"Access to a review procedure in Georgia to challenge the legality of any decision, act or omission subject to the provisions of article 6 of the Aarhus Convention“

Ministry of Environment Protection and Agriculture of Georgia
New Environmental Assessment Code of Georgia

- On 1st of June 2017 a new Environmental Assessment Code of Georgia has been adopted and the main part has entered into force on 1st January, 2018;

- New Code is fully aligned with:
  - EIA directive (2011/92/EU)
  - SEA directive (2001/42/EC)
  - Aarhus convention with respect to the public participation in decision-making processes.

- The code regulates two types of activities:
  - Activities listed in Annex I – subject to environmental impact assessment;
  - Activities listed in Annex II – subject to environmental impact assessment in case of the “positive” screening decision.
Public Participation in EIA Procedures According to the Environmental Assessment Code

- **Public participation in the decision-making must be ensured from the earliest possible stage;**
- **The public should be informed in an adequate, timely and effective manner;**
- **There are several means of public participation:**
  - Possibility to submit written comments.
  - Public hearing
  - Possibility to submit comments electronically (if identification of the author is possible).
Public Participation in EIA Procedures According to the Environmental Assessment Code

- All the applications (including EIA report) submitted by the developer to the Ministry in accordance with the code are made publicly available in three days after the registration:

- Stages of Public Participation in EIA Procedures:
Challenging EIA decisions:

**Aarhus Convention**

- **Who can ask for review:**
  - Members of public concerned having sufficient interest, or
  - Maintaining impairment of a right;
- **Scope of Review:**
  - Substantive, or
  - Procedural legality of the decisions;
- **What can be reviewed:**
  - Any decision, act or omission to public participation and decision-making.

**Law on Environmental Impact Permits**

- **Who can ask for review:**
  - Interested party;
  - NGO-s promoting environmental protection;
- **Scope of Review:**
  - Substantive, or
  - Procedural legality of the permit or refusal to issue a permit;
- **What can be reviewed:**
  - Permit or the refusal to issue a permit.
## Challenging EIA decisions:

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<th>Aarhus Convention</th>
<th>Environmental Assessment Code</th>
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<td><strong>Who can ask for review:</strong></td>
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<td>▪ Members of public without distinction;</td>
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<td>▪ <strong>Scope of Review:</strong></td>
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<td>▪ Decision violating right to public-participation in environmental decision-making, or</td>
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<td>▪ Substantive, or</td>
<td>▪ National law relating to the environment;</td>
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Review Procedures

- Preliminary review procedure before a superior administrative body – no state fees or charges may be established for reviewing administrative complaints;

- The decision by the superior administrative body may be appealed in court - requirement to exhaust administrative review procedures.
Thank you for your attention!