



Economic and Social Council

Distr.: General
24 August 2011

Original: English

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

Compliance Committee

Thirty-first meeting

Geneva, 22–25 February 2011

Report of the Compliance Committee on its thirty-first meeting

Addendum

Compliance by Georgia with its obligations under the Convention

1. Communication ACCC/C/2008/35 was made on 16 December 2008 by the Caucasus Environmental NGO Network (CENN) with regard to compliance by Georgia with its obligations under article 6, paragraphs 2 and 4, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), in connection with public participation in decision-making in issuing licences for long-term forest use.
2. Having considered the communication in accordance with the procedure set out in section VI of the annex to decision I/7 of the Meeting of the Parties, the Committee did not find that the Party concerned failed to comply with the Convention. However, the Committee found that Georgian legislation relating to public participation in respect of forestry was rather unclear and complicated, and that, in the view of the Committee, that should be remedied. With the agreement of the Party concerned, and noting with appreciation the ongoing work on the national Environmental Code, the Committee therefore recommended at its twenty-eighth meeting (15–18 June 2010) that the Party concerned take the necessary steps to ensure that its national legislation with regard to public participation in respect of forestry was clear.
3. The above findings and recommendations of the Committee are contained in the addendum to the report of the twenty-eighth meeting of the Committee (ECE/MP.PP/C.1/2010/4/Add.1).

4. On 2 February 2011, the Party concerned provided the Committee with an update on the implementation of these recommendations.
5. The Party concerned informed the Committee that, on 21 January 2010, Resolution No. 25 had been approved, amending Resolution No. 132 on Approval of the Statute on Rules and Provisions of Forest Use Licences of 2005. The amended resolution provides for general requirements for forest use, while the competent authorities have to start public administrative proceedings in order to determine the area and the quantity of timber resources to be logged and to publish all relevant information on their websites. The amendments will come into force on 1 January 2012.
6. The Party concerned also informed the Committee of the ongoing process for the adoption of the Environmental Code.
7. The Committee discussed these developments at its thirty-first meeting, and expressed its appreciation for the information provided by the Party concerned.
8. Noting that informing the public by publishing information on a website might not be sufficient means (see para. 5), the Committee welcomed the initiatives undertaken by the Party concerned to facilitate public participation in order to follow up on the Committee's recommendations made in the course of review of communication ACCC/C/2008/35.
9. In preparing the present document, the Committee invited the Party concerned and the communicant to provide their comments on the draft. The Party concerned commented on 9 March 2011 and the communicant on 14 March 2011. The Committee appreciates the clarification provided by the Party concerned that publishing information on the website of the relevant authority is an additional mechanism to the public administrative proceeding. The Committee also takes note of the concerns expressed by the communicant that the aforementioned legislative initiatives suffer from several shortcomings, and that the ongoing reorganization of the Ministry of Environment and Natural Resources may jeopardize policies compatible with the Convention.
10. The Committee recommends to the Meeting of the Parties to:
 - (a) Endorse the original findings and recommendations of the Committee as adopted at its twenty-eighth meeting;
 - (b) Take note of the information on the implementation by the Party concerned of the recommendations made by the Committee;
 - (c) Welcome the constructive approach demonstrated by the Party concerned in the process of review of compliance and to invite the Party concerned to bring about the planned implementation measures as soon as possible.