental negotiations or involving NGOs in forming the Party's official position for such negotiations) including the stages at which access to information was provided;
 - (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
 - (v) Measures taken to promote the principles of the Convention in the work programs, projects, decisions and other substantive outputs of other international forums;
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

Answer:

(a) Georgian legislation is in compliance with major part of the requirements of the Convention. Everyone has the right to live in safe, healthy environment, access to natural resources and public areas, timely receive information on the state of the environmental, care for the environmental protection, participate in environmental decision-making. Considering interests of present and future generations, environmental protection and rational use of natural resources is ensured by the legislation⁴. Following should be emphasized: Constitutional Court of Georgia stated⁵ that the Constitution defines special case of the right to receive information from the state. The foresaid Constitutional warranty creates the state obligation to provide any interested person with available environmental information. Besides, unlike the constitutional right to determine information availability, Article 37⁶ defines the state obligation to collect/analyze environmental information regularly to ensure its availability to the public as required. It's evident that such obligations are interconnected substantially, since failure to collect/process such information will make effective application of human rights impossible⁷. As stated by the Court, the state shall collect information on environmental condition/factors affecting it. It's important to ensure

⁴ Constitution of Georgia (Article 29).

⁵ Decision N3/1/752.2018.

⁶ According to the current reduction of the Constitution, is Article 29.

⁷⁻⁸ Decision of the Constitutional Court of Georgia №2 / 1/524 of April 10, 2013 on the case - Citizen of Georgia G.G. against the Parliament of Georgia, II-17 and II-20.

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information availability on the state policy/plans/programs/legislation, which affect/might affect the environmental condition⁸.

According to the legislation⁹:

- citizen has the right to live in a healthy environment, obtain complete/objective/timely information on the state of his/her working/living environment¹⁰; to inform the public, SOER¹¹ is approved once in four years; its publication is obligatory to ensure its public accessibility;

- to ensure environmental protection and sustainable development, environmental protection planning system is developed, including, among others, 5-year plan¹² and long-term strategic plan¹³. One of the main functions of MESD¹⁴ is to: elaborate country's Green Growth Strategy, participate in the development of its supporting state programs¹⁵, provide information on sustainable development and public awareness-raising.

Pursuant to the legislation¹⁶:

- one of the functions of ANRS¹⁷ is to conduct public-related activities in the field of nuclear/radiation safety¹⁸;

- license holder shall inform the public about nuclear/radiation safety issues, which aren't classified as state/commercial secret¹⁹;

- each necessary obligation/action should be defined and assigned to the corresponding state bodies and NGO's, including communication with each other and preparatory actions for public notification²⁰;

- Georgian citizens/non-citizens and citizens of foreign countries have the right to obtain reliable/timely information about radiation/nuclear conditions from competent bodies²¹.

According to the legislation²²:

- radioactive waste management is conducted transparently, implying the obligation to provide public access to information about the place/management of radioactive waste²³;

- Georgian citizens/non-citizens and citizens of foreign countries have the right to obtain unclassified information about radioactive waste management, participate in public hearings on the arrangement/closure of radioactive waste storage/burial²⁴.

⁹ The Law of Georgia on Environmental Protection (1996).

¹⁰ Article 6.

¹¹ National Report on the State of the Environment, approves the Minister of Environmental Protection and Agriculture of Georgia (Article 14).

¹² National Environmental Action Plan.

¹³ Sustainable Development Strategy.

¹⁴ The Ministry of Economy and Sustainable Development of Georgia.

¹⁵ See Section IV below.

¹⁶ The Law of Georgia on Nuclear and Radiation Safety (2012).

¹⁷ LEPL Agency of Nuclear and Radiation Safety of MEPA.

¹⁸ Article 6.

¹⁹ Article 23.

²⁰ Article 31.

²¹ Article 49.

²² The Law of Georgia on Radioactive Waste (2015).

²³ Article 3.

²⁴ Article 12.

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Natural/legal persons have the right to obtain complete/reliable/timely information from the public entities regarding the ambient air quality, its management and short-term action plans²⁵. Public access to ambient air quality information is additionally defined²⁶.

“Tbilisi Environmental Strategy 2015-2020” responds to the following main challenges:

- solution of environmental problems in Tbilisi;
- enhancement of environmental management, institutional governance and their compliance with the current demands;
- support environmental education and science;
- public awareness-raising, enhancement of public participation in decision-making.

According to the Rule of Citizens’ Reception in the Tbilisi City Hall (2014), service center delivers written application to corresponding structural units of the City Hall and informs the applicant²⁷.

According to GACG²⁸, public institution shall provide public information (including electronically requested) immediately or no later than 10 days²⁹.

(b) According to the legislation³⁰, “Citizen has a right to receive environmental and ecological education, and raise environmental awareness”³¹. Unified system of environmental education is set up for public awareness-raising and training of specialists, which includes a network of educational institutions, training system and professional development of personnel³².

To facilitate the abovementioned, the following activities were implemented with EIEC initiative/involvement:

- introduction of the “Pre-school Environmental Education Program” throughout Georgia³³;
- elaboration of manual³⁴ has started³⁵, covering more than ten subjects including theory/activities/complex tasks for formal/non-formal education, etc. Proposed activities are integrated in various school subjects;
- country-wide trainings are scheduled to retrain elementary grade teachers;
- experts involved in “New School Model”³⁶ were retrained on environmental protection;
- a module “Environmental Protection Basics” for vocational institutions was developed³⁷;

²⁵ The Law of Georgia N5948, 2020 on the Amendment to the Law of Georgia on the Ambient Air Protection. The amendment will take effect from 01/09/2022.

²⁶ By the Technical Regulation on the Approval of Ambient Air Quality Standards (Decree N383, 2707/2018 of the Government of Georgia).

²⁷ Article 6.

²⁸ The General Administrative Code of Georgia (1999).

²⁹ Article 40.

³⁰ The Law of Georgia on Environmental Protection.

³¹ Articles 6

³² Article 8.

³³ 1963 educators and methodologists from 1600 pre-school institutions were retrained (2019).

³⁴ “Education of Environmental and Agrarian Issues for Elementary Grade Teachers”.

³⁵ The project started in close communication with experts and the Ministry of Education, Science, Culture and Sport (2019).

³⁶ “New School Model” is a part of the planned reform in the educational system; 93 curriculum experts were trained (2019).

³⁷ In cooperation with LEPL Education Quality Management Center of the the Ministry of Education, Science, Culture and Sport (2018).

National qualifications' framework, compatible with the European ones and study spheres classifier were approved³⁸ and its introduction was started.

In the developed vocational standards, environmental protection is one of the main obligations. Waste management in agrarian field and related standards and programs is one of the mandatory goals/learning outcomes. Under the reform Forestry, and Labor Safety and Environmental Protection vocational educational programs were updated³⁹. Short-term environment-related programmes for vocational training/retraining were introduced⁴⁰.

Programs in the field of ecology, environmental engineering and safety, and geography are implemented in higher educational institutions⁴¹.

National policy covers awareness-raising and youth inclusion in environmental activities⁴².

(c) Georgian citizens have the right to associate in public environmental organizations⁴³. Environmental NGOs are legal persons and have the same rights as other non-entrepreneurial (non-commercial) legal persons. Terms of registration of such legal persons are defined⁴⁴, procedures are simple - they're registered by authorized body⁴⁵; price for registration, amendments to the registered data and its cancellation within one working day amounts to GEL 100⁴⁶. ;

There is no national legal norm prohibiting NGOs inclusion in the environmental decision-making government bodies. NGOs have the right to participate with consulting status in committee hearings, meetings held by legislative/executive authorities. MEPA ensures NGOs involvement in environmental activities.

(d) English/Georgian versions of the Almaty Guidelines were delivered to the government institutions and relevant organizations, uploaded on MEPA and EIEC webpages. GoG⁴⁷ always supports public participation in global/regional environmental processes, promotes NGO involvement in official government delegations.

(e) Legislation⁴⁸ ensures the rights provided under the Convention. Each person can apply to the court for protection of his/her rights⁴⁹, including rights granted by the Convention.

³⁸ Under the reform of vocational educational programmes (2019).

³⁹ 5 colleges and 1 university implement vocational educational program on Forestry; 5 state and private institutions implement the program on Labor Safety and Environmental Technologies.

⁴⁰ Programmes, introduced in 2019, aimed at training/retraining of personnel based on labor market demands. 4 educational institutions implement (each implements only 1) vocational training programs on Forest Restoration-Development, Forestry Activities, Waste Management, and Health and Labor Safety Specialist.

⁴¹ 17 programmes (7 bachelor, 8 master, 2 doctoral) are implemented in 8 higher educational institutions.

⁴² "State Youth Development Policy Action Plan for 2015-2020" (Goal 1.7).

⁴³ In accordance with the "Law of Georgia on Environmental Protection" (Article 6).

⁴⁴ By the Civil Code of Georgia (1997), Article 29.

⁴⁵ LEPL National Agency of Public Registry of the Ministry of Justice of Georgia.

⁴⁶ As of July 31, 2020, 1 USD is equivalent to 3.07 GEL.

⁴⁷ The Government of Georgia.

⁴⁸ The Constitution of Georgia, the Law of Georgia on Environmental Protection and General Administrative Code of Georgia.

⁴⁹ According to the Constitution of Georgia (Article 31),

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IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

Answer:

For the better implementation of the abovementioned, systemic approach is needed towards civil servants capacity building. Certain improvement is evident in this direction, although activities, mainly trainings, aren't comprehensive and the results aren't sustainable due to frequent structural reforms and replacement of personnel.

One of the impeding factors is relatively low level of public awareness and environmental education. Scarce human/financial resources still remain as an obstacle to implement activities in this direction.

In the draft Green Growth Concept⁵⁰ (representing the precondition for strategy development), changes were made for the verification of green sectors. Currently, the document is ready for further discussions. Also, within the EU4Environment Programme⁵¹, after adoption of the Green Growth Concept, partner organizations consider to develop Green Growth Strategy⁵².

Need for mobilization of country's scientific potential, close cooperation between government, NGO and business sectors was identified for effective implementation of Tbilisi Environmental Strategy 2015-2020.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

Provide further information on **practical application of the general provisions of the Convention**.

Answer:

Strategic Communications Department of MEPA ensures:

- transparency/accountability of MEPA's activities before the public;
- raising public trust towards MEPA;
- promotion of public interest towards environmental protection.

Head of the abovementioned department is designated⁵³ as the responsible person for provision of public information.

For the public awareness-raising and environmental education, MEPA organized conferences/seminars/trainings on various environmental issues for target groups; provided special offers, some discounts for educational institutions to organize different environmental activities; etc. Meetings of the Minister of Environmental Protection and Agriculture were arranged with students of higher education institutions on various environmental issues.

To popularize protected areas (PAs) and support environmental education, eco-tours on PAs and various activities were organized/conducted with different target groups⁵⁴. Friends

⁵⁰ The Concept was prepared by the Ministry of Economy and Sustainable Development in cooperation with German Society for International Cooperation (GIZ) in 2016.

⁵¹ Financed by EU.

⁵² Development of the strategy is planned until 2022.

⁵³ According to the General Administrative Code of Georgia (GACG).

Associations⁵⁵ of PAs operate for public involvement and improved PAs management.

Number of Facebook users of the Protected Areas Agency⁵⁶ exceeded 111 200.

For awareness-raising and public participation in waste-related issues, agencies and citizens regularly uploaded photo-evidences of identified waste pollution on the special portal⁵⁷. Environmental Monitoring Department⁵⁸ uploaded/monitored 431 locations.

Activities conducted with organization/participation of EIEC:

- country-wide trainings⁵⁹ on “Environmental Democracy – Human Rights and Obligations”;
- annual trainings, including sustainable development and other environmental issues, for MEPA personnel capacity building⁶⁰;
- seminars for pupils/students/teachers on various environmental issues⁶¹;
- trainings under the project “Art of Debates – Ecosystem Services or Infrastructure”⁶²;
- elaboration of educational program “Eco-leaders’ School”⁶³;
- trainings for companies under “Environmental Manager” course⁶⁴;
- TV-radio programs: “Green Business”⁶⁵, “Green Broadcast”⁶⁶ telecasts; “Big Holiday”⁶⁷;
- informational/working meetings with local population on DRR caused by climate change⁶⁸;
- environmental informational/working meetings, public discussions with representatives of various sectors⁶⁹;
- different campaigns/meetings/discussions/seminars/trainings with educational materials;
- international environmental days, celebrated through various educational-informational activities;

For capacity-building of MEPA respective personnel and customs officers, trainings on the Montreal Protocol conducted, relevant equipment were provided.

In total 4395 persons participated in different trainings, 11000 - in several activities.

Online monitoring platform - Forest and Land Use Atlas of Georgia⁷⁰ was created. The system

⁵⁴ In total 291 577 persons.

⁵⁵ Association is represented by the local population, government, NGOs, business sector and other stakeholders.

⁵⁶ Under MEPA.

⁵⁷ The portal was operating in 2017 under the National Tourism Administration of Georgia.

⁵⁸ Under MEPA.

⁵⁹ Trainings conducted for public entities, local NGOs, schools and media in 2019 (in total, 475 participants).

⁶⁰ In total, 1032 participants.

⁶¹ 130 seminars with 4169 participants in total.

⁶² 3 trainings with 72 participants in total (2019), and conclusive event.

⁶³ 13 seminars held on knowledge-sharing, critical thinking, team-building skills on environmental issues, challenges and their solutions (2020).

⁶⁴ In accordance with the obligations of Waste Management Code (2014) and international standards (165 attendees in total). Course is elaborated by EIEC.

⁶⁵ In cooperation with the radio Commersant on green products.

⁶⁶ In cooperation with the radio Imedi on biodiversity protection and forestry.

⁶⁷ TV programs in cooperation with UNDP for pupils to familiarize with climate change and climate-related issues.

⁶⁸ Under GCF financed program “Widening the Early Warning System of Major Hazards and Application of Climate-related Information in Georgia”.

⁶⁹ More than 50 meetings with over 2500 participants in total.

⁷⁰ Atlas was created in 2019 with support of World Resources Institute (WRI) and UNEP. Due to some technical problems, the atlas stopped its functioning 15/05/2020 and resumed in October 2020.

is based on GFW⁷¹ and GIS⁷² and includes local/global data, which allows the observation-analysis of forest-related data at national/regional levels.

For awareness-raising on nuclear/radiologic emergencies, radioactive waste and security, informational bulletin was prepared⁷³.

Trainings were conducted for MEPA, related state agencies, business and NGO representatives on relevant environmental issues. MEPA employees conducted permanent consultations with representatives of state agencies and industrial sector about procedures envisaged by Environmental Assessment Code, air and water protection related documentation/reporting.

MEPA publishes information on its website⁷⁴ on a regular basis, disseminates through electronic networks and media agencies. MEPA has YouTube, Facebook and Twitter channels. MEPA Facebook page visitors' number is increasing yearly⁷⁵.

24-hour "Hotline-153" enables: receipt notifications on environmental violations, rapid response on them, receive necessary information/consultations for citizens.

MEPA receives⁷⁶ regular notifications/comments/questions from citizens through phone calls, Facebook and e-mail, responds immediately, arranges citizens' communication with competent officials.

EPNRD, Adjara AR⁷⁷ conducted over 30 various environmental awareness-raising activities with participation of public schools, youth center and students. For awareness-raising on sustainable development and green economy, MESD⁷⁸ cooperates with business associations and higher educational institutions authorized in Georgia; seminars/conferences/meetings were held.

To develop unified civil security policy, methodological-educational measures' system for security knowledge-management, education and risk reduction in emergency situations, risk assessment, and preventive measures plan, Expert-consulting Council⁷⁹ is being created by the representatives of scientific-research and/or sector experts under Emergency Management Agency⁸⁰. The Council cooperates with enterprises, academic, government, and NGO sectors. This Agency coordinated trainings, provision of theoretical materials and methodological assistance to kindergartens/schools, compact settlement of IDPs; compulsory subject "Civil Defence and Security" is introduced in the curriculum of some classes of educational institutions.

National curriculums for different grades and other teaching/supporting materials cover intensive learning on disaster risks, preventive measures, behavior rules, DRR, etc., at

⁷¹ Global Forest Watch.

⁷² Geographic Information Systems.

⁷³ Bulletin was prepared by LEPL Agency of Nuclear and Radiation Safety of MEPA (2020).

⁷⁴ Structural units of MEPA have their thematic websites also.

⁷⁵ It is amounted to 229 778 viewers in the reporting period.

⁷⁶ Namely, Strategic Communications Department of MEPA.

⁷⁷ Environmental Protection and Natural Resources Division, Autonomous Republic (AR) of Adjara.

⁷⁸ The Ministry of Economy and Sustainable Development.

⁷⁹ Pursuant to the Law of Georgia on Public Safety (2018), The Order of the Minister of Internal Affairs on the Approval of the Rules for Creation of Expert-consulting Council and its Operation shall be issued no later than 01/01/2021.

⁸⁰ Under the Ministry of Internal Affairs.

local/national/international levels, as well as environmental protection, sustainable development and security⁸¹.

Teachers of public⁸² and private⁸³ schools, persons intending to work as teachers⁸⁴ can participate in the trainings⁸⁵, developed by NCTPD⁸⁶. Master-classes/workshops on environmental issues are conducted⁸⁷.

Methodic guides on different environmental themes were created⁸⁸ for elementary grade teachers' awareness-raising.

Activities in formal/informal environmental education were conducted⁸⁹. Guidelines on DRR⁹⁰ for the head teachers and training module were developed, trainers⁹¹ were retrained⁹². ESD training module was elaborated under which all teachers and school administrations, participated in the pilot program "School of XXI Century" were trained. Respective information is regularly published in online newspaper⁹³. Informal environmental education is supported through extracurricular activities, formation of eco-clubs, etc. "Competencies for Educators in ESD" are incorporated in teachers' professional standards. NCTPD takes part in multilateral Comenius project ELENA⁹⁴, focused on biodiversity, under which educational resources were developed/piloted, teachers were re-trained, modules elaborated/implemented successfully in schools eco-clubs. Respective eTwinningplus Program⁹⁵ is ongoing.

Activities implemented by the Environmental Protection and Natural Resources Committee⁹⁶:

The Committee conducted surveys⁹⁷ on ambient air condition⁹⁸, waste management⁹⁹ and lead poisoning¹⁰⁰. Hearings were held with stakeholders, relevant government institutions; suggestions from NGOs and private persons were reviewed; recommendations, including on the public

⁸¹ Subjects: "Me and Society", "Citizenship", "Our Georgia", teacher's manual "Teaching Natural Disaster Mitigation with Interactive Methods" (translated into English), natural science standard direction "Earth and the Environment".

⁸² Registration is free.

⁸³⁻⁸⁴ Paid service.

⁸⁵ Trainings on Environment and Sustainable Development, Geographic Survey, Geography of Global Problems, the Black Sea Chest (developed by UNDP), targeted towards sustainable development.

⁸⁶ LEPL National Center for Teachers Professional Development of the Ministry of Education, Science, Culture and Sport.

⁸⁷ Master classes on "Sustainable Development Goals" were conducted for teachers of geography, civil education and English language.

⁸⁸ By NCTPD in cooperation with EIEC.

⁸⁹ By the Ministry of Education, Science, Culture and Sport.

⁹⁰ "Teaching of Natural Disasters Risk Reduction through Interactive Methods"

⁹¹ Trainers of National Center for Teachers Professional Development.

⁹² Activities were carried out by the Ministry of Education, Science, Culture and Sport in cooperation with UNICEF.

⁹³ mastsavlebeli.ge.

⁹⁴ Experiential Learning and Education for Nature Awareness.

⁹⁵ Under this programme, supported by the EC, environmental project competition was announced on the "Climate Change and Environmental Protection", conclusive conference is planned by the end of 2020.

⁹⁶ Of the Parliament of Georgia.

⁹⁷ Surveys were conducted by the initiative of the Parliament of Georgia, with the assistance of UNDP and Government of Sweden, in cooperation with Westminster Fund of Democracy (WFD).

⁹⁸ "Air condition in Tbilisi" – 19 hearings; 40 recommendations, out of which 5 related to the public awareness-raising.

⁹⁹ "Condition in the field of municipal waste management" – 10 hearings; 17 recommendations, out of which 3 related to the public awareness-raising.

¹⁰⁰ "Lead poisoning of the environment in Georgia" – 6 hearings. The report is at the stage of completion.

awareness-raising, were adopted. Surveys on the implementation of the legislative changes associated with the electric engine transport vehicles¹⁰¹, and Environmental Impact Assessment¹⁰² were conducted.

The Committee actively cooperates with various government agencies/NGOs/scientists/experts in the process of development of environmental legislation. 6 working groups on various subjects were created.

Civil Involvement Platform was introduced within the project “Strengthening Participative Democracy in Tbilisi Municipality City Hall”¹⁰³, aimed at the effective public participation in the planning (construction/rehabilitation) process of planted areas in Tbilisi¹⁰⁴. Public awareness-raising is one of the main goals of such activities. Creation of permanent platform for cooperation (CivicLab Workshop) is envisaged under the project.

Tbilisi Municipality City Hall ensures immediate placement of environmental information on its website and dissemination through media/social networks.

Regarding the training of judges on the environmental issues and the Convention, Higher School of Justice is responsible for their professional training, where the subject of environmental law is presented.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

www.mepa.gov.ge; www.mes.gov.ge; www.economy.ge; www.parliament.ge; www.eiec.gov.ge; emoe.gov.ge; tbilisi.gov.ge; www.air.gov.ge; wms.mepa.gov.ge; atlas.mepa.gov.ge; http://adjara.gov.ge/branches/default.aspx?gid=1

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an

¹⁰¹ The report was prepared with the support of USAID, GGI and WFD , 4 hearings were conducted.

¹⁰² The report was prepared with WFD support. 5 hearings were conducted and 19 recommendations developed, out of which 6 related to the public information and increased availability of the EIA reports. The reports with related documents are published and/or will be published on the committee’s webpage upon approval.

¹⁰³ The project is financed by the EC. The Platform was introduced in 2019.

¹⁰⁴ The platform was successfully used during the planning of one recreation area.

interest;

- (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
- (iii) The information is supplied in the form requested;

(b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;

(c) With respect to **paragraphs 3 and 4**, measures taken to:

- (i) Provide for exemptions from requests;
- (ii) Ensure that the public interest test at the end of **paragraph 4** is applied;

(d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

(e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;

(e) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

(f) **With respect to** paragraph 8, measures taken to ensure that the requirements on charging are met.

Answer:

GACG¹⁰⁵ covers the requirements of article 4 of the Convention. All information held by the public authorities, and copies of the documents, containing such information shall be made available to the public unless the information represents state/commercial secret or contains personal data. Every person has the right to request the information¹⁰⁶. Environmental information, also data on the hazards, which can represent the risk to human life/health, belongs to the category of information, classification of which is inadmissible¹⁰⁷.

(a) According to GACG:

(i): A person isn't obligated to indicate in the application reason/purpose for the information request;

(ii): Any person has the right to get acquainted with the information in the original. If there is a risk to damage the original document, the public authority is obliged to ensure the applicant's opportunity of getting acquainted with the document under supervision or provide the person with a dully certified copy;

(iii): Any person has the right to choose the format, if the public authority holds this

¹⁰⁵ General Administrative Code of Georgia.

¹⁰⁶ Article 37.

¹⁰⁷ GACG, Article 42; the Law of Georgia on the State Secret (2015), Article 7.

information in various formats.

(b) Time-limits for provision of information is stricter¹⁰⁸ than presented by the Convention: a public institution shall immediately provide public information, including requested in electronic format, or provide it no later than within 10 days, if provision of information requires the following:

- obtain/process information from structural subdivision of a public agency located in other settled area or from another public agency;
- obtain/process of substantial volume of unrelated each-other documents;
- consultations with structural subdivision of a public agency located in other settled area or another public agency.

A public agency is required to make the information available in the existing format. It's not an obligation to create any information in response to the public request¹⁰⁹.

(c) (i) According to GACG¹¹⁰, refusal of provision of information by the administrative body is individual legal-administrative act that shall contain written justification¹¹¹.

(ii) There're following types of confidential information in Georgia: commercial¹¹², professional¹¹³ and the state¹¹⁴, and personal¹¹⁵. The concept of personal data, its protection/processing is regulated¹¹⁶ - any information, related to the identified/identifiable natural person is considered as a personal data. Identity of civil servants from other public agency¹¹⁷, participating in the process of preparation of decisions by a public official is protected from disclosure by executive privilege¹¹⁸.

Commercial secret means any information concerning a plan/formula/process/means that constitute a commercial value, or any other information that is used to produce/prepare/reprocess goods or provide service and/or represents an innovation or a significant technical accomplishment, also any other information, disclosure of which could reasonably be expected to cause competitive harm to a person. Professional secret involves information representing other person's personal data/commercial secret and was made available to a person in connection with the performance of professional duties. Professional secret may not be such information, which doesn't represent other person's personal data/commercial secret. Information constituting a state secret is defined by the respective legislation¹¹⁹. On the documents, containing information, considered as a state secret a secret stamp is placed - requisite confirming the category of classified

¹⁰⁸ GACG (Article 40).

¹⁰⁹ See Sections XI and XIII below.

¹¹⁰ Article 41.

¹¹¹ Article 53.

¹¹² GACG (Article 27²).

¹¹³ GACG (Article 27³).

¹¹⁴ GACG (Article 27⁴).

¹¹⁵ GACG (Article 27¹).

¹¹⁶ The Law of Georgia on Personal Data Protection (2012).

¹¹⁷ Except for officials, occupying state-political positions.

¹¹⁸ Pursuant to GACG (Article 29).

¹¹⁹ The Law of Georgia on the State Secret.

information.

Unless otherwise prescribed by the applicable legislation, commercial information shall be kept classified for an unlimited term¹²⁰. Commercial secret shall be declared open if the grounds for classifying such information can no longer be invoked. Decision on classification of public information and extension of the term of classification is provided in the public registry.

(d) GACG sets stricter requirements towards public agencies than the Convention. When receiving an application with information request, a public agency is obligated to identify which public agency possesses such information and itself refer application to it within 5 days. If such public agency is not identified, the application with explanation of reasons for failure of information provision shall be returned to the applicant within 5 days from the date of its submission¹²¹.

(e) GACG defines the list of information that:

- might be considered as classified information¹²², namely, information secured in the public institution, related to the public institution or received/processed/created/sent by the public servant, which includes personal data, state and/or commercial secret; and
- shall not be classified. Everyone has the right to know the information on the environment, as well as data on the danger, threatening their lives or health¹²³.

Legislation¹²⁴ defines the list of information which shall not be considered and cannot be classified as a state secret, including information on:

- natural disasters and other specific events, that have occurred/may occur and harm population safety;
- state of the environment, population health conditions, its living standard (including healthcare, social security), socio-demographic indicators, education and culture.

Therefore, legislation excludes from the outset the possibility of granting secret category to the environmental information, but foresees the general rule for exemption of non-confidential information from confidential and its publicity in case of the document containing confidential information, comprises as well the information that shall not be classified. In such cases, information developer shall exempt the information and make it available to protect personal data, commercial/state secrets. Upon exemption of classified information, any removable part of secret public information as well as any separable part of the report of closed session of collegial public institution shall be published¹²⁵.

Legislation¹²⁶ defines the rules for classification/declassification of the state secret information, decision-making procedures, rights of appeal of decisions and responsible persons¹²⁷.

¹²⁰ GACG (Article 31).

¹²¹ Article 80.

¹²² Article 2.

¹²³ Article 42.

¹²⁴ The Law of Georgia on the State Secret (Article 7).

¹²⁵ GACG (Article 33).

¹²⁶ The Law of Georgia on the State Secret (Sections 3 and 4).

¹²⁷ Decree of the Government of Georgia N507 of 24 September 2015 on “the Approval of Normative Acts related to the Enactment of Law of Georgia on the State Secret”, Annex N4: “the list of authorized persons who have the competence to grant a state secret to the specific information”.

Pursuant to EAC¹²⁸, information reflected in the EIA¹²⁹ Report shall be public. If EIA report contains secret information and/or personal data, developer of activity shall indicate in the application about the classification of such information. MEPA shall, in accordance with applicable legislation, ensure classification of such information¹³⁰.

(f) Georgia sets stricter requirements regarding refusal on provision of information, than the Convention. A public agency is obligated to provide written explanation to the applicant within 3 days, indicating the institution, which was consulted when arriving to the decision on refusal. Right and rules of appeal of such decision shall be indicated¹³¹.

(g) No fee shall be established or some impediment created for obtaining a document, a copy of other materials, making a copy, or sending by the post, unless payment of necessary amount of money. Legislation¹³² defines amount of money and rule of payment for making copies of public information.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.

Answer:

In general, public information is issued within 10 working days, but there're some cases, when due to complexity or large volume of information indicated time isn't sufficient to gather/provide the requested information. In such cases, an interim response is sent to the applicant with relevant explanation. There're few cases of violation of the term of issuance of public information in public entities.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

Provide further information on the **practical application of the provisions on access to information**, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

Answer:

All public institutions are obligated¹³³ to submit early reports on provision of the public information to the President, the Prime Minister and the Parliament of Georgia¹³⁴.

Statistics on responses to the public, including environmental information requests from government agencies¹³⁵:

MEPA:

From 2494 requests: 2237 satisfied fully, 40 - partially¹³⁶, 36 - not satisfied¹³⁷; 18 were sent to

¹²⁸ Environmental Assessment Code.

¹²⁹ Environmental Impact Assessment.

¹³⁰ Article 10.

¹³¹ GACG (Article 41).

¹³² The law of Georgia on Charges for Copying of Documents (2005).

¹³³ GACG (Article 49).

¹³⁴ The reports are submitted on each December 10 and published in Legislative Herald of Georgia.

¹³⁵ Central offices, their subordinated agencies, etc.

the relevant authorities¹³⁸, 1 was sent to the applicant for clarification¹³⁹, 6 being processed.

Applicants were informed accordingly in all above cases.

In addition to the requesting the public information:

- interested persons can receive information on activities of NEA¹⁴⁰ through social network;
- EIEC and NEA combine environmental documentation in one system – on the website,

thus facilitating provision of information in a timely manner;

- NFA¹⁴¹ developed “Request Public Information” service¹⁴². As a result, interested persons can receive information/documents on the State Forest Fund without justifying their interest;

LEPL National Food Agency receives questions through e-mail and Facebook on a daily basis and issues requested information/documents. As a result of surveys conducted by IDFI¹⁴³, MEPA was awarded in 2017 and 2018 as institution with 100% provision of requested public information that indicates on the general transparency of the institution.

MRDI¹⁴⁴:

From 723 requests: 628 satisfied fully, 2 - partially¹⁴⁵, 36 - not satisfied¹⁴⁶, 57 - were sent to the relevant authorities¹⁴⁷.

Applicants were informed to that effect accordingly.

EPNR Committee¹⁴⁸, the Parliament of Georgia:

427 applications filed and fully satisfied by the Committee, or referred to other institutions; applicants were informed to that effect.

EPNRD¹⁴⁹, Adjara AR:

¹³⁶ Reasons for partial disclosure of information: unavailability of certain parts of the requested information in MEPA; were beyond MEPA competences; contained personal information and/or commercial secret.

¹³⁷ Grounds for refusal: information wasn't kept in MEPA in requested format; wasn't processed as requested; information was being processed; information was not in place (in the first two cases, refusal was appealed by the applicant, after which, in one case, the applicant cancelled the request. In the other case, the applicant was provided with the requested information on the basis of agreement); information pertained to the salary of non-official person; application was filed incorrectly; was of general nature and required specification in order to be responded (applicant was informed to that effect); request was cancelled by the applicant; request pertained personal data.

¹³⁸ Reason for referring requests to other agencies: requested public information was out of MEPA competence. Therefore, on the basis of GACG (Article 80), applications were referred to the relevant government agencies for their review.

¹³⁹ No further information/application was sent from the applicant.

¹⁴⁰ LEPL National Environmental Agency of MEPA.

¹⁴¹ LEPL National Forest Agency of MEPA.

¹⁴² In 2019.

¹⁴³ Institute for Development of Freedom of Information.

¹⁴⁴ The Ministry of Regional Development and Infrastructure.

¹⁴⁵ Reasons for partial disclosure of information: other institutions were also responsible for the information together with MRDI. Thus, according to GACG (Article 80), requests were referred to relevant government institutions for their review.

¹⁴⁶ Grounds for refusal: personal data was requested; requested information was not kept in MRDI.

¹⁴⁷ Grounds for referring request to other agency: MRDI and its subordinated agencies were not authorized to disclose requested information, or other institution was also responsible for disclosure a part of the information.

¹⁴⁸ Environmental Protection and Natural Resources Committee.

¹⁴⁹ Environmental Protection and Natural Resources Division.

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All 5 requests were fully satisfied.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

Give relevant website addresses, if available:

www.mepa.gov.ge; www.eiec.gov.ge; <https://mepa.gov.ge/Ge/EiaAndSeaAnnouncements>;
<https://mepa.gov.ge/Ge/PublicDiscussion>; <https://mepa.gov.ge/Ge/FinancialAndMaterialResources>;
<https://idfi.ge>; www.mrdi.gov.ge

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- e) Measures taken to disseminate the information referred to in **paragraph 5**;
- f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

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- g) Measures taken to publish and provide information as required in **paragraph 7**;
- h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;
- (i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

(a) (i) “Environmental observation (monitoring) system is the unity of analysis/forecasting of information obtained after the observation over the state of the environment”¹⁵⁰. MEPA is responsible for coordination over the environmental monitoring system, results of which are publicly accessible¹⁵¹. MEPA within its competence and in cooperation with relevant state agencies is managing/coordinating registration, reporting/assessment of qualitative and quantitative indicators of the state of the environment¹⁵².

(ii) Entities to which licenses/permits are issued in the field of the environmental protection, and use of natural resources¹⁵³, also environmental decisions and decisions on prolongation of existing activity¹⁵⁴ shall comply with provisions of issued permits/licenses/decisions. License holders for the use of natural resources submit annual reports on performed activities, from which public information is available for the public upon request. Control over adherence to terms of licenses for use of natural resources¹⁵⁵, permits, environmental decisions and decisions on prolongation of existing activity¹⁵⁶ and over licensing of the use of minerals¹⁵⁷ is carried out. Mine Sector Strategy¹⁵⁸ implies update of information databases, intensified measures in direction of geological data processing in order to ensure full availability to all interested persons.

For entities subject to environmental decision¹⁵⁹, MEPA approves regulations for respective permissible discharge and possible emission norms, which are publicly available. MEPA approves technical regulations of water extraction for the entities, which aren’t subject to environmental decision and extracting water from surface water bodies. For entities, whose operations cause pollutant release into ambient air, MEPA approves technical report of stationary sources on ambient air pollution and release of harmful substances. Public information is available upon request.

Legislation¹⁶⁰ defines regular public accessibility to the updated information about concentration of harmful substances in ambient air¹⁶¹, update frequency per harmful substance and, since 2027, obliges relevant government bodies to ensure timely availability of air quality forecast for the

¹⁵⁰ Pursuant to the Law of Georgia on Environmental Protection.

¹⁵¹ Article 27.

¹⁵² Article 26.

¹⁵³ In accordance with the Law of Georgia on Licenses and Permits (2005).

¹⁵⁴ In accordance with Environmental Assessment Code.

¹⁵⁵ Except licences for use minerals or fossil.

¹⁵⁶ By the Environmental Supervision Department of MEPA.

¹⁵⁷ Since 2018, control on this direction is carried out by LEPL National Agency of Mines of the Ministry of Economy and Sustainable Development.

¹⁵⁸ 2019.

¹⁵⁹ Entities, discharging surface water into sewage and release harmful substances in the ambient air.

¹⁶⁰ Law of Georgia N5948 dated 22/05/2020 on the Amendments to the Law of Georgia on Ambient Air Protection.

¹⁶¹ Information on the level of concentration exceeding limits and health effects.

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following day.

(iii) Information about hazards affecting human life and health, natural disasters and other incidents, which have already occurred/may occur in the future and threaten civil safety shall not be considered as confidential¹⁶².

Legislation¹⁶³ defines issues of informing the Georgian citizens and others, residing on the territory of Georgia about civil safety, namely, obligation of the Electronic Communication Company and the Georgian Public Broadcasting¹⁶⁴ to ensure, at the request of Emergency Service, notification and provision of other information to Georgian citizens and others, residing on the territory of Georgia¹⁶⁵; information provision to the population about emergencies during war and peace times¹⁶⁶; continuous provision of information to the population as one of the goals of the response to nuclear/radiologic emergency, and principles/stages/standards of communication with the population¹⁶⁷. In case of radiation emergency and/or incident, the license holder shall provide information immediately to the populations on the danger¹⁶⁸. Legislation¹⁶⁹ envisages criminal responsibility for hiding/distortion of information about emergencies/incidents at nuclear/radiation facilities, which could cause death or other severe outcome¹⁷⁰, and circumstances endangering human lives or health¹⁷¹.

Interactive map is being developed by the Emergency Management Agency¹⁷², showing different data necessary for planning fire-rescue operations and natural hazards' layers.

Citizens are informed about emergencies through public and private broadcasting companies and by vehicles equipped with "loudspeakers".

Additionally, the following principles are defined¹⁷³:

- ensuring preventive measures to avoid threats to the public health; clear definition of competences of the respective state bodies and effective coordination between them in the planning/implementation process of public health related activities¹⁷⁴;

- information shall be submitted to the Public Health Service by: all persons residing on the

¹⁶² GACG (Article 42); Law of Georgia on the State Secret (Article 7).

¹⁶³ the Law of Georgia on Civil Safety (2018), Law of Georgia on Nuclear and Radiation Safety (2012), Decrees of the GoG on the Approval of National Civil Safety Plan (2015) and on Technical Regulation on the Readiness for Nuclear and Radiation Emergencies and Response Plan (2019).

¹⁶⁴ GBP – public TV channel.

¹⁶⁵ The Law of Georgia on Civil Safety (Article 12).

¹⁶⁶ National Civil Safety Plan.

¹⁶⁷ Technical Regulation on the Readiness for Nuclear and Radiation Emergencies and Response plan (Chapter V).

¹⁶⁸ The Law of Georgia on Nuclear and Radiation Safety (Article 24).

¹⁶⁹ Criminal Code of Georgia (1999).

¹⁷⁰ Article 233.

¹⁷¹ Article 247.

¹⁷² Under the Ministry of Internal Affairs.

¹⁷³ By the Law of Georgia on Public Health (2007).

¹⁷⁴ Article 4.

territory of Georgia about emergencies caused by violations of sanitary norms in production/technological processes¹⁷⁵; and institutions¹⁷⁶ (immediately) on any circumstances that may pose risk to the health and safety of population.

UWSC¹⁷⁷ provides information to the consumers about circumstances in the production/technological process, which may affect human health/safety.

(b) Public institution shall: ensure proactive publication of public information (placement on electronic resources) in case such information is of public interest¹⁷⁸; place the information into the public register¹⁷⁹; designate person responsible for proactive dissemination of information¹⁸⁰. “Names and office addresses of public servants or officials holding positions or being in charge of classifying public information, or public relations and provision of information to citizens” was added to the list of data which shall not be classified¹⁸¹.

(c) Information on ongoing/completed activities is regularly published on the websites of MEPA and subordinated agencies. EIEC uploads monthly newsletter “Brief Overview of Environmental Pollution of Georgia” on its website, etc.¹⁸²

(d) SOER¹⁸³ for 2014-2017 in English/Georgian languages is uploaded on the MEPA webpage; other reports¹⁸⁴ in Georgian language are uploaded on EIEC website¹⁸⁵.

(e) For timely dissemination of information¹⁸⁶, MEPA uses electronic networks of CENN¹⁸⁷, RECC¹⁸⁸ and other electronic/media sources in addition to its own official websites.

EIEC provides environmental information to interested persons via e-mail. Updated electronic database was divided into different categories¹⁸⁹, information is disseminated to over 5000 requesters.

Respective agency¹⁹⁰, responsible for ensuring publicity of legal system, ensures state registry of normative acts (including international agreements), their publication on its website, mandatory

¹⁷⁵ Article 5.

¹⁷⁶ The Ministry of Defence, the Ministry of Internal Affairs, Penitentiary Service, and the State Security Service (Article 35).

¹⁷⁷ United Water Supply Company of Georgia of the Ministry of Regional Development and Infrastructure.

¹⁷⁸ GACG (Articles 27 and 28).

¹⁷⁹ Article 35.

¹⁸⁰ Article 36.

¹⁸¹ According to the changes made in GACG in 2017,

¹⁸² See Section XIII below.

¹⁸³ National Report on the State of the Environment.

¹⁸⁴ 2001, 2002, 2003, 2004, 2005, 2006, 2007-2009, 2010-2013 and 2014-2017.

¹⁸⁵ English versions of reports will be added after the completion of EIEC webpage update.

¹⁸⁶ Stipulated in section 5 of paragraph 5 of the Convention.

¹⁸⁷ Caucasus Environmental NGO Network.

¹⁸⁸ Regional Environmental Centre for the Caucasus.

¹⁸⁹ Government, NGOs, schools, universities, colleges, municipalities, etc.

¹⁹⁰ LEPL Legislative Herald of Georgia of the Ministry of Justice.

provision of individual legal acts, court decisions, other documents and information, official translations of normative acts and documents¹⁹¹ into English, other foreign and/or Georgian languages.

(f) National legislation contains no provisions offering incentives to enterprises operators. However, MEPA through electronic system of environmental information management - “Notifications System”, regularly and timely informs entrepreneurs about legislative changes and obligations.

(g) Along with the mentioned information tools, practice of holding meetings with NGOs is established at MEPA on its carried out activities, discussions on some significant issues, etc.

(h) According to the legislation¹⁹², “the consumer shall be given necessary/reliable/complete information about food/animal safety, animal/plant products, veterinary drugs, pesticides and agrochemicals that enables him/her to make right choice”. Additional requirements are set for labeling all types of food products, circulating on the territory of Georgia, aiming to ensure protection of consumers’ economic interests and possibility to make a choice¹⁹³.

(i) Electronic reporting system for data of hazardous substances emission in ambient air operates¹⁹⁴ on the basis of Environmental Information Management Portal (EIMP). Information approximated to real time air quality is available to the public in live mode. Interactive web-map¹⁹⁵ of the portal about actual annual emissions from each stationary source enables the public to observe data of automated stations and results of single measurements. The portal presents information about emissions in the air from various sectors, current and planned air protection activities. Data from automated stations of ambient air monitoring was uploaded on European Air Quality Portal.

Water Use State Accounting Electronic System operates in test regime¹⁹⁶ on EIMP. Related interactive map is being developed, where information on water use for various purposes will be placed for the public access. To increase the public access to information on water resources, water information system¹⁹⁷ of Georgia analogous to the European one¹⁹⁸ is under completion, which includes information on relevant national policy, legislation and other important issues, qualitative and quantitative data on water resources and dynamic maps.

Online platform Forest and Land Use Atlas provides access to respective information, transparency and supports monitoring of sector-related activities.

Respective unit¹⁹⁹ of Adjara AR conducts monitoring of ambient air, ground/surface waters and coastline water qualitative data. Laboratory survey results are issued at the request.

¹⁹¹ Defined by the Law of Georgia on International Agreements.

¹⁹² The Food/Animal Safety, Veterinary and Plant Protection Code (2012), Article 10¹.

¹⁹³ Pursuant to the Technical Regulation – Decree N301, 01/07/2016 of the GoG on Provision of Information on Food products to Consumers.

¹⁹⁴ Since 2017.

¹⁹⁵ Public information received within reporting of emission of hazardous substances presented on the interactive web-map.

¹⁹⁶ Since 2018.

¹⁹⁷ With the assistance of EU and European Environment Agency (EEA).

¹⁹⁸ Water Information System of Europe (WISE).

¹⁹⁹ Environmental Protection and Natural Resources Division.

For information collection/dissemination regarding hazardous chemicals, a Registry/Inventory Model was developed²⁰⁰, operating in test regime²⁰¹. Project activities contribute to the adequate management of hazardous chemicals, public health policy development, and prevention of hazardous chemicals impact.

To introduce SEIS²⁰² consistent methods, list of environment-associated diseases-indicators have been elaborated and are still elaborating²⁰³.

Certain activities given in paragraph (i) will contribute to the gradual development of national PRTR²⁰⁴.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.

Answer:

Although collection/dissemination of information is regulated, certain problems still remain, e.g., lack of data on air quality is a challenge, due to insufficient air quality monitoring system and absence of air quality modeling and forecast systems, as also noted by the Ombudsman. Despite ambient air quality monitoring network is being gradually improved²⁰⁵ and brought in compliance with the legislative requirements, implementation of more intensive measures is necessary. Namely, following to the Ombudsman recommendations, improvement/effective implementation of legislation, timely initiation of legislative acts, improvement of ambient air quality monitoring system, intensive fuel quality control, reduction of emissions from agricultural sector, etc., is necessary. Hereby, progress in fuel quality control since 2020 should be noted – petrol/diesel samples exceed parameters, defined by the European standards. Furthermore, for the emissions reduction from the agricultural emissions, manual²⁰⁶ is under development in accordance with the best international practice.

Ombudsman notes on certain gaps in defining exact rate of landscaping per capita in municipalities and its assessment standard, and considers this as precondition for the arrangement of adequate green urban areas to reduce risks caused by urban pollutant sources.

Although informing the public about disaster risks is effectively conducted at local level in force majeure circumstances, part of population doesn't possess information about risk zones of their residential houses or means of protection from anticipated hazard. Risk factors aren't always considered during construction of new residential houses. Legislation shall be revised to regulate

²⁰⁰ With WHO support, under the joint project of LEPL National Center for Disease Control of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, and MEPA.

²⁰¹ Since 15/09/2020.

²⁰² Shared Environmental Information System.

²⁰³ Activities are carried out by LEPL National Center for Disease Control.

²⁰⁴ Pollutant Release and Transfer Register.

²⁰⁵ Since 2016.

²⁰⁶ "Manual for Emissions Reduction in Agricultural Sector" within the project financed by the Swedish Development Agency (SIDA) - "Improving Air Quality Management Capacity in Georgia".

this issue.

NEA²⁰⁷ interconnects hydrological/meteorological/geological processes, coastal formation, and environmental pollution monitoring databases. Environmental database interconnecting system of other government institutions isn't regulated appropriately, but measures to introduce such system are implemented. To facilitate receiving environmental information timely from public institutions, unified database of environmental information shall be elaborated. MEPA is working on this direction with relevant bodies.

One NGO notes as a constraint removal of MEPNR²⁰⁸ webpage²⁰⁹, due to the merging two ministries²¹⁰ and creation of new website. Although data from MEPNR webpage was gradually transferred to the new one, it was technically impossible to transfer the data completely. Environmental Assessment Electronic System is being developed where current and archived information will be presented to the extent possible.

Information availability in regions is relatively resolved: post office operates effectively, internet is available, and thus information exchange is facilitated.

Ombudsman noted on the legislative gaps in environmental damage cases, namely, conversion of damage in monetary amount and transfer to the State budget, lack of access to the relevant information, etc. Hereby, it shall be noted that draft Law on Environmental Responsibility has been prepared²¹¹, focused on both legal regulation of prevention/reduction of environmental damage, not covered by existing legislation, and restoration of damaged environment. Besides, based on the Polluter Pays principle, obligation of environment restoration instead of fine payment is being introduced. Regarding access to information on damage reimbursement, treasury payments with relevant codes are distinguished for institutions carrying out the state control over the environment and natural resources, based on which payable amounts are calculated. Information can be received from the Treasury at the request. In case of nonpayment, enforcement procedure is initiated on the basis of application of relevant entity, which investigates the violation.

According to the Ombudsman's position, it's necessary to improve easy public accessibility to environmental information by the Tbilisi municipal organs as it cannot be ensured by the existing website²¹². Also, since obtaining information on planned urban infrastructural changes often requires processing/analyzing specific and substantial amount of data, which requires special experience/skills, need for the introduction of relevant mechanisms is apparent.

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Answer:

²⁰⁷ National Environmental Agency of MEPA.

²⁰⁸ The Ministry of Environmental Protection and Natural Resources of Georgia.

²⁰⁹ In 2018.

²¹⁰ MEPNR and the Ministry of Agriculture of Georgia.

²¹¹ Within the process of harmonization with 2004/35/EC Directive.

²¹² www.tas.ge.

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Document processing electronic system operates in MEPA. Registry of application for and issuing of public information contains the following: applicant's name; information content, processing timeframes, and results; indication of classified information, reason of confidentiality and names of the respective officials. Data contained in the public registry is open; immediate provision of information to the interested party is possible.

Data transfer institutional system in the fields of hydrometeorology, geological processes, geo-ecology, engineering protection and environmental pollution exists. Two types of information – standard and specific - are prepared for users regarding hydrometeorological/geological and environmental pollution conditions. The following is predefined: standard hydrometeorological/environmental pollution information formats; list of government institutions, receiving standard information without submission of special request; timeframes and means of provision of information on regular hydrometeorological, geological hazards, geo-ecological risks and environmental pollution. Information related to the geological/geo-ecological risks is disseminated in two ways:

1. Processed information on geological hazard and possible risks for the next year along with appropriate measures is disseminated in the beginning of the year²¹³;
2. In each specific case of extreme activation of geological disasters, in force majeure circumstances²¹⁴.

Standard information on hydrometeorological, geological, environmental pollution and coastal zone protection preventive measures is disseminated to consumers free of charge. But for specialized and detailed information, prepared upon request of consumer on hydrometeorological, geological processes and feasibility of construction activities in coastal zones, certain payment is required²¹⁵. Any information about environmental pollution is provided free of charge.

NEA²¹⁶ publishes geological hazards bulletin annually with attached risk-maps, describing a state for the reporting period and forecasts on expected geological risks for each region/municipality. The bulletin is disseminated among the relevant executive authorities at the central/local municipality levels to ensure their consideration in development plans. Information²¹⁷ is placed on the NEA's website.

MEPA collects annually information about extracted/used water and the sewage discharged in surface waterbodies from water-users. After processing the information, the data summarized²¹⁸ within the context of activity fields, administration units and river basins is sent to GeoStat²¹⁹ to

²¹³ Information is processed on the basis of regional geological yearly monitoring. Information bulletin is sent to the state institutions, heads of municipalities and all the interested institutions.

²¹⁴ Based on letters received from municipalities, agencies and citizens; situation is assessed through site visits, geological reports are prepared including causes of disasters and recommendations for protecting measures to be implemented, which are promptly sent to the heads of municipalities.

²¹⁵ Amount of payment depends on the type of rendered service.

²¹⁶ National Environmental Agency.

²¹⁷ Monthly newsletter "Brief Review of Environmental Pollution in Georgia", "Annual on Capacity of Gamma-radiation Exposure Dose in Ambient Air in Georgia" (including 2018), "Ambient Air Pollution Annual in Georgia" (including 2017), "Surface Water Pollution Annual in Georgia" (including 2018) are regularly published on NEA's website, and "Information Newsletter on Quantitative and Qualitative characteristics of underground potable waters of Georgia" - twice a year.

²¹⁸ "Compilation of Main Indicators of Water Usage".

²¹⁹ National Statistics Office of Georgia.

reflect it in annual publication²²⁰. Internal information system “Inspector” is in service at Environmental Supervision Department²²¹, by which data on violations is collected/systematized/analyzed.

Electronic reporting systems were introduced on the basis of Environmental Information Management Portal (EIMP), through which the entrepreneurs²²² conduct online reporting and fulfill other obligations, required by legislation, under “one window” principle. As a result, available, simplified electronic reporting procedures were elaborated for entrepreneurs; state control and accountability was improved.

Registration of waste management related activities, presentation of company’s waste management plans and annual reporting are in place²²³.

Abovementioned activities, “Inspector” system and EIMP contribute to timely provision of public information upon request.

EIEC website includes information about 18 environmental topics with various documents, list of the institutions working in the environmental field; public information is accessible; information shearing about ongoing environmental events is possible by e-mail.

UWSC²²⁴ website presents donor-financed project reports, preliminary ecological surveys, progress on construction activities and environmental monitoring.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

www.mepa.gov.ge; www.economy.ge; www.mrdi.gov.ge; www.eiec.gov.ge; www.geostat.ge; www.matsne.gov.ge; map.emoe.gov.ge; emoe.gov.ge; www.atlas.mepa.gov.ge; http://chemicals.ncdc.ge/Chemical/Registry/Web/; http://water.gov.ge/

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;

²²⁰ Publication “Natural Resources and Environmental Protection of Georgia” is available on the GeoStat website.

²²¹ Under MEPA.

²²² Holders of special lumber production licenses, round lumber mills, special licenses for fishery in the Black Sea.

²²³ Since 2018, according to the Waste Management Code (2014).

²²⁴ United Water Supply Company of the Ministry of Regional Development and Infrastructure.

(ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

- (b) Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
- (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied making the necessary changes, and where appropriate;

- (k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

(a) Environmental Assessment Code (EAC) defines list of activities subject to EIA²²⁵, represented through two Annexes of EAC, considering environmental impact risks and levels.

- (i) Annex I activities are subject to EIA, considering significant effect on the environment;
- (ii) For Annex II activities, screening procedure is established to determine whether the planned activity is subject to EIA or not.

(b) For screening/scoping/EIA procedures, documentation submitted to MEPA, indicated procedure, name/implementer/place of planned activity, means/deadlines/administrative body for submission of comments, etc., are placed on the MEPA website within 3 working days and sent to relevant municipalities for placing information on boards of executive/representative bodies. For public information/participation, EIA report shall contain brief non-technical resume.

To inform/involve the public effectively, information about proceedings in MEPA is uploaded on the EIEC website, Facebook, sent electronically to the environmental NGO's, subscribers²²⁶; placed in open areas in all permitted locations of municipalities. Brief presentation about planned activities is also placed on MEPA website and sent to municipalities for uploading on websites and dissemination to the public, as requested.

(c) EAC defines deadlines (working days) for:

decision-making:

- Screening decision: no earlier - 10, no later - 15;
- Scoping conclusion: no earlier - 26, no later - 30;
- Environmental protection decision: no earlier - 51, no later - 55.

submission of public opinions/comments:

- Screening documentation – 7;
- Scoping documentation – 15;
- EIA report – 40.

(d) No earlier than 10 and no later than 15 days from placing scoping applications (see subparagraph (b)), MEPA conducts public hearings on scoping, and no earlier than 25 and no later than 30 days - on EIA reports²²⁷. Considering epidemiological situation, in order to conduct procedures under EAC without any hindrance, based on amendments to EAC, public hearings are held remotely from 01/10/2020 using electronic means of communication in accordance with EAC rules on publishing/placing of information on public hearings.

²²⁵ Environmental Impact Assessment.

²²⁶ During the reporting period, such information was sent to over 6000 subscribers.

²²⁷ According to EAC.

(e) EIA report shall cover assessment of issue of informing the public and submitted opinions/comments at the scoping stage²²⁸.

(f) Procedures for public hearings, participation and access to information are regulated²²⁹. MEPA organizes/conducts public hearings on the scoping/EIA reports. In case the project covers several municipalities and/or their administrative units, several public hearings are conducted. Information on public hearing on the scoping report is published at least 10 days prior to the hearing, and in case of EIA – no later than 20 days. Application on public hearing includes brief description of subject, format/time/place/rule of hearing, scoping/EIA reports, etc., availability of printed documents.

Public hearing is open – everyone can participate. Information on public hearings on the EIA reports is published on MEPA website; in newspaper, widely distributed in relevant area and available for the public (if applicable); on information board/website of the relevant municipality's executive/representative body; established areas of information dissemination, and nearest public places of implementation of activities subject to EIA. Representative of MEPA prepares public hearing report within 5 days after hearing, specifying, among others, comments/opinions submitted during the hearing. Participant in the public hearing can submit comments on the report within 3 days after its overview. MEPA either confirms its correctness, or issues individual legal-administrative act about rejection of the comment, which can be appealed in the higher administrative body.

During COVID-19, public participation in administrative proceedings²³⁰ for issuance of scoping conclusion, environmental decision, and submittal of comments/opinions performed in writing/electronically, according to EAC.

MEPA ensures printed/electronic versions of abovementioned documents as requested.

Aquaculture zone is defined on the basis of stakeholders' consultations and aquaculture permit is issued through public administrative proceeding, under which NEA ensures²³¹:

- public access to the information on issuance of extensive aquaculture/aquaculture permits in marine waters;
- consideration of the public comments/opinions on the public hearings/consultation and their outcomes; public accessibility to decisions;
- publication of ecological monitoring results²³².

(g) EAC defines means of electronic/written submission of public comments/suggestions to MEPA, and verbally - during the public hearing.

²²⁸ Pursuant to EAC.

²²⁹ By the Order (N2-94, 22.02.2018) of the Minister of Environmental Protection and Agriculture of Georgia on the Approval of the Rules for Public Hearings.

²³⁰ According to the Resolution N181, 23/03/2020 of the GoG on the Approval of Measures for the Prevention of New Corona Virus in Georgia.

²³¹ Pursuant to the Law of Georgia on Aquaculture (2020).

²³² Monitoring is conducted in accordance to the Law of Georgia on Agriculture.

(h) A table of comments submitted during the public hearings and their consideration is attached to the public hearing report. MEPA shall review the public comments/opinions, reflect public participation results in written justification of relevant decision under EAC, inform the public about decision timely.

(i) MEPA publishes decisions on its website within 5 days, sends to the relevant municipalities for posting on information boards of executive/representative bodies, ensures availability of printed versions, as requested.

(j) Replacement of production technology of activity, subject to environmental decision, by other technology and/or change of operational conditions, including production increase, is subject to screening decision²³³.

(k) Release into the environment and placing on the market of Living Genetically Modified Organisms on the territory of Georgia is prohibited²³⁴.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.

Answer:

In general, public participation in EIA discussions isn't intensive. The public is mostly interested in major projects. Following is notable: low public organization and interest; low awareness on certain environmental issues; interest towards only in major infrastructural projects, where, in some cases, it is difficult for the public to clarify in details; lack of trust; in some cases – improper/incorrect informed public; lack/weakness of organizations representing public interests in small settlements; etc., which was also indicated by the Ombudsman. Hereby, it shall be noted that MEPA conducts active awareness-raising campaigns on this direction. Despite the Ombudsman's very positive evaluation of EAC, considering the county's characteristics/reality, the Ombudsman indicates in some cases on the need for the revision/upgrading limit criteria for activities, subject to EIA.

The Ombudsman indicates on the importance of elaboration of long-term energy policy planning and strategy. It should be noted, that MESD²³⁵ has defined elaboration process of the document and will start its development in the nearest future. Besides, draft energy action plan, and energy and climate change integrated action plan, representing one of the components of renewable energy policy document, was elaborated.

The Ombudsman notes that on hydropower plant projects energy-economic benefits aren't studied, public isn't comprehensively informed/involved, regulations aren't implemented effectively. Some NGOs believe that signing of memorandum between GoG and company before starting the EIA procedure cannot ensure public participation at the early stage. The following have to be noted in this regard: company shall look for the territory where project implementation

²³³ According to EAC.

²³⁴ Pursuant to the Law of Georgia on Living Genetically Modified Organisms (2014), which considers the principles of the Convention.

²³⁵–²³⁶ The Ministry of Economy and Sustainable Development.

is recommended considering energy-economic factors, EIA factors are evaluated also. Investment proposal is prepared only on the basis of the abovementioned. At the first stage, agreement is signed between GoG and company for feasibility study, which, before the starting the project, is submitted by the company to MESD²³⁶. Based on positive evaluation and with GoG approval, detailed surveys²³⁷ are conducted. Furthermore, signing the memorandum doesn't mean that preliminary construction permits will be issued for any project upon signature. Besides, despite the energy-economical benefit of the project, construction permit isn't issued without EIA permit, for obtaining which one of the most important factors is public information at the early stage and their involvement in decision-making effectively through the public hearings.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defense purposes.

Answer:

490 public hearings were conducted with participation of 5166 persons in decision-making on activities under EAC.

Public hearings were conducted on infrastructural projects²³⁸ at scoping and EIA stages.

UWSC²³⁹ cooperates with population on environmental awareness-raising and their involvement in project implementation. Continuous public awareness-raising on water supply/discharge infrastructural projects is performed within particular programme²⁴⁰, ensuring public involvement in environmental issues before starting the project, during preparation of IEER²⁴¹.

Developer may be exempted from EIA for the specific activity, aiming at ensuring the state security or taking of urgent measures due to force majeure circumstances²⁴². MEPA ensures placement of the developer's application²⁴³ and GoG legal act²⁴⁴ on the exemption or rejection of exemption from EIA on its website and information boards of executive/representative bodies of relevant municipalities.

Activities, exempted from EIA in 2017²⁴⁵ - 10, in 2018-2020²⁴⁶ - 4.

²³⁷ Survey includes preparation of environmental-social impact assessment report, determination of project benefits to country's energy system, local infrastructure improvement, employment, etc.

²³⁸ Pursuant to EAC, public hearings on such projects are conducted by the agencies of the Ministry of Regional Development and Infrastructure.

²³⁹ United Water Supply Company of the Ministry of Regional Development and Infrastructure.

²⁴⁰ "Urban Service Improvement Investment Program", financed by ADB.

²⁴¹ Initial Ecological Evaluation Report.

²⁴² Pursuant to EAC (Article 16).

²⁴³ Within 3 days of its registration.

²⁴⁴ Within 5 days of making the decision.

²⁴⁵ Pursuant to the Law of Georgia on the Environmental Impact Permit.

²⁴⁶ Pursuant to EAC, based on urgent necessity due to force majeure. Activities were connected to infrastructure projects of [Type here]

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

*www.mepa.gov.ge; www.mrdi.gov.ge; https://mepa.gov.ge/Ge/EiaAndSeaAnnouncements;
https://mepa.gov.ge/Ge/PublicDiscussion; https://mepa.gov.ge/Ge/FinancialAndMaterialResources*

XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programs relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

SEA²⁴⁷ is a mandatory²⁴⁸ for elaboration of the strategic document and essential amendments thereto, which define future development frame for activities under EAC annexes I-II in defined areas²⁴⁹. Strategic document, related to the state security, implementation of urgent measures due to force majeure, or financial/budgetary issues, isn't subject to SEA²⁵⁰. EAC ensures mechanisms for informing the public. Draft water law²⁵¹ envisages public participation in the development of river basin management plans, namely, MEPA ensures publication/accessibility to all necessary information, including the public discussion procedures; provision of additional information/documentation as requested; receipt of comments/opinions; public hearings²⁵².

Physical/legal persons have the right²⁵³ to present suggestions to executive bodies on the improvement of ambient air protection, participate in important discussion/decision-making, support implementation of relevant state and local programs.

Public hearing is conducted on mid-term plan of EPNRD²⁵⁴, AR of Adjara for submission/consideration of public comments.

Public discussions are conducted during the preparation of other environmental documents (e.g. NEAP²⁵⁵, SOER²⁵⁶) for submission/consideration of public comments.

Roads Department of Georgia of the Ministry of Regional Development and Infrastructure.

²⁴⁷ Strategic Environmental Assessment.

²⁴⁸ Pursuant to EAC.

²⁴⁹ Agriculture and forestry; fishery; power engineering; production; transport; waste and water resources management; electronic communications; tourism; planning and spatial development.

²⁵⁰ EAC (Article 21).

²⁵¹ Draft Law on Water Resources Management.

²⁵² Public has already participated in the development of 2 basin management plans and projects.

²⁵³ Pursuant to the Law of Georgia on Ambient Air Protection.

²⁵⁴ Environmental Protection and Natural Resources Division.

²⁵⁵ National Environmental Action Programme.

²⁵⁶ National Report on the State of the Environment.

[Type here]

**XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF
POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO
ARTICLE 7**

Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

Answer:

Within SEA procedure²⁵⁷, the public is authorized to provide electronically written comments/suggestions on documents²⁵⁸ submitted to MEPA. At the stage of discussion/issuance of the SEA recommendations, planning institution ensures public hearings on SEA report. Within 3 days from the SEA screening/scoping applications and registration of the SEA report, screening application and concept or draft of the strategic document is published on the websites of the respective institutions²⁵⁹; MEPA also ensures their publication on information boards of executive/representative bodies of relevant municipalities.

Deadlines for submission of public suggestions/comments (working days):

SEA screening documentation – 7;

SEA scoping documentation – 15;

SEA report – 40.

Public hearing on the SEA report is organized by the planning institution, disseminating information at least 30 days prior to the public hearing. Within 5 days of hearings, the planning institution prepares public hearing report and submits to the respective institutions²⁶⁰ within next 5 days.

Within 5 days from issuing SEA screening decision, scoping conclusion, recommendations on SEA report and draft strategic document, respective institutions²⁶¹ publish on their websites scoping conclusions and concept/draft strategic document; MEPA also ensures their publication on information boards of executive/representative bodies of relevant municipalities.

SEA related documents issued by MEPA:

2018 – 1 screening decision;

2019 – 3 screening decisions; 3 scoping conclusions;

2020 – 2 scoping conclusions; 1 – ongoing procedure on SEA recommendation.

Legislation²⁶² establishes administrative rules on the review/approval of city building plans²⁶³ and rules on informing the interested person on city building activities²⁶⁴. Public hearing

²⁵⁷ Enacted in 2018.

²⁵⁸ Screening application and draft strategic document, scoping application and draft strategic document, SEA report and draft strategic document.

²⁵⁹ MEPA, the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, and the planning institution.

²⁶⁰ MEPA, and the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs.

²⁶¹ MEPA, the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, and the planning institution.

²⁶² Spatial Planning, Architectural and Construction Activities Code of Georgia (2018).

²⁶³ Article 43.

²⁶⁴ Article 57.

[Type here]

procedures on the drafts/concepts of city building plans exist²⁶⁵. Pursuant to EAC, contractor organizations conducted public hearings for 19 projects. Information is available on the respective webpage²⁶⁶.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

Describe any **obstacles encountered** in the implementation of article 7.

Answer:

Since public participation mechanism on strategic documents entered into force recently²⁶⁷ and SEA performed for only a few documents, obstacles cannot be fully analyzed.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

Provide further information on the practical application of the provisions on **public participation in decisions on specific activities in article 7**.

Answer:

Up to 30 working meetings with stakeholders²⁶⁸ were held during the development of National Forest Programme.

Process of integration of issues of Forest Sector Reform Strategy and Action Plan (2016-2021) in different documents²⁶⁹, went on with broad stakeholders' involvement.

Approved programme²⁷⁰ for Tbilisi ambient air pollution reduction was elaborated with the stakeholders/public involvement.

Working group²⁷¹, including the stakeholders, was created for elaboration/planning necessary activities to support Rustavi ambient air quality improvement.

Also, besides basin management draft plans²⁷², pilot SEA of one draft plan is ongoing with stakeholders' involvement/participation.

Public hearing was held on the draft Biodegradable Municipal Waste Management Strategy.

APA²⁷³ disseminates the draft Protected Areas Management Plans for the public review, before official approval of which, considers the stakeholders' comments/proposals.

Public participation is provided in the approval process of hunting/fishing management plans.

²⁶⁵ Pursuant to the Decree N260, 03/06/2019 of the GoG on the Rules for the Development of Spatial Planning and City Building Plans (Section IV).

²⁶⁶ Webpage of the Ministry of Regional Development and Infrastructure.

²⁶⁷ See Section XX,

²⁶⁸ Government institution, NGOs, private sector, educational institutions including vocational, regions, Patriarchate of Georgia, and international organizations.

²⁶⁹ NEAP-3, Agriculture and Rural Development Strategy (2021-2027) and its Action Plan (2021-2023).

²⁷⁰ Tbilisi Ambient Air Pollution Reduction Activities State Support Programme (2017-2020).

²⁷¹ Working Group (2020) includes representative of MEPA, stakeholders and civil society. Within this group draft Action Plan for Improvement of Rustavi Ambient Air Quality was developed and discussions on this plan is ongoing with the stakeholders involvement.

²⁷² See Section XIX above.

²⁷³ LEPL Agency of Protected Areas under MEPA.

[Type here]

Draft plans are placed on the MEPA website for public comments/proposals; public hearings are held. But public doesn't participate, with a few exceptions, such as expressing opinions in various meetings/discussions/conversations. For the development of necessary mechanisms to regulate this situation, the process of developing a new legal framework on regulating hunting/fishing has begun.

Draft Tbilisi Municipality Waste Management Plan was preliminary posted on the City Hall website for comments and was discussed with the stakeholders at Tbilisi Municipal Assembly meetings.

SDGs Council was established and 4 Working Groups were set up representing by the government, civil, international, academic, and private sectors. Special electronic system for the monitoring of SDGs implementation is public. SDGs 2nd VNR²⁷⁴ was prepared with broad stakeholders' involvement.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

www.mepa.gov.ge; www.mof.gov.ge; www.matsne.gov.ge; www.sdg.gov.ge; www.mrdi.gov.ge

XXIV. EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

National legislation²⁷⁵ ensures implementation of the provisions of article 8 of the Convention. Public administrative proceeding is applicable for promulgation of individual legal-administrative act of administrative body if the abovementioned is directly considered by the legislation²⁷⁶. Everybody has a right to submit written suggestions within 20 days²⁷⁷. From the date of notice on issue of individual legal-administrative act or submission of draft individual legal-administrative act for the public consideration, each administrative body ensures publication of the draft normative acts, elaborated by them on their official websites. Publicity in the elaboration process of the draft normative acts is ensured by the issuing body, which receives public comments/suggestions.

²⁷⁴ Voluntary National Report.

²⁷⁵ Constitution of Georgia, GACG, Law of Georgia on Environmental Protection and EAC.

²⁷⁶ GACG.

²⁷⁷ Pursuant to GACG.

[Type here]

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

Describe any **obstacles encountered** in the implementation of article 8.

Answer:

There're both active public participation in preparation of specific draft laws, and total unawareness. Interested public can participate in the development of draft laws. Initiatives often come from the public but not from the state agencies.

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Answer:

Administrative bodies often publish information/documents on their websites and disseminate them through NGOs. For draft laws and important legislative changes MEPA uploads documents on its website and conducts public hearings, e.g.:

- up to 10 public hearings, 50 working/consultation meetings held with NGOs/scientific sectors on the draft Forest Code;

- active public hearings held on 9 normative acts²⁷⁸ on waste management, with participation of local/international experts, NGOs, Business Ombudsman, etc.; sectoral/consulting/working meetings, discussions with companies, and media tours were organized. The issue is being covered by media;

- 5 public hearings held on draft Law of Georgia on Biodiversity and, at NGOs request - 8 hearings together with working group. Within the development process, certain procedures are implemented. It's planned to continue hearings with stakeholders/specialists. In total, up to 60 public hearings were held on legislative acts. As for legislative changes, public hearings were mostly held on important ones. However, no public hearings were held on the amendments to the Resolution on the Approval of Forest Use Rules.

EIEC supports public involvement in discussions on draft laws. Over 10 public hearings were conducted, all necessary information/documentation was placed on EIEC website, Facebook, sent

²⁷⁸ № 294 Resolution of the Government of Georgia of 16 June 2017 on the Approval of the Technical Regulation - "Medical Waste Management"; Order №2-11 of the Minister of Environmental Protection and Agriculture of Georgia of January 9, 2018 "On the Rules for Filling in the Electronic Accounting Forms and the Electronic Forms of the Waste Database"; №325 Resolution of the Government of Georgia of June 8, 2018 on the approval of the technical regulation - "Waste incineration and co-incineration conditions"; Resolution of the Government of Georgia № 605 of December 29, 2017 on the approval of the technical regulation - "Rules for non-food products of animal origin (including animal waste) and by-products not intended for human consumption, health and the recognition of a business operator related to this activity"; Resolution N 472 of the Government of Georgia of September 14, 2018 - Technical Regulation "Rules for Regulation of Plastic and Biodegradable Bags"; Resolution of the Government of Georgia № 326 "On Approval of the Technical Regulation on Waste Management of Electrical and Electronic Equipment"; Resolution of the Government of Georgia №324 "On Approval of the Technical Regulation on Waste Management of Batteries and Accumulators"; Resolution of the Government of Georgia №327 "On Approval of the Technical Regulation on Waste Oils Management"; Resolution of the Government of Georgia №325 "On Approval of the Technical Regulation on Tire Waste Management".

[Type here]

via e-mail; submission of suggestions/comments was ensured.

Two laws²⁷⁹ on agriculture elaborated by the Agrarian Issues Committee²⁸⁰ were prepared with the public involvement. The draft law on windbreak prepared by the Committee considers publicity of information and public involvement in the arrangement/restoration of windbreak belts. The Committee conducted annual report hearings of agencies of MEPA with participation of civil sector and opportunity to submit opinions/comments.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

www.parliament.ge; www.mepa.gov.ge; www.eiec.gov.ge; www.air.gov.ge

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) Any person who considers that his/her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a

²⁷⁹ Law of Georgia on the Agricultural Land Ownership (2019) and the Law of Georgia on Determination of the Designated Purpose of Land and Sustainable Management of Agricultural Land (2019).

²⁸⁰ Of the Parliament of Georgia.

review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

(d) With respect to **paragraph 4**, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

(e) **(e) With respect to paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.**

Answer:

(a) Pursuant to the legislation, any person may submit complaint to the higher public administrative body or court against a public authority if his/her right to access to information was violated. Final decision is mandatory for execution by a public institution. In case of refusal to issue information, a public institution is obligated, within 3 days from the date of adoption of a decision, to provide to the applicant written explanation of his/her rights and ways of appealing a decision, and indicate structural subdivision/public institution, consulted regarding refusal of information provision.

Everyone has a right²⁸¹ to appeal the decision made by administrative body pursuant to EAC, if believes that his/her participation in decision-making wasn't ensured, or Georgian legislation was otherwise violated.

(b) GACG²⁸² regulates the right to appeal decision of an administrative body. Namely, interested party can apply with complaint to the administrative body with regard to decision/action of the administrative body. Administrative appeal is considered and decision is made by the administrative body, which issued legal-administrative act, if an official, superior to structural unit or public officer, who issued such act, exists. Administrative appeal submitted regarding the legal-administrative act, adopted by the head of administrative body, shall be considered by a superior administrative body. In this case, rules of consideration/proceedings of administrative appeals are established. Administrative body has to invite interested parties in the process of consideration of appeal for their participation, protection of own interests and conduct oral hearing.

²⁸¹ According to EAC.

²⁸² Chapter XIII.

(c) Legislation²⁸³ regulates this requirement: any person has a right to apply to a superior administrative body or bring a case before a court if considers that his/her rights were violated, or by the decision/action of an administrative body his/her rights were violated or incurred damage.

(d) Measures related to paragraph 4 of the Convention envisage guarantees regarding the right provided by legislation, namely APCG²⁸⁴ (court is authorized to render a temporary ruling prior to bringing of an action when there's a risk, that changing of existing circumstances may hinder realization of applicant's rights or realization of such rights shall become significantly complicated) and CPCG²⁸⁵.

(e) GACG²⁸⁶ regulates public administrative proceeding issues. Namely, issuance of an individual legal-administrative act through the public administrative proceeding, publishing of the notice regarding submission of documents for the public access, list of documents for the public access, rules for presenting opinions, drafting/submission of individual legal-administrative act for public access, etc. APCG describes in detail submission of an administrative complaint to an administrative body, review of and deciding on the complaint, court appeal procedures by a citizen, if his/her rights to access to information and participation in decision-making were violated by an administrative body.

EAC²⁸⁷ defines provisions ensuring availability of any requested public information by environmental decision-making administrative body regarding to exercise of its authority.

Different state institutions, NGOs, IOs conduct access to justice public awareness-raising campaigns.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.

Answer:

Several cases of failure to meet deadlines for consideration of claims filed to the court with regard to violation of access to environmental information right were registered.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

Provide further information on **the practical application of the provisions on access to justice pursuant to article 9**, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access

²⁸³ GACG, Administrative Procedure Code of Georgia (1999), Civil Procedure Code of Georgia (1997), and Criminal Procedure Code of Georgia (2009).

²⁸⁴ Administrative Procedure Code of Georgia (Articles 29-31).

²⁸⁵ Civil Procedure Code of Georgia (Chapter XXIII - Enforcement of an Appeal).

²⁸⁶ Chapter IX.

²⁸⁷ Article 33.

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to justice?

Answer:

Environmental legal disputes, registered in the Common Courts of Georgia:

- Tbilisi City Court: 1660 materials on administrative offences²⁸⁸, 49 cases - to the Panel of Investigation of Criminal Cases and Prejudicial Sessions²⁸⁹;
- Tbilisi Court of Appeal: 874 cases on environmental administrative offences²⁹⁰; 40 - criminal cases²⁹¹;
- Supreme Court of Georgia: 5 cases are pending²⁹²;
- Around 30 cases with MEPA being the respondent, out of which 27 are pending in the City Court, Court of Appeal and Supreme Court;
- Environmental Supervision Department²⁹³: 33391 environmental offences²⁹⁴;
- National Agency of Mines²⁹⁵: 2621 administrative offences cases²⁹⁶.

Regarding the accessibility to the bi-level justice under the Convention, access to the court is beyond the municipality competence, only administrative proceedings fall within its competence. Administrative proceedings on environmental matters are conducted in accordance with APCG²⁹⁷, the provisions of which fully comply with the Convention. Practice established in Tbilisi City Hall is to be mentioned: pursuant to APCG, interested party, which may appeal administrative legal acts, is the person whose lawful interest is “directly affected by such administrative-legal act”. In number of cases, Tbilisi City Hall relies upon the definition of “interested party” as defined not by APCG, but by the Convention, which is broader and considers that general public can use this environmental right and control environmental decisions made at the municipal level.

SWMC²⁹⁸ possesses appeal’s mechanism, namely, if citizen identifies issues/have questions, different type of connections is established²⁹⁹. Besides, within particular programme³⁰⁰, appeal’s

²⁸⁸ Materials were submitted to the Administrative Cases Panel by the Environmental Monitoring Department of MEPA.

²⁸⁹ Sentence was passed on 50 cases (2017-2020).

²⁹⁰ 814 - considered, 37 – pending (2018-2020).

²⁹¹ 37 cases were considered, 2 not considered, 1 criminal case is pending.

²⁹² Chamber of Administrative Cases: 4 cases were filed (2018), 3 - considered as ineligible, 1 - pending . Chamber of Criminal Cases: 13 cassation appeals considered as ineligible, sentence was changed for 1 case, trial ended in acquittal on 1 case, by which indictment of the court of second instance was cancelled.

²⁹³ Under MEPA.

²⁹⁴ Department conducts registration/systematization/analysis of identified violations within its competence. From identified offences, 31377 were administrative and 2014 - with components of criminal offence. Protocols on administrative offences were sent to relevant court authorities, and cases with criminal offence components were sent to law enforcement agencies for further action.

²⁹⁵ Under the Ministry of Economy and Sustainable Development.

²⁹⁶ LEPL National Agency of Mines, MESD is controlling observance of usage license terms, within its competence. Cases of administrative offences have been identified during the period of operation of the Agency - since 2018.

²⁹⁷ Administrative Procedure Code of Georgia.

²⁹⁸ Solid Waste Management Company under the Ministry of Regional Development and Infrastructure.

²⁹⁹ Officially: via Edocument (about 4-5 letters per month), via e-mail: info@waste.gov.ge (about 10 letters per month), by phone (additional cellphone is available in the period of publication of scoping conclusion, for citizens to submit comments), or company’s Facebook page (91 notifications received during the reporting period).

³⁰⁰ The Urban Service Improvement Investment Program (the program ensures public involvement before starting the project at the stage of preparation of initial ecological survey).

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consideration mechanism is established - any citizen may appeal to the company in case of violation of their environmental rights during implementation of infrastructural projects and request the response.

Survey on “Access to Environmental Information in Judicial Practice”³⁰¹, is a supporting document for Common Courts of Georgia.

Judge is independent in his/her actions³⁰², evaluates actual circumstances and makes decisions only in accordance with the Constitution of Georgia, principles/norms of international law, other laws and his/her belief. Thus, legislation³⁰³ defines persons, exempting from the court expenses payment in favor of the state budget, postponing/reduction of court expenses. Therefore, when considering specific cases, judge determines fee amount and its payment issue according to legally established procedure.

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

*www.supremecourt.ge; www.court.ge; www.gyla.ge; www.article42.ge;
http://www.supremecourt.ge/files/upload-file/pdf/kvleva-garemosdacviti-informaciis-
xelmisawvdomobis-sakitxebze.pdf*

XXXII. GENERAL COMMENTS ON THE CONVENTION’S OBJECTIVES:

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

Georgia’s accession to the Convention increased citizens’ opportunity to control how the government protects environment, and contribute themselves to the environmental protection. General trend indicates to increased public activity that’s respectively responded from the government institutions. However, it’s important to increase public activity by their participation in particular cases and undertake appropriate measures, including through awareness-raising on environmental protection and sustainable development.

XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6bis AND ANNEX I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

³⁰¹ In the Survey, prepared by the Center for Survey and Analysis of the Analytical Division of Supreme Court of Georgia (2019), the Aarhus Convention is reviewed/analyzed together with the guarantees for access to environmental information within national legislative base and international standards, judicial practice; recommendations are provided.

³⁰² Pursuant to the Organic Law of Georgia on General Courts (Article 7).

³⁰³ The Civil Procedure Code of Georgia and the Administrative Procedure Code of Georgia.

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(a) With respect to **paragraph 1** of article 6 bis and:

(i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;

(ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;

(iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market, as well as the assessment report where available;

(iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;

(v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

- a. The nature of possible decisions;
- b. The public authority responsible for making the decision;
- c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
- d. An indication of the public authority from which relevant information can be obtained;
- e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

(vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis.

Answer:

Release into the environment, placing on the market³⁰⁴, import/re-export³⁰⁵ of living GMOs³⁰⁶ is prohibited on the territory of Georgia; public access to information and participation in respective

³⁰⁴ According to the Law of Georgia on Living Genetically Modified Organisms (2014), Article 7.

³⁰⁵ Article 4.

³⁰⁶ Genetically Modified Organisms.

decision-making is ensured³⁰⁷; it's obligatory to create living GMOs unified register, which shall be placed on special webpage excluding legally defined confidential information³⁰⁸. List of the mandatory information for the register is defined³⁰⁹.

Legislation³¹⁰ aims to:

- inform consumers about food/animal nutrition GMO, their GMO production;
- protect consumers' interests to have a free choice;
- define labeling rules of food/animal nutrition GMO and their GMO production, establish state control;
- support approximation/harmonization of national legislation with EU acquis and other international legislative norms in this field.

Respective government decrees³¹¹ set requirements towards labeling on existence of GMO-components, enabling consumers to make his/her choice when selecting-purchasing products; regulate relations between business operators, state control bodies and consumers.

XXXIV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Answer:

Lack of accredited testing-laboratories, qualified staff; information scarcity about the risk assessment methodology related to GMO-containing products and raw food materials.

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g. are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Answer:

Bio-production rules³¹² provide information to the consumers on healthy food products.

Pursuant to the DCFTA³¹³ obligations, and in accordance with the EU Regulations³¹⁴ and

³⁰⁷ Article 26.

³⁰⁸ Article 27.

³⁰⁹ Under the Regulation on Unified Register of Living GMOs approved by the Order N165, 2014 of the Minister of Environmental Protection and Natural Resources.

³¹⁰ The Law of Georgia on Labeling of Food/Animal Feed GMOs and Their GMO Production (2014).

³¹¹ Decree of the GoG N301, 2016 on the "Approval of Technical Regulation – Provision of Information to the Consumers about Food Products", and Decree of the GoG N320 of 2015 on "Approval of Rule of Labeling of Food/Animal Feed GMOs and Their GMO Production".

³¹² The Rules on bio-production, approved by the Decree of the GoG (N198, 30/072013), provide rules for labeling of food products for placing on the market, defining as "bio", "eco", "organic", "ecologically clean".

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Recommendation³¹⁵, GoG approved the following normative acts:

- Requirements for Genetically Modified Food Products and Animal Feed³¹⁶;
- Technical Regulation on Identification and Labeling of GMOs, Identification of GMO Produced Food/Animal feed³¹⁷;
- Amendments to the Decree N548,16/10/2018³¹⁸ on authorization of new GMO food/feed, risk assessment, notification, etc.

MEPA uploads the draft legislative amendments to the given issues for comments on its webpage, conducts public hearings. NGO sector is involved in the public informing process, participates in related conferences/meetings. National Center for Monitoring and Scientific Research of Manufacturing of GMO-containing products is established.

XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6bis

Give relevant websites, if available, including websites for registers of decisions and releases related to genetically modified organisms:

Answer:

Information on GMOs/GMO-containing products is periodically published on the websites of MEPA (www.mepa.gov.ge) and National Food Agency (www.nfa.gov.ge).

³¹³ EU-Georgia Association Agreement, Deep and Comprehensive Free Trade Agreement (chapter 4 - Sanitary and Phytosanitary Measures).

³¹⁴ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC, and Regulation (EC) N° 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed.

³¹⁵ EC Recommendation 2004/787/EC of 4 October 2004 on technical guidance for sampling and detection of genetically modified organisms and material produced from genetically modified organisms as or in products in the context of Regulation (EC) No 1830/2003.

³¹⁶ N549, 16/10/2018.

³¹⁷ N548, 16/10/2018.

³¹⁸ Amendments to the Decree N 548, 16/10/2018, made in 2020, pursuant to the Regulation (EC) No 641/2004, relating to the rules of usage of Regulation (EC)No829/2003, in connection with authorization of new genetically modified food and animal feed, notification about accidental or technically unavoidable existence of genetically modified substance identified during existing product and risk assessment.

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