

Law of Georgia on Licences and Permits

Section I

General Provisions

Chapter I

Scope. Definition of Terms

Article 1 - Scope

1. This Law shall regulate the organized activities or actions of an undefined group of people that are characterized by excessive hazard to human life or health, involve state or public interests of special importance, or are related to the use of state resources. In cases prescribed by law, this Law may also be applied to other unorganized activities or actions. This Law shall also govern areas regulated by licences and permits, define a comprehensive list of the types of licences and permits, and set the rules for issuing, amending, and repealing licences and permits.

2. The Law, except for Article 6(72-72⁵) and Article 24(54) of this Law, shall not apply to the activities or actions specified herein if they are carried out by a ministry or any public departmental institution within a ministry as specified in the Law of Georgia on the Structure, Powers, and Procedure of Activity of the Government of Georgia; whereas Article 3(a.a) and Chapters IV and V of this Law shall not apply to the area regulated by the Law of Georgia on Oil and Gas. Further, this Law shall not extend to any expert state agency if it carries out the activities set forth in Article 6(72-72⁵) and Article 24(54) of this Law, and to L. Sakvarelidze National Center for Disease Control and Public Health, a legal entity under public law, provided that it carries out the activities specified in Article 6(72⁴) of this Law.

2¹. This Law shall not apply to the activities set out in Article 24(23, 24, and 50) of the Law if such activities are carried out by a Tbilisi self-governing unit, a non-entrepreneurial (non-commercial) legal entity under private law, and/or a legal entity under public law founded by a Tbilisi self-governing unit.

2². While carrying out the activities specified in paragraph 2¹ of this article, the Tbilisi Mayor shall define the rules for maintaining and approving construction documents.

3. Relations with regard to issuing preliminary licences and permits shall be regulated by the Law of Georgia on State Support for Investments.

Law of Georgia No 3176 of 25 May 2006 - LHG I, No 17, 30.5.2006, Art. 120

Law of Georgia No 3427 of 30 June 2006 - LHG I, No 25, 13.7.2006, Art. 201

Law of Georgia No 3284 of 2 July 2010 - LHG I, No 37, 14.7.2010, Art. 221

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

Law of Georgia No 4681 of 17 May 2011 - website, 1.6.2011

Law of Georgia No 5941 of 27 March 2012 - website, 3.4.2012

Article 2 - Principles for issuing licences and permits

1. The State shall regulate any activity or action through licences or permits only if such activity or action is directly associated with excessive hazard to human life or health, or with areas of state or public interests. State regulation shall be applied only when it is actually possible to reduce excessive hazard or to account for the state or public interest by issuing a licence or a permit.

2. In consideration of first paragraph of this article, the aim and basic principles for regulating an activity or an action through licences and permits shall be as follows:

- a) ensuring and protecting human life and health
- b) ensuring and protecting human residential and cultural environment
- c) protecting state and public interests.

3. An activity or an action not directly related to a public risk shall be exempt from regulation or shall be regulated partially by the State.

4. A licence or a permit issued by a foreign country may be recognized by an international treaty or law and be given the same legal status as a licence or a permit issued in accordance with the legislation of Georgia.

Article 3 - Definition of terms



The terms used in this Law shall have the following meaning:

a) **licence** - the right granted to a person by an administrative body under an administrative act to carry out a certain type of activity provided the person meets the terms and conditions specified by law;

a.a) **licence to use** - a type of a licence that grants a person the right to use certain national resources specified by this Law; the licence to use shall be issued through auction, except for the cases prescribed by this Law, and shall relate to an object. The licence holder may divide the licence to use and/or fully or partially transfer it to another person, including by succession;

a.b) **licence to operate** - a type of a licence that grants a person the right to carry out the activity specified by this Law; the licence to operate is related to a subject and shall be issued only after the licence applicant meets the terms and conditions defined by this Law. Transfer of the licence to operate through succession or by other forms shall be inadmissible;

b) **general licence** - the right by which a person, based on a common licence, may carry out similar types of activities and shall not be required to obtain a separate licence for each activity;

c) **special licence** - the right by which a person may carry out any narrow spectrum of activity falling under the general type of licensed activity. The person shall be obliged to provide evidence of actual circumstances that meet the special licence terms and conditions only. A licence applicant may carry out an activity permitted by the special licence without having obtained the licence governing a wider range of activities;

d) **licence certificate** - a document certifying the possession of a licence;

e) **permit** - the right to carry out an action for a definite or an indefinite term as defined by this Law that relates to an object and evidences the compliance of the intent with the terms and conditions prescribed by this Law. The permit may be transferred to another person unless prohibited by law or if the permit is not substantially linked to its holder;

f) **permit certificate** - a document evidencing the holding of a permit;

g) **licence applicant** - a person willing to obtain a licence;

h) **permit applicant** - a person willing to obtain a permit;

i) **licence issuer** - an administrative body that issues licences according to the rule established by the law;

j) **permit issuer** - an administrative body that issues permits according to the rule established by the law;

k) **other administrative body** - an administrative body that shall by law have to define actual circumstances meeting additional requirements for issuing licence and permit as provided for by the legislation. The rules and principles specified in this Law for issuing licences and permits shall apply to the procedures for defining the actual circumstances;

l) **one-stop-shop principle** - an administrative procedure when a licence or permit issuer ensures that other administrative body approve the compliance with additional licence and permit conditions. Approval of the compliance with additional licence or permit conditions shall be related to the administrative procedure for issuing licences or permits. Obtaining the actual circumstances evidencing the compliance with the same conditions shall directly serve the purpose of obtaining a licence or a permit;

m) **departmental licence register** - a system of integrated data on the issuing, amending and repealing of licences;

n) **departmental permit register** - a system of integrated data on the issuing, amending and repealing of permits;

o) **licence holder** - a person who, based on an administrative act, is granted the right to carry out the licensed activity, to use the resources, or who is transferred the right to carry out the licensed activities by another licence holder;

p) **permit holder** - a person who, based on an administrative act, is granted the right to carry out the permitted activity, or who is transferred the right to carry out the permitted activities by another permit holder;

q) **licence fee** - a single mandatory payment to the central budget of Georgia made by a licence applicant in the amount set by law in order to be authorized to carry out the licensed activities defined by law. The licence fee covers the administrative costs for issuing a licence;

r) **permit fee** - a single mandatory payment to the state budget of Georgia or to the budget of a respective local self-governing unit (if the local self-government body issues the permit) that the permit applicant makes in the amount set by law or by a local self-government representative body (if the local self-government body issues the permit) in order to be authorized to carry out the activity under the permit as prescribed by law. The permit fee covers the administrative costs for issuing a permit;

s) **person** - a natural or a legal person, a ministry as defined by the Law of Georgia on the Structure, Powers and Procedure of Activity of the Government of Georgia or a public departmental institution within a ministry, as well as other organizational formation prescribed by law that is not a legal person;

t) **licence conditions** - a comprehensive list of requirements and information set by law that the licence applicant shall meet in order to obtain a licence and carry out the licensed activity;

u) **permit conditions** - a comprehensive list of requirements and information set by a decision of a representative body of local self-government in compliance with or under a law that the permit applicant shall meet in order to obtain a permit and carry out the permitted activity;

v) **construction permit** - a different hierarchical permit that pursuant to the economic interests of permit applicants is divided into three interdependent stages, but being independent in terms of an administrative procedure: Stage I - determination of the terms and conditions for urban construction; Stage II - agreement on the architectural-construction design; Stage III - issuance of a construction permit. The rules and principles set forth by this Law for issuing a permit shall apply to the above stages. (Before the respective changes are made in the legislation, determination of the terms and conditions for



urban construction shall be considered as an architectural-planning assignment, whereas architectural-construction design may be regarded as an architectural design).

Law of Georgia No 5947 of 19 March 2008 - LHG I, No 8, 28.3.2008, Art. 52

Law of Georgia No 1694 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 177

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

Law of Georgia No 5854 of 16 March 2012 - website, 28.3.2012

Article 4 - Inadmissibility of the introduction of an additional licence and permit

1. This Law shall define a comprehensive list of the types of licences and permits for the actions and activities subject to licensing and permitting. Introduction of licences and permits by other primary or secondary legislation for the activity or action not specified in this Law shall be inadmissible.
2. No administrative body may adopt a secondary normative act introducing the liability that implies the establishment of a licence or a permit regime for any activity or action or any mandatory consent of the authority thereto.

Article 5 - Licences and permits issuing bodies; authority of Autonomous Republics of Abkhazia and Adjara in the sphere of licences and permits

1. Bodies issuing licences and permits shall be defined by law or by a decision of the Government of Georgia.
2. Generally, the central government institutions of the state shall issue the licences and permits for the activities and actions specified in this Law. Based on a substantiated motion of the government institution issuing licences or permits, the authority for issuing licences and permits in the areas and types of the activities and actions may be transferred to the relevant institutions of the Autonomous Republics by a decision of the Government of Georgia.

Article 5¹ - Computer-aided control systems

1. The body issuing a licence and/or permit shall be authorized to use software and computer-aided control systems for the purpose of record management related to the issuing of licences/permits and for information accessibility.
2. The body issuing a licence and/or permit shall be authorized to receive, publish, or furnish any information and/or document related to the issuing of a licence/permit including a licence/permit certificate or its duplicate as well as manage the departmental licence/permit registry by using computer-aided control systems.
3. The body issuing a licence and/or permit shall be empowered to keep an electronic copy and issue any document produced or kept therewith including the licence/permit certificates or their copies and the copies of a departmental licence/permit registry.
4. The documents specified in the third paragraph of this article including the copies of the licence/permit certificates and their duplicates as well as electronic copies and printouts of departmental licence/permit registry shall have the same legal force as the original documents.
5. The data in the documents issued or published by the body issuing licences and/or permits, *inter alia*, in the licence/permit certificates or their duplicates as well as in the licence/permit registry, can be entered mechanically or electronically.

Law of Georgia No 5647 of 27 December 2011 - website, 9.1.2012

Section II

Issuing Licences

Chapter II

Licence Types

Article 6 - Types of licences to operate

1. Licence to produce and package baby food products
2. Licence to produce and package child food products
3. Licence to nuclear and radioactive activity
4. (Deleted)
5. (Deleted)
6. (Deleted)
7. (Deleted)



8. (Deleted)
9. Licence to produce biological pesticides
10. General licence to produce certain types of weapons:
 - a) special licence to repair certain type of weapon
- 10¹. General licence to manufacture, produce military weapons of warfare
- 10². General licence to repair military weapons of warfare (including upgrading and on-the-site service)
- 10³. General licence to trade in military weapons of warfare
11. Licence to trade in certain types of weapons
12. Licence to produce, purchase, import or export electronic means of surveillance
13. Private broadcasting licence
14. Community broadcasting licence
15. Electricity generation licence
16. Electricity transmission licence
17. Electricity dispatching licence
18. Electricity distribution licence
19. Natural gas distribution licence
20. Natural gas transportation licence
21. Oil processing licence
22. Natural gas processing licence
23. Oil transportation licence
24. (Deleted)
25. (Deleted)
26. (Deleted)
27. Licence to carry out tutorial activities
28. (Deleted)
29. Life insurance licence
30. Insurance licence (not related to life)
31. Reinsurance licence
32. (Deleted)
33. (Deleted)
34. Licence to carry out banking activities
35. Licence to carry out non-banking deposit-credit activity
36. Licence to carry out the activities of securities registrar
37. Licence to carry out brokerage activity
38. Licence to carry out stock exchange activity
39. Licence to carry out central depository activities
40. Licence to carry out the activities of an assets manager
41. Licence to carry out specialized depository activities



42. (Deleted)

43. (Deleted)

44. (Deleted)

45. (Deleted)

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68. (Deleted)

69. (Deleted)

70. (Deleted)

71. (Deleted)

72. Licence to carry out emergency service activities

72¹. Licence to carry out forensic-medical examination activities

72². Licence to carry out legal-psychiatric examination

72³. Licence to carry out postmortem examination

72⁴. Licence to work on especially dangerous pathogens

72⁵. Licence to carry out the activities of occupational transfusiology

73. (Deleted)

74. (Deleted)



75. (Deleted)

76. (Deleted)

77. (Deleted)

78. (Deleted)

79. (Deleted)

80. (Deleted)

81. (Deleted)

82. (Deleted)

83. (Deleted)

84. (Deleted)

85. Licence to carry out private security services

86. Licence to carry out enforcement activity

87. Licence to supply water

88. Licence to lift state-owned scrap metal and nonferrous metal sunk in territorial sea and inland waters of Georgia

Law of Georgia No 3380 of 23 June 2006 - LHG I, No 26, 14.7.2006, Art. 208

Law of Georgia No 3495 of 24 July 2006 - LHG I, No 35, 3.8.2006, Art. 251

Law of Georgia No 4233 of 29 December 2006 - LHG I, No 50, 30.12.2006, Art. 384

Law of Georgia No 4532 of 28 March 2007 - LHG I, No 15, 23.4.2007, Art. 121

Law of Georgia No 537 of 21 November 2008 - LHG I, No 34, 4.12.2008, Art. 216

Law of Georgia No 823 of 19 December 2008 - LHG I, No 41, 30.12.2008, Art. 301

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

Law of Georgia No 3532 of 21 July 2010 - LHG I, No 47, 5.8.2010, Art. 309

Law of Georgia No 4867 of 21 June 2011 - website, 6.7.2011

Law of Georgia No 5651 of 27 December 2011- website, 12.1.2012

Law of Georgia No 6545 of 22 June 2012 - website, 4.7.2012

Article 7 - Types of licences to use

1. Mineral extraction licence

2. Licence to use underground space

3. General licence to use oil and gas resources:

a) special licence for oil and gas exploration

b) special licence for oil and gas extraction

4. General licence for forest use:

a) special licence for timber production

b) special licence for hunting sector

5. Fishery licence

6. (Deleted)

7. (Deleted)



8. Licence to use radio frequency band

9. Licence to use fir cones, snowdrop bulbs, and/or cyclamen balls, for export purposes, entered into the annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Law of Georgia No 3176 of 25 May 2006 - LHG I, No 17, 30.5.2006, Art. 120

Law of Georgia No 3186 of 25 May 2006 - LHG I, No 17, 30.5.2006, Art. 131

Law of Georgia No 3495 of 24 July 2006 - LHG I, No 35, 3.8.2006, Art. 251

Law of Georgia No 2176 of 1 December 2009 - LHG I, No 42, 10.12.2009, Art. 308

Law of Georgia No 5547 of 20 December 2011 - website, 30.12.2011

Chapter III

The Procedure for Issuing a Licence to Operate

Article 8 - The procedure for issuing a licence to operate

The licence to operate, as a rule, shall be issued under a summary administrative proceeding as prescribed by Chapter VII of this Law, except for the types of licence expressly defined by law that shall be issued under public administrative proceedings.

Article 9 - Documents to be submitted to obtain a licence to operate

1. An applicant of the licence to operate shall submit a written application to the licence issuer in order to obtain the licence. The application shall be submitted in the manner prescribed by Chapter VI of the General Administrative Code of Georgia.

2. The application shall meet the requirements set out in Article 78 of the General Administrative Code of Georgia. The application shall include both the reference specifying the type of the licence to operate the licence applicant is applying for, and the list of the attached documents.

3. Extracts from the State Register for legal entities under private law and individual entrepreneurs as well as copies of IDs and other documents prescribed by the legislation for natural persons shall be attached to the application. A legal entity under public law shall attach certified copies of constituent documents to the application.

4. The document evidencing payment of the licence fee shall also be appended to the application except for the case when the licence applicant is a Ministry under the Law of Georgia on the Structure, Powers, and Procedure of Activity of the Government of Georgia or a public departmental agency within the Ministry. The Law of Georgia on Licence and Permit Fees shall set out the amount of licence fee, the rule of its payment to the budget, and refund of the excessive amount paid by the licence applicant. Only the law shall define additional documents to be attached.

5. Other than specified in this article, only the law shall define additional licensing conditions caused from a peculiarity of activity.

6. If a licence applicant requires obtaining a licence for a certain activity and holds the licence in the same area of the licensed activity, the licence issuer shall not examine the actual circumstances demonstrating the compliance with the licensing requirements that were verified when issuing the previous licence.

7. Licence applicant shall be obliged to present documents of actual circumstances meeting additional licence conditions, verification of which shall not be directly related to the administrative proceedings set for issuing the licence.

8. The licence applicant shall be authorized not to present documents of actual circumstances meeting additional licence conditions, if other administrative body issues such documents that create grounds for licence issuance.

9. For the purposes of verification and presenting of actual circumstances envisaged by paragraph 7 of this article, a licence issuer shall, in the manner provided for by Article 84 of the General Administrative Code of Georgia, transfer the copies of the application and attached documents to another administrative body upon verifying the compliance of the application with the requirements set out in this Law. The licence issuer shall submit the copies of the application and attached documents to other administrative body no later than three days upon verifying the compliance of the application with the requirements prescribed by law.

10. Other administrative authorities shall participate in the public administrative proceeding related to the licence issuance and shall be obliged to define, according to the respective rule, the actual circumstances, the confirmation of which shall not subject to submission by the licence applicant. Other administrative bodies shall be authorized to issue a substantiated refusal to define actual circumstances set out in paragraph 7 of this article.

11. Other administrative authorities shall be obliged to make a decision on defining or refusing to define actual circumstances no later than 25 days upon submission of the copies of application and attached documents to the licence issuer. If the above time frame is not sufficient for defining actual circumstances stipulated in paragraph 7 of this article, other administrative body shall be authorized to request an extension of time filing substantiated motion no later than five days upon the receipt of the copies of application and attached documents. In the case of making a decision, other administrative authorities shall be obliged to submit the decision to the licence issuer no later than 27 days upon the submission of the application to the licence issuer.

12. In the case where the licence issuer does not satisfy the substantiated motion of the other administrative bodies, the licence issuer shall be



responsible for damage incurred as a result of the above action.

13. If other administrative bodies fail to verify or to provide a substantiated refusal to verify the actual circumstances within the stipulated period in accordance with the respective rule, additional license conditions defined by legislation shall be deemed met.

14. The licence issuer shall in no circumstances be allowed to demand from the licence applicant a submission of verification of actual circumstances specified in paragraph 7 of this article.

15. In the case of changes to the data specified in second and third paragraphs of this article, the licence holder shall be obliged to inform the licence issuer about it in writing and submit relevant documents within seven days from making the changes.

16. If the activity set forth in the licence is exercised by a legal person, the branch of this legal person shall also have the right to exercise the same activity. In the case where the branch carries out the licensed activity, the licence holder shall notify the licence issuer in advance about the compliance of the branch with the licence conditions. Setting additional conditions or regime by the licence issuer that infers the issuance of a separate licence to the branch of the licence holder legal person shall be inadmissible.

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

Article 10 - General rule for issuing a licence to operate

1. Only the types of the licence to operate precisely defined by law shall be issued under the public administrative proceeding.

2. Issuing the licence by the licence issuer under an administrative proceeding not specified in the present Law or substituting the administrative proceeding defined by law with other administrative proceeding shall be inadmissible.

3. The licence issuer shall make the decision on issuing the licence in accordance with the public administrative proceeding defined by Chapter IX of the General Administrative Code of Georgia and this Law.

4. Decision on the issuance of the licence, refusal to issue, or its cancellation is an administrative act and shall conform to the requirements of the administrative legal act set by Chapter IV of the General Administrative Code of Georgia.

5. The licence issuer shall verify the compliance of the application and attached documents submitted by licence applicant with the requirements set out in Article 9 (2),(3),(4) and (5) of this Law within three days.

6. The licence issuer shall publish the statement on the submission of documents for public awareness immediately after accepting the application for processing.

7. Within 20 days after submission of the application for public hearing, any person shall be authorized to submit his/her own opinion in writing.

8. The licence issuer shall conduct hearing no later than seven days after expiration of the term for submission of written opinion.

9. The licence issuer shall make the decision on issuing or refusing to issue a licence. In case of refusing to issue a licence, the licence issuer shall be obliged to immediately notify the licence applicant of the substantiated refusal.

10. If the time period for administrative proceeding specified in the law does not suffice to assess the circumstances essential for the case, the licence issuer shall be authorized to make a substantiated decision on the extension of the period set for administrative proceeding for the types of the licences specified in the law for no longer than three months. The licence issuer shall make the decision within 15 days upon submission of the application.

11. Extension of the period of time set for issuing a licence in accordance with paragraph 10 of this article shall be inadmissible unless the licence applicant is notified about the extension within twenty days upon submission of the application.

12. If, due to certain circumstances, the licence cannot be issued within the period set by the law, the Government of Georgia, based on the substantiated motion of the licence issuer, shall make the decision on the extension of the time period for up to three extra months. The licence issuer shall immediately notify the licence applicant of the decision of the Government.

13. If a particular type of licence, the issuance period of which may be extended under paragraph 10 of this article, entails excessive hazard to human life and health, is related to a wider range of state and public interests for which a period of three months is not sufficient to identify the circumstances envisaged by this activity, the licence issuer shall be authorized to submit a substantiated motion to the Government of Georgia for the extension of the period for issuing the licence for three extra months. If the above circumstances exist and the licence issuer becomes aware of them upon submission of the application, the licence issuer shall be authorized to submit a substantiated motion to the Government of Georgia on the extension of the period for issuing the licence for up to six months.

14. In the cases where the substantiated motion of the licence issuer is concurred, the Government of Georgia shall make a decision on the extension of the licence issuance period for three months. In the case where there is presence of the grounds specified in paragraph 10 of this article, the licence issuer shall submit a substantiated motion to the Government of Georgia within two months after submission of the application and immediately notify the licence applicant in case of extension.

15. In the case of an extension of the time period for an administrative proceeding related to issuing the licence for three or six months, the licence issuer, based on substantiated motion of other administrative body, shall be authorized to make the decision on the extension of the period for verification of actual circumstances under Article 9 (7) of this Law for up to two months.

16. In the cases specified in paragraphs 10, 13 and 14 of this article, the licence issuer shall be authorized to extend the time period set for submission of written opinions.

17. The licence issuer shall be obliged to make the decision on issuing the licence within 30 days upon submission of the application. If the decision on



issuing or refusing to issue the licence is not adopted within this period, the licence shall be deemed issued.

18. After the expiration of the period set for issuing the licence, the licence applicant shall be authorized to demand the licence certificate. The licence issuer shall be obliged to immediately issue a licence certificate.

Chapter 11 - Grounds for refusal to issue a licence to operate

The licence issuer shall not issue the licence to operate if:

- a) the application and documents submitted by the licence applicant do not meet the requirements set by law and the licence applicant does not rectify the problem within the period defined by the administrative body;
- b) the licence applicant does not meet the licence conditions prescribed by the law;
- c) the licence applicant is deprived of the right to carry out activities respective to the activity subject to licensing on the basis of the court's valid judgment of conviction.

Law of Georgia No 3533 of 25 July 2006 - LHG I, No 37, 7.8.2006, Art. 274

Article 12 - Appealing the refusal to issue a licence to operate

The decision of the licence issuer to refuse to issue the licence to operate may be appealed in a higher administrative authority (official) or the court.

Article 13 - Rights and obligations of licence issuers

The licence issuer shall:

- a) issue, amend, or repeal the licence to operate, in cases and as prescribed by the law;
- b) maintain the departmental licence register;
- c) (deleted);
- d) within 10 days upon making the decision, publish information on the issuing, amending, or repealing a licence in the Legislative Herald of Georgia, the Georgian official printing body, except for confidential information specified in the General Administrative Code of Georgia, and information about the licence that is to be issued under computer-aided control systems;
- e) keep the documentation submitted by licence applicant under the rule set by legislation;
- f) control fulfillment of the conditions by the licence holder under the rules set by laws.

Law of Georgia No 5947 of 19 March 2008 - LHG I, No 8, 28.3.2008, Art. 52

Law of Georgia No 5647 of 27 December 2011 - website, 9.1.2012

Article 14 - Licence certificate form

Law and/or normative act of the licence issuer or a higher administrative authority shall define a licence certificate form.

Article 15 - Loss or damage of licence certificate

1. In case of loss or damage of the licence certificate, the licence holder (his/her representative) shall address the licence issuer through a written application to issue a duplicate of the licence certificate.
2. Within two days after the receipt of the application, the licence issuer shall issue a duplicate of the licence certificate and enter the respective information into the departmental licence registry.
3. The duplicate of the licence certificate shall have the same legal force as the original document.
4. The amount of the fee to be paid for issuing the licence certificate duplicate shall be set by the Law of Georgia on Licence and Permit Fees.

Law of Georgia No 5947 of 19 March 2008 - LHG I, No 8, 28.3.2008, Art. 52



Article 16 - Enactment and validity period of a licence to operate

1. In the case where making a decision on issuing the licence to operate, the licence applicant, based on the respective administrative act, shall be authorized to carry out the activity specified in the licence before receiving the licence certificate.
2. If the licence issuer fails to make the decision on issuing or refusing to issue the licence within the period defined by law, the licence applicant may carry out the activity specified in the licence only after receiving the licence certificate.
3. In case of loss or damage of the licence certificate, the licence holder, before restoration of the certificate, shall be authorized to carry out the licensed activity based on the respective administrative act.
4. The licence issuer shall be obliged to issue the respective licence certificate upon making the decision on satisfying the application.
5. The licence shall be issued for an indefinite period of time.

Chapter IV

The Procedure for Issuing Licence to Use

Article 17 - Documentation to be submitted to obtain a licence to use

1. The applicant for the licence to use, participating in an auction in order to obtain a licence, shall submit a written application that includes information on the type of licence to use that the licence applicant is applying for.
2. Extracts from the State Register for legal entities under private law and individual entrepreneurs as well as copies of IDs and other documents defined by law for natural persons shall be attached to the application. A legal entity under public law shall attach certified copies of constituent documents to the application.
3. The document evidencing the licence fee payment shall also be attached to the application. The licence fee amount, the procedure for its payment to the budget and refund of excessive amount paid by a licence applicant shall be specified in the Law of Georgia on Licence and Permit Fees.
4. Application for participation in an auction shall be admitted within no less than 15 days after the announcement of the auction. The licence issuer shall set the deadline for submission of applications for each specific case.
5. If the licence applicant refuses to participate in the auction before the expiration of deadline for the submission of applications, the licence fee paid by the licence applicant shall be subject to refund.

Law of Georgia No 5606 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 408

Law of Georgia No 4045 of 15 December 2010 - LHG I, No 75, 27.12.2010, Art. 467

Article 17¹ - Direct licence issuance procedure for extraction of minerals such as therapeutic mud and/or underground mineral waters for external use (curative baths) for tourism development and recreational purposes

1. The licence issuer may directly issue a licence for the extraction of minerals such as therapeutic mud and/or underground mineral waters for external use (curative baths) for tourism development and recreational purposes by the consent of the Government of Georgia.
2. In the case where there is a direct issuance of the licence, the licence applicant shall submit a written application that must include a reference to a licence acceptance for extraction (extraction, research-exploration) of minerals such as therapeutic mud and/or underground mineral waters for external use (curative baths) for tourism development and recreational purposes.
3. In the case where there is a direct issuance of the licence, copies of extracts from the State Register for legal entities under private law and individual entrepreneurs, and copies of IDs and other documents defined by law for natural persons shall be attached to the application. A legal entity under public law shall attach certified copies of constituent documents to the application.
4. In the case where there is a direct issuance of the licence, the document evidencing the licence fee payment shall also be attached to the application. The licence fee amount, the procedure for its payment to the budget, and the procedure for refund of excessive amount paid by a licence applicant shall be specified in the Law of Georgia on Licence and Permit Fees.
5. The licence issuer shall establish the following for the purposes of direct issuance of the licence under this article:
 - a) requirements for the use of a specific object
 - b) additional licence conditions for the licence applicant.
6. The Government of Georgia shall establish the procedure for direct issuance of the licence under this article.

Law of Georgia No 5854 of 16 March 2012 - website, 28.3.2012



Article 18 - The procedure for issuing a licence to use by auction

1. A licence to use shall be issued by auction except in the cases specified in this Law.
2. Grounds for starting a proceeding for issuing a licence to use specific state resources shall be the application of the licence applicant as well as the decision of the licence issuer.
3. The decision of the licence issuer made on the basis of application or at its own initiative concerning the issuance of the licence to use by auction shall be an administrative act.
4. The following shall be defined for the purpose of issuing the licence to use state resources:
 - a) requirements related to the use of a specific object
 - b) additional licence conditions for a licence applicant.The law shall define additional licence conditions.
5. Taking into consideration state and public interests, the licence issuer may specify quantitative, qualitative, and timed rules and standards for a specific object of the licence to use.
6. If the use of specific resources under the licence to use and the licence conditions and requirements set for such use contextually cover the activity/action envisaged by the other licence or permit and respective additional conditions, it shall not be necessary to obtain that licence or permit for the use of the above resources.
7. The licence to use specific resources shall be issued by auction on the basis of assumption of liability to satisfy the standards and rules set for the use and by submitting the highest bid.
8. All licence applicants who meet the licence conditions set by law and who assume the liability to meet the requirements established by the issuer of the licence to use shall be eligible to participate in the auction to obtain the licence.
9. Information about the auction on issuing a licence to use specific state resources shall be published by the licence issuer in the central press no later than one month before holding the auction. Other media means may also be used for dissemination of the information.
10. The information to be published shall include the following data:
 - a) name of a licence issuer
 - b) specific object under the licence to use
 - c) time period for submitting an application by a licence applicant and for conducting the auction
 - d) licence conditions specified in the legislation
 - e) requirements for the use of a specific object
 - f) criteria to identify the winner of the auction
 - g) other data as decided by the license issuer.
11. The licence issuer shall define the quantity, volume, and rule for using the specific object for what the licence is to be used.
12. The licence issuer shall establish the rules for holding the auction, shall identify the winner, and shall issue the respective licence certificate.

Law of Georgia No 5854 of 16 March 2012 - website, 28.3.2012

Article 19 - The procedure for setting an initial price for issuing a licence to use and the payment procedure; validity of a license to use

1. Following the principles defined by this Law, the licence issuer shall define the procedure for setting an initial price for issuing a licence to use and the payment procedure.
2. In consideration of state and public interests and for the purposes of issuing a licence to use at the most optimal price, the licence issuer shall set the validity period of the licence to use with or without reference to the application of a licence applicant. The above period shall be taken into consideration when setting the initial price of the auction.
3. Issuing a licence to use without a time limit shall be inadmissible. Features of a specific object under the licence to use and technological character of its use shall be taken into consideration.
4. The licence issuer shall, by consent of the Government of Georgia, be authorized to extend the validity period of the licence to use.

Law of Georgia No 4681 of 17 May 2011 - website, 1.6.2011

Article 20 - Full or partial transfer of a licence to use and other issues related to a licence to use



1. A licence holder shall be authorized to divide the licence to use into several parts and lease or transfer the right to use or its part to the possession of a third person except for in the case specified in paragraph 7 of this article.
2. In the case of alienation of the licence in full or in part, the licence holder shall be obliged to submit relevant documents to the licence issuer who enters changes into the licence registry and issues the relevant licence certificate within three days.
3. Failure to fulfill the obligation specified in the second paragraph of this article by the licence issuer shall not prevent the licence applicant from exercising the relevant right to use.
4. The licence recipient shall be authorized to exercise the relevant right to use only after meeting the licence conditions, assuming the obligations set for meeting the requirements for the use of a specific object and by submitting the information on the transfer of the licence to use to the licence issuer. The licence recipient shall be liable for the non-fulfillment of the above obligations.
5. Issues related to the rights and duties of the licence issuer as well as the loss and damage of the licence certificate shall be regulated in accordance with the rules defined in Chapter III of this Law.
6. Transfer of the licence to use, in full or in part, to a third person shall be inadmissible in the case where the licence holder has been deprived of the right to exercise the activity in the area subject to licensing on the basis of the court's valid judgment of conviction.
7. The holder of the licence to use the resources of the Black Sea continental shelf of Georgia shall be able to divide the licence into several parts and lease or transfer under ownership the right to use or its part to the third person only by consent of the Government of Georgia.
8. Any person, *inter alia*, credit institution, and insurance company that shall be transferred the right to own, dispose, or manage the licence to use natural resources that is pledged or encumbered otherwise, shall be obliged to meet the licence terms and conditions, requirements set for the use of a specific object, or other requirements defined by the licence issuer.

Law of Georgia No 3533 of 25 July 2006 - LHG I, No 37, 7.8.2006, Art. 274

Law of Georgia No 1983 of 3 November 2009 - LHG I, No 32, 6.11.2009, Art. 195

Law of Georgia No 5854 of 16 March 2012 - website, 28.3.2012

Chapter V

Control over the Fulfillment of Licence Conditions and the Repeal of a Licence

Article 21 - Control over the fulfillment of licence conditions

1. The licence issuer shall control the fulfillment of the licence conditions. The licence issuer shall be authorized to carry out control unless the above function, based on legislation, falls under the competence of other administrative body. In cases specified by law, the requirements defined in other normative acts may also be subject to the control of the licence issuer and the liability forms set in this Law may be used for violation of these requirements.
2. The licence issuer shall carry out control using only random inspections for fulfilling the licence conditions and/or reports submitted by a licence holder on a regular basis.
3. Unless otherwise provided by Law, the licence holder shall submit an annual report on the observance of the licence conditions from 1 April to 1 May. The report shall be submitted to the licence issuer in writing. The licence holder obtaining the licence, within six months before the commencement of the reporting period, shall not be required to submit the report to the licence issuer.
4. If the submitted report does not clearly declare or completely ignores the fact of the observance of the licence conditions, the licence issuer shall be authorized to address the licence holder and request the information evidencing the observance of licence conditions within a reasonable timeframe.
5. Failure to fulfill the requirement specified in paragraph 4 of this article by the licence holder shall serve as grounds for holding him/her responsible as specified by the legislation.
6. The licence issuer shall control the fulfillment of the licence conditions only by inspecting the licence conditions. The licence issuer shall not be authorized to inspect or request the submission of such actual circumstances that are not directly related to the observance of the licence conditions by a licence holder.
7. The decision made by the licence issuer based on a random inspection shall be an administrative act. The licence issuer, when carrying out a random inspection shall be required to present the above administrative act to the licence holder.
8. Based on the decision made by a licence issuer, representatives of other administrative body may also participate in the random inspection.
9. After completing the random inspection, the licence issuer shall be obliged to draw up the inspection report to be entered into the registry specially maintained by the licence issuer for this purpose.
10. The licence issuer may control the fulfillment of the licence conditions only once a calendar year unless otherwise provided by Law.



Article 22 - Liability for a violation of licence terms and conditions and the repeal of a licence

1. Failure of the licence holder to fulfill the terms and conditions specified by law shall cause a penalty as per rule set by the legislation. The law shall define the amount of the penalty. The licence issuer shall set a reasonable timeframe for meeting the terms and conditions of the licence and set the conditions that are to be fulfilled without fail for the implementation of the specific activity.

2. Despite imposing liability, the failure to fulfill the terms and conditions of the licence by the licence holder within the set timeframe shall result in tripling the imposed penalty. Upon imposing the penalty, the time period and conditions shall be set for the licence holder to meet the terms and conditions for the licence.

3. If after expiration of the time period set after imposing the triple penalty the licence holder fails to satisfy the terms and conditions of the licence, the imposed penalty shall be tripled.

4. If despite imposing the liability set in the first, second, and third paragraph of this article, the licence holder fails to meet the terms and conditions of the licence, the licence issuer shall make a decision on repealing the licence.

4¹. If it is obvious that the penalty imposed on the licence holder, for not meeting the terms and conditions of the licence to use and/or conditions set for the use of a specific object, leads to no result the licence issuer shall be authorized to repeal the licence by means of a summary administrative proceeding.

5. The licence issuer shall justify the necessity of using this form of liability in a decision on repealing the licence.

6. Repealing the licence shall mean declaring a decision on issuing the licence invalid as per the General Administrative Code of Georgia.

7. In addition to the requirements set forth in Article 61 of the General Administrative Code of Georgia, the following shall represent grounds for declaring a decision on issuing the licence invalid:

- a) the licence holder's request;
- b) the licence holder's death (liquidation), recognizing him/her as deceased or missing or incapable in the manner prescribed by law
- c) failure to fulfill the terms and conditions of the licence specified by legislation
- d) a valid judgment of conviction by the court on the deprivation of the right to exercise the activity.

7¹. Based on the rule set forth by this Law, the licence issuer shall be authorized to repeal the licence for the use of natural resources that is seized, pledged, or otherwise encumbered, if the grounds for repealing exist. Seizure, pledge, or other forms of encumbrance shall also be revoked in the case of repealing the licence.

8. The licence issuer shall make the decision on repealing the licence as per the rule prescribed by this Law for issuing the licence. The licence issuer shall immediately notify the licence holder of the commencement of the administrative proceeding for repealing the licence.

9. In the case where there is reason for the grounds specified in paragraph 7(d) of this article, as well as in an urgent case where delay in making a decision may cause substantial damage to public or private interests, the licence issuer shall be obliged to make a substantiated decision on repealing the licence within three days and immediately notify the licence holder of the repeal.

9¹. Non-payment of the regulatory fee specified in Article 7(1, 2, 4, 5 and 9) of this Law by the licence holder, in the manner prescribed by the law, shall cause imposition of a penalty on the licence holder. Despite imposing the penalty, if the licence holder fails to pay the regulatory fee within thirty days after the time period for payment of the regulatory fee expires; the licence issuer shall be authorized to repeal the licence by applying the summary rule of administrative proceeding.

10. The licence certificate shall be returned to the licence issuer within three days after the decision on repealing the licence enters into effect.

11. Liability, in the form of licence repeal, shall only be applied if the imposition of a penalty on the licence holder fails to ensure fulfillment of the terms and conditions and the licence issuer substantiates that repeal of the licence shall not cause more damage than its effectiveness.

12. If the repeal of a licence may cause more damage than the extension of its validity period or its suspension is impossible substantially, the licence issuer shall make a substantiated decision on granting the right to extend the licensed activity by the licence holder and fulfill the terms and conditions set by the licence issuer. In this case, the licence holder shall be obliged to ensure fulfillment of additional terms and conditions of the licence within the reasonable time period set by the licence issuer.

13. In the case specified in paragraph 12 of this article the licence holder fails to ensure fulfillment of the licence conditions, the licence issuer shall be authorized, despite imposing liability on the licence holder, to make a decision on ensuring the fulfillment of the terms and conditions of the licence by himself/herself or a third person on behalf of and at the expense of the licence holder.

14. In the case where the types of licences defined by Law and where fulfillment of the terms and conditions of the licence is impossible in accordance with the rule set in paragraph 13 of this article, the court, on the motion of the licence issuer, shall make a decision on the appointment of a special manager in order to perform the licensed activity and fulfill the licence terms and conditions. If delay may cause damage, the licence issuer shall, through substantiated decision, appoint a special manager and immediately submit it to the court for decision-making.

15. The rule specified in paragraphs 12, 13 and 14 of this article might be applied despite imposing penalty on the licence holder if the licence issuer is aware in advance that imposition of a penalty against the licence holder will not ensure fulfillment of the licence terms and conditions. The licence issuer shall substantiate the decision.

16. The special manager shall be authorized to carry out all measures related to licensed activity at the expense of the licence holder in order to ensure fulfillment of the terms and conditions of the licence as soon as possible. The court shall approve a monthly progress report by the special manager



unless the law sets a different time period.

17. In consideration of the licence terms and conditions to be fulfilled, the special manager shall be appointed for a definite period of time. If the terms and conditions of the licence are not fulfilled within the set timeframe, the court shall be authorized to extend the above period.

18. The licence holder shall be obliged to immediately submit all information and material resources related to the licensed activity to the special manager upon request. Failure to fulfill the above obligation by the licence holder or preventing the special manager from doing his/her job shall result in holding the licence holder liable as per the rule set by legislation.

19. In the case where the terms and conditions of the licence are fulfilled by the special manager or licence holder, the court shall make the decision on revoking the special management.

20. All actions focused on ensuring the fulfillment of the terms and conditions of the licence, among them reimbursement of the special manager, shall be performed at the expense of the licence holder.

21. The issues related to the authority, activity, and reimbursement of the special manager, taking into consideration the peculiarity of the licensed activity, may additionally be regulated by the normative act of the licence issuer or its higher (supervisory) administrative body.

22. If the licence holder holds a general licence and fails to satisfy the regulatory terms and conditions of the licence governing any single activity out of similar ones, the licence holder shall be authorized to exercise other activities specified in the general licence. Failure to fulfill the licence terms and conditions regulating a specific activity may not serve as the grounds for the prohibition of the performance of other activities specified in general licence.

23. If a general licence holder exercises any specific activity out of similar activities in violation of the terms and conditions of the licence regulating the specific activity, the licence holder shall be held liable in accordance with the rule specified in this article.

24. Control over the fulfillment of the terms and conditions of the licence to use and control over the meeting by the licence holder the requirements set for the use of a specific object as well as the liability for their violation shall be defined by the rules set out in Articles 21 and 22 of this Law.

25. (Deleted – 16.3.2012, No 5854).

26. Paragraphs 11-21 of this article shall not apply to the cases specified in paragraph 7(d) of the same article.

Law of Georgia No 3533 of 25 July 2006 - LHG I, No 37, 7.8.2006, Art. 274

Law of Georgia No 4681 of 17 May 2011 - website, 1.6.2011

Law of Georgia No 5854 of 16 March 2012 - website, 28.3.2012

Article 23 - Suspension of the decision to issue, refuse to issue, or repeal the licence when filing an administrative complaint or action

In case of the filing of an administrative complaint or action, the decision to issue, refuse to issue, or repeal the licence, shall not be suspended unless otherwise decided by the licence issuer or the administrative body designated to consider the complaint (action) and/or the court.

Section III

Issuance of Permits

Chapter VI

Types of Permits

Article 24 - Types of permits

1. Permit to transit goods subject to veterinary control.

2. Permit to import the goods subject to veterinary control.

3. Permit to import phylogenous products subject to phytosanitary control.

4. Environment impact permit.

5. (Deleted).

6. (Deleted).

7. Permit to transport, import, export, re-export, or transit the material of limited circulation (the list of material of limited circulation shall be defined by a decision of the Government of Georgia).

8. Permit to use explosive material of industrial purposes.

9. Permit to purchase and transfer radioactive materials.



10. Permit to export and import radioactive materials, raw materials from which production or generation of nuclear materials is possible, equipment containing radioactive substances, nuclear technologies and know-how as well as export, import and transit of radioactive sources.

10¹. Permit to export radioactive waste.

11. Permit to export, import and re-export species entered into the annexes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), its parts and derivatives as well as to introduce species from the sea;

12. (Deleted).

13. Permit to purchase (with the right to store) a short-barrel firearm for defense or sports screw-barrel firearm by a natural person.

14. Permit to purchase for defense (with the right to store and carry) a gas weapon, a hunting rifle, a sports long-barrel firearm, or a sports short smooth-barrel firearm by a natural person.

14¹. Permit to purchase non-military weapons (with the right to store and carry) by a person specified in paragraph 13 of this article who, based on Georgian legislation, is eligible to retain the right to carry such weapons after the expiration of official duties.

14². Permit to purchase (with the right to store and carry) weapons under the ownership of persons specified in paragraph 2(h-p) of Article 9-p of the Law of Georgia on Firearms for the purpose of granting the weapons the status of government-issued weapons in the course of official duties.

14³. Permit to purchase (with the right to store and carry) weapons transferred under the status of government-issued weapons to weapon-user persons specified in Article 9 (2h) and (2p) of the Law of Georgia on Firearms.

15. Permit to take non-military firearms and/or gas weapons purchased in Georgia by a foreign citizen out of Georgia.

15¹. Permit to bring in and take out hunting or sport firearms and/or ammunition by a foreign citizen out of Georgia.

15². Permit issued by a respective sports institution to temporarily take out of or bring into Georgia sports and hunting firearms for the purpose of participating in a respective type of sporting event held abroad.

15³. Permit to open a shooting gallery, shooting ground, and shooting-hunting training device.

16. Permit to arrange a shooting gallery, shooting ground, and shooting-hunting training device.

17. Permit to import, export, re-export, or transit weapon and ammunition.

17¹. Permit to export, import, re-export, transit, internal processing, external processing, and temporary import and/or export of military weapons for warfare.

18. Permit to collect and exhibit weapons.

19. Permit to bring into and take out of Georgia or move inside the territory of Georgia weapons and ammunition by persons accompanying representatives of foreign countries and international organizations as well as other important persons during their visits.

20. Permit to move/transport and send weapons and ammunition.

21. (Deleted)..

22. Permit to bring into or take out from Georgia (except for transit and re-export) non-military weapons and/or gas firearms, its/their key parts and/or ammunition by a citizen of Georgia.

23. Construction permit (except for construction of special importance, radioactive, or nuclear facilities).

24. Permit to construct facilities of special importance (except for construction of radioactive or nuclear facilities).

24¹. Permit to construct radioactive and nuclear facilities.

25. (Deleted).

26. Permit for regular transportation of local urban passengers..

27. Permit to export, import, re-export, or transit the goods of dual purpose.

28. Permit to carry out aerial work.

28¹. Permit for irregular international air transportation-shipment.

29. Onetime and multiple permits for international automobile regular passenger transportation specified by international treaty of Georgia.

30. One-time and multiple permits to international cargo shipment specified by an international treaties of Georgia.

31. Permit for an international cargo shipment from the territory of Georgia (above the quota set by international treaty), performed by a foreign carrier.



32. Permit for free trade point activities.
33. Permit to operate a customs warehouse.
34. (Deleted).
- 34¹. (Deleted - 13.10.2011, No 5121).
35. (Deleted).
36. (Deleted).
37. Permit to organize a casino.
- 37¹. Permit for gambling clubs.
38. Permit to organize a slot club.
39. Permit to organize a betting house.
40. Permit to organize a lotto.
41. Permit to organize a bingo.
42. Permit to organize lotteries.
43. Permit to import or export therapeutic agents subject to special control.
44. Permit to clinical research of pharmaceuticals.
45. Permit to produce pharmaceuticals (therapeutic agents except for narcotics).
46. Permit for an authorized drugstore.
47. (Deleted).
48. (Deleted).
49. Permit to import non-iodized salt.
50. Permit to carry out works on monuments of cultural heritage.
51. Permit for archeological works.
52. Permit to export Georgian cultural valuables from Georgia.
53. Permit for outdoor advertising.
54. Permit for inpatient facility.
55. Permit to use radio frequency bands.
56. Permit to use numerical resources.

Law of Georgia No 2236 of 9 December 2005, - LHG I No 54, 20.12.2005, Art. 356

Law of Georgia No 3186 of 25 May 2006 - LHG I, No 17, 30.5.2006, Art. 131

Law of Georgia No 3380 of 23 June 2006 - LHG I, No 26, 14.7.2006, Art. 208

Law of Georgia No 3495 of 24 July 2006 - LHG I, No 35, 3.8.2006, Art. 251

Law of Georgia No 4233 of 29 December 2006 - LHG I, No 50, 30.12.2006, Art. 384

Law of Georgia No 4714 of 8 May 2007 - LHG I, No 18, 22.5.2007, Art. 145

Law of Georgia No 5606 of 14 December 2007 - LHG I, No 47, 26.12.2007, Art. 408

Law of Georgia No 5921 of 14 March 2008 - LHG I, No 7, 26.3.2008, Art. 41

Law of Georgia No 628 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 236

Law of Georgia No 874 of 26 December 2008 - LHG I, No 41, 30.12.2008, Art. 309



Law of Georgia No 1589 of 10 August 2009 - LHG I, No 26, 27.8.2009, Art. 152

Law of Georgia No 2176 of 1 December 2009 - LHG I, No 42, 10.12.2009, Art. 308

Law of Georgia No 2912 of 8 April 2010 - LHG I, No 20, 19.4.2010, Art. 113

Law of Georgia No 3284 of 2 July 2010 - LHG I, No 37, 14.7.2010, Art. 221

Law of Georgia No 3288 of 2 July 2010 - LHG I, No 38, 16.7.2010, Art. 231

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

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

Law of Georgia No 4214 of 22 February 2011 - website, 10.3.2011

Law of Georgia No 4527 of 8 April 2011 - website, 2.5.2011

Law of Georgia No 5121 of 13 October 2011 - website, 19.10.2011

Law of Georgia No 5547 of 20 December 2011 - website, 30.12.2011

Law of Georgia No 5913 of 20 March 2012 - website, 23.3.2012

Law of Georgia No 5957 of 27 March 2012 - website, 12.4.2012

Law of Georgia No 6054 of 24 April 2012 - website, 27.4.2012

Chapter VII

The Procedure for Issuance of Permits under a Summary Administrative Proceeding

Article 25 - Documents to be submitted to obtain a permit

1. To obtain a permit, a permit applicant shall submit a written application to the permit issuer. Except for the cases defined in Articles 26² and 26³ of this Law, an application to obtain a permit shall be submitted, considered, and admitted according to the rule specified in Chapter VI of the General Administrative Code of Georgia.
2. Application should meet the requirements set in Article 78 of the General Administrative Code of Georgia. It should also include the information on the type of permit the permit applicant is willing to obtain and the list of attached documents.
3. Extracts from the State Register for a legal entity under private law and an individual entrepreneur, and copies of IDs and other documents prescribed by the legislation for natural persons shall be attached to the application. A legal entity under public law shall attach certified copies of constituent documents to the application.
4. In addition, the document certifying payment of a permit fee, except for the cases set in Articles 26¹, 26² and 26³ of this Law as well as except for the case when a permit applicant is the Ministry under the Law of Georgia on the Structure, Powers, and Procedure of Activity of the Government of Georgia or a public departmental agency under the Ministry, should be attached to the application. The amount of a permit fee, the rule of its payment to the budget, as well as refund of the amount overpaid by the permit applicant shall be specified in the Law of Georgia on Licence and Permit Fees. Documents to be additionally attached shall only be defined by law.
5. In order to obtain a permit, taking into consideration the peculiarities of the activity, additional terms and conditions of the permit shall be defined by Law or by the decision made by a representative body of a local government based on the Law.
6. If a permit applicant applies for a permit for a certain action and holds a permit on a similar type of action, the permit issuer shall not inspect the actual circumstances satisfying the permit conditions examined for the issuance of the previous permit.
7. A permit applicant shall be obliged to present actual circumstances satisfying additional terms and conditions of the permit, verification of which is not directly related to the administrative proceeding of issuing the permit. The above actual circumstances shall be verified under a separate administrative proceeding.
8. A permit applicant shall be authorized not to present such documents verifying actual circumstances satisfying the additional terms and conditions that are issued by other administrative bodies and represent grounds for issuing a permit.
9. For the purposes of verification and presentation of actual circumstances specified in paragraph 7 of this article, the permit issuer, as per the rule under Article 84 of the General Administrative Code of Georgia, upon verifying the compliance of the application with the requirements set by this Law, shall provide to the other administrative body with the copies of the application and attached documents. The permit issuer shall provide the copies of the application and attached documents to the other administrative body no later than three days upon verifying the compliance of the application with the requirements defined by Law.
10. The other administrative body shall participate in the administrative proceeding related to issuing the permit and shall be obliged to identify the actual circumstances in accordance with the set rule of which the presentation of verification does not fall under the obligations of the permit applicant. Other administrative bodies shall be authorized to issue a substantiated refusal on the establishment of the actual circumstances specified in paragraph 7



of this article.

11. The other administrative authority shall be obliged to make the decision on establishing or refusing to establish the actual circumstances no later than fifteen days upon submission of the copies of application and attached documents to the permit issuer. If the above time period is not suffice for establishing the actual circumstances set in paragraph 7 of this article, the other administrative bodies shall be authorized to request an extension of the time period applying for a substantiated motion no later than five days upon the receipt of the copies of application and attached documents. In the case of making a decision, the other administrative authority shall be obliged to submit a decision to the permit issuer no later than seventeen days upon submission of the application to the permit issuer.

12. If permit issuer fails to satisfy the substantiated motion of the other administrative body, the permit issuer shall be liable for any damage incurred as a result of the above action.

13. If the other administrative body fails to verify or to refuse, in a well-grounded manner, to verify the actual circumstances in accordance with the respective rule within the set time period, additional terms and conditions of the permit defined by legislation shall be deemed met.

14. The permit issuer shall under no circumstances be allowed to demand from the permit applicant to present verification of actual circumstances specified in paragraph 7 of this article.

15. In the case where changes made to the data specified in the second and third paragraphs of this article, the permit holder shall be obliged to notify the permit issuer in writing and submit appropriate documents within seven days upon making the respective changes.

16. If an action specified in the permit is performed by a legal person, a branch of the legal person shall also have the right to perform the above action. In the case where the action under the permit is performed by a branch, the permit holder shall be obliged to notify the permit issuer in advance about the branch, meeting the terms and conditions of the permit. Setting additional terms and conditions or regime by the permit issuer that virtually implies issuing a separate permit to the branch of a permit holder legal person shall be inadmissible. If a legal person or its branch exercises an action that is regulated by permit and the permit owned by them does not provide for such, the legal person shall need to obtain the respective permit.

Law of Georgia No 628 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 236

Law of Georgia No 1694 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 177

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

Law of Georgia No 3735 of 15 October 2010 - LHG I, No 56, 20.10.2010, Art. 360

Law of Georgia No 4214 of 22 February 2011 - website, 10.3.2011

Article 26 - General rule for issuance of permits

1. A permit issuer shall make a decision on issuing a permit in accordance with the summary administrative proceeding defined by Chapter VI of the General Administrative Code of Georgia and this Law except for the cases specified in Articles 26¹, 26², 26³, 26⁴ of this Law.

2. Deleted (11.10.2011 No 5093).

3. A decision on issuing, refusing to issue, or repealing the permit shall be an administrative act and should meet the requirements set forth in the administrative legal act under Chapter IV of the General Administrative Code of Georgia.

4. If for the purposes of establishing circumstances that have essential value for the case requires more time than defined by law for the administrative proceeding, the permit issuer shall be authorized to make a substantiated decision on the extension of the period for administrative proceeding only for the types of permit specified by Law for no longer than three months. The permit issuer shall be obliged to make the decision within 15 days upon the submission of the application.

5. An extension of the time period in conformity with paragraph 6 of this article shall be inadmissible unless the permit applicant is notified about the extension of the permit issuance period within twenty days upon the submission of the application.

6. If the permit cannot be issued within the time period specified in the law proceeding from specific circumstances, the Georgian Government, based on a substantiated motion of the permit issuer, shall make a decision on the extension of the period for up to three extra months. The permit issuer shall be obliged to immediately notify the permit applicant of the decision of the Georgian Government.

7. If a specific type of permit, for which the period of issuance may be extended in accordance with paragraph 6 of this article, entails excessive hazard to human life and health, is related to a wider range of state and public interests, and after three months is not suffice for establishing the circumstances envisaged by the action, the permit issuer shall be authorized to submit a substantiated motion to the Government of Georgia for an extension of the period for issuing the permit for another three months. In the case where the above conditions exist and the permit issuer becomes aware of them upon submission of the application, the permit issuer shall be authorized to submit a substantiated motion to the Government of Georgia on the extension of the period of issuing the permit for up to six months.

8. If the substantiated motion of the permit issuer is concurred, the Government of Georgia shall make a decision on the extension of the period for issuing the permit for three months. In the case where the existence for the grounds set forth in paragraph 9 of this article, the permit issuer shall submit a substantiated motion to the Government of Georgia within two months after the submission of the application and immediately shall notify the permit applicant of the extension of the period.

9. In the case where there is an extension of the administrative proceeding period for issuing a permit for three or six months, the permit issuer, based on other administrative body's substantiated motion, shall be authorized to make a decision on the extension of the period for verification of actual circumstances for up to two months.



10. A permit issuer shall be obliged to make the decision on issuing a permit within 20 days after submission of an application. If the decision on issuing or refusing to issue the permit is not made within this period the permit shall be deemed issued.

11. After the expiration of the period for issuing a permit, the permit applicant shall be authorized to request a permit certificate. A permit issuer shall be obliged to immediately issue the permit certificate.

Law of Georgia No 628 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 236

Law of Georgia No 1140 of 27 March 2009 - LHG I, No 8, 8.4.2009, Art. 28

Law of Georgia No 2912 of 8 April 2010 - LHG I, No 20, 19.4.2010, Art. 113

Law of Georgia No 3735 of 15 October 2010 - LHG I, No 56, 20.10.2010, Art. 360

Law of Georgia No 4214 of 22 February 2011 - website, 10.3.2011

Law of Georgia No 5093 of 11 October 2011 - website, 3.11.2011

Article 26¹ - The rule for the issuance of permits for outdoor advertising

1. Making a decision on an introduction of a permit for outdoor advertising defined in Article 24(53) of this Law shall be the discretionary authority of the local self-government representative body. A local self-government executive body (the City Hall in Tbilisi) shall issue the permit if there is a decision to introduce the regulation of outdoor advertising by permit.

2. The permit for outdoor advertising defined in Article 24 (53) of this Law shall be issued by auction. A permit for outdoor advertising shall be issued on the basis of assuming the obligation to meet the set standards and rules and by presenting the highest bid. In the case of winning the auction, in order to obtain the permit, the permit applicant shall pay only the price for issuing the permit based on the auction results. No fee shall be charged when issuing the permit for outdoor advertising.

3. A respective local self-government representative body shall define the conditions of and the procedure for holding the auction. The key requirements specified in Articles 25 and 26 of this Law should be taken into consideration when defining the procedure for holding the auction.

4. The rule of setting the initial price for issuing a permit for outdoor advertising and of settlement shall be defined by the respective local self-government representative body following the principles specified in this Law.

5. The permit for outdoor advertising specified in this Law shall only be issued for placement of outdoor advertisement on the land or other property owned by the state or a local self-government unit. Placement of outdoor advertisement on the land or property owned by a natural person or a legal person under public law or other organizational formation specified in Georgian legislation shall not need a permit for the outdoor advertising defined in this Law.

Law of Georgia No 628 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 236

Article 26² - The rule for the issuance of permits for regular local urban passenger transportation

1. A permit for regular local urban passenger transportation shall be issued through competition by a local self-government body that shall be the Government of Tbilisi or an authorized structural unit of the Tbilisi City Hall for Tbilisi. The winning permit applicant shall pay the price for the issuance of the permit in order to obtain the permit for regular local urban passenger transportation. No fee shall be charged when issuing the permit for regular local urban passenger transportation.

2. The price for a permit issuance for local urban regular transportation shall be defined and the rules for holding the competition to issue the permit and paying the permit price shall be approved by a local self-government representative body; in Tbilisi, the price for issuing the permit for regular local urban passenger transportation shall be defined and the rule for conducting the competition to issue the permit shall be approved by the Tbilisi Municipal Council/Sakrebulo, upon the recommendation of Tbilisi Mayor. The Government of Tbilisi shall approve the rule of payment for issuing the permit.

3. The price of issuing regular local urban passenger transportation permit shall be transferred to the budget of respective local self-governing unit.

Law of Georgia No 3735 of 15 October 2010 - LHG I, No 56, 20.10.2010, Art. 360

Article 26³ - The rule for the issuance of a multiple permit for international automobile regular passenger transportation set by an international treaty of Georgia and for a multiple permit for an international cargo shipment set on the basis of an international treaties of Georgia

1. A multiple permit for international automobile passenger transportation set by an international treaty of Georgia and a multiple permit for an international cargo shipment set on the basis of the international treaties of Georgia (hereafter referred to as multiple permit) shall be issued through competition by the Land Transport Agency, a legal entity under public law within the Ministry of Economy and Sustainable Development of Georgia. In order to obtain a multiple permit, the winning permit applicant shall pay the price for issuing the permit. No fee shall be charged when issuing a multiple permit.

2. The Ministry of Economy and Sustainable Development of Georgia shall define the price for issuing a multiple permit and approve the rules for holding the competition for issuing multiple permits and for payment of the cost of issuance.



3. The price for issuing a multiple permit shall be transferred to the account of the Land Transportation Agency, a legal entity under public law within the Ministry of Economy and Sustainable Development of Georgia.

Law of Georgia No 4214 of 22 February 2011 - website, 10.3.2011

Article 26⁴ - The rule for the issuance of a construction permit

1. Issuing a construction permit (inter alia, construction of buildings having special importance) for stage I – defining the conditions of urban construction, stage II – agreeing on the architectural-construction design, and stage III – issuing the construction permit shall be carried out under summary administrative proceeding.

2. Issuance of construction permit and related stages of administrative proceeding shall be carried out within sixty days.

3. The rule as well as the terms and conditions for issuing a construction permit, including the rule for a summary issuance, shall be defined by a normative act of the Government of Georgia.

4. A body issuing the construction permit shall be authorized to issue the construction permit electronically.

5. The rule and conditions of issuing a construction permit electronically and familiarizing with individual administrative-legal act shall be defined by the Normative Act of the Government of Georgia; whereas for Tbilisi by the Normative Act of Tbilisi self-government executive body. Official familiarization with the electronic individual administrative-legal act for the interested party implies familiarization of the individual administrative-legal act through electronic mail or other technical means.

6. A client at the I and II stages shall be an applicant, whereas the client at the III stage may be the owner/user of the plot of land and buildings constructed or to be constructed on it or the person authorized by him/them having the interest in construction development of the site.

7. In the case where the registration of the title (ownership rights) over the object under construction, the client (person having interest in construction development of the site) shall be the primary owner/user of the plot of the land (the person to whom the permit was issued) or the person authorized by him/them if not otherwise established by the agreement of the parties.

Law of Georgia No 5093 of 11 October 2011, website, 3.11.2011

Article 27 - Grounds for refusing to issue a permit

A permit issuer shall not issue a permit if:

a) the application and attached documents submitted by a permit applicant do not meet the requirements set by the law and the permit applicant fails to carry out corrective measures within the period defined by the administrative body;

b) a permit applicant does not meet the terms and conditions of the permit specified by law or defined by a local self-government representative body based on the law;

c) a permit applicant has been deprived of the right to carry out activity in the respective permit area on the basis of the court's valid judgment of conviction.

Law of Georgia No 3533 of 25 July 2006 - LHG I, No 37, 7.8.2006, Art. 274

Law of Georgia No 1649 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 177

Article 28 - Appealing a refusal to issue a permit

The decision made by a permit issuer to refuse to issue a permit may be appealed to a higher administrative body (official) or the court.

Article 29 - Rights and duties of a permit issuer

A permit issuer shall:

a) issue, amend, or repeal the permit in the cases and as per the rule specified by law;

b) maintain a departmental permit registry;

c) deleted;

d) within 10 days upon making the decision, publish information on the permit issued under summary administrative proceeding, amendments made or repeal as well as on the permit that includes personal information, state and/or commercial secret as per the rule specified in the General Administrative Code of Georgia and the Law of Georgia on Personal Data Protection.

e) store the documents submitted by a permit applicant as per the rule specified in legislation;



f) be responsible for the fulfillment of the terms and conditions of the permit by the permit holder as per the rule prescribed by law.

Law of Georgia No 5947 of 19 March 2008 - LHG I, No 8, 28.3.2008, Art. 52

Law of Georgia No 6328 of 25 May 2012, website, 12.6.2012

Article 30 - Permit certificate form

The form of a permit certificate shall be defined by law and/or a normative act of the permit issuer or by that of a higher administrative body.

Article 31 - Loss or damage of a permit certificate

1. In the case of a loss or damage of a permit certificate (except for a permit for a onetime international automobile shipment issued within the frames of quotas) the permit holder shall address the permit issuer in the form of a written application to issue a permit certificate duplicate.

2. Within two days after the receipt of the application, a permit issuer shall issue the permit certificate duplicate and enter the respective information into the departmental permit registry.

3. A permit certificate duplicate shall have the same legal power as its original.

4. The amount of the fee to be paid for issuing a permit certificate duplicate shall be defined by the Law of Georgia on Licence and Permit Fees or by the decision of a local self-government representative body based on the Law of Georgia on Local Fees.

5. In the cases specified in Article 26² of this Law, the fee for issuing a permit certificate duplicate shall be defined by a local self-government representative body.

6. In the cases specified in Article 26³ of this Law, the fee for issuing a permit certificate duplicate shall be defined by the Ministry of Economy and Sustainable Development of Georgia.

Law of Georgia No 5947 of 19 March 2010 - LHG I, No 8, 28.3.2008, Art. 52

Law of Georgia No 1694 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 177

Law of Georgia No 3735 of 15 October 2010 - LHG I, No 56, 20.10.2010, Art. 360

Law of Georgia No 4214 of 22 February 2011, website, 10.3.2011

Article 32 - Permit enactment and validity period

1. In the case of making a decision on issuing a permit, the permit applicant, based on the respective administrative act, shall be authorized to exercise an action specified in the permit before the receipt of the permit certificate.

2. If a permit issuer fails to make a decision on issuing or refusing to issue a permit within the period set by law, the permit applicant may exercise the action specified in the permit only after receiving the permit certificate.

3. In the case of a loss or damage of the permit certificate, the permit holder, based on the respective administrative act, shall be authorized to exercise the action specified in the permit.

4. The permit issuer shall be obliged to issue a respective permit certificate upon making a decision on satisfying the application.

5. A onetime permit shall be issued for a definite or an indefinite period. The validity period for a permit shall be defined by law or based on the respective decision of a local self-government body in the cases specified in Articles 26¹ and 26² of this Law, whereas in the cases defined by Article 26³ of this Law, in accordance with international agreements. The definite validity period of the permit shall be automatically extended (except for the cases specified in Articles 26¹, 26², and 26³ of this Law) if the terms and conditions related to the permit have not been changed and if the permit holder, along with a written application, submits a receipt certifying the payment of the fee set by Georgian legislation.

6. As a rule, the permit shall be issued for an indefinite period of time except for the cases specified in Article 26³ of this Law. In the cases specified in legislation or in Articles 26¹ and 26² of this Law, a local self-government body may set a definite period for permit validity. When setting the validity period, the essence and nature of the action specified in the permit and/or technical processes to be implemented shall be taken into consideration.

Law of Georgia No 628 of 5 December 2008 - LHG I, No 36, 12.12.2008, Art. 236

Law of Georgia No 3735 of 15 October 2010 - LHG I, No 56, 20.10.2010, Art. 360

Law of Georgia No 4214 of 22 February 2011- LHG I, website, 10.3.2011



Article 33 - Controlling the fulfillment of the terms and conditions of a permit

1. A permit issuer shall control the fulfillment of the terms and conditions of a permit. The permit issuer shall be authorized to carry out control unless, based on legislation, the above task falls under the competence of another administrative body. In the cases defined by law, the requirements specified in other normative acts may also be subject to the control of a permit issuer, and the liability forms as defined by this Law may be used in the case of their violation.
2. The permit issuer shall carry out control only through random inspection of the terms and conditions of the permit.
3. The permit issuer shall control the fulfillment of the terms and conditions of the permit only by inspection of the terms and conditions of the permit. The permit issuer shall not be empowered to examine or require submission of such actual circumstances that are not directly related to the fulfillment of the terms and conditions of the permit by the permit holder.
4. The decision of a permit issuer to carry out a random inspection shall be an administrative act. When performing a random inspection, the permit issuer shall be obliged to present the above administrative act to the permit holder.
5. Based on a decision of the permit issuer, representatives of any other administrative body may also take part in the random inspection.
6. Upon completion of the random inspection, the permit issuer shall be obliged to develop a respective inspection report that should be entered into the registry specially maintained by the permit issuer for this purpose.
7. The permit issuer may control the fulfillment of the terms and conditions of the permit only once during a calendar year unless otherwise provided by Law.
8. Paragraphs 2 and 7 of this article shall not apply to the cases specified in Articles 26² and 26³ of this Law.
9. In the cases specified in Articles 26² and 26³ of this Law, the control of the terms and conditions of the permit shall be carried out according to Georgian Legislation.

Law of Georgia No 3735 of 15 October 2010 - LHG I, No 56, 20.10.2010, Art. 360

Law of Georgia No 4214 of 22 February 2010 - LHG I, website, 10.3.2011

Article 34 - Liability for the violation of terms and conditions of a permit; repealing a permit

1. Failure by a permit holder to fulfill the terms and conditions of the permit set by law shall cause an imposition of a penalty on the permit holder as per the rule specified by legislation. Law shall define the amount of the penalty. The permit issuer shall set a reasonable time frame for satisfying the terms and conditions of the permit and define the conditions fulfillment that shall be necessary in order to carry out the specific action.
2. Despite imposing liability, the failure of a permit holder to fulfill the terms and conditions of the permit within the set time period (except for the violation of the time frame set for the payment of the permit fee by a holder of the permit for organizing a slot club, casino, betting house, lotto, and bingo) shall triple the imposed penalty. When imposing the penalty, a time frame and the conditions shall be set for the permit holder for meeting the permit conditions.
3. If after the expiration of the period set upon the imposition of the triple penalty, the permit holder fails to meet the terms and conditions of the permit, the imposed penalty shall be tripled.
4. If despite imposing the liability defined in the first, second, and third paragraphs of this article the permit holder fails to ensure the fulfillment of the permit terms and conditions, the permit issuer shall make a decision to repeal the permit.
 - 4¹. If despite having the penalty imposed, as per Article 37¹(b, d, f, h, or n) of the Law of Georgia on Establishment of Lottery, Gambling, and Winning Games, the permit holder fails to ensure the fulfillment permit terms and conditions, the permit issuer shall make the decision for repealing the permit.
 - 4². In the case of repealing a permit for an organizing casino/slot club, the permit for organizing a gambling club issued on the basis of above permit shall also be repealed.
5. In its decision on repealing the permit, the permit issuer shall have to justify the need for exercising the above form of liability.
6. Repealing the permit shall mean declaring the decision on issuing the permit invalid as per the General Administrative Code of Georgia.
7. In addition to Article 61 of the General Administrative Code of Georgia, the grounds for declaring the decision on issuing the permit invalid shall be:
 - a) request of the permit holder
 - b) death (liquidation) of the permit holder, recognition as dead, missing, or legally incapable accept for the exceptions defined by law
 - c) failure to fulfill the terms and conditions of the permit specified by law
 - d) a valid judgment of conviction of the court on deprivation of the right to exercise the activity.



8. The permit issuer shall make a decision on repealing the permit as per the rule defined by this Law for issuing the permit. The permit issuer shall be obliged to immediately notify the permit holder of the commencement of an administrative proceeding aimed at repealing the permit.
9. In the case where there is reason for the grounds set forth in paragraph 7(d) of this article, as well as in an urgent case where delay in making a decision may cause substantial damage to public or private interests, the permit issuer shall, within three days make a substantiated decision on repealing the permit and immediately notify the permit holder of it.
10. Decision on repealing the permit may be appealed to a higher administrative body (official) or the court.
11. A permit certificate shall be returned to a permit issuer within three days after the decision on repealing the permit enters into effect.
12. If repealing the permit may cause more damage than an extension of its validity period or if a suspension of its validity is virtually impossible, the permit issuer shall make a substantiated decision on granting the right to carry out the action under the permit provided that the terms and conditions of the permit set by the permit issuer are met. In such a case, the permit holder shall be obliged to ensure the fulfillment of additional terms and conditions of the permit within a reasonable time period set by the permit issuer.
13. If a permit holder fails to ensure the fulfillment of the terms and conditions of the permit under paragraph 12 of this article, the permit issuer shall be authorized, despite imposing a liability on the permit holder, to make a decision on the fulfillment of the terms and conditions of the permit by itself or through a third person on behalf of and at the expense of the permit holder.
14. In the cases where the types of permit defined by law and the fulfillment of the terms and conditions of the permit is impossible in accordance with the rule set in paragraph 13 of this article, the court, upon the motion of the permit issuer, shall make a decision on appointing a special manager for the purpose of exercising an action under the permit and fulfilling the terms and conditions of the permit. If a delay may cause damage, the permit issuer, based on a substantiated decision, shall appoint a special manager and immediately present him/her to the court for its decision.
15. The rule specified in paragraphs 12, 13, and 14 of this article may be applied despite imposing a penalty on the permit holder, if the permit issuer is aware in advance that the imposition of the penalty on the permit holder will not ensure fulfillment of the terms and conditions of the permit. The permit issuer shall be obliged to substantiate the above decision.
16. A special manager shall be authorized to carry out all measures related to an action under the permit at the expense of the permit holder in order to ensure the fulfillment of the terms and conditions of the permit as soon as possible. The court shall approve a monthly progress report made by the special manager unless a different timeframe is set by law.
17. In order for the terms and conditions of the permit to be fulfilled, a special manager shall be appointed for a definite period of time. If the terms and conditions of the permit are not met within the fixed time, the court shall be authorized to extend it.
18. The permit holder shall have to immediately provide all information and material resources related to the action specified in the permit to the special manager on his/her demand. Failure to fulfill this obligation by the permit holder or impediment to the special manager's activities shall result in holding the permit holder responsible as per the rule specified by legislation.
19. In the case of fulfillment of the terms and conditions of the permit by the special manager or the permit holder himself, the court shall make the decision on revocation of special management.
20. All actions aimed at ensuring the fulfillment of the terms and conditions of the permit, including remuneration of the special manager, shall be made at the expense of the permit holder.
21. Taking into consideration the peculiarities of the action specified in the permit, issues related to the scope of work, activities, and remuneration of the special manager may additionally be regulated by the normative act of the permit issuer or its higher (supervising) administrative body.
22. Paragraphs 11-21 of this article shall not apply to the case specified in paragraph 7(d) of this article.

Law of Georgia No 3533 of 25 July 2006 - LHG I, No 37, 7.8.2006, Art. 274

Law of Georgia No 4936 of 24 June 2011, website, 30.6.2011

Law of Georgia No 5247 of 8 November 2011, website, 22.11.2011

Law of Georgia No 5450 of 9 December 2011, website, 22.12.2011

Law of Georgia No 6054 of 24 April 2012, website, 27.4.2012

Article 35 - Suspension of a decision on issuing, refusing to issue, or repealing a permit in the case of filing an administrative complaint or action

In the case of filing an administrative complaint or action, the decision on issuing, refusing to issue, or repealing the permit shall not be suspended unless otherwise decided by the permit issuer, administrative body, or court considering the action (complaint).

Section IV

Departmental Licence and Permit Registries; Access to Information

Law of Georgia No 5947 of 19 March 2008 - LHG I, No 8, 28.3.2008, Art. 52



Chapter IX

Departmental Licence and Permit Registries; Access to Information

Article 36 - Departmental licence and permit registries. Access to information

1. (Deleted).
2. Departmental licence/permit registry shall be maintained by a licence/permit issuer.
3. The licence/permit issuer shall enter the data on issuing, amending, repealing, a licence/permit, and issuing duplicates into the departmental licence/permit registry within two days after making the decision.
4. The following shall also be entered into the departmental licence/permit registry:
 - a) data on licence/permit holder: name - for Ministry or Departmental Agency within the Ministry as per the Law of Georgia on the Structure, Powers, and Procedure of Activity of the Government of Georgia; registration data on entrepreneurs and non-entrepreneurial (non-commercial) legal persons with the Registry - for an individual entrepreneur or a legal person (other organizational formation); first and last names, information about the place of residence and work – for a natural person;
 - b) data on the changes made to the name of the firm (first and last names), organizational-legal form, location, or data on reorganization;
 - c) type (types) of licences/permits;
 - d) registration number and date of issuing the licence/permit certificate, legal address of the issuer of licence/permit under public administrative proceeding, and the identity of the official signing the respective decision.
5. A licence and/or permit issuer under state administrative proceeding shall have to:
 - a) deleted;
 - b) publish the data on issuing, amending, and repealing the licence in the Legislative Herald of Georgia, the Georgian official printing body within ten days after making the decision except for the information on the licences issued under computer-aided control systems;
 - c) permits issued by a local self-government body shall be made public by the issuer.
6. Deleted.
7. Deleted.
8. Deleted.
9. Deleted.
10. Deleted.
11. Everyone shall have the right to become familiar with the data contained in a departmental licence/permit registry and receive public information related to the licences/permits as per the rule specified in the General Administrative Code of Georgia.

Law of Georgia No 5947 of 19 March 2008 - LHG I, No 8, 28.3.2008, Art. 52

Law of Georgia No 1972 of 3 November 2009 - LHG I, No 35, 19.11.2009, Art. 261

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

Law of Georgia No 5647 of 27 December 2011 - website, 9.1.2012

Chapter X

Liability

Article 37. Liability for violation of this Law

1. Liability for violation of this Law shall be defined by Georgian legislation.
2. Failure to make a decision by a licence or permit issuer on issuing or refusing to issue a licence or permit within the set time period in violation of the requirements of this Law or failure to make the decision by other administrative body within the set time period shall cause the demotion of an official at fault to a lower rank position for six months.



3. The offence specified in the second paragraph of this article repeated within three years shall cause the dismissal of this official from his/her position.
4. Refusal to immediately issue a licence or permit certificate by a licence or permit issuer in the cases defined by Articles 10(18) and 26(11) of this Law shall cause a warning by the official at fault. The above offence repeated within three years shall cause dismissal of this official from his/her position.
5. Appointment of an official to the position he/she was dismissed based on the grounds stated in this article shall be inadmissible. Appointment of this person to another position with the same functions and significance shall also be inadmissible.

Section V

Transitional and Conclusive Provisions

Chapter XI

Transitional Provisions

Article 38 - Legal Status of a licence and permit issued before the enactment of this Law

1. If a specific activity or action, for which a licence or permit used to be issued, is not regulated by this Law any more, nobody shall have the right to demand a licence or permit to perform this activity or action.
2. A licence or permit issued before the enactment of this Law for specific activity or action regulated by this Law shall retain the legal power for a respective period of time.
3. If a licence was issued for a specific activity or action that after enactment of this Law, a permit is issued or vice versa without essential changes of the terms and conditions of the licence or permit, the licence or permit holder shall be authorized to request, based on the application, issuing a licence or permit certificate. The licence or permit issuer shall immediately issue the respective certificate.
4. Before the beginning of the 2009-2010 academic year, legal persons that obtained a licence for secondary vocational educational activity shall be deemed licensed as per the Law of Georgia on Licensing the Activities of Educational and Pedagogic Institutions.

Law of Georgia No 4532 of 28 March 2007 - LHG I, No 15, 23.4.2007, Art. 121

Article 38¹ - Transitional regulation of issuing a permit for an authorized chemist's shop

A chemist's shop holding a permit to organize group I chemist's shop shall not need to re-obtain a permit for the activities specified in Article 24(46) of this Law. The issuer of the respective permit, in the case of receiving an application from the holder of the permit of I group chemist's shop, shall be obliged to replace the permit form by the respective permit free of charge.

Law of Georgia No 1589 of 10 August 2009 - LHG I, No 26, 27.8.2009, Art. 152

Article 38² - Principle of the issuance of licences/permits for medical activities

1. The norms specified in Article 38 of this Law shall be applied when issuing a licence/permit for medical activities defined by this Law notwithstanding the validity period of the licence/permit.
2. If a holder of a medical activity licence plans to carry out additional activities, for which another licence is to be issued, he/she shall be obliged to meet the different terms and conditions defined for that licence.
3. In the case specified in the second paragraph of this article, only the terms and conditions needed to obtain a new licence shall be examined. The licence issuer shall not verify the actual circumstances meeting the terms and conditions of the licence that the licence holder met when obtaining the previously issued licence.
4. In order to obtain a permit, the applicant for the permit of medical activities, along with other requirements defined by Georgian legislation, shall have to meet the general and additional permit terms and conditions, depending on the services to be rendered.
5. If a permit holder renders services subject to additional permit terms and conditions, only the terms and conditions defined for this particular service shall be examined.
6. Failure to meet some additional permit conditions by a permit holder shall not serve as the basis for repealing the permit for medical activities. In such a case, the permit holder shall be prohibited to render the specific additional service of the permit conditions that were not met.
7. Normative acts regulating the respective licence/permit terms and conditions shall envisage the measures needed to change the licence/permit certificates for such activities/actions for which the licence was issued, while from 1 December either permits or licences are issued in a manner that does not essentially change the terms and conditions of the licences/permits. The above shall be carried out automatically, based on the application of a licence/permit holder.

8. Carrying out the measures envisaged by paragraph 7 of this article shall not be charged with a respective fee until 1 March 2011; however, after this period, the licence/permit certificate shall be changed based on the licence/permit holder's application and in the case of the submission of a document



certifying the payment of the respective licence/permit fee defined by law.

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

Article 38³ - Transitional regulation for some licence/permit activities

The Ministry defined by the Law of Georgia on the Structure, Powers and Procedure of Activity of the Government of Georgia or a public departmental establishment within the Ministry as well as other concerned persons shall have the right to carry out forensic examination, forensic psychiatric examination, and postmortem study specified in this Law without having the relevant licence/permit until 1 December, 2010.

Law of Georgia No 3550 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 285

Article 38⁴ - Special rule of permit operation for certain types of permitted activities

Only the permit specified in Article 24(10) of this Law shall be issued for the period of one year and for the purpose of using radioactive substances for medical purposes when importing radiopharmacological medicine by a person having the licence on nuclear and radioactive activities.

Law of Georgia No 5913 of 20 March 2012 - website, 23.3.2012

Article 39 - Transitional regulation for a licence to use

1. A licence issued before the enactment of this Law for a specific activity that is based on this Law, the licence to use that was issued shall retain its legal power for the respective time period.

2. The rule and conditions for the extension of the validity period of the licence to operate specified in the first paragraph of this article shall be set by Georgian legislation.

Article 40 - Transitional regulation for the bodies issuing licences and permits and for the rule of issuing

1. Before making changes and addenda to legal acts, the bodies issuing licences and permits and the issuance rule and terms and conditions shall be defined in compliance with this Law by a normative act of the Government of Georgia.

2. If the licence or permit conditions of an activity or action are defined by the legal act, the licence or permit shall be issued provided that the terms and conditions set by the legal act are met.

3. If this Law defines the type of a licence or permit the additional licence or permit conditions that are not set by a legal act, the licence and permit conditions, before making changes and addenda to this Law, shall be set by the normative act of the Government of Georgia.

Article 41 - Measures to be taken for the enactment of this Law

1. Before 15 November 2005, the Government of Georgia shall submit the draft legal acts related to the adoption of this Law to the Parliament of Georgia.

2. By 1 January 2006, the Government of Georgia shall present simplified rules and conditions for the regulation of food production companies.

Article 42 - Definition of the system for the regulation of professional activities

1. Professional activities shall be regulated by a separate law.

2. Before 1 December 2005, the Government of Georgia shall submit to the Parliament of Georgia relevant draft legal acts that shall include the following key principles for the regulation of a professional occupation:

- a) full self-regulation of professional activities (customary regulation) for professional activities entailing non-essential public risks
- b) partial self-regulation for professional activities entailing essential public risks
- c) state regulation for professional activities entailing high public risks.

Article 42¹ - Temporary legal regulation of relations concerning a permit for outdoor advertising

1. Before 1 January 2010, the regulation for outdoor advertising by permit as defined by this Law may be introduced only in the territories of the capital of Georgia, Tbilisi, and other self-governing cities.



2. Before 1 December 2008, the validity period for the contracts concluded on the placement of outdoor advertisement, in accordance with the rule specified by legislation may, based on the agreement of the parties, be extended without the permit on outdoor advertising rule set in Article 24(53) of this Law for the validity period of the permit on outdoor advertising rule issued as a result of the first auction held by a local self-government body in accordance with Article 26¹ of this Law.

Law of Georgia No 628 of 5 December 2008 – LHG I, No 36, 12.12.2008, Art. 236

Law of Georgia No 1177 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 51

Chapter XII

Final Provisions

Article 43 - Invalid normative acts

The following shall be deemed invalid upon the enactment of this Law:

- a) The Law of Georgia on the Bases of Issuing a Licence and Permit for Entrepreneurial Activity
- b) Edict No 472 of the President of Georgia of 29 September 2003, On the Rule of Delegation of Licences and Permits Issuing Authority to Relevant Ministries and Entities of the Autonomous Republics within Government Institutions of Executive Power of Georgia.

Article 44 - Enactment of the Law

This Law shall enter into effect on the 15th day upon its publication.

President of Georgia **M. Saakashvili**

Tbilisi,

24 June 2005

No 1775 – ES

