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ECONOMIC COMMISSION FOR EUROPE

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(Item 6 (a) of the provisional agenda)

IMPLEMENTATION REPORT

Georgia^{*/}

Based on the reporting format annexed to decision I/8

1. 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.

The report was delivered to all the Ministries. Comments were received from the Ministry of Security and the Ministry of Justice. The Ministry of Education and Science and the Environmental Committee of the Parliament replied without comments.

The first completed draft report was disseminated to all the environmental NGOs through the non-governmental electronic network CENN and to the environmental judicial NGOs. Comments were received from the NGOs' initiative group and from the NGO "Green Alternative". A public hearing was held on 26 November 2004 at the Ministry of the Environment. The corrected report was considered at the Ministry. The final version of the report

^{*/} This document was submitted late due to the fact that various first-time problems had to be overcome as this is the first reporting cycle under decision I/8 of the meeting of the Parties. This was compounded by the fact that a considerable volume of other documentation being prepared for the second meeting of the Parties had to be processed during the same period.

will be disseminated through the electronic network of the regional Environmental Center for Central and Eastern Europe (REC) and placed on its web site on 12 January 2005.

2. 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).

The Convention applies directly. According to the Law on International Agreements (art. 6, para. 2), international agreements take precedence over national legislation.

Financial constraints are significant obstacles to both the collection of information and its processing, publishing and dissemination.

The procedures necessary for implementing the Convention are developed at the minimum level because of institutional difficulties and poor public awareness.

ARTICLE 3

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

(a) Current legislation is in compliance with the most of the requirements of the Convention (see below). Besides, the Convention applies directly (see above). The Law on Environmental Protection protects citizens' rights in environmental matters. In particular, its article 6 stipulates that each citizen has a right to live in a healthy environment and to obtain complete, impartial and timely information on the state of his/her working and living surroundings. In order to inform the public, the Ministry of the Environment submits its national report on the state of the environment to the President each year. Once the report is promulgated, it is accessible to the public. In accordance with article 15 of the Law, a sustainable development strategy is being developed. It comprises a long-term strategic plan and the Law envisages public participation in the strategy's development;

(b) According to the Law on Environmental Protection, "a citizen is entitled to receive environmental and ecological education to raise his/her environmental awareness. The entire system of environmental education is established in order to promote environmental education and environmental awareness among the public and to train experts in this field. The system includes a network of secondary schools, institutions for training of personnel and improvement of their skills." The Ministry of the Environment developed the State Programme for Public Ecological Education, which was approved by Presidential Decree in 2002;

(c) According to the Law on Environmental Protection, a citizen is entitled to join public environmental organizations. Environmental NGOs are legal entities and have the same rights as other legal entities (such as governmental legal entities);

(d) Georgia always supports public participation in international global and regional environmental decision-making processes (World Summit on Sustainable Development, "Environment for Europe", "Environment and Health") according to the principles of the Convention;

(e) The principles of the Aarhus Convention are protected under the Constitution, the Law on Environmental Protection and the Administrative Code. In accordance with article 42 of the Constitution, each person is entitled to apply to the court for the protection of his/her human rights (inter alia the rights granted by the Convention) and liberty.

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

Notwithstanding current legislation there are many practical obstacles to implementation. In spite of legislative requirements, there is no long-term strategy for sustainable development. The National Report on the State of the Environment is drawn up without public participation, it is not up to date and is not being disseminated actively (although it is available upon request). The environmental planning system is not efficient (restructuring is planned). In some cases decisions regarding big projects were made in violation of existing legislation (either because of lack of a knowledge of environmental legislation by some governmental bodies and investors or because of lobbying by special interests) in previous years. Environmental organizations protested vehemently and the situation has somewhat improved since, though there is not yet enough government action.

There is no complete environmental education programme. Single fragments are based mostly on private initiatives rather than on State policy. The State Programme for Public Ecological Education is not working in practice and few people know it exists.

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

A coordination group is being established to implement the State Programme for Public Ecological Education. The Ministry of Education and Science, the Ministry of the Environment and the Ministry of Labour, Health and Social Affairs will be represented in this group.

The National Objectives for General Education, approved in 2004, emphasize the role of environmental education. On the basis of this document, national study plans of general education will be drawn up by May 2005 and environmental education will be considered as a priority. These activities are being implemented on the basis of the above-mentioned State Programme. This process will be more active after the Conference of the Ministers of Environment and Health (Lithuania, 2005).

6. Give relevant web site addresses, if available:

<http://www.parliament.ge/gov/enviro/Parliament/Ministry.htm>

ARTICLE 4

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

The 1999 Administrative Code (especially chap. III) generally covers the requirements of article 4 of the Convention, i.e. all information (not only environmental information) held by the public authorities is available to the public unless the information is confidential.

Everyone is entitled to request information (General Administrative Code, art. 37). Information about protection of the environment, and data on the threats to human life and health should not be confidential (General Administrative Code, art. 42 (a)).

- (a)
 - (i) According to the General Administrative Code (art. 37, para. 2), a person is entitled to access to information without having to state an interest;
 - (ii) According to the General Administrative Code (art. 37, para. 1), any person is entitled to see the original information. If there is a risk of damage to the document, the public authority is obliged to provide the information under supervision or to provide the person with an authenticated copy of the information;
 - (iii) According to the General Administrative Code (art. 37, para. 2), any person is entitled to choose the form in which he or she obtains the information if the public authority holds this information in several forms;

- (b) Stricter time limits are established in Georgia for providing the information. According to the General Administrative Code (art. 40, para. 2), the information should be issued immediately or at the latest within 10 working days. The general rule is that the public authority is obliged to make the information available to the applicant or to allow him/her to see already existing information. The public authority is not obliged to put together any kind of information upon request (see also a review of implementation of article 5). This approach is in compliance with the principles of the Convention;

- (c)
 - (i) The General Administrative Code (art. 27) lays down four types of confidential information: State, commercial, professional and personal. Clear procedures are established for classifying State or commercial information. The documents are marked with a special stamp that gives the status of confidentiality, the institution that granted the confidential status and its time limit (commercial confidential information has no time limit). Decisions made to grant confidential status to information or reject the confidentiality of information are included in the public register (i.e. it is open to the public, art. 31). There is a list of information that should not be confidential.
A natural person decides himself or herself whether personal information that could lead to their identification should be kept confidential (art. 27, 27¹). The confidentiality of the public officers who prepare the document is protected as well, except for governmental-political officials (executive privilege, art. 29). Paragraph 3 (b), and paragraphs 4 (a), (g) and (h) of article 4 of the Convention are not valid in Georgia;
 - (ii) The Convention applies directly. Public authorities are obliged to meet its requirements;

- (d) The Administrative Code (art. 80) imposes tighter deadlines on the public authorities. When it receives a request for information, the public authority has five working days to find the public authority that has this information and transfer the request to it. If no institution is found to have the information, the applicant must be informed of this within five working days;

- (e) According to the Administrative Code (art. 33), information that can be reasonably separated from the confidential information should be disclosed. When issuing such a

document reference should be made to the confidentiality of part of it, to the person who granted the confidential status, to the reason for the confidentiality and its time limit;

(f) The Administrative Code (art. 41) establishes stricter requirements regarding refusals than envisaged by the Aarhus Convention. The applicant should be informed about the refusal immediately. Following this, a written explanation should be given to the applicant within three days, where the information about the institution which was consulted when making the decision to refuse should be noted. The right of appeal against this decision should be noted here as well;

(g) In accordance with the Administrative Code (art. 99), no charge should be made to supply information, except to make a copy or mail the information. According to the Convention, the applicant should be informed in advance regarding the level of charges that may be levied. This is a new requirement and public authorities should pay attention to that.

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

There are some cases when 10 days is not enough to find the information and make it available because of the amount of information requested. The procedure for making a charge for copies of the documents is not yet in place, which complicates making the information available.

9. 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?

In accordance with the General Administrative Code (art. 49), every year on 10 December, each public authority is obliged to submit a report to the President and to Parliament on the information provided to the public.

There are no special statistics about the provision of environmental information to the public.

10. Give relevant web site addresses, if available:

<http://www.parliament.ge/gov/enviro/Parliament/Ministry.htm>

ARTICLE 5

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

- (a) (i) In accordance with the Law on Environmental Protection, “the monitoring system comprises analyses of information obtained through observation of the environment and forecasting”. The Ministry of Environment coordinates the environmental monitoring system. The results of environmental monitoring are available to the public. State registration, reporting and assessment of qualitative and quantitative environment indices are managed and coordinated by the MoE within its competence together with the Ministry of Labour, Health and Social Affairs, the Ministry of Agriculture and Food and other relevant institutions in

accordance with Georgia's legislation. Unfortunately, financial and other obstacles hamper full implementation of this requirement of the Convention;

(ii) The operators whose activities have a significant effect on the environment provide environmental bodies with information about the environmental impact of their activities when they apply for permits or negotiate limits on emissions and afterwards, during operation, periodically, in accordance with the provisions of the permits (limits);

(iii) Information about threats to human life and health, natural disasters, catastrophes and other unusual events which have already happened or can happen in the future and threaten civil security should not be confidential (General Administrative Code, art. 42; Law on State Secrets, art. 8);

(b) Each public authority is obliged to keep a public register of information (General Administrative Code, art. 35). A public register is open to everyone. Each public authority is obliged to designate an official to make environmental information available to the public and whose basic work is to reply to requests for information (General Administrative Code);

(c) The Ministry of the Environment is developing a web site and it will gradually be possible to put the information noted in article 5, paragraph 3, on this web site;

(d) In accordance with the Law on Environmental Protection, the Ministry annually submits a national report on the state of environment to the President to inform the public. The registration, reporting and assessment of qualitative and quantitative environment indices help to develop a cadastre of the state of the environment and natural resources, maps, statistics, inventory and certification;

(e) There is an established practice at the Ministry to hold regular consultations with NGOs which want to cooperate with during the development of legislative and strategic documents relating to the environment. The Ministry uses the NGOs' electronic network for the dissemination of information;

(f) Georgia has a formal procedure for granting eco-labels to products. The eco-labels are issued by the interdepartmental commission on the basis of a decision of an expert commission (Ministerial Decree N3, 15 January 1999, Ministry of the Environment);

(g) Regular meetings with NGOs take place at the Ministry for reporting on its activities and consultations regarding other significant issues;

(h) In accordance with legislation approved in 2003, product information on the package should be in the national language. A special requirement regarding environmental information is not formalized;

(i) The Ministry intends to study European experience of pollutant registers and prepare their gradual introduction in Georgia.

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

-The absence of clear procedures (i.e. what type, volume and origin of information should be collected, processed and published) is a significant obstacle to collecting, processing and disseminating information. Generally, the following practical obstacles should be mentioned: lack of knowledge, experience and motivation of public officers; inadequate office equipment; lack of financial resources both for covering current expenditures and for hiring qualified experts when necessary;

-It is difficult to seek the necessary environmental information from the numerous public institutions (it is difficult for both citizens and public institutions to identify who has the information). There is a need to develop a complete environmental database to facilitate the search for information. Unfortunately, the Ministry of the Environment does not have enough resources for this;

-There is no established procedure for providing timely and reliable information about emergencies to the public. That is why incorrect and outdated information is sometimes disseminated. The mass media disseminate information with their own interpretation. It is necessary to establish a procedure for the prompt dissemination of information to all potential sufferers;

-The quality of the annual reports on the state of environment is poor. The Ministry does not have the expertise to prepare high-quality reports, nor the financial resources to hire qualified experts. The same obstacles also hamper printing and dissemination of the reports. The latest report (2003) was disseminated through the CENN electronic network on 22 December 2004;

-The high cost of publishing the information hampers the dissemination of information required under paragraphs 5 and 7. The existence of a regular press office at the Ministry would improve the situation significantly;

-The approved provision regarding eco-labels does not correspond to the best international experience. The standards of various ecologically pure products are not elaborated; no eco-labels have been granted yet; no application has been received yet (there is little awareness); the term "ecologically pure product" is not understandable by the public – both consumers and providers identify it with the term "harmless to health." It is used in advertisements of various products without regulation and thus does not provide the public with any information;

-The press reaches the countryside quite late; the postal system does not work properly; Internet connections are scarce. These are the main obstacles to providing information to NGOs and others in rural regions;

-The Ministry of the Environment plans to analyse European experience in pollutant inventories and develop a national system but does not have the necessary funds.

13. 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?

- A database with work records was developed at the Ministry of the Environment;
- The web site has been developed at the Ministry for transparency of its current work and timely dissemination of information. The web site is available through the Internet and it will be updated permanently (it will be activated shortly);
- A monthly information bulletin for dissemination among the Ministry's structures is being developed;
- The Ministry uses the CENN electronic network for disseminating information.

14. Give relevant web site addresses, if available:

<http://www.parliament.ge/gov/enviro/Parliament/Ministry.htm>

<http://www.moe.gov.ge> (new web site)

ARTICLE 6

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

In Georgia the provisions of this article are applied to decisions on whether to permit entrepreneurs' activities. An environmental permit is issued regarding the public administrative procedure. This procedure envisages wider rights for the public than the Convention, i.e. not only NGOs but everyone has a right to take part in the procedure and also to challenge the legality of procedures. The obligatory components of the procedure are: submission of the documents for public examination and announcement of this, receiving comments, carrying out the public hearing, publishing a decision. An administrative decision made in breach of this procedure is considered to be cancelled. Everyone is entitled to appeal against such a decision. The established procedure for issuing permits meets almost all the requirements of article 6:

(a) There is a list of activities in Georgia which have an effect on the environment by their level and importance of impact on the environment they are divided into four categories, from serious and irreversible impact, category I, to insignificant impact category IV. This list of activities is wider than that in the annex to the Convention. An environmental permit is required for all these activities. The procedures indicated in article 6 are part of the environmental permit process;

(b) The Law on Environmental Protection and the Law on Environmental Permits fully ensure public participation during the decision-making in issuing environmental permits for activities. Georgia's legislation sets time limits and ways for the dissemination of information and its minimum contents. In particular, the announcement regarding the reception of an application for an environmental permit should be published in the official edition of the relevant administrative body or in the press, which is issued (at least) weekly and covers the whole territory under the relevant administrative body, or if this is impossible, the information should

be posted in a public place (Administrative Code, arts. 56-57). This announcement should include the following information: type and location of the proposed activity, name and address of the investor, goals and category of the activity, approximate schedules for the activity, the address where the public can view the documents related to the activity (Law on Environmental Permits, art. 5), the decision-making administrative body, the time limits for submitting comments and making a final decision (General Administrative Code, art. 116). Information about the time and venue of public hearings should be announced in the same way and at least seven working days beforehand (General Administrative Code, art. 110);

(c) Public comments can be submitted from the day when the announcement is published and for not less than 20 working days (45 days for category I activities). This period should be enough for the public to prepare and participate in the consideration;

(d) The information on the application should be published within 10 working days from the registration of the application (Law on Environmental Permits, art. 7);

(e) The investor should carry out an environmental impact assessment (EIA) and provide the EIA documentation before applying for a permit (for category I activities). The investor at this stage has a right to hold consultations with the public. The results of such consultations should be attached to the application for a permit. Usually, big investors use this opportunity;

(f) The Public Administrative Procedure envisages the submission of significant documents to the public hearing for decision-making, as mentioned above. In particular, the following should be submitted: the application along with all documents; all official conclusions and opinions regarding the application which are received by the administrative body; the whole list of the documents which are not submitted to the public hearing for a particular reason (e.g. the investor has requested commercial confidentiality for the activity). This list of documents fully meets the requirements of the Convention;

(g) The Public Administrative Procedure envisages the following opportunities for the public to submit comments:

- Each written comment or opinion (including anonymous) made by any public representative regarding the application during the period of submission of comments is registered and considered (General Administrative Code, art. 118);
- The opinions expressed at the public hearing regarding the activity are included in the record of the public hearing and considered also during the decision-making process (General Administrative Code, arts. 111-112);

(h) According to the Administrative Code (art. 96), the administrative body should examine all significant circumstances relevant to the proposed activity and decide accordingly;

(i) The decision (with justification) to issue or reject a permit should be published in the same way as the other information in the decision-making process has been disseminated (General Administrative Code, art. 121). The decision shall enter into force on the first day of its publication (General Administrative Code, art. 54);

(j) According to article 3 of the 1996 Law on Environmental Permits, the reconstruction or the technological and technical modernization of enterprises also requires an environmental permit. All the above-mentioned provisions should be followed when issuing a permit;

(k) A law on genetically modified organisms which reflects the approaches of the Aarhus Convention is being developed (United Nations Environment Programme/Global Environment Facility (UNEP/GEF) project).

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

- The environmental permit procedure was established in 1996 and quite progressive for that time, but is increasingly out of step with current requirements;
- Decisions are taken quite late. In particular, the location of the activity, the technology and the confirmation from all local authorities are already decided by then. As a result, the choice in decision-making on environmental permits is quite limited. This fact, on the one hand, increases the contradiction between the public and the investor and, on the other, decreases the effectiveness of public participation. As a result the public loses interest. Georgia is considering increasing the coordination of procedures regarding the issuing of permits for entrepreneurial activity;
- The documentation resulting from the EIA is not clear;
- The application regarding the EIA procedure is not informative enough;
- The selection of experts is not established clearly.

A new project to overcome these gaps is being prepared. This project is intended to develop legislative amendments. The Ministry of the Environment participates in the project together with NGOs.

17. 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 defence purposes.

In reality, only 15-20% of the public participates in EIA consideration. Generally, the public is interested in the big projects (e.g. Baku-Tbilisi-Ceyhan pipeline). This low percentage of public participation can be explained by the reasons mentioned above. Other reasons are:

- The poor resources for public participation (such as NGO resources). There is a need to pool resources for specific purposes;
- The lack of interest expressed by NGOs. There is a need to raise the interest of NGOs in big projects;
- The weakness of organizations which represent the public interest of villages and scarcely populated areas.

18. Give relevant web site addresses, if available:

<http://www.parliament.ge/gov/enviro/Parliament/Ministry.htm>

ARTICLE 7

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

According to the 1996 Law on Environmental Permits, a wide range of plans and programmes (inter alia, integrated plans, projects and programmes; plans and projects of use and protection of water, forest, land, mining and other natural resources) require environmental permits through EIA and State ecological examination. Public participation in decision-making is a necessary component of environmental permit issuing.

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

In spite of legislative requirements (e.g. Law on Environmental Protection, Administrative Code) in some cases, public participation depends on the goodwill of the leading institution of the process. Although ensuring opportunities for public participation is considered to be a “good thing”, it is not guaranteed formally and leaves room for interpretation. Although it is notable that representatives of the public can take part in these processes if the interest of the public is stated (legislation on this issue exists). The problem is more one of awareness than of a right to participate.

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

- It turned out that the requirements of the Law on Environmental Permits were unrealistic - so far there is no example of environmental permits on plans and programmes. Thus, the existence of formal requirement is ignored. In spite of the above-mentioned information, the tendency to increase public participation in the development of significant plans and programmes is evident, though this principle of the Convention cannot be ensured without legislative requirements;
- The Ministry of the Environment is planning to establish a strategic environmental assessment instrument for the mid-term period. The relevant draft programme already exists. It will develop a new draft legislative document with principles and procedures if financing can be found;
- Many projects have been implemented with the support of international organizations. Unfortunately, there is no information about some of them. They were not implemented in a transparent manner. The implementation of some projects on the development of local communities was quite unclear and had adverse effects;
- There is no established procedure at local or central level for the development of plans, programmes and strategic documents related to the environment. No scheme to develop national plans is envisaged by Georgia’s legislation. Consequently, the separate institutions sometimes have an opportunity to develop their own sectional plan; there are

no definitions of “plan”, “programme”, “strategy” and “concept”. Accordingly, public participation in this process is not established;

- Good results can be achieved by the introduction in practice of the initiative of the Ministry of Finance “Medium Term Expenditure Framework”. The planning process is becoming more significant under this instrument and public participation will be more significant.

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

Development of the Poverty Reduction Strategy Paper.

23. Give relevant web site addresses, if available:

<http://www.parliament.ge/gov/enviro/Parliament/Ministry.htm>

ARTICLE 8

24. 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.

The Constitution, the General Administrative Code, the Law on Environmental Protection and the Law on Environmental Permits ensure the implementation of the rights stipulated by article 8 of the Convention. The Public Administrative Procedure is used also for publishing the normative documents by the executive authority (General Administrative Code, chap. XV). The law guarantees public participation in this process.

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

The requirements are established by law but formally the procedure of public participation in the development of draft laws is insufficient. Therefore, methods and time limits for public participation are quite often incorrect (e.g. dissemination of the draft law by the NGO electronic network two-three days before its consideration).

In the development of draft laws, the State position can be explained as “passive waiting” – an opportunity will be given to the public if the public expresses an interest and is willing to participate. However, some public institutions are not enthusiastic in this regard.

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

For instance, the draft law on eco-audit and the law on GMOs.

27. Give relevant web site addresses, if available:

<http://www.parliament.ge/gov/enviro/Parliament/Ministry.htm>

ARTICLE 9

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

Basically, the requirements of this article are being implemented:

(a) Any person may appeal against a public authority both to the high-level authority and (or, when he/she wants after this appeal) to the court, if a violation of his/her right to access to information took place (Law on Environmental Permits, art. 17, para.2). According to the same paragraph, the public authority is obliged to execute the final decision. Reasons for the refusal to access to the information should be stated in the required form;

(b) Any person may appeal against a violation of the procedure of public participation in administrative decision-making, both to the high-level authority and (or, when he/she wants after this appeal) to the court;

(c) Representatives of the public should use this right stipulated in the Convention and make reference to it in the court, as Georgian legislation does not contain regulating norms in this matter;

(d) Taking into account enterprises' interests, the Law on the Foundations of Issuing the Permits and Licences for Entrepreneurs' Activities cancelled the automatic injunctive relief in case of permits and licences; however, a plaintiff may still request it. A court (a high-level organization) will make an appropriate decision on the substance of the case. According to this Law, the automatic injunctive relief does not specifically refer to environmental issues. This leaves room for interpretation by the lawyers. One case is recorded of a court receiving an application based on an environmental claim but the construction activity was not stopped and reference was made to the above-mentioned Law;

(e) Several governmental bodies, some NGOs and international organizations conduct active campaigns for public awareness about access to justice. The number of claims for violations of access to information and public participation is increasing.

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

- Unfortunately, consideration by the court of claims for violations of rights on access to information often takes longer than 2 months (in one case, the final decision was issued after 18 months);
- State Tax Privileges do not apply to legal entities (e.g. NGOs). There was one case where an NGO paid the equivalent of \$1500 in taxes. This is a large amount by Georgian standards.

30. 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?

- There are no environmental justice statistics. Regarding the right to access to information, 38 cases were lodged from 2000 to 2004; 2 cases of violation of public participation in environmental decision-making are still pending;
- There was a case where, as a result of the Aarhus Convention, the court reduced the State tax on an NGO from 4000 to 1000 lari (this is still a big amount).

31. Give relevant web site addresses, if available:

Council of Justice: <http://www.coj.gov.ge/>; Supreme Court: <http://www.supremecourt.ge/>;

General Courts: <http://www.court.gov.ge/>

Georgian Young Lawyers' Association: <http://www.gyla.ge/>; ALPE Association:

<http://www.alpe.ge/>; Union "Article 42 of the Constitution": <http://www.article42.ge/>

32. 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.

After Georgia's ratification of the Convention, the opportunities for citizens to control how their government protects them and their environment and to contribute themselves to environmental protection increased markedly. Public institutions report a pronounced rise in dealings with the public. The rate of progress will be more evident as more people participate in decision-making on specific activities and gain more experience, and better policies are put in place.