LAW OF GEORGIA

GENERAL ADMINISTRATIVE CODE OF GEORGIA

Chapter I – General Provisions

Article 1 – Purpose of the Code

1. This Code defines the procedure for issuing and enforcing administrative acts, reviewing administrative complaints and applications, and preparing, concluding and executing contracts under public law by administrative bodies.

2. The Code aims to ensure the administrative bodies respect human rights and freedoms, the public interests and the rule of law.

Article 2 – Definition of terms

1. The terms used in this Code shall have the following meanings:

a) administrative body – all state or local self-government bodies or institutions, legal entities under public law (other than political and religious associations), and any other person exercising authority under public law in accordance with the legislation of Georgia;

b) interested party – any natural or legal person, or administrative body to whom an administrative act has been issued, as well as those whose legal interests are directly and immediately affected by an administrative act or by an action of an administrative body;

c) administrative act – a legal act issued by an administrative body under the legislation;

d) individual administrative act – an individual legal act issued by an administrative body under the administrative law establishing, modifying, terminating, or confirming the rights and obligations of a person or a limited group of persons. The decision of an administrative body to refuse to address an applicant's issue within its competence, as well as any document issued or confirmed by an administrative body that may have legal consequences for a person or a limited group of persons, shall also be deemed an individual administrative act;

e) normative administrative act – a legal act issued by an authorised administrative body under a legislative act that includes a general code of conduct for permanent, temporary or multiple applications;

f) beneficial administrative act – an administrative act granting any right or benefit to an interested party;

g) contract under public law – an agreement under public law concluded by an administrative body with a natural or legal person, or with another administrative body for exercising public authority;

h) application – a written request submitted as determined in this Code by a party interested in issuing/adoption of an individual administrative act;

i) administrative complaint – a written request to restore violated rights submitted by an interested party to an authorised administrative body in the manner determined in this Code, to declare null and void or modify an administrative act issued by the same or a subordinate administrative body; or to issue a new administrative act; or to perform or abstain from performing an action by an administrative body that does not entail the issuance of an individual administrative act;

j) administrative proceedings – activities of an administrative body for preparing, issuing and executing administrative acts; resolving administrative complaints, and for drawing up, concluding or cancelling administrative contracts;

k) discretionary powers – powers granting freedom to an administrative body or official to choose the most acceptable decision out of possible decisions under the legislation, to protect public or private interests;

l) public information – an official document (including a drawing, model, plan, layout, photograph, electronic information, or video- and audio-recording), i.e. any information stored at a public institution, as well as any information received, processed, created or sent by a public institution or public servant in connection with official activities; also any information proactively published by any public institution;

m) secret information – any information stored at a public institution or received, processed, created, or sent by a public institution or public servant in connection with official activities that contains personal data, state or commercial secrets.

2. Unless otherwise determined by law, the terms contained in the first paragraph of this article cannot be interpreted differently by other legal act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8.

Law of Georgia No 1138 of 26 October 2001 - LHG I, No 33, 10.11.1.2001, Art. 134

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 3 – Scope of the Code

1. The scope of this Code shall apply to the activities of the state, local self-government bodies and institutions, as well as the activities of persons deemed to be administrative bodies under this Code.

2. The scope of this Code, except for Chapter III, shall not apply to the activities of the following state bodies:

a) the Parliament of Georgia; the highest representative authorities of the Autonomous Republics of Abkhazia and Ajara;

b) consultative bodies of the President of Georgia and Government of Georgia;

c) the Public Defender of Georgia;

d) judicial authorities of Georgia;

e) the Higher Council of Justice of Georgia;

f) the Personal Data Protection Official;

g) diplomatic missions and consular offices of Georgia abroad.

3. The scope of this Code shall apply to the activities of the bodies and officials referred to in the second paragraph of this article when the activities relate to exercising administrative function.

4. This Code shall not apply to the activities of the bodies of the executive authority related to:

a) criminal prosecution and criminal proceedings against a person having committed a crime;

b) a criminal investigation;

c) enforcing final and binding judgement handed down by court;

c^1) executing acts provided for in the Law of Georgia on Enforcement Proceedings;

d) making decisions on military affairs, as well as military discipline affairs unless it applies to the rights and freedoms granted to a person by the Constitution of Georgia;

e) exercising powers by the President of Georgia for appointing persons to, and dismissing them from, positions provided for in the Constitution of Georgia, as well as powers determined in Article 73(1)(a-i) and (o) and Article 73(2-4) of the Constitution of Georgia;

f) executing international treaties and agreements and implementing foreign policy.

5. Chapter III of this Code shall not apply to the activities of the executive bodies related to participation of the State of Georgia in the proceedings and review of cases in progress at international arbitration, foreign or international courts until a final decision is made. Before a final decision is made by a court, information shall be released under the rules of treaties and international agreements of Georgia and/or under the rules of the court provided for in this paragraph.

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Law of Georgia No 5671 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 3

Law of Georgia No 228 of 15 July 2008 - LHG I, No 17, 28.7.2008, Art. 143

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Law of Georgia No 3511 of 21 July 2010 - LHG I, No 45, 3.8.2010, Art. 277

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Law of Georgia No 6439 of 12 June 2012 - website, 22.6.2012

Law of Georgia No 1263 of 20 September 2013 - website, 8.10.2013

Article 4 – Equality before the law

1. Everyone is equal before the law and administrative bodies.

2. Impeding or restricting the exercise of rights and freedoms or legal interests of any party to the administrative-legal relation, as well as granting any privileges not provided for in the legislation to, or taking discriminatory measures against, any party shall not be permitted.

3. If a case involves identical circumstances making different decisions with respect to different persons shall not be permitted, except when a respective ground is provided for by law.

Article 5 – Exercising powers under law

1. An administrative body may not carry out an activity that contradicts the requirements of the law.

2. Issuance of an administrative act or other activity by an administrative body restricting human rights and freedoms granted by the Constitution of Georgia may be permitted only under Chapter Two of the Constitution of Georgia, on the basis of the powers granted by law or a normative act issued under this Law.

3. Administrative acts and activities carried out by an administrative body, which exceed the powers authorised by law, shall have no legal force and must be declared null and void.

4. Officials of an administrative body shall be liable for failing to perform their official duties properly or for exceeding their powers.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 6 – Procedure for exercising discretionary powers

1. If an administrative body is granted discretionary powers to resolve any issue, it shall be obliged to exercise the powers within the scope of the law.

2. An administrative body shall be obliged to exercise discretionary powers solely for the purpose of exercising the powers that they have been granted.

Article 7 – Proportion of public and private interests

1. When exercising discretionary powers, no administrative act may be issued if the prejudice to a person's rights and interests protected by law exceeds the benefit to be obtained from issuing the act.

2. The measures under an administrative act issued when exercising discretionary powers may not entail an unfounded restriction of the legal rights and interests of a person.

Article 8 – Impartial resolution of a case

1. An administrative body shall be obliged to exercise its powers impartially.

2. No official may participate in the administrative proceedings if he/she has a personal interest in the proceedings, and/or if there are other circumstances that affect resolution of the case.

Article 9 – Assurance of an administrative body

1. The assurance of an administrative body shall be a written document confirming that the current act shall be performed. This document may become grounds for legal reliance of an interested party.

2. No legal reliance in the assurance of an administrative body may exist if:

a) it is based on the unlawful assurance of the administrative body;

b) a person can no longer meet the determined requirements because of amendment of the respective normative act;

c) it is based on an unlawful act of an interested party.

3. The administrative body may assure to issue an administrative act only after the interested parties submit personal opinions and the administrative body gives its written consent. The consent shall be required under legislation for issuing the promised administrative act.

4. The procedures determined by law for appealing individual administrative acts shall apply to assurance made by an administrative body.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 10 – Publicity

1. Everyone may have access to public information available at the administrative body, as well as receive copies unless the information contains state, professional, or commercial secrets or personal data.

2. The procedure for accessing the information available at the administrative body, as well as for receiving copies shall be defined by Chapter III of this Code.

3. The administrative body shall be obliged to ensure public discussion of an issue if so provided for by law.

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 11 – Secrecy

A public servant participating in administrative proceedings may not disclose or use for unofficial purposes secret information received or created during the course of administrative proceedings. Liability for disclosing or using such information shall arise in the manner laid down by law. The liability may not serve as the basis for refusing to fulfil the obligation provided for by Article 10 of this Code.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 12 – Right to apply to administrative body

1. Any person may apply to an administrative body for solving an issue that falls within its competence, and that immediately and directly refers to the rights and legal interests of the person.

2. An administrative body shall have the obligation to review applications for issues falling within its competence and make appropriate decisions, unless otherwise determined by law.

Article 13 – Right to submit personal opinions by interested parties

1. An administrative body may review and resolve a question only after the interested party whose rights or legal interests are limited by an administrative act has been given the opportunity to present an opinion. Exceptions shall be determined by law.

2. The person specified in the first paragraph of this article must be notified of the administrative proceedings and his/her participation in the case must be ensured.

Article 14 – Language of administrative proceedings

The language of administrative proceedings shall be Georgian, and also Abkhazian in Abkhazia.

Article 15 – Timing

Holidays and days-off under the Labour Code of Georgia shall not be counted when determining timeframes specified in this code.

Chapter II – General Provisions of Activities of Administrative Bodies

Article 16 – Obligation of administrative bodies for mutual assistance

1. An administrative body shall have the obligation, within its competence and within available means, to provide administrative assistance to other administrative bodies on the basis of a written request.

2. Administrative assistance shall not include:

a) satisfying the request of a superior or subordinate body;

b) any act that an administrative body is obliged to perform by law.

Article 17 – Condition and scope of administrative assistance

An administrative body may apply to another administrative body for administrative assistance if:

a) it cannot perform an act on its own due to legal or actual reasons;

b) its knowledge of the facts necessary to perform an act is not sufficient, and the other administrative body possesses this knowledge;

c) documents or any other evidence necessary to resolve an issue are available at the other administrative body;

d) expenses necessary to perform the act with its own resources substantially exceed the expenses for rendering administrative assistance by the other

administrative body.

Article 18 – Refusal to render administrative assistance

1. An administrative body may refuse to render administrative assistance if:

a) it falls beyond the scope of authority granted to it by law;

b) administrative assistance prejudices state or local self-government interests and/or the performance by the administrative body of its obligations assigned to it by law;

2. If an administrative body refuses to render administrative assistance to another administrative body, it shall be obliged to notify the applying administrative body in writing of the refusal within three days.

3. A common superior administrative body shall settle disputes between administrative bodies regarding rendering administrative assistance. A court shall settle such disputes in the absence of a common superior administrative body.

4. A claim shall be brought to the court only after receiving a written notification from a superior body of a relevant administrative body refusing to render administrative assistance.

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Article 19 – Covering of the incurred expenses for rendering administrative assistance

1. The administrative body requesting administrative assistance shall be obliged to pay the necessary expenses incurred for rendering administrative assistance if the expenses exceed 50 GEL.

2. The administrative body must be notified in advance if the anticipated expenses exceed those specified in the first paragraph of this article.

Article 20 – Right to officially certify documents

1. An administrative body may certify copies of administrative acts or other documents issued by it or its subordinate body if the contents of the copy are identical to the original.

2. Copies of documents duly certified and issued by an administrative body shall be legally effective and shall be evidence of the original.

3. A document may not be certified when its contents are altered or its wholeness is affected.

4. At certifying a document a paper of certification shall be drawn up to include:

a) exact name of the document

b) evidence of identity of the copy with the original

c) date and place of certification

d) signature of a responsible official, and official seal.

5. The official seal and signature of the responsible official must be affixed to each page of a certified copy.

6. A duly certified administrative act or other document must be registered with the administrative body.

Article 21 – Public expert

1. A natural or legal person, as well as duly established scientific advisory (expert) bodies, shall be deemed to be public experts. A member of a public expert institution shall also be deemed to be an expert.

2. An administrative body shall be obliged to apply to an expert institution or a public expert to obtain an expert opinion if so provided by law.

3. An administrative body shall be obliged to provide an expert with the information necessary for obtaining the expert opinion.

4. A public expert shall be obliged to present its opinion within timeframes determined by law or by the administrative body.

5. Unless otherwise determined by law, laches of a public expert may not delay issuance of an administrative act.

6. The identity of a person presenting the expert opinion on an administrative act shall be specified in the substantiation of the administrative act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 22 – Presenting expert opinion by public expert

1. A public expert shall be obliged to perform assigned obligations impartially and in good faith.

2. A public expert shall be liable for failure to perform or wrongfully performing his/her obligations in the manner laid down by law.

Article 23 – Protection of secret information

A public expert shall be obliged not to disclose secret information that he/she became aware of in the course of performing his/her obligations. This requirement shall be effective even after this public expert has ceased to perform his/her obligations.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 24 – Reimbursement of expenses

A public expert shall be reimbursed for all necessary expenses he/she incurred to perform his/her obligations. The administrative body shall be notified in advance of the necessity to pay such expenses.

Article 25 – Legal force of expert opinion

Unless otherwise determined by law, an expert opinion shall not be binding upon an administrative body. Refusal to consider the expert opinion must be substantiated.

Article 26 – Termination of public expert obligations

A public expert shall be prematurely released from performing his/her obligations by the body that made the decision to appoint the public expert if:

a) he/she grossly violates the assigned obligation;

b) he/she fails to meet the qualifications necessary for occupying the position;

c) he/she refuses to issue the expert opinion on his/her request.

Chapter III – Access to Information

Article 27 – Definition of terms

The terms used in this chapter shall have the following meanings for the purposes of this chapter:

a) public institution – an administrative body, as well as a legal person under private law with funding received from the state or local budget;

b) collegial public institution – a public institution whose managing or consultative body shall consist of more than one person and where decisions shall be made and prepared jointly by more than one person;

c) member of collegial public institution – a public servant who shall participate in making or preparing decisions by a collegial public institution by exercising his/her right to vote;

d) official – an official provided for in the second Article of the Law of Georgia On Conflict of Interest and Corruption in Public Service;

[d) official – an official defined under Article 2 of the Law of Georgia on Conflict of Interest and Corruption in Public Institutions; ***(Shall become effective from 1 July 2017)]***

e) session – a meeting to discuss an issue by members of an institution for making or preparing a decision on behalf of a public institution;

f) publication – entering public information into the Public Register and ensuring availability of public information to the public in the manner determined by law, as well as proactive publication of information;

g) public database – the data regularly collected, processed and stored by a public institution or a public servant;

h) (Deleted - 25.5.2012, No 6327)

i) executive privilege – releasing public institutions and public servants from obligations under this chapter.

j) urgent need – a risk of violating legislation or a situation creating a real risk to functioning of public institutions in a democratic society;

k) proactive publication – placing any public information of public interest on electronic resources by a public institution in the manner determined by a respective subordinate normative act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Law of Georgia No 4355 of 27 October 2015 - website, 11.11.2015

Law of Georgia No 159 of 21 December 2016 - website, 18.12.2016

Article 27^1 – Personal data

Personal data and relations associated with their protection and processing shall be governed by the Law of Georgia on Protection of Personal Data.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 27^2 – Commercial secret

1. Commercial secret – information on a plan, formula, process, or means of a commercial value, or any other information used for manufacturing, preparing, processing of goods or rendering services, and/or is a novelty or a significant result of technical activity, as well as other information that may prejudice the competitiveness of a person if disclosed.

2. Information about an administrative body shall not be a commercial secret.

3. When submitting information, a person shall be obliged to specify that the information is his/her commercial secret. A public institution shall, within 10 days, be obliged to consider the information under the first paragraph of this article as a commercial secret unless the requirement of open information is determined by law. If a public institution does not consider information to be a commercial secret when it is submitted the institution shall decide to make the information open and shall immediately notify the respective person of its decision. The information shall become open 15 days after making the decision, unless an owner of this information appeals the decision to a superior administrative body within the 15 days, and to a court as determined by the procedural law of Georgia. The owner must immediately notify the public institution of the appeal.

4. Any person may appeal a decision to consider information to be a commercial secret to a superior administrative body, and to a court as determined by the procedural law of Georgia.

5. A public institution shall be obliged to enter into the Public Register information about a request for a commercial secret by a third party or a public institution, the date of the request, and the identity and address of the requester.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 5671 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 3

Article 27^3 – Professional secret

Information about personal data or a commercial secret of others that has become known to a person while performing his/her professional duties shall be a professional secret. Information not being personal data or a commercial secret of another person may not be a professional secret.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 27^4 – State secret

Information considered to be a state secret shall be defined by the law on state secrets.
Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 28 – Availability of public information

1. Public information shall be open except as provided by law and as determined by the procedure to be considered as personal data, state or commercial secrets.

2. A public institution shall be obliged to ensure proactive publication of public information in the manner and under conditions determined by the

relevant subordinate normative act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 29 – Executive privilege

Identities of other public servants (except for the state and political officials) participating in the process of preparing decisions by an official shall be protected against disclosure by reason of executive privilege.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 30 – Decision to classify public information

A decision to classify public information may be made when the law directly requires its protection against disclosure establishes specific criteria for protecting the information against disclosure and contains a complete list of classified information.

Article 31 – Duration of maintaining public information classified

1. Professional and commercial information shall be classified indefinitely, except as provided by law. A commercial secret must be declared open if it has lost its value for being considered classified.

2. A decision on maintaining public information classified and extending its duration shall be entered into the Public Register.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 32 – Publicity of sessions

Each collegial public institution shall be obliged to conduct its sessions openly and publicly except as provided by Article 28 of this Code.

Article 33 – Procedure for publishing classified information

After classified information has been declassified, any part of classified public information, as well as any reasonably separable part of the protocol of a closed session of a collegial public institution must be published. When publishing information in this situation, the person having classified the information, the grounds for considering the information classified, and the duration of classification shall be specified.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 34 – Session of collegial public institution

1. A collegial public institution shall be obliged to announce publicly one week earlier about a coming session, including the place, time and agenda of the session, and upon making the respective decision, announce about concluding the session as well.

2. In a case of urgent need, a collegial public institution may hold a session without observing the procedure under the first paragraph of this Article. In this case, the public institution shall be obliged to immediately announce the place, time and agenda of the session, and upon making the respective decision, announce about concluding the session as well.

3. If a collegial public institution holds or closes its session in urgent need, the institution shall be obliged, within three days after making a decision, to explain the procedure for appealing decisions made at the session. The collegial public institution must enter into the Public Register the results of a roll-call vote for making a decision on concluding the session, as well as the minutes of the session as provided for in Article 33.

4. A claim about a session held in urgent need, as well as about the validity of concluding the session must be made in court within one month after holding the session of a collegial public institution. Holding a session of a collegial public institution in breach of the procedure determined by law shall render the decisions of the session to be declared void by a court.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 35 – Public Register

A public institution shall be obliged to enter the public information available at the institution into the Public Register. References to the public

information must be entered into the Public Register within two days after receiving, creating, processing or issuing the information. The references must include the name of public information, dates of its receipt, creation, processing, and issuance, as well as the name of the natural or legal person, public servant, or public institution from which this information was received and/or to which it was sent.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 35[1] – Integrated automated tools for records management

An administrative body may use software and integrated automated tools for records management and access to information; it may adopt, issue or release any information and/or document through the integrated automated management tools, unless a person concerned has chosen another form of obtaining the information under this chapter. An administrative body may retain and issue an electronic copy of any document it has created or stored. An electronic copy of a document and its printout shall be as legally effective as the document itself. Data entry into the document issued or released by an administrative body may be done through mechanical and/or electronic means.

Law of Georgia No 5747 of 2 March 2012 - website, 15.3.2012

Article 36 – Ensuring availability of public information

A public institution shall be obliged to designate a public servant responsible for ensuring availability of public information and proactive publication of information.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 37 – Request for public information

1. Everyone has the right to request public information regardless of its physical form and stored conditions, and choose the form of receiving public information if it is of different types, and to access the original information. In the case of risk of damaging the original information, the public institution shall be obliged to make the original available for reading under supervision, or present a duly certified copy.

2. A person shall submit a written application to obtain public information. Indication of the reason or purpose of requesting the public information in the application shall not be required. When submitting an application to request a commercial secret of another person, an applicant shall present that person's consent certified by a notary or administrative body, unless otherwise provided for by law.

3. Public information may be requested electronically, through the electronic resources of a public institution.

4. The standard for requesting public information electronically shall be approved by the respective subordinate normative acts.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 37[1] – Availability of personal data and information considered as commercial secret to public institutions

1. A public institution shall be obliged, based on a relevant written request, to issue to another public institution, as a reference, the personal data and information considered as a commercial secret stored at the public institution if all the above information is necessary for the other public institution to resolve an issue. In this event, the other public institution shall present a written consent of the person who owns thepersonal data or commercial secret.

2. Written consent referred to in the first paragraph of this article shall be deemed granted if a person expresses his/her consent in a statement or in any other written document that the public institution to which the person has applied for resolving the issue, makes a requisition for that person's personal data or information considered as a commercial secret from the relevant public institution.

3. Bodies issuing or requesting another person's personal data or information considered as a commercial secret shall be obliged to keep the data or information confidential.

Law of Georgia No 2542 of 27 December 2005 - LHG I, No 1, 4.1.2006, Art. 8

Article 38 – Availability of copy of public information

Public institutions shall be obliged to ensure availability of copies of public information. Charging any fees for issuing public information other than the cost of making copies shall not be permitted.

Article 39 – (Deleted)

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 40 – Issuing public information

1. A public institution shall be obliged to issue public information, including the public information requested electronically, immediately or not later than 10 days if the request for public information requires:

a) retrieving of information from its structural subdivisions in another locality or from another public institution, and its processing;

b) retrieving and processing of single and uncorrelated documents of considerable size;

c) consulting with its own sub-division in another locality or with another public institution.

2. If a 10-day period is required for issuing public information, a public institution shall be obliged to notify the applicant of it upon request.

3. Proactive publication of public information shall not release a public institution from the obligation to duly issue the same or other public information requested.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 41 – Refusal to issue public information

1. A public institution must immediately notify an applicant of the refusal to issue public information.

2. If a public institution refuses to issue public information, it shall be obliged, within three days from making the decision, to explain to the applicant in writing his/her rights and appeal procedure, as well as to specify the structural subdivision or the public institution with whom consultations were held when making a decision to refuse to issue the information.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 41^1 – Decision on issuing or refusing to issue public information

In the case provided for in Article 27^2(3) of this Code, a public institution shall make a decision on issuing or refusing to issue public information as soon as timeframes specified in this article expire.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 42 – Information inadmissible to make confidential

Everyone shall have the right to be aware of:

a) information about the environment, as well as the details of risks endangering their lives and health;

b) the basic principles and core areas of public institution activity;

c) the description of the structure of public institutions, the procedure for defining and distributing the functions of public servants, as well as for making decisions;

d) the names and employment addresses of the public servants of a public institution holding positions or are assigned to keep public information confidential, or maintain public relations and provide information to citizens;

[d) the names and employment addresses of the state employees and public servants of a public institution holding positions or are assigned to keep public information confidential, or maintain public relations and provide information to citizens; ***(Shall become effective from 1 July 2017)]***

e) the results of open voting held at a collegial public institution for making decision;

f) all the information related to electing a person to an elective position;

g) the results of auditor opinions and inspections about the activity of a public institution, as well as judicial records of the cases where a public institution is representing a party;

h) the name and location of the public database within a public institution, as well as the name and employment address of the person responsible for the public database;

I) the aims, scope of use and legal basis of collecting, processing, storing and dispersing data by a public institution;

j) the presence or absence of his/her personal data in the public database, as well as the procedure for accessing them, including the procedure used for identifying a person when he/she (or the representative) submits a request for reviewing his/her own personal data or changes thereto;

k) the category of persons entitled to access personal data in the public database;

l) the composition,and sources of data in the public database, as well as the category of persons about whom the information is collected, processed and stored;

m) all other information that shall not be considered a state or commercial secret, or shall not be personal data in the cases provided for, and in the manner determined by law.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Law of Georgia No 4355 of 27 October 2015 - website, 11.11.2015

Law of Georgia No 159 of 21 December 2016 - website, 18.12.2016

Article 43 – (Deleted)

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 44 – Confidentiality of personal data

1. A public institution shall be obliged not to disclose personal data without consent of the persons themselves , or without a justified court decision if so provided for by law, except for personal data of officials (and of the nominees for positions).

2. (Deleted - 25.5 2012, No 6327)

3. (Deleted - 25.5 2012, No 6327)

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 45 – (Deleted)

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 46 – (Deleted)

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 47 – Cancelling or reversing decisions. Compensation for damage

1. A person has the right to apply to a court to cancel or reverse a decision of a public institution or a public servant. He/she may also claim property and non-property damages incurred:

a) because of refusing to issue public information, due to full or partial closing of a session of a collegial public institution, as well as by keeping public information confidential;

b) as a result of creating and processing inaccurate public information;

c) (deleted – 25.5.2012, No 6327);

d) by infringing other requirements of this chapter by a public institution or a public servant.

2. The burden of proof shall rest with a defending public institution or public servant.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

[Article 47 – Cancelling or reversing decisions. Compensation for damage

1. A person has the right to apply to a court to cancel or reverse a decision of a public institution, state employee or public servant. He/she may also claim property and non-property damages when:

a) being refused to issue public information, a session of a collegial public institution is fully or partially closed, and public information is made confidential;

b) incorrect public information is created and processed;

c) other requirements of this chapter are infringed by a public institution, state employee or public servant.

2. The burden of proof shall rest with a defending public institution, state employee or public servant. ***(Shall become effective from 1 July 2017)]***

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Law of Georgia No 4355 of 27 October 2015 - website, 11.11.2015

Law of Georgia No 159 of 21 December 2016 - website, 18.12.2016

Article 48 – Request for confidential information by court

A court may request and review confidential public information in order to examine the lawfulness of its full or partial confidentiality. On the petition of a party, the court may review the above information in chambers.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 49 – Submission and publication of reports

A public institution shall be obliged, on December 10 each year, to submit to the Parliament of Georgia, the President of Georgia and the Prime Minister of Georgia, and publish in the Legislative Herald of Georgia a report on:

a) the number of applications submitted to a public institution for issuing public information and making amendments to public information, as well as the number of decisions on rejecting such applications;

b) the number of decisions on granting or rejecting applications, the name of the public servant making the decisions, as well as the decisions on closing its own session by a collegial public institution;

c) the public databases, and collecting, processing, storing and transferring the personal data by public institutions to others;

d) the number of violations of the requirements of this Code by public servants, and imposing disciplinary fines on the responsible persons;

e) the legislative acts used by a public institution as a basis for refusingto issue public information, or when closing the session of a collegial public institution;

f) appealing decisions to refuse issuing public information;

g) the costs, including the amounts paid in favour of a party, related to processing and issuing information by a public institution, as well as to appealing decisions to refuse to issue public information or to close the session of a collegial public institution.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Law of Georgia No 1263 of 20 September 2013 - website, 8.10.2013

Article 50 – Openness of the public information existing in the past

The public information provided for in Articles 28 and 29 of this Code, excluding personal data, commercial and professional secrets, shall be open if it is created, sent or received before 28 October 1990. Such information may not allow the identification of the persons indicated in the information during their lifetimes.

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Chapter IV – Administrative acts

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 51 – Form of individual administrative acts

1. An individual administrative act shall be issued in writing or orally.

2. At the request of an interested party, and when an administrative act restricts the legal rights and interests of a person, as well as in other cases directly provided for by law, the administrative act must be issued in writing within three days after adopting it orally.

3. The requirements under Articles 52-58 of this Code shall not apply to an individual administrative act issued orally. A written individual administrative act issued through automated management tools may not meet the requirements under Article 52(1)(d) of this Code.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 52 – Details to be included in individual administrative acts

1. An individual administrative act shall include:

a) the type of individual administrative act

b) the name if the issuing body of the individual administrative act

c) the title of the individual administrative act

d) the name, surname and signature of an authorised official

e) the date and place of issuance

f) the registration number assigned by the issuing body of the individual administrative act.

2. An individual administrative act issued in writing must contain a reference to the body to which the act may be appealed, its address and a timeframe for appealing.

3. An individual administrative act issued by a state body of Georgia shall bear the national emblem of Georgia. If a local self-government unit has its own emblem to be borne on an individual administrative act issued by a local self-government body, the individual administrative act shall bear a small national emblem of Georgia in the upper left corner and the emblem of the self-government unit in the upper right corner. In the absence of an emblem of a self-government unit, the individual administrative act shall bear only a small national emblem of Georgia in the centre.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Law of Georgia No 2947 of 20 April 2010 - LHG I, No 23, 4.5.2010, Art. 126

Article 52^1 – Details to be included in normative administrative acts

1. Each normative administrative act must include the following:

a) the type of the normative act

b) the title of the normative act

c) the date and place of adoption (issuance) of a normative act (if a change or addendum is made to a normative act, the date of making the change or addendum)

d) the effective date of a normative act and the term of its validity (if adopted for a limited term)

e) the signature of an authorised official:

f) a registration number assigned by the issuing (adopting) body, and the state registration code after it is submitted to the State Register of Normative Acts.

2. Normative acts of the higher state bodies (officials) of Georgia must bear the national emblem of Georgia; and normative acts of local self-government bodies (officials) must bear a small national emblem of Georgia and the emblem (if any) of a respective self-government unit.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 2947 of 20 April 2010 - LHG I, No 23, 4.5.2010, Art. 126

Article 53 – Substantiation of administrative acts

1. An individual administrative act issued in writing must include written substantiation.

2. Substantiation shall precede the operative part of an administrative act.

3. An administrative legal act must make a reference to the legislative or subordinate normative act or its respective standard serving as the basis for its issuance.

4. If an administrative body was acting within discretionary powers when issuing an administrative act, the written substantiation shall contain all relevant factual circumstances having importance at the time of its issuance.

5. An administrative body may not base its decision on circumstances, facts, evidence or arguments not examined or studied during the course of its administrative proceedings.

6. If the law provides for an expert opinion for issuing an administrative act, contents of the opinion shall be included in the written substantiation.

7. An individual administrative act issued in writing shall not require substantiation if:

a) issued at the request of an interested party and does not restrict the legal rights and interests of third persons;

b) an interested party is aware of the factual and legal preconditions having served as a basis for issuing the above individual administrative act;

c) the law provides for its issuance without written substantiation.

8. When issuing a written administrative act in urgent need without written substantiation, the written substantiation must be provided within one week after issuing the individual administrative act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 54 – Enactment of administrative acts

1. Unless otherwise provided for by law, an individual administrative act shall enter into force upon making it officially available for a party in the manner determined by law or on the day of its publication.

2. In certain cases, an individual administrative act may enter into force before its publication or making it officially available, if the delay substantially prejudices national or public interests, crime prevention or detection, or the rights or legal interests of a person.

3. The individual administrative act sent by post to an interested party shall become effective no later than the seventh day after sending it, except in the case in which the interested party has not received the individual administrative act.

4. In the case of dispute over sending an individual administrative act, the burden of proof shall rest with the administrative body.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 55 – Publishing of individual administrative acts

1. An individual administrative act shall be published if so provided for by law.

2. If an individual administrative act refers to more than 50 persons, it may be published instead of making it officially available. In this event, the individual administrative act shall be handed exclusively to the applicant to read it, and to the first person having signed the application if it is signed by several persons.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 56 – Procedure for publishing individual administrative acts

1. An individual administrative act must be published in the official gazette of the respective administrative body.

2. If an administrative body has no official gazette, an individual administrative act must be published in printed media being circulated within the whole territory of the administrative body's jurisdiction and must be issued at least once a week, or announced publicly.

3. The administrative body shall be obliged to determine in advance the procedure for publication or public announcement of the individual administrative act as specified in the second paragraph of this article.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 57 – Public announcement

Public announcement shall mean the placement of an individual administrative act on publicly accessible area at an administrative body. An individual administrative act shall be announced publicly at any other public area as well, if necessary.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 58 – Procedure for making individual administrative acts officially available

1. Unless otherwise determined by law, making an individual administrative act officially available for an interested party shall mean handing or posting an administrative act to the interested party.

2. If a person fails to receive an individual administrative act sent by post, he/she has the right to obtain a copy from the administrative body. No fee shall be charged for issuing a copy of an individual administrative act.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 59 – Correction of errors in individual administrative acts

1. An administrative body shall be authorised to correct technical and calculation errors in an individual administrative act that it has issued.

2. Making a substantial amendment to an individual administrative act shall require issuing a new individual administrative act.

3. Correction of errors must be published or made officially available in the same manner determined for publishing of or becoming acquainted with the individual administrative act.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 60 – Invalid administrative acts

1. An administrative act shall be considered invalid upon issuance if:

a) the issuing body cannot be identified;

b) it is issued by an unauthorised body or person;

c) it cannot be executed for factual reasons;

d) its execution shall entail a criminal or administrative offence.

2. Timeframes determined by this Code for appealing administrative acts shall not apply to invalidate acts. The issuing body of an administrative act shall be obliged to declare the administrative act invalid on its own initiative or at the request of an interested party.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 60^1 – Declaration of administrative acts as null and void

1. An administrative act shall be null and void if it contradicts the law or if other requirements determined by law for drafting or issuing it have been substantially violated.

2. Substantial violation of the procedure for drafting or issuing an administrative act shall be considered as issuing an administrative act at a session held in violation of the procedure under Article 32 or 34 of this Code or in breach of the type of administrative proceeding provided for by law, or a violation of law that would entail making a different decision on the given question.

3. The issuing body of an administrative act, and a higher administrative body or court in the case of compliant or appeal, shall declare the administrative act null and void.

4. Declaration of an illegal beneficial administrative act null and void shall not be permitted if an interested party has taken legal reliance on the act, except when the act substantially violates the national, public or another person's legal rights or interests.

5. Legal reliance by an interested party shall exist if the party has carried out an act of legal significance under the administrative act and shall suffer damage if the illegal act is declared null and void. Legal reliance shall not exist if it is based on an illegal act of an interested party.

6. If a beneficial administrative act that violates the national, public or another person's legal rights and interests has been declared null and void, under the circumstance provided for in the fifth paragraph of this article, the interested party must be compensated for the damages it suffered because the act

was declared null and void, based on the balancing private and public interests.

7. An administrative body or court shall define the legal implications of terminating an administrative act when the act is declared null and void. An administrative act may be terminated:

a) from date of its enactment

b) from the date of declaring it null and void

c) on a date specified in the future.

8. An administrative act shall be declared null and void in the manner determined for adopting an administrative act.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 61 – Declaring administrative acts invalid

1. An issuing body of an administrative act may declare it invalid.

2. An administrative body shall not be authorised to declare a beneficial administrative act issued under law invalid except when:

a) directly specified in the law or in the subordinate normative act of a superior body issued under the law;

b) directly specified in an administrative act under the law;

c) an interested party has failed to fulfil its obligations under the administrative act and the failure may serve as a basis for declaring the administrative act invalid under the legislation;

d) a respective normative act has been annulled or changed depriving the administrative body of the opportunity to issue such an administrative act, and when the effect of the act may substantially prejudice national or public interests;

e) there is a recently found or revealed circumstance, as well as a respective scientific-technical discovery or invention depriving the administrative body of the opportunity to issue such an administrative act, and when the effect of the act may substantially prejudice the national or public interests;

3. An administrative act shall be declared invalid in the manner determined for issuing an administrative act.

4. If so provided for in paragraph (2)(d)(e), an interested party having suffered damages shall be compensated at his/her request if he/she had a basis for legal reliance on the effect of an administrative act. In this case, Article 60(5) of this Code shall apply.

5. The amount of damage compensation shall be determined by the administrative body having declared the administrative act invalid on the basis of the balancing of public and private interests.

6. Declaring invalid shall mean terminating the effect of an administrative act upon the date of declaring it invalid. When an administrative act is declared invalid on the basis provided for in paragraph 2(c) of this article, it shall be possible to cancel the legal implications arising from enacting the act.

7. Declaring an administrative act invalid shall not entail cancelling the legal implications having arisen before it was declared invalid.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 62 – Declaring part of administrative act null and void or invalid

1. Part of an administrative act must be declared null and void or invalid under the requirements of Articles 60 and 61 of this Code.

2. Declaring part of an administrative act null and void or invalid shall not entail declaring other parts of the administrative act null and void or invalid.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 63 – Making change and amendments to administrative acts

1. The issuing body of an administrative act shall have the right to make a change or amendment to it.

2. A change or amendment to an administrative act shall be made in the same manner determined for drafting and issuing the act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 64 – Return of documents

After declaring an individual administrative act null and void or invalid, an authorized administrative-legal body may request a person to return any document issued under the individual administrative act that evidences certain rights.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Chapter V – Contracts under Public Law

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 65 – Rights of administrative bodies to conclude contracts under public law

1. Unless otherwise determined by law, an administrative-legal relation may arise from, be changed or terminated, by concluding a contract under public law. An administrative body vested by law with the power to regulate a specific administrative-legal relation through issuing an individual administrative act may regulate the above administrative-legal relation by concluding a contract under public law.

2. The norms of this Code and additional requirements for agreements under the Civil Code of Georgia shall apply when concluding a contract under public law by an administrative body.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 65^1 – Power of administrative bodies to conclude agreements under private law

1. Within the relations of private law an administrative body shall act as a subject of civil law.

2. The respective norms of the Civil Code of Georgia shall apply when concluding an agreement under civil law by an administrative body.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 66 – Special requirements for contracts under public law

1. An administrative body shall act exclusively within the powers vested in it by law when concluding a contract under public law.

2. A contract under public law concluded by an administrative body must not contradict the Constitution and legislation of Georgia.

3. Violation of the human rights and freedoms specified in Chapter two of the Constitution of Georgia shall not be permitted.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 67 – Participation of third persons in conclusion of contracts under public law

1. A contract under public law restricting the rights of a third person or imposing any obligation on them may come into force only after the third person submits a written consent.

2. Before concluding a contract under public law, an administrative body shall be obliged to notify a third party whose interests are involved in the contract under public law.

3. An interested party specified in the first and second paragraphs of this article may submit personal opinion before concluding a contract under public law.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 68 – Consent of other administrative bodies

A contract under public law concluded instead of issuing an administrative act shall come into force after the written consent of an administrative body deemed to be necessary under law for issuing the relevant administrative act.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 69 – Form of contracts under public law

Unless otherwise determined by law, a contract under public law may be concluded exclusively in written form.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 70 – Declaration of contracts under public law null and void

1. The declaration of an agreement concluded by an administrative body as null and void shall be regulated by the Civil Code of Georgia.

2. An agreement concluded by an administrative body shall also be null and void when the administrative act serving as the basis for concluding the agreement is declared null and void.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 71 – Modification of contracts under public law

1. If the circumstances affecting a party or public interests have changed substantially, the party may seek the other party's consent to modify the contract under public law.

2. If a change to an agreement substantially contradicts its contents, the party may request termination of the agreement.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Chapter VI – General Provisions of Administrative Proceedings; Simple Administrative Proceedings

Article 72 – Types of administrative proceedings

1. Types of administrative proceedings shall be:

a) simple proceedings

b) formal proceedings

c) public proceedings.

2. Unless the application of other types of administrative proceedings is provided for by law, an administrative body shall prepare an individual administrative act under procedures for simple administrative proceedings.

3. When making a decision on the type of administrative proceedings (when issuing an individual administrative act) by an administrative body no separate administrative proceedings shall be initiated, unless otherwise provided for by law.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 73 – Parties to administrative proceedings

1. An administrative body or a natural or legal person may be a party to administrative proceedings.

2. An authorised administrative body shall conduct administrative proceedings.

3. Administrative proceedings shall be conducted in Georgian language, and in addition in the Abkhazian language in Abkhazia.

4. If an application of an interested party or other document submitted has been prepared in a non-state language, the interested party shall be obliged to present a notarially certified translation of the application or the document within the timeframe set by the administrative body.

5. If an administrative body is obliged to perform a certain action within the timeframe set by law, this timeframe shall begin only upon presenting the translation, if it is necessary.

6. If an interested party is obliged to submit an application or a document within the timeframe defined by law, that timeframe shall be deemed observed when submitting the document in a non-state language as well.

7. Administrative body may set the timeframe for translating the submitted document to be at least three days. Laches in translating the document may serve as a basis for refusing to review the application of an interested party.

Article 74 – Administrative capability

1. Unless otherwise determined by law, Articles 12-16 of the Civil Code of Georgia shall apply to the capability of a person participating in administrative proceedings.

2. A responsible official, or its official representative, shall represent an administrative body during the course of administrative proceedings.

Article 75 – Participants in administrative proceedings

Under the procedure determined by this Code, participants to administrative proceedings may be:

a) applicants

b) administrative bodies authorised to make decisions on the issues presented

c) persons vested by law with the right to participate in administrative proceedings

d) other administrative bodies in cases as provided for by law

e) interested parties.

Article 76 – Initiation of administrative proceedings

1. The following shall serve as a basis for initiating administrative proceedings:

a) application of an interested party

b) an obligation imposed by law on an administrative body to issue an individual administrative act.

2. Administrative proceedings under the circumstances in paragraph 1(a) of this article shall be initiated upon registering an application.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 77 – Submission of application

1. Unless otherwise determined by law, application must be submitted to the administrative body authorised to resolve the question raised in the application and to issue the respective individual administrative act.

2. The procedure for submitting the application and attached documents or other information shall be determined under the statute of the relevant administrative body, unless this procedure is determined by law or a subordinate act issued under the law.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.07.2005, Art. 245

Article 78 – Contents of an application

1. An application must be in writing and include:

a) the name of an administrative body to which the applicant has applied

b) the identity and the address of the applicant

c) the request

d) the date of submitting the application and signature of the applicant

e) the list of documents attached to the application, if any.

2. All the documents that an applicant is obliged by law to submit, must be attached to the application.

3. An applicant may submit to the relevant administrative body all other documents that may serve as a basis for issuing the individual administrative act requested by the applicant.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 79 – Registration of an application

1. An administrative body shall be obliged to register an application on the date of its receipt and assign the date and number of registration to it in the manner determined by law.

2. An administrative body shall be obliged to send (deliver) confirmation of the application registration to the applicant immediately upon his/her request.

Article 80 – Forwarding of an application to an authorised administrative body

1. 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.

2. Unless otherwise provided for by law, submission of any opinion for resolving the issues raised in the application when forwarding the application to the authorised administrative body shall not be permitted.

3. The applicant shall be notified in writing of the forwarding of the application and attached documents within two days, along with the relevant substantiation, to the authorised administrative body.

4. If the issue in the application that is to be judged by a court or an authorised administrative body cannot be identified, the administrative body shall return the application, along with the relevant substantiation, to the applicant within five days after its submission.

5. The timeframe determined by law for submitting applications shall be deemed observed if a person has submitted the application to an unauthorised administrative body within the timeframes provided for by law.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 81 – Inadmissibility of setting requirements not provided for by law

1. An administrative body may not require an applicant to submit any additional document or information other than those provided for by law.

2. Suspension of administrative proceedings or refusal to review an application on the basis specified in the first paragraph of this article shall not be permitted.

Article 82 – Procedure for submission of documents containing commercial secrets or personal data

An applicant may require protection of the submitted information that contains commercial secrets or personal data if he/she wishes to keep this information confidential.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 83 – Presentation of additional information; dismissal of an application

1. An administrative body shall, within three days, check the the application against the requirements contained in Article 78 of this Code.

2. If an applicant fails to submit to an administrative body any document or other information provided for by law or by a subordinate act issued under law that is required to resolve the issue, the administrative body shall set a deadline for the applicant to submit additional documents or information.

3. Unless otherwise determined by law, the timeframe for submitting additional documents or other information may not be less than five days. An administrative body may extend the time-frame for submitting documents or other information at the request of an applicant, but only once and by no longer than 15 days.

4. Unless otherwise determined by law, the timeframefor reviewing the application shall be deemed suspended until submission of additional documents or other information.

5. If an applicant fails to submit the respective document or information within the set timeframe, an administrative body may dismiss the application.

6. The timeframe for reviewing an application shall be resumed upon submission of the relevant documents or information.

Article 84 – Participation of other administrative body in administrative proceedings

1. An administrative body shall be obliged to forward a copy of the application with attached documents, within three days afte establishing compliance of the application with Article 78, to the administrative body or public expert authorised by law to participate in administrative proceedings.

2. Unless another timeframe is determined by law, an administrative body and/or public expert shall present its opinion within two weeks.

3. Unless otherwise determined by law, failure to present the opinion or presenting a negative opinion by the administrative body and/or public expert within the set timeframe shall not impede review of the application and for resolving the issues raised.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 85 – Obligation of administrative body to render administrative assistance

An administrative body shall be obliged to explain to an interested party its rights and duties, to acquaint it with the application review procedure, type and timeframe for conducting proceedings, as well as the requirements to be met by the application or the claim, and to point out mistakes in the application.

Article 86 – Right of representation

1. Everyone has the right to conduct relations with an administrative body through a representative, as well as to enjoy the assistance of a defence attorney.

2. An administrative body shall be obliged to require the representative to present the document that evidences his/her representation.

3. An administrative body may not require an interested party to conduct relations with an administrative body through a representative, except as specifically provided for by law.

Article 87 – Representatives in administrative proceedings

1. If an applicant or other interested party has appointed a representative, an administrative body shall forward all documents for the interested party to the representative.

2. Unless otherwise provided for by law, an administrative body shall refer to the representative for all issues on administrative proceedings.

3. An interested party represented by another person may attend all oral hearings.

Article 88 – Obligation to appoint representatives

1. An interested party to the administrative proceedings who has no permanent residence in Georgia or who is registered without an indication of the address shall be obliged, within three days after required by an administrative body, to appoint a capable person registered at a specified address in Georgia as a representative. All documents designated for the interested party shall be forwarded to the representative.

2. If a person fails to meet the requirement specified in the first paragraph of this article, an administrative body shall be relieved of responsibility for failure to forward documents. However, this fact may not serve as a basis for declaring an individual administrative act null and void, except as determined by law.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 89 – Mandatory appointment of representatives by applicants

1. If an application is submitted by more than 25 persons, signatories to the application shall, within the timeframe set by the administrative body, appoint one representative who may conduct relations with the administrative body.

2. Only a natural person may be appointed as a representative.

3. If the representative refuses to exercise his/her authority, the administrative body shall set a timeframe to the applicants for appointing a new representative.

Article 90 – Appointment of representatives on the Initiative of administrative bodies

If the persons provided for in the first paragraph of Article 89 of this Code fail to appoint a representative within the timeframe set by the administrative body, the person being the first to sign the application shall be considered to be the representative.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 91 – Compensation of cost of administrative proceedings

Each party shall bear the costs related to administrative proceedings incurred by it, on its initiative or in favour of it.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 92 – Inadmissibility of participation in administrative proceedings

1. An official of an administrative body may not participate in administrative proceedings if he/she:

a) is personally an interested party in the case

b) is related to an interested party in the case or to its representative

c) is the representative of an interested party to the case

d) was an expert with respect to the issue in the case

e) is in labour relations with an interested party to the case

f) his/her family member is holding stocks or a share in the charter capital of the enterprise representing an interested party

g) is a family member of an interested party to the case or of its representative.

2. For the purposes of this Code, the following persons shall be considered as relatives:

a) a lineal relative

b) a spouse, siblings of a spouse and a lineal relative of the spouse

c) siblings of a lineal ascendant

d) siblings, their spouses and children.

3. An official shall be obliged to notify a superior official of the circumstances and his/her refusal to participate based on the circumstances specified in the first paragraph of this article. The application for refusing to participate shall be reviewed in the manner provided for in under Article 93 of this Code.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 93 – Application for exclusion

1. An interested party to the administrative proceedings who believes that there is a basis for excluding an official of an administrative body from participating in the administrative proceedings, has the right under Article 91 of this Code to exclude in writing participation of the official before an individual administrative act is issued.

2. The application for exclusion must be substantiated.

3. The application for exclusion shall be reviewed and the decision on excluding or refusing to participate shall be made by a senior official of the official proposed to be excluded. In the absence of a senior official, a head official of a superior body shall make the decision.

4. A collegial body shall decide on the issue of excluding an official who is a member of the collegial body without participation of the official.

5. If the entire collegial body or the number of the collegial body causing the body to lose authority to make a decision has been excluded or refused to participate, or if an official having no superior body has been excluded or refused to participate, an acting body or an independent body appointed under the law for resolving the question of issuing an individual administrative act shall issue the act.

6. An interested party to administrative proceedings shall be obliged to submit an application for exclusion within two days after initiation of administrative proceedings or from the moment when the fact or circumstance serving as a basis for exclusion becomes known to the party.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 94 – Timeframe in administrative proceedings; restoration of laches

1. The procedure established by Articles 59-69 of the Civil Procedure Code of Georgia shall apply when calculating the timeframe in administrative proceedings.

2. If an interested party is obliged to adhere to the timeframe, the timeframe shall begin only from the date of forwarding the respective document or information to the interested party or from the date of the official publication of this information.

3. Elapsed term must be restored if an interested party has unintentionally missed the timeframe set by law or an administrative body - because of force majeure, illness, a fault of the administrative body or for other good reason.

4. An interested party shall apply in writing to the administrative body for restoring elapsed term within not later than 15 days from eliminating the circumstances specified in the third paragraph of this article. The appropriate documents and materials evidencing existence of the good reason for the laches must be attached to the application.

5. The administrative body shall review the application for restoring elapsed term within five days.

6. The administrative body may also restore the timeframe set by this administrative body and missed by an interested party for good reason unless it is prohibited by law and it prejudices a right or a legal interest of a third person.

Article 95 – Participation of interested party in administrative proceedings

1. An administrative body may invite an interested party to participate in the administrative proceedings at its request, and if provided by law, the administrative body shall be obliged to ensure participation of the interested party in the administrative proceedings.

2. An administrative body shall be obliged to notify an interested party of initiation of the administrative proceedings if an individual administrative act may negatively affect the legal status of the interested party in order to ensure that party's participation in the administrative proceedings.

3. Unless otherwise provided for by law, an administrative body shall be obliged to invite a person authorised to participate in the administrative proceedings at his/her written request.

4. If the number of persons authorised to participate in the administrative proceedings exceeds 50, an administrative body may officially publish notice of the administrative proceedings instead of informing each person.

5. The notice on administrative proceedings must contain:

a) the name and the address of the administrative body where the administrative proceedings are held

b) the date of initiating the administrative proceedings

c) a brief description of the subject of the administrative proceedings

d) the identities of the interested parties to the proceedings;

e) the timeframe for issuing an individual administrative act.

6. In urgent need, when delay in issuing an individual administrative act may substantially prejudice public or private interests, an administrative body may make a justified decision on issuing the act in disregard of the requirements of the first and second paragraphs of this article.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 96 – Investigation of circumstances of the case

1. An administrative body shall be obliged to investigate all significant circumstances of the case during the course of the administrative proceedings and to make a decision on the basis of evaluating and comparing the circumstances.

2. The issuance of an individual administrative act on the basis of a circumstance or a fact not investigated by the administrative body in the manner determined by law shall not be permitted.

3. An administrative body may not reject an application or a petition for an issue within its powers without a preliminary investigation to determine if the application or petition is inadmissible or unsubstantiated.

4. An interested party shall be obliged to cooperate with an administrative body during administrative proceedings in the manner determined by law.

5. An interested party shall be obliged to appear before the administrative body and give an explanation only if directly provided for by law.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 97 – Investigation of evidence in administrative proceedings

1. Based on the circumstances of a case, an administrative body may:

a) require return of documents

b) obtain necessary information

c) hear the interested parties

d) survey the scene of an event or incident

e) schedule an examination

f) use necessary documents and acts

g) apply other measures provided for by law for collecting, examining and evaluating evidence.

2. A witness or an expert shall be obliged to give an explanation to an administrative body only if it is specifically provided by law. Explanations shall be accepted under the Civil Procedure Code of Georgia.

Article 98 – Right of interested parties to express personal opinions

1. An interested party to the administrative proceedings may submit evidence, as well as petitions for investigating the circumstances of the case.

2. An administrative body shall make one of the following decisions within two days with respect to a petition:

a) grant the petition

b) reject the petition.

Article 99 – Right to access the materials of administrative proceedings

1. An interested party to an administrative proceeding may access the materials of the proceedings except for the documents of intraagency character directly related to the preparation of an individual administrative act.

2. If the interest of accessing a document exceeds the interest of keeping it confidential, an interested party shall be provided with case materials containing personal data, or state or commercial secrets, by court decision if so provided for by law.

3. The interested party shall access materials of the administrative proceedings at the administrative body conducting the administrative proceedings.

4. In special circumstances, an interested party may access materials of administrative proceedings at another administrative body on written request, as well as at the diplomatic mission or consular office of Georgia in another country.

5. An interested party to administrative proceedings may request copies of documents and other materials of the proceedings. Copies of case materials containing personal data, state or commercial secrets shall be handed to an interested party by court decision only if so provided for by law.

6. No payment shall be fixed nor shall obstacles be created for obtaining a copy of a document or other material, except for the cost of making a copy of it, as well as for mailing the document or material.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Law of Georgia No 6439 of 12 June 2012 - website, 22.6.2012

Article 100 – Decision making

1. Unless otherwise provided for by law or by an act issued under law, an administrative body shall make a decision on issuing or refusing to issue an individual administrative act within one month after the application is submitted.

2. Unless otherwise provided by law, an individual administrative act not related to the interests of a third party must be issued within 15 days after the application is submitted.

3. If a timeframe longer than that provided for by law for issuing an individual administrative act is required to establish circumstances of substantial significance to the case, the administrative body shall make a decision, on initiating the administrative proceedings, on determining the timeframe for issuing the individual administrative act.

4. If so provided for in the third paragraph of this article, the aggregate term for issuing an individual administrative act must not exceed three months.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 101 – Applicants stating their positions when applications for issuance of individual administrative acts are rejected

1. If an administrative body has rejected an application for issuing an individual administrative act, the administrative body shall be obliged, before issuing the act, to give an applicant the opportunity to present his/her position on the rejection of the application if:

a) the rejection is based on the information from the applicant

b) the information that forms the basis for rejection differs from the information presented by the applicant.

2. The requirement under the first paragraph of this article shall not apply if the applicant has already presented his/her position on the circumstance, as well as in the case of emergency when the delay in issuing an individual administrative act may substantially prejudice the public interest. In this case, the administrative body shall be obliged to specify the emergency circumstance.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 102 – Procedure for resubmitting applications for one and the same issue

1. If an administrative body has already issued an individual administrative act to reject an application or a complaint, an application concerning the same issue may only be submitted when the actual or legal situation providing the basis for issuing the administrative act has changed in favour of the an interested party; or if there are newly discovered or newly revealed circumstances (evidence) that would ensure the issuance of a more favourable individual administrative act for the applicant.

2. If the application includes no newly discovered or newly revealed circumstances, an administrative body shall issue an individual administrative act to reject the application without reviewing it. The individual administrative act must include the legal act that provides the basis for rejecting the application.

3. An application to resume administrative proceedings shall be accepted only if failure to submit the above circumstances or facts during the administrative proceedings was not caused by the applicant.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Chapter VII – Administrative Proceedings in a Collegial Administrative Body

Article 103 – Procedure for administrative proceedings in a collegial administrative body

1. Unless otherwise provided for by law, administrative proceedings in a collegial administrative body shall be conducted in the manner determined by Chapter VI of this Code with consideration of the provisions specified in this chapter.

1^1. Unless otherwise provided for by law, procedures for public administrative proceedings shall apply when adopting a normative administrative act by a collegial administrative body.

1^2. Procedures provided for in the Constitution of Georgia, the Law of Georgia on Normative Acts, this Code and other legislative acts, as well as subordinate acts issued under the above shall apply to the adoption of a normative administrative act by a collegial administrative body.

2. Unless otherwise provided for by law or by a subordinate act issued under law, only a collegial administrative body shall make a decision on an application submitted to a collegial body. An exception to this shall be the right of an authorised official of a collegial administrative body to forward an application to an authorised administrative body or return it to the applicant if the resolution of the issues in the application is beyond the authority of the collegial administrative body.

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 104 – Procedure for conducting a session of collegial body

1. A senior official of of a collegial administrative body shall open and close a session of the body. In the absence of a senior official, the chairperson of the session appointed (elected) as provided for by law shall open and close the session.

2. The chairperson shall preside over the session in accordance with the agenda of the session.

Article 105 – Quorum

1. All members of a collegial administrative body must be invited to a session of the body.

2. A collegial administrative body shall be authorised to make a decision if more than a half of its members, but at least three, attend the session.

3. A decision of a collegial administrative body shall be deemed made if more than a half of the attending members vote for it, except as otherwise provided for by law.

Article 106 – Minutes of the session of collegial administrative body

1. Minutes of the session shall be drawn up at every session of a collegial administrative body. The following details shall be specified in the minutes:

a) the name of the collegial administrative body

b) the time and the place of the session

c) the identities of the chairperson and the members

d) the subject matter of the session

e) the results of voting

f) the decision made.

2. The chairperson of a session, as well as the secretary, if he/she participated in drawing up the minutes, shall sign the minutes of the session.

Article 106^1 – Initiation of administrative proceedings for adopting normative administrative act by a collegial administrative body

1. Administrative proceedings for adopting a normative administrative act by a collegial administrative body having the right to adopt a normative administrative act shall be initiated by decision of the body.

2. The decision on initiating administrative proceedings for adopting a normative administrative act shall be written and shall constitute an individual administrative act.

3. Administrative proceedings for adopting a normative administrative act may be initiated by an application of a natural or legal person or an administrative body, only if provided for by law.

4. Article 177(4) of this Code shall apply to appealing decisions on initiating administrative proceedings.

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 106^2 – Publication of draft normative administrative acts of collegial administrative body

1. A draft normative administrative act must be published under the procedures provided in Articles 55-56 of this Code, or on the website of a collegial administrative body.

2. Notice of the administrative proceedings must also be published with the draft normative administrative act.

3. The following details shall be specified in the notice of the administrative proceedings:

a) the name of the collegial administrative body where the administrative proceedings are conducted

b) the timeframe for adopting the normative administrative act

c) the address of the collegial administrative body to whom opinions can be submitted

d) the timeframe for submitting opinions.

4. If the draft normative administrative act is a large volume and a collegial administrative body has no website of its own, it may only publish a notice of the administrative proceedings for adopting the normative administrative act. In this case, the name and a brief summary of the normative administrative act shall be specified in the notice.

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 106^3 – Presenting opinions by administrative bodies or public expert

1. A draft normative administrative act of a collegial administrative body must be forwarded to the administrative bodies authorised to regulate the legal relationhips under the act or part of the act. It shall also be forwarded if provided for by law, or when the law provides for presenting opinions on such a normative administrative act by such administrative bodies.

2. The draft normative administrative act of a collegial administrative body must also be forwarded to a public expert if the law requires the expert to present an opinion.

3. The administrative bodies, as well as the public expert, to whom the draft normative administrative act of a collegial administrative body has been forwarded, shall be obliged to present opinions on the draft normative administrative act within the timeframe determined by the legislation of Georgia or the respective collegial administrative body. The timeframe may not be less than 10 days.

4. The opinion presented by another administrative body must be reviewed before the administrative proceedings are completed and a written reply must be provided.

5. Unless otherwise provided for by law, the failure of another administrative body or public expert to present an opinion within the time set timeframemay not impede the adoption of a normative administrative act by a collegial administrative body.

6. Adoption of a normative administrative act by a collegial administrative body without the opinion of another respective administrative body shall not be permitted if the opinion is required by law or by an act issued under law.

7. Unless otherwise provided for by law, a negative opinion shall not prevent the adoption of a normative administrative act of a collegial administrative body.

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 106[4] – Submission of personal opinions

1. Anyone may submit a personal opinion with respect to the draft normative administrative act of a collegial administrative body.

2. A collegial administrative body must review every opinion about a draft normative administrative act, but responding shall not be mandatory.

3. A person does not have to indicate his/her identity when submitting an opinion.

4. A collegial administrative body shall forward the opinions submitted by private persons to other respective administrative bodies and public experts within one day after registering the opinions.

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 106[5] – Timeframe for drawing up and adopting normative administrative acts

Unless otherwise provided for by law or by a subordinate act issued under law, the timeframe for drawing up and adopting a normative administrative act shall be determined by decision of a collegial administrative body on initiating the administrative proceedings for adopting the act.

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

CHAPTER VIII - FORMAL ADMINISTRATIVE PROCEEDINGS

Article 107 – Issuance of individual administrative acts through formal administrative proceedings

1. An individual administrative act shall be issued on the basis of formal administrative proceedings only if specifically required by law.

2. Formal administrative proceedings shall be conducted as determined by Chapter VI of this Code, unless otherwise provided for by law.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 108 – Participation of interested parties in formal administrative proceedings

1. Unless otherwise provided for by law, an administrative body shall notify all interested parties of initiating formal administrative proceedings and shall ensure their participation in the administrative proceedings.

2. Unless otherwise provided for by law, refusal of an interested party to participate in the formal administrative proceedings shall not suspend the formal administrative proceedings.

3. An interested party must be given the opportunity to submit its opinion or petition with respect to all circumstances of the administrative proceedings.

Article 109 – Witness and expert in formal administrative proceedings

1. In formal administrative proceedings, a witness shall be obliged to give evidence, and an expert shall be obliged to present his/her opinion.

2. (Deleted).

3. An interested party shall be given the opportunity to express its opinion with respect to the expert opinion or the evidence given by the witness.

4. An interested party may attend the questioning of a witness or expert, ask questions of them, review the written expert opinion, and attend the examination of the scene of an event.

5. Expenses of the witness or expert invited by an interested party shall be paid by the interested party.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 110 – Oral hearing

1. An administrative body shall make a decision only on the basis of an oral hearing.

2. Interested parties must be notified of an oral hearing at least seven days before the hearing and must be summoned to participate in the oral hearing.

3. The subpoena shall specify the powers of the administrative body to review the case and make a decision even without participation of an interested party, except as provided for by law.

4. If the number of interested parties exceeds 50, an administrative body may summon the interested parties to participate in the oral hearing by publishing a notice in the official gazette. The notice must contain the subject of the oral hearing, the name of the administrative body holding thehearing, the basis for initiating the administrative proceedings, and the time and place of the hearing.

5. The oral hearing, normally, may not continue for more than one working day.

Article 111 – Procedure for holding oral hearings

1. Sessions of oral hearings shall be public. The chairperson of a session may declare the session closed to maintain confidentiality of personal data, state, commercial or professional secrets.

2. An authorised official of an administrative body shall open and chair the session.

3. Authorised officials of administrative bodies, representatives of superior bodies, interested parties, and experts and witnesses summoned to the hearing shall have the right to participate in oral hearings.

4. The chairperson of the session shall be obliged to ensure examination of the significant circumstances of the case at the oral hearing and to allow an interested party to express its opinion with respect to the case.

5. An interested party may submit a petition to examine the significant circumstances of the case.

6. The chairman of the session shall ensure order at the session. The chairman shall have the power to warn a person who disturbs order and on special occasions - to expel the violator from the hall.

7. The session may resume without participation of the expelled person.

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 112 – Minutes of the oral hearing

1. Minutes shall be kept at the hearing.

2. The minutes of the session shall specify:

a) the name of the administrative proceedings of which the hearing is being held

b) the name of the administrative body

c) the time and place of the hearing

d) the identities of the chairperson, interested parties, experts and witnesses participating in the hearing

e) the subject matter of the hearing, a brief review of the submitted application

f) a brief description of the evidence given by witnesses and experts

g) a description of the results of examining the scene of the event.

3. The chairperson and the secretary of the session shall sign the minutes of the session.

4. An interested party may review the minutes of the session and submit notes about it within three days after reviewing the minutes, and may specify inaccurate or incomplete information. If an administrative body agrees with such a note, it shall confirm its validity, and if it disagrees with the note, it shall issue an individual administrative act rejecting the note.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 113 – Issuance of individual administrative acts

1. Unless another timeframe is provided for by law, an individual administrative act shall be issued within five days after holding the oral hearing.

2. The individual administrative act shall be forwarded to an interested party in the manner provided for by this Code.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 114 – Formal administrative proceedings by collegial bodies

1. If formal administrative proceedings are being conducted in a collegial body, each member of the collegial body shall have the right to ask a question with respect to the circumstances of the case.

2. Only the member of a collegial body having participated in the oral hearing of a case may participate in the voting for adopting an individual administrative act.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

CHAPTER IX - PUBLIC ADMINISTRATIVE PROCEEDINGS

Article 115 – Issuance of individual administrative acts through public administrative proceedings

1. An individual administrative act shall be issued as defined in this chapter only if specifically provided for by law.

2. The procedures defined in this chapter shall apply when issuing individual administrative acts on administering state or municipal property, licensing, and issuance of environmental permits, standardisation, and allocation of radio frequencies.

3. An individual administrative act may also be issued by the decision of an administrative body and in the manner defined in this chapter when it affects the interests of general public.

4. A responsible person of an administrative body, with the consent of a superior administrative body (official), shall make a decision in the case provided for in the third paragraph of this article. If an administrative body has no superior administrative body, a responsible official of the administrative body itself shall make a decision on initiating public administrative proceedings.

5. Public administrative proceedings shall be conducted in the manner determined by Chapter VI of this Code with consideration of the provisions of this chapter, unless otherwise provided for by law.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 1139 of 27 March 2009 - LHG I, No 8, 8.4.2009, Art. 27

Article 116 – Publication of notice on submitting documents for public availability

1. An administrative body shall be obliged to publish a notice, in the manner provided for by this Code, on submitting documents for public availability.

2. The following details must be specified in the notice:

a) the administrative body of the administrative proceedings and its address; if reviewing the materials of the administrative proceedings is also possible at another administrative body, the name and address of this body;

b) a brief summary of the administrative body's decision on the application and/or initiating the administrative proceedings;

c) the timeframe for issuing an individual administrative act;

d) the timeframe for submitting personal opinions.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 117 – List of documents submitted for public availability

1. The documents submitted for public availability shall be as follows:

a) the application and documents attached to it, as well as the decision of an administrative body on initiating administrative proceedings;

b) opinions submitted or presented to the administrative body with respect to the application;

c) a list of documents submitted not for public availability.

2. Everyone may freely review the documents submitted for public availability at the administrative body where the administrative proceedings are conducted. In cases provided for by law or by a justified decision of the administrative body, the documents of public administrative proceedings may be submitted for public availability to other administrative bodies with the consent of the other body.

3. Everyone may request copies of the documents submitted for public availability.

Article 118 – Procedure for submitting personal opinions

1. Everyone may submit a personal written opinion within 20 days from submission of an application for issuing an individual administrative act, or from submission of a draft individual administrative act for making it publicly available.

2. A person shall not be required to specify his/her identity when submitting a personal opinion. This right must be indicated in the notice on submitting a document for public availability.

3. An administrative body shall be obliged to put the date of registration on the document.

4. An administrative body shall forward the opinions submitted by natural persons to other respective administrative bodies and public experts within one day from registering the opinions.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 119 – Drawing up draft individual administrative acts and submitting them for public availability

Unless another timeframe is provided for by law or by a subordinate act issued under law, an administrative body shall be obliged to draw up a draft individual administrative act within one month after registering the application.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 120 – Oral hearing; issuance of individual administrative acts

1. An oral hearing shall be held when conducting public administrative proceedings. Provisions under Articles 110-112 of this Code shall apply to these proceedings, wherefore an administrative body shall issue an individual administrative act within 10 days after the oral hearing.

2. If the law or a subordinate act issued under law provides for possible postponing of the deadline for issuing an individual administrative act, the administrative body shall in advance announce the postponed deadline for issuing the individual administrative act.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 121 – Publication of individual administrative acts

An administrative act issued under public administrative proceedings must be published.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

CHAPTER X - (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 122 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 123 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 124 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 125 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 126 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 127 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 128 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 129 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 130 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 131 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 132 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 133 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 134 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 135 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 136 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 137 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 138 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 139 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 140 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 141 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 142 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 143 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 144 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 145 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 146 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 147 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 148 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 149 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 150 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 151 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 152 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 153 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 154 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 155 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 156 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Article 157 – (Deleted)

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Chapter XI – Procedure for Issuing Individual Administrative acts by Independent Bodies

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 158 – Obligation to issue individual administrative acts by independent bodies

1. An individual administrative act must be issued only by an independent body (mandatory authorisation) when:

a) granting a concession if the price of the concession exceeds GEL 250,000;

b) making a decision on privatising state (municipal) property (enterprise) if the price exceeds GEL 100,000;

2. The obligation to issue other types of individual administrative acts by an independent body may be established by law.

3. The independent body shall issue an individual administrative act in the manner determined by this Code for administrative proceedings.

4. The requirements under Articles 8 and 92 of this Code shall apply with respect to the independent body.

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

Law of Georgia No 1517 of 2 June 2005 - LHG I, No 26, 6.6.2005, Art. 177

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 159 – Appointment of independent bodies

1. An independent body may consist of one or more natural or legal person(s) having the necessary qualifications and being able to resolve questions impartially.

2. The independent body shall be appointed on the basis of an open tender by the administrative body competent to resolve such questions.

Article 160 – Appointment of independent bodies by the President of Georgia and the Prime Minister of Georgia

The President of Georgia and the Prime Minister of Georgia may appoint an independent body for settling an administrative complaint.

Law of Georgia No 1263 of 20 September 2013 - website, 8.10.2013

Article 161 – Inadmissibility of submission of administrative complaints

The submission of an administrative complaint against an individual administrative act issued by an independent body to a higher authority shall not be permitted. It may be appealed exclusively to a court.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Chapter XII – Enforcement of Individual Administrative acts

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 162 – Bodies authorised to enforce individual administrative acts

1. Unless otherwise provided for by law, an administrative body issuing an individual administrative act shall enforce the administrative act.

2. A subordinate or other administrative body may also enforce an individual administrative act by order of the administrative body issuing the above administrative act. In this case, the provisions of Chapter II of this Code on mutual assistance between administrative bodies shall apply.

3. Unless otherwise provided for by law or by a subordinate act issued under law, an administrative body may delegate the authority for enforcing an individual administrative act through a one-time delegation, as well as a delegation for a specific period.

4. An official who is obliged to officially enforce an individual administrative act may exercise the right to enforce.

5. A person shall be obliged to carry the identity document that evidences the respective right and to present it at the request of the persons with respect to whom an act is being enforced.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 163 – Procedure for enforcing individual administrative acts

1. An administrative body (official) responsible for enforcement shall be obliged to exercise its powers under the law only as required for enforcing an individual administrative act.

2. The powers of the administrative body (official) responsible for enforcement may be limited by the individual administrative act of a superior administrative body (official).

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 164 – Obligation to carry out requirements of authorised administrative bodies

1. Everyone shall be obliged to carry out a legal requirement of an authorised administrative body (official) with respect to enforcing an individual administrative act.

2. Unless otherwise provided for by law or by a subordinate act issued under law, a person may refuse to carry out a requirement with respect to enforcement if carrying it out contradicts his/her obligation under law, or entails disclosure of personal data, or a state, commercial or professional secret that he/she is obliged by law to keep confidential.

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 165 – Decision on ensuring enforcement

1. For enforcing an individual administrative act, an administrative body (official) may only carry out any action under law with respect to another person when a decision on ensuring enforcement has been issued.

2. When an application seeking enforcement has been submitted, an administrative body shall issue its decision on the application within 10 days. A decision on ensuring enforcement shall be written and shall be an individual administrative act.

3. The individual administrative act to be enforced may include a decision on ensuring enforcement.

4. A decision on ensuring enforcement must indicate the individual administrative act to be enforced by the decision.

6. When one means to ensure enforcement of an act cannot be applied, an individual administrative act authorising other means for enforcement must be issued.

7. The amount of expenses and procedure for payment must be indicated in the decision on ensuring enforcement. An administrative body may afterwards change the amount of expenses on the basis of actions carried out to enforce the individual administrative act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 166 – Administrative proceedings for issuing a decision on ensuring enforcement

1. The requirements contained in Articles 95 and 98 of this Code shall not apply to administrative proceedings for issuing a decision on ensuring enforcement.

2. In a case of urgent need endangering the national or public security, health of the population, human lives, or when a criminal action cannot be otherwise prevented, a decision on ensuring enforcement may be issued orally.

3. A decision on ensuring enforcement must be issued in writing within three days after applying an enforcement measure under Chapter IV of this Code.

Article 167 – Timeframe for voluntary execution of individual administrative acts

1. A person, with respect to whom enforcement is applied, must be granted time to voluntarily execute the individual administrative act.

2. An administrative body shall be obliged to define exactly actions to be carried out by the person for executing the individual administrative act.

3. A person may perform the respective obligation by most convenient means to him/her.

4. A means for enforcement shall not apply to a person who has performed the obligation indicated in the decision on ensuring enforcement within the timeframe established in the decision. The decision on enforcement shall have no effect if the person performs the respective obligation within the established timeframe.

5. In the urgent need under Article 166 of this Code, the timeframe may not be defined.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 168 – Payment of expenses related to enforcement

1. Unless otherwise provided for by law or by an individual administrative act issued under law, the expenses related to enforcement of an individual administrative act shall be borne by the person obliged to enforce the individual administrative act.

2. If no timeframe has been defined for a person to voluntarily execute an individual administrative act in the case under Article 167(5) of this Code, the expenses related to enforcement shall be borne by the State or a local self-government body, respectively, except when the urgent need was caused by an action of the person who had to carry out responsibilities under the individual administrative act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Article 169 – Means for ensuring enforcement

1. After the expiration of the timeframe granted to a person to voluntarily execute an individual administrative act, an administrative body may apply one of the following means to enforce the individual administrative act:

a) assigning another person to carry out the provisions of the individual administrative act;

b) imposing a penalty;

c) direct coercion.

2. An administrative body may apply only the enforcement means provided for in the decision on enforcement.

3. An administrative body may choose to apply only the means for enforcement that requires the least time and costs and that cause no harm to the public and to a respective person.

4. Application of enforcement means must be terminated after the individual administrative act is enforced.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 170 – Assigning other persons to enforce individual administrative acts

1. If an individual administrative act can be enforced by another person, an administrative body may assign that other person to enforce the act under procedures determined by this Code and other legislative acts of Georgia.

2. An administrative body shall be reimbursed for the expenses related to enforcement of an individual administrative act by the respective natural or legal person.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 171 – Ensuring enforcement with a penalty

1. A penalty, as a means of enforvement, shall be applied to enforce an act when the individual administrative act can be enforced only at the will of a respective person.

2. A penalty, as a means of enforvement, may also be applied to enforce an act if it is possibile to assign an action related to the enforcement of another individual administrative act.

3. The amount of penalty must be defined by the decision on ensuring enforcement. The amount of the penalty may be defined as a total sum or as a sum for each day of violation of an individual administrative act, or for every action committed in violation of the individual administrative act.

4. The total amount of penalty must not exceed GEL 1,000 for a natural person and GEL 5,000 for a legal person.

5. The amount of penalty for each day of violating an individual administrative act or for an action committed in violation of an individual administrative act must not exceed GEL 50 for a natural person and GEL 200 for a legal person.

6. The minimum amount of penalty shall be GEL 5.

7. The amount of penalty shall be transferred to the State Budget or to the budget of a territorial unit.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 172 – Direct coercion

1. If an individual administrative act was not enforced regardless of applying the means of enforcement defined in Articles 170 and 171 of this Code, the administrative body responsible for enforcement may ensure enforcement of the individual administrative act through applying direct coercion.

2. Direct coercion may also be applied in the case provided for in Article 166(2) of this Code.

3. An administrative body shall be obliged to apply direct coercion provided for by law or by a subordinate act issued under law.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 173 – Enforcement with respect to state and local self-government bodies

Provisions of this chapter with respect to enforcement of individual administrative acts shall not apply to local self-government bodies.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Article 174 – Enforcement of individual administrative acts during the state of emergency or martial law

During a state of emergency or martial law, as well as in relation to the enforcement of an individual administrative act by the police, the law may establish procedures other than the ones provided for in this Code.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 175 – Special procedure for enforcement of individual administrative acts related to making pecuniary payments

1. The means of enforcement under Article 169 of this Code shall not apply with respect to enforcement of an individual administrative act related to enforcing pecuniary payment.

2. The decision of a respective administrative body on ensuring enforcement shall be required for enforcing an individual administrative act related to pecuniary payment.

3. If a person obliged under an individual administrative act refuses to make pecuniary payment, an administrative body may make a decision on ensuring enforcement. Under this decision, an authorised person shall oblige the debtor to transfer the sum of money to be given to the authorised person to the account of the administrative body.

4. Coercive recovery of money from a person and arrest of property shall be enforced on the basis of a writ of execution in the manner determined by the Law of Georgia on Enforcement Proceedings.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 176 – Appeal of the decision on ensuring enforcement

1. The decision on ensuring enforcement shall be appealed in the manner determined by this Code.

2. If the means of enforcement and the timeframe for enforcement chosen under the decision on ensuring enforcement are directly based on the individual administrative act to be enforced, the decision may only be appealed together with the respective individual administrative act.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Chapter XIII – Administrative Proceedings for Administrative complaints

Article 177 – Right to appeal administrative acts

1. An interested party may appeal an administrative act issued by an administrative body.

2. Violation by an administrative body of the timeframe for issuing an administrative act shall be considered a refusal to issue the act. The refusal shall be appealed in the manner provided for by this chapter.

3. An action by an administrative body not connected with the issuance of an administrative act shall be appealed in the manner determined by this chapter.

4. The decision by an administrative body with respect to administrative proceedings shall not be appealed separately, except if so expressly provided for by law or when the proceedings violate the right or legal interests of a person independently of the respective administrative act.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 178 – Administrative body authorised to review administrative complaints

1. Unless otherwise provided for by law or by a subordinate act issued under law, the administrative body issuing the administrative act shall review and resolve the administrative complaint if there is an official at the administrative body superior to the official or to the structural sub-division having issued the administrative act.

2. A superior administrative body shall review and resolve an appeal filed against an administrative act issued by a senior official of an administrative body.

3. A person may apply to a court in the manner determined by the Administrative Procedure Code of Georgia for protection of his/her rights and freedoms.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 5671 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 3

Article 179 – Administrative complaint

1. Administrative proceedings shall be initiated in the manner determined by this chapter only if the administrative complaint is filed.

2. An administrative complaint must be drawn up in writing and comply with the requirements of this Code.

Article 180 – Timeframe for appealing administrative acts

1. An administrative complaint must be filed within one month after publication or becoming officially familiar with the administrative act, unless otherwise provided for by law.

2. An action by an administrative body must be appealed within one month after the day when an interested party became aware of the performance or failure to perform the actions.

3. No timeframe for appeal may be determined in the case in which the administrative body has violated the term for issuing the administrative act.

4. If laches in appealing an administrative act was caused by force majeure circumstance or other good reason, the timeframe must be restored.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 181 – Contents of administrative complaint

1. An administrative complaint must include:

a) the name of the administrative body to which the administrative complaint is filed;

b) the identity and address of the person filing the administrative complaint;

c) the name of the administrative body whose administrative act or action is appealed;

d) the name of the appealed administrative act;

e) the claim;

f) the circumstances on which the claim is based;

g) a list of documents attached to the administrative complaint, if any.

2. If the administrative act was forwarded to the person filing the administrative complaint, a copy of the act shall be attached to the administrative complaint.

Article 182 – Refusal to accept or review administrative complaint

1. An administrative body shall refuse to review an administrative complaint if:

a) there is a court decision or ruling on waiver of the action by the claimant, a confession of the action by the defendant or confirmation of conciliation of the parties with respect to the matter of dispute;

b) a case on the dispute between the same parties, over the same matters and with the same evidence is pending in court;

c) there is a decision by the same administrative body or a superior administrative body on the same question;

d) the administrative proceedings are pending at the superior administrative body with respect to the same administrative complaint;

e) (Deleted - 20.3.2015, No 3382);f) the administrative complaint has been filed by a person having no right to do so;

g) the timeframe determined by law for filing the administrative complaint has expired.

2. The administrative body shall be obliged, before making a decision on refusing to accept or review an administrative complaint, to give the person filing the administrative complaint an opportunity to present a personal opionion on the questions presented. The administrative body shall make a decision on accepting the administrative complaint within five days.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 3382 of 20 March 2015 - website, 31.3.2015

Article 183 – Timeframe for reviewing administrative complaints

1. Unless otherwise provided for by law or by a subordinate act issued under law, an authorised administrative body shall be obliged to review the

administrative complaint and make a respective decision within one month.

2. If so provided for by law, when a timeframe longer than determined by the legislation for reviewing an administrative complaint is required to establish circumstances of substantial significance to the case, the administrative body may make a substantiated decision on extending the timeframe for reviewing the administrative complaint.

3. The administrative body shall be obliged to make the decision defined in the second paragraph of this article not later than seven days after initiating the administrative proceedings and immediately notify the appellant.

4. Unless otherwise provided for by law or by an administrative act issued under law, the timeframe for reviewing an administrative complaint may be extended by no longer than one month.

Article 184 – Suspension of administrative acts upon filing administrative complaints

1. Unless otherwise provided for by law or by a subordinate act issued under law, an appealed act shall be suspended from registration of the administrative complaint. The administrative body shall issue an individual administrative act about above suspension.

2. The administrative act shall not be suspended if:

a) it entails an increase in the expenses of the state or local self-government bodies;

b) it is an administrative act of the police adopted with respect to the protection of public order;

c) it is issued during an emergency or martial law under the respective law;

d) postponement of enforcement entails considerable material loss or endangers public order or security.

3. The administrative body issuing an administrative act or its superior body shall make a decision on resumption of the administrative act under the second paragraph of this article.

4. The decision by the administrative body defined in the third paragraph of this article may be appealed in court in the manner determined by the legislation.

5. An interested party may require the court to resume the suspended administrative act as provided for by legislation.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Article 185 – Procedure for reviewing administrative complaints

Unless otherwise provided for by this chapter, the provisions in Chapter VI of this Code shall apply during the course of administrative proceedings for administrative complaints.

Article 186 – Review and resolution of administrative complaints by collegial administrative bodies

The procedures under Chapter VII of this Code shall apply when reviewing and resolving an administrative complaint by a collegial administrative body.

Article 187 – Inadmissibility of participation of officials having issued appealed administrative acts in the review of administrative complaints

A person having been involved in the drawing up or issuance of an appealed administrative act shall not be allowed to participate in resolving an administrative complaint.

Article 188 – Right to modify administrative acts or declare them null and void

1. Filing of an administrative complaint shall not suspend the right of an administrative body issuing the administrative act to modify or declare the act invalid or null and void in the manner provided for by this Code.

2. When modifying an administrative act or declaring it null and void, the administrative body shall be obliged to notify the administrative body reviewing the administrative complaint about it within five days.

Article 189 – Obligation to issue administrative acts

1. If an administrative complaint alledges violation of the timeframe set for issuing an administrative act, filing the appeal shall not suspend the obligation of a respective administrative body to issue the administrative act, except as provided for by law.

2. Unless otherwise provided for by law, when the respective administrative body issues an administrative act, the administrative proceedings for an appeal that alledges failure to issue an individual administrative act must be terminated.

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 190 – Resumption of administrative proceedings when modifying or reversing administrative acts

When the administrative body issuing the appealed administrative act reverses the act or declares it invalid, review of the administrative complaint must be resumed if an interested party requests the administrative act to be declared null and void.

Article 191 – Withdrawal of administrative complaints

1. The person having filed an administrative complaint may withdraw the appeal before the administrative body makes decision.

2. The administrative complaint must be withdrawn in writing. During an oral hearing, an interested party may withdraw the administrative complaint orally as well.

3. Withdrawal of an administrative complaint shall not suspend its review if the failure to review the appeal may entail infringement of, or the substantial prejudice to, national or public interests.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 192 – Right of administrative bodies to admit administrative complaints

1. The body issuing the appealed administrative act may admit the administrative act unless it contradicts legislation.

2. Unless otherwise determined by law or by a subordinate act issued under law, the administrative body reviewing the administrative complaint may resume the administrative proceedings regardless of whether or not the body issuing the administrative act admitted the administrative complaint.

Article 193 – Extent of administrative proceedings on administrative complaints

1. Unless otherwise provided for by law or by a subordinate act issued under law, the administrative body reviewing the administrative complaint shall review the administrative complaint only within the bounds of the requests contained in the appeal, except that in cases provided for by law the administrative body may go beyond the bounds of the appeal.

2. If a decision with respect to only the appealed part of an administrative act cannot be made, the body reviewing the administrative complaint shall, by a written consent of the person filed the administrative complaint, make a decision with respect to the entire administrative act, and if this person refuses his/her consent, the above reviewing body shall make a decision on dismissing the administrative complaint, unless it contradicts the law.

Article 194 – Participation of interested parties in administrative proceedings on administrative complaint

1. An administrative body shall be obliged to give an interested party to the administrative proceedings the opportunity to submit personal opinions.

2. The administrative body shall be obliged to notify in writing all persons who participated in the administrative proceedings for issuing the appealed administrative act about the initiation of the administrative complaint, and to ensure the participation of the above persons in the administrative proceedings.

3. Unless otherwise provided for by law or by a subordinate act issued under law, the interested party's refusal to submit arguments or additional information, or to attend the oral hearing, shall not suspend proceedings on the administrative complaint.

Article 195 – Participation of administrative bodies issuing appealed administrative acts in administrative proceedings on administrative complaint

1. An administrative body reviewing an administrative complaint shall send a copy of the administrative complaint and attached documents to the administrative body having issued the administrative act within five days after registration of the appeal.

2. The administrative body issuing the appealed administrative act shall be obliged, within five days after receiving a copy of the administrative complaint, to submit to the reviewing body all materials of the administrative proceedings for the administrative act together with its personal written position on the administrative complaint.

3. Unless otherwise provided for by law, the administrative body issuing the appealed administrative act shall enjoy the same rights during the administrative proceedings on the administrative complaint as are granted to an interested party to the proceedings.

4. The administrative body issuing the appealed administrative act must be represented at the administrative proceedings by the official having issued the administrative act or by another authorised person. If the administrative act has been issued by a collegial administrative body, this body shall be represented by a senior official of the collegial body.

5. The administrative body issuing the appealed administrative act may be represented at the administrative proceedings by other employee only with consent of the body reviewing the administrative complaint.

Article 196 – Submission of additional information by interested parties

1. Unless otherwise provided for by law, a person filing an administrative complaint, as well as other interested parties shall submit personal opinions, as well as additional documents of the case not later than five days before holding an oral hearing.

2. An administrative body shall be obliged to notify a party to the administrative proceedings in writing about the date of an oral hearing not later than five days before holding the hearing.

Article 197 – Becoming acquainted with materials of administrative proceedings

1. Parties to the administrative proceedings shall become familiar with the materials of the administrative proceedings according to Article 99 of this Code.

2. (Deleted).

3. (Deleted).

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 198 – Procedure for holding oral hearings

1. Oral hearing shall be held in the manner provided for in Chapter VIII of this Code.

2. The parties to administrative proceedings may be heard without the presence of other parties if it is required to prevent disclosure of personal data or information considered to be a state or commercial secret, and when the circumstances of substantial significance to the case cannot be otherwise established.

3. An administrative body shall make a reasoned decision on the question defined in the second paragraph of this article at the request of an interested party.

4. Unless otherwise provided for by law or by a subordinate act issued under law, an oral hearing session shall be public.

5. The oral hearing session shall be public if the administrative complaint is filed against an administrative act issued under the procedures for public administrative proceedings.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Article 199 – Review and resolution of administrative complaints without oral hearing

1. An administrative body may review and resolve an administrative complaint without holding an oral hearing if:

a) there are grounds for refusing to review an administrative complaint;

b) all interested parties to the administrative proceedings agree to review the case without holding an oral hearing;

2. The administrative body shall be obliged to refer to the grounds for refusing to hold the oral hearing in the administrative act issued with respect to the administrative complaint.

Article 200 – Submission of personal opinions by interested parties after oral hearing

If, after holding an oral hearing, an administrative body that reviews the administrative complaint becomes aware of new circumstances of substantial significance to the case, the interested parties to the administrative proceedings must be notified and must be given the opportunity to submit personal opinions on the question.

Article 201 – Decisions of administrative bodies on reviewing administrative complaints

1. After reviewing an administrative complaint, the administrative body shall make one of the following decisions:

a) grant the administrative complaint;

b) refuse to grant the administrative complaint;

c) partially grant the administrative complaint.

2. If obtaining additional materials for a case is required, the administrative body shall make a decision on postponing the hearing and notify the parties.

3. An administrative body shall review the administrative act on administrative complaint for its legitimacy and advisability.

4. The administrative complaint reviewing body shall be obliged to check the administrative act against the requirements of law to grant any rights or advantages to the person filing the administrative complaint.

Article 202 – Issuance of administrative acts on administrative complaints

The decision by an administrative body on reviewing the administrative complaint shall be an individual administrative act and it must meet the requirements established by this Code for individual administrative acts.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 203 – Modification and declaration of appealed administrative acts null and void or invalid; issuance of new administrative acts

An administrative body may declare an appealed administrative act null and void or invalid, as well as to modify it.

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Article 204 – Expenses of administrative proceedings for the review of administrative complaints

1. No state fees or charges may be established for reviewing administrative complaints.

2. Each party shall pay the expenses borne by it for the administrative proceedings on the administrative complaint.

3. If the appeal is granted, an administrative body shall pay attorney fees or expenses of another representative borne by a party to the administrative proceedings only when the party is insolvent.

4. (Deleted).

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 205 – (Deleted)

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Article 206 – (Deleted)

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Chapter XIV – Liability of Administrative Bodies

Article 207 – Application of the Civil Code of Georgia to compensation for damages inflicted by administrative bodies

Unless otherwise provided for in this Code, damages inflicted by an administrative body shall be compensated for as determined by the Civil Code of Georgia.

Article 208 – Special procedure for the liability of state or local self-government bodies

1. The State shall be liable for damages inflicted by a state administrative body, as well as by its officials or other public servants in the course of discharging their official duties.

2. A local self-government body shall be liable for damages inflicted by a local self-government body, as well as by its officials or other employees in the course of discharging their official duties.

3. The State or local self-government body shall be liable for damages inflicted by a private person when carrying out activities by delegation or order of a government or local self-government body.

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Law of Georgia No 4355 of 27 October 2015 - website, 11.11.2015

[Article 208 – Special procedure for the liability of the state or the Municipality

1. The State shall be liable for damages inflicted by a state administrative body, and by its officials or other state employees or public servants (except for public servants defined under paragraph 2 of this article) in the course of discharging their official duties.

2. A municipality shall be liable for damages inflicted by a local self-government body, and by its officials or other public servants of this body in the course of discharging their official duties.

3. The State or a municipality shall be liable for damages inflicted by private persons if they carry out activities by delegation or order of a government body or local self-government body. ***(Shall become effective from 1 July 2017)***

Law of Georgia No 4355 of 27 October 2015 - website, 11.11.2015

Law of Georgia No 159 of 21 December 2016 - website, 18.12.2016

Article 209 – Liability of government or local self-government bodies for damages caused by lawful administrative acts

1. A government or local self-government body shall be obliged to compensate for damages caused by an administrative act if the administrative act issued under the legislation of Georgia for social necessity causes damage to only a certain private person or group of persons in contradiction to principles of equality.

2. The extent of compensation shall be determined by assessing the interests of public servants and private persons.

Law of Georgia No 1698 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 181

Chapter XV – (Deleted)

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 210 – (Deleted)

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 211 – (Deleted)

Law of Georgia No 772 of 2 March 2001 - LHG I, No 6, 20.3.2001, Art. 8

Law of Georgia No 1801 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 245

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 212 – (Deleted)

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 213 – (Deleted)

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 214 – (Deleted)

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 215 – (Deleted)

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 216 – (Deleted)

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Article 217 – (Deleted)

Law of Georgia No 1886 of 22 October 2009 - LHG I, No 33, 9.11.2009, Art. 208

Chapter XVI – Transitional Provisions

Article 218 – Organisational issues related to entering into force of the Code

1. The Ministry for Justice of Georgia shall prepare draft changes to the respective legislative acts regarding the entering into force of this Code not later than 15 November 1999.

2. Enabling administrative acts issued or validated before this Code entered into force cannot be declared null and void or invalid if a person has performed a legally significant action based on this act except as provided for by Articles 60(1)(b) and 61(2)(a),(b),(c) of this Code.

3. The effect of the second paragraph of this article shall not extend to enabling administrative acts that refer to illegal and undocumented property of an official, its family member, close relative or connected person under Chapter VII^2 of the Administrative Procedure Code of Georgia and that are adopted (issued) in violation of legislative requirements.

4. The respective bodies (officials) shall ensure adoption (issuance) of subordinate normative acts under Article 28(2) and Article 37(4) of this Code not later than 1 September 2013.

Law of Georgia No 1138 of 26 October 2001 - LHG I, No 33, 10.11.2001, Art. 134

Law of Georgia No 3399of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 29

Law of Georgia No 6327 of 25 May 2012 - website, 12.6.2012

Chapter XVII – Conclusive Provisions

Article 219 – Entering into force of the Code

This Code shall enter into force as from 1 January 2000.

Article 220 – List of invalid legislative acts due to entering into force of this Code

The following laws shall be deemed invalid due to entering into force of this Code:

a) Law of Georgia on the Procedure for Reviewing Applications and Appeals at Government Bodies, Enterprises, Institutions, and Organisations (Regardless of Their Organisational-Legal Form) of 24 December 1993;

b) (Deleted).

Law of Georgia No 2372 of 9 September 1999 - LHG I, No 43(50), 21.9.1999, Art. 216

President of Georgia

Eduard Shevardnadze

Tbilisi

25 June 1999

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