LAW OF GEORGIA

ON THE STATE BORDER OF GEORGIA

Having regard to the independence, state sovereignty and territorial integrity of Georgia, this Law regulates the status of the State Border, as well as the relations connected with establishing and maintaining the regime of the State Border on the land, in the inland and territorial waters (territorial sea), in the air space, within the special economic zone, and on the continental shelf of Georgia.

Chapter I – General Provisions

Article 1 – State Border of Georgia

1. The State Border of Georgia consists of the administrative border of the Georgian Soviet Socialist Republic, established under the legislative acts of the former USSR, and of the state border recognised under international agreements by the former USSR, which determined the state border of the former USSR in the area of Georgia.

2. According to Article 2(1) of the Constitution of Georgia, the territory of the State of Georgia is determined as of 21 December 1991. The territorial integrity and inviolability of the State Border of Georgia are recognised by the international community of states and by international organisations.

3. The State Border of Georgia shall be established according to the Constitution of Georgia, legislative acts, treaties and international agreements of Georgia, and this Law.

Article 2 – Definition of terms

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

a) the State Border of Georgia – a line and a vertical plane along that linethat separate the territory of Georgia – the land, waters, subsoil, and air space – from the territory of a neighbouring state;

b) protection of the State Border – a set of legal and political, economic, military-operational, investigative-operational, engineering and technical, security, organisational, environmental, sanitary and other measures related to the protection of the State Border that ensures the inviolability of the State Border, compliance with and control over the procedures established in a border area, in a borderland, and at border crossing points, as well as the protection of national, private and public interests;

c) the State Border regime – a procedure for crossing the State Border; the procedures for the stay and navigation of warships and non-military ships of Georgia and of other states in the inland waters, ports, and territorial waters of Georgia; as well as the procedures for carrying out fishery and other activities, and various operations at the State Border;

c^1) (deleted)

d) border area – an overland strip of a maximum of 5 kilometres in width, extending into the territory of Georgia either from the Georgian State Border line or from the coastline; as well as part of the territory of an international airport (aerodrome), railway station, international river harbour and seaport, where border control connected with the crossing of the border is carried out. In particular cases, taking into account the topography, a border area may be defined by an ordinance of the Government of Georgia in the overland section of the State Border of Georgia as 30 kilometres from the State Border line;

e) borderland – a part of a border area of a maximum of 500 metres in width that directly adjoins the State Border;

f) air space – vertical air space (atmosphere) of the territory of the State of Georgia, to which the sovereignty of Georgia applies under the universally recognised norms of international law and under treaties and international agreements of Georgia;

g) aircraft – a powered or unpowered aircraft;

h) air traffic – transportation by an aircraft of passengers and freight between two states (one of which is Georgia);

i) border crossing point – a section of a highway or road, where international traffic is permitted and part of the territory of a railway station, port, harbour, airport (aerodrome), where border control and other kinds of control connected to border crossing determined by the legislation of Georgia are carried out;

j) quarantine – a temporary restriction of movement across the State Border of Georgia of people, animals, cargoes, seed and planting materials, and other products of animal and vegetable origin;

k) physical and technical protection of the State Border – protection of the State Border and its technical equipment and structures (buildings, border crossing points and other facilities) from illegal trespass;

l) port – a section of a sea coast and adjacent water space, which is equipped with permanent devices and hydro-technical structures necessary for the entry, stay and departure of vessels, for carrying out cargo loading and unloading and other operations, and which has an administration;

m) warship – a vessel, belonging to the armed forces of any state, which is under command of an officer of the military service included on the list of naval officers of that state or in any similar document, and which shall have a nationality sign and a crew under military discipline;

n) special-purpose ship carrying out a state task – a vessel of any state used for research or other non-entrepreneurial activities;

o) nuclear powered ship – a vessel, which is equipped with an onboard nuclear reactor or is armed with nuclear weapons, or which carries nuclear or other poisonous substances;

p) inspection of a ship – inspection of a vessel, as well as of documents of crew members, passengers, and cargo, and, if necessary, the cargo holds of a ship;

q) border incident – a conflict, which might be an armed conflict, at the State Border of Georgia between the citizens of Georgia and the border protection forces of a neighbouring state, or between an authorised body operating within the system of the Ministry of Internal Affairs of Georgia and the citizens of a neighbouring state.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art.141

Law of Georgia No 4140 of 27 December 2006 – LHG I, No 49, 29.12.2006, Art. 375

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 3 – Inland waters of Georgia

The inland waters of Georgia shall be:

a) rivers, lakes, and waters of other reservoirs, the banks and shores of which fully belong to Georgia;

b) the waters of the Black Sea between the straight baselines established to measure the land and the territorial waters;

c) the waters of a port of Georgia that from the side of the sea are bounded by a line crossing the extreme points of hydro-technical or other permanent structures of the port.

Article 4 – Territorial waters (territorial sea) of Georgia

1. The territorial waters (territorial sea) of Georgia shall be a belt of coastal waters of the Black Sea, of 12 nautical miles in width, which is measured from the straight baselines connecting the points, whose coordinates the Government of Georgia shall approve based on the recommendation of the Minister of Internal Affairs of Georgia.

2. In particular cases, the width of territorial waters (the territorial sea) of Georgia may be determined under treaties or international agreements of Georgia, and in the absence of such, according to universally recognised principles and norms of international law.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 5 – Contiguous zone of the territorial waters of Georgia

1. In order to prevent the violation of the taxation, fiscal, immigration, or sanitary legislation and regulations in the territory or in the territorial waters of Georgia, a contiguous zone shall be determined, which shall be a band of water of 12 nautical miles in width, adjoining the territorial waters of Georgia from the side of the high sea.

2. A contiguous zone shall extend to up to 24 nautical miles from the straight baselines, from which the territorial waters are measured.

Law of Georgia No 3806 of 12 November 2010 – LHG I, No 66, 5.11.2010, Art. 414

Law of Georgia No 4927 of 28 June 2019 – website, 4.7.2019

Article 6 – Exclusive economic zone of Georgia

An exclusive economic zone of Georgia shall be a maritime space measured from the straight baselines, from which the territorial waters are measured, and which shall be a maximum of 200 nautical miles in width.

Article 7 – Continental shelf of Georgia

1. The continental shelf shall be a seabed that extends out 200 nautical miles along the natural length of the land territory to the outer edge of the continental margin, or that extends for up to 200 nautical miles from the straight baselines, from which the territorial waters are measured, if the outer edge of the continental margin does not stretch that far.

2. In particular cases, the outer edge of the continental shelf shall be determined under a treaty or international agreement concluded with a neighbouring state or a state across the waters.

Article 8 – Legislation of Georgia on the State Border of Georgia

1. The legislation of Georgia on the State Border of Georgia shall consist of the Constitution of Georgia, this Law, the Procedures for the Regime and Protection of the State Border, and other normative acts of Georgia.

2. The Government of Georgia shall develop and approve the Procedures for the Regime and Protection of the State Border.

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 9 – Border policy of Georgia

1. The Parliament of Georgia shall determine a border policy of Georgia as part of the policy of ensuring the independence, state sovereignty and territorial integrity of Georgia.

2. The Government of Georgia, the executive authorities of Georgia, and the Autonomous Republics of Abkhazia and Ajara, and the executive bodies of local self-government shall implement the border policy of Georgia within the scope of authority granted to them under the legislation of Georgia.

3. (Deleted).

4. When establishing the State Border, regulating relations connected with the State Border in a border area and a borderland, with other States, and regulating the legal aspects of international traffic across the territory of the country, Georgia shall be guided by the following principles:

a) ensuring national and international security;

b) mutually beneficial and comprehensive cooperation with other states;

c) observance of the universally recognised principles and norms of international law of the state sovereignty, territorial integrity and inviolability of the state borders;

d) peaceful settlement of border disputes.

5. Georgia shall solve border-related issues with neighbouring states on the basis of friendship and good neighbourliness, according to the Constitution of Georgia, this Law, other legislative acts, and treaties and international agreements of Georgia.

6. If the State Border of Georgia with a neighbouring state is not formalised according to the norms of international law, it shall be established under a treaty or international agreement concluded with this neighbouring state, on the basis of the Constitution of Georgia and Article 1(1) of this Law.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 05.12.2008, Art. 222

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 10 – Establishing the State Border of Georgia

1. Unless otherwise provided by a treaty or international agreement of Georgia, the State Border of Georgia shall be established:

a) on land – by characteristic points and lines, or landmarks of the terrain;

b) offshore – according to the territorial waters of Georgia and their contiguous zone;

c) on a navigable waterway – along the main fairway or a thalweg;

d) on a non-navigable river or stream – in the middle of a river or a stream, or in the middle of the main arm of a river;

e) on a lake, man-made reservoir, and water reservoir – on a straight line that connects the points of crossing of the State Border of Georgia on a lake, man-made reservoir, and water reservoir;

f) on a man-made reservoir or water reservoir – according to the line of the State Border as it was before the reservoir was filled;

g) on railway and motorway bridges, dams and other hydro-technical structures situated in the borderland – in the middle of a transversal axis of their layout or in the middle of structures, regardless of where the State Border runs on water.

2. Unless otherwise provided in a treaty or international agreement of Georgia, the State Border passing through a river, channel, stream, lake, man-made reservoir, or water reservoir may not be shifted either in case of changes in an outline of their shores or in water level, or in case of deviation of the bed of a river, stream or channel to any side.

Article 11 – Marking the State Border of Georgia

Unless otherwise provided by treaty or international agreement of Georgia, the State Border of Georgia shall be marked on site by distinct border signs, whose form, size and sequence of placing shall be determined under the Procedures for the Regime and Protection of the State Border.

Chapter II – Regime of the State Border of Georgia

Article 12 – Regime of the State Border of Georgia

Unless otherwise provided by treaties or international agreements of Georgia, the regime of the State Border of Georgia shall establish:

a) a procedure for crossing the State Border by persons and vehicles and for their inspection;

b) a procedure for the movement across the State Border of persons, property, things, currency, precious metals and stones, and articles made of them, as well as securities of historical and cultural movable things protected by the State, and animals;

c) a procedure for the entry, stay and exit of persons and vehicles from border crossing points, and for import and export of goods;

d) a procedure for entry, navigation and stay of vessels of Georgia and other states in the inland waters, ports and territorial waters of Georgia, as well as for departure from there;

e) a procedure for crossing the State Border by aircraft and other flight vehicles in the air space of Georgia;

f) a procedure for carrying out fishery and other activities, and various operations at the State Border of Georgia, according to this Law, other legislative acts, and treaties and international agreements of Georgia.

Law of Georgia No 987 of 22 June 2001 – LHG I, No 22, 6.7.2001, Art. 80

Article 13 – Crossing the State Border of Georgia

1. Railway, motorway, sea, river and air traffic across the State Border of Georgia shall be carried out through border crossing points that are approved by the Government of Georgia, according to the legislation, and treaties and international agreements of Georgia.

1^1. The authorised body operating within the system of the Ministry of Internal Affairs of Georgia and/or the authorised body of the Ministry of Finance of Georgia shall make relevant notes in travel documents regarding crossing the State Border of Georgia at bording crossing points, according to procedures established under a joint order of these Ministries. For this purpose, the above bodies may request a person entering Georgia to produce documents certifying his/her identity and the right to enter Georgia, and check them.

2. The national flag of Georgia shall be hung above a border crossing point.

3. The procedure for opening border crossing points for international traffic shall be defined by the Procedures for the Regime and

Protection of the State Border.

4. The Ministry of Internal Affairs of Georgia, in agreement with the relevant office of the Ministry of Finance of Georgia, shall establish the boundaries of border crossing points and submit them for approval to the Government of Georgia.

5. The flight of an aircraft across the State Border of Georgia without passing an air corridor shall be allowed only under permission of the Legal Entity under Public Law – the Civil Aviation Agency operating within the system of the Ministry of Economy and Sustainable Development of Georgia. The conditions for granting the permission and for flying across the State Border of Georgia shall be defined by the Procedures for the Regime and Protection of the State Border.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2001, Art. 141

Law of Georgia No 4264 of 29 December 2006 – LHG I, No 51, 31.12.2006, Art. 424

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 854 of 23 December 2008 – LHG I, No 40, 29.12.2008, Art. 279

Law of Georgia No 3751 of 26 October 2010 – LHG I, No 62, 5.11.2010, Art. 391

Law of Georgia No 4221 of 22 February 2011 – website, 10.3.2011

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 14 – Control at crossing the State Border of Georgia

1. When crossing the State Border of Georgia, persons, means of transport, cargoes, and other property shall pass border control and customs control. The immigration, sanitary and quarantine, veterinary and phytosanitary control, as well as control of exporting cultural and artistic valuables shall be exercised in the cases determined by the Procedures for the Regime and Protection of the State Border.

2. A vessel captain, an aircraft commander, a trainmaster, a driver of a motor vehicle entering, as well as leaving Georgia shall be held responsible for illegally importing and exporting persons and prohibited cargoes, as determined by the legislation of Georgia.

3. The inspection of a vehicle arriving from abroad shall be carried out in the presence of its owner (his/her representative) and/or in the presence of the attending personnel of the vehicle. Unless otherwise provided in treaties or international agreements of Georgia, in case of necessity determined by the legislation of Georgia, the owner of a vehicle (his/her representative) shall be obliged to allow the border guards to check the vehicle, and to open a locked carriage, car, container, and other holds of a water and air transport.

Law of Georgia No 3806 of 12 November 2010 – LHG I, No 66, 5.11.2010, Art. 414

Law of Georgia No 5948 of 27 March 2012 – website, 12.4.2012

Article 15 – Letting persons, vehicles, animals, cargoes and other property pass across the State Border of Georgia

1. Persons, vehicles, animals, cargoes and other property shall pass across the State Border of Georgia through border crossing points. This shall imply recognising the legality of crossing of the State Border by persons, vehicles, animals, cargoes and other property.

2. Officers of the authorised body operating within the system of the Ministry of Internal Affairs shall, as determined under the legislation of Georgia, let a person pass across the State Border of Georgia after he/she presentsa document certifying his/her identity, and shall let a vehicle, an animal, cargo and other property cross the State Border of Georgia, after presenting the respective documents..

3. Unless otherwise provided by treaties or international agreements of Georgia, vehicles, animals, cargoes and other property shall be let cross the State Border of Georgia under the Procedures for the Regime and Protection of the State Border.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Article 16 – Procedures for the entry, stay and exit of persons and vehicles from border crossing points, and for import and export of goods

The procedures for the entry, stay and exit of persons and vehicles from border crossing points, and for the import and export of goods shall be established under the Procedures for the Regime and Protection of the State Border, as well as under treaties and international agreements of Georgia.

Article 17 – Take-off and landing of an aircraft

1. Take-off from the territory of Georgia, as well as landing after entry into the air space of Georgia of an aircraft, which is to cross the State Border of Georgia, shall take place at an airport (aerodrome) intended for international flights, where there is a border crossing point, a customs checkpoint and other relevant services.

2. Take-off and landing of an aircraft under a procedure other than that established by the first paragraph of this article shall be allowed only under permission of the Legal Entity under Public Law – the Civil Aviation Agency operating within the system of the Ministry of Economy and Sustainable Development of Georgia. The conditions and procedures for granting this permission shall be determined under the Procedures for the Regime and Protection of the State Border.

3. When crossing the State Border of Georgia and carrying out a transit flight through the air space of Georgia, an aircraft shall be prohibited to:

a) land at or take off from an airport (aerodrome), which is not open for international traffic;

b) fly in prohibited regions, which are publicly announced according to established procedures;

c) carry out other activities prohibited by the legislation of Georgia, and under treaties and international agreements of Georgia.

4. Entry of a military aircraft, owned by a foreign state, into the air space of Georgia without the permission provided by this Law shall be deemed an infringement of the state sovereignty and territorial integrity of Georgia, for the elimination of which Georgia shall take measures defined by norms of international law.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 854 of 23 December 2008 – LHG I, No 40, 29.12.2008, Art. 279

Law of Georgia No 3751 of 26 October 2010 – LHG I, No 62, 5.11.2010, Art. 391

Law of Georgia No 3806 of 12 November 2010 – LHG I, No 66, 5.11.2010, Art. 414

Law of Georgia No 4221 of 22 February 2011 – website, 10.3.2011

Law of Georgia No 5948 of 27 March 2012 – website, 12.4.2012

Article 18 – Procedures for entry of foreign non-military ships, warships and nuclear ships into the ports and inland waters of Georgia

1. The entry of a foreign warship into the ports and inland waters of Georgia without the permission provided by this Law shall be deemed an infringement of the state sovereignty and territorial integrity of Georgia, for the elimination of which Georgia shall take measures defined by norms of international law.

2. Foreign non-military ships and warships may enter ports and inland waters of Georgia if ports are open for the entry of such ships. The Government of Georgia shall approve the list of open ports. Procedures for the entry, stay, cargo and passenger handling, communication with the coast by vessels, landing of crew members on the coast and other procedures shall be established under the Procedures for the Regime and Protection of the State Border.

3. A special-purpose ship of a foreign state, carrying out a state task, shall petition, through diplomatic channels, the authorised body operating within the system of the Ministry of Internal Affairs of Georgia for permission to enter ports and territorial waters of Georgia at least 14 days before the provisional entry of the ship. The petition shall specify the name of ship, type of ship, the list of passengers on board, and other data provided under the Procedures for the Regime and Protection of the State Border. The authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall notify the owner of the ship (his/her representative) about its decision at least seven days before the provisional entry of the ship. These requirements shall not apply to ships that carry out rescue or at-sea pollution response operations.

4. A warship of a foreign state shall petition through diplomatic channels to the Prime Minister of Georgia for permission to enter the ports and territorial waters of Georgia at least one month before the provisional entry of the ship. The Ministry of Internal Affairs of Georgia shall consider the petition within one week, and shall submit its conclusion to the Prime Minister of Georgia. The Prime Minister shall make a decision within two weeks.

5. In order to obtain permission for the entry of a foreign nuclear ship into the ports and territorial waters of Georgia, the state owning that ship shall petition through diplomatic channels to the Prime Minister of Georgia for the permission at least 30 days before the provisional entry of the ship. The Ministry of Internal Affairs of Georgia shall consider the petition within one week, and shall submit its conclusion to the Prime Minister of Georgia. The state concerned shall be notified of the consent or refusal at least 14 days before the provisional entry of the ship.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Law of Georgia No 3130 of 4 March 2015 – website, 23.3.2015

Law of Georgia No 1713 of 7 December 2017 – website, 14.12.2017

Article 19 – Innocent passage through the territorial waters of Georgia

1. Innocent passage of ships through the territorial waters of Georgia shall be allowed.

2. Passage through the territorial waters of Georgia shall be a continuous and expeditious crossing of the territorial waters at an adequate speed without entering the inland waters of Georgia, or entry into or exit from the inland waters and ports of Georgia with the purpose of sailing onto the high seas.

3. During innocent passage through the territorial waters of Georgia, a ship shall be prohibited to:

a) enter regions where navigation is prohibited, which are publicly announced according to established procedures;

b) stop, deboard (board) people, unload (load) cargoes and animals, launch vessels, take-off of flying vehicles from and their landing on board a ship, carry out commercial and research activities in areas prohibited for such activities, or in the allowed places without the permission determined under the legislation of Georgia;

c) carry out an activity, which is prohibited by legislation, and treaties and international agreements of Georgia;

d) use force, threaten to use force, or perform any other action against the independence, state sovereignty and territorial integrity of Georgia, which violates the principles of international law recognised under the Charter of the United Nations;

e) carry out manoeuvre or conduct military exercises using weapons;

f) carry out any activity aimed at collecting information to the prejudice of the security and defence of Georgia;

g) perform any act of propaganda causing a threat to the defence and security of Georgia;

h) receive at or remove from the ship any military equipment, take-off of military flying vehicles from and their landing on board a ship;

i) deliberately and considerably pollute the sea;

j) conduct any activity not associated with the passage of a ship.

4. The requirements set out in sub-paragraphs (a-c) of the third paragraph of this article shall not be applicable to ships that participate in human rescue operations.

5. During innocent passage through the territorial waters of Georgia of ships of foreign states and special-purpose ships carrying out a state task, on-board weapons shall be in a transport condition, in special covers, and the fishing tackle and other equipment shall be situated in places designated for storage.

6. Submarine boats and other submersibles shall navigate in the territorial waters of Georgia afloat and shall fly their flag.

7. In the territorial waters of Georgia, where shipping lanes and Traffic Separation Schemes are set, ships of foreign states shall follow these lanes and use these schemes during navigation. The Government of Georgia shall determine the shipping lanes and Traffic Separation Schemes, as well as their coordinates.

8. Based on the vital and sovereign interests of Georgia, if necessary, the Prime Minister of Georgia shall have the right to limit or ban entry and stay of nuclear ships, warships or non-military ships of foreign states in any area of the territorial and inland waters of Georgia.

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 20 – Obligations of non-military ships, warships and nuclear ships of foreign states to comply with navigation and other rules

1. During the entry and stay in the territorial and inland waters of Georgia, non-military ships, warships and nuclear ships of foreign states shall be obliged to comply with radio communication, navigation, port, sanitary rules and rules related to the movement of goods across the Customs Border of Georgia, as well as with other requirements set out by this Law and the Procedures for the Regime and Protection of the State Border.

2. In case of forced entry, stay, or forced violation of the rules of navigation in the territorial and inland waters of Georgia, non-military ships, warships and nuclear ships of foreign states shall be obliged to immediately notify the administration of the nearest port of Georgia.

3. If a non-military ship of a foreign state fails to notify the administration of the nearest port of Georgia about the forced entry and stay, or the forced violation of the rules of navigation in the territorial sea and inland sea waters of Georgia, the authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall temporarily detain this ship independently or, if necessary, jointly with other competent state bodies, in order to determine the causes of violation of the above rules. If it is found that the violation by a ship of the rules of entry, stay or navigation in the territorial sea and inland sea waters of Georgia has no justification, the enforcement measures provided by Articles 36, 37 and 38 of this Law shall apply to that ship.

4. If a warship or nuclear ship of a foreign state fails to notify the administration of the nearest port of Georgia about the forced entry and stay, or the forced violation of the rules of navigation in the territorial sea and inland sea waters of Georgia, the authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall temporarily detain this ship independently or, if necessary, jointly with other competent state bodies, in order to determine the causes of violation of the above rules. If there are no causes for the forced entry by a warship or nuclear ship of a foreign state into the territorial sea and inland

sea waters of Georgia, and if such entry aimed to perform the actions referred to in Article 19(3) of this Law, the authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall detain the warship or nuclear ship, and the competent bodies of Georgia shall carry on negotiations with the country owning the ship through diplomatic channels.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 782 of 19 December 2008 – LHG I, No 40, 29.12.2008, Art. 250

Law of Georgia No 3806 of 12 November 2010 – LHG I, No 66, 5.11.2010, Art. 414

Law of Georgia No 5948 of 27 March 2012 – website, 12.4.2012

Article 21 – Prohibition of conducting commercial, research and hydrographic activities by ships of foreign states in the territorial and inland waters of Georgia

Unless otherwise provided by treaties or international agreements of Georgia, ships of foreign states shall be prohibited from carrying out commercial, research and hydrographic activities in the territorial and inland waters of Georgia.

Article 22 – Procedures for carrying out economic activity at the State Border of Georgia

Unless otherwise provided by an international treaty or agreement of Georgia, navigation, using facilities installed on water, or other use of water, installing hydro structures and other operations in the territorial and inland waters of Georgia, as well as use of land and forests, mining, geological and exploratory, commercial and other economic activities shall be carried out as determined by the legislation of Georgia and according to the conditions defined in the Procedures for the Regime and Protection of the State Border.

Article 23 – Temporary termination of movement across the State Border of Georgia; quarantine

In case of a threat of the spread of dangerous infectious diseases in the territory of Georgia or a neighbouring state, movement across the State Border may be temporarily terminated, or a quarantine may be instituted at the State Border for those intending to cross the border, under the decision of the Prime Minister of Georgia in the cases provided by the Procedures for the Regime and Protection of the State Border, or in other cases provided by the legislation of Georgia.

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 24 – Violator of the State Border of Georgia

A violator of the State Border of Georgia shall be:

a) a person or vehicle that has crossed or attempted to cross the State Border of Georgia without passing through the border crossing point or by passing through the border crossing point but violating the established procedures for crossing the border crossing point, if an agreement with the neighbouring state does not provide for a procedure for free crossing of the border;

b) a non-military ship or a warship of a foreing state that has violated the procedures established by this Law when entering the territorial and inland waters of Georgia;

c) an aircraft that has crossed the State Border of Georgia without appropriate permission, or has violated procedures for flying across the State Border of Georgia.

Chapter III – Border Regime

Article 25 – Border area and borderland

1. A border area, as a rule, shall be established within the territory of a region, city, town, village, community, and setttlement adjoining the State Border of Georgia, taking local features into account. A border area (where it is established) shall include part of the inland waters of Georgia and islands located in these waters.

2. A borderland shall be established along the State Border of Georgia along the shores of the sea, river, lake, and reservoir and the banks of a river directly adjoining the border.

3. Within the framework provided by this Law, the Government of Georgia shall establish a border area and a borderland based on the recommendation of the Ministry of Internal Affairs of Georgia.

4. The territory of a borderland shall be state property. Within the borderland, historical and material cultural monumentsand flora and fauna shall be protected by the authorised body operating within the system of the Ministry of Internal Affairs of Georgia, with direct participation of relevant state agencies.

5. In a borderland, any activity, which is not associated with its maintenance, inspection of border signs and with State Border protection measures, shall be prohibited, except when otherwise provided by a treaty or international agreement of Georgia. In individual cases, the Prime Minister of Georgia shall have the right to allow certain kinds of economic activity in a borderland.

6. The borderland regime shall not be applicable to populated localities. In population vacation destinations, the borderland regime shall be applicable only to the territory especially established by the authorised body operating within the system of the Ministry of Internal Affairs of Georgia.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 26 – Border regime

1. The Procedures for the Regime and Protection of the State Border shall establish the border regime in a border area and a borderland. According to this Law, the border regime shall specify the procedures for carrying out operations, entry, temporary stay and movement of persons, as well as the procedures for the registration, stay and navigation of non-military ships and warships at quays, ports and other stationing sites in the inland waters of Georgia.

2. Taking into account the first paragraph of this article, the procedures for registration, stay and navigation of non-military ships and warships at quays, ports and other stationing sites in the inland waters of Georgia shall also apply to the territory of regions adjoining the State Border of Georgia, where a border area has not been established.

Article 27 – Entry, temporary stay and movement of persons and vehicles in a border area and a borderland

1. Entry, temporary stay and movement of persons and vehicles in a border area and a borderland shall be carried out upon presentation of an identity document for a person and relevant documents for a vehicle that are determined by the legislation of Georgia.

2. The place and time of entry, the route of movement of a person and a vehicle, as well as other conditions for their stay in a

borderland shall be determined under the Procedures for the Regime and Protection of the State Border.

Article 28 – Economic, commercial and research activities in a border area

1. The requirements under Articles 26 and 27 of this Law shall be followed when conducting economic, commercial and research activities in a border area. A person intending to carry out such an activity shall notify the authorised body operating within the system of the Ministry of Internal Affairs of Georgia. The notification shall specify the nature, technology and technical facilities of economic, commercial, and research activities, as well as the place, time and duration of carrying out works, the number of participants and the identity of the responsible person.

2. The authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall have the right to forbid a person from carrying out an economic, commercial and research activity based on the conclusion of the competent executive authorities of Georgia referred to in Article 33(1) and (2) of this Law, if he/she stated incorrect data in the notification, and the conduct of works causes damage to the environment or human health.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Article 29 – Procedures for the registration, stay and navigation of non-military ships, warships and nuclear ships in the territorial sea, inland sea waters, ports and other stationing sites of Georgia

The authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall exercise control over the procedures for the registration, stay and navigation of non-military ships, warships and nuclear ships in the territorial sea, inland sea waters, ports and other stationing sites of Georgia, according to the Procedures for the Regime and Protection of the State Border.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Article 30 – Border regime at border crossing points of the State Border of Georgia

1. The border regime at border crossing points of the State Border of Georgia – entry and movement of any persons and all types of vehicles, as well as other activity connected with the movement of persons, vehicles, cargoes and other property within the limits of the territory of a nearby railway and bus station, seaport, and airport (aerodrome) at the border – shall be established under the Procedures for the Regime and Protection of the State Border.

2. The authorised body operating within the system of the Ministry of Internal Affairs of Georgia, in agreement with the Legal Entity under Public Law – the Revenue Service within the governance of the Ministry of Finance of Georgia, shall establish the border regime at border crossing points of the State Border of Georgia, according to the Procedures for the Regime and Protection of the State Border. In the places and buildings where border control is executed, additional regime procedures shall be established to regulate control over persons and vehicles coming from abroad, as well as the principles of access of attending personnel.

3. Border crossing points shall be established on roads intended for international traffic and shall be built and opened at the State Border of Georgia under the procedures determined by Article 13(1), (2), (3) and (4) of this Law.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 3806 of 12 November 2010 – LHG I, No 66, 5.11.2010, Art. 414

Chapter IV – Protection of the State Border of Georgia

Article 31 – Objectives of the protection of the State Border of Georgia

The objectives of the protection of the State Border of Georgia shall be:

a) physical and technical protection of the State Border of Georgia

b) border, quarantine, automobile, veterinary, phytosanitary, and customs control

c) prevention and repulsion of border incidents and military or other aggression from neighbouring states

d) control over migration processes

e) control over the crossing of the State Border of Georgia by persons and vehicles, as well as over the movement of cargoes and other property across the State Border of Georgia

f) control over economic, commercial and research activities in a border area

g) establishing violations of the legislation of Georgia and applying enforcement measures towards an offender; elimination of the causes of and favourable conditions for offence.

Law of Georgia No 3806 of 12 November 2010 – LHG I, No 66, 5.11.2010, Art. 414

Law of Georgia No 5948 of 27 March 2012 – website, 12.4.2012

Article 32 – Protection of the State Border of Georgia

1. The protection of the State Border of Georgia shall be a specific sphere of authority of the Ministry of Internal Affairs of Georgia.

2. The protection of the State Border of Georgia on the land, in the territorial and inland sea waters, as well as at the international border crossing points on the State Border, shall be assigned to the authorised body operating within the system of the Ministry of Internal Affairs of Georgia, and the protection of the State Border of Georgia in the air space – to the Defence Forces of Georgia.

3. When protecting the State Border of Georgia, the authorised body operating within the system of the Ministry of Internal Affairs of Georgia and the Defence Forces of Georgia shall be guided by legislation, and treaties and international agreements of Georgia.

4. Privileges shall be established for inhabitants of villages adjacent to the State Border of Georgia, as border guards.

5. The citizens of Georgia permanently residing in high mountainous regions shall do military service locally in the Border Security Forces. The privilege of doing military service in high mountainous regions shall be also granted to the population that migrated from these regions to the plain.

Law of Georgia No 2090 of 9 June 1999 – LHG I, No 24(31), 26.6.1999, Art. 117

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 3020 of 27 April 2010 – LHG I, No 23, 4.5.2010, Art. 139

Law of Georgia No 3593 of 31 October 2018 – website, 21.11.2018

Article 33 – Subjects of the protection of the State Border of Georgia

1. The subjects of protection of the State Border of Georgia shall be:

a) the Ministry of Internal Affairs of Georgia

b) the Ministry of Defence of Georgia

c) the Ministry of Foreign Affairs of Georgia.

2. The executive authorities of Georgia, whose activity is associated with the protection of the State Border regime provided by this Law, shall be:

a) the relevant service of the Ministry of Finance of Georgia;

b) the Ministry of Economy and Sustainable Development of Georgia;

c) the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia;

d) the Ministry of Environmental Protection and Agriculture of Georgia;

e) the State Security Service of Georgia.

3. The spheres of authority of the bodies referred to in the first and second paragraphs of this article when protecting the State Border of Georgia shall be determined by the Procedures for the Regime and Protection of the State Border, and other normative acts of Georgia.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 4264 of 29 December 2006 – LHG I, No 51, 31.12.2006, Art. 424

Law of Georgia No 854 of 23 December 2008 – LHG I, No 40, 29.12.2008, Art. 279

Law of Georgia No 3751 of 26 October 2010 – LHG I, No 62, 5.11.2010, Art. 391

Law of Georgia No 4420 of 11 March 2011 – website, 17.3.2011

Law of Georgia No 484 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 3926 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 1713 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3080 of 5 July 2018 – website, 11.7.2018

Article 34 – Border representative of Georgia – a border commissioner

1. In order to implement the border policy of Georgia and to solve the issues related to observance of the border regime, as well as to settle border incidents in certain sections of the State Border of Georgia, the Prime Minister of Georgia, on the recommendation

of the Minister of Internal Affairs of Georgia, shall appoint a border representative of Georgia – a border commissioner, and shall define his/her scope of authority.

2. The border commissioner shall be guided by the Constitution of Georgia, this Law, treaties and international agreements of Georgia, and other normative acts.

3. An issue that the border commissioner cannot regulate shall be solved under procedures for the peaceful settlement of disputes, provided by international law.

4. According to treaties and international agreements of Georgia, the border commissioner and officials accompanying him/her shall enjoy a special status when crossing the State Border of Georgia, provided under the Procedures for the Regime and Protection of the State Border.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 1154 of 20 September 2013 – website, 8.10.2013

Article 35 – Powers of the bodies operating within the system of the Ministry of Internal Affairs of Georgia

In order to exercise the rights and fulfil the obligations at the State Border of Georgia, in a border area, in a borderland, in the sea space, and at border crossing points, the bodies operating within the system of the Ministry of Internal Affairs of Georgia shall:

a) in the case of urgent necessity, temporarily limit the property rights of a natural or legal person, subject to subsequent compensation by the State;

b) in cases determined by the Procedures for the Regime and Protection of the State Border, place border guards on a ship with the purpose of accompanying the ship to or from the port to the State Border of Georgia;

c) unless otherwise provided by treaties or international agreements of Georgia, transfer persons referred to in sub-paragraphs (g), (h), (i), (u), and (z^7) of this article to investigative bodies;

d) exercise the right of hot pursuit provided by the United Nations Convention on the Law of the Sea of 1982;

e) protect the State Border of Georgia, the established border marks, other border buildings and structures, and facilities;

f) prevent any attempt to illegally change the State Border of Georgia;

g) repulse an attempted intrusion of armed groups into the territory of Georgia or other provocation, protect state-owned property and private property of citizens in a border area and borderland from such infringement;

h) prevent the illegal movement across the State Border of Georgia of persons, as well as of vehicles, cargoes and other property;

i) expose and detain violators of the State Border of Georgia;

j) allow persons, vehicles, cargoes and other property cross the State Border of Georgia upon presentation of duly processed documents necessary to cross the border;

k) maintain and protect, according to appropriate procedures, the border crossing points and other border facilities;

l) in a manner determined by the legislation of Georgia, independently or jointly with the relevant service of the Ministry of Finance of Georgia and with the bodies provided by Article 33(1) and (2) of this Law, prevent movement across the State Border of Georgia of explosive, poisonous, radioactive and narcotic substances, weapons and ammunition, as well as contraband and other prohibited articles;

m) ensure observance of the border regime jointly with the bodies provided in Article 33(1) and (2) of this Law;

n) ensure the fulfilment of the international obligations of Georgia related to the State Border;

o) control the border regime at airports (aerodromes), railway stations, ports, and border crossing points on international motorways, independently or jointly with the bodies provided in Article 33(1) and (2) of this Law;

p) control compliance with established procedures for the entry, stay and navigation in the territorial sea and inland sea waters of Georgia of non-military ships, warships and nuclear ships of Georgia and foreign states;

q) stop, detain, check and, in order to eliminate violations, apply necessary measures to non-military ships, warships and nuclear ships of foreign states, if they violate the regime of the zone adjacent to the territorial sea provided in Article 5 of this Law;

r) assist the designated state bodies in preserving natural resources, protecting commercial activity and the ecosystem, as well as in carrying out natural disaster response operations and in fire fighting in a border area;

s) place border guard posts at the State Border of Georgia;

t) freely move in the border area, check documents, and control vehicles and cargoes when performing their official duties;

u) detain and place in a temporary detention centre, as determined by the legislation of Georgia, a person, if he/she violated the legislation of Georgia, which entails administrative and criminal responsibility;

v) check vehicles, cargoes and other property, at the request of and jointly with the relevant service of the Ministry of Finance of Georgia, as determined by the legislation of Georgia;

w) remove items, import or export of which is prohibited, and prevent smuggling, jointly with the relevant service of the Ministry of Finance of Georgia, as determined by the legislation of Georgia;

x) demand and check identity documents and documents certifying the right to enter Georgia from citizens and stateless persons entering Georgia, and make corresponding notes in the documents;

y) prevent persons without the documents referred to in sub-paragraph (x) of this article from crossing the State Border of Georgia;

z) forbid the crew members of a ship of a foreign state and other persons on board the ship, who commit an offence when staying and navigating in the inland sea waters and ports, the territorial sea and the contiguous zone of Georgia, to disembark or stay on shore;

z^1) demand that a ship of Georgia or of a foreign state fly the national flag in the territorial sea and the inland sea waters of Georgia;

z^2) enquire regarding the purpose of entry of a ship or other vessel into the territorial sea and the inland sea waters of Georgia;

z^3) suggest that a non-military ship or a warship or other vessel change a course, if it has set a course towards a zone closed for navigation or does not follow established navigation routes and Traffic Separation Schemes;

z^4) stop and check a non-military ship or a warship or other vessel, if it does not respond to an enquiry signal, stays in a zone closed for navigation, violates the procedures for entry, stay and navigation in the territorial sea and inland sea waters of Georgia, has set a course towards a zone closed for navigation, or does not follow established navigation routes and Traffic Separation Schemes, as well as if it carries out activity prohibited under Article 21 of this Law;

z^5) protect the artificial islands of Georgia, scientific and research and other equipment and structures within the exclusive economic zone and on the continental shelf of Georgia;

z^6) within the exclusive economic zone and on the continental shelf, exercise control and take measures determined by the United Nations Convention on the Law of the Sea of 1982 to prevent illegal research or commercial activities and those carried out by foreign states, as well as to prevent sea pollution;

z^7) remove from a ship and detain the crew members of a foreign non-military ship and other persons on board the ship for

committing a crime, unless otherwise provided by a treaty or international agreement of Georgia;

z[8]) implement other activities connected with the protection of the State Border of Georgia in the cases provided by this Law, a treaty or international agreement of Georgia, and the Procedures for the Regime and Protection of the State Border.

z[9]) participate in the social, economic, and material culture development of the regions and villages adjacent to the State Border of Georgia.

Law of Georgia No 2090 of 9 June 1999 – LHG I, No 24(31), 26.6.1999, Art. 117

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 1362 of 20 April 2005 – LHG I, No 19, 28.4.2005, Art. 134

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 4264 of 29 December 2006 – LHG I, No 51, 31.12.2006, Art. 424

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Article 36 – Grounds for the arrest of non-military ships of Georgia and foreign states

The authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall arrest non-military ships of Georgia and foreign states staying in the territorial sea and the inland sea waters of Georgia, and, under the escort of the border guard, send them to the nearest port or another relevant point, if:

a) the ship stays in a zone closed for navigation, according to established procedures, has set a course towards a zone closed for navigation, or does not follow established navigation routes and the Traffic Separation Schemes;

b) boarding and deboarding of persons, as well as loading and unloading of cargo, is carried out in places not provided in the Procedures for the Regime and Protection of the State Border;

c) the ship carries out illegal commercial, research, and hydrographic activities, dumps or buries substances, polluting residues and materials hazardous to human health or aquatic living resources, or if its other activities cause damage to Georgia;

d) any aircraft takes off from or lands on the deck of the ship without permission of the competent bodies of Georgia;

e) the captain of a ship fails to present documents of the ship, cargo, and passengers and other necessary documents;

f) the ship fails to obey the orders of the representatives of the authorised body operating within the system of the Ministry of Internal Affairs of Georgia or the orders provided in Article 33(1) and (2) of this Law and the Procedures for the Regime and Protection of the State Border;

g) the ship violates the procedures determined by this Law, other legislative acts and treaties and international agreements of Georgia, and norms of international law.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Article 37 – Protocol of inspection and arrest of a non-military ship

1. A protocol of inspection and arrest of a non-military ship shall be drawn up and signed by the representatives of the authorised body operating within the system of the Ministry of Internal Affairs of Georgia and by the captain of the inspected or detained

ship.

2. In the case of arrest of a ship, the ship and cargo documents shall be taken from the captain and attached to the protocol. If the captain of an inspected or arrested ship considers the action of the authorised body operating within the system of the Ministry of Internal Affairs of Georgia inappropriate or he/she disagrees with the content of the protocol, he/she shall have the right to make a note in the protocol or in a document attached to the protocol in any language.

3. If the captain of a ship does not sign the protocol, the corresponding note shall be made in it.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Article 38 – Action following the arrest of a non-military ship of a foreign state

After arrest, a non-military ship of a foreign state shall be transferred to the special representatives of the state concerned, or shall be expelled from the territory of Georgia. According to the legislation of Georgia, before a court makes a decision, in the cases provided in Article 36(b) and (c) of this Law, the property and the means of its acquisition shall be temporarily seized. If a court delivers a verdict of acquittal, the seized property shall be returned to the owner with full compensation by the State of damages caused by the temporary seizure of property.

Law of Georgia No 375 of 26 October 2010 – LHG I, No 62, 5.11.2010, Art. 391

Article 39 – Procedures to be applied to aircraft violating the procedure for crossing the State Border of Georgia or for staying in the territory of Georgia

Special procedures shall be established, under the Procedures for the Regime and Protection of the State Border, for aircraft that violate the procedure for crossing the State Border of Georgia and staying in the territory of Georgia.

Article 40 – Use of weapons, military equipment and special means to protect the State Border of Georgia

1. Authorised bodies operating within the system of the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia, and the Defence Forces of Georgia shall use weapons and military equipment, in the cases and under the procedures provided in the legislation of Georgia, to repulse armed invasions on the territory of Georgia and to prevent attempts of hijacking an aircraft or a marine vessel (without any passengers on board) for the purpose of taking it out of the country.

2. Weapons and military equipment may be used:

a) against persons, aircrafts, marine vessels, and other types of transportthat have crossed or attempted to cross the State Border of Georgia in violation of the procedures established by this Law; in response to their use of force, if elimination of the violation and detention of the violator is impossible otherwise;

b) to protect people from an attack posing a threat to their life and health;

c) to set hostages free;

d) to prevent attacks on the officers of the State Border of Georgia;

e) to prevent attacks on the authorised body operating within the system of the Ministry of Internal Affairs of Georgia or the State Security Service of Georgia, and on subdivisions and facilities of the Defence Forces of Georgia, including armed attacks on marine vessels and aircraft.

3. The use of weapons and military equipment shall be preceded by a warning of their use.

4. Weapons and military equipment may be used without warning in the case of an unexpected or armed attack on military personnel and other citizens; in the case of an attack, with the use of military equipment, on aircraft, marine vessels and other types of transport; in the case of armed resistance, armed escape of detainees, or in order to set hostages free.

5. Military personnel may use weapons upon the receipt of an alarm signal or a signal for help, as well as to neutralize animals posing a threat to the life and health of military personnel and other citizens.

6. It shall be prohibited to use weapons and military equipment:

a) against women and minors, except in the cases of an armed attack or resistance on their part in aircraft, marine vessels and other types of transport with passengers on board;

b) against persons who have illegally crossed or attempted to cross the State Border of Georgia under force majeure or unwittingly.

7. The procedure for using weapons and military equipment shall be determined according to the Law of Georgia on Firearms and the Procedures for the Regime and Protection of the State Border.

8. Representatives of the Defence Forces of Georgia, the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia involved in the protection of the State Border of Georgia shall use weapons and military equipment according to the requirements of this article.

9. Special means (handcuffs, rubber sticks, tear agents (gas), speed bumps, etc.), force, combat techniques, and working dogs shall be used according to the Police Law of Georgia and the Law of Georgia on the Special State Security Service.

10. A full list of special means that are included in the inventory of the armaments of the authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall be defined by the Procedures for the Regime and Protection of the State Border.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Law of Georgia No 3020 of 27 April 2010 – LHG I, No 23, 4.5.2010, Art. 139

Law of Georgia No 3926 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 3593 of 31 October 2018 – website, 21.11.2018

Chapter V – Responsibility for Violations of Legislation on the State Border of Georgia

Article 41 – Responsibility for violations of legislation on the State Border of Georgia

1. Public servants of the bodies provided for in Article 33(1) and (2) of this Law and officials defined in Article 2 of the Law of Georgia on Conflicts of Interest and Corruption at Public Institutions shall be made responsible, according to the procedures provided for by the legislation of Georgia, for misuse of powers granted to them under the legislation, or for otherwise violating the legislation.

2. Persons who have violated or attempted to violate the regime of the State Border of Georgia, who have illegally crossed or attempted to cross the State Border of Georgia, who have passed or attempted to pass a border crossing point in violation of the due procedures, who have exported or attempted to export cargo, materials, documents and other items, or have violated legislation on the State Border of Georgia in other ways, shall be made responsible as determined by the legislation of Georgia.

Law of Georgia No 4374 of 27 October 2015 – website, 11.11.2015

Chapter VI – Transitional Provisions

Article 42 – Innocent passage through the territorial sea of Georgia before the full restoration of the jurisdiction of Georgia throughout the entire territory of the country

Before the full restoration of the jurisdiction of Georgia throughout the entire territory of the country, foreign nuclear ships, warships or special-purpose ships carrying out a state task, may exercise innocent passage through the territorial sea of Georgia, if within 48 hours before the provisional entry they notify, through diplomatic channels, the authorised body operating within the system of the Ministry of Internal Affairs of Georgia. A notification shall specify the name, type, other marks, place and time of entry and exit of the ship. The authorised body operating within the system of the Ministry of Internal Affairs of Georgia shall grant permission for the passage. These requirements shall not apply to ships participating in human rescue operations.

Law of Georgia No 812 of 24 December 2004 – LHG I, No 39, 25.12.2004, Art. 191

Law of Georgia No 3152 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art.141

Law of Georgia No 616 of 5 December 2008 – LHG I, No 35, 5.12.2008, Art. 222

Chapter VII – Final Provisions

Article 43 – Entry into force of the Law and the normative acts to be adopted

1. This Law shall enter into force upon its promulgation.

2. The President of Georgia shall be requested to approve the Procedures for the Regime and Protection of the State Border by 1 January 1999.

President of Georgia **Eduard Shevardnadze**

Tbilisi

17 July 1998

No 1536