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UNITED NATIONS

**ECONOMIC COMMISSION
FOR EUROPE**

Environment, Housing and Land Management Division
Bureau 332
Palais des Nations
CH-1211 Geneva 10
Switzerland

Phone: +41-22-917 2384
Fax: +41-22-917 0634
E-mail: jeremy.wates@unece.org
Website: www.unece.org/env/pp

13 May 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 15 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 your organisation and addressed to the Convention's Compliance Committee 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.

An updated version of the communication was provided by your organisation on 2 March 2009, in response to a preliminary request for clarification sent by the secretariat on behalf of the Committee on 8 January 2009.

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

At its twenty-third meeting (31 March - 3 April 2009), the Committee determined on a preliminary basis that the communication was admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, the Party concerned is being invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address in particular the following questions:

1. Is a long-term forest use licence under Georgian law a permit which gives a person the right to start felling timber (i.e. cutting wood), or are additional permit(s) required?

2. Is the long term forest use permit a general or a specific permit?

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)?

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

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 forest use activities in connection with the requirements of article 6, paragraph 1 (b), of the Aarhus Convention.

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?

7. Have the auctions of 1 May 2007 and 7-8 October 2007 been cancelled? If so, can you provide the Committee with references for the Government's decision to cancel those auctions?


8. Was the cancellation of the auction of special licences (if confirmed) influenced by the Ombudsman's considerations which followed Green Alternative's appeal dated 6 November 2007?

9. Which is the Aarhus Convention article 6 decision (environmental permit), provided for in Georgia's domestic legislation, which in your view the Government of Georgia failed to issue? Please specify the Georgian domestic law provisions which you consider that the Government did not implement.

The communication is now being forwarded to the Party concerned for comments in accordance with paragraph 23 of the annex to decision I/7. In its covering letter, a copy of which is attached for your information, the Committee has invited the Party concerned to address questions 1 to 8 above.

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

Cc: Mrs. Nino GOKHELASHVILI, Ministry of the Environment Protection and Natural Resources, Georgia

Encs. Preliminary determination on admissibility
Datasheet on the communication
Letter to the Party concerned raising questions

