

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Ministry of Energy violated the law

As the society might be aware, on January 18 2017, the Georgian Young Lawyers' Society officially applied to the Ministry of Energy of Georgia and requested the following information:

- The copy of the Agreement (contract) signed with Gazprom in exchange for transit of Russian Gas that expired on December 31, 2016;
- The copies of all official documents reflecting the negotiations with Gazprom for signing new contract in exchange for transit of Russian Gas through Georgia to Armenia from January 1, 2017;
- Copies of all agreements reached with Gazprom regarding new Contract to be signed in exchange with transit of Russian Gas through Georgia to Armenia, from January 1, 2017;

It was also mentioned in GYLA statement that in case if any of the requested information was classified, the Ministry was to provide GYLA the copies of documents confirming the classification of the requested information.

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In response to GYLA application, the Ministry presented the correspondence on January 25, 2017 #08/289, according to which the Ministry stated that: “

The requested information and documentation is not kept in the Ministry, Accordingly the Ministry cannot satisfy your request”.

Considering the fact that the Ministry of Energy was actively involved in negotiations with company Gazprom and the Minister himself informed the society on the agreement reached, the basis of the written statement of the Ministry is unclear.

The actions of the Ministry makes the real basis of classification of the agreement, reached with Gazprom even more vague. It strengthens the doubt that the Ministry tries not to provide the information that it is obligatory by law.

Besides the abovementioned, it is significant that the Ministry violated numerous requirements of the Law with correspondence presented on January 25, 2017, namely:

-According to the General Administrative Code of Georgia: *If resolving an issue requested in the application falls within the authority of another administrative body, an administrative body shall be obliged to forward the application with the attached documents to the authorised administrative body within no later than five days.*

Although **The Ministry did not fulfil the mentioned obligation;**

- Besides the fact, that according to the Legislation the Ministry was obliged to forward the application to the authorized administrative body, the Ministry also was obliged to inform GYLA in written form regarding the abovementioned. **The Ministry did not fulfill this obligation either.**

--Additionally, in case if it was impossible to determine the authorized administrative body regarding the issue mentioned in the application, the Ministry **was obliged** to return the application to GYLA with proper justification.

GYLA urges the Ministry of Energy to ensure forwarding the application to the proper administrative body and provide GYLA with written statement on aforementioned.

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