Response from Georgia

THIRD STUDY COMMISSION QUESTIONNAIRE.

November 8 – November 14 2014.
Brazil, Foz do Iguacu

Last year in Yalta, Ukraine (things can change overnight!) we focused in our study commission on the topic: Environmental pollution: is Criminal Law a good instrument?.

In the two meetings we discussed whether there exists in the different countries special legislation concerning the violation of laws regarding the environment in general, including the possibility of restitution, the role of the Public Prosecutor, the question of specialisation. As a result of the discussion it was considered useful – in view of the complexity of the issues at hand - to further evaluate the questionnaire and bring in new elements that could be explored at the meeting in Brazil.

That brings us to the topic chosen for this year’s questionnaire and conference:

ENVIRONMENTAL POLLUTION : IS CRIMINAL LAW A GOOD INSTRUMENT? A FURTHER EVALUATION.

Question 1.

As a result of the questionnaire of last year;
1.1. Could you further elaborate on the functions of specialised agencies set up to investigate and indentify violation of environmental laws, if these agencies exist in your country.
1.2. If not, do you think it would be useful to create these sorts of agencies?

There is a legal entity of public law - National Forest Agency under the Ministry of Environment Protection and Natural Resources of Georgia, which has the following goals and objectives:
Management and care for the forests;
Forest fund management;
Forest usage regulation;
Carry out the control (except the licensing terms and conditions) over the territory of the forest fund;
Registration of forest resources;
Monitor the forest fund and process the obtained data;
Elaborate and carry out the mechanisms for protecting the forest from illegal forest usage; In case of identifying an administrative offence envisaged in the respective articles of the Code on Administrative Offences of Georgia, committed in the territory of the Forest Fund, within the limits of its competency and in accordance with the statutory regulation, to file a report on administrative offence and submit it to the court with the purpose of further response; also, in case of identifying the signs of crime, send the case materials to respective bodies; Within the frameworks of its competency and in accordance with statutory regulation, identify (calculate) the damage to the environment for the offences uncovered by the Agency, and to file a request for damage compensation or a respective claim to the court together with the Administrative Offence Report, with the purpose of compensating the damage to the state; Carry out other authorities envisaged in the legislation of Georgia.

Question 2.

2.1. Could you elaborate on the cooperation between Police, Customs and Prosecution when it comes to violation of environmental laws.
2.2. What are the possibilities in your country with regard to:
   a. import/export of protected animals?
   b. import/export of skins of animals?
   c. import/export of ivory of elephants, rhino, walrus?
   d. import/export of other parts of mammals, birds, reptiles?

In accordance with the Article 50 of the Law of Georgia on Environment Protection, the bodies of state power, natural persons or legal entities, within the frameworks of their competency and international obligations undertaken by Georgia, carry out additional activities for addressing the global and regional environmental problems throughout the territory of Georgia.

**Judges Association of Georgia**