

3. Is public participation provided for under Georgian law in cases where an environmental permit is issued for projects specified in article 4, paragraph 2, of the Georgian law "on the Environmental Permit" (the first category of activities)?

Answer:

We would like to mention that the Law of Georgia on Environmental Permit was cancelled by the Law of Georgia on Permit for Impact on Environment, which entered into force on 1 January, 2008. The Law on Permit for Impact on Environment does not provide division of activities into categories. The Law of Georgia on Licenses and Permits entered into force on 24 June, 2005.

The Article 6 of the Law of Georgia on Permit for Impact on Environment regulates public participation during the process of issuing permit for impact on environment. According to this law a developer of activity is obliged to conduct a public hearing prior to the submission of Environmental Impact Assessment (EIA) report to the permit issuing administrative body. The developer of activity has also an obligation to receive and take into account comments from the public. If public comments are not considered by the developer of activity, he/she is obliged to prepare a written justification and send it to the authors (the Law of Georgia on Permit for Impact on Environment, Article 7).

4. What is the legal basis for issuance of long-term forest use licenses? Please specify the relevant legal act. Is an environmental impact assessment (EIA) procedure required for the issuance of forest use licenses?

Answer:

The Law of Georgia on Environmental Permits (24 June, 2005); Statute on Rules and Provisions of Forest Use License (Resolution of Government of Georgia #132, August, 2005); Forest Code of Georgia (22 June, 1999).

A procedure on environmental impact assessment (EIA) is not required for the issuance of forest use license.

5. Please, specify whether, under the national legislation of Georgia, the provisions of article 6 of the Aarhus Convention are applicable to the licensing of the forest use activities in connection with the requirements of article 6, paragraph 1 (b), of the Aarhus Convention.

Answer:

According to the Georgian legislation, the forest use is not considered under activities that require permit for impact on environment. Accordingly, Article 6, Paragraph 1(b) of the Convention does not apply to the forest use license. However, it should be mentioned that forest use license conditions envisage measures insuring maintenance of ecological balance in relevant forest area.

6. How big are the areas concerned by the auctions of 1 May 2007 and 7-8 October 2007:
- in Kakheti?
 - in Samegrelo-Zemo svaneti?
 - in the Samtskhe-Javakheti regions?

Answer:

- In Kakheti region – 31 849 ha;