Law of Georgia on Licences and Permits

Section I

General Provisions

Chapter I

Scope; Definition of Terms

Article 1 - Scope

1. This Law governs organised activities or actions that concern an undefined group of people, represent a major hazard to human life or health, involve state or public interests of special importance, or are related to the use of state resources. This Law may also apply to unorganised activities or actions if so provided for by law. This Law also regulates areas governed by licences and permits, defines a comprehensive list of the types of licences and permits, and lays down the procedures for issuing, changing, and repealing licences and permits.

2. This Law (except for Article 6(72-72^5) and Article 24(54)) shall not apply to the activities or actions specified herein if they are carried out by a ministry or a public sub-agency within the ministry as provided for in the Law of Georgia on the Structure, Powers, and Rules of Operation of the Government of Georgia. Article 3(a.a) and Chapters IV and V of this Law shall not apply to the area governed by the Law of Georgia on Oil and Gas. This Law shall not apply to any state expert institution if it carries out the activities defined in Article 6(72-72^5) and Article 24(54) of this Law, and to the Legal Entity under Public Law – the L. Sakvarelidze National Centre for Disease Control and Public Health, if it carries out the activities specified in Article 6(72^4) of this Law.

2^1. This Law shall not apply to activities defined in Article 24(23 and 24) of this Law if the 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.

2^2. While carrying out activities referred to in paragraph 2^1 of this article, the Sakrebulo of Tbilisi Municipality shall define the rules for maintaining and approving construction documents.

[2^3. The relations with regard to issuing permits referred to in 24(17^1-17^5 and 27-27^4) of this Law shall be governed by this Law and the Law of Georgia on Monitoring Military and Dual-Use Goods. ***(to be enacted as from 1 October 2014)]***

3. The 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

Law of Georgia No 1076 of 6 September 2013 - website, 25.9.2013

Law of Georgia No 1684 of 29 November 2013 - website, 16.12.2013

Law of Georgia No 1975 of 5 February 2014 - website, 19.2.2014

Article 2 - Principles for issuing licences and permits

1. The State shall regulate any activity or action through licences or permits only if the activity or the action is directly associated with major hazard to human life or health, or with areas of state or public interests. State regulation shall be applied only if issuing a licence or a permit can actually reduce the major hazard or take into account state or public interests.

2. In consideration of the first paragraph of this article, the aim and basic principles for regulating activities or actions 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 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 granted the same legal status as that of a licence or a permit issued under 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 specific type of activity if the person meets the conditions laid down by law;

a.a) **licence to use** - a type of licence granting a person the right to use national resources defined in this Law. A licence to use shall be issued through auction, except as provided for by this Law, and shall relate to an object. A licence holder may divide and/or fully or partially transfer the licence to use to another person, including by inheritance;

a.b) **licence to operate** - a type of licence granting a person the right to carry out the activity defined in this Law. A licence to operate shall relate to a subject and shall be issued only after the licence applicant meets the conditions laid down in this Law. A licence to operate may not be transferred by inheritance or in any other form;

b) **general licence** - the right by which a person may carry out similar types of activities under a single general licence and need not obtain a separate licence for each activity;

c) **special licence** - the right by which a person may carry out a specific activity falling under the general type of licensable activity. Under this right, the person shall provide only the factual circumstances that meet the special licence terms and conditions. A licence applicant may carry out an activity permitted by special licence without having to obtain the licence governing a wider range of activities;

d) **licence certificate** - a document evidencing the holding of a licence;

e) **permit** - the right to carry out an action for a definite or indefinite period as provided for by this Law. The right relates to an object and evidences the compliance of the intent with the conditions laid down in this Law. A permit may be transferred to another person unless prohibited by law or unless the permit is intrinsically 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 as laid down by law;

j) **permit issuer** - an administrative body that issues permits as laid down by law;

k) **other administrative body** - an administrative body that is obliged by legislation to verify the factual circumstances that meet additional requirements defined in legislation for issuing licences and permits. The procedures and principles provided for in this Law for issuing licences and permits shall apply to the procedure for verifying the factual circumstances;

l) **one-stop-shop principle** - an administrative procedure by which a licence or permit issuer ensures that other administrative body verifies the compliance with additional licence and permit conditions. Verifying the compliance with additional licence or permit conditions shall relate to the administrative procedure for issuing licences or permits. Obtaining the factual circumstances evidencing the compliance with the above conditions shall be directly aimed at obtaining a licence or a permit;

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

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

o) **licence holder** - a person who has been granted the right under an administrative act to carry out a licensed activity and to use resources, or a person who has received the right from other licence holder to carry out a licensable activity;

p) **permit holder** - a person who has been granted the right under an administrative act to carry out a permitted action, or a person who has received the right from other permit holder to carry out the actions requiring a permit;

q) **licence fee** - a one-off mandatory payment to the central budget of Georgia made by a licence applicant in the amount defined by law in order to be authorised to carry out the licensable activities defined by law; the licence fee covers administrative costs for issuing a licence;

r) **permit fee** - a one-off mandatory payment to the state budget of Georgia or to the budget of a respective local self-governing unit (if a local self-government body issues the permit) that a permit applicant makes in the amount defined by law or by a local self-government representative body (if a local self-government body issues the permit) in order to be authorised to carry out the actions requiring a permit laid down by law; the permit fee covers administrative costs for issuing a permit;

s) **person** – a natural or legal person, a ministry under the Law of Georgia on the Structure, Powers, and Rules of Operation of the Government of Georgia, or a public sub-agency within the ministry, as well as any other organisational entity provided for by law that is not a legal person;

t) **licence conditions** - a comprehensive list of requirements and information laid down by law that a 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 laid down by law or by decision of a local self-government representative body adopted under law that a permit applicant shall meet in order to obtain a permit and carry out permitted actions;

v) **construction permit** - a different hierarchical permit that is divided into three interdependent stages based on economic interests of permit applicants but remaining independent in terms of an administrative procedure. The three stages shall be as follows: Stage I – determining conditions for urban construction; Stage II - approving an architectural-construction design; Stage III – issuing a construction permit. The procedures and principles defined in this Law for issuing a permit shall apply to the above stages. (Laying down the conditions for urban construction shall be considered as an architectural-planning assignment until appropriate changes are made to legislation, and an architectural-construction design may be considered 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 to introduce additional licences and permits

1. This Law shall define a comprehensive list of the types of licences and permits for actions and activities that are subject to licensing and permitting. Licences and permits for the activity or the action not provided for by this Law may not be introduced by any other legislative or subordinate act.

2. An administrative body may not introduce such obligation by a subordinate normative act that implies the establishment of a licence or permit regime for any activity or action, or the necessity to obtain consent from an administrative body.

Article 5 - Licence and permit issuing bodies; powers of the Autonomous Republics of Abkhazia and Adjara in the area of licences and permits

1. Bodies issuing licences and permits shall be defined by law or by decision of the Government of Georgia.

2. Generally, central government institutions shall issue licences and permits for the activities and actions laid down in this Law. Based on a substantiated request of the government institution issuing licences or permits, the powers for issuing licences and permits with regard to the areas and types of activities and actions may be transferred to the relevant institutions of the Autonomous Republics by a decision of the Government of Georgia.

Article 5^1 - Computer-aided control systems

1. A licence and/or permit issuing body may use software and computer-aided control systems for records management related to issuing licences/permits and for information availability.

2. A a licence and/or permit issuing body may receive, publish, or issue any information and/or document related to issuing a licence/permit, including a licence/permit certificate or its duplicate, as well as maintain a departmental licence/permit register by using computer-aided control systems.

3. A licence and/or permit issuing body may keep an electronic copy and issue any document produced by or kept with that body in the form of an electronic copy, including licence/permit certificates or their copies and the copy of a departmental licence/permit register.

4. The electronic copies and printouts of the document provided for by the third paragraph of this article, as well as of licence/permit certificates and their duplicates, and electronic copies and printouts of departmental licence/permit register shall have the same legal effect as the original documents.

5. Data may be entered mechanically or electronically in documents issued or published by a licence and/or permit issuing body, as well as in licence/permit certificates or their duplicates, and in a departmental licence/permit register.

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 carry out 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 a specific type of weapon:

a) special licence to repair a specific type of weapon

10^1. General licence to manufacture, produce military weapons

10^2. General licence to repair military weapons (including upgrading and on-site services)

10^3. General licence to trade in military weapons

[10^1. General licence to manufacture, produce military goods

10^2. General licence to repair military goods (including upgrading and on-site services)

10^3. General licence to trade in military goods ***(to be enacted as from 1 October 2014)]***

11. Licence to trade in specific 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 educational activities

28. (Deleted)

29. Life insurance licence

30. Insurance licence (not related to life)

31. Reinsurance licence

32. (Deleted)

33. (Deleted)

34. Licence to engage in banking business

35. Licence to carry out non-bank depositary and credit activity

36. Securities registrar licence

37. Licence to carry out brokerage activity

[37[1]. Licence to provide brokerage services for military goods ***(to be enacted as from 1 October 2014)***]

38. Stock exchange licence

39. Central securities depositary licence

40. Licence to carry out asset manager activities

41. Specialised depositary licence

42. (Deleted)

43. (Deleted)

44. (Deleted)

45. (Deleted)

46. (Deleted)

47. (Deleted)

48. (Deleted)

49. (Deleted)

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68. (Deleted)

69. (Deleted)

70. (Deleted)

71. (Deleted)

72. Emergency medical services licence

$72^{1.}$ Forensic-medical examination licence

$72^{2.}$ Forensic psychiatric assessment licence

$72^{3.}$ Postmortem examination licence

72^{4}. Licence to work with highly hazardous pathogens

72^{5}. Licence to carry out industrial 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. Water supply licence

88. Licence to retrieve state-owned scrap metal and nonferrous metal sunk in the 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

Law of Georgia No 1684 of 29 November 2013 - website, 16.12.2013

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 harvesting

b) special licence for hunting sector

5. Fishing licence.

6. (Deleted).

7. (Deleted – 20.12.2011, No 5547).

8. Licence to use radio-frequency spectrum.

9. Licence to export fir cones, as well as snowdrop bulbs and/or cyclamen tubers that are listed in the Appendices 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

Procedure for Issuing a Licence to Operate

Article 8 - The procedure for issuing a licence to operate

Generally, a licence to operate shall be issued under a summary administrative procedure as determined by Chapter VII of this Law, except for the types of licences expressly defined by law that are issued under a public administrative procedure.

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

1. An applicant for a licence to operate shall apply to the licence issuer in writing. The application shall be submitted as determined by Chapter VI of the General Administrative Code of Georgia.

2. The application shall meet the requirements provided for in Article 78 of the General Administrative Code of Georgia. It shall also specify the type of the licence to operate requested by the licence applicant, and shall include a list of attached documents.

3. Legal entities under private law and individual entrepreneurs shall attach extracts from the State Register to the application, and natural persons shall attach the copies of documents confirming their identity as laid down in legislation. A legal entity under public law shall attach certified copies of its constituent documents to the application.

4. The document evidencing payment of a licence fee shall also be attached to the application except when the licence applicant is a ministry under the Law of Georgia on the Structure, Powers, and Rules of Operation of the Government of Georgia or a public sub-agency within the ministry. The licence fee amount, the procedure for its payment to the budget, and the refund procedure for excess amount paid by a licence applicant shall be defined by the Law of Georgia on Licence and Permit Fees. Additional documents to be attached shall be defined only by law.

5. Apart from the conditions defined in this Article, additional licence conditions shall be defined only by law based on the specific nature of activity.

6. If a licence applicant requests a licence for specific activity and at the same time holds a licence in the area of the same licensed activity, the licence issuer shall not examine the factual circumstances demonstrating the compliance with the licence conditions verified at the time of issuing the previous licence.

7. A licence applicant shall be obliged to present such factual circumstances that demonstrate the compliance with additional licence conditions whose verification does not directly relate to the administrative procedure for issuing a licence.

8. A licence applicant need not present documents verifying factual circumstances that demonstrate the compliance with additional licence conditions if

other administrative body issues such documents and if the licence is issued based on those documents.

9. To verify and present factual circumstances provided for in the seventh paragraph of this article, a licence issuer shall, under Article 84 of the General Administrative Code of Georgia, transfer the copies of an application and attached documents to other administrative body upon verifying the compliance of the application with the requirements defined in this Law. The licence issuer shall submit the copies of an application and attached documents to other administrative body within not later than three days after verifying the compliance of the application with the requirements provided for by law.

10. Other administrative body shall participate in the public administrative procedure for issuing a licence and shall be obliged to duly verify the factual circumstances that a licence applicant is not required to verify. Other administrative body may issue a substantiated refusal to verify the factual circumstances provided for in the seventh paragraph of this article.

11. Other administrative body shall make a decision on verifying or on refusing to verify factual circumstances not later than 25 days after the application copies and attached documents are submitted to the licence issuer. If the above timeframe is not sufficient to define factual circumstances provided for in the seventh paragraph of this article, other administrative body may request an extension of the timeframe by filing a substantiated request not later than five days after receiving the application copies and attached documents. If other administrative body makes a decision, it shall submit the decision to the licence issuer not later than 27 days after submitting the application to the licence issuer.

12. If a licence issuer does not satisfy the substantiated request filed by other administrative body, the licence issuer shall be responsible for the damage incurred as a result of the above action.

13. If other administrative body fails to verify or to provide a substantiated refusal to duly verify factual circumstances within the specified period, the additional licence conditions provided for by legislation shall be deemed met.

14. A licence issuer may not request a licence applicant to present the verification of factual circumstances defined in the seventh paragraph of this article.

15. If the data referred to in the second and third paragraphs of this article change, a licence holder shall inform the licence issuer about it in writing and shall submit relevant documents within seven days after making the changes.

16. If a legal person carries out a licensed activity, a branch of the legal person may also carry out the same activity. For a branch to carry out the licensed activity, the licence holder shall notify the licence issuer in advance that the branch has complied with the licence conditions. A licence issuer may not establish such additional conditions or regime that implies issuing a separate licence for a branch of the legal person holding a licence.

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

[Article 9^1 – A body issuing general licences for manufacturing, producing, repairing (including upgrading and on-site services), and trading in military goods, and the grounds for issuing the licences

1. Manufacturing, producing, repairing (including upgrading and on-site services) and trading in military goods shall be carried out by a legal person or an individual entrepreneur authorised to conduct the above activities under a respective general licence.

2. The Ministry for Defence of Georgia shall issue general licences defined in Article 6 (10^1-10^3) of this Law at the recommendation of its Standing Commission for Military-Technical Issues.

3. To obtain the general licence defined in Article 6 (10^1-10^3) of this Law, a legal person or an individual entrepreneur shall submit the following documents along with the documents defined in this Law:

a) data on registration of a legal person or an individual entrepreneur in the Register of *Entrepreneurial* and *Non-entrepreneurial* (*Non-commercial*) *Legal* Persons

b) a list of persons (indicating first name, surname, date of birth, profession, place of employment, identity card number and place of residence, as well as certificate of no criminal records, and of no drug or psycho-neurological records) directly related to manufacturing, producing, repairing (including upgrading and on-site services) and trading in military goods

c) a list of buildings (indicating addresses) where military goods will be manufactured, produced, repaired (including upgrading and on-site services) and traded

d) a document evidencing that the fire safety regulations are observed in the building concerned

e) a document evidencing that the safety standards are observed in the building concerned

f) a document evidencing that the building concerned is duly protected and secured

g) a recommendation of the Standing Commission for Military-Technical Issues of the Ministry for Defence of Georgia.

4. A fire service of the respective local self-government body shall issue the document provided for in paragraph 3(d) of this article.

5. A Legal Entity under Public Law - the Technical and Constructions Supervision Agency shall issue the document provided for in paragraph 3(e) of this article.

6. An entity (service) authorised (responsible) to protect the building concerned shall issue the document provided for in paragraph 3(f) of this Article. ***(to be enacted as from 1 October 2014)]***

Law of Georgia No 1684 of 29 November 2013 - website, 16.12.2013

Article 10 - General procedure for issuing a licence to operate

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

2. A licence issuer may neither issue a licence under the administrative procedure that is not provided for in this Law nor substitute the administrative procedure provided for by law for issuing a specific licence with another administrative procedure.

3. A licence issuer shall make a decision to issue a licence under this Law and under the public administrative procedure defined in Chapter IX of the General Administrative Code of Georgia.

4. The decision to issue, to refuse to issue, or to repeal a licence, shall be an administrative act and shall conform to the requirements of the administrative legal act as laid down in Chapter IV of the General Administrative Code of Georgia.

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

6. A licence issuer shall publish a notification on submitting documents for public information immediately after accepting the application for processing.

7. Any person may submit their opinion in writing within 20 days after the application for public information is submitted.

8. A licence issuer shall conduct oral hearing not later than seven days after the deadline for written opinions expires.

9. A licence issuer shall decide to issue or to refuse to issue a licence. If a licence issuer refuses to issue a licence, it shall immediately notify the licence applicant of the substantiated refusal.

10. If verifying the circumstances essential to the case requires more time than defined by law for an administrative procedure, a licence issuer may make a substantiated decision to extend the period of the administrative procedure for not longer than three months only for the types of the licences defined by law. The licence issuer shall make the decision within 15 days after the application is submitted.

11. The timeframe for issuing a licence may not be extended under the tenth paragraph of this article unless a licence applicant is notified about the extension within twenty days after the application is submitted.

12. The Government of Georgia shall decide to extend the timeframe for up to three additional months based on substantiated request of a license issuer if the licence cannot be issued within the period defined by law due to specific circumstances. The licence issuer shall immediately notify the licence applicant about the decision of the Government.

13. If a specific type of licence, whose issuance period may be extended under the tenth paragraph of this article, represents a major hazard to human life and health, is related to a wider range of state and public interests and it takes more than three months to verify the circumstances provided for by such activity, a licence issuer may submit a substantiated request to the Government of Georgia for the extension of licence issuing period for three additional months. If the above circumstances exist and a licence issuer learns about the circumstances after filing the application, the licence issuer may submit a substantiated request to the Government of Georgia for the extension of licence issuing period for up to six months.

14. If the Government of Georgia accepts the substantiated request of a licence issuer, it shall decide to extend the licence issuing period for three months. If the grounds specified in the tenth paragraph of this article exist, a licence issuer shall submit a substantiated request to the Government of Georgia within two months after the application is filed and immediately notify the licence applicant about the extension.

15. If the administrative procedure for issuing a licence is extended for up to three or six months, a licence issuer may decide to extend the period for verifying factual circumstances referred to in Article 9(7) of this Law for up to two months based on a substantiated request of other administrative body.

16. A licence issuer may extend timeframe for submitting written opinions in the cases provided for in paragraphs 10, 13 and 14 of this article.

17. A licence issuer shall decide to issue a licence within 30 days after filing an application. If the decision on issuing or on refusing to issue the licence is not made within the above period, the licence shall be deemed issued.

18. A licence applicant may request a licence certificate after the licence issuing period expires. The licence issuer shall immediately issue the licence certificate.

Article 11 - Grounds for refusing to issue a licence to operate

A licence issuer shall not issue a licence to operate if:

a) the application and documents submitted by a licence applicant do not meet the requirements set by law and the licence applicant does not remedy the problem within the period defined by an administrative body;

b) a licence applicant does not meet the licence conditions provided for by law;

c) a licence applicant is deprived of the right to carry out activities within a respective licensable area on the basis of a valid court 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 a licence issuer to refuse to issue a licence to operate may be appealed to a higher administrative body (official) or to the court.

Article 13 - Rights and obligations of licence issuers

A licence issuer shall:

a) issue, amend, or repeal a licence to operate in the manner laid down and in the cases provided for by law;

b) maintain a departmental licence register;

c) (deleted);

d) publish information on issuing, amending, or repealing a licence at the Legislative Herald of Georgia, the official gazette of Georgia, within 10 days after making the decision, except for confidential information referred to in the General Administrative Code of Georgia, and information on the licence issued through computer-aided control systems;

e) keep documents submitted by a licence applicant as provided for by legislation;

f) monitor fulfilment of the conditions by a licence holder as provided for by law.

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 forms

A licence certificate form shall be defined by Law and/or a normative act of a licence issuer or of a higher administrative body.

Article 15 - Loss or damage of a licence certificate

1. If a licence certificate has been lost or damaged, the licence holder (its representative) shall apply in writing to the licence issuer for a duplicate of the licence certificate.

2. The licence issuer shall issue a duplicate of the licence certificate and enter the respective information into the departmental licence registry within two days after the application is received.

3. The duplicate of a licence certificate shall have the same legal force as the original document.

4. The amount of the fee for issuing a licence certificate duplicate shall be defined 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 - Commencement and duration of a licence to operate

1. If a decision is made to issue a licence to operate, a licence applicant may carry out the licensed activity under the respective administrative act before receiving a licence certificate.

2. Unless a licence issuer decides to issue or to refuse to issue a licence within the timeframe defined by law, a licence applicant may carry out the licenced activity only after receiving the licence certificate.

3. If a licence holder loses or damages its licence certificate, it may carry out the licensed activity under the respective administrative act until the certificate is restored.

4. A licence issuer shall issue the respective licence certificate after deciding to grant the application.

5. A licence shall be issued for an indefinite period of time.

Chapter IV

Procedure for Issuing a Licence to Use

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

1. If a licence to use is issued through auction, a licence applicant shall submit a written application specifying the type of the licence to use that the licence applicant is applying for.

2. Legal entities under private law and individual entrepreneurs shall attach to the application extracts from the State Register, and natural persons shall attach the copies of identity documents as defined by legislation. A legal entity under public law shall attach to the application certified copies of its constituent documents.

3. The document evidencing payment of a licence fee shall also be attached to the application. The licence fee amount, the procedure for its payment to the budget, and the refund procedure for excess amount paid by a licence applicant shall be defined by the Law of Georgia on Licence and Permit Fees.

4. An application for participating in auction shall be admitted within at least 15 days after the auction is announced. A licence issuer shall set a deadline for submitting applications in each specific case.

5. If a licence applicant refuses to participate in the auction before the deadline for submitting applications expires, the licence fee paid by the licence applicant shall be refunded.

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 17[1] – Procedures for issuing licences directly for extracting minerals such as therapeutic muds and/or undergound mineral waters for external use (curative baths) for tourism and recreational purposes

1. A licence issuer may directly issue a licence for extracting minerals such as therapeutic mud and/or underground mineral waters for external use (curative baths) for tourism and recreational purposes by consent of the Government of Georgia.

2. If a licence is issued directly, a licence applicant shall submit a written application indicating its intention to obtain a licence to extract (extract, explore-and-extract) minerals such as therapeutic mud and/or underground mineral waters for external use (curative baths) for tourism and recreational purposes.

3. If a licence is issued directly, legal entities under private law and individual entrepreneurs shall attach to the application extracts from the State Register, and natural persons shall attach the copies of identity documents as defined by the legislation of Georgia. A legal entity under public law shall attach to the application certified copies of its constituent documents.

4. If a licence is issued directly, the document evidencing payment of a licence fee shall also be attached to the application. The amount of a licence fee, the procedure for its payment to the budget, and the refund procedure for excess amount paid by a licence applicant shall be defined by the Law of Georgia on Licence and Permit Fees.

5. To issue a licence directly as provided for in this article, a licence issuer shall determine:

a) requirements for the use of a specific object;

b) additional licence conditions for a licence applicant.

6. The Government of Georgia shall lay down the procedure for direct issue of the licence provided for in 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 through auction

1. A licence to use shall be issued through auction except as provided for by this Law.

2. An application of a licence applicant, as well as the decision of a licence issuer shall be the grounds for starting the procedure for issuing a licence to use specific state resources.

3. The decision of a licence issuer made on the basis of an application or at its own initiative to issue a licence to use through auction shall be an administrative act.

4. The following shall be defined for issuing a licence to use state resources:

a) requirements for using a specific object

b) additional licence conditions for a licence applicant.

Additional licence conditions shall be defined by law.

5. In consideration of state and public interests, a 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 a licence to use and the licence conditions and requirements set for that use imply the activity/action provided for by another licence or permit and respective additional conditions, a licence or a permit need not be obtained for the use of the above resources.

7. A licence to use specific resources shall be issued through auction to the applicant who undertakes to meet the standards and rules set for that use and who submits the highest bid.

8. All licence applicants who meet the licence conditions laid down by law and who undertake to meet the requirements determined by the licence issuer may participate in the auction to obtain the licence.

9. A licence issuer shall publish information about holding an auction for issuing a licence to use specific state resources in the national press not later than one month before holding the auction. Other means may also be used for disseminating the information.

10. The information to be published shall include the following data:

a) name of a licence issuer

b) specific object of the licence to use

c) timeframes for a licence applicant to submit an application and for conducting auction

d) licence conditions defined in legislation

e) requirements for the use of a specific object

f) criteria for selecting the successful bidder

g) other data as decided by a licence issuer.

11. A licence issuer shall define the quantity, volume, and procedure for using the specific object for which the licence is to be issued.

12. A licence issuer shall lay down the procedure for holding an auction, for selecting the successful bidder, and for issuing respective licence certificates.

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; duration of a licence to use

1. A licence issuer shall lay down the procedure for setting an initial price for issuing a licence to use and for payment under the principles provided for by this Law.

2. In consideration of state and public interests and for issuing a licence to use at the most optimal price, a licence issuer shall set the validity period of the licence to use with or without reference to the application of a licence applicant. The licence duration shall be taken into account when setting an initial price of auction.

3. A licence to use may not be issued for an indefinite period. Features of a specific object under the licence to use and technological character of its use shall be taken into account when setting the duration of the licence.

4. A licence issuer may extend the duration of a licence to use by consent of the Government of Georgia.

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 may divide the licence to use into several parts and lease or transfer the right to use or its part to a third person, except as provided for in the seventh paragraph of this article.

2. If a licence holder transfers the licence in full or in part, it shall submit respective documents to the licence issuer. The licence issuer shall enter changes in the licence register and shall issue the respective licence certificate within three days.

3. Failure of a licence issuer to fulfill the obligation referred to in the second paragraph of this article shall not prevent a licence applicant from exercising the relevant right to use.

4. A licence recipient may exercise the relevant right to use only after meeting the licence conditions, undertaking to meet the requirements the use of a specific object, and submitting the information on transfer of a licence to use to a licence issuer. The licence recipient shall be liable for failing to fulfill the above obligations.

5. The issues related to the rights and duties of a licence issuer, as well as to the loss or damage of a licence certificate, shall be regulated by Chapter III of this Law.

6. A licence to use may not be transferred, in full or in part, to a third person if the licence holder has been deprived of the right to activity in the licenced area under a valid court judgment of conviction.

7. The holder of a licence to use the resources of the Black Sea continental shelf of Georgia may divide the licence to use into several parts and lease or transfer the ownership of the licence to use and the right to use or its part to a third person only by consent of the Government of Georgia.

8. Any person, including a credit institution or an insurance company, which will become a transferee of the right to own, use, or manage the licence to use natural resources that is pledged or encumbered otherwise, shall meet the licence conditions, as well as the requirements 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

Monitoring the Fulfillment of Licence Conditions; Repealing a Licence

Article 21 - Monitoring the fulfillment of licence conditions

1. A licence issuer shall monitor fulfilment of the licence conditions by a licence holder. A licence issuer may carry out monitoring unless the above function, under legislation, falls within the competence of other administrative body. In the cases provided for by law, a licence issuer may also monitor requirements defined in other normative acts, and the types of liabilities laid down in this Law may be applied for violating those requirements.

2. A licence issuer shall carry out monitoring only by random inspection of fulfillment of the licence conditions and/or by reports regularly submitted by a licence holder.

3. From 1 April to 1 May each year, a licence holder shall submit a report on observing the licence conditions, unless otherwise provided for by law. The report shall be submitted to a licence issuer in writing. If a licence holder obtains a licence within six months before the reporting period commences, it shall not be required to submit the report to the licence issuer.

4. If submitted report does not clearly declare or show that the licence conditions are observed, the licence issuer may request the licence holder to present information evidencing that the licence conditions are observed within a reasonable timeframe.

5. If a licence holder fails to fulfill the requirement referred to in the fourth paragraph of this article, the liability provided for by legislation shall be imposed on the licence holder.

6. A licence issuer shall monitor fulfilment of the licence conditions only by checking the compliance with the licence conditions. A licence issuer may not inspect or request the submission of factual circumstances that are not directly related to observance of the licence conditions by a licence holder.

7. The decision of a licence issuer to carry out random inspection shall be an administrative act. The licence issuer shall be required to present the administrative act to the licence holder during random inspection.

8. Based on decision of a licence issuer, representatives of other administrative bodies may also participate in random inspection.

9. A licence issuer shall draw up an inspection report after completing random inspection. The report shall be entered into the register maintained by the licence issuer for that purpose.

10. A licence issuer may monitor fulfilment of the licence conditions only once in a calendar year unless otherwise provided for by Law.

Article 22 - Liability for violating licence conditions; repealing a licence

1. If a licence holder fails to fulfil the conditions laid down by law, it shall be penalized in the manner laid down in the legislation. The amount of the penalty shall be defined by law. The licence issuer shall set a reasonable timeframe for meeting the licence conditions and lay down the conditions that must be fulfilled to carry out a particular activity.

2. If a licence holder, despite having been fined, fails to fulfil the licence conditions within the timeframe set, the imposed fine shall be tripled. When imposing the penalty, the timeframe and conditions for the fulfilment of licence conditions shall be set for the licence holder.

3. If a licence holder fails to fulfill the licence conditions after the period set at the time of imposing a triple penalty expires, the imposed penalty shall be tripled.

4. If a licence holder fails to meet the licence conditions despite having been penalized under the first, second, and third paragraphs of this article, the licence issuer shall repeal the licence.

4^1. If it is obvious that penalizing a licence holder for not fulfilling the conditions of the licence to use and/or the requirements defined for the use of a specific object has no result, the licence issuer may repeal the licence by a summary administrative procedure.

5. A licence issuer shall justify the necessity of using that form of liability in its decision on repealing the licence.

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

7. Apart from as provided for by Article 61 of the General Administrative Code of Georgia, the decision to issue a licence shall be declared invalid if:

a) the licence holder so requests;

b) the holder of a licence to operate dies (liquidates), or is duly recognised as deceased or missing or legally incapable;

c) the licence conditions laid down by legislation are not fulfilled;

d) there is a valid court judgment of conviction depriving the right to carry out activities.

7^1. A licence issuer may repeal the licence for use of natural resources that is seized, pledged, or otherwise encumbered as defined in this Law, if the grounds for repealing the licence exist. Repealing the licence shall result in revoking corresponding seizure, pledge, or other forms of encumbrance.

8. A licence issuer shall decide to repeal a licence as defined in this Law for issuing licences. The licence issuer shall immediately notify the licence holder of commencing administrative procedure for repealing the licence.

9. A licence issuer shall make a substantiated decision on repealing a licence within three days and immediately notify the licence holder of the repeal if there are grounds defined in paragraph 7(d) of this article, as well as in case of emergency when the delayed decision may cause substantial damage to public or private interests.

9^1. If a licence holder fails to duly pay the regulatory fee defined in Article 7(1, 2, 4, 5, and 9) of this Law, it shall be penalized. In addition, despite having been penalized, if a licence holder fails to pay the regulatory fee within thirty days after the deadline for paying the regulatory fee expires, the licence issuer may repeal the licence by a summary administrative procedure.

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

11. Liability, in the form of repealing a licence, shall only be applied if penalizing the licence holder cannot ensure the fulfillment of the licence conditions and if the licence issuer proves that repealing the licence will not cause more damage than its operation.

12. If repealing a licence may cause more damage than the extension of its validity or if its suspension is essentially impossible, a licence issuer shall make a substantiated decision on granting the right to a licence holder to continue licensed activity under the conditions laid down by the licence issuer. In that case, the licence holder shall fulfil the additional licence conditions within the reasonable timeframe set by the licence issuer.

13. If a licence holder fails to fulfill the licence conditions in the case provided for in the twelfth paragraph of this article, the licence issuer may decide to fulfill the licence conditions by itself or through a third person on behalf of and at the expense of the licence holder irrespective of whether or not a liability has been imposed on the licence holder.

14. In the case of the types of licences provided for by law, where it is impossible to fulfill the licence conditions as laid down in the thirteenth paragraph of this article, the court shall decide to appoint a special manager at the request of the licence issuer to perform the licensed activity and to fulfil the licence conditions. If a delay may cause damage, the licence issuer shall appoint a special manager by a substantiated decision and immediately submit it to the court for decision-making.

15. The procedure laid down in paragraphs 12, 13 and 14 of this article may apply, irrespective of whether or not the licence holder has been penalized, if the licence issuer knows in advance that penalizing the licence holder will not ensure the fulfillment of the licence conditions. The licence issuer shall substantiate the above decision.

16. A special manager may take all measures related to the licensable activity in order to fulfil the licence conditions, as soon as possible, at the expense of the licence holder. The court shall approve a monthly progress report of the activity carried out by the special manager unless a different timeframe is defined by law.

17. A special manager shall be appointed for a definite period, taking into account the licence conditions to be fulfilled. If the licence conditions are not fulfilled within the timeframe set, the court may extend the timeframe.

18. A licence holder shall immediately submit, upon request, any information and material resources related to licensable activity to the special manager. If a licence holder fails to fulfill the above obligation or hinders the special manager in performance of his/her duties, the licence holder shall be held liable as provided for in legislation.

19. If a special manager or a licence holder fulfills the licence conditions, the court shall decide to revoke special management.

20. All actions aimed to fulfill the licence conditions, including a special manager's remuneration, shall be carried out at the expense of the licence holder.

21. Taking into account the specific nature of licensable activity, the issues related to the powers, activity, and remuneration of a special manager may additionally be regulated by a normative act of the licence issuer or its higher (supervisory) administrative body.

22. If a licence holder holds a general licence and fails to meet the licence conditions governing a specific activity from the similar types of activities, the licence holder may carry out the other activities provided for in the general licence. Failure to fulfill the licence conditions governing a specific type of activity may not serve as the grounds for prohibiting from performing other activities provided for in the general licence.

23. If a general licence holder carries out any specific type of activity from the similar types of activities in violation of the licence conditions governing the specific activity, it shall be held liable as laid down in this article.

24. The procedure for monitoring a licence holder with regard to fulfillment of the conditions of a licence to use and of the requirements for using a specific object, as well as the liability for violating the requirements shall be defined by 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 case defined in paragraph 7(d) of the same article.

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 - Suspending the decision to issue, to refuse to issue, or to repeal the licence when filing an administrative complaint or action

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

Section III

Issuing Permits

Chapter VI

Types of Permits

Article 24 - Types of permits

1. Permit to transit goods that are subject to veterinary checks.

2. Permit to import goods that are subject to veterinary checks.

3. Permit to import phytogenous products that are subject to phytosanitary control.

4. Environmental impact permit.

5. (Deleted).

6. (Deleted).

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

8. Permit to use industrial explosives.

9. Purchase and transfer of radioactive materials.

10. Export and import of radioactive materials, raw materials, from which nuclear materials can be obtained or produced, equipment containing radioactive substances, nuclear technologies and know-how, as well as export, import and transit of radioactive sources.

10^1. Export of radioactive waste.

11. Permit to export, import, re-export, and introduce from the sea species listed in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), their parts and derivatives;

12. (Deleted).

13. Permit for a natural person to purchase a short-barrel firearm for defence or a sports firearm with a rifled short-barrel (with the right to keep).

14. Permit for a natural person to purchase for defence a gas (air) gun, a hunting rifle, a sports long-barrel firearm, or a sports short smooth-bore firearm (with the right to keep and carry).

14^1. Permit for a person who under the legislation of Georgia retains the right to carry weapons after the expiration of their official duties, to purchase non-military weapons (with the right to keep and carry) defined in the thirteenth paragraph of this article.

14^2. Permit to purchase weapons (with the right to keep and carry) owned by the persons defined in paragraph 2(h-p) of Article 9 of the Law of Georgia on Firearms during the course of their official duties for granting the weapons the status of a standard service weapon.

14^3. Permit for the persons defined in paragraph 2(h-p) of Article 9 of the Law of Georgia on Firearms to purchase (with the right to carry) standard service weapons transferred to them.

15. Permit for a foreign national to take out of Georgia non-military firearms and/or gas guns purchased in Georgia.

15^1. Permit for a foreign national to bring into and take out of Georgia hunting or sports firearms and/or ammunition.

15[2]. Permit for a sports institution in the appropriate field to temporarily take out of or bring into Georgia sports and hunting firearms for participating in a sporting event abroad.

15[3]. 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 weapons and ammunition.

17[1]. Permit for export, import, re-export, transit, internal processing, external processing, and temporary import and/or export of military weapons.

[17[1]. Permit to import military goods.

17[2]. Permit to export military goods.

17[3]. Permit to transit military goods.

17[4]. Permit to provide brokerage services for military goods.

17[5]. Permit to provide technical assistance for military goods. ***(to be enacted as from 1 October 2014)]***

18. Permit to collect and exhibit weapons.

19. Permit for persons accompanying representatives of foreign countries and international organisations, as well as other important persons during their visits, to bring into and take out of Georgia or move within Georgia weapons and ammunition.

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

21. (Deleted).

22. Permit for citizens of Georgia to bring into or take out of Georgia (except for transit and re-export) non-military weapons and/or gas guns, their key components and/or ammunition.

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

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

24[1]. Permit to construct radioactive and nuclear facilities.

25. (Deleted).

26. Permit for local regular urban passenger transportation.

27. Permit to export, import, re-export, or transit dual-use goods.

[27. Permit to import dual-use goods.

27[1]. Permit to export dual-use goods.

27[2]. Permit to transit dual-use goods.

27[3]. Permit to provide brokerage services for dual-use goods.

17[5]. Permit to provide technical assistance for dual-use goods. ***(to be enacted as from 1 October 2014)]***

28. Permit to carry out aerial work.

28[1]. Permit for irregular international air transportation-shipment.

29. Single and multiple permits for international automobile passenger transportation determined by an international treaty of Georgia.

30. Single and multiple permits for international cargo shipment determined by international treaties of Georgia.

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

32. Permit for free trade outlet activities.

33. Permit to operate a customs warehouse.

34. (Deleted).

34[1]. (Deleted - 13.10.2011, No 5121).

35. (Deleted).

36. (Deleted).

37. Permit to set up a casino.

37[1]. Permit to set up a gambling club.

38. Permit to set up a slot club.

39. Permit to set up a betting house.

40. Permit to organise lotto games.

41. Permit to organise bingo games.

42. Permit to organise promotional lotteries.

43. Permit to import or export therapeutic agents that are subject to special control.

44. Permit for clinical research of pharmaceuticals.

45. Permit to produce pharmaceuticals (therapeutic agents except for narcotics).

46. Permit for an authorised pharmacy.

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 archaeological works.

52. Permit to export Georgian cultural valuables from Georgia.

53. Permit for outdoor advertising.

54. Permit for an inpatient facility.

55. Permit to use a radio frequency spectrum.

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

Law of Georgia No 1684 of 29 November 2013 - website, 16.12.2013

Chapter VII

Procedure for Issuing Permits under a Summary Administrative Procedure

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. A permit application shall be submitted, considered, and accepted for processing as laid down in Chapter VI of the General Administrative Code of Georgia, except as provided for in Articles 26^2 and 26^3 of this Law.

2. An application shall meet the requirements provided for in Article 78 of the General Administrative Code of Georgia. It shall also specify the type of permit requested by the permit applicant and the list of attached documents.

3. Legal entities under private law and individual entrepreneurs shall attach extracts from state register to the application, and natural persons shall attach the copies of documents confirming their identity as provided for by legislation. A legal entity under public law shall attach certified copies of its constituent documents to the application.

4. The document evidencing the payment of a permit fee shall also be attached to the application, except as provided for in Articles 261, 262 and 263 of this Law, and except when a permit applicant is a ministry under the Law of Georgia on the Structure, Powers, and Operating Procedures of the Government of Georgia or a public sub-agency within the ministry. The permit fee amount, the procedure for its payment to the budget, and the refund procedure for the excess amount paid by the permit applicant shall be defined in the Law of Georgia on Licence and Permit Fees. Additional documents to be attached shall be determined only by law.

5. Taking into account the specific nature of an activity, additional conditions for obtaining a permit, apart from the conditions provided for in this article, shall be defined by Law or by decision of a local self-government representative body under this Law.

6. If a permit applicant applies for a permit for a specific action and holds a permit for a similar type of action, the permit issuer shall not inspect the factual circumstances that satisfied the permit conditions and that were verified at the time of issuing the previous permit.

7. A permit applicant shall present the factual circumstances that meet additional conditions of the permit, the verification of which is not directly related to the administrative procedure for issuing the permit. The above factual circumstances shall be verified under a separate administrative procedure.

8. A permit applicant need not present documents verifying the factual circumstances that meet the additional conditions if the documents are issued by other administrative body and represent grounds for issuing a permit.

9. To verify and present factual circumstances provided for in the seventh paragraph of this article, a permit issuer shall, under Article 84 of the General Administrative Code of Georgia, transfer the copies of the application and attached documents to other administrative body upon verifying the compliance of the application with the requirements laid down by this Law. The permit issuer shall submit the copies of the application and attached documents to other administrative body not later than three days after verifying the compliance of the application with the requirements defined by the Law.

10. Other administrative body shall participate in the administrative procedure for issuing a permit and shall be obliged to duly verify the factual circumstances that a permit applicant is not required to verify. Other administrative bodies may issue a substantiated refusal to verify the factual circumstances provided for in the seventh paragraph of this article.

11. Other administrative body shall decide to verify or to refuse to verify the factual circumstances within not later than 15 days after submitting the application copies and attached documents to the permit issuer. Unless the above timeframe suffice to verify the factual circumstances provided for in the seventh paragraph of this article, other administrative body may file a substantiated request for extending the timeframe within not later than five days after receiving the application copies and attached documents. If other administrative body makes a decision, it shall submit the decision to the permit issuer within not later than 17 days after submitting the application to the permit issuer.

12. If a permit issuer fails to satisfy the substantiated request of other administrative body, the permit issuer shall be liable for any damage consequently incurred.

13. If other administrative body fails to duly verify or provide a substantiated refusal to verify the factual circumstances within the timeframe, the additional permit conditions laid down by legislation shall be deemed fulfilled.

14. A permit issuer may not request a permit applicant to present the verification of factual circumstances provided for in the seventh paragraph of this article.

15. If the data under the second and third paragraphs of this article change, the permit holder shall notify in writing the permit issuer about the change and shall submit relevant documents within seven days after making the changes.

16. If a legal person carries out a permitted action, a branch of the legal person may also carry out the same action. For a branch to carry out the permitted action, the permit holder shall notify the permit issuer in advance that the branch meets the permit conditions. A permit issuer may not establish such additional conditions or regime that implies issuing a separate permit for a branch of the legal person holding a permit. If a legal person or its branch carries out an action regulated by permit and their permit does not cover that action, the legal person shall 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, 12.10.209, 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 procedure for issuing a permit

1. A permit issuer shall decide to issue a permit under the summary administrative procedure defined by this Law and by Chapter VI of the General Administrative Code of Georgia, except as provided for by Articles 26^1, 26^2, 26^3, 26^4 of this Law.

2. Deleted (11.10.2011, No 5093).

3. A decision to issue, to refuse to issue, or to repeal a permit shall be an administrative act and shall meet the requirements set for an administrative legal act under Chapter IV of the General Administrative Code of Georgia.

4. If verifying the circumstances essential to the case requires more time than defined by law for an administrative procedure, a permit issuer may make a substantiated decision on the extension of the period of an administrative procedure for not longer than three months only for the types of permits specified by law. The permit issuer shall make the decision within 15 days after the application is submitted.

5. The timeframe for issuing a permit may not be extended under the sixth paragraph of this article unless a permit applicant is notified about the extension within 20 days after the application is submitted.

6. The Government of Georgia shall decide to extend the timeframe for issuing a permit for up to three extra months based on a substantiated request of a permit issuer if due to specific circumstances the permit cannot be issued within the timeframe defined by law. The licence issuer shall immediately notify the licence applicant of the decision of the Government.

7. If a specific type of permit, the issuing period of which may be extended under the sixth paragraph of this article, represents a major hazard to human life and health, is related to a wider range of state and public interests, and the circumstances envisaged by such action take more than three months to verify, the permit issuer may submit a substantiated request to the Government of Georgia for extending the period for issuing the permit for another three months. If the above conditions exist and the permit issuer learns them upon submitting the application, the permit issuer may submit a substantiated request to the Government of Georgia for extending the permit issuing period for up to six months.

8. If the Government of Georgia accepts the substantiated request of a permit issuer, it shall decide to extend the permit issuing period for three months. If the grounds provided for in the ninth paragraph of this article exist, a permit issuer shall submit the substantiated request to the Government of Georgia within two months after submitting an application and immediately notify the permit applicant of extending the period.

9. If the timeframe of the administrative procedure for issuing a permit is extended for up to three or six months, a permit issuer may decide to extend the period for verifying the factual circumstances for up to two months under a substantiated request of other administrative body.

10. A permit issuer shall decide to issue a permit within 20 days after submitting an application. If the decision on issuing or on refusing to issue the permit is not made within the above period, the permit shall be deemed issued.

11. A permit applicant may request a permit certificate after the permit issuing period expires. The permit issuer shall 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 26[1] - The procedure for issuing a permit for outdoor advertising

1. Making a decision to introduce a permit for outdoor advertising provided for in Article 24(53) of this Law shall be the discretionary power of a local self-government representative body. If the decision is made to regulate outdoor advertising by permit, a local self-government executive body (the City Hall in Tbilisi) shall issue the permit.

2. A permit for outdoor advertising provided for in Article 24 (53) of this Law shall be issued through auction. A permit for outdoor advertising shall be issued to the highest bidding applicant who undertakes to meet the established standards and rules. If a permit applicant wins the auction, to obtain a permit for outdoor advertising, it shall only pay the price for issuing the permit based on the auction results. No fees shall be charged when issuing a permit for outdoor advertising.

3. A representative body of the respective local self-governing unit shall define the conditions and the procedure for holding an auction. The basic requirements provided for in Articles 25 and 26 of this Law must be observed when defining the procedure for holding an auction.

4. The procedure for setting initial price for an outdoor advertising permit and its payment shall be defined by a local self-government representative body observing the principles defined by this Law.

5. A permit for outdoor advertising under this Law shall be issued only for placing an outdoor advertisement on the land or other property owned by the state or a local self-governing unit. No permit shall be required for placing an outdoor advertisement under this Law on the land or property owned by a natural person, by a legal person under private law, or by any other organised entity defined in the legislation of Georgia.

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

Article 26[2] - The procedure for issuing a permit for local regular urban passenger transportation

1. A local self-government body shall issue a permit for local regular urban passenger transportation through competition. The Government of Tbilisi or a structural unit of the Tbilisi City Hall authorised by the Government of Tbilisi shall be the permit issuing authority in Tbilisi. To obtain a permit for local regular urban passenger transportation, a permit applicant who has won the competition shall pay the price for issuing the permit. No fees shall be charged when issuing a permit for local regular urban passenger transportation.

2. A local self-government representative body shall set the price for issuing a permit for local regular urban passenger transportation and shall approve the procedure for holding a competition for issuing a permit and the procedure for paying the price for issuing a permit.

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

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

Law of Georgia No 1975 of 5 February 2014 – website, 19.2.2014

Article 26[3] - The procedure for issuing a multiple permit for international automobile passenger transportation under an international treaty of Georgia and a multiple permit for international cargo shipments under international treaties of Georgia

1. A multiple permit for international automobile passenger transportation under an international treaty of Georgia and a multiple permit for international cargo shipment ('multiple permit') under international treaties of Georgia shall be issued through competition by the Legal Entity under Public Law - the Land Transport Agency within the Ministry for Economy and Sustainable Development of Georgia. To obtain a multiple permit, a permit applicant who has won the completion shall pay the price for issuing the permit. No fees shall be charged when issuing a multiple permit.

2. The Ministry for Economy and Sustainable Development of Georgia shall define the price for issuing a multiple permit and shall approve the procedure for holding a competition for issuing a multiple permit and the procedure for paying the price for issuing a multiple permit.

3. The price for issuing a multiple permit shall be transferred to the account of the Legal Entity under Public Law - the Land Transportation Agency within the Ministry for Economy and Sustainable Development of Georgia.

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

Article 26[4] - The procedure for issuing a construction permit

1. Stage I of a construction permit (including the construction of facilities of special importance) that includes determining the conditions for urban construction, stage II that includes approving an architectural-construction design, and stage III that includes issuing a construction permit shall be carried out under a summary administrative procedure.

2. A construction permit shall be issued and the related stages of administrative procedure shall be carried out within 60 days.

3. The procedure and the conditions for issuing a construction permit, including the summary procedure, shall be defined by a normative act of the Government of Georgia.

4. A construction permit issuing body may issue a construction permit electronically.

5. The procedures and the conditions for issuing a construction permit electronically and for familiarising with an individual administrative-legal act shall be defined by a normative act of the Government of Georgia; whereas in Tbilisi the same procedures and conditions shall be defined by a normative act of the Sakrebulo of Tbilisi Municipality. Official familiarisation of an interested party with an electronic individual administrative-legal act implies familiarisation with an individual administrative-legal act through electronic mail or other technical means.

6. At stages I and II, a client shall be an applicant; whereas, at stage III, a client may be the owner/user of a land plot and of buildings constructed or to be constructed on the land plot or a person authorised by the owner(s)/user(s) interested in developing the site for construction.

7. When registering a title (ownership rights) to the object under construction, a client (a person interested in developing the site for construction) shall be the original owner/user (a person who obtained a construction permit) of the land plot or the person authorised by the original owner/user (a person who obtained a construction permit), unless otherwise agreed by the parties.

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

Law of Georgia No 1975 of 5 February 2014 - website, 19.2.2014

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 law, and the permit applicant fails to carry out corrective measures within the period defined by an administrative body;

b) a permit applicant does not meet the permit conditions defined by law or by a local self-government representative body under law;

c) a permit applicant has been deprived of the right to carry out an activity in the respective permitted area under a valid court 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 of a permit issuer to refuse to issue a permit may be appealed to a higher administrative body (official) or to the court.

Article 29 - Rights and duties of a permit issuer

A permit issuer shall:

a) issue, amend, or repeal a permit in the cases and in the manner defined by law;

b) maintain a departmental permit register;

c) (deleted);

d) within 10 days after decision, publish information on issuing a permit under a summary administrative procedure, on making changes to or repealing the permit, and information on the permit that includes personal data, state and/or commercial secret as defined in the General Administrative Code of Georgia and the Law of Georgia on Personal Data Protection.

e) store documents submitted by a permit applicant as defined by legislation;

f) monitor the fulfilment of permit conditions by the permit holder as provided for 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

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

Article 31 - Loss or damage of a permit certificate

1. If a permit certificate (except for a permit for single international automobile shipment issued within the quotas) is lost or damaged, the permit holder shall apply in writing to the permit issuer for a permit certificate duplicate.

2. A permit issuer shall issue the permit certificate duplicate within two days after receiving the application and shall enter the respective information into the departmental permit register.

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

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

5. In the case laid down by Article 26^2 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 laid down by Article 26^3 of this Law, the fee for issuing a permit certificate duplicate shall be defined by the Ministry for 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 – Effective date and duration of a permit

1. If a decision is made to issue a permit, the permit applicant may carry out permitted action before receiving the permit certificate. Such action shall be based on a corresponding administrative act.

2. If a permit issuer fails to decide to issue or to refuse to issue a permit within the period set by law, the permit applicant may carry out permitted action only after receiving the permit certificate.

3. If a permit certificate is lost or damaged, the permit holder may carry out permitted action under a corresponding administrative act.

4. A permit issuer shall issue a respective permit certificate upon deciding to grant the application.

5. A permit shall be issued on a one-off basis for definite or indefinite period. The permit duration shall be defined by law or under respective decision of a local self-government body in the cases laid down in Articles 26^1 and 26^2 of this Law. In the cases laid down in Article 26^3 of this Law, the permit duration shall be defined by international treaties. The definite permit duration shall automatically be extended (except for the cases laid down in Articles 26^1, 26^2, and 26^3 of this Law) if the permit conditions have not been changed and if the permit holder submits a receipt evidencing the fee payment set by the legislation of Georgia along with a written application.

6. Generally, a permit shall be issued for an indefinite duration except in the cases defined in Article 26^3 of this Law. In the cases provided for by law or by Articles 26^1 and 26^2 of this Law, a local self-government body may set a definite duration for a permit. When setting duration, the essence and nature of the action specified in the permit and/or technical processes to be implemented shall be taken into account.

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 - website, 10.3.2011

Chapter VIII

Monitoring the Fulfilment of Permit Conditions; Repealing a Permit

Article 33 - Monitoring the fulfilment of permit conditions

1. A permit issuer shall control the permit holder with regard to fulfilment of the permit conditions. A permit issuer may carry out monitoring unless the task falls within the competence of another administrative body under legislation. In the cases provided for by law, a permit issuer may also monitor fulfilment of the requirements defined in other normative acts and may apply liabilities under this Law for violating those requirements.

2. A permit issuer shall carry out monitoring only by random inspection of fulfilment of the permit conditions.

3. A permit issuer shall monitor fulfilment of the permit conditions only by inspecting the permit conditions. A permit issuer may not examine or require submission of the factual circumstances that are not directly related to fulfilment of the permit conditions by a permit holder.

4. The decision of a permit issuer to carry out random inspection shall be an administrative act. When performing random inspection, the permit issuer shall present the administrative act to a permit holder.

5. Based on the decision of a permit issuer, representatives of other administrative body may also take part in random inspection.

6. Upon completing random inspection, a permit issuer shall prepare a respective inspection report that shall be entered into the register maintained by the permit issuer for that purpose.

7. A permit issuer may monitor fulfilment of the permit conditions only once during a calendar year unless otherwise provided for by law.

8. The second and seventh paragraphs of this article shall not apply to the cases provided for in Articles 26^2 and 26^3 of this Law.

9. In the cases defined in Articles 26^2 and 26^3 of this Law, the permit conditions shall be monitored under the legislation of Georgia.

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 34 - Liability for violating permit conditions; repealing a permit

1. If a permit holder fails to fulfil the permit conditions laid down by law, it shall be penalized as provided for by legislation. The penalty amount shall be defined by law. A permit issuer shall set a reasonable timeframe for satisfying the permit conditions and shall lay down the conditions whose fulfilment is necessary to carry out a specific action.

2. If a permit holder, despite having been imposed a liability, fails to fulfil the permit conditions within the set timeframe (except when holders of a permit for setting up a slot club, casino, betting house, lotto, and bingo violate the timeframe for permit fee payment), the imposed penalty shall be tripled. When imposing a penalty, timeframe and conditions shall be set for the permit holder to meet the permit conditions.

3. If a permit holder fails to meet the permit conditions after the period set upon imposing triple penalty expires, the imposed penalty shall be tripled.

4. If a permit holder fails to meet the permit conditions despite having been imposed the liability defined in the first, second, and third paragraphs of this article, the permit issuer shall decide to repeal the permit.

4^1. If a permit holder fails to fulfil the permit conditions, despite having been penalized under Article 37^1(b, d, f, h, j or n) of the Law of Georgia on Organising Lottery, Gambling, and Winning Games, the permit issuer shall decide to repeal the permit.

4^2. If a permit for setting up a casino/slot club is repealed, a permit for setting up a gambling club issued under the above permit shall also be repealed.

5. In its decision on repealing a permit, the permit issuer shall justify the necessity of applying that type of liability.

6. Repealing a permit shall mean declaring invalid the decision on issuing a permit under the General Administrative Code of Georgia.

7. Apart from as provided for in Article 61 of the General Administrative Code of Georgia, the decision to issue a permit shall be declared invalid on the following grounds:

a) request of a permit holder;

b) death (liquidation) of a permit holder, recognizing a permit holder as dead, missing, or legally incapable, except for the case defined by law;

c) failure to fulfil permit conditions laid down by law;

d) valid judgment of conviction of the court on depriving the right to carry out an activity.

8. A permit issuer shall decide to repeal a permit under the procedure laid down in this Law for issuing a permit. The permit issuer shall immediately notify the permit holder of commencing an administrative procedure for repealing the permit.

9. A permit issuer shall make a substantiated decision on repealing a permit within three days and immediately notify the permit holder of the repeal if there are grounds provided for in paragraph 7(d) of this article, as well as in case of emergency when the delayed decision may cause substantial damage to public or private interests.

10. The decision to repeal a permit may be appealed to a higher administrative body (official) or to the court.

11. A permit certificate shall be returned to the permit issuer within three days after the decision on repealing a permit comes into effect.

12. If repealing a permit may cause more damage than the extension of its validity or if the suspension of its validity is essentially impossible, a permit issuer shall make a substantiated decision on granting the right to a permit holder to carry out the action under the permit, provided that the permit conditions set by the permit issuer are met. In that case, the permit holder shall fulfil the additional permit conditions within the reasonable timeframe set by the permit issuer.

13. If a permit holder fails to fulfil the permit conditions in the case defined in the twelfth paragraph of this article, the permit issuer may decide to fulfil the permit conditions by itself or through a third person on behalf of and at the expense of the permit holder irrespective of whether or not a liability has been imposed on the permit holder.

14. In the case of the permit types provided for by law, where it is impossible to fulfil the permit conditions as laid down in the thirteenth paragraph of this article, the court shall decide to appoint a special manager at the request of the permit issuer to perform an action under the permit and to fulfil the permit conditions. If a delay may cause damage, the permit issuer shall appoint a special manager by a substantiated decision and immediately submit it to the court for making decision.

15. The procedure laid down in the twelfth, thirteenth, and fourteenth paragraphs of this article may be applied, irrespective of whether or not the permit holder has been penalized, if the permit issuer knows in advance that imposing a penalty on the permit holder will not ensure the fulfilment of the permit conditions. The permit issuer shall be obliged to substantiate the above decision.

16. A special manager may carry out all measures related to an action under the permit in order to fulfil the permit conditions, as soon as possible, at the expense of the permit holder. The court shall approve a monthly progress report of the activity carried out by the special manager unless a different timeframe is laid down by law.

17. A special manager shall be appointed for a definite period taking into account the permit conditions to be fulfilled. If the permit conditions are not fulfilled within the timeframe, the court may extend the timeframe.

18. A permit holder shall immediately provide all information and material resources related to the action under the permit to a special manager upon request. If a permit holder fails to fulfil the above obligation or hinders a special manager in the performance of its duties, the permit holder shall be held liable as provided for by legislation.

19. If a special manager or a permit holder fulfils the permit conditions, the court shall decide to revoke special management.

20. All actions aimed at ensuring fulfilment of the permit conditions, including remuneration of a special manager, shall be carried out at the expense of the permit holder.

21. Taking into account the specific nature of the action under the permit, the issues related to the powers, activities, and remuneration of a special manager may additionally be regulated by a normative act of the permit issuer or its higher (supervisory) administrative body.

22. Paragraphs 11-21 of this article shall not apply to the case defined 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 – Suspending the decision to issue, to refuse to issue or to repeal a permit in the case of filing an administrative complaint or action

If an administrative complaint or action is filed, the decision to issue, to refuse to issue, or to repeal the permit shall not be suspended unless otherwise decided by the permit issuer, an administrative body, or the court considering the action (complaint).

Section IV

Departmental Licence and Permit Registers; Access to Information; Liability

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

Chapter IX

Departmental Licence and Permit Registers; Access to Information

Article 36 - Departmental licence and permit registries; access to information

1. (Deleted).

2. A licence/permit issuer shall maintain a departmental licence/permit register.

3. A licence/permit issuer shall enter data on issuing, amending, repealing a licence/permit, as well as data on issuing duplicates, into the departmental licence/permit register within two days after making a decision.

4. The following shall also be entered into the departmental licence/permit register:

a) data on a licence/permit holder: name - for the ministry or public sub-agency within the ministry defined in the Law of Georgia on the Structure, Powers, and Rules of Operation of the Government of Georgia; data on registering with the Register of Entrepreneurial and Non-entrepreneurial (Non-commercial) Legal Persons - for an individual entrepreneur or a legal person (other organisational entity); first and last names, information on places of residence and employment – for a natural person

b) data on firm name (first and last names) of a licence/permit holder, organisational-legal form, change of location, or reorganisation

c) licence/permit types

d) licence/permit certificate number and date of issue, legal address of the licence or permit issuer that is issued under a public administrative procedure, and identity of the official signing the respective decision.

5. A licence and/or a permit issuer that is issued under a public administrative procedure shall:

a) (deleted);

b) publish data on issuing, amending, and repealing a licence in the Legislative Herald of Georgia, the official gazette of Georgia, within ten days after making a decision, except for information on licences issued through computer-aided control systems;

c) permits issued by a local self-government body shall be made public by the permit issuer.

6. (Deleted).

7. (Deleted).

8. (Deleted).

9. (Deleted).

10. (Deleted).

11. Everyone may become familiar with the data contained in a departmental licence/permit register and may receive public information on licences/permits as provided for by 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 violating this Law

1. Liability for violating this Law shall be defined by the legislation of Georgia.

2. If a licence or permit issuer, or other administrative body, in violation of the requirements of this Law, fails to make a decision on issuing or on refusing to issue a licence or a permit within the set timeframe, the official at fault shall be demoted to a lower position for six months.

3. If an official commits again the offence defined in the second paragraph of this article within three years, the official shall be dismissed from his/her position.

4. If a licence or permit issuer refuses to immediately issue a licence or permit certificate in the cases provided for by Articles 10(18) and 26(11) of this Law, a warning shall be given to the official at fault. If the official commits the above offence again, he/she shall be dismissed from his/her position.

5. An official dismissed from his/her position on the grounds referred to in this article may not be appointed to the same position. The above person may also not be appointed to another position with the same functions and significance.

Section V

Transitional and Final Provisions

Chapter XI

Transitional Provisions

Article 38 - Legal Status of the licences and permits 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 no longer governed by this Law, nobody may request a licence or a permit to perform that activity or action.

2. A licence or a permit issued before enacting this Law for a specific activity or action governed by this Law shall retain the legal power for a respective period of time.

3. If a licence used to be issued for a specific activity or action and if after enacting this Law a permit is issued for that activity or action, or vice versa, so that no essential changes have been made to the licence or permit conditions, the licence or permit holder may apply for a licence or permit certificate. The licence or permit issuer shall immediately issue the respective certificate.

4. Legal persons that obtained a licence for secondary vocational educational activity before the beginning of the 2009-2010 academic years shall be deemed licensed under the Law of Georgia on Licensing the Activities of Educational and Childcare Institutions.

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

Article 38^1 - Transitional regulation of issuing a permit for an authorised pharmacy

A pharmacy holding a permit to organize a Group I pharmacy need not to obtain another permit for the activities defined in Article 24(46) of this Law. If a holder of a permit to organise a Group I pharmacy applies to the issuer of the respective permit, the permit issuer, shall replace the permit form with 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 38^2 - Principles of issuing licences/permits for medical activities

1. The norms of Article 38 of this Law shall be applied when issuing a licence/permit for medical activities defined by this Law notwithstanding the timeframe for issuing the licence/permit.

2. If a holder of a licence to carry out medical activity plans to carry out additional activities that require a different licence, it shall fulfil the different conditions laid down for obtaining that licence.

3. In the case referred to in the second paragraph of this article, a licence issuer shall examine only the different conditions that are required to obtain a new licence. The licence issuer shall not verify the factual circumstances meeting the licence conditions that the licence holder fulfilled when obtaining the previous licence.

4. To obtain a permit, an applicant for a permit for medical activities, along with other requirements defined by the legislation of Georgia, shall fulfil general permit conditions and additional permit conditions according to the services to be rendered.

5. If a permit holder renders the services subject to additional permit conditions, only the different conditions laid down for that service shall be examined.

6. If a permit holder fails to fulfil the additional conditions laid down for any of the services, its permit for medical activities may not be repealed. In that case, the permit holder may not render specifically those additional services, with respect to which additional permit conditions have not been fulfilled.

7. Normative acts regulating the respective licence/permit conditions shall provide for the measures for changing licence/permit certificates for the activities/actions for which the licence has been issued and for which, from 1 December 2010, either permits or licences are issued so as not to essentially change the licence/permit conditions. The above shall be carried out automatically, based on application of a licence/permit holder.

8. The measures defined in the seventh paragraph of this article shall be carried out free of charge until 1 March 2011; after the above period expires, a licence/permit certificate shall be changed based on application of a licence/permit holder and document evidencing 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 38^3 - Transitional regulation of some licence/permit activities

A ministry provided for by the Law of Georgia on the Structure, Powers, and Rules of Operation of the Government of Georgia or a public sub-agency within that ministry, as well as other persons concerned, may carry out respective medical activities, forensic examination, forensic psychiatric examination, and postmortem examination under this Law until 1 December 2010 without the relevant licence/permit.

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

Article 38^4 - Special procedure for the operation of a permit for specific types of permitted activities

Only the permit defined in Article 24(10) of this Law shall be issued for one year if a person holding the licence for nuclear and radioactive activities imports radiopharmaceuticals for medical purposes in order to use radioactive substances for the same purposes.

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

Article 39 - Transitional regulation of a licence to use

1. A licence issued before enacting this Law for a specific activity for which a licence to operate is issued under this Law, shall retain its legal effect for the respective period.

2. The procedure and the conditions for extending duration of a licence to operate specified in the first paragraph of this article shall be defined by the legislation of Georgia.

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

1. Before making changes and addenda to legal acts, the bodies issuing licences and permits, the issuing procedure and the issuing conditions shall be determined by a normative act of the Government of Georgia according to this Law.

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

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

Article 41 - Measures to be taken for enacting this Law

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

2. The Government of Georgia shall submit simplified procedures and conditions for regulating food production companies before 1 January 2006.

Article 42 - Defining the system for regulating professional activities

1. Professional activities shall be regulated by separate legislation.

2. The Government of Georgia shall submit to the Parliament of Georgia, before 1 December 2005, relevant draft legal acts that shall include the following key principles for regulating a professional activity:

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 42^1 - Temporary legal regulation of the relations concerning a permit for outdoor advertising

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

2. If parties agree, validity of contracts on outdoor advertising concluded before 1 December 2008 as provided for by legislation may be extended without obtaining the permit for outdoor advertising under Article 24(53) of this Law. Duration of contracts shall be extended for a period that is equal to the duration of the permit for outdoor advertising issued as a result of the first auction held by a local self-government body under Article 26^1 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 after this Law is enacted:

a) Law of Georgia on Grounds for Issuing Licences and Permits for Entrepreneurial Activity

b) Edict No 472 by the President of Georgia of 29 September 2003 on the Procedure for Delegating Powers to Issue Licences and Permits to Relevant Ministries and Agencies of the Autonomous Republic within the Government Institutions of the Executive Branch of Georgia.

Article 44 - Enactment of the Law

This Law shall be enacted on the fifteenth day after its promulgation.

President of Georgia

Michael Saakashvili

Tbilisi,

24 June 2005

No 1775 – ES