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8 January 2009

Nana Janashia
Caucasus Environmental NGO Network (CENN)
27, Betlemi street,
Tbilisi, 0105,
Georgia
Fax: +995 32 75 19 05

Dear Ms. Janashia,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Georgia with provisions of the Convention in connection with decision-making on long-term licences for forest resource use (Ref. ACCC/C/2008/35)

On 16 December 2008, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by you and addressed to the Compliance Committee of the Convention regarding compliance by Georgia with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

The communication has been registered under the symbol ACCC/C/2008/35, which you are invited to cite in future correspondence on the matter.

Attached please find the datasheet for the communication prepared by the secretariat. Should you have any comments on the datasheet, please provide them at the latest by 1 March 2009.

The Compliance Committee, at its twenty-second meeting (17-19 December 2008), took note of the communication but was not in a position to consider its preliminary admissibility, as the communication had been submitted only several days prior to the meeting.

The Committee, however, expressed some concerns about the lack of clarity with regard to the allegations of non-compliance with the provisions of the Convention.

The Committee, in particular, noted that no information had been provided to it in support of the allegation of non-compliance with article 5, paragraph 1 (b), of the Convention. This provision requires Parties to establish systems of information flow to

public authorities to ensure that the latter possess and update environmental information relevant to their functions, e.g. systems for emissions reporting by facilities.

The Committee was not clear as to the nature of the decision-making process referred to in the communication in connection with article 6, paragraph 2, of the Convention. It was not clear whether non-compliance was alleged in connection with licenses which set out environmental conditions related to the use of forest land (such as conditions for timber logging or specific recreational use of land), or whether it was in connection with a general decision to put specified or unspecified lands into private management, a decision to auction the management of lands in general, or indeed one specific announcement for a concrete auction. In this regard, the Committee noted that the scope of article 6, paragraph 1, of the Convention was limited to decisions on whether to permit activities listed in Annex I of the Convention and, if a Party deems necessary, other activities which might have significant impact on the environment. It was not clear to the Committee how licences of the nature referred to in your communication fall within this scope, in particular in connection with Annex I of the Convention; whether indeed they constitute decisions to permit a proposed activity; and whether they might relate to activities not listed in paragraphs 1-19 of Annex I for which public participation is provided for under an environmental impact assessment procedure in accordance with national legislation (Annex I, paragraph 20, of the Convention).

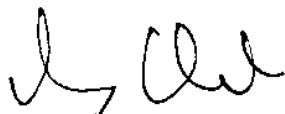
Furthermore, no information is provided in the text of the communication to support the allegation of non-compliance with article 7 of the Convention (see section V of the communication).

The Committee is expected to consider the preliminary admissibility of the communication at its twenty-third meeting (31 March – 3 April 2009). This consideration would be facilitated by more detailed information with regard to the specific allegations of non-compliance, and in particular with regard to the nature, scope and sequence of the decisions referred to in your communication. It would be also helpful to clarify the use of domestic remedies, such as the outcomes of any administrative or other appeals.

Should you decide to provide the Committee with further information, please note that it should be provided sufficiently in advance of the next meeting, and at the latest by 1 March 2009.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Jeremy Wates

Secretary

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

Enc. Datasheet on the communication