

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

Please provide the following details on the origin of this report

Party	Georgia
National Focal Point	
Full name of the institution:	The Ministry of Environment and Natural Resources Protection of Georgia (MENRP)
Name and title of officer:	Nino Gokhelashvili (Ms) – Head, Division of International Relations, Department of Environmental Policy and International Relations, Focal Point of the Aarhus Convention
Postal address:	0114
Telephone:	(+995 32) 727 223
Fax:	(+995 32) 727 223
E-mail:	n.gokhelashvili@moe.gov.ge

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, on 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:

The draft report prepared by the Ministry of Environment and Natural Resources Protection of Georgia (MENRP) (24.03.2016-27.06.2016) was sent to the following governmental institutions for provision of comments and feedback (19.07.2016):

- The Administration of the Government of Georgia;*
- The Ministry of Science and Education;*
- The Ministry of Economy and Sustainable Development;*

- *The Ministry of Energy of Georgia;*
- *The Ministry of Defense of Georgia;*
- *The Ministry of Justice of Georgia;*
- *The Ministry of Culture and Monument Protection of Georgia;*
- *The Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia;*
- *The Ministry of Regional Development and Infrastructure of Georgia;*
- *The Ministry of Corrections of Georgia;*
- *The Ministry of Sport and Youth Affairs of Georgia;*
- *The Ministry of Agriculture of Georgia;*
- *The Ministry of Finance of Georgia;*
- *The Ministry of Internal Affairs of Georgia;*
- *The Ministry of Labor, Health and Social Affairs of Georgia;*
- *Office of the State Minister of Georgia on European and Euro-Atlantic Integration;*
- *Office of the State Minister of Georgia for Reconciliation and Civic Equality;*
- *The Office of the State Minister of Georgia for Diaspora Issues;*
- *State Security Service of Georgia;*
- *The Committee of Environment Protection and Natural Resources of the Parliament of Georgia;*
- *Tbilisi City Hall;*
- *The Ombudsman;*
- *The Supreme Court;*
- *The Constitutional Court of Georgia.*

The draft report, prepared by the governmental institutions was disseminated electronically for the public comments through the Legal Entity of Public Law Environmental Information and Education Center (LEPL EIEC) of MENRP on 30 September 2016 and the Caucasus Environmental NGO Network (CENN) on 6 October 2016. The draft report was placed on the official websites of MENRP (moe.gov.ge) and LEPL EIEC (eiec.gov.ge) from 30 September 2016. The deadline for receiving the comment from the public was 17 October 2016.

Information about public hearing with attached document of the draft National Report was disseminated through LEPL EIEC and CENN and was placed on the corresponding websites on 18 October 2016. Reminder about public hearing was disseminated electronically on 21 October 2016. The public hearing was held on 31 December 2016. There were no comments from the public regarding the draft report.

The report was translated into the English language and was submitted to the Secretariat of the Aarhus Convention and the Ministry of Foreign Affairs of Georgia together with the Georgian version of the report (13.12.2016).

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:

The Convention applies directly and shall be applicable to all the three branches of power. Namely, according to the Constitution of Georgia (article 6, paragraph 2. 1995) and the Law of Georgia on International Agreements (article 6, paragraph 2. 1997), international agreement, which is not in conflict with the Constitution of Georgia, Constitutional Law and Constitutional Agreement, shall have prevailing power over the national normative acts. According to the Law of Georgia on Normative acts, international agreement, to which Georgia is a contracting party, represents the part of Georgian legislation (article 7).

For ensuring effective implementation of the Aarhus Convention it is expedient to revise national legislation to improve relevant procedures.

Financial constrains impede collection, publication and dissemination of information.

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:

(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 the 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 the 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 (see below). Apart from this the Convention has prevalence over the national normative acts (see the answer to the previous question, Chapter II).

According to paragraphs 4 and 5 of the article 37 of the Constitution of Georgia, everybody has the right to live in a safe and healthy environment and have access to natural and cultural resources. The State, with the view of ensuring safe environment in accordance with the ecological and economic interests of society, with due regard to the interests of the current and future generations guarantees the protection of environment, the rational use of natural resources and sustainable development of the country. The Law of Georgia on Protection of the Environment (1996) envisages protection of citizens' rights in environmental matters. In particular, according to the mentioned law, each citizen has a right to live in a healthy environment and obtain complete, objective and timely information on the state of his/her working and living environment (article 6).

On April 2016 the definition of the term "Environmental Information" was added to the article 4 of the Law of Georgia on Protection of the Environment.

According to the same law, with the aim to inform the public, the MENRP once in every four years approves the National Report on the State of Environment (article 14). State bodies and LEPLs are obligated to provide to the MENRP information on environmental status free of charge, available to them no later than within two months from the date of receiving of such request. Publication of the National Report is necessary to ensure adherence to the principle of its accessibility for the public.

According to the article 15 of the same law "for the purpose of promotion of protection and sustainable development of environment the system of environmental protection planning (Sustainable Development Strategy) is being developed, which incorporates a long-term strategic plan and a 5-year plan (National Environmental Action Plan). In addition, under the updated regulations of 2013 of the Department of Sustainable Development of the Ministry of Economy and Sustainable Development of Georgia, one of the main functions of this Department is participation in elaboration of the Green Growth Strategy of the country and state programs, targeted towards promotion of implementation of the strategy, as well as public awareness raising and provision of information to the public on the sustainable development issues.

With the initiative of LEPL L. Sakvarelidze National Center for Disease Control and Public Health of the Ministry of Labor, Health and Social Affairs of Georgia and support of the EU, the twinning project “Strengthening Environmental Health System in Georgia (Twinning – GE22) is in progress. The project envisages harmonization of respective Georgian National Legislation with the EU acquis, enhancement of the existing system, and coordination with the EU Public Services. One of the project requirements is to implement sustainable development principles and develop a policy that ensures prevention of impact of environmental harmful factors on human health with multisectoral approach and coordinated actions between various stakeholders.

“Tbilisi Environment Strategy 2015-2020”, as one of the important prerequisites of the sustainable development of the city, responds to the following main challenges:

- Solution of environmental problems in Tbilisi;*
- Enhancement of environmental management and institutional governance, and their compliance with the current requirements;*
- Support environmental education and science;*
- Public awareness raising and enhancement of public participation in the decision-making processes.*

According to the changes of 2015 to the Law of Georgia on Nuclear and Radiation Safety (2012), the LEPL Agency of Nuclear and Radiation Safety of the MENRP was determined as the regulatory body in the sphere of nuclear and radiation safety (paragraph 1, article 6). According to the mentioned law, the function of the regulatory body is to implement activities related to the public in the field of nuclear and radiation safety by the established rules under the Georgian legislation (article 6, paragraph 2, section “i”). The mentioned law considers that the citizens of Georgia, individuals without citizenship and citizens of foreign countries have the right to obtain reliable and timely information about the radiation and nuclear conditions from the competent bodies (article 49, paragraph 2, section “b”).

According to the same law, the license holder, in terms of activities determined under the license, shall inform the public about nuclear and radiation safety issues which do not represent state/commercial secret (article 23, section “k”). And “Radiation Emergency Situations Actions Plan” shall determine each necessary obligation and action and isolate them between the corresponding state bodies or NGO’s, including communication with each other and all the preparatory actions for notifying the public (article 31).

Generally, according to the General Administrative Code of Georgia (1999), the public institution shall provide public information (including electronically requested public information) immediately or no later than 10 days (article 40).

According to the “Rule of Reception of Citizens in the Tbilisi City Hall”, interested persons are being received according to the approved schedule (article 3). Besides, the service center delivers the written information by the interested person to the manager of the corresponding structural unit of the City Hall or the governor of the region, under whose competences is a solution of the given issue, and about which the interested person is informed (article 6).

(b) In accordance with the article 6, paragraph (d) of the Law of Georgia on the Protection of the Environment, a citizen has the right to receive environmental and ecological education and raise his/her environmental awareness. According to the article 8 of the same law, unified system of environmental education should be set up for the public awareness raising in the environmental sphere and training of specialists, which shall include the network of educational institutions and the system of training and professional development of personnel. It must be noted, that according to the article 8, paragraph 2 of the same law, to support the public awareness raising in environmental sphere, training and professional development of relevant specialists, certification, and learning, a LEPL EIEC, established on the basis of the Aarhus Center of the MENRP in May 2013, is functioning which is responsible for the following: support implementation of the Aarhus Convention in the country, public awareness raising on environmental matters and promotion of training and professional development of respective specialists. By the initiative of LEPL EIEC, in order to support formal environment education the following actions were implemented:

Initiated by LEPL EIEC, the Cross curricular Standards frame document was presented to the Ministry of Education and Science of Georgia “Environmental Education for Sustainable Development” in 2016, which was prepared in close cooperation with the Ministry of Education and Science of Georgia in 2015 by the national and international experts and supported by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. The standard aims to promote implementation of the sustainable development principles by enhancing environmental components. The standard determines what kind of knowledge, skills, attitudes and values shall the student have on the specific level of education (at the end of 4th, 6th, 9th and 12th grades).

With the initiative of LEPL EIEC, environmental component was added to the Preschool National Standards for years of 2015-2016, prepared by the Ministry of Education and Science of Georgia.

Environmental education issues are reflected in the “State Program on Ecological Education of Population” (2002). According to the National Objectives of General Education (2004), the adolescent should be able to ensure protection and maintaining of environment as a result of education, received in the system of general education.

To ensure improvement of knowledge on environmental issues, the national curriculum programs (2011-2016) include environmental education issues. Financed by the United Nations Development Programme (UNDP), supporting manual for teachers on “Environmental Education in Schools” has been developed, which had been adapted to the national curriculum. Also, standards of teaching different subjects have been developed as well, which include topics related to the sustainable development and environmental issues.

With support of GIZ, development of updated “Education for Sustainable Development National Strategy and Action Plan 2018-2022” was started in October 2016.

As for the higher education programs, they are in compliance with the provisions, defined by the national qualification framework and the list of specialties/specializations defined by the Order of the Minister of Education and Science of Georgia N120. There are 24 accredited academic programs in the field of environment protection and ecology in the country, which are implemented in the 11 higher education institutions of Georgia, including 12 Bachelor, 8 Master and 4 Doctoral Programs.

With cooperation of the MENRP and the National Center for Educational Quality Development

Program for Development of Professional Qualification, the professional standards and the following module educational programs were elaborated in 2014-2016: Forestry Specialist, Environmental Technician, Plant Protection Technician, Nursery Technician, Forest Phytosanitary Control Technician, Green Plant Care Specialist, Nuclear and Radiation Safety Specialist (only standards). The programs are being gradually developed for implementation in the educational institutions from autumn sessions of 2016. Ensure labor safety and environmental protection in the developed professional standards is one of the main duties, which is later will be reflected in the upcoming program modules through cross curricular competence, or is already developed as module/learning outcome. The waste recycling in the agricultural direction and its related standards and programs are one of the essential tasks/learning outcomes. Implementation of various environmental protection activities during learning/teaching process in its turn guarantees raising of ecological and environment awareness and responsibility.

Environment protection awareness and inclusion of youth in environmental activities is given in the "State Youth Development Policy Action Plan for 2015-2020" (Goal 1.7.) approved by the Government of Georgia in 2015.

(c) In accordance with the article 6, paragraph (e) of the Law of Georgia on the Protection of the Environment, a citizen of Georgia has a right to associate in public environmental organizations. Environmental NGOs are legal entities and have the same rights as other non-commercial (non-profit) legal entities. Article 29 of the Civil Code of Georgia (1997) defines in details the terms of registration of non-profit (non-commercial) legal entities. NGO registration procedures are quite simple and the registration process is a responsibility of an authorized body under the Ministry of Justice of Georgia – LEPL National Agency of Public Registry. According to the Resolution of the Government of Georgia N509, 2011 on Approval of Rates and Terms of Payment for Services, Rendered by the Agency, the price for the registration of a non-profit (non-commercial) legal person, entering of amendments in the registered data and cancellation of registration within one working day is 100 GEL¹.

There is no legal norm at the national level that prohibits inclusion of NGOs in the governmental bodies that are responsible for decision-making on environmental issues. NGOs have the right to participate with a consulting status in the committee hearings and meetings held by the legislative and executive authority of Georgia. Besides, it should be noted that during the significant legislative changes, the MENRP conducts public hearings regularly, which is open to the participation of all interested parties, including environmental NGOs.

(d) In 2006 English and Georgian versions of the Almaty Guidelines were disseminated to the public institutions and all relevant stakeholders in Georgia. The mentioned document is placed on the MENRP and LEPL EIEC webpages. The Government of Georgia always supports public participation in global international and regional environmental processes, promotes participation of NGOs in official delegations of the country.

(e) The principles of the Aarhus Convention are reflected in the Constitution of Georgia, the Law of Georgia on Protection of the Environment and the General Administrative Code of Georgia. According to the article 42 of the Constitution of Georgia, each person has a right to apply to the court for protection of his/her human rights and responsibilities (including the rights granted by the

¹ As of December 13, 2016 GEL 100 is equivalent of 25.45USD.

Convention).

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:

To enhance implementation of obligations, provided by the Aarhus Convention, systemic approach needs to be adopted towards capacity building of civil servants. Initiatives (mainly trainings), implemented in given direction are not comprehensive and the results are not sustainable due to frequent structural reforms and replacement of personnel.

One of the factors impeding implementation is relatively low level of the public awareness and education on environmental issues. It should be noted, that scarce human and financial resources are one of the factors hindering the implementation of activities towards the environmental education and awareness raising.

For the proper enforcement of the Law on Nuclear and Radiation Safety (2012) the major legislative acts have already been adopted, but there are still remaining number of legislative acts, adoption of which is planned before January 1, 2017.

For implementation of Tbilisi Environmental Strategy 2015-2020 it is necessary to mobilize country's scientific potential, as well as close cooperation with governmental, non-governmental and business sectors. Implementation of the strategy will be impossible without public support.

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

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

Answer:

The Public Relations Service is a structural unit of the MENRP. The Service, together with other structural units of the MENRP is actively working in the following spheres:

- Promote raising of public interest towards environmental sphere;*
- Ensure accountability of the MENRP;*
- Ensure transparency of the MENRP's activities;*
- Promote building of public trust towards the MENRP.*

According to the General Administrative Code of Georgia, a head of Public Relations Service designated as a responsible person for providing public information. In order to raise public awareness and improve environmental education, the MENRP organizes conferences, seminars and trainings on various environmental issues for target groups. There are special offers and some discounts for educational institutions, which assist the implementation of eco-tours, eco-campaigns, exhibition-competitions of paintings, planting and cleaning activities.

In order to promote closer cooperation with educational institutions, the MENRP signed 6 agreements with the universities in 2015-2016.

The MENRP promotes involvement of NGO representatives in different environmental actions, places logos of supporting NGOs on its information materials (flyers, banners, note-pads) and supports communication between representatives of NGO sector and citizens. Annual information calendars and thematic albums for pre-school children and pupils are produced and disseminated, also social advertisements and "green calendar" in electronic format and other information material

are developed and published.

Trainings on different demand-oriented environmental topics are conducted for the employees of the MENRP and other line ministries, as well as for the representatives of businesses and NGO sectors. For example, representatives of the Ambient Air Protection Service conducts regular consultations with representatives of industries and update them on the principles and requirements related to protection of ambient air as well as provides information to them to ensure correct maintenance of documentation and reporting. In 2014, in collaboration with the MENRP and UNDP 4-month information campaign was conducted in order to raise public awareness about Ozone Layer Protection across the country, which included school children, appliance store employees and refrigerator and air-conditioning sector technicians. The TV show “Ecovision” dedicated one telecast to Ozone Layer Protection issue. The 6-month information campaign about Ozone Layer Protection issues was conducted with inclusion of LEPL EIEC, where up to 200 students, 160 pupils and 10 teachers participated across the country. Cognitive greeting cards were prepared on environmental issues, which were placed on the websites of UNDP and the MENRP. Lessons were held for pupils on the climate change issues, meetings of the MENRP Minister with students of higher educational institutions were organized. In 2014-2015 the meetings were held on the issues of climate smart development.

For the popularization of protected areas and support of environmental education within the framework of the Public Awareness-raising and Eco-educational Program, the eco-tours were organized for pupils on the protected areas of Georgia. Seminars about protected areas, weeks, green and clean-up actions, and meetings with population were organized where in total 81 526 persons were engaged in 2014, and 105 948 in 2015, which is the highest rate compared to previous years (e.g. there were 79 705 persons engaged in the similar actions in 2013). Regular educational-information tours to protected areas are planned for different target groups. An Association of Friends of Protected Areas of Georgia is functioning, which is represented by the local population, government organizations, NGOs, business sector and other stakeholders.

According to the analysis of results of a survey conducted in 2014-2015, raised public awareness regarding protected areas of Georgia and their importance was identified (by 20%). According to the data of 2016, the number of users of the Facebook of the Agency of Protected Areas exceeds 56000.

To raise environmental awareness and public participation in the field of waste, the following informational/PR campaigns were held in 2014-2015:

- In 2014, in relation to the entry into force of the Waste Management Code as well as informing the public about the fines imposed on the waste pollution of environment, 70 000 posters with the information about the fines for the environment pollution were placed in one of the newspapers (“Kviris Palitra”);*
- Under the campaign “It is Simple, Take Care of the Environment”, envisaged under the Waste Management Code, 3 social video-clips were made and aired on different Georgian TV channels in order to raise public awareness;*
- Up to 300 stencils drawn on the asphalts in different districts of Tbilisi, which described a person, throwing rubbish in the bin. The stencil also included the drawing of campaign logo and slogan – “It is Simple, Take Care of the Environment”;*
- In parallel to the new approaches of waste management, the MENRP started an active campaign against environmental pollution with polyethylene bags. Representatives of different business sectors (“PSP” chain and “Nikora”) joined the campaign.*

LEPL EIEC provides public information via website and e-services. Besides, in 2014-2016 LEPL EIEC

organized more than 20 meetings with representatives of civil society, including some informational meetings, as well as discussion of legislative changes in order to receive the public comments. LEPL EIEC coordinates public awareness and education on environmental matters in Georgia, in particular:

- In 2014 the Environmental Education Coordination Group was established with the aim to promote environmental education and make coordination between the institutions;*
- Environmental component was added to the Preschool National Standards for school years of 2015-2016, based on which LEPL EIEC developed teaching materials on environment protection themes, such as: biodiversity, waste management, water resources management and energy-saving. Standards were elaborated with the active participation of the Ministry of Education and Science of Georgia, in particular, the National Curriculum Department.*

LEPL EIEC conducts regular meetings, lectures and seminars on environmental issues. During the reporting period 135 lectures/seminars were held with 4900 participants in total. In order to promote the availability of qualified personnel of the MENRP, LEPL EIEC organized trainings for the employees of the Agency of Protected Areas, the National Forestry Agency, the Department of Environmental Supervision and other departments. During the reporting period 46 trainings were held for 782 employees.

Apart from the abovementioned, LEPL EIEC developed the training course “Environmental Manager”, aimed to the training and professional development of the employees for companies according to the imposed requirements and modern standards foreseen by the Waste Management Code of Georgia. In 2015-2016 the above mentioned course was attended by 146 representatives of the private sector.

In 2016 the Green Space “Ecohub” was initiated in LEPL EIEC, where the interested persons can attend public discussions on environmental issues. Besides, in Ecohub monthly meetings with the MENRP Minister are organized, and, in an informal environment, interested persons have a possibility to discuss various actual environmental topics. In 2016 (January-May) 273 persons participated in Ecohub.

In 2016, LEPL EIEC signed a Memorandum of Cooperation with Radio Commersant, which foresees the raising of public awareness on environmental issues and popularization of “Green”, innovative products. LEPL EIEC and Radio Commersant offer listeners the rubric “Green Business”. In order to raise public awareness on environmental issues, LEPL EIEC constantly organizes the celebration of Green Days.

To support the implementation of the Aarhus Convention, with assistance of LEPL EIEC, Organization for Security and Cooperation in Europe (OSCE) organized a regional workshop on Access to Justice for Judges on 19-20 February 2015, in Tbilisi. The participants were informed about the procedural requirements of the Aarhus Convention, best practices and challenges.

In general, with regard to training of judges on environmental issues and provisions of the Convention, it should be noted that the High School of Justice is responsible for professional development of judges. The school, along with other subjects, provides environmental law as well.

To inform the public on environmental issues, existed problems and possible solutions to them, the MENRP regularly publishes information on its official website (structural subdivisions of the MENRP have their thematic websites as well). The MENRP also disseminates information electronically and through media agencies. The MENRP has official YouTube, Facebook (over 13000 users) and Twitter channels. In 2014-2016 the number of MENRP Facebook page visitors was increased, in particular:

*number of visitors in 2014 was 47 509;
in 2015 – 73 381;
in 2016 (January-May) – 90 702.*

Tbilisi City Hall also posts regularly and operatively environmental information on its official website and on the Facebook pages of its different units.

The MENRP is developing electronic information systems, e.g. in the electronic system of timber resources management the notification system is launched through which the notifications on legislative changes and obligations are regularly sent on the portal (portal.anr.ge; emoe.gov.ge) to the entrepreneurs.

From February 2014 the 24-hour “hotline – 153” was renewed and launched, which enables citizens and organizations to make notifications about regulatory offences in environmental sphere, on which operative responses are made. Citizens are able also to obtain the necessary information and consultations on environmental issues.

The Public Relations Service of the MENRP regularly receives notifications, comments and questions from citizens through phone calls, Facebook and e-mail. The Service responds to the questions immediately and, in case of necessity, arranges communication of citizens with competent persons from the MENRP. As a result of the research made by the NGO Institute for Development of Freedom of Information (IDFI), in 2014, 2015 and 2016 the MENRP was awarded as an institution having 100% indicator on the provision of public information.

Since 2011 upon initiative of the Ministry of Economy and Sustainable Development of Georgia and with support of GIZ, information web portal www.greengeorgia.ge is functioning, which is aimed at placing regularly updated information related to the activities related to the sustainable development in Georgia and promoting public awareness. The mentioned Ministry actively cooperates with academic sector, namely higher educational institutions accredited in Georgia and regularly organizes workshops dedicated to the sustainable development issues, green economy and green growth issues, and related ongoing processes in Georgia. The website of the Ministry of Economy and Sustainable Development of Georgia was fully updated along with the website www.greengeorgia.ge, which is significantly improved and will be re-operated at the end of 2016.

With regard to the sustainable Development, the medium-term implementation plan has been prepared, the priorities defined and indicators were developed in Georgia. Georgia was among 22 countries, which prepared the first Voluntary National Report on the implementation of SDGs that was submitted to the HLPF on Sustainable Development in New York 2016.

By the initiative of the MENRP and through the support of UNECE, the Third Environmental Performance Review (EPR III) for 2010-2015 was prepared. In 2012 according to the Decree of the Government of Georgia N127, 2010 the Government adopted II National Environmental Action Plan (2012 -2016). Also, with support of the United States Agency for International Development (USAID) and GIZ, the MENRP elaborated and approved the National Report on the State of Environment 2010-2013.

On April 8, 2016 within the memorandum signed between the Government of Georgia and Georgian National Platform of the Eastern Partnership Civil Society Forum, the first meeting was held about EU-Georgia Association Agreement regarding environment protection and climate issues, under

which attention was drawn to the implementation process of the Aarhus Convention.

In the LEPL Agency of Emergency Situations of the Ministry of Interior of Georgia the Expert-Consulting Council is functioning, which is responsible for elaboration of target programs and scientifically justified activities focused on prevention, mitigation and reduction of emergency situations. Purpose of the Council is elaboration of objective and realistic policy and development of the system of methodological and educational measures ensuring preparedness of population to emergency situations, as well as promotion of dissemination of knowledge on safety, implementation of educational activities and emergency situation risk reduction. The Council cooperates with academic sector, representatives of state agencies and NGOs. Under coordination of the above mentioned Agency, for the purpose of improving of preparedness to emergency situations and disasters and development of practical skills in the kindergartens, schools, compact settlement of IDPs and refugees, the trainings are conducted during which theoretical materials and methodological assistance are provided. The Agency of Emergency Situations in collaboration with the Ministry of Education and Science of Georgia has introduced a new compulsory subject in the curriculum of some classes of educational institutions under the name of “Civil Security and Defense”, while in other classes “teachers’ hours” were introduced. Accordingly, teaching program and guidelines were developed. About 3000 teachers underwent training. Emergency situation response plans were elaborated in public schools and school directors were trained on the issues of actions to be implemented in emergency situations. Preparation of household plans of actions in emergency situations by the pupils is planned under the teaching programme.

In the Ministry of Education and Science of Georgia the project funded by European-Commission - Disaster Risk Reduction (DRR) in Education - is still implementing. Considering the Lifelong Learning principle, the project is being implemented in pre-school education institutions, schools and universities. The partner international and local organizations have created numerous educational resources and organized many activities towards the DRR. Intensive institutionalization is underway and replication phase has been started. In the frame of the project, the National Curriculum Department developed Georgian and English versions of educational electronic games on DRR. A new national curriculum for primary level for years 2017-2023 has been approved in academic year 2016. The updated standard includes intensive education on DRR topics for III-IV grades. A special guide “Natural Disaster Reduction Education with Interactive Methods, Coaching Book” has been developed in the National Curriculum and Assessment Center. The guidebook has been translated in English language. It includes natural disasters characterized for Georgia, as well as others, spread throughout the world; the causes and results of such events, as well as on their prevention, behavior rules before, during and after the disaster. The mentioned material is used as reading resource during the trainings.

LEPL “National Center for Teacher Professional Development”, established under the Ministry of Education and Science of Georgia has developed the following training modules: Environment and Sustainable Development, Geographic Surveys, Geography of Global Problems, the Black Sea Chest (training module and learning material developed by UNDP). These modules are targeted towards introduction of the principles of sustainable development. Teachers of public schools (registration is free of charge), teachers of private schools and persons, intending to work as teachers (paid service) can participate in the trainings; master classes and workshops on environmental issues are conducted as well where attendance is free for all beneficiaries.

For promotion of environmental education and raising awareness of adolescents, the Ministry of

Education and Science of Georgia is working with both, formal and non-formal directions. In terms of non-formal education the Ministry actively cooperates with international and non-governmental organizations ("CENN", "ECOVISION" and others) working towards Education for Sustainable Development (ESD). Number of projects has been implemented on the issues of biodiversity, climate change, environment protection, and human rights protection. Thematic competitions, eco-quizzes, cognitive excursions on protected areas were held for pupils. Eco-clubs were established in secondary schools, eco-camps were set up. Apart from this, in the sub-program - School Initiatives Encouragement of General Education Supporting Program - one of the priorities is to raise pupils' civic awareness, as well as funding of projects having environmental objectives.

The Ministry of Education and Science of Georgia in cooperation with the United Nations Children's Fund (UNICEF) has elaborated methodological guidelines for head teachers under the title - Teaching of Natural Disasters Risk Reduction through Interactive Methods. Training module was developed (National Center for Teacher Professional Development) and re-training of trainers of the Center was conducted. The trainers have conducted trainings for 250 head teachers in 10 pilot schools and the conference was held in December 2013 for identification of the best practices.

A training module "Education for Sustainable Development" was elaborated under which all teachers and schools administrations participated in the pilot program "The School of XXI Century" were trained. Trainings for trainers for acquiring relevant competencies were conducted as well. Articles dedicated to the mentioned issues are regularly published on the online newspaper „mastsavlebeli.ge“, which is read by the vast majority of teachers. At the same time, in 2015 the collection of the best articles was prepared within eco-literacy "Teacher's Book, Cross Curricular Competences", which was distributed to all schools free of charge.

Informal environmental education through facultative activities and formation of clubs by the teachers is being supported. "Environmental Guidelines for Teachers" was elaborated. "Competencies for Educators in Education for Sustainable Development" are incorporated in the teachers' professional standards, which will ensure sustainable development as the Cross Curricular Competences of schools. The National Center for Teacher Professional Development takes part in multilateral comenius project "Experiential Learning and Education for Nature Awareness" (ELENA) which is focused on biodiversity. Educational resources were developed and piloted under this project. 19 teachers were trained. The best teacher participated in the conference in Germany in October 2016.

As for vocational education, students of vocational educational institutions regularly participate in various informational seminars and conferences, different events related to the environment protection and planting activities, organized by IOs and NGOs. Besides, professional education institutions organize themselves planting and clean-up events.

On May 26, 2016 Tbilisi City Hall Municipal Department of Ecology and Planting organized Flower Festival in Tbilisi, which included environmental education and awareness raising segment. In autumn 2015, the same Department organized City Fest "Tbilisoba", where cognitive and environment protection activities were included. In addition, the same Department in cooperation with CENN, held trainings for employees of administration of regional municipalities about the maintenance issues of planted areas. The Department in cooperation with CENN, trained a group of young foresters about the inventory of diseased and danger/stag trees in Tbilisi and its surroundings. During the planting seasons the interested persons and organizations are involved in greening/planting activities. Meetings are periodically held with environmental organizations.

Within the competence of the Department, the planned environmental programs by the environmental organizations are supported, promoted and in many cases the Department is participated.

In order to raise public awareness, the Ministry of Labor, Health and Social Affairs of Georgia successfully held “International Lead Poisoning Prevention Week of Action” in 2014-2015, information sheets about the conducted activities within the week were published. For the purpose to educate population, the information material on environmental risk factors, their impact on health and recommendations about their prevention is developed every year and actively spread through various communication channels (mass media, interne, etc.).

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

Give relevant web site addresses, if available:

www.moe.gov.ge; www.apa.gov.ge; biomonitoring.moe.gov.ge; www.3w.org.ge; www.ozone.ge; www.mes.gov.ge; www.tpd.gov.ge; www.greengeorgia.ge; www.eiec.gov.ge; portal.anr.ge; emoe.gov.ge; tbilisi.gov.ge

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 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;

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

Answer:

The General Administrative Code of Georgia (mainly Chapter III) to a great extent covers the requirements of article 4 of the Aarhus Convention. According to the Code, all information held by the public authorities, as well as copies of documents, containing such information should be made available to the public unless the information represents state or commercial secret or contains personal data. Every person has the right to request information (article 37). Information related to the environmental protection, as well as data on the hazards which can represent the risk to human life and health, belongs to the category of information, classification of which is inadmissible (article 42, section "a"; the new Law of Georgia on State Secret, article 7, paragraph 4, sections "a" and "b". 2015).

According to the article 37, paragraph 1 of the General Administrative Code of Georgia:

(a) (i): *a person is not obligated to indicate in the application reason or purpose for the request of information (part 2);*

(ii): *Any person has a right to get acquainted with 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 applicant with a duly certified copy of the document (part 1);*

(iii): *If the public authority holds the information in various formats, person has a right to choose the format acceptable for him/her (part 1).*

(b) *There are stricter time limits in Georgia for provision of information than provided by the Convention. According to the General Administrative Code of Georgia (article 40, section I) a public institution should immediately provide public information, including information, requested in electronic format, or provide it no later than within 10 days, if provision of information requires the following:*

– *Obtain and process information from structural subdivision of a public agency located in other settled area or from another public agency;*

– *Obtain and process of substantial volume of unrelated with each other different 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 to an applicant in the already existed format and it is not obligated to develop/create any information in request of the applicant (see the review of implementation of article 5). This approach is in compliance with the principles of the Convention;

(c) (i) *Refusal of provision of requested information is defined by the General Administrative Code of Georgia (article 41). Refusal of provision of information by the administrative body is individual legal administrative act that should contain justification and shall be prepared in writing (article 53).*

(ii) *According to the General Administrative Code of Georgia, there are three types of confidential information in Georgia: personal data (article 27¹), commercial (article 27²) and the state (article 27⁴). Commercial secret means any information concerning a plan, formula, process, or means that constitute a commercial value, or any other information that is used to produce, prepare, or*

reprocess goods, or provide service, and/or which represents an innovation or a significant technical accomplishment, or any other information, disclosure of which could reasonably be expected to cause competitive harm to a person. Information constituting a state secret shall be defined by the legislation on the state secret. On the documents, containing information, considered as a state secret a special stamp is placed, which confirms the category of classified information. According to the article 31, parts 1 and 2 of the General Administrative Code of Georgia, unless otherwise prescribed by the applicable legislation, commercial information shall be kept classified for an unlimited term. 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. A list of information classification of which inadmissible exists (including information on the environment and data on hazards, which may represent threat to the human life and health (article 42)).

The concept of personal data, its protection and processing is regulated by the Law of Georgia on Protection of Personal Data (2012), according to which any information, related to identified or identifiable natural person is considered as a personal data. According to the article 29 of the General Administrative Code of Georgia, identity of civil servants from other public agency (except for officials, occupying state-political positions), participating in the process of preparation of decisions by a public official is protected from disclosure by executive privilege.

(d) Article 80 of the Administrative Code of Georgia sets stricter requirements towards public agencies than the Aarhus Convention. When receiving an application with the request for information, a public agency is obligated to identify within 5 days which public agency possesses such information and itself refers application to the relevant agency. If such public agency is not identified, the application with explanation of reasons for failure of provision of information should be returned to the applicant within 5 days from the date of submission of an application.

(e) The General Administrative Code of Georgia clearly defines the list of information that might be considered as classified information (article 2, first part, section “n”), such as: information, secured in the public institution, also information related to the public institution or information received, processed, created or sent by the public servant, which includes:

- Personal data;*
- State secret;*
- Commercial secret.*

The same Code defines the list of information that shall not be classified. Everyone has the right to know the information on the environment, as well as data on the danger, threatening their life or health (article 42, section “a”).

In addition, the Law of Georgia on the State Secret, which regulates the issues related to the information belonged to the state secret, defines the list which shall not be considered as a state secret (article 7), including the information on:

- Natural and man-made disasters, and other special events that occurred or may be occurred and will harm population safety;*
- State of the environment, health conditions of population, its living standard (including healthcare and social security), also socio-demographic indicators, education and culture of population.*

This type of information cannot be given a status of the State Secret. Accordingly, the legislation

excludes from the outset the possibility of granting any category of secrets to the environmental information. Since the Georgian Legislation excludes granting any category of secret information to the environmental information, does not establish any special regulations for its exemption from the confidential information. However, the legislation foresees the general rule for exemption of nonconfidential information from confidential information and its publicity in case of the document, containing confidential information, includes as well information that shall not be classified. In such cases, developer of information (source) shall exempt the information and make it available, so that the personal data, commercial and state secrets have to be protected. In particular, General Administrative Code of Georgia establishes the rules of publication of classified information (article 33), according to which after the exemption of classified information, any removable part of secret public information as well as, within the reasonable frames, any separable part of the report of closed session of collegial public institution shall be polished that means its accessibility.

As for the State Secret, the legislation fully and comprehensively regulates rules of classification and declassification of information, decision-making procedures, circle of eligible individuals², as well as the right to appeal the decision on classification or declassification of information (the Law of Georgia on State Secret, Chapter 3 – classification of the information containing a state secret, and Chapter 4 – declassification of information containing a state secret).

(f) Article 41 of the Administrative Code of Georgia sets stricter requirements in regard to refusal of provision of information by public agencies, than the Aarhus Convention. In case of refusal the applicant should be informed immediately and a public agency is obligated to provide to the applicant written explanation within 3 days. Institution, which was consulted when arriving to the decision on refusal to provide information to the applicant, should be stated in the written explanation along with the right and rules of appeal such decision.

(g) No fee shall be established or some impediment should be created for obtaining a document or a copy of other documents, or making a copy as well as sending by the post unless payment of necessary amount of money. The law of Georgia on Charges for Copying of Documents (2005) defines the amount and rules of a payment for making copies of public information documents.

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:

There are some cases, when due to complexity or large volume of information 10 working days are not sufficient to process and provide the requested information. There are very few cases when deadlines for provision of public information are violated, although in case if the deadline is not adhered to, an interim response should be provided to the applicant with relevant explanation. In majority of cases public information are issued within 10 working days as defined by the respective legislation.

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:

² Decree of the Government of Georgia N507 of 24 September 2015 on “the Approval of Normative Acts related to Enactment of Law of Georgia on State Secret”, Annex N4: “the list of authorized persons who have the competence to grant a state secret to the specific information”.

According to the article 49 of the General Administrative Code of Georgia, in December 10 of each year all public institutions are obligated to submit a report on provided public information to the President of Georgia, the Prime Minister of Georgia and the Parliament of Georgia.

The Public Relations Service of the MENRP produces statistics of requested and responded public information at the MENRP, according to which:

In 2014 the MENRP received 278 applications with request on provision of public information. In 275 cases information was provided fully, on 2 - partially and 1 – was refused. 2 partially provided information were referred to the information requests on resumes (CV) of nonpublic official employees of the MENR, on which partial information was issued with agreement of employees.

Information on one application was not provided, as it was referred to the information about a salary of nonofficial employee of the MENRP. The employee refused the provision of that information. Accordingly, the refusal was sent to the addressee. In both cases, the basis of partial provision and the refusal of information was the Georgian Law on Personal Data and the Administrative Code of Georgia.

In 2015, the MENRP received 413 applications with request on provision of public information. Full information was provided on 395 applications, on 7 - were provided partially and 11 – were refused. The basis of refusal or partial provision was the incorrect addressing, particularly, the discussion of the issues was beyond the competences of MENRP. Also, information about nonofficial employees was requested in the applications, which was partially or fully refused, based on the above-mentioned Laws.

As of May 2016, the MENRP received 87 applications with request on the public information. Full information was provided on 85 applications, on 2 - were provided partially.

2 partially provided information were referred to personnel issues. In particular, according to the Law of Georgia on Personal Data Protection and the General Administrative Code of Georgia, the partial information was provided about those employees, who agreed the provision the mentioned information.

LEPL EIEC, except the official request on provision of public information (full information was provided on all applications), via the website service “ask the question”, enables the interested person to receive the information with accompanying documents related to the environmental issues, without justification of his/her interest. 85 individuals used the mentioned service. It should be noted that, the demand for the given service is growing. LEPL EIEC unifies the main environmental documentation into one system, which is presented on the website and this contributes to the timely provision of the requested information.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

Give relevant web site addresses, if available:

www.moe.gov.ge; www.eiec.gov.ge; tbilisi.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 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) 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;
- 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) According to the article 27, paragraph 1 of the Law of Georgia on Environmental Protection, an environmental monitoring system is the unity of analysis of information obtained after observation over the state of the environment and forecasting. The MENRP is responsible for coordination over the environmental monitoring system (article 27, paragraph 2). Results of environmental monitoring are available to the public (article 27, paragraph 3). The MENRP within its competence and in cooperation with relevant state agencies is responsible for managing and coordinating the process of registration, reporting and assessment of qualitative and quantitative indicators of the state of the environment (article 26, paragraph 2).

(ii) Enterprises, which activities are subject to obtaining environmental impact permits, are obliged to adhere to the conditions, stipulated in the conclusion of ecological expertise after obtaining the permits. According to the Law of Georgia on Licenses and Permits (2005) license-holders for the use of natural resources should submit reports on the use of natural resources on annual basis. Control over adherence to terms of a permit/licenses for use of natural resources by a permit/license holder is implemented by subordinated state agency of the MENRP - Environmental Supervision Department.

To all entities subject to ecological expertise, which discharge surface water into sewage and release harmful substances in the ambient air, the MENRP approves permissible discharge norms of pollutants into surface water bodies and possible emission norms of harmful substances in the ambient air. The MENRP approves the technical regulations of extraction for the entities, which are not subject to ecological expertise and extracting water from surface water bodies. As for entities, whose operations cause pollutant release into ambient air, the MENRP approves technical report of stationary sources of ambient air pollution and release of harmful substances.

(iii) Information about hazards that can affect human life and health, natural and anthropogenic disasters and other incidents, which have already occurred or can occur in the future and threat civil security should not be considered as confidential (the General Administrative Code of Georgia, article 42; the Law of Georgia on the State Secret, article 7).

Dissemination of appropriate information in emergency situations is regulated by the Law of Georgia on Civil Safety (2014) and the National Civil Safety Plan, approved by the Government of Georgia (2015). Inform the public on the civil safety issues (article 32) and make this information public (article 33) is considered in the mentioned law, while the mentioned plan defines emergency assistance functions to ensure the implementation of prevention, preparedness, response and recovery activities of emergency situations. The plan defines also the constant notification measures of emergency situations formed during war and peace and ensuring communication for protecting society in order to ensure public awareness on emergency situations. Citizens are informed about emergency situations through public and private broadcasting companies as well as by vehicles, equipped with "loud speakers".

Information on emergency situations that have occurred in Georgia and response measures as well as information on activities implemented for the purpose of ensuring safety is regularly published on the website of the Ministry of Interior of Georgia. Statistical analysis, maps of potential emergency situations and risks and rules of behavior in emergency situations is also provided on the website. Based on the data obtained, electronic maps are designed where locations of potentially dangerous objects are marked and placed on the electronic portal of the Agency. The Ministry of Interior of Georgia in cooperation with different governmental and non-governmental organizations periodically prepares and publishes popular materials about rules of behavior in emergency situations.

In relation to the same issue, the following principles of the Law of Georgia on Public Health (2007) should be mentioned (article 4, paragraphs "a" and "b"):

- a) Insuring preventive measures to avoid threats to the public health;*
- b) Clear definition of competences of state bodies engaged in the public health issues and effective informational coordination between them in the process of planning and implementation of public health related activities.*

Chapter II of the above mentioned law defines the rights and obligations of the public and legal entities concerning the public health issues. According to the Article 5, paragraph “e” of the provided law, every person residing on the territory of Georgia is obligated to notify the Public Health Service on any emergency situation, caused by violation of sanitary norms in production and technological processes. According to the article 35, paragraph 6 of the same law, the Ministry of Defense, the Ministry of Penitentiary, Probation and Legal Aid and the Ministry of Internal Affairs are obligated to immediately inform the Public Health Service about any circumstances that may pose risk to the health and safety of the population.

According to paragraph “b” of the article 24 of the Law of Georgia on Nuclear and Radiation Safety (2012) in the event of radiation emergency and/or incident, a license holder should immediately notify population regarding expected danger. It should also be mentioned that the article 233 of the Criminal Code of Georgia (1999) stipulates criminal liability in the event of concealing or distorting of information on emergencies or accidents at nuclear or radioactive installations, if it could cause human life loss or other grave consequences. Also, according to the article 247 of the same Code, criminal sanction is applicable in the event of concealing or fabricating of information regarding circumstances, posing risk to human health and life.

(b) According to the General Administrative Code of Georgia, the public institution is obliged to: Ensure proactive dissemination of public information, i.e. place information on electronic resources in case the mentioned public information is of public interest (article 27, section “1”; article 28, section 2), put the holding information into the public register (article 35) and designate a person responsible for proactive dissemination of environmental information (article 36). According to the changes made in the article 42 of the mentioned Code, the names and office addresses of the public servants of officials, who hold positions or are in charge of classifying public information, or public relations and provision of information to citizens was added to the list of information, which cannot be classified. This change will be enacted from January 1, 2017.

(c) Information on ongoing and completed activities of the MENRP is posted on its website. The website is regularly updated. LEPL EIEC is uploading monthly newsletters “Brief Overview of the Environmental Pollution of Georgia” on its website.

(d) Accordance to the Law of Georgia on Environmental Protection (article 14, paragraph 1) the MENRP approves the National Report on the State of Environment once in every four years. The National Reports of 2001, 2002, 2003, 2004, 2005, 2006, 2007-2009 and 2010-2013 years are uploaded on the web sites of the MENRP and LEPL EIEC.

(e) For the purpose of timely dissemination of information provided by the section 5, paragraph 5 of the Convention, besides its own official and LEPL EIEC websites, the MENRP disseminates information through the electronic networks of Caucasus Environmental NGOs Network (CENN), Regional Environmental Centre for the Caucasus (RECC) and mass media. LEPL EIEC sends any news concerning environmental issues via e-mail to the interested individuals (services: “subscribe” and “electronic message”).

LEPL Legislative Herald of Georgia of the Ministry of Justice of Georgia is a responsible body to ensure the state registration of normative acts, systematization, and according to the legislation, a publicity of legal system. According to the Law of Georgia on Normative Acts, Legislative Herald ensures, inter alia, the State Registry of normative acts (including international agreements); ensures also, publication of normative acts, legally mandatory provision of individual legal acts, court decisions, other documents and information, as well as official translations on the Herald website and

also translation of the documents defined by the Law of Georgia on International Agreements into the English language, other foreign and/or Georgian languages.

(f) The national legislation contains no provision or norm corresponding to this paragraph, which would offer incentives to the operators of small and medium enterprises.

(g) Practice of organizing meetings with NGOs is established at the MENRP to report on activities carried out by the MENRP and conducts consultations on other significant issues.

(h) With regard to the article 5, paragraph 8 of the Convention it should be mentioned that, according to the Food/Animal Safety, Plant Protection and Veterinary Code (2012), the consumer shall be given necessary, reliable and complete information about food/animal safety, animal, plant, animal and plant products, veterinary drugs, pesticides and agrochemicals, that enables him/her to make the right choice” (article 10, section 1). A Decree of the Minister of Agriculture of Georgia (December 11, 2009) on Approval of Additional Requirements for Food Labeling, establishes additional requirements for food products of all types, circulating on the territory of Georgia and aims to ensure protection of consumers’ economic interests and possibility to make a choice.

(i) Based on the current legislative changes (technical regulations of self-monitoring and reporting of emissions of harmful substances from the stationary sources) from January 1, 2017 electronic data reporting system of air pollution will be launched. From January 1, 2016 the above-mentioned system is operating on a trial mode along with the printed forms of state register of emission of harmful substances.

According to the Waste Management Code (2014), waste database (accounting-reporting) electronic system will start functioning from January 1, 2017 (article 30). Transition to the state reporting electronic system of water use is planned as well.

The electronic portal – Environmental Information Management System - is functioning since December 1, 2015, where a trial mode of Sawmills Electronic Management System is operating. As a result, electronic, accessible and simplified reporting procedures for the owners of sawmills are established, state control and record-keeping is improved for the round-woods (logs) from the derivation to its processing.

With the support of World Health Organization (WHO), LEPL L. Sakvarelidze National Center for Disease Control (hereinafter – LEPL NCDC) a joint project of the Ministry of Labor, Health and Social Affairs of Georgia and the MENRP “Designing Legislative and Operational Framework Aimed at Collection and Sharing of information on Hazardous Chemical Substances in Georgia” (2015-2017) is implementing. One of the project objectives is to evaluate the needs of stakeholders in order to ensure development of databases on harmful chemical substances and implement the best practices. For the purpose of collection and sharing of information on hazardous chemical substances, the registry/inventory model will be prepared. This project will contribute to the proper management of hazardous chemical substances in Georgia, meeting the requirements of “Action Plan for 2015-2019 of the Strategy of Chemical, Biological, Radiological and Nuclear Threat Reduction”, the determination of public health policy for ensuring human health protection and prevention of harmful impacts of hazardous chemical substances.

In order to collect data related to environment from various ministries by LEPL NCDC and make information accessible to the public, for the introduction of consistent methods of Shared Environmental Information System (SEIS), the list of diseases-indicators associated with the

environment was elaborated.

The activities mentioned in the section (i) will contribute to the gradual development of National Pollutant Release and Transfer Register (PRTR).

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:

Collection and dissemination of information is regulated to a certain extent. Despite the fact, that Public Relations Service of the MENRP collects and uploads certain information obtained from the structural units of the MENRP, some problems and gaps in this direction still remain.

Population is fully informed in the event of force majeure at the local level, but some part of the population does not possess information regarding the aspects, such as the risk zones where their houses are situated, or how to protect themselves from certain hazards. In the process of building of new houses relevant risk factors are not considered. For the purpose of regulation of above mentioned issues the legal framework needs to be revised.

In order to obtain environmental information from the public institutions in a timely manner, unified environmental database needs to be developed, which would facilitate obtaining the information. The MENRP is currently working with relevant institutions regarding this issue.

Problems related to dissemination of information in regions of Georgia have been mostly eliminated: postal service is working properly, internet is available, and information exchange is facilitated.

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:

Electronic system of document processing operates at the MENRP. Besides, the registry of application for and issuing of public information is being maintained, which contains the following information: a name of the applicant, a content of requested information, a deadline for processing of information and results, also, indication of classified information, the reason of confidentiality of information and names of the respective officials. Data contained in the public registry is open, exists in one format and there is a possibility to provide the information to the interested party immediately.

There is an institutional system of data transfer in the fields of hydrometeorology, geological processes, geo-ecology, engineering protection and environmental pollution. Two types of information – standard and specific - are prepared for users regarding hydrometeorological, geological and environmental pollution conditions. The following is predefined: standard formats for information on hydrometeorology and environmental pollution; the list of supreme bodies, ministries and institutions that receive the information without submission of request for information; the time frames and means of provision of information (currier, fax, e-mail and postal service) on regular hydrometeorological, geological hazards, geo-ecological risks and environmental pollution.

Information related to geological and geo-ecological risks disseminated in two ways:

1. In the event of regional geological monitoring processed information on conditions of geological hazard and possible risks for the next year along with appropriate measures is disseminated in the

beginning of each year. At the same time information bulletin is published on the website, accessible to all stakeholders and users and sent to the state institutions, heads of municipalities and all the interested institutions.

2. In each specific case of extreme activation of a natural disaster, results of surveys, conducted in force majeure situation with indication of relevant measures are disseminated and such information is provided to the heads of municipalities promptly.

Standard information on hydro meteorological, geological, environmental pollution and coastal zone protection preventive measures is disseminated to every consumer free of charge. But for specific and detailed information, prepared upon specific request of consumer on hydrometeorological, geodynamical conditions, feasibility for implementation of coastal zones construction activities a certain payment is required, the amount of which depends on the type of provided service. Any information about environmental pollution is provided free of charge.

LEPL National Environmental Agency (LEPL NEA) under the MENRP is responsible for ensuring interconnection of databases on the monitoring of hydrological, meteorological, geodynamic processes, coastal formation and environmental pollution. As for interconnection of databases, maintained by other environmental governmental and non-governmental organizations, is still not properly regulated. Currently measures focused on development of this system are being implemented. LEPL NEA publishes the bulletin of environmental hazards on annual basis, which incorporates relevant maps, indicating the hot spots. The bulletin describes a state for the reporting period and forecasts on expected geological risks for each region. The bulletin is disseminated among the relevant authorities at the central, as well as local municipality levels to ensure their consideration in development plans. LEPL NEA regularly publishes the following documents on its website: a monthly newsletter “Brief Review of Environmental Pollution in Georgia”; “Annual on Capacity of Gamma Radiation Exposure Dose in Ambient Air in Georgia”, “Ambient Air Pollution Annual in Georgia” and “Surface Water Pollution Annual in Georgia”.

The MENRP annually collects information about extracted and used water by water users as well as the sewage discharged in surface water bodies. After elaboration of the mentioned information, the data summarized within the context of activity fields, administration units and river basins, is sent to the National Statistics Office of Georgia (hereinafter – GeoStat) and is reflected in the annual publication of GeoStat “Natural Resources and Environmental Protection of Georgia”, which is also available on the GeoStat website. In 2015, in order to improve and modernize the statistical system of use of water resources in the country, with the support of USAID project “Integrated Natural Resources Management in Watersheds (INRMW) for Georgia”, new proposals are developed for introduction of new statistical forms of state reporting of water use (with the perspective of receiving the mentioned reports online) and development of a new computer program for processing of reports, according to the modern international experience, including Geographic Information System (GIS).

In the LEPL National Agency of Forestry of the MENRP, electronic system of management of timber resources is maintained, where forest stands and sawmills are registered. The electronic system allows systematization of information on timber resources.

Internal information system – electronic database “Inspector” is operating In the system of Environmental Supervision Department of the MENRP, which aims to improve technical possibilities for collection and analysis of information on regulated objects.

The website of LEPL EIEC of the MENRP brings together the information about 18 environmental topics (biodiversity, environmental education, climate change, fossil, water, air, soil, waste,

environmental permits, environmental supervision, radiation safety, disasters, green cover, energy, environmental policy, protected areas, environment and health, green economics). Information is provided by various types of documents (data, statistics, maps, ongoing and completed projects, normative acts, international agreements, reports, strategic documents, guidelines, training-modules, various publications, etc.). Apart from this, encyclopedia, dictionary and the list of the institutions working in the environmental field are provided on the website. User has access to the public information via the website and receives/shares information about ongoing environmental events via electronic services (electronic notification, notifications about violations, green assistant, ask a question, subscribe). One of the most important parts of the website is the web map of the issued permits with marked locations and attached documents.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

Give relevant web site addresses, if available:

www.moe.gov.ge; www.rec-caucasus.org; www.cenn.org; www.police.ge; www.eiec.gov.ge;
www.geostat.ge; www.matsne.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;
 - (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:

According to the national legislation, public participation in the decision-making is regulated with respect to environmental impact permits (EIP). Not only NGOs, but also any interested party has a right to participate in the process, as well as appeal in regard to legitimacy of procedures and substance. The obligatory components of the procedures are the following: submission of the documents for public examination and announcement about this, receiving the comments, conducting public hearing and publishing decision. An administrative decision, taken by violation of procedure is considered as annulled. Any representative of the public has a right to appeal such decision and attain its cancellation. The established procedure of issuing of permits is in compliance with almost all the requirements, provided in article 6 of the Convention, in particular:

(a) The Law of Georgia on Environmental Impact Permit (2007) defines the list of activities subject to ecological expertise. All these activities are subject to EIP that contains procedures, stipulated by article 6.

(b) The mentioned law ensures public participation in the decision-making in regard to issuing of EIP (article 1, paragraph 2). According to the same law a permit-seeker is obligated to organize public hearing on environmental impact assessment (EIA) prior to its submission for permit to the relevant administrative body (article 6).

(c) The issues related to the public consultations are defined in the Law of Georgia on Environmental Impact Permit. According to the law, within 45 days from publication of information on planned activities public is authorized to submit written comments and suggestions (article 6, paragraph 4,

sub-paragraph “b”).

(d) According to the mentioned law, developer is obliged to organize a public hearing on the EIA report no earlier than 50 days prior to and no later than 60 days after publishing the announcement on planned activity (article 6, paragraph 4, sub-paragraph “c”). Only after this procedure, the developer can apply to the administrative body to obtain the permit for starting implementation of the activity. Publication of information on the planned activity both in the central and local newspapers of the region, where the activity is planned is a responsibility of the developer. Following information should be published in regard to planned activity: aim of the planned activity, title, location, and address where public can familiarize itself with the documents on the activity, as well as deadline for submission of comments and time and place of public hearing. In addition to this, for the purpose of promotion of publicity of information and informing the public at the earlier stage, relevant department of the MENRP publishes information on planned projects and related documentation on the website of the MENRP.

(e) Developer is required to carry out a study of environmental impact of activity and prepare the EIA report prior to publishing the information on the activity and applying to the administrative body for obtaining of a permit. Developer has the right to consult with the public at a given stage. The results of such consultations should be attached to the application for a permit.

(f) According to the mentioned law, developer is obligated to: provide the public the EIA report along with all significant documents during the public consideration, receive public comments and suggestions expressed during or prior to the public hearing, prepare the protocol of public hearing and submit it to the administrative body authorized to issue permits. This information is accessible to any interested party (articles 6 and 7). According to the article 8, paragraph 2, “e” of the same law, if the activity is related to the state or commercial secrets, developer should submit statement on the confidentiality of the application. According to the paragraph 3 of the same article, developer has to provide a complete scheme of technological cycle to the administrative body, authorized to issue permit even in those cases when the activity is related to commercial and/or state secret. According to sub-paragraph “e” of paragraph 2 of given article, developer should submit this part of application separately. Such cases have not been taken places in the process of issuing of environmental permit by the MENRP.

(g) Any representative of the public has the right to submit written comments and suggestions to the developer within 45 days after publication of the information (application) on implementation of activities (article 6, paragraph 4, “b”). The permit-seeker should consider public comments and suggestions and take them into account when preparing the final version of the EIA report.

(h) A given issue is regulated by the article 7 of the provided law, according to which, developer shall prepare the protocol on results of public hearing within 5 days from the date of holding of public hearing of the EIA report. The protocol should describe in detail comments and suggestions provided by the public during the public hearing. In case of not consideration of comments and suggestions of the public, developer is required to provide written justification for refusals and send them to the authors of comments and suggestions. Developer should submit the above mentioned written justification (together with the relevant written comments and suggestions) along with the protocol of public hearing and the EIA report to administrative body, issuing the permit.

(i) According to the General Administrative Code of Georgia, upon receiving a written application with request of information, the MENRP issues requested public information. According to the article 53 of the same Code, written issue of individual legal-administrative act should contain written justification. Paragraph 5 of the same article states, that an administrative body is not

authorized to base its decision on the circumstances, facts, evidence, or arguments that have not been examined and analyzed during the administrative proceeding. Consequently, justification of legal-administrative acts issued by the administrative body is based on professional and legal conclusions, if such need arises in regard with establishment of significant circumstances of the case.

(j) The register of permits is updated regularly. According to the national legislation, modification of existing production technology and its replacement by different technology, that causes changes in exploitation conditions, is also considered as activity, subject to ecological examination and, correspondingly, requires an EIP, during the provision of which every above-mentioned condition shall be considered (Law of Environmental Impact Permits, article 4, paragraph 2).

(k) Since 2015, the Law of Georgia on Living Modified Organisms has been enacted, which includes the principles of the Aarhus Convention. According to the mentioned law, deliberate release into the environment and placing on the market of LMOs on the territory of Georgia is prohibited (Title II, Chapter II, article 7, first paragraph).

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:

The list of activities subject to EIA ecological expertise, provided by the national legislation of Georgia is less detailed and flexible, than the list of activities, provided in the Annex 1 of the Aarhus Convention and it does not include whole range of spheres, such as: opencast and deep mining of minerals, production and processing of paper, facilities designated for intensive poultry or swine breeding, food production, including milk processing, etc.

Public participation in EIA hearings is low. Generally, public expresses more interest towards large projects. Limited participation of public can be ascribed to the fact that in some cases developer cannot notify and involve the public in the decision-making process effectively. As practice shows, in cases, when information and participation procedures were implemented properly as well as in the public interest projects, the level of public participation was quite high. Some other reasons might be noted as well, e.g. lack of interest expressed by NGOs. It is necessary to raise interest of NGOs towards participation in projects. Also, low organizational level of population at local level and weak community-based civil society organizations.

It should also be noted, that the MENRP developed a draft Environmental Assessment Code, according to which the list of activities of EIA expanded and are in compliance with the Aarhus and Espoo Conventions, as well as with the activities listed in the Annexes I and II of the respective EU EIA directive. The screening and scoping will be introduced and public participation will be ensured at the earliest possible stage of activity. In addition, the high-quality public participation will be ensured in the EIA process, the obligation to inform the public and conduct public hearings will be imposed to the MENRP, instead of the developer of activity, and in the part of strategic environmental assessment – to the planning state institution.

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:

In projects, implemented by the subordinated agencies of the Ministry of Regional Development and Infrastructure of Georgia, which are subject to EIA (such as: treatment of solid waste and/or construction of landfills; construction of roads/highways, having international and national importance along with bridges and tunnels located on that roads/highways; as well as construction of facilities for protection and fortification of roads; construction of subway; and wastewater treatment facilities (with capacity of 1000 and more cubic meters); installation of mail collector of sewage) all requirements, related to the public involvement and procedures, considered under the respective national legislation are adhered to.

The Law of Georgia on Environmental Impact Permit defines the rules of exemption of an activity from EIA procedures. Article 11 of this law states, that activity can be exempted from EIA procedures, if the state interests require initiation of an activity and adoption of decision in a timely manner.

At the MENRP Special Council on Environmental Impact is set up, which is authorized to consider exemption of activity from EIA procedures in cases, when due to the state interest the activity should be implemented and decision on this should be made in a timely manner. This procedure implies exemption of activity from EIA and consequently, from the public hearing. The MENRP maintains database on activities, exempted from EIA. From January 2014 to June 2016, 13 projects have been exempted from EIA. All enterprises, which received conclusion of ecological expertise and/or environmental impact permit, have undergone the procedure of public hearing, apart from the enterprises, which have been exempted from EIA.

All the projects submitted to the MENRP for permits are placed on the MENRP official website for preliminary consideration and submission of comments and opinions. Besides, based on the request of interested organizations or individuals, at the early stage of implementation of the planned activity, even during the planning process, the meeting is organized with the employees of the permit issuing department, with the head of the department and, in case of necessity, with the MENRP management.

Based on the water resources basin management principles the draft Law of Georgia on the Water Resources Management has been developed. According to the draft law involvement of the public and stakeholders is obligatory during the elaboration, revision and renewal of river basin plans. The draft law considers also establishment of consulting-coordinating councils for water resources management.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

Give relevant web site addresses, if available:

www.moe.gov.ge; www.mrdi.gov.ge

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:

Georgian legislation does not consider the public participation in the process of preparation of environmental plans and programs. But, as it was stated above, the draft Environmental Assessment Code is already developed, which provides the mechanism for the Strategic Environmental Assessment (SEA). According to this draft law, any strategic document, such as plan, program, strategy or policy document, prepared under the law for different sectors, will be subjected to SEA, where public participation is considered.

With regard to public participation in consideration of plans, attached to EIA report (plan of activities for environmental impact mitigation, emergency response plan, waste management plan, environmental monitoring plan, etc.), these plans should be attached to EIA at the stage of preliminary consideration of EIA to ensure, that the public can express its opinion at public hearings. In those cases, when certain interested parties of population could not get acquainted with such plans, they can be requested from the MENRP on the basis of public information request. In such cases the General Administrative Code of Georgia is applicable (articles: 28, 37, 40).

As it was stated above, ongoing legislative changes includes, among others, increased level of public involvement both at the stage of initial consideration, as well as in decision-making. For example, the Georgian draft law of Water Resources Management provides public participation in the development of river basin management plans. In particular, according to the article 30 of the draft law:

1. The MENRP ensures publication of and public access to information defined by the sections “a” and “b” of provided paragraph, related to the river basin/basin districts for receiving public opinion:

a) a schedule and working program necessary for making the river basin/basin district management plan, with reference to the issues, which will be discussed at the public hearing;

b) a rule of public hearing of the draft river basin/basin district management plan and the draft river basin/basin district management plan.

2. The MENRP ensures:

a) upon request, accessibility of the main documents and information used during the development of the draft river basin/basin district management plan;

b) receiving written opinions and organizing public hearings.

3. The mechanisms for ensuring information provision, accessibility to documents and public hearing process are defined by the Resolution of the Government of Georgia on “Elaboration, Revision and Approval Procedures of River Basins/Basin Districts Management Plans”.

4. The provisions of paragraphs 1 and 2 of the abovementioned article also apply to the updated river basin/basin district management plan.

During the reporting period, the public participated in the development of the following documents: draft Basin Management Plan for River Chorokhi-Adjaristskali (the document is under development) and the 2nd National Program of Combat Desertification of Georgia (NAP) approved in 2015.

According to the 2014 National Action Plan for the Implementation of the Association Agreement between the EU and Georgia and Georgia’s Action Plan for the Implementation of Deep and Comprehensive Free Trade Area (DCFTA) for 2014-2017, with support of World Health Organization (WHO), the Ministry of Health, Labour and Social Affairs of Georgia, with participation of all stakeholders, developed the first draft of National Environmental and Health Action Plan of Georgia (NEHAP-2) in 2016. The finished document will be accessible to the public.

As to public participation in elaboration of other environmental documents (such as National

Environmental Action Plan, Report on the State of Environment, etc.), public hearings are organized and provided comments and proposals are reviewed/considered.

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:

Georgian legislation does not consider public participation in the process of preparation of policies relating to the environment. But, as it was stated above, the draft Environmental Assessment Code considers SEA mechanism, according to which, policy document, prepared under the law for different sectors, will be subjected to SEA, where public participation is considered.

Despite the fact that public participation in the preparation of policies relating to the environment is not considered by the national legislation, during the reporting period the public participated in the development of the following documents, which were in the process of preparation or were approved: National Forest Concept³, National Forest Program (NFP) started in 2013, Forest Sector Reform Strategy and Action Plan 2016-2021 started in 2015, and National Biodiversity Strategy Action Plan (NBSAP)⁴ 2014-2020.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

Describe any obstacles encountered in the implementation of article 7.

Answer:

Currently, according to the national legislation, public participation is considered by the Law of Georgia on Environmental Impact Permit, which does not refer to the public participation in policies and strategies.

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:

During the development of the National Forest Program (NFP), along with the representatives of structural units of the MENRP and line ministries, the representatives of NGOs, private sector, educational and professional institutions, regions, the Patriarchate of Georgia and international organizations were participated. Within the framework of NFP up to 150 working meetings were held since 2014 to May 2016.

Development of Forest Sector Reform Strategy and Action Plan 2016-2021 was started in 2015 with public participation. At present, discussions on strategy are under way.

In order to support the National Biodiversity Strategy and Action Plan (NBSAP) 2014-2020, extended working group meetings of educational Task Force were held. Representatives of the Government, NGO and International Organizations participated in the working group meetings. It should be noted that for effective broad public participation and receiving the comments, the document was placed

³ Decree of the Parliament of Georgia, 11 December 2013, N1742-IS

⁴ Adopted on 8 May, 2014

on the website of the MENRP and disseminated through the CENN network before its approval. Also, representatives of NGOs and scientific organizations participated in the development of the document.

As it was mentioned above, several public discussions on the draft of “Chorokhi-Adjaristskali River Basin Management Plan“ were organized in 2014-2015. The draft was placed on the MENRP website for comments from the interested parties.

In 2014, with the financial support of Global Environment Facility “National Action Programme to Combat Desertification in Georgia” (NAP) was approved. The experts working on the thematic directions of the documents, with the active involvement of MENRP, workshops with interested parties were organizing. Around 20 workshops were held in 2014

During the development of “National Waste Management Strategy (2016-2030) and the National Action Plan (2016-2020)”, adopted in 2016, the public hearings with the involvement of all stakeholders, international organizations and local NGOs and experts were held in 2015.

In order to ensure public participation in the decisions related to the protected areas, LEPL Agency of Protected Areas disseminates the draft Protected Area Management Plans through CENN for public discussion. Before official approval of the management plans, the comments and proposals from the stakeholders are considered.

Public participation is considered in the approval process of hunting and fishing management plans. The management plans are placed on the MENRP website and interested public has a possibility to submit comments and proposals within 15 calendar days.

Public hearing on the document “Intended Nationally Determined Contribution (INDC) of Georgia” prepared within the Climate Change Convention was held in 2015.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

Give relevant web site addresses, if available:

*www.moe.gov.ge; www.mof.ge; biomonitoring.moe.gov.ge; www.soegeorgia.blogspot.com;
www.matsne.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:

The Constitution of Georgia, the General Administrative Code of Georgia, the Law of Georgia on Environmental Protection and the Law of Georgia on Environmental Impact Permit ensure implementation of the rights, provided in the article 8 of the Convention. Public administrative proceeding is also applicable for promulgation of individual legal-administrative act of an

administrative body if the above mentioned is directly considered by the law (the General Administrative Code of Georgia, Chapter IX). Stakeholders' participation in this process is guaranteed by the legislation. According to the Chapter IX of the General Administrative Code of Georgia, everybody has a right to submit written suggestions within 20 days. From the date of notice on issue of individual legal-administrative act or from the date of submission of draft individual legal-administrative act for public consideration, each administrative body ensures publication of draft normative acts, elaborated by them on their official websites. In the process of elaboration of draft normative acts the institution, issuing such act shall be responsible for ensuring publicity of issued acts, and respectively, public comments and suggestions are submitted to the institution issuing administrative act for its further consideration.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

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

Answer:

There are cases, when public actively participates in the process of preparation of draft laws, as well as cases, when the level of public participation is quite low. In cases of expressed interest from the public, the public has an opportunity to participate in the development of draft laws. Often such initiatives are coming 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 on their official websites. Also, they cooperate with NGOs and disseminate information on draft laws and projects through them. It should be noted, that according to the practice established at the MENRP, draft legal acts are placed on the MENRP website and public hearings are organized. For example, in 2015-2016, during the development and reviewing of the draft Forest Code, all interested parties were actively participated.

The MENRP, with financial assistance of EU, implemented Twinning Project on waste management. Within the framework of the project 6 public hearings on the draft law on waste management were conducted in 2014. Based on the Waste Management Code, the Government of Georgia approved number of normative acts⁵ in 2015-2016, during the development process of which a public hearings were actively held.

⁵ The Decree of the Government of Georgia N422 of 11 August 2015 on "Waste registry, reporting implementation form and content"; The Decree of the Government of Georgia N426 of 17 August 2015 on "Definition and classification of waste List according to types and characteristics"; The Decree of the Government of Georgia N421 of 11 August 2015 on "Arrangement, operation, covering and further attendance of the landfills"; Order N421 of the Minister of MENRP of 4 August 2015 on "Rule of approval of agreement and consideration of waste management plan of company"; The Decree of the Government of Georgia N144 of 29 March 2016 on "Registration rule and conditions of waste Collection, transportation, pre-processing and temporary storage"; The Decree of the Government of Georgia N145 of 29 March 2016 on "Approval of technical regulation on hazardous waste collection and special processing request"; The Decree of the Government of Georgia N159 of 1 April 2016 on "Processing rule of municipal waste collection"; The Decree of the Government of Georgia N143 of 19 March 2016 on the approval of "Technical regulation – on approval of "Waste transportation rule".

In 2016, a public hearing on the changes made in the fishing regulatory normative acts was held, which was attended by various stakeholders, including fishing license holders and the general public representatives.

In general, 158 public hearings on EIA reports were held in 2014-2016:

2014 - 64;

2015 - 81;

2016 (January-May) – 40.

In 2014-2016 53 public hearings on normative acts were held:

2014 – 14;

2015 – 19;

2016 (January-May) – 20.

For the purpose of public participation in the decision-making, more than 20 public hearings were organized by LEPL EIEC in 2014-2016. The planned public hearings among other environmental events are marked on the LEPL EIEC calendar, which is placed on the Centre's website.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

Give relevant web site addresses, if available:

www.parliament.ge; www.moe.gov.ge; www.eiec.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 or 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 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) 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) *Any person may submit complaint to the higher public administrative body against a public authority in regard to violation of his/her right to access to information, as well as apply to the court. The final decision is a mandatory for execution by a public institution. In the event of refusal to issue information, a public institution is obligated, within 3 days from the date of adoption of a decision, to provide a written explanation of his/her rights to the applicant along with the ways of appealing of a decision, as well as indicate the structural subdivision or a public institution, with which it conducted consultations in regard to refusal of provision of information.*

(b) *The right to appeal decision of an administrative body is regulated by the Chapter XIII of the General Administrative Code of Georgia, according to which an interested party can apply with complaint to an administrative body in regard to decision or action of an administrative body. The administrative appeal is considered and decision is reached by the administrative body, which has issued legal-administrative act, if there is an official, superior to the structural unit or public officer, who issued such act. The administrative appeal submitted in regard to legal-administrative act adopted by the head of an administrative body shall be considered by a superior administrative body. The same chapter of the Code establishes the rules of consideration of administrative appeals and relevant administrative proceedings. An administrative body is obliged to invite the interested parties in the process of consideration of an appeal. The interested party has the right to express its opinion, defend its interests and conduct the oral hearing. The oral hearing is open.*

(c) *The General Administrative Code of Georgia, the Civil Procedural Code of Georgia (1997) and the new Criminal Procedural Code of Georgia (2009) regulate the requirements of the article 9, paragraph 3 of the Convention. According to the national legislation any person has the 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 or action of an administrative body his/her rights were violated or incurred damage.*

(d) *Measures related to the paragraph 4 envisage guarantees in regard to right provided by the national legislation, namely the rights defined by: the articles 29-31 of the Code of Administrative Proceedings of Georgia (1999) (according to the article 31, a court is authorized to render a temporary ruling prior to bringing of an action if there is a risk, that existing circumstances may hinder*

realization of rights of the applicant or realization of such rights shall become significantly complicated) and by Chapter XXIII of the Civil Procedural Code of Georgia on “Enforcement of an Appeal”.

(e) Chapter IX of the General Administrative Code of Georgia regulates issues of public administrative proceeding, in particular: issue of an individual legal-administrative act through a public administrative proceeding, publish the notice regarding submission of documents for public access, the list of documents to be presented for public access, procedures for presenting of opinions, drafting and submission of an individual legal-administrative act for public access, etc. The General Administrative Code of Georgia describes in detail the following procedures: submission of an administrative complain to an administrative body, review and decision-making on the complaint, and procedures of filing a complaint to a court by a citizen, if his/her rights related to the access to information and participation in decision-making were violated by an administrative agency (General administrative Code of Georgia).

Different state institutions, NGOs and international organizations conduct campaigns for public awareness raising in access to justice.

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:

As of today cases of violation of deadlines for consideration of claims, filed to the court in regard to violation of the right of access to environmental information have not been registered.

According to the article 7 of the Organic law of Georgia on Common Courts (2009), a judge is independent in the process of exercising of his/her duties on assessing factual circumstances and making decisions, and he/she obeys only the Constitution of Georgia, universally acknowledged principles and norms of international law, according to other laws and his/her preconceived opinion. Consequently, the Civil Procedural Code of Georgia and Administrative Procedural Code of Georgia define the circle of persons, who shall be exempted from the obligation of payment of costs of court proceedings, as well as deferral of such costs or reduction of their amount. Consequently, a judge defines the amount of charges on case by case basis according to the legislation.

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 to justice?

Answer:

The MENRP maintains statistics on environmental court proceedings, which is reflected in the annual report of the relevant structural unit. The Department of Environmental Supervision under the MENRP within the limits of its competence maintains registration, systematization and analysis of identified violations.

For destruction and damage of forest crops on the lands of the State Forest Fund, 10 persons were charged with administrative responsibility in 2014, 17 persons in 2015 and 3 persons in January-June 2016, which is accordingly 0.04% for 2014, 0.1% for 2015 and 0.03% for given period of 2016 years of total charged administrative responsibilities. For using and violations of protection rules of the lands of forest and Forest Fund, 2002 persons were charged with administrative responsibility in 2014, 1604

persons in 2015 and 695 persons in January-June 2016, which is 7.8%, 6.7% and 7.3% accordingly. 4 administrative cases with decisions on environmental issues were considered in 2015 that is 0,03% of total administrative cases with decisions.

During the reporting period information brochure “What Should We Know About Environmental Inspection” was prepared and disseminated, which aims to inform public, including entrepreneurs, on the State Control of Environment.

The practice of applying the Convention by judges is becoming widespread. Courts conduct statistics on environmental violations and court cases on environmental protection issues.

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

Give relevant web site addresses, if available:

www.coj.gov.ge; www.supremecourt.ge; www.court.gov.ge; www.gyla.ge, www.alpe.ge,
www.article42.ge

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:

Accession of Georgia to the Convention significantly increased the opportunity of citizens to control how the government protects the environment, as well as contribute to the protection of the environment. General trend indicates to increased public activity that is respectively responded from government institutions. However, it is possible to increase public activity by undertaking appropriate measures. Participation in the specific activities increases the number and experience of persons who have an active positions in the public development issues.

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:

(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:

According to the Law of Georgia on Living Genetically Modified Organisms (LMOs), that was adopted in 2014, deliberate release into the environment (article 7, paragraph 1), placing on the market (article 7, paragraph 2), import and re-export (article 1, paragraph 1, section "g¹") of LMOs is prohibited on the territory of Georgia. The respective law aims, among others, to ensure public access to information and participation in decision-making with respect to LMOs related issues (Chapter VII, article 26, paragraph 2).

According to the Georgian legislation, it is obligatory to create unified register of LMOs. According to the Georgian Law on LMOs, unified register is a public document. Any person has the right to get acquainted with it without a delay, in the shortest date (article 27, paragraph 3). According to the amendments made on March 2, 2016 to the mentioned law, unified register of permitted, used LMOs in the contained system shall be posted on the special website.

Regulation on Unified Register of LMOs (2014) defines the list of the mandatory information to be existed in the register (article 2, paragraph 2). According to the Law of Georgia on LMOs, the unified register of LMOs will not include the information, which, according to the Georgian legislation is considered as confidential (article 27, paragraph 4).

The Law of Georgia on Labeling of Food/Animal Feed GMOs and Their GMO Production (2014) aims to:

- a) inform consumers about labeling of food/animal feed GMO and their GMO production;*
- b) protect consumers' interests to have a free choice;*

- c) *define labeling rules of food/animal feed GMO and their GMO production and establish State Control on them;*
- d) *support harmonization and approximation of Georgian Legislation with EU acquis and other legislative norms established by international acts in the field of labeling food/animal nutrition GMO and products produced by GMO.*

Decree of the Government of Georgia N320 of 2015 on “Approval of Rule of Labeling of Food/Animal Feed GMOs and Their GMO Production” sets the requirements towards labeling of food/animal feed GMOs and their GMO production and regulates the 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:

The lack of appropriate accredited testing laboratories and qualified staff; scarcity of information about the methodology of risk assessment related to products and raw food materials containing GMOs.

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:

The Decree #2-231, 2009 of the Minister of Agriculture of Georgia on the Approval of Additional Requirements for Food Labeling (article 9 – labeling of Genetically Modified Food Products) considers only the obligation of informing the public about existence of GMO components in food (putting appropriate information on a label in accordance with defined rules), that enables the public to make a choice.

The Decree of the Government of Georgia (2013) approves the rules of bio production. The document defines labeling of food products for placing on the market as “bio”, “eco”, “organic”, “ecologically clean” product, which provides to the consumers information on healthy food products.

According to the obligations undertaken by the EU-Georgia Association Agreement and chapter 4 of the Deep and Comprehensive Free Trade Area Agreement (DCFTA) on “Sanitary and Phytosanitary Measures”, elaboration of national legislation by considering the following EU regulations is planned in 2018:

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;

European Commission 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 1831/2003;

Regulation (EC) N° 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed.

Reflection of the requirements of Commission Recommendation 2010/C 200/01 of 13 July 2010 in national legislation on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops is planned for 2021.

It should also be noted, that in case of important legislation amendments, the Ministry of Agriculture of Georgia places the drafts for comments on its official websites. The Ministry conducts as well public hearings, which are open for all interested parties.

The non-governmental sector is involved in the process of informing the public. The National Centre for Monitoring and Scientific Research of Manufacturing of GMO Products is established. Representatives of NGO sector participate in conferences and meetings related to the given issues.

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

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

Answer:

Information materials on GMOs and GMO containing products are periodically published on the website of the Ministry of Agriculture (www.moa.gov.ge) and National Food Agency (www.nfa.gov.ge).