LAW OF GEORGIA

ADMINISTRATIVE PROCEDURE CODE OF GEORGIA

Chapter I - General Provisions for Administrative Procedure

Article 1 - Scope of the Code

1. This Code determines procedures for consideration and resolution of administrative cases by the common courts of Georgia.

2. The provisions of the Civil Procedure Code of Georgia apply to administrative legal proceedings unless otherwise specified by this Code.

Article 2 - Administrative cases under the court's jurisdiction

1. The following may be a matter of administrative dispute in a court:

a) compliance of an administrative act with the legislation of Georgia;

b) conclusion, fulfilment or termination of a contract under public law;

c) an obligation of an administrative body to compensate damages, to issue an administrative act or to perform any other action;

d) declaration that an act is null and void, and determination of existence or absence of a right or legal relations.

2. Cases of placement of persons in inpatient facilities for rendering involuntary psychiatric assistance and cases of involuntary isolation of persons under Article 14(3) of the Law of Georgia on Tuberculosis Control shall be heard in court by way of administrative proceedings.

3. Except in the cases under paragraphs 1 and 2 of this article, other cases associated with legal relations deriving from administrative legislation shall also be tried through administrative legal proceedings in court.

4. An administrative body may not file a claim regarding matters the resolution of which falls within its authority.

5. Except as provided for by law, a court shall not admit the claim brought against an administrative body, provided that the claimant has failed to use the possibility to lodge an administrative complaint in accordance with the procedure laid down in the General Administrative Code of Georgia.

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 2270 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 331

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Article 3 - A principle of party disposition

1. In administrative legal proceedings, the parties shall exercise rights and have obligations under Article 3 of the Civil Procedure Code of Georgia.

2. An administrative body participating in administrative legal proceedings may conclude an amicable settlement of a case, abandon a claim, or admit a claim only when it does not contradict the legislation of Georgia.

Article 4 - Adversarial and inquisitorial principles of proceedings

When an administrative case is under trial, the parties shall exercise the rights and obligations under Article 4 of the Civil Procedure Code of Georgia; at the same time, the court may *ex officio* decide whether to provide additional information or evidence.

Chapter II - Court Jurisdiction

Article 5 - Cases under the jurisdiction of a district (city) court

1. A district (city) court shall try at first instance administrative cases falling under its substantive jurisdiction, except for the cases provided for by Article 6 of this Code.

2. A district (city) court shall also try at first instance administrative cases in the administrative-territorial units where there is no magistrate judge.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 6 - Administrative cases under the jurisdiction of a magistrate judge

A magistrate judge has jurisdiction to hear at first instance the following cases:

a) (deleted);

b) on lawfulness of an individual administrative act provided for by the Code of Georgia on Administrative Offences, as defined in the Code of Georgia on Administrative Offences;

b^1) on the administrative offences subject to a court hearing, as defined in the Code of Georgia on Administrative Offences and on the basis of a relevant report submitted to the court;

c) on an issue of state social protection;

d) on a dispute deriving from the execution of a court decision that has entered into legal force;

e) on a dispute arising from labour relations in civil service;

f) on the issuance of an order to inspect an entrepreneur's activity on the basis of a petition of a controlling authority;

g) on the placement of a person in an inpatient facility for rendering involuntary psychiatric assistance on the basis of an application of an appropriate psychiatric facility administration or penitentiary institution;

h) on the involuntary isolation of a person under Article 14(3) of the Law of Georgia on Tuberculosis Control on the basis of an application of a local unit of public healthcare (the 'local public healthcare unit') under the same Law.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 567 of 25 October 2000 - LHG I, No 39, 10.11.2000, Art. 111

Law of Georgia No 1555 of 21 June 2002 - LHG I, No 26, 30.9.2002, Art. 124

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 1692 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 175

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Law of Georgia No 6091 of 26 April 2012 - website, 10.5.2012

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Law of Georgia No 950 of 1 June 2017 – website, 20.6.2017

Chapter III - Impartiality, Recusal

Article 7 - Inadmissibility of repeated participation of a judge in hearing

A judge may not participate in hearing of a case if he/she has previously participated in the administrative proceedings regarding the case.

Law of Georgia No 567 of 25 October 2000 - LHG I, No 39, 10.11.2000, Art. 111

Article 8 - (Deleted)

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Chapter IV - Costs of Court Proceedings

Article 9 - State fee

1. A state fee shall not be paid for the claim filed regarding a state social protection, and for the cases provided for in Chapter VII[3] of this Code.

1[1]. A state fee shall not be paid for the cases provided for in Chapter VII[9] of this Code.

2. (Deleted).

3. If the case proceedings are terminated, the state fee shall be halved.

4. (Deleted).

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 10 - Payment of costs of court proceedings

1. (Deleted).

2. If an individual administrative act was issued without a proper examination of the case circumstances, the administrative body which issued the individual administrative act shall be obliged to pay the costs of court proceedings even if the decision was rendered for the administrative body.

3. If a party obliged to pay the costs of court proceedings consists of several natural or legal persons, the costs of court proceedings shall be equally divided among them.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 11 - Division of costs of court proceedings where amicable settlement is reached on the case

1. If court proceedings are closed through a settlement, and the parties could not agree on the distribution of court costs, provided none of the parties is exempt from the obligation to pay costs, the court costs shall be equally divided among the parties.

2. Extrajudicial costs shall be paid by each party individually.

Chapter V - Procedural Period; Court Notification and Summons

Article 12 – Commencement of the period for appeal

1. The period for the lodgement of an appeal shall commence only if the judicial act explains to the party the possibility of appeal, the court where the appeal is to be lodged, the address of the court, and the period of and procedure for lodgement of the appeal.

2. If the party has not been notified of the right of appeal or has been notified in violation of paragraph 1 of this article, an appeal may be filed within a year of issuing the judicial act by the court.

3. Where a judicial act does not comply with paragraph 1 of this article, the court, ex officio or at the request of one of the parties, shall rule on compliance of the judicial act with the requirements of this Law. A complaint subject to a time limit may be filed against the ruling.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 13 – Service of summonses and judicial documents on the parties

1. The date of dispatch must be indicated on any summons, document or letter forwarded by a court to the parties or to any other person participating in court proceedings.

2. A court shall communicate to the parties or to their representatives a copy of a decision, ruling or order which is subject to appeal at the court of the same or superior instance. Copies of other judicial acts shall be provided to the parties or their representatives upon their written request. A document communicated to the representative of a party shall be considered communicated to the party, while a document communicated to a party shall be considered communicated to the representative of the party.

3. A person, who is not registered in Georgia or is registered without indication of an address of residence, shall be obliged upon the request of the court, to appoint another person who is authorised to receive documents.

4. (Deleted).

5. If a document to be communicated by the court is large, the parties or their representatives shall only be notified of the title of the document, and of the right to study the document at the court registry.

6. A party may obtain a copy of the document at its own expense or obtain an excerpt from the court registry.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 13^1 – (Deleted)

Law of Georgia No 932 of 29 December 2004 - LHG I, No 41, 30.12.2004, Art. 208

Law of Georgia No 2361 of 20 December 2005 - LHG I, No 55 27.12.2005, Art. 381

Law of Georgia No 4231 of 29 December 2006 - LHG I, No 50, 30.12.2006, Art. 382

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 13^2 – Periods for legal disputes under the tax legislation of Georgia

1. The period for hearing a legal dispute arising out of the tax legislation of Georgia before a court of first instance shall not exceed two months between the admission of the statement of claim and the issuance of final decision; however, if the pending case is characterised by special factual or legal difficulties, the court hearing the case may decide to extend the period by not more than two months.

2. The period for hearing a legal dispute arising out of the tax legislation of Georgia before the court of appeals shall not exceed two months between the admission of the statement of appeal and the issuance of final decision.

3. Within 10 days after announcing the operative part of a court decision in the disputes provided for by this article, the court shall prepare a reasoned decision to be communicated to the parties.

Law of Georgia No 1466 of 16 July 2009 - LHG I, No 20, 28.7.2009, Art. 100

Law of Georgia No 3806 of 12 November 2010 - LHG I, No 66, 3.12.2010, Art. 414

Article 13^3 – (Deleted)

Law of Georgia No 5643 of 27 December 2011 - website, 12.1.2012

Law of Georgia No 486 of 25 March 2013 - website, 5.4.2013

Chapter VI - Parties to Administrative Proceedings

Article 14 - Participants to administrative proceedings

1. In addition to the persons, provided for by Article 79 of the Civil Procedure Code of Georgia, an administrative body that issued an administrative legal act or performed an act of legal importance shall participate in administrative proceedings.

2. The state shall be responsible for actions taken and decisions made by a private person on the basis of authority delegated to such person by a state administrative authority or the State.

Article 15 - Participation in administrative proceedings through a representative

1. If a party is a state or local self-government body, its head or an official, to whom the right of representation under the legislation of Georgia has been delegated, shall represent it in the court.

2. A state or local self-government body shall be entitled to appoint an official or a public servant employed at the administrative body as its representative in administrative proceedings, as provided for by the legislation of Georgia.

3. A state or local self-government body shall be entitled to appoint an attorney as its representative.

4. If the value of a matter of dispute exceeds GEL 500 000 and/or the case is especially complicated in terms of factual or legal circumstances, an executive agency shall apply to the Ministry of Justice of Georgia, which is authorised to require appointment of a state employee or a public servant of the Ministry of Justice of Georgia as a representative of that agency in the administrative proceedings (except for disputes arising under the tax legislation of Georgia). In this case, the executive agency may, with the consent of the Ministry of Justice of Georgia, delegate the right of representation in the same proceedings to the state employee or the public servant employed by the above agency.

5. In the cases provided for by paragraph 4 of this article, an employee of the Prosecutor's Office of Georgia may not be appointed as a representative of the executive authority.

6. In the cases provided for by paragraph 4 of this article, the procedure and times for applying to the Ministry of Justice of Georgia, for circulating case materials and for appointing a representative shall be determined by an order of the Minister of Justice of Georgia.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 1131 of 27 March 2009 - LHG I, No 9, 13.4.2009, Art. 31

Law of Georgia No 1692 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 175

Law of Georgia No 3806 of 12 November 2010 - LHG I, No 66, 3.12.2010, Art. 414

Law of Georgia No 4463 of 22 March 2011 - website, 1.4.2011

Law of Georgia No 4350 of 27 October 2015 - website, 11.11.2015

Law of Georgia No 158 of 21 December 2016 - website, 28.12.2016

Article 16 – Involvement of third persons in administrative proceedings

1. Before the closure of main hearing, the court may inform the person, whose interests may be affected by a court decision, about the commencement of administrative proceedings, and involve the person as a third party in the case.

2. A third person must be involved in the case if the person is a party to the legal relation, regarding which the decision of the court may only be common. If more than 10 persons are parties to the legal relation, the court shall involve in the case only the persons who express the desire to be involved.

2^1. Any interested person may apply to a court with the request to be involved in the case as a third party, according to paragraph 1 or 2 of this article.

2^2. Under paragraph 1 or 2 of this article, a third person may be involved in the case on the initiative of one of the parties, in support of which such party shall submit a reasoned statement to the court.

2^3. A complaint subject to a time limit may be lodged against the court ruling rejecting involvement of a third person in a case.

3. A court ruling involving a person in the case as a third party shall be communicated to the parties and to third parties; if more than 10 persons are involved in the administrative legal proceedings as third parties, the ruling may be published instead of being communicated.

4. A court ruling involving a person as a third party in a case may not be appealed. A court ruling with regard to paragraph 2 of this article may be appealed only by a person who has been involved in the case.

5. A third person determined by paragraph 2 of this article shall exercise all the rights of a claimant (defendant) and shall undertake all the obligations of a claimant.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 16^1 – Friend of the Court (Amicus Curiae)

1. Any person who is not a party or a third party to a case to be considered may present to a court his/her personal written opinion on the case no less

than five days before consideration of the case on the merits.

2. The purpose of presenting the written opinion shall not be to support any of the parties to the case. The written opinion shall support the court to appropriately evaluate the matter to be considered. If the court finds that the written opinion is prepared in breach of the requirements under this article, it shall not consider the written opinion.

3. The court is not obliged to accept the arguments in the written opinion. However, if the court deems it necessary, it may use the opinion provided by the Friend of the Court. The opinion may be included in the reasoning of the court judgment.

4. The author of the written opinion may be summoned by the court to the hearing on the merits to give oral explanations.

Law of Georgia No 3900 of 3 July 2015 - website, 10.7.2015

Chapter VII - Judicial Evidence

Article 17 - Burden of proof

1. A claimant shall be obliged to support his/her/its claim and to present appropriate evidence. A defendant shall be obliged to present a written response (statement of defence) and appropriate evidence.

2. Unless otherwise provided for by the law, in the case of filing an action to declare an administrative act null and void, annul an act, or invalidate an act, the burden of proof shall rest with the administrative body issuing the act.

Law of Georgia No 567 of 25 October 2000 - LHG I, No 39, 10.11.2000, Art. 111

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 18 - (Deleted)

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 19 - Gathering evidence by the court

1. In addition to the authority granted under Article 103 of the Civil Procedure Code of Georgia, a court may ex officio gather factual circumstances and evidence.

2. Before the factual circumstances have been used and the evidence is verified, a party shall have the right to present its own opinion on them.

3. A court shall be authorised to determine additional time for a party to submit evidence.

4. If a party fails to personally obtain and submit evidence to the court with a reasonable excuse, it shall notify the court not later than the working day preceding the day of the trial.

5. If an administrative body fails to submit evidence with a reasonable excuse, the court shall fine the respective official of the administrative body by GEL 200, which shall not exempt him/her from the obligation to further submit the evidence. In this case the court shall be authorised to recommend the head of the administrative body or a higher administrative body to determine the reasons for failing to submit the evidence to the court and to take appropriate disciplinary measures against that official.

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 20 - Obligation of an administrative body to submit information to the court

Upon the court's request, an administrative body shall be obliged to submit to the court the documents and other information necessary for considering and resolving the case.

Law of Georgia No 1063 of 14 September 2001 - LHG I, No 26, 1.10.2001, Art. 110

Article 20^1 – Considering classified information by the court

1. A court (a judge) shall consider a case for verifying the lawfulness of classifying the public information at a closed session without attendance of the parties.

2. The parties shall not be notified of the information determined by paragraph 1 of this article.

3. A decision regarding the case provided for by this article shall not include data that may disclose classified information.

Law of Georgia No 1063 of 14 September 2001 - LHG I, No 26, 1.10.2001, Art. 110

Article 21 – The right to read judicial acts

1. Unless otherwise provided for in this Code, persons participating in a case may read judicial acts, as well as materials submitted to the court in relation to the case, at the court registry.

2. A party shall be entitled to obtain copies of judicial acts and other materials related to an administrative case through the court registry. Expenses of making copies of documents shall be borne by the party. No other payments may be required for making a copy.

3. The parties shall not read draft judicial acts, as well as other preparatory materials.

Chapter VII[1] - Administrative Legal Proceedings Regarding Inspection of an Entrepreneur's Activities

Law of Georgia No 925 of 8 June 2001 - LHG I, No 18, 28.6.2001, Art. 60

Article 21[1] – A judge's order to inspect an entrepreneur's activities

A district (city) court judge or a magistrate judge, according to the location of the entrepreneur, shall, based on a petition of a controlling body, issue an order regarding inspection of an entrepreneur's activities.

Law of Georgia No 1063 of 14 September 2001 - LHG I, No 26, 1.10.2001, Art. 110

Law of Georgia No 925 of 8 June 2001 - LHG I, No 18, 28.6.2001, Art. 60

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 21[2] – A petition of a controlling body

1. A petition of a controlling body shall be submitted to a judge prior to commencing an inspection of an entrepreneur.

2. If an immediate and direct threat may be posed to state security, human life or health, or the evidence, a controlling body shall be entitled to suspend operation of an enterprise regarding the subject of inspection and immediately submit a petition to a judge. If operation of an enterprise cannot be suspended, or suspension significantly damages the enterprise, or the entrepreneur requires it, the controlling body shall be authorised to commence inspection of the entrepreneur and submit an appropriate petition to a judge within 24 hours. Upon submitting the petition the controlling body must justify the urgent necessity of the inspection.

3. The petition of a controlling body regarding inspection of an entrepreneur's activities shall include sufficient grounds for issuing an order. The petition shall accurately indicate the data of the entrepreneur to be inspected, as well as the time, nature and scope of the inspection.

Law of Georgia No 925 of 8 June 2001 - LHG I, No 18, 28.6.2001, Art. 60

Law of Georgia No 801 of 19 December 2008 - LHG I, No 40, 29.12.2008, Art. 263

Article 21[3] – Resolving the issue of inspection of an entrepreneur's activity

1. Based on a petition of a controlling body, a judge shall render a decision within 72 hours after submitting the petition.

2. A judge shall review a petition submitted by a controlling body at his/her personal discretion. The judge shall be authorised to consider the petition, submitted by a controlling body, without an oral hearing, regarding which he/she shall notify the entrepreneur, whose inspection has been required by the controlling body, or his/her representative, and provide the entrepreneur or his/her representative with respective materials not later than 24 hours after submitting the petition. If the judge concludes that the circumstances indicated in the petition must be investigated, he/she shall be authorised to review the petition in an open session of the court, except for the cases determined by Article 5(4) of the Law of Georgia on Control of Entrepreneurial Activity. The parties must be notified regarding the hearing not later than 48 hours after submitting the petition to the court. The matter provided for by Article 5(4) of the Law of Georgia on Control of Entrepreneurial Activity shall be considered according to the procedure determined by Article 20[1] of this Code. An entrepreneur or his/her representative shall be entitled to present his/her opinion in writing to the court within 24 hours after receiving the notification of the inspection and the case materials.

3. A judge shall be entitled to summon and interrogate a person whose testimony (information) justifies the petition, as well as to suggest that the controlling body, that has submitted the petition, and the entrepreneur submit documents and material evidence necessary to verify the justification of the petition.

4. An oral hearing on a petition shall be opened by the judge's speech stating what kind of petition is being considered, after which the judge shall hear justified arguments of the controlling body regarding the inspection and ask the controlling body questions. The entrepreneur or his/her representative may give explanations and state contradicting opinions. Based on the judge's permission, the entrepreneur or his/her legal representative may ask questions to the representative of the controlling body, who shall be obliged to answer the judge's and the entrepreneur's or his/her legal representative's questions. A hearing on a petition shall not be postponed due to the absence of the parties.

5. (Deleted).

6. A record of proceedings shall be drawn up at the court session. After verifying the justification of the petition, the judge shall issue a reasoned order regarding the inspection of an entrepreneur's activity. If the inspection of the entrepreneur has already been commenced, and the court refuses to inspect the entrepreneur's activity, the order shall indicate the information on termination of the inspection and on the payment of damages incurred by the entrepreneur, provided the damage was caused by a guilty act (*actus reus*) of the controlling body.

7. A judge's order on the inspection of an entrepreneur's activity shall indicate:

a) the date and place of drawing up the order;

b) the surname of the judge;

c) the controlling body that submitted the petition to the judge;

d) the decree on inspection of an entrepreneur's activity, its essence, and the entrepreneur who is being inspected;

e) the period of validity of the order and time for inspection of the entrepreneur's activity, which must not exceed 15 days;

f) the official or the body, authorised to execute the order;

g) the signature of the judge and the seal of the court.

8. If the court does not agree to inspect the entrepreneur's activity, the order shall indicate:

a) the date and place of drawing up the order;

b) the surname of the judge;

c) the controlling body that submitted the petition to the judge;

d) the decree on rejection of inspection of the entrepreneur's activity with an appropriate justification, and the entrepreneur, whose inspection was rejected;

e) the official or the body authorised to execute the order;

f) the signature of the judge and the seal of the court.

9. A judge's order shall be drawn up in three copies, one of which shall be forwarded to the controlling body having submitted the petition; the second copy shall be forwarded to the entrepreneur or his/her representative, and the third copy shall remain in the court.

10. Based on recently found or revealed circumstances, an entrepreneur or his/her representative shall be entitled to submit a petition, on cancelling the judge's order regarding inspection of the entrepreneur's activity, to the court, whose judge issued an order regarding inspection of the entrepreneur's activity, within three days after the above circumstances became known to him/her. The petition shall be reviewed according to the procedure determined by this article. If the petition is granted, the judge's order shall be annulled.

11. (Deleted).

12. The validity of an order and time for inspecting an entrepreneur's activity shall not exceed 15 days. In exceptional cases, on the basis of a reasoned petition, the above times may be extended by not more than 15 days. At the same time, if the entrepreneur's annual turnover exceeds GEL 1 million, the above-mentioned 30-day time may be extended by not more than 40 days. A petition of the controlling body regarding the extension of the time for inspecting an entrepreneur's activity shall be considered according to the procedure determined by this article.

13. A person submitting a petition shall be entitled to withdraw the petition within 24 hours after submission or during the hearing on the petition, before the judge enters the deliberation room. The repeated submission of a petition to the court on the same grounds shall be inadmissible.

14. A judge's order shall enter into force after the expiry of the time determined for appealing the order. Appealing an order shall suspend the order. Judge's order may be appealed at the court of the appellate instance within 48 hours, according to the procedure determined by this article.

15. An appeal regarding annulment of a judge's reasoned order shall be submitted to the court having issued the order within 48 hours after delivering a copy of the order to the party. The judge shall immediately forward the appeal, together with the case materials, to the court of the appellate instance. Copies of the appeal and attached materials shall be forwarded to the other party.

16. An appeal shall be heard at the court of appeals according to the procedure established for hearing at the court of first instance.

17. The court of the appellate instance shall annul the appealed order by issuing an order.

18. An order of the court of the appellate instance shall be final and shall not be appealed.

Law of Georgia No 925 of 8 June 2001 - LHG I, No 18, 28.6.2001, Art. 60

Law of Georgia No 1063 of 14 September 2001 - LHG I, No 26, 1.10.2001, Art. 110

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 878 of 26 December 2008 - LHG I, No 41, 30.12.2008, Art. 313

Law of Georgia No 2036 of 7 March 2018 – website, 29.3.2018

Chapter VII^2 - (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21^4 – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21^5 – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 2266 of 16 December 2005 - LHG I, No 55, 27.12.2005, Art. 369

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21^6 – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21^7 – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21^8 – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21^9 – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 1352 of 20 April 2005 - LHG I, No 19, 28.4.2005, Art. 124

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21[10] – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21[11] – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Chapter VII[3] - Administrative Legal Proceedings regarding Elimination of Violence against Women and/or Domestic Violence, Protection of and Assistance to Victims of Violence

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Law of Georgia No 762 of 4 May 2017 – website, 25.5.2017

Article 21[12] – Application to a court and the procedure of appealing a decision on limitation of authority of a parent/legal representative, as well as on separation of a minor from his/her parent, other legal representative, or another perpetrator

1. In the case of violence against women and/or domestic violence, a victim/a presumed victim or his/her family member, and in the case of violence towards a minor – also a guardianship authority, shall be entitled to apply to the court.

2. In the case of violence against women and/or domestic violence, a person, who provides medical, legal and psychological assistance to the victim, shall have the right to apply to the court, only with the consent of the victim.

3. In the case of legal proceedings regarding a fact of domestic violence towards a minor, at each stage of the legal proceedings, including interrogation (questioning), the best interests of the minor shall be taken into consideration, suitable to his/her age and level of development.

4. During administrative legal proceedings regarding an appeal against a protection or restraining order, questioning a minor (getting explanations from a minor) – a domestic violence victim in the presence of a parent (parents) being the presumed perpetrator/legal representative (representatives), shall be inacceptable. The presence of a parent/legal representative at the interrogation (questioning) of a minor, if there is doubt concerning his/her (their) impartiality deriving from the nature of the relations between the perpetrator family member and the parent/legal representative, or due to any other conflict of interest, shall also be unacceptable, as well as providing him/her (them) with or forwarding to them the testimony (transcript of interrogation, explanations) given by the minor.

5. The right of a parent/legal representative to be the minor's representative in an administrative proceedings shall be considered suspended during the court proceedings, until a final decision has been rendered, provided the parent/representative is an assumed perpetrator, or there is doubt concerning his/her impartiality deriving from the nature of the relations between the perpetrator family member or another perpetrator and the parent/legal representative, or due to any other conflict of interest.

6. If the rights of a parent/legal representative have been suspended, the court shall rule on bringing a guardianship authority as a party in the legal case regarding a minor, whose both parents'/legal representative's parental rights, or obligations have been restricted. The guardianship authority shall appoint a representative of the minor who will defend the interests of the minor during the trial.

7. A decision of a social worker on separation of a minor from his/her parent, another legal representative, or another perpetrator shall become effective immediately and shall be sent to the minor's parents/legal representative (representatives) in the case of their identification within 24 hours.

8. A decision of a social worker on separation of a minor from his/her parent, another legal representative, or another perpetrator may be appealed by the minor's parent/legal representative at a court of first instance according to the location of the minor at any time in accordance with the procedure provided for by this Code. An appeal of a legal representative shall not suspend the effect of the decision on separation.

9. The court shall, within 24 hours from the admission of an appeal in accordance with the established procedure, send the appeal and the accompanying materials to the body taking decision on the separation of the minor. The body concerned may respond in writing to the issues identified in the appeal and furnish evidence within 2 days from receiving a summons.

10. The judge may, on the initiative of a party or on his/her own initiative hear the case at a closed session.

11. Failure of the parties to appear at the court shall not hinder consideration of the issues provided for by this article.

12. The court shall, within 5 days from the admission of an appeal in accordance with the established procedure, consider the appeal and render a reasoned decision regarding the annulment of the social worker's decision or refusal to annul the decision.

13. The court shall render a reasoned decision regarding the annulment of or the refusal to annul a decision on the separation of a minor, based on inner

beliefs. The decision shall be served on the parties within 24 hours after it has been rendered.

14. The decision defined by this article, rendered by the court of first instance, shall be appealed at a court of appeals within 3 days from serving a reasoned decision to the party.

15. A decision regarding an appeal, in accordance with the procedure provided for by this article, shall be rendered by a court of appeals within 3 days from the day when the appeal was filed with the court.

16. The decision of the court of appeals shall be final and without appeal.

17. A court decision that has entered into legal force may be appealed by the minor's parent or another legal representative requesting the resumption of proceedings due to recently found circumstances, in accordance with the procedure established by Article 423 of the Civil Procedure Code of Georgia, including in the case if such circumstances and evidence became known to him/her that, if they would have been submitted to the court during the trial, would have caused rendering a decision by the court that would be favourable for him/her.

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Law of Georgia No 2699 of 17 October 2014 - website, 31.10.2014

Law of Georgia No 5450 of 22 June 2016 - website, 12.07.2016

Law of Georgia No 762 of 4 May 2017 – website, 25.5.2017

Article 21^{13} – Issuance and appeal of a protection order

1. In order to ensure the protection of a victim and restriction of a perpetrator from certain actions, a court may issue a protection order as a provisional measure, based on an application of a person responsible for prompt response to violence against women and/or domestic violence.

2. Unless otherwise determined by this chapter, the application requiring issuance of a protection order shall be considered by a court of the first instance, according to the place of residence of the victim, as provided for by this Code.

3. An application requiring issuance of a protection order shall be submitted in writing. The application shall include:

a) the name and surname of the person submitting the application

b) the address of the person submitting the application

b^1) the address of a perpetrator's place of residence and/or work and a telephone number (including a mobile phone number), if any

c) description of the fact of violence against women and/or domestic violence

d) information regarding the perpetrator and the victim and their relationship

e) a list of evidence

f) a requirement to issue a protection order

g) a signature of the victim or any other person authorised to require issuance of a protection order.

4. The court shall consider the application within 10 days after its registration at the court registry according to the established procedure, and shall render a decision to issue, annul, or extend the period of validity or reject the issuance of a protection order.

5. The court shall, within 24 hours after registering the application at the court registry according to the established procedure, forward the application and the attached materials to the person regarding whom the application has been submitted and grant him/her the right to submit evidence. The person, regarding whom the application has been submitted, shall be entitled to respond to the issues indicated in the application in writing and to submit evidence within three days after receiving the summons.

5^1. A judge shall be entitled to review a case at a closed session on the party's (in the case of a minor – a guardianship authority's) or his/her own initiative.

5^2. In the cases provided for by the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection of and Assistance to Victims of Violence a court shall also consider the issue of relationship of a perpetrator parent (parents) with a minor. In the case of any evidence of violence against a minor, the issue of separation of the minor from his/her perpetrator parent (parents) may be raised in the court. Concerning the above, before rendering a final decision, the court shall issue a decree as a provisional measure within 24 hours after the application.

6. Under this article, a decision rendered by a court of the first instance may be appealed to the court of appeals within three days after delivering a reasoned decision to the party. The appeal of the decision shall not suspend an issued protection order. The court of appeals shall render a decision regarding the appeal within seven days after the appeal has been submitted, as provided for by this article. The decision of the court of appeals shall be final and not subject to appeal.

7. Failure of the parties to appear at the court shall not hinder consideration of the issues provided for by this article.

7^1. A court decision regarding elimination of violence against women and/or domestic violence, protection of and assistance to violence victims shall be forwarded to the parties within 24 hours after having been rendered. In order to respond to the possible violation of requirements and obligations, determined by a protection order, a court decision regarding protection of and assistance to victims of violence against women and/or domestic violence shall also be forwarded, according to the place of residence of the victim, to an appropriate District Office of the territorial body of the Ministry of Internal Affairs of Georgia also within 24 hours after having been rendered. If the issues provided for by a protection order involve a minor, the court decision shall also be forwarded to an appropriate local guardianship authority, and if a court decision is rendered regarding issues related to weapons, it shall be forwarded to a legal entity under public law within the Ministry of Internal Affairs of Georgia called the Service Agency of the Ministry of Internal Affairs of Georgia.

8. (Deleted).

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Law of Georgia No 762 of 4 May 2017 – website, 25.5.2017

Article 21^{14} – Procedures for issuing and appealing a restraining order

1. The procedure for issuing and the term of validity of a restraining order shall be determined under the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection of and Assistance to Victims of Violence.

2. A claim submitted for the annulment of a restraining order shall be reviewed by a court of first instance, according to the place of residence of the victim, in accordance with procedures provided for by this Code, unless otherwise specified by this article.

3. A claim for the annulment of a restraining order shall be submitted in writing. The claim shall include:

a) the name and surname of the person submitting the claim;

b) the address of the place of residence of the person submitting the claim;

c) description of the fact of violence;

d) information regarding the perpetrator and the victim and their relationship;

e) a list of evidence;

f) a requirement to annul or to make a change to the restraining order;

g) a signature of the claimant.

4. The court shall consider the claim within 3 days after its submission and shall render a decision to annul or partially annul or to refuse the annulment of the restraining order.

5. The court shall, within 24 hours after the claim has been submitted to the court, forward the claim and the attached materials to the authorised body having issued the restraining order, and to the interested person regarding whom the restraining order has been issued, and shall grant them the right to submit their opinions and evidence.

6. The authorised police officer shall respond in writing to the issues specified in the claim and submit evidence before the case is heard by the court.

7. The judge may, on the initiative of a party (a guardianship authority in the case of a minor) or on his/her own initiative, hear the case at a closed session.

8. Failure of the parties to appear at the court shall not hinder the consideration by the court of the issues provided for by this article.

9. A court decision regarding the elimination of violence against women and/or domestic violence, and the protection of and assistance to victims of violence, shall be served on the parties within 24 hours after it has been rendered.

10. A court decision rendered by a court of first instance, defined in paragraph 4 of this article, may be appealed to a court of appeals within three days from the service of a reasoned decision on the party.

11. A decision regarding the appeal shall be rendered by a court of appeals in accordance with the procedure provided for by this article, within seven days after the appeal is filed.

12. A decision of the court of appeals shall be final and shall not be appealed.

13. Submitting a claim for the annulment of a restraining order and appealing the decision rendered by the court in accordance with the procedure provided for by this article shall not suspend the issued restraining order.

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Law of Georgia No 2699 of 17 October 2014 - website, 31.10.2014

Article 21[15] – Issues to be determined by a protection order

1. A protection order shall be drawn up in a language of judicial proceedings, and shall be clear and understandable. The order may be handwritten or printed by means of technical tools.

2. A protection order shall include:

a) date and place of issuance of the order;

b) the circumstances, based on which the order was issued;

c) the name and surname, date and place of birth, profession and place of residence of the perpetrator;

d) an enumeration of actions forbidden for the perpetrator, to be determined by a restraining order in accordance with paragraph 3 of this article and the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection of and Assistance to Victims of Violence.

3. A protection order may provide for:

a) measures for protecting the victim, or a person depending on him/her, from the perpetrator;

b) the issues of separating the victim or a person depending on him/her from the perpetrator and of their placement in a shelter;

c) keeping the perpetrator away from the place of residence of the victim;

d) an obligation of the perpetrator not to restrict the victim in using personal belongings, a car or other property necessary for a person to lead normal life;

e) forbidding the perpetrator to unilaterally use the property in joint ownership;

f) the issues regulating separation of the perpetrator from the minor, their meetings and their relationship;

g) the issues of approaching the victim, his/her workplace, or other places, where the victim may be staying, by the perpetrator;

h) restriction or prohibition to the perpetrator to use weapons (including service weapons) during the period of validity of the protection order, or a period specified by the protection order, prohibition to purchase or obtain a permit or a licence to purchase weapons and conditions for keeping the weapons (including personal weapons) personally possessed by and/or belonging to the perpetrator, or for their temporary seizure;

i) the issues related to bearing expenses of the victim's treatment, his/her stay at the shelter, and other reasonable expenses, by the perpetrator;

j) the issues related to the implementation of measures aiming at the correction of the perpetrator's attitudes and behaviour;

k) the issue of undergoing, by the perpetrator, of a mandatory training course oriented on changing violence attitudes and violent behaviour;

l) warning the perpetrator regarding the liabilities determined by the legislation of Georgia in the case of violation of the protection order;

m) other issues to be decided to ensure the victim's security.

4. Taking into consideration the adequacy of the act of violence, one or all of the issues provided in paragraph 3 of this article may be indicated in a protection order.

5. The term of validity of a protection order shall be determined under the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection of and Assistance to Victims of Violence.

6. Unless otherwise provided for by the law, a protection order shall be drawn up in at least 4 copies, one of which shall be delivered to the perpetrator, the second copy to the victim, the third copy shall remain with the authorised body having issued the protection order, and the fourth copy shall be forwarded, according to the place of residence of the victim, to the respective District Office of the territorial body of the Ministry of Internal Affairs of Georgia. If the issue, provided for by a protection order, involves a minor, one copy of the order shall also be forwarded to an appropriate local guardianship authority, and if a court decision is rendered regarding issues related to weapons, one copy of a protection order shall be forwarded to an appropriate office of the Ministry of Internal Affairs of Georgia. The court decision shall be delivered to the parties according to the procedure, determined in this Code.

7. A protection order shall enter into force upon issuance.

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Law of Georgia No 2699 of 17 October 2014 - website, 31.10.2014

Law of Georgia No 762 of 4 May 2017 – website, 25.5.2017

Chapter VII[4] - Administrative Legal Proceedings regarding Hospitalisation of a Person for Involuntary Psychiatric Treatment

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Article 21[16] – A judge's order regarding hospitalisation of a person for involuntary psychiatric treatment

1. A magistrate judge, and at administrative-territorial units, where a magistrate judge is not presiding, a judge of a district (city) court, according to the location of the psychiatric facility or penitentiary institution, shall issue an order on hospitalisation of a person for involuntary psychiatric treatment, on the basis of an application of an appropriate psychiatric facility administration or penitentiary institution.

2. A judge shall consider the issue of hospitalisation of a person for involuntary psychiatric treatment and shall issue an order, under the procedure determined by this chapter.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Law of Georgia No 950 of 1 June 2017 – website, 20.6.2017

Article 21[17] – Applying to a court or to a judge regarding hospitalisation of a person for involuntary psychiatric treatment

1. A psychiatric facility administration or a penitentiary institution, where a patient/prisoner is placed, shall apply to a magistrate judge or a district (city) court to issue a respective order regarding hospitalisation of a person for involuntary psychiatric treatment.

2. A psychiatric facility administration or a penitentiary institution shall apply to a magistrate judge or a district (city) court to issue an order within 48 hours after hospitalisation of a patient/prisoner or after receiving a positive opinion from an authorised expert institution.

3. Application of a psychiatric facility administration or a penitentiary institution shall be well-reasoned and shall be based on the opinion of the psychiatric committee or of an authorised expert institution accordingly, which must be attached to the application together with the patient's/prisoner's identification documents (a passport, an identity card, a marriage certificate, or other document), if any. If a person hospitalised for involuntary psychiatric treatment cannot be identified (name, surname, age, gender, citizenship, address of the place of residence of the person are not known) due to the absence of his/her identity documents, a record of proceedings drawn up by a police officer under Article 19(3) of the Law of Georgia on Psychiatric Care shall be attached to the application of the psychiatric facility.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Law of Georgia No 950 of 1 June 2017 – website, 20.6.2017

Article 21[18] – Considering a case and issuing an order regarding hospitalisation of a person for involuntary psychiatric treatment

1. A judge shall consider a case of hospitalisation of a person for involuntary psychiatric treatment and shall render a decision within 24 hours after the submission of an appropriate application.

2. A judge shall review a case of hospitalisation of a person for involuntary psychiatric treatment at his/her own discretion at a closed session. Only the persons involved in the treatment process of the patient/prisoner, as well as persons whose participation is necessary for ensuring the conduct of administrative legal proceedings, shall be entitled to attend the court hearing. A representative of the psychiatric facility administration or the penitentiary institution, as well as at least one member of the appropriate psychiatric committee, a patient/prisoner and his/her attorney accordingly shall participate in the hearing of the case. If a patient/prisoner cannot afford to hire an attorney, the court shall be obliged to assign an attorney for him/her at the expense of the State. A representative of a patient/prisoner, and in the case of his/her absence – a relative of a patient/prisoner (in this case, the term 'relative of a patient' means a person from the group of people determined by Article 4(h) of the Law of Georgia on Psychiatric Care) shall also participate in the hearing. In special cases, when a patient/prisoner cannot attend the court hearing due to his/her illness or any other objective reasons, the judge shall conduct a court hearing regarding hospitalisation of a person for involuntary psychiatric treatment at the inpatient treatment facility where the patient/prisoner is placed, or by a court judgment, a patient/prisoner may participate in the hearing remotely, with the use of technical means.

3. After opening the hearing, the judge shall announce the application which will be considered, indicate parties to the proceedings, and ascertain whether there are any recusals. The representative of a psychiatric facility administration or a penitentiary institution respectively shall justify the application submitted by him/her and then answer the questions asked by the judge, by the patient/prisoner and by the attorney, legal representative and/or relative of the patient/prisoner. Failure of a legal representative and/or relative of the patient/prisoner to appear at the court hearing shall not be a basis for postponing the consideration of the application.

4. The judge may summon and interrogate the members of the psychiatric committee, whose opinion served as the basis for applying to the court by the psychiatric facility administration or the penitentiary institution, as well as other persons whose testimony (information) justifies the application. The patient/prisoner, his/her attorney, legal representative and/or relative shall have the right to require interrogation of other persons, whose testimonies may be of fundamental importance for the case. The patient/prisoner, his/her attorney, legal representative and/or relative shall also have the right to give explanations to the court and to state contradictory opinions.

5. A record of proceedings shall be drawn up at the court hearing. After verifying the justifiability of the application and evaluating the grounds

determined by Article 18(1) of the Law of Georgia on Psychiatric Care, the judge shall issue a justified order regarding hospitalisation of a person for involuntary psychiatric treatment until exhaustion of the involuntary treatment criteria, but for not more than six months.

6. In the case of absence of legal grounds for hospitalisation of a person for involuntary psychiatric treatment, the judge shall make a ruling on rejecting hospitalisation of a person for involuntary psychiatric treatment. In this case a person hospitalised for involuntary psychiatric treatment must be immediately discharged from the inpatient care facility.

7. A judge's order regarding hospitalisation of a person for involuntary psychiatric treatment shall indicate:

a) the date and place of issuance of the order;

b) the surname of the judge;

c) the psychiatric facility whose administration filed a respective application with the court, or the penitentiary institution that applied to the court;

d) parties to the court proceedings;

e) an appropriately justified decree on hospitalisation of a person for involuntary psychiatric treatment and the identity of the person to be hospitalised (if such a person cannot be identified due to the absence of his/her identifying documents, facts, or data, 'unidentified patient No ...' shall be indicated in the judge's order, and a conditional number shall be assigned to him/her, according to the registration number of the administrative case considered);

f) the term of validity of the order on hospitalisation of a person for involuntary psychiatric treatment, which must not exceed six months. As a rule, the order shall indicate that it shall be valid until the exhaustion of involuntary treatment criteria determined by the psychiatric committee on the basis of the respective opinion;

g) a psychiatric facility (its head), which shall carry out the order;

h) the signature of the judge and the seal of the court.

8. A judge's ruling on rejecting hospitalisation of a person for involuntary psychiatric treatment shall indicate:

a) the date and place of rendering the ruling;

b) the surname of the judge;

c) the psychiatric facility whose administration filed a respective application with the court, or the penitentiary institution that applied to the court;

d) parties to the court proceedings;

e) an appropriately justified decree rejecting hospitalisation of a person for involuntary psychiatric treatment and the identity of the person, who was to be hospitalised (if such a person cannot be identified due to the absence of his/her identifying documents, facts or data, 'unidentified patient No ...' shall be indicated in the order issued by the judge, and a conditional number shall be assigned to him/her, according to the registration number of the administrative case considered);

f) the psychiatric facility (its head), which shall carry out the ruling;

g) the signature of the judge and the seal of the court.

9. A judge's order (ruling) shall be prepared in three copies, one of which shall be forwarded to the psychiatric facility that submitted the application, the second copy shall be forwarded to the patient, his/her legal representative or relative, and the third copy shall remain with the court.

10. A psychiatric facility administration shall have the right to withdraw its application during the hearing, before the judge enters the deliberation room.

11. A judge's order (ruling) shall enter into force upon its announcement to the parties.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 2270 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 331

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Law of Georgia No 950 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 2036 of 7 March 2018 – website, 29.3.2018

Article 21^{19} – The term of validity and extension of the term of validity of a judge's order regarding hospitalisation of a person for involuntary psychiatric treatment

1. A judge's order regarding hospitalisation of a person for involuntary psychiatric treatment shall be valid until the exhaustion of the involuntary treatment criteria, confirmed by the opinion of the psychiatric committee, but for not more than six months. This term of validity shall not apply to patients who serve a sentence at appropriate medical (treatment) facilities. Counting the time for hospitalisation shall commence from the moment of hospitalisation of a person.

2. Proceeding from the mental condition of the patient, and if the grounds determined by Article 18(1) of the Law of Georgia on Psychiatric Care are

present, the term of validity may be extended by not more than six months on the basis of a justified application of a psychiatric facility administration. After the expiry of each extended period, the psychiatric facility administration shall be entitled to re-apply to the court to require another extension of the term of validity, unless the involuntary treatment criteria of the patient are exhausted. An application of the psychiatric facility administration regarding extension of the period of hospitalisation of a person for involuntary psychiatric treatment shall be considered under the procedure determined by Article 21^{18} of this Code, within 72 hours after submission of an appropriate application by the psychiatric facility administration.

3. If the involuntary treatment criteria of a patient are exhausted before the expiry of a six-month term of validity of a judge's order regarding hospitalisation of the person for involuntary psychiatric treatment and/or extension of the period of hospitalisation of the person for involuntary psychiatric treatment, the patient must be immediately discharged from the inpatient treatment facility. The psychiatric facility administration, on the basis of the opinion of the psychiatric committee, shall a make a decision to release the patient from inpatient treatment facility, regarding which the magistrate judge and/or the appropriate district (city) court must be immediately notified.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 2270 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 331

Article 21^{20} – Appealing a judge's order (ruling) regarding hospitalisation of a person for involuntary psychiatric treatment

1. A psychiatric facility administration or a penitentiary institution, a patient/prisoner, his/her attorney and/or relative may, according to the procedure determined by this article, appeal a judge's order (ruling) regarding hospitalisation of the person for involuntary treatment at the court of appeals.

2. An appeal concerning the annulment of a judge's justified order (ruling) shall be filed with the court that issued (made) the order (ruling) within 48 hours after a copy of the order (ruling) has been delivered to the party. The judge shall immediately forward the appeal, together with the case materials, to the court of appeals. Copies of the appeal and attached materials shall also be forwarded to the other party.

3. Appealing a judge's order (ruling) to the court of appeals shall not suspend the order (ruling).

4. An appeal shall be heard on the merits at the court of appeals within one week after submission of the appeal, as determined by Article 21^{18} of this Code. In addition, to determine the patient's mental condition, the court of appeals shall have the right to schedule an additional forensic psychiatric expert examination at its own initiative or on the request of the parties. If the expert examination is scheduled at the court's initiative, it shall be conducted at the expense of the State. The expert examination scheduled on the request of the parties shall be conducted at the expense of this party.

5. An appellate court shall annul an appealed order by an order and an appealed ruling – by a ruling.

6. An order (ruling) of an appellate court shall be final and shall not be appealed.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Law of Georgia No 950 of 1 June 2017 – website, 20.6.2017

Law of Georgia No 2036 of 7 March 2018 – website, 29.3.2018

Chapter VII^5 - Administrative Legal Proceedings regarding Sale of a Taxpayer's Seized Property by Tax Authorities

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Article 21^{21} – A judge's order on sale of a taxpayer's seized property

A district (city) court judge, according to the taxpayer's location, shall, on the basis of a petition of a tax authority, issue an order regarding selling the taxpayer's seized property.

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Article 21^{22} – A petition of a tax authority

A petition of a tax authority must be justified and must include accurate data regarding the taxpayer.

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Article 21^{23} – Procedure for resolving the issue of selling a taxpayer's seized property

1. Based on a petition of a tax authority, a judge shall issue an order within 14 days after submission of the petition.

2. A judge shall consider a petition, submitted by a tax authority, at his/her own discretion. A representative of the tax authority and the taxpayer, or his/her representative, issuance of an order on sale of the seized property of which the tax authority requires (except when the parties cannot be located) shall participate in the court hearing of the petition.

3. Failure of the parties to appear at or inability to invite them to a hearing shall not cause postponement of the hearing on the tax authority's petition.

4. After verifying the justifiability of a tax authority's petition, the judge shall issue an order granting or rejecting the petition regarding selling the taxpayer's seized property, which shall indicate:

a) the date and place of drawing up the order;

b) the surname of the judge;

c) the tax authority submitting the petition to the judge;

d) the tax authority authorised to execute the order;

e) the decree on granting or rejecting the petition regarding selling the taxpayer's seized property at an auction;

f) the signature of the judge and the seal of the court.

5. A judge's order shall be drawn up in three copies, of which one shall be forwarded to the tax authority submitting the petition, the second copy shall be forwarded to the taxpayer, and the third copy shall remain with the court.

6. A judge's order to sell seized property shall enter into force after the expiry of the time determined for appealing the order. Appealing the order shall suspend the order.

7. An appeal to annul a judge's justified order shall be submitted to the court having issued the order within 48 hours after delivering a copy of the order to the party. The judge shall immediately forward the appeal, together with the case materials, to the court of the appellate instance.

8. An appeal shall be reviewed at the court of appeals within 10 days after submission.

9. An order of the appellate court shall be final and shall not be appealed.

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Chapter VII^{6} - Administrative Legal Proceedings Concerning an Application for International Protection or for Granting Asylum

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Law of Georgia No 5371 of 6 December 2011 - website, 20.12.2011

Law of Georgia No 4063 of 17 July 2015 - website, 29.7.2015

Law of Georgia No 47 of 1 December 2016 - website, 15.12.2016

Article 21^{24} – Application to a court

A person with international protection or an asylum seeker shall have the right, in accordance with the procedure established by the legislation of Georgia, to apply to a district (city) court, in the language understandable to him/her, in the case of disputes related to an application for international protection or in the case of disputes related to granting asylum, within 1 month after receiving the relevant individual administrative legal act.

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Law of Georgia No 5371 of 6 December 2011 - website, 20.12.2011

Law of Georgia No 4063 of 17 July 2015 - website, 29.7.2015

Law of Georgia No 47 of 1 December 2016 - website, 15.12.2016

Article 21^{25} – Procedures for resolving disputes related to an application for granting international assistance or to issues related to granting asylum

1. A district (city) court shall consider a dispute related to an application for granting international assistance or a dispute related to granting asylum and shall transmit the decision to the parties within two months after the claim has been filed with the court.

2. An appeal for annulling the decision specified in paragraph 1 of this article shall be filed with the district (city) court that rendered the decision within 15 days after the decision is handed to the party. The judge shall immediately forward the appeal, together with the case material, to the court of appeals.

3. Failure of the parties to appear before the court of appeals shall not hinder the consideration of the appeal.

4. The court of appeals shall consider the case and render a decision within one month after the appeal is filed. The decision of the court of appeals is final and shall not be appealed.

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Law of Georgia No 5371 of 6 December 2011 - website, 20.12.2011

Law of Georgia No 4063 of 17 July 2015 - website, 29.7.2015

Law of Georgia No 47 of 1 December 2016 - website, 15.12.2016

Chapter VII[7] - Administrative Legal Proceedings Concerning Paying an Indemnity to a Person – an Acknowledged Victim of Political Repression and his/her First Heir

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Article 21[26] – Filing an action in the court

1. Persons determined by Article 9(1) of the Law of Georgia on Acknowledging Citizens of Georgia as Victims of Political Repression and on Social Protection of the Repressed shall have the right to file with the court an action to obtain indemnity under Article 9 of the same Law.

2. A repressed person, his/ her first heir, or their representative shall file an action to obtain indemnity with the Tbilisi City Court, or the Kutaisi City Court, according to the place of residence of the repressed person/his/her first heir, not later than 1 January 2018. For the purposes of this chapter, the Tbilisi City Court jurisdiction shall include Eastern Georgia, and the Kutaisi City Court jurisdiction – Western Georgia.

3. The following documents shall be attached to an action to obtain indemnity:

a) a document evidencing acknowledging a person as a victim of political repression;

b) a document evidencing heredity, in the case of submitting the action by a heir of the first line;

c) a notarised agreement on cession of the right to require indemnity, if there are more than one first heirs, who agree to cede the right to require indemnity in favour of one or more heirs.

4. If there are more than one first heirs to a person acknowledged as a victim of political repression, a single indemnity shall be paid.

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Law of Georgia No 2763 of 31 October 2014 - website, 11.11.2014

Article 21[27] – Considering the issue of commencing action proceedings to obtain indemnity

1. A judge shall consider the commencement of an action to obtain indemnity within five days after submission of such an action.

2. If the judge finds that the claim to obtain indemnity does not meet the requirements determined by this Code, he/she shall rule on the existence of a defect in the claim and shall determine a certain reasonable time for the claimant to remedy the defect. If the claimant remedies the defect within the specified time, the judge shall rule to admit the claim on obtaining indemnity; otherwise, the judge shall rule to refuse admitting the claim on obtaining indemnity and shall return the statement of claim, together with the attached documents, to the claimant.

3. A complaint subject to a time limit may be filed against the court ruling refusing admission to the claim on obtaining indemnity.

4. After ruling on admissibility of the claim on obtaining indemnity, or after the expiry of the period for rendering such a ruling, the judge shall immediately forward the statement of claim and copies of the attached documents to the defendant and determine a period for the submission of a statement of defence.

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Article 21[28] – Considering an action on obtaining indemnity

During proceedings on an action to obtain indemnity, the court shall consider the acknowledgement of a person as a victim of political repression as an established fact, as evidenced by a document acknowledging the person as a victim of political repression.

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Article 21[29] – Resolving the issue of paying indemnity

1. The defendant in the legal proceedings provided for by this chapter shall be the Ministry of Finance of Georgia.

2. A decision on paying indemnity shall be rendered by the Tbilisi City Court considering the gravity of various levels of coercion, as well as the age, health status and other objective factors specified in Article 9 of the Law of Georgia on Acknowledging Citizens of Georgia as Victims of Political Repression and on Social Protection of the Repressed.

3. The amount of indemnity shall be at least GEL 1 000 and shall not exceed GEL 2 000.

4. A dispute determined by this chapter shall be considered without oral hearing. Upon request of one of the parties, the court shall consider the case by way of an oral hearing. A case determined by this chapter shall be considered within common times and according to the procedure established for considering cases by the procedure legislation of Georgia.

5. A decision rendered by the Tbilisi City Court or the Kutaisi City Court may be appealed to the Tbilisi Court of Appeals or to the Kutaisi Court of Appeals accordingly, as provided for by the procedural legislation of Georgia.

6. An appeal shall be submitted to the Court rendering the decision, which shall immediately forward the appeal, together with attached documents, to the respective court of appeals.

7. A complaint to obtain indemnity compensation shall be exempt from payment of state fees.

8. A decision (ruling) rendered by a court of appeals shall be final and shall not be appealed.

Law of Georgia No 2763 of 31 October 2014 - website, 11.11.2014

Chapter VII^{8} - Administrative Legal Proceedings on Seizing Property of Persons Related to Terrorism and Persons Defined by the United Nations Security Council Resolutions

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Law of Georgia No 4451 of 28 October 2015 - website, 11.11.2015

Article 21^{30} – A judge's order on seizing a person's property

An order to seize property of persons related to terrorism or persons defined by the UN Security Council Resolutions ('the UN Security Council Resolutions') adopted under Chapter 7 of the Charter of the United Nations ('the UN') shall be issued by a Tbilisi City Court judge on the basis of a petition of the State Commission on the Implementation of the UN Security Council Resolutions (for the purposes of this chapter – 'the Commission').

Note: For the purposes of this chapter, property shall be defined as all items and intangible assets, income received from that property, or property acquired by that income, which are directly or indirectly, individually or together with other persons, owned, used or disposed of by persons defined in this chapter.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Law of Georgia No 4451 of 28 October 2015 - website, 11.11.2015

Article 21^{31} – A Commission's petition

1. A Commission's petition for seizing property of persons related to terrorism must be justified and must indicate data, if any, regarding persons related to terrorism and their property.

2. A Commission's petition for seizing property of persons defined by the UN Security Council Resolutions shall be based on a decision adopted by the Committees Responsible for Monitoring of the Execution of the UN Security Council Sanctions.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Law of Georgia No 4451 of 28 October 2015 - website, 11.11.2015

Article 21^{32} – Procedure for resolution of the issue of seizing property

1. A judge shall review the Commission's petition at his/her own discretion, without oral hearing.

2. A judge shall, on the basis of the Commission's petition, render a decision within 15 days after submission of the petition, without notifying a person related to terrorism or a person defined by the UN Security Council Resolutions.

3. During consideration of the Commission's petition, the judge shall consider the rights of conscientious third persons to the property subject to seizure.

4. If, during consideration of the Commission's petition, the judge concludes that a person indicated in the petition is a person defined by the UN

Security Council Resolutions and/or is related to terrorism, the judge shall issue an order to seize the property or part of the property of this person.

5. A judge's order on granting or rejecting a petition regarding seizure of a person's property shall indicate:

a) the date and place of preparing the order

b) the surname of the judge

c) data regarding the author of the petition

d) data regarding the person indicated in the petition

e) data regarding the property, if any, of the person indicated in the petition in the case of granting the petition

f) the signature of the judge and the seal of the court.

6. A person's property shall be seized for an indefinite period until the judge's order to seize the property has been annulled.

7. The order of the judge shall be prepared in three copies, of which one copy shall remain with the court, the second copy shall be forwarded to the Commission, and the third copy shall be forwarded to the person indicated in the petition. If the order cannot be delivered to the person indicated in the petition, it must be published as provided for by the Civil Procedure Code of Georgia and shall be considered delivered on the third day after publication.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Law of Georgia No 4451 of 28 October 2015 - website, 11.11.2015

Article 21^{33} – Entry into force and appeal of a judge's order to seize property

1. A judge's order to seize a person's property shall enter into force upon issuance, and appealing the order shall not suspend the order.

2. An appeal to annul a judge's order shall be filed with the court having issued the order within 48 hours after delivering a copy of the order to the party; if the order cannot be delivered within five days after its publication, the judge shall immediately forward the appeal, together with the attached materials, to the court of the appellate instance.

3. An appeal shall be reviewed at the court of the appellate instance within 15 days after submission.

4. An order of the court of the appellate instance shall be final and not subject to appeal.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Article 21^{34} – The Commission's petition on exempting property from seizure

1. The Commission may file a petition to the court that issued the order on exempting a person's property or part of the property from seizure if:

a) based on the amendments made to the UN Security Council Resolutions, the person has been removed from a UN Security Council Resolution, or sanctions against that person have been lifted;

b) as a result of the Commission's verification it was established that the person whose property was seized was not a person indicated in the UN Security Council Resolutions;

c) the person was removed by the Commission from the list of persons related to terrorism;

d) usage of the property or part of the property seized under the procedure established by the UN Security Council Resolutions is necessary to cover a person's expenses for living, food, rent, mortgage credit, medications, medical service, taxes, insurance payment, using public services, targeted professional or legal services, or to cover expenses of taking charge of the seized funds or economic resources;

e) usage of the property or part of the property seized under the procedure established by the UN Security Council Resolutions is necessary to cover other special and emergency expenses.

2. The Commission may, in the case under paragraph 1(d) of this Article, apply to the court with a petition if it communicated the decision on the exemption of the seized property from seizure to the Committee Responsible for Monitoring of the Execution of Sanctions established by the UN Security Council Resolutions No 1267 and No1989 and the Committee has not adopted a negative decision with respect to the Commission's petition within 48 hours.

3. The Commission may, in the case under paragraph 1(e) of this Article, apply to the court with a petition if it has received consent of the Committee Responsible for Monitoring of the Execution of Sanctions established by the UN Security Council Resolutions No 1267 and No1989 with respect to the decision on exemption of the seized property from seizure.

4. The petition determined by paragraph 1 of this article shall be considered by the court that has issued the initial order, as provided for by this chapter.

5. A judge shall, by an order, cancel a seizure placed on a person's property or part of the property.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Law of Georgia No 4451 of 28 October 2015 - website, 11.11.2015

Chapter VII[9] - Administrative Legal Proceedings on Cases of Sending Minors to Boarding Schools

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 21[35] – Application to a court

1. As provided for by this chapter the court shall review:

a) a petition of the group of experts at the Ministry of Education, Science, Culture and Sport of Georgia with regard to sending a minor to a boarding school/extending the period of stay of a minor at a boarding school;

b) a claim of a parent/legal representative of a minor regarding a decision of the group of experts at of the Ministry of Education, Science, Culture and Sport of Georgia according to Article 48[7](14)(b) of the Law of Georgia on General Education.

2. A parent/legal representative of a minor shall submit a claim to a court within 14 days after the decision of the group of experts has been served as provided for by Chapter VIII of the Civil Procedure Code of Georgia.

3. A petition of the group of experts shall be submitted to the court within 10 days after rendering a decision on submitting the petition.

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Law of Georgia No 3039 of 5 July 2018 - website, 11.7.2018

Article 21[36] – Consideration of the issue of commencing action proceedings

1. A judge shall consider the issue of commencing action proceedings within five days after submitting the claim.

2. If the judge concludes that an action does not meet the requirements determined by this Code, he/she shall render a ruling regarding the existence of defect and shall determine a certain reasonable time for the claimant to remedy the defect. If the claimant remedies the defect indicated in the decision, the judge shall render a ruling admitting the claim; otherwise, the judge shall render the ruling refusing the admission of the claim, and shall return the statement of claim, together with attached documents, to the claimant.

3. A complaint subject to a time limit may be filed against the court ruling refusing admission to the claim.

4. After rendering the ruling admitting the claim or after the expiry of time for rendering such a ruling, the judge shall immediately forward the claim and copies of attached documents to the defendant and determine a time for the defendant to submit a statement of defence.

5. Filing a complaint against the decision of the group of experts on sending a minor to a boarding school shall not suspend the decision.

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 21[37] – The procedure of consideration and resolution of a case

1. A court shall consider a case and render a decision within 15 days after admitting the claim, or after the submission of the petition.

2. A judge shall consider a case at a closed session. The following persons shall have the right to attend a closed session: an author of an application, the minor, a parent/legal representative of a minor, a representative of a guardianship authority, members of the group of experts, a social worker, an attorney of the minor, as well as other persons invited by the court.

3. A parent or legal representative shall represent a minor in the court proceedings. If the minor has no parents or legal representative, the court shall be obliged to engage a guardianship authority in the proceedings to protect the minor's interests.

4. Failure of the parties to appear at the court shall not hinder the consideration of the case.

5. A decision rendered by the Tbilisi City Court may be appealed to the Tbilisi Court of Appeals within 10 days after submission of the decision.

6. An appeal shall be submitted to the Tbilisi City Court, which shall immediately forward the appeal, together with attached documents to the Tbilisi Court of Appeals. Appealing the decision rendered by the Tbilisi City Court shall not suspend the decision.

7. The Tbilisi Court of Appeals shall review the appeal within 10 days after commencing proceedings on the appeal.

8. A decision (ruling) rendered by the Tbilisi Court of Appeals shall be final and not subject to appeal.

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 21[38] – Rights of a minor

A minor shall have the right to refuse to give explanations to the court, as well as to require the attendance of his/her attorney, parents/legal representative at the court proceedings.

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Chapter VII[10] - Administrative Legal Proceedings regarding Removal of Aliens from Georgia

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21[39] – A judge's order on removal of aliens from Georgia

In cases determined by Article 51 of the Law of Georgia on Legal Status of Aliens and Stateless Persons a district (city) court judge shall issue an order regarding removal of aliens from Georgia on the basis of a petition issued by an authorised body of the Ministry of Internal Affairs of Georgia.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21[40] – Procedure for resolving the issue of removing an alien from Georgia

1. A judge shall review a petition submitted by an authorised body of the Ministry of Internal Affairs of Georgia within 30 days after submission and shall issue an order removing an alien from Georgia, or render a decision rejecting the petition.

2. A judge shall be authorised to review a petition, submitted by an authorised body of the Ministry of Internal Affairs of Georgia, without oral hearing, regarding which the judge shall notify the authorised body having submitted the petition, and the alien whose removal is required by the authorised body of the Ministry of Internal Affairs of Georgia, within 48 hours and shall forward respective materials regarding the case to the alien. If the judge concludes that an investigation of the circumstances indicated in the petition is necessary, he/she shall be authorised to consider the petition by oral hearing. The alien shall have the right to submit his/her opinion to the court in writing and case materials regarding his/her removal from Georgia, within 72 hours after receiving notification.

3. In order to verify the justifiability of the petition, the judge shall be authorised to summon and interrogate a person, to suggest that an authorised body of the Ministry of Internal Affairs of Georgia, having submitted the petition, and the alien, to present necessary documents and evidence.

4. A judge's order removing an alien from Georgia shall indicate:

a) date and place of preparing the order

b) the surname of the judge

c) the authorised body of the Ministry of Internal Affairs of Georgia having submitted the petition to the judge

d) a decree removing the alien from Georgia and the identity of the alien to be removed

e) legal grounds for removing the alien from Georgia

f) the time given to the alien to leave Georgia voluntarily

g) the body authorised to carry out the order, if the alien fails to leave Georgia voluntarily

h) the state, to which the alien is to be removed

i) the procedure for appealing the order

f) the signature and the seal of the judge.

5. A judge's order removing an alien from Georgia shall enter into force upon the expiry of the time determined for appealing the order, except when the party confirms in writing that it shall not appeal the judge's order.

6. A judge's order removing an alien from Georgia may be appealed to the court of appeals, according to the procedure determined by this chapter. Appealing a judge's order shall suspend the order.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21[41] – The procedure for postponing the removal of an alien from Georgia

1. In cases determined by Article 55 of the Law of Georgia on Legal Status of Aliens and Stateless Persons, on the basis of a petition of an alien or of an authorised body of the Ministry of Internal Affairs of Georgia, the judge shall issue an order postponing the removal of an alien from Georgia, within 48 hours after submission of the petition.

2. A judge's order postponing the removal of an alien from Georgia shall be final and not subject to appeal.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21^{42} – A judge's order on placing an alien in a temporary placement centre for removal

1. On the basis of a petition of an authorised body of the Ministry of Internal Affairs of Georgia, a district (city) court judge shall issue an order on placing an alien in a temporary placement centre for his/her removal or on the extension of the term of detention of an alien in an aliens temporary placement centre.

2. A petition on detention of an alien in an aliens temporary placement centre shall be submitted to the court not later than 48 hours after detaining the alien.

2^{1}. A petition on the extension of the term of placing an alien in an aliens' temporary placement centre shall be submitted to the court not later than 48 hours after detaining the alien.

2^{2}. A petition on placing in an aliens' temporary placement centre of an alien asylum seeker placed in an aliens temporary placement centre shall be submitted to the court not later than 48 hours after the alien's application for international protection.

3. A judge shall consider the case on placing an alien in a temporary placement centre for his/her removal or on the extension of the term of detention of an alien in an aliens temporary placement centre, and issue a relevant order within 24 hours after submission of a petition.

4. On the basis of a justified petition of an authorised body of the Ministry of Internal Affairs of Georgia, a judge shall be authorised to issue an order imposing alternative measures to placement in temporary placement centres on an alien, as determined by Article 64 of the Law of Georgia on Legal Status of Aliens and Stateless Persons.

5. A judge's order on placing an alien in a temporary placement centre for his/her removal, on the extension of the term of detention of an alien in an aliens temporary placement centre, or on imposing alternative measures on an alien may be appealed to a court of appeals, according to the procedure established by this chapter. Appealing the judge's order shall not suspend the order.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Law of Georgia No 47 of 1 December 2016 - website, 15.12.2016

Article 21^{43} – Procedure for appealing a judge's order

1. An appeal to annul a judge's order shall be submitted to the court having issued the order, within five days after delivering the appeal to the party. The appeal, together with the case materials, shall be immediately forwarded to a court of appeals.

2. The appeal to annul a judge's order shall be reviewed at the court of appeals within 14 days after submission.

3. Failure of the parties to appear at the court of appeals shall not hinder consideration of the appeal.

4. A court of appeals shall issue an order to annul the appealed judge's order.

5. An order of the court of appeals shall be final and not subject to appeal.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21^{44} – Procedure for appealing a decision of an authorised body of the Ministry of Internal Affairs of Georgia to remove an alien from Georgia

A complaint of an alien submitted to a district (city) court to annul the decision of an authorised body of the Ministry of Internal Affairs of Georgia removing the alien from Georgia shall be considered, and the court decision shall be appealed in the manner and within the times determined by Articles 21^{40} and 21^{43} of this Code.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Chapter VII^{11} – Administrative Legal Proceedings on the Receipt of Confidential Information about a Person from Commercial Banks by Tax Authorities

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21[45] – A judge's order on the provision of confidential information about a person by commercial banks to tax authorities

A district (city) court judge, according to a person's location, shall, on the basis of a petition of a tax authority, issue an order on the provision of confidential information about a person by a commercial bank to a tax authority.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21[46] – A petition of a tax authority

1. A tax authority may file a petition with a court requesting from a commercial bank confidential information about a person during the tax audit of the taxpayer (within the scope of the audit), provided that the tax authority has requested the person at least once, as prescribed by the legislation of Georgia, to submit the information, and the person has failed to submit the information within the specified time.

2. A petition must be reasoned and must indicate:

a) the name and identification data of the person on whom the information is requested by the tax authority

b) the name of the commercial bank that is requested to provide the information

c) the description of the information requested by the tax authority

d) the form and times for providing information to the tax authority.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21[47] – Procedure for the issuance of a judge's order on the provision of confidential information about a person by commercial banks to tax authorities

1. Based on a petition of a tax authority, a judge shall issue an order within 14 days after receiving the petition.

2. A judge shall consider a petition submitted by a tax authority at his/her own discretion. The court hearing of the petition shall be attended by a representative of the tax authority and the person, or his/her representative, with respect to whom the tax authority is requesting the issuance of an order on the provision of confidential information (except for the cases when the parties cannot be invited).

3. The failure of the parties to appear at the hearing or the inability to invite them to the hearing shall not cause the postponement of the hearing on the tax authority's petition.

4. After examining the reasonableness of a tax authority's petition, the judge shall issue a reasoned order granting or rejecting the petition.

5. If the petition is granted, the order shall indicate:

a) the date and place of drawing up the order

b) the surname of the judge issuing the order

c) the tax authority filing the petition with the court

d) the tax authority that is to be provided with the requested information

e) the commercial bank that is to provide the tax authority with the confidential information about the person

f) the form and times for providing the requested information

g) a decree on granting the petition.

6. If the petition is rejected the order shall indicate:

a) the date and place of drawing up the order

b) the surname of the judge issuing the order

c) the tax authority filing the petition with the court

d) a decree rejecting the petition.

7. A judge's order shall be drawn up in four copies, one of which shall be forwarded to the tax authority filing the petition, the second copy shall be forwarded to the person with respect to whom the order on the provision of confidential information was issued, the third copy shall be forwarded to the commercial bank and the fourth copy shall remain with the court.

8. A judge's order shall enter into force upon the expiry of the period determined for appealing the order. In the case of appeal the order shall be

suspended.

9. An appeal to annul a judge's order shall be filed with the court that issued the order, within 48 hours after the copy of the order is served on the party. The judge shall immediately forward the appeal together with the case materials to the appellate court.

10. An appeal shall be reviewed at the appellate court within 10 days after its submission.

11. An order of the appellate court shall be final and shall not be subject to appeal.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Chapter VII[12] – Administrative Proceedings on the Receipt of Confidential Information about a Person from Commercial Banks by Tax Authorities for the Purposes Determined by the International Agreements of Georgia

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21[48] – A judge's order on the provision of information by commercial banks to tax authorities to satisfy the request of foreign authorised bodies on the basis of international agreements of Georgia

A district (city) court judge, according to the location of a commercial bank, shall, on the basis of a petition of a tax authority, issue an order on the provision of confidential information about a person by the commercial bank to the tax authority in order to satisfy the request of a foreign authorised body on the basis of an international agreement of Georgia.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21[49] – A petition of a tax authority

1. A tax authority shall file a petition to the court for requesting the confidential information (except for the information provided for under the Agreement between the Government of the United States of America and the Government of Georgia to Improve International Tax Compliance and to Implement the Foreign Account Tax Compliance Act (FATCA)) about a person from a commercial bank if a competent (authorised) body of another state has requested this information according to an international agreement of Georgia.

2. A petition must indicate:

a) the identification data of a person information on whom is requested by the tax authority;

b) the name of the commercial bank that is requested to provide the information

c) a description of the information requested by the tax authority

d) the form and times for the provision of information to the tax authority

e) a written explanation stating that the request of a foreign authorised body on the provision of information meets the requirements of the relevant international agreement of Georgia.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Law of Georgia No 4467 of 28 October 2015 – website, 11.11.2015

Law of Georgia No 4716 of 24 December 2015 – website, 28.12.2015

Article 21[50] – Procedure for the issuance of a judge's order on the provision of confidential information about a person to tax authorities by commercial banks for the purposes provided for by international agreements of Georgia

1. Based on a petition of a tax authority, a judge shall issue an order within 14 days after receiving the petition.

2. A judge shall consider a petition filed by a tax authority at his/her own discretion, without the participation of the person with respect to whom the tax authority requested confidential information on the basis of an international agreement of Georgia.

(The normative content depriving a judge of the possibility of studying the individual conditions, and based on this, take a decision on the issue of the participation of the person with respect to whom the tax authority requested confidential information on the basis of an international agreement of Georgia shall be invalidated)

(The normative content which, in the case of excluding a person from the proceedings, does not provide for the obligation of notification of such a person after the threats associated with such notification have been expunged shall be invalidated) – Decision of the Constitutional Court of Georgia No 1/3/638 of 14 February 2017 – website 21.2.2017

3. A judge shall issue an order granting a petition if the petition includes the information provided for by Article 21[49](2) of this Code.

4. If the petition is granted, the order shall indicate:

a) the date and place of drawing up the order

b) the surname of the judge issuing the order

c) the tax authority of Georgia filing the petition with the court

d) the commercial bank that is to provide the tax authority with the confidential information about the person

e) the form and times for providing the requested information

f) a decree on granting the petition.

5. If the petition is rejected, the order shall indicate:

a) the date and place of drawing up the order

b) the surname of the judge issuing the order

c) the tax authority of Georgia filing the petition to the court

d) a decree rejecting the petition.

6. A judge's order shall be drawn up in three copies, one of which shall be forwarded to the tax authority filing the petition, the second copy shall be forwarded to the commercial bank and the third copy shall remain with the court.

7. A tax authority may file an appeal to annul a judge's order to the court that issued the order, within 48 hours after receiving a copy of the order. The judge shall immediately forward the appeal together with the case materials to the appellate court.

(The normative content excluding the possibility of filing an appeal to the court to annul a judge's order for the person with respect to whom the tax authority requested confidential information on the basis of an international agreement of Georgia shall be invalidated) – Decision of the Constitutional Court of Georgia No 1/3/638 of 14 February 2017 – website 21.2.2017

8. An appeal shall be reviewed at the appellate court within 10 days after its submission.

9. An order of the appellate court shall be final and not subject to appeal.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Ruling No 1/3/638 of the Constitutional Court of Georgia of 14 February 2017 – website 21.2.2017

Chapter VII^{13} – Administrative Proceedings on Involuntary Isolation of a Person under Article 14(3) of the Law of Georgia on Tuberculosis Control

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Article 21^{51} – Definition of the term

For the purpose of this Chapter, the term 'patient' shall mean a Person under Article 14(3) of the Law of Georgia on Tuberculosis Control.

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Article 21^{52} –A judge's order on involuntary isolation of a patient

1. An order on involuntary isolation of a patient and his/her placement in an appropriate medical service providing facility on the basis of an application of a respective local public healthcare unit shall be issued by a magistrate judge, and in an administrative-territorial unit where there is no magistrate judge, the order shall be issued by a district (city) court judge according to the location of a respective local public healthcare unit.

2. A judge shall hear a case on involuntary isolation of a patient and his/her placement in an appropriate medical service providing facility and issue an order under the procedure established by this Chapter.

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Article 21^{53} – Application to a judge or court for involuntary isolation of a patient and his/her placement in an appropriate medical service providing facility

1. An application to issue an order on involuntary isolation of a patient and his/her placement in an appropriate medical service providing facility shall

be submitted to a magistrate judge or a district (city) court by a local public healthcare unit within the validity area of which there is a medical service providing facility that has applied to the local public healthcare unit with a request to apply the involuntary isolation to the patient.

2. An appropriate local public healthcare unit shall apply to a magistrate judge or a district (city) court for issuing an order within 72 hours after the respective medical service providing facility submits the request to the local public healthcare unit.

3. The application of the appropriate local public healthcare unit must be substantiated and based on the request of the respective medical service providing facility. Along with the identity documents of the patient (a passport, identity certificate, or other document), the application must be accompanied with the request of the respective medical service providing facility.

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Article 21^{54} – Procedure for hearing a case on involuntary isolation of a patient and issuing an order

1. A judge shall hear a case on involuntary isolation of a patient and make a decision within 48 hours after an appropriate application is submitted to him/her.

2. A judge shall hear a case on involuntary isolation of a patient sitting alone in a closed hearing. The hearing may only be attended by persons whose participation is necessary for the insurance of administrative proceedings. Participation of a patient in the hearing shall be necessary unless it endangers the health of other persons. The hearing shall, along with the patient, be attended by the representatives of a respective local public healthcare unit and an appropriate medical service provider, a defence lawyer of the patient, and another legal representative of the patient, if any. In case a patient cannot afford to hire a defence lawyer, and if the patient wishes so, the court shall appoint a defence lawyer for him/her at the expense of the state. When hearing a case of a minor patient, the interests of the minor patient shall be represented by his/her parents or another legal representative. In a particular case, when a patient cannot be brought to the court due to his/her illness or another objective reason, a judge shall hold a field hearing to consider a case on involuntary isolation of the patient in the medical service providing facility where the patient is placed.

3. The judge shall, after opening the hearing, announce what application is being considered, name the participants of the hearing, and clarify whether or not there are challenges. The representative of a respective local public healthcare unit shall substantiate the application he/she has submitted, and subsequently shall answer the questions of the judge, the patient, his/her defence lawyer and/or another legal representative. Failure of the legal representative of the patient to appear in the court shall not be the grounds to postpone hearing of the application.

4. A judge shall be authorised to question the representative of the medical service provider that has applied to the local public healthcare unit with the request to use voluntary isolation against the patient. The patient, his/her defence lawyer and/or another legal representative shall be authorised to require that other persons, whose testimony may have substantial significance for the case, are also questioned. The patient, his/her defence lawyer and/or another legal representative shall also be authorised to provide explanations to the court and give counter-opinions.

5. The minutes of hearing shall be drawn up at the court session. After having verified the relevance of the application and evaluated the circumstances under Article 14 (2) and (3) of the Law of Georgia on Tuberculosis Control, the judge shall issue an order on involuntary isolation of a patient and his/her placement in a medical service providing facility until the ground for the involuntary isolation expires but for no longer than six months.

6. If there are no statutory grounds for involuntary isolation of a patient, a judge shall pass a resolution for rejecting the involuntary isolation of the patient. In this case, if the patient is already in the medical service providing facility, he/she must immediately be discharged from the facility.

7. The following information shall be specified in the judge's order on involuntary isolation of a patient:

a) the date and place of the order issuance;

b) the surname of the judge;

c) the local public healthcare unit that has submitted an application to the court;

d) the parties to the proceedings;

e) the decree on involuntary isolation of a patient with an appropriate justification, and the identity of a person to be placed in the medical service providing facility;

f) the validity period of the order, which must not exceed six months. The judge's order shall usually specify that it is valid until the ground for the involuntary isolation of a patient expires, which is established by a respective local public healthcare unit on the basis of a request of a medical service provider/a medical commission under Article 15(12) of the Law of Georgia on Tuberculosis Control;

g) the medical service providing facility, which must comply with the judge's order;

h) the signature of the judge and the seal of the court.

8. The following information shall be specified in the resolution of a judge for rejecting involuntary isolation of a patient:

a) the date and place of passing the resolution;

b) the surname of the judge;

c) the local public healthcare unit that has submitted an application to the court;

d) the parties to the proceedings;

e) the identity of the patient;

f) the medical service providing facility, which must comply with the resolution of the judge;

g) the signature of the judge and the seal of the court.

9. An order/resolution of the judge shall be prepared in four copies, one copy of which is forwarded to the local public healthcare unit submitting the application; the second copy of the order shall be forwarded to the medical service provider that has applied to the local public healthcare unit with the request to use involuntary isolation against a patient; the third one shall be forwarded to the patient (or his/her defence lawyer/another legal representative), and the fourth copy shall remain with the court.

10. A respective local public healthcare unit shall, during the review of its application by court, be authorised to withdraw the application before the judge retires to the chambers.

11. A judge shall terminate proceedings for the involuntary isolation of a patient in the case provided for under Article 15(11) of the Law of Georgia on Tuberculosis Control.

12. An order/resolution of the judge shall become effective upon announcement of the order/resolution to the parties to the proceedings.

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Article 21^{55} – Validity period of an order of a judge on involuntary isolation of a patient, procedures for the extension and premature termination of the order validity

1. An order of a judge on involuntary isolation of a patient shall be effective until the ground for the involuntary isolation of the patient expires, but the validity period of the order must not exceed six months. The period of a patient's stay at a medical service providing facility shall commence from the day the patient was placed in the facility under the judge's order.

2. Depending on the health status of a patient, when there is a circumstance provided for in Article 15(16) of the Law of Georgia on Tuberculosis Control, and based on the substantiated application of a local public healthcare unit about the extension of a period of involuntary isolation of a patient, the period under paragraph 1 of this article may be extended by no more than two months. The court shall review the application of the local public healthcare unit under the procedure established by Article 21^{54} of this Code within 72 hours after submission of the application.

3. A patient may apply to the court with a request to terminate his/her involuntary isolation if he/she considers that the requirements established in relation to him/her under the Law of Georgia on Tuberculosis Control or other legal acts of Georgia have been violated when in involuntary isolation, or when the ground for involuntary isolation has ceased to exist. The court shall take a decision with regard to termination of involuntary isolation of the patient within 72 hours after receiving the request. When deciding, the court shall, along with other circumstances, consider the issue of restoration of taking anti-tuberculosis drugs by the patient during the involuntary isolation. If the court makes a decision to terminate the patient's involuntary isolation, he/she shall continue anti-tuberculosis treatment under the surveillance of a medical service providing facility. An application of a patient for the premature termination of validity of a judge's order on involuntary isolation of the patient shall be reviewed under the procedure established by Article 21^{54} of this Code.

4. The decision on discharging of a patient from a medical service providing facility shall immediately be communicated to a magistrate judge and/or an appropriate district (city) court.

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Article 21^{56} – Appealing against an order/resolution of a judge on involuntary isolation of a patient

1. An order/resolution of a judge on involuntary isolation of a patient may be appealed to a court of appeals under the procedure established by this article by a respective local public healthcare unit, also by the patient, his/her defence lawyer, parent or another legal representative.

2. An appeal for revocation of the judge's order/resolution shall be filed with the court that issued/passed the order/resolution within 48 hours after handing a copy of the order/resolution to a party. The judge shall immediately forward the appeal together with the case materials to the court of appeals. Copies of the appeal and the case materials shall also be forwarded to the other party.

3. Appealing against an order/resolution of a judge to a court of appeals shall not suspend the validity of the order/resolution.

4. The court of appeals shall consider the appeal on the merits within one week after filing the appeal, under the procedure established by Article 21^{54} of this Code. In addition, to establish the health status of the patient, the court of appeals shall have the right to schedule an additional expert examination at its own initiative or on the request of a party. If the expert examination is scheduled at the court's initiative, it shall be conducted at the expense of the state. The expert examination scheduled on the request of a party shall be conduct at the expense of the party.

5. The court of appeals shall revoke the appealed order of the judge by an order, and the appealed resolution of the judge – by a resolution.

6. The order/resolution of the court of appeals shall be final and shall not be appealed.

Law of Georgia No 4630 of 11 December 2015 – website, 23.12.2015

Law of Georgia No 2036 of 7 March 2018 – website, 29.3.2018

Chapter VII[14] - Administrative Legal Proceedings with Regard to the Payment of an Indemnity on the Basis of a Decision of the United Nations Human Rights Treaty Body

Law of Georgia No 5013 of 27 April 2016 – website, 13.5.2016

Article 21[57] – Filing an action in the court for obtaining an indemnity

1. For the purposes of obtaining an indemnity for pecuniary and non-pecuniary damage a person shall be entitled to file an action in the court with regard to whom there exists a decision of the United Nations Human Rights Committee, the Committee on the Elimination of All Forms of Discrimination against Women, the Committee on the Rights of the Child, the Committee against Torture, or the Committee on the Elimination of Racial Discrimination ('the Committee') on the basis of which it has been established that the Convention on the basis of which that Committee was founded, has been violated with respect to that case.

2. A person or his/her representative shall file an action to the Regional (City) Court for obtaining an indemnity within six months from the entry into force of a decision of the Committee under the first paragraph of this article.

3. The following documents shall be attached to an action to obtain indemnity:

a) a copy of a decision by the Committee on the violation of the Convention with regard to the person and/or with regard to the payment of compensation by the State;

b) a copy of the document certifying the representation where a representative of a person files an action to the court.

Law of Georgia No 5013 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 202 of 22 December 2016 – website, 29.12.2016

Article 21[58] - Considering the issue of commencing action proceedings to obtain indemnity

1. A judge shall consider the commencement of an action to obtain indemnity within five days after submission of such an action.

2. If the judge finds that the claim to obtain indemnity does not meet the requirements determined by this Code, he/she shall rule on the existence of a defect in the claim and shall determine a certain reasonable time for the claimant to remedy the defect. If the claimant remedies the defect within the specified time, the judge shall rule to admit the claim on obtaining indemnity; otherwise, the judge shall rule to refuse admitting the claim on obtaining indemnity and shall return the statement of claim, together with the attached documents, to the claimant.

3. A complaint subject to a time limit may be filed against the court ruling refusing admission to the claim on obtaining indemnity.

4. After ruling on admissibility of the claim on obtaining indemnity, or after the expiry of the period for rendering such a ruling, the judge shall immediately forward the statement of claim and copies of the attached documents to the defendant and determine a period for the submission of a statement of defence.

Law of Georgia No 5013 of 27 April 2016 – website, 13.5.2016

Article 21[59] – Considering an action on obtaining indemnity

1. During proceedings on an action to obtain indemnity, the court shall consider the violation of the Convention with regard to a person as an established fact, as evidenced by a decision of the Committee.

Law of Georgia No 5013 of 27 April 2016 – website, 13.5.2016

Article 21[60] – Resolving the issue of paying indemnity

1. The defendant in the legal proceedings provided for by this chapter shall be the Ministry of Finance of Georgia.

2. A decision on paying indemnity shall be rendered by the Regional (City) Court considering the gravity of violation of human rights defined by the Convention, and other objective factors.

3. A dispute determined by this chapter shall be considered without oral hearing. Upon request of one of the parties, the court shall consider the case by way of an oral hearing. A case determined by this chapter shall be considered within common times and according to the procedure established for considering cases by the procedural legislation of Georgia.

4. A decision rendered by the Regional (City) Court may be appealed to the Court of Appeals, as provided for by the procedural legislation of Georgia.

5. An appeal shall be submitted to the Court rendering the decision, which shall immediately forward the appeal, together with attached documents, to the respective court of appeals.

6. A complaint to obtain indemnity compensation shall be exempt from payment of state fees.

7. A decision (ruling) rendered by a court of appeals shall be final and shall not be appealed.

Law of Georgia No 5013 of 27 April 2016 – website, 13.5.2016

Chapter VII[15] – Administrative Proceedings for Suspension of Working Process Due to Violation of Labour Safety Standards

Law of Georgia No 2050 of 7 March 2018 – website, 21.3.2018

Law of Georgia No 3095 of 5 July 2018 – website, 11.7.2018

Article 21[61] – Consideration of the motion for approval of the suspension of working process

1. A motion for approval of the suspension of working process filed by the agency of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia conducting inspection of the compliance with labour safety standards shall be considered by a court within 48 hours, without communication to the parties. If necessary, the court may decide to hold an oral hearing of the motion if this helps clarify the circumstances of the case. If the motion is heard orally, the time and venue of the hearing shall be communicated to the parties. Failure of the parties to appear at the hearing shall not hinder the court to consider and resolve the issue.

2. The court judgment for approval, partial approval or refusal to approve the suspension of working process shall be delivered in the form of a ruling.

Law of Georgia No 2050 of 7 March 2018 – website, 21.3.2018

Law of Georgia No 3095 of 5 July 2018 – website, 11.7.2018

Article 21[62] – Appeal against the ruling on approval, partial approval or refusal to approve the suspension of working process

1. The ruling on approval, partial approval or refusal to approve the suspension of working process may be appealed only once to the court of appeals.

2. An appeal on the ruling on approval, partial approval or refusal to approve the suspension of working process shall be filed with the court that has delivered the ruling, within 48 hours after a copy of the ruling is handed to a party.

3. The judge shall immediately send the appeal along with the case materials to the court of appeals. Copies of the appeal and the attached case materials shall be sent to the other party as well.

4. The court of appeals shall consider the appeal unilaterally within 48 hours after it was filed, under the procedure established by Article 21[61] of this Code.

5. The judgment of the court of appeals shall be final and shall not be appealed.

Law of Georgia No 2050 of 7 March 2018 – website, 21.3.2018

Law of Georgia No 3095 of 5 July 2018 – website, 11.7.2018

Chapter VIII - Administrative Legal Proceedings at the Court of First Instance

Article 22 - A claim on annulment and declaring invalid an administrative act

1. A claim may be filed to require annulment and declaring invalid an administrative act.

2. Unless otherwise provided for by law, a claim may be filed, if an administrative act or part of it directly and immediately (individually) prejudices the legal rights or interests of a claimant or unlawfully limits his/her rights.

3. Unless otherwise provided for by law, a claim shall be filed with a court within one month after making available an individual administrative act or a decision regarding an administrative claim, as well as after the expiry of the time determined for rendering a decision regarding the administrative claim, while in the case of normative acts, a claim shall be filed within three months after the direct prejudice.

4. (Deleted).

5. (Deleted).

6. In case of filing a claim to annul an administrative act, a counter-claim shall not be submitted.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 4259 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 419

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 23 - A claim on issuing an administrative act

1. A claim may be filed to require issuance of an administrative act.

2. Unless otherwise provided for by law, a claim may be filed if the refusal of an administrative body to issue an administrative act directly and immediately (individually) prejudices the legal rights or interests of the claimant.

3. Unless otherwise provided for by law, a claim shall be filed with the court within one month after refusal to issue an administrative act.

4. In the case of filing a claim to issue an administrative act, a counter-claim shall not be submitted.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 24 - A claim on performing an action

1. A claim may be filed to require to perform or to abstain from performing an action, which does not entail issuance of an individual administrative act.

2. A claim may be filed, if performing or refusing to perform an action by an administrative body directly and immediately (individually) prejudices the legal rights or interests of the claimant.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 25 - An action for acknowledgement

1. An action for acknowledgement may be filed to determine an act null and void, to determine the existence or absence of a right or legal relationship, if the claimant has a lawful interest in this regard.

2. An action for acknowledgement may not be filed, if a claimant may file a claim on the basis of Articles 22-24 of this Code.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 25^1 – Contractual disputes

1. Contractual disputes shall be resolved by applying to a common court.

2. Disputes with regard to concluding, performing and terminating contracts under public law shall be considered by the common courts in administrative legal proceedings. Disputes with regard to concluding, performing and terminating private law agreements by an administrative body shall be considered in civil legal proceedings.

3. Disputes arising from private law agreements, concluded by an administrative body, may be submitted to arbitration for hearing, as agreed between the parties.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 1346 of 26 June 2009 - LHG I, No 13, 2.7.2009, Art. 68

Article 26 - Filing a claim to a competent court

1. A claim shall be filed with a court authorised to consider and resolve an administrative case.

2. If a claim is filed with an incompetent court, the latter shall forward the claim to the competent court and shall notify the claimant of that.

3. Disputes among the courts regarding the competence shall be resolved by a reasoned ruling of a cassation court.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 26[1] – Inadmissibility of rendering a decision in absentia

1. Provisions of Chapter XXVI of the Civil Procedure Code of Georgia shall not apply to administrative legal proceedings.

2. (Deleted).

3. If a party fails to appear at the court without reasonable cause, the court (the judge) shall have the right to render a decision in absentia of the party on the basis of the case material and considering the provisions of Articles 4 and 19 of this Code. If both parties fail to appear at the case hearing at the court of the first instance without a reasonable cause, the court shall have the right to leave the claim untried.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 932 of 29 December 2004 - LHG I, No 41, 30.12.2004, Art. 208

Law of Georgia No 1174 of 25 March 2005 - LHG I, No 13, 12.4.2005, Art. 88

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 26[2] – Preliminary hearing

1. Considering the requirements, specified by Articles 22 and 25 of this Code, the court shall resolve the issue of admissibility of a claim on the stage of commencing action proceedings. If resolving the issue of admissibility is doubtful or the judge considers that the claim must be declared inadmissible, the court shall schedule a preliminary hearing within two weeks after submission of the claim. Failure of the parties to appear at the court shall not hinder the consideration of the issue.

2. The court shall terminate legal proceedings by issuing a ruling, if a case fails to meet the admissibility requirements determined by Articles 22 and 25 of this Code. During consideration of the case at the court of the first instance, the court shall terminate proceedings on the above basis at any stage of the court proceedings.

3. In cases determined by this article, a complaint subject to a time limit may be filed against the rulings refusing leave to the claim, and which terminate legal proceedings because of holding the claim inadmissible.

4. In the case of allowing a complaint subject to a time limit and reversing the decision, the court of appeals shall return the case to the competent court for review.

5. During consideration of a case at a court of appeals, if grounds for terminating proceedings due to inadmissibility are detected, the court shall issue a ruling on terminating the legal proceedings, which may be appealed by a complaint subject to a time limit.

6. During consideration of a case at the cassation court, if grounds for terminating proceedings due to inadmissibility are detected, the court shall issue a ruling on terminating the legal proceedings. No complaint may be lodged against the ruling.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 27 – Simplified legal proceedings

On the basis of the parties' written request, a court shall be authorised to consider and resolve an administrative case in absentia.

Article 27[1] – Review of issues determined by the Imprisonment Code of Georgia

1. A court may, as a result of the review of an appeal provided for by Article 42(6) or Article 43(7) of the Imprisonment Code of Georgia, render one of the following decisions:

a) to uphold the decision of the Local Council of the Ministry of Corrections of Georgia denying parole to the convicted person or refusing to commute the sentence of the convicted person;

b) to declare null and void, without resolving the dispute, a respective decision of the Local Council of the Ministry of Corrections of Georgia and task it with issuing a new act after the appropriate examination and evaluation of circumstances;

c) to declare null and void a respective decision of the Local Council of the Ministry of Corrections of Georgia and task it with rendering a decision granting parole to the convicted person or commuting the sentence of the convicted person.

2. When rendering a decision provided for by paragraph 1 of this article, a court may assess the convicted person based on the circumstances defined in Article 42(4) of the Imprisonment Code of Georgia – in the case of parole, and based on the circumstances defined in Article 43(4) of the Imprisonment Code of Georgia – in the case of commuting a sentence.

3. The issues provided for by Article 42(6) and Article 43(7) of the Imprisonment Code of Georgia shall be reviewed by a court of first instance according to the location of the Local Council of the Ministry of Corrections of Georgia, and the issues provided for by Article 86(1) and Article 90 of the Imprisonment Code shall be reviewed by a court of first instance according to the location of the penitentiary institution.

4. In cases provided for by paragraph 3 of this article, a court may allow the participation of the party in legal proceedings remotely, by technical means, based on the petition of the party.

5. A court decision provided for by paragraph 1 of this article shall be enforced after its entry into force, in accordance with the time limit indicated in a final court decision.

Law of Georgia No 6392 of 5 June 2012 - website, 19.6.2012

Law of Georgia No 950 of 1 June 2017 – website, 20.6.2017

Article 28 - Expedited administrative proceedings

1. Upon a party's request, a court (a judge) may render a decision regarding expedited administrative proceedings.

2. In the case of expedited administrative proceedings, a court shall be authorised:

a) to shorten the time allowed for submitting a response (statement of defence) or a counter-claim by a defendant;

b) not to allow time for a third person to submit his/her opinion regarding the counter-claim;

c) not to allow time for the parties to submit their opinions regarding assigning an expert;

d) to shorten the time for the parties to submit their opinions regarding an expert's conclusions.

Article 28^1 – An action performed by a judge to expedite proceedings

A court shall not be authorised to exceed the scope of a claim but it shall not be bound by a formulation of the complaint either. To expedite proceedings, the judge may assist the party in amending the claim.

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 29 - Suspension of an appealed individual administrative act

1. Submission of a complaint to the court shall suspend an appealed individual administrative act.

2. An individual administrative act shall not be suspended, if:

a) it is connected with payment of state or local charges, duties or other fees;

b) postponing the execution causes significant material damage or poses a significant risk to the public order or security;

c) it is issued during a state of emergency or martial law, announced on the basis of an appropriate law;

d) an administrative body has rendered a written justified decision on immediate execution, if there is a necessity for urgent execution;

e) an individual administrative act has been executed or it is an enabling act and its suspension may significantly prejudice the legal rights and interests of other persons;

f) the above is determined by the law.

3. At the request of a party, a court may suspend an individual administrative act or a part of it in cases determined under paragraph 2 of this article, if there is a justified doubt regarding lawfulness of the individual administrative act, or if urgent execution of such an act may significantly damage the party or make protection of his/her legal rights and interests impossible. The court shall be authorised to allow time for suspension of the individual administrative act or a part of it.

4. In cases determined under paragraph 1 of this article, a court may annul suspension of an individual administrative act or its part at the request of a party, if there is necessity for urgent execution of the individual administrative act or a part of it, related to a significant (essential) damage, or restricting legal rights and interests of the party.

5. A party may also submit a petition regarding suspension of an individual administrative act, prior to initiating proceedings.

6. The court shall render a decision within three days and shall forward the decision to the parties within one day.

7. If a suspended individual administrative act has been executed, a court may annul the decision regarding the execution of the individual administrative act.

8. In the case of recently revealed circumstances, a court shall be authorised to change or annul the ruling regarding the suspension of an individual administrative act, on the basis of a petition of a party.

9. A complaint subject to a time limit may be filed against the court ruling.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 30 – Ruling on suspension of an individual administrative act

A court ruling suspending an individual administrative act or a part of it shall become invalid when:

a) a court decision on that issue enters into legal force;

b) the outcome of the action proceedings is different.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 30^1 – Ruling on suspension of a normative administrative act

1. Unless otherwise provided for by law, a court may suspend a normative administrative act based on the petition of a party, submitted when filing a complaint, if there is a justified doubt regarding lawfulness of that act, or if urgent execution of the act may significantly damage a person or make protection of his/her legal rights and interests impossible.

2. In the case of recently revealed circumstances, a court shall be authorised to change or annul the ruling regarding suspension of a normative administrative act based on a petition of a party.

3. A complaint subject to a time limit may be filed against the court ruling.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 31 – Interlocutory ruling on the issuance of individual administrative acts, and on performance of actions

1. On the basis of an application, a court may render an interlocutory ruling regarding a dispute, prior to initiating proceedings, if there is a risk that changing the existing situation may hinder or significantly complicate the exercise of the applicant's rights. A interlocutory ruling of a court may also be used for preliminary resolution of a disputed legal relationships, if such a resolution, first of all, in case of long-term legal relationships, is necessary due to significant damage, existing danger or any other reason.

2. An interlocutory ruling shall be rendered by a court considering the case. Such a court shall be a court of the first instance and in the case of reviewing a dispute at a court of appeals - a court of appeals.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Article 32 – Court decision regarding a claim declaring an administrative act null and void or invalid

1. If an administrative act or a part of it contradicts the law or directly and immediately (individually) prejudices the legal rights and interests of a claimant or unlawfully restricts his/her rights, the court shall render a decision on declaring the administrative act null and void regarding a claim under Article 22 of this Code.

2. If an individual administrative act has been executed prior to the court decision, on the basis of the petition of a party, the court decision shall include the procedure for the reversal of the executed decision.

3. If an individual administrative act is declared null and void prior to a court decision, the court shall be authorised to declare the individual administrative act null and void, provided there is a legal interest of the party or the party petitions for such declaration.

4. If a court considers that an administrative act has been issued without investigating and evaluating essential circumstances of the case, the court shall be authorised to declare the administrative act null and void, without resolving the dispute, and to assign the administrative body to issue a new act after investigating and evaluating the circumstances. The court shall render such a decision in case of urgent legal interest of the party in declaring the individual administrative act null and void.

5. A court decision on declaring a normative administrative act null and void shall be binding. If declaring a normative administrative act null and void poses a significant danger to the State or public security, or results in a significant increase of State or local self-government expenses, the court shall be authorised to declare the normative administrative act invalid instead of declaring it null and void.

6. The operative part of a court decision must be published in the same manner as the normative act was published at the expense of an administrative body issuing the normative act.

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 1692 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 175

Article 33 - Court decision regarding a claim on issuing an administrative act

1. If a refusal to issue an administrative act contradicts the law, or the times determined for its issuance are violated, which directly and immediately (individually) prejudices the legal rights or interests of the claimant, the court shall assign an administrative body to issue an administrative act regarding a claim defined by Article 23 of this Code. At the request of a party, the court shall allow time for issuing an administrative act.

2. A court shall be authorised to regulate a dispute by issuing a decision, if it implies the issuance of an individual administrative act and does not require additional investigation of the case circumstances, and if the matter does not fall within the discretionary authority of an administrative body. The procedure established by this Code for appealing an individual administrative act shall not apply to this court decision.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 33^1 – Court decision regarding a claim on performing an action

If performing an action or abstaining from performing an action by an administrative body is unlawful, and it directly and immediately (individually) prejudices the legal rights and interests of a claimant, the court shall assign an administrative body to perform or abstain from performing an action regarding a claim determined by Article 24 of this Code.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Chapter IX - Appeal and Cassation, Resumption of Proceedings

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Article 34 - Admissibility of appeals and cassation appeals

1. Appeals and cassation appeals shall be admissible in administrative legal proceedings, irrespective of the value (amount in controversy) of a complaint. In this case, the requirements of Articles 365 and 391(2) of the Civil Procedure Code of Georgia shall not apply.

1^1. A judge of the Chamber of Administrative Cases of the court of appeals may consider the following cases sitting alone:

a) appeals filed with regard to judgments related to the following cases:

a.a) disputes provided for in Article 6 of this Code;

a.b) a dispute regarding the issuance of public information;

a.c) a dispute related to a record of the Public Registry;

a.d) a dispute related to the privatisation of a residential apartment;

a.e) a dispute arisen from an administrative agreement;

a.f) a dispute arisen from construction relationships;

a.g) a dispute arisen from enforcement relationships based on the Law of Georgia on Enforcement Proceedings;

a.h) a dispute regarding the compensation for damage by an administrative body;

a.i) a dispute arisen from the Law of Georgia on Recognition of Property Rights on Parcels of Land Possessed (Used) by Natural Persons and Legal Entities under Private Law;

b) private complaints;

c) complaints/appeals on disputes under Chapters VII^1 and VII^3–VII^{14} of this Code.

1^2. A court of appeals shall consider a case and deliver the judgment without an oral hearing if:

a) an appeal is based on a breach of law and it only claims for examination of the appealed judgment (ruling) in legal terms;

b) it is obvious that there are absolute grounds for revocation of judgment under Article 394 (except for paragraphs e) and e^1 of this article) of the Civil Procedure Code of Georgia in relation to a judgment (ruling) of a court of first instance;

c) the defendant has admitted the claim.

1^3. Information about consideration of a case without an oral hearing shall be communicated to the parties in advance. The court of appeals shall deliver a ruling on the date of consideration of the case without an oral hearing.

2. Decisions of the appellate court may be appealed to the cassation court by the parties and third persons engaged in the case under Article 16(2) of this Code within the specified times.

3. A cassation appeal shall be admissible if the appellant proves that:

a) the case represents a legal problem and resolving it would contribute to the development of law and the establishment of uniform judicial practice;

b) the Supreme Court of Georgia has not delivered a decision on a similar legal issue before;

c) it is probable that, as a result of considering the cassation appeal, the Supreme Court of Georgia delivers a decision concerning the given case that would differ from the previously existing practice concerning similar legal cases;

d) the decision of a court of appeals differs from the previously existing practice of the Supreme Court of Georgia concerning similar legal cases;

e) a court of appeals has reviewed the case in substantial violation of substantive and/or procedural law norms, and this could have affected the outcome of reviewing the case;

f) the decision of a court of appeals contradicts the Convention for the Protection of Human Rights and Fundamental Freedoms and/or the case law of the European Court of Human Rights concerning similar legal issues.

3^1. The time limit for verifying admissibility under paragraph 3 of this article shall not exceed three months.

4. Regarding the matters of administrative proceedings, the time limit for granting leave to a cassation appeal and the time for rendering a decision on the appeal shall be six months.

[5. If the Cassation Court applies to the *European Court* of Human Rights for an advisory opinion, the running of the time limits under paragraphs 3^1 and 4 of this article shall be suspended until the advisory opinion is obtained. ***(Shall become effective immediately after Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms becomes effective in relation to Georgia)***]

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 2262 of 4 December 2009 - LHG I, No 41, 8.12.2009, Art. 306

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Law of Georgia No 3667 of 29 May 2015 - website, 5.6.2015

Law of Georgia No 5013 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 258 of 8 February 2017 – website, 13.2.2017

Law of Georgia No 2036 of 7 March 2018 – website, 29.3.2018

Article 34^1 – Consideration of a case at a cassation court

1. During the consideration of a case at a cassation court, the parties may submit their opinions only regarding the circumstances, on the basis of which the cassation court admitted the appeal.

2. Third persons determined under Article 16(2) of this Code, may be engaged in the cassation court proceedings with their consent, if they do not dispute factual circumstances determined by the cassation court and only submit legal opinions.

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 34^2 – Inadmissibility of resuming proceedings due to recently revealed circumstances

A case determined under Article 423(1)(g) of the Civil Procedure Code of Georgia shall not apply regarding resumption of legal proceedings due to recently revealed circumstances in administrative legal proceedings.

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Chapter IX^1 - Transitional Provisions

Article 35

1. Prior to entry into force of this Law, disputes related to concluding, performing and terminating contracts under public law under proceedings of the common courts shall be considered and resolved as administrative legal proceedings.

2. Powers of a court of appeals, provided for under this Law shall be exercised by district courts and autonomous republic highest courts until 1 November 2005.

3. Cases that were commenced by district courts and autonomous republic highest courts before 15 July 2005, which fall within the authority of a district (city) court, shall be transferred to a district (city) court for review.

4. Article 34(3) of this Code shall not apply to hearings of cassation appeals registered before 1 November 2005.

5. An appeal, submitted before 1 January 2008, may be reviewed by a judge of the Chamber of Administrative Cases of the appellate court at his/her own discretion, regarding the following cases:

a) a decision regarding a case under Article 6 of this Code

b) an individual administrative act, issued regarding the disclosure of public information

c) a dispute, related to records of the Public Registry

d) a dispute, related to privatisation of a residential apartment

e) a dispute, regarding a contract under public law on lease relationships

f) a dispute, arising from relationships related to construction

g) a complaint subject to a time limit

h) in cases under Article 21^{23}(8) of this Code.

6. After entry into force of this Law, the appeal proceedings commenced on cases determined by paragraph 5 of this article shall be resumed by a judge of the Chambers of Administrative Cases of the (district) court of appeals, who was appointed at the Chambers of Administrative Cases of the court of appeals, at his/her own discretion.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 2133 of 25 November 2005 - LHG I, No 53, 19.12.2005, Art. 352

Law of Georgia No 3389 of 23 June 2006 - LHG I, No 26, 14.7.2006, Art. 211

Law of Georgia No 4307 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 449

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Article 35^{1} – Appealing a court decision rendered in absentia

If a court decision was rendered in absentia, under Chapter VII^{2} of this Code, a party shall have the right to appeal such decision to the appellate (cassation) court. This provision shall apply to all court decisions, rendered from the moment of entry into force of Chapter VII^{2} of this Code.

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Article 35^{2} – Litigation proceedings on a claim filed with the court in relation to an individual administrative-legal act adopted by a legal entity under public law of Tbilisi City Municipality

Litigation proceedings for a claim on which a final judgment has not been made, and which is filed with the court before 1 October 2015 in relation to an individual administrative-legal act adopted by a legal entity under public law of Tbilisi City Municipality shall be finalised through general action proceedings.

Law of Georgia No 3978 of 8 July 2015 – website, 20.7.2015

Article 35^{3} – Procedures related to the payment of indemnity on the basis of a decision of the United Nations Committee

1. The person, with regard to whom the UN Human Rights Committee or the Committee on the Elimination of All Forms of Discrimination against

Women took a decision before the entry into force of Chapter VII[14] of this Code with regard to the payment of an indemnity by the State, shall be authorised to apply to a court for the payment of an indemnity on the basis of a decision of the said Committee in accordance with the procedures provided for under Chapter VII[14] of this Code.

Law of Georgia No 5013 of 27 April 2016 – website, 13.5.2016

Article 35[4] - Judge's resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons

1. Under the Agreement between Georgia and the EU for the Participation of Georgia in Horizon 2020 - the EU Framework Programme for Research and Innovation (2014-2020) and on the basis of a petition of the body determined by the Government of Georgia, judges of the Tbilisi City Court shall pass resolutions on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons.

2. The body determined by the Government of Georgia shall include in its petition information on the legal person indicated in the decision of the European Commission provided for by paragraph 1 of this article, the amount of the pecuniary obligation imposed on him/her/it and the property of the legal person (if specified in the decision of the European Commission).

3. A judge shall review a petition of the body determined by the Government of Georgia at his/her own discretion, without oral hearing, regarding which the judge shall notify the legal person specified in the petition within not later than 48 hours after receiving the petition and shall forward the respective case materials to the legal person.

4. A judge shall pass a resolution provided for by paragraph 1 of this article within 10 days after the body determined by the Government of Georgia submits a petition.

5. A judge's resolution provided for by paragraph 1 of this article shall indicate:

a) the date and place of drawing up the resolution;

b) the surname of the judge;

c) data regarding the author of the petition;

d) information on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons;

e) data regarding the legal person specified in the decision of the European Commission imposing a pecuniary obligation on legal persons;

f) the amount of a pecuniary obligation imposed on the legal person by the decision of the European Commission imposing a pecuniary obligation on legal persons;

g) data regarding the property of the legal person (if specified in the decision of the European Commission);

h) the procedure for appealing the resolution;

i) the signature of the judge and the seal of the court.

6. A judge's resolution provided for by paragraph 1 of this article shall be drawn up in three copies, one of which shall remain with the court, the second copy shall be forwarded to the body determined by the Government of Georgia, and the third copy shall be forwarded to the legal person specified in the petition of the body determined by the Government of Georgia. If the resolution cannot be delivered to the legal person, it shall be published as provided for by the Civil Procedure Code of Georgia and shall be considered delivered on the third day after publication.

Law of Georgia No 381 of 10 March 2017 – website, 22.3.2017

Article 35[5] - Entry into force and appeal of a judge's resolution on the enforcement of the European Commission imposing a pecuniary obligation on legal persons

1. A judge's resolution on the enforcement of the European Commission imposing a pecuniary obligation on a legal persons shall enter into force upon issuance. Appealing the judge's resolution shall not suspend the resolution.

2. If there have been procedural violations in the issuance of a judge's resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons, an appeal for the revocation of the judge's resolution shall be filed with the court that passed the resolution within 48 hours after handing a copy of the resolution to a party, and if the resolution cannot be handed to the party, within 5 days after its publication. The judge having passed the resolution shall immediately forward the appeal together with the case materials to a court of the appellate instance.

3. An appeal under paragraph 2 of this article shall be reviewed at a court of the appellate instance within 15 days after submission.

4. A resolution of the court of the appellate instance shall be final and not subject to appeal.

Law of Georgia No 381 of 10 March 2017 – website, 22.3.2017

Article 35[6] - Annulment of a resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal

persons based on the termination of the execution of the decision of the European Commission

1. A decision of the Court of Justice of the European Union terminating the execution of the decision of the European Commission imposing a pecuniary obligation on legal persons shall serve as grounds for annulling the decision of the European Commission.

2. The body determined by the Government of Georgia shall, within one month after officially becoming familiar with the decision of the Court of Justice of the European Union provided for by paragraph 1 of this article, file an application with the Tbilisi City Court requesting the annulment of the judge's resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons.

3. A judge of the Tbilisi City Court shall make a decision to annul the judge's resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons within the time limit and under the procedure established by Article 354 of this Code.

Law of Georgia No 381 of 10 March 2017 – website, 22.3.2017

Chapter X - Final Provisions

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Article 36 - Entry into force of the Code

This Code shall enter into force on 1 January 2000.

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

President of Georgia **Eduard Shevardnadze**

Tbilisi,

23 July 1999

No 2352–რს