

**Law of Georgia**  
**Administrative Procedure Code of Georgia**

**Chapter I – General Provisions of Administrative Procedure**

**Article 1 – The scope of the Code**

1. This Code shall define the procedures for general courts of Georgia to consider and make decisions on administrative cases.
2. Provisions of the Civil Procedure Code of Georgia shall apply to administrative legal proceedings, unless otherwise determined by this Code.

**Article 2 – Administrative cases subject to the jurisdiction of the court**

1. The following may be a matter of administrative dispute in a court:
  - a) compliance of an administrative act with the legislation of Georgia;
  - b) conclusion, fulfilment or termination of a contract under public law;
  - c) an obligation of an administrative body regarding the compensation of damages, issuance of an administrative act or performance of another action;
  - d) declaration of an act as null and void, and determination of existence or absence of a right or legal relations.
2. Cases of placement of persons in inpatient facilities for rendering involuntary psychiatric assistance and cases of involuntary isolation of persons under Article 14(3) of the Law of Georgia on Tuberculosis Control shall be heard in court by way of administrative proceedings.
3. Except for cases provided for by paragraphs 1 and 2 of this article, other cases associated with legal relations stemming from administrative legislation shall also be heard through administrative legal proceedings in court.
4. A claim of an administrative body with regard to a matter falling within its scope of authority shall not be admissible.
5. Except as provided for by law, a court shall not admit a claim brought against an administrative body, unless the claimant has taken the one-off opportunity to lodge an administrative complaint in accordance with the procedure established by the General Administrative Code of Georgia.

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

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

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

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

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

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

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

**Article 3 – A principle of party disposition**

1. In administrative legal proceedings, the parties shall enjoy the rights and duties granted by Article 3 of the Civil Procedure Code of Georgia.
2. An administrative body participating in administrative legal proceedings may conclude an amicable settlement of a case, abandon a claim, or admit a claim only when it does not contradict the legislation of Georgia.

**Article 4 – Adversarial and inquisitorial principles of proceedings**

When an administrative case is under trial, the parties shall enjoy the rights and duties granted by Article 4 of the Civil Procedure Code of Georgia, and at the same time, the court may, at its own initiative, make the decision on providing additional information or evidence.

**Chapter II – Jurisdiction**

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

1. A district (city) court shall hear at first instance administrative cases falling under its substantive jurisdiction, except for the cases provided for by Article 6 of this Code.
2. A district (city) court shall also hear at first instance administrative cases in the administrative-territorial units where there is no magistrate judge.

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

**Article 6 – Administrative cases under the jurisdiction of a magistrate judge**

Magistrate judges shall hear at first instance the following cases on:

- a) (Deleted);



- b) the lawfulness of an individual administrative act provided for by the Administrative Offences Code of Georgia, under the procedure established by the Administrative Offences Code of Georgia;
- b<sup>1</sup>) the administrative offences subject to a court hearing, under the procedure established by the Administrative Offences Code of Georgia, on the basis of a respective report submitted to the court;
- c) an issue regarding the state social protection;
- d) a dispute arising from the execution of a legally effective court decision;
- e) a dispute arising from labour relations in public service;
- f) the issuance of an order to inspect an entrepreneur's activity on the basis of a motion of a controlling authority;
- g) the placement of a person in an inpatient facility for rendering involuntary psychiatric assistance on the basis of an application of an appropriate psychiatric facility administration or penitentiary institution;
- h) the involuntary isolation of a person under Article 14(3) of the Law of Georgia on Tuberculosis Control on the basis of an application of a local unit of public healthcare (the 'local public healthcare unit') under the same Law;
- i) the inclusion of the data of a person into the list of dependent persons.

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

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

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

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

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

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

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

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

*Law of Georgia No 6091 of 26 April 2012 – website, 10.5.2012*

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

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

*Law of Georgia No 1186 of 2 December 2021 – website, 28.12.2021*

### **Chapter III – Impartiality; Recusal**

#### **Article 7 – Inadmissibility of repeated participation of a judge in a case hearing**

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

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

#### **Article 8 – (Deleted)**

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

### **Chapter IV – Cost of Proceedings**

#### **Article 9 – State fees**

1. A state fee shall not be paid for a claim filed with regard to the issue of state social protection, and for cases provided for in Chapters VII<sup>3</sup> and VII<sup>17</sup> of this Code.

1<sup>1</sup>. A state fee shall not be paid for cases provided for in Chapter VII<sup>9</sup> of this Code.

1<sup>2</sup>. A state fee shall not be paid for cases provided for in Chapter VII<sup>22</sup> of this Code.

2. (Deleted).

3. A state fee shall be halved if the proceedings are terminated.

4. (Deleted).

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

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

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

*Law of Georgia No 5666 of 28 December 2011 – website, 12.1.2012*

*Law of Georgia No 6759 of 13 July 2020 – website, 20.7.2020*

*Law of Georgia No 1186 of 2 December 2021 – website, 28.12.2021*

#### **Article 10 – Payment of the cost of proceedings**

1. (Deleted).

2. If an individual administrative act was issued without a proper examination of the case circumstances, the administrative body shall pay the costs of court proceedings even if the decision was rendered in its favour.

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



**Article 11 – Division of costs of court proceedings when the case is amicably settled**

1. If the court proceedings are closed through a settlement and the parties could not agree on the division of the court costs, where none of the parties is exempt from the obligation to pay the court costs, the court costs shall be equally divided among them.
2. Extrajudicial costs shall be paid by each party individually.

**Chapter V – Procedural Periods; Court Notification and Summons**

**Article 12 – Commencement of the appeal period**

1. The appeal period shall start to run only if the judicial act explains to a person participating in the proceedings the possibility for appeal, the court where he/she can file the appeal, the location of the court, and the appeal period and procedure.
2. If the party has not been notified of the right of appeal or has been notified in violation of any requirements specified in paragraph 1 of this article, an appeal may be filed within one year from issuing the judicial act.
3. If a judicial act fails to comply with paragraph 1 of this article, the court shall, on the motion of any party or at its own initiative, rule on compliance of the judicial act with the requirements established by this Law. A complaint subject to a time limit may be filed against the ruling.

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

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

**Article 13 – Transfer of judicial summonses and documents to the parties**

1. When any summons, document or letter is sent by a court to the parties or to another person participating in the court proceedings, the date of its sending must be indicated on it.
2. A court shall send to the parties or their representatives a copy of a decision, ruling or order which is subject to appeal at the court of the same or superior instance. Copies of other judicial acts shall be transferred to the parties or their representatives upon their written request. A document sent to a representative of a party shall be considered sent to the party, while a document sent to a party shall be considered sent to the representative of the party.
3. A person, who is not registered in Georgia or is registered without address, shall, upon request of the court, appoint another person who will be authorised to receive documents.
4. (Deleted).
5. If a document to be sent by the court is large, a party or its representative shall only be communicated the title of the document, and that he/she has the right to read the document at the court registry.
6. A party shall have the right to obtain a copy of the document at its own expense or take an excerpt in the court registry.

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

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

**Article 13<sup>1</sup> – (Deleted)**

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

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

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

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

**Article 13<sup>2</sup> – The period for hearing judicial disputes stemming from the tax and customs legislations of Georgia**

1. The period for hearing a judicial dispute stemming from the tax and customs legislations of Georgia before a court of first instance must not exceed two months between the admission of the statement of claim and the issuance of the final decision in the case, and if the pending case is especially complicated, the court hearing the case may decide to extend this period by not more than two months.
2. The period for hearing a judicial dispute stemming from the tax and customs legislations of Georgia before the court of appeals instance must not exceed two months between the admission of the statement of appeal and the issuance of the final decision in the case.
3. The court shall prepare a reasoned decision to be transferred to the parties within 10 days after announcement of the operative part of the court decision in a judicial dispute provided for by this article.

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

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

*Law of Georgia No 4908 of 28 June 2019 – website, 4.7.2019*



### **Article 13<sup>3</sup> – (Deleted)**

*Law of Georgia No 5643 of 27 December 2011 – website, 12.1.2012*

*Law of Georgia No 486 of 25 March 2013 – website, 5.4.2013*

## **Chapter VI – Parties to Administrative Proceedings; amicus curiae**

### **Article 14 – Participants to administrative proceedings**

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

2. The state shall be responsible for actions and decisions of an administrative body or of a private person on the basis of the rights delegated to the person by the state.

### **Article 15 – Participation in administrative proceedings through a representative**

1. If a party is a state body or a municipal body/municipality, it shall be represented in the court by its head or an official who has been granted the right of representation under the legislation of Georgia.

2. A state body or a municipal body/municipality may appoint, under the procedure established by the legislation of Georgia, an official or a public servant employed at this administrative body as its representative in administrative proceedings.

3. A state body or a municipal body/municipality may appoint an attorney as its representative.

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

5. (Deleted – 30.11.2018, No 3807).

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

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

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

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

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

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

*Law of Georgia No 4463 of 22 March 2011 – website, 1.4.2011*

*Law of Georgia No 4350 of 27 October 2015 – website, 11.11.2015*

*Law of Georgia No 158 of 21 December 2016 – website, 28.12.2016*

*Law of Georgia No 3807 of 30 November 2018 – website, 13.12.2018*

*Law of Georgia No 4908 of 28 June 2019 – website, 4.7.2019*

*Law of Georgia No 6881 of 15 July 2020 – website, 28.7.2020*

### **Article 16 – Involvement of the third persons in administrative proceedings**

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

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

<sup>21</sup>. Each interested person may apply to a court for the involvement in the case as a third party, according to paragraph 1 or 2 of this article.

<sup>22</sup>. Under paragraph 1 or 2 of this article, a third person may be involved in the case on the initiative of one of the parties, for which he/she shall submit a reasoned statement to the court.

<sup>23</sup>. A complaint subject to a time limit may be lodged against the court ruling rejecting the involvement of a third person in the case.

3. A court ruling on the involvement in the case as a third person shall be sent to the parties and the third persons, and if more than 10 persons are involved in the administrative legal proceedings as third persons, the ruling may be published instead of sending it.



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

5. A third person defined by paragraph 2 of this article shall enjoy all the rights of a claimant (defendant) and shall undertake all duties of a claimant.

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

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

#### **Article 16<sup>1</sup> – Friend of the Court (Amicus Curiae)**

1. Any person who is not a party or a third party to a case under review shall have the right, no less than five days before consideration of the case on the merits, to submit to a court his/her personal written opinion on the case.

2. The written opinion submitted must not aim at supporting any of the parties to the case. The written opinion must assist the court in the appropriate evaluation of the matter to be considered. If the court finds that the written opinion is not prepared in compliance with the requirements under this article, it shall not consider the written opinion.

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

4. The court may summon the author of the written opinion to the hearing of the case on the merits to give oral explanations.

*Law of Georgia No 3900 of 3 July 2015 – website, 10.7.2015*

### **Chapter VII – Judicial Evidence**

#### **Article 17 – Burden of proof**

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

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

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

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

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

#### **Article 18 – (Deleted)**

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

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

#### **Article 19 – Collection of evidence by court**

1. In addition to the powers granted under Article 103 of the Civil Procedure Code of Georgia, a court may, at its own initiative, also collect factual circumstances and evidence.

2. A party shall have the right, before using the factual circumstances and verifying evidence, to present its own opinion with regard to them.

3. A court may determine additional time limit for a party to submit evidence.

4. If a party fails to personally obtain and submit evidence to the court for good reason, it must notify the court not later than the working day preceding the day of the hearing.

5. If an administrative body fails to submit evidence without good reason, the court shall fine the respective official of the administrative body by GEL 200, but it shall not exempt him/her from the obligation to further submit evidence. In this case, the court may apply to the head of the administrative body or a higher administrative body with a recommendation to identify the reasons for failure to submit evidence to the court and to take appropriate disciplinary measures against that official.

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

#### **Article 20 – Obligation of an administrative body to submit information to the court**

An administrative body shall, upon request of the court, submit to the court the documents and other information necessary for consideration and resolution of the case.

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

#### **Article 20<sup>1</sup> – Procedure for considering classified information by the court**

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

2. Information provided for by paragraph 1 of this article shall not be submitted to the parties.

3. A decision delivered with regard to the case provided for by this article shall not include the detail that will entail



disclosure of the classified information.

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

### **Article 21 – The right to get acquainted with judicial acts**

1. Unless otherwise determined by this Code, persons participating in a case may get acquainted with judicial acts, and materials issued in relation to the case at the court registry.
2. A party shall be entitled to obtain copies of the judicial acts and other materials related to the administrative case through the court registry. Expenses related to making copies of the documents shall be borne by the party. No other payments may be requested for making a copy.
3. Draft judicial acts, and other preparatory materials shall not be submitted to the parties for reading.

## **Chapter VII<sup>1</sup> – Administrative Legal Proceedings Regarding Inspection of Entrepreneur's Activities**

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

### **Article 21<sup>1</sup> – A judge's order to inspect an entrepreneur's activities**

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

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

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

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

### **Article 21<sup>2</sup> – A motion of a controlling body**

1. A motion of a controlling body shall be submitted to a judge prior to commencing an inspection of an entrepreneur.
2. If an immediate and direct threat may be posed to the state security, human life or health, and/or evidence, a controlling body may suspend the activities of an enterprise as related to the subject of inspection and may immediately apply to a judge with a motion. If the activities of the enterprise cannot be suspended, or the suspension can significantly damage the enterprise and/or it is requested by the entrepreneur, the controlling body may commence inspection of the entrepreneur and may apply to a judge with an appropriate motion within 24 hours. When submitting the motion, the controlling body must justify the urgent necessity of the inspection.
3. The motion of a controlling body for inspection of an entrepreneur's activities must include sufficient grounds for issuing an order. The motion shall include the accurate details of the entrepreneur to be inspected, and the time, nature and scope of the inspection.

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

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

### **Article 21<sup>3</sup> – Procedure for resolving the issue of inspection of an entrepreneur's activity**

1. A judge shall, on the basis of a motion of a controlling body, deliver a decision within 72 hours after submission of the motion.
2. A judge shall consider a motion submitted by a controlling body at his/her personal discretion. The judge may consider the motion of the controlling body without an oral hearing regarding which, not later than 24 hours after receiving the motion, he/she will notify the entrepreneur or his/her representative, whose inspection has been requested by the controlling body, and will provide them with appropriate materials. If the judge concludes that the circumstances indicated in the motion must be examined, he/she may review the motion at an open court session, except as provided for by Article 5(4) of the Law of Georgia on Control of Entrepreneurial Activity. The parties must be notified of the session not later than 48 hours after submission of the motion to the court. The issue provided for by Article 5(4) of the Law of Georgia on Control of Entrepreneurial Activity shall be considered in accordance with the procedure defined by Article 20<sup>1</sup> of this Code. An entrepreneur or his/her representative may, within 24 hours after receiving the notification of the inspection and the case materials, present his/her written opinions to the court.
3. A judge shall have the right to summon and question a person whose testimony (information) justifies the motion, to suggest that the controlling body, which has submitted the motion, and the entrepreneur submit the documents and material evidence necessary to verify the justification of the motion.
4. An oral hearing on a motion shall begin by the judge's report announcing about the motion to be considered, after which the judge shall hear the justified arguments of the controlling body regarding the inspection and ask the controlling body questions. The entrepreneur or his/her representative shall have the opportunity to give explanations and to express opposing opinions. By permission of the judge, the entrepreneur or his/her legal representative shall ask questions to a representative of the controlling body, who must answer the judge's and the entrepreneur's or his/her legal representative's questions. A hearing on a motion shall not be postponed due to the failure of the parties to appear.
5. (Deleted).
6. A record of proceedings shall be drawn up at the court session. After verifying the justification of the motion, the judge



shall issue a reasoned order on inspecting the entrepreneur's activity. If the inspection of the entrepreneur has already been commenced and the court refuses to inspect the entrepreneur's activity, information on termination of the inspection and on payment for damages (if the damage is caused by a guilty act of the controlling body) incurred by the entrepreneur shall be indicated in the order.

7. The following information shall be indicated in a judge's order on the inspection of an entrepreneur's activity:

- a) the date and place of drawing up the order;
- b) the surname of the judge;
- c) the controlling body that has submitted a motion to the judge;
- d) the decree on inspecting the entrepreneur's activity, its essence, and the entrepreneur who is being inspected;
- e) the period of validity of the order and the period for inspection of the entrepreneur's activity, which must not exceed 15 days;
- f) the official or the body authorised to execute the order;
- g) the signature of the judge and the seal of the court.

8. If the court does not agree to inspect the entrepreneur's activity, the following information shall be indicated in the order:

- a) the date and place of drawing up the order;
- b) the surname of the judge;
- c) the controlling body that has submitted the motion to the judge;
- d) the decree on rejecting to inspect the entrepreneur's activity with an appropriate justification, and the entrepreneur, whose inspection has been rejected;
- e) the official or the body authorised to execute the order;
- f) the signature of the judge and the seal of the court.

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

10. Based on newly identified or newly revealed circumstances, an entrepreneur or his/her representative may, within three days since the above circumstances have become known to him/her, submit a motion for cancelling the judge's order on the inspection of the entrepreneur's activity to the court, whose judge has issued the order on the inspection of the entrepreneur's activity. The motion shall be considered under the procedure determined by this article. If the motion is granted, the judge's order shall be cancelled.

11. (Deleted).

12. The validity of an order and the period for inspection of an entrepreneur's activity must not exceed 15 days. In exceptional cases, on the basis of a reasoned motion, the above period may be extended by not more than 15 days. In addition, if the entrepreneur's annual turnover exceeds GEL one million, the aforementioned 30-day period may additionally be extended by not more than 40 days. A motion of the controlling body for extending the period for inspection of an entrepreneur's activity shall be reviewed under the procedure determined by this article.

13. A person submitting a motion may, within 24 hours after submission of the motion or during the hearing on the motion, withdraw the motion before the judge retires to the deliberations room. The motion may not be repeatedly submitted to the court on the same grounds.

14. A judge's order shall enter into force after expiry of the period determined for appealing the order. The appealing of an order shall suspend the effect of the order. The judge's order may be appealed to the court of appellate instance within 48 hours under the procedure determined by this article.

15. An appeal for cancelling a judge's reasoned order shall be submitted to the court issuing the order within 48 hours after a copy of the order is delivered to a party. The judge shall immediately forward the appeal, together with the case materials, to the court of appellate instance. Copies of the appeal and the attached materials shall be forwarded to the other party.

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

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

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

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

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

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

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

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

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

## Chapter VII<sup>2</sup> – (Deleted)

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

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



**Article 21<sup>4</sup> – (Deleted)**

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

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

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

**Article 21<sup>5</sup> – (Deleted)**

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

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

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

**Article 21<sup>6</sup> – (Deleted)**

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

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

**Article 21<sup>7</sup> – (Deleted)**

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

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

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

**Article 21<sup>8</sup> – (Deleted)**

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

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

**Article 21<sup>9</sup> – (Deleted)**

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

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

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

**Article 21<sup>10</sup> – (Deleted)**

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

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

**Article 21<sup>11</sup> – (Deleted)**

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

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

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

**Chapter VII<sup>3</sup> – Administrative Legal Proceedings regarding Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Violence**

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

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

**Article 21<sup>12</sup> – Application to a court and the procedure for delivering and appealing a decision on limitation of powers of a parent/legal representative, and on separation of a minor from his/her parent, other legal representative or another perpetrator**

1. In case of violence against women and/or domestic violence, a victim against women and/or domestic violence and his/her family member, and in case of violence against a minor, a guardianship and custodianship authority shall also have the right to apply to the court.

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

3. At all stages of legal proceedings with regard to a fact of domestic violence against a minor, including when questioning (interviewing) a minor, the best interests of the minor must be taken into consideration, based on his/her age and the level of maturity.

4. During administrative legal proceedings for appealing a protective order or restraining order, a minor victim of domestic violence may not be interviewed (explanations may not be taken from a minor) in the presence of a presumed violent parent (parents)/legal representative (representatives). A parent/legal representative may not be present either during questioning (interviewing) of a minor if there is a suspicion as to his/her (their) impartiality based on the nature of





the relations between the violent family member and the parent/legal representative, or in case of any other conflict of interest, and the testimony (report of interview, or explanations) given by the minor may not be provided or forwarded to him/her (them).

5. The right of a parent/legal representative to be the minor's representative in administrative proceedings shall be considered suspended during the court proceedings until a final decision has been delivered if the parent/representative is a presumed perpetrator, or there is a suspicion as to his/her impartiality based on the nature of the relations between the perpetrator family member or another perpetrator and the parent/legal representative, or in case of any other conflict of interest.

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

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

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

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

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

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

12. The court shall, within 5 days from the admission of an appeal in accordance with the established procedure, consider the appeal and deliver a reasoned decision on cancelling the social worker's decision or refusing to cancel it.

13. The court shall deliver a reasoned decision on cancelling or refusing to cancel the decision on separation of a minor on the basis of inner beliefs. The decision shall be forwarded to the parties within 24 hours after it has been delivered.

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

15. A decision regarding an appeal shall be delivered by the court of appeals under the procedure established by this article within 3 days after the appeal is filed with the court.

16. The decision of the court of appeals shall be final and shall not be subject to appeal.

17. A legally effective court decision may be appealed by the minor's parent or another legal representative requesting the resumption of the proceedings due to recently identified circumstances, under the procedure established by Article 423 of the Civil Procedure Code of Georgia, including when such circumstances and evidence have become known to him/her that, would they be submitted to the court during the trial, would have entailed delivery of a decision that would be favourable for him/her.

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

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

*Law of Georgia No 2699 of 17 October 2014 – website, 31.10.2014*

*Law of Georgia No 5450 of 22 June 2016 – website, 12.7.2016*

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

*Law of Georgia No 5025 of 20 September 2019 – website, 1.10.2019*

*Law of Georgia No 2478 of 22 December 2022 – website, 29.12.2022*

### **Article 21<sup>13</sup> – Procedure for issuing and appealing a protective order**

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

2. An application for issuing a protective order shall be considered in a court of first instance according to the place of residence of the victim, under the procedure established by this Code, unless otherwise determined by this Chapter.

3. An application for issuing a protective order shall be submitted in writing. The application must include:

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

b) the residential address of the person submitting the application;

b<sup>1</sup>) the perpetrator's residential and/or work address and telephone number (including mobile phone number), if any;

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

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



- e) the list of evidence;
  - f) the request to issue a protective order;
  - g) the signature of the victim or any other person having the right to request issuance of a protective order.
4. The court shall consider the application within 10 days after its registration in the court registry under to the established procedure, and shall deliver a decision to issue, annul, extend the period of validity or refuse to issue a protective order.
5. The court shall, within 24 hours after registration of the application in the court registry under the established procedure, forward the application and the attached materials to a person against whom the application has been submitted, and shall grant him/her the right to provide evidence. The person against whom the application is submitted may prepare written response regarding the issues indicated in the application and provide evidence within three days after receiving the summons.
- 5<sup>1</sup>. A judge may, on the initiative of a party (on the initiative of a guardianship and custodianship authority in case of a minor) or on his/her own initiative, review a case at a closed session.
- 5<sup>2</sup>. In cases provided for by the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Violence, a court shall also consider the issue of relationship of a perpetrator parent (parents) with a minor. If there are any signs of violence against a minor, the issue of separation of the minor from his/her perpetrator parent (parents) may be raised in court. The court shall, before delivering a final decision regarding the above, issue a decree as a provisional measure within 24 hours after applying to it.
6. The decision under this article delivered by the court of first instance may be appealed to the court of appeals within three days after a reasoned decision is served on a party. Appealing the decision shall not suspend the effect of the protective order issued. The court of appeals shall deliver the decision on appeal within seven days after filing the appeal, under the procedure established by this article. The decision of the court of appeals shall be final and shall not be subject to appeal.
7. Failure of the parties to appear at the court shall not hinder consideration of the issues provided for by this article in the court.
- 7<sup>1</sup>. A court decision delivered in relation to the elimination of violence against women and/or domestic violence, protection and support of victims of violence shall be forwarded to the parties within 24 hours after its delivery. In order to respond to the possible violation of requirements and obligations provided for by the protective order, the court decision delivered in relation to the protection and support of victims of violence against women and/or domestic violence shall be forwarded, also within 24 hours after its delivery, to an appropriate District Office of the territorial body of the Ministry of Internal Affairs of Georgia according to the place of residence of the victim. If the issue provided for by a protective order refers to a minor, the aforementioned court decision shall also be forwarded to an appropriate local guardianship and custodianship authority, and if the court decision refers to the issues related to weapons, it shall be forwarded to a legal entity under public law within the Ministry of Internal Affairs of Georgia the Service Agency of the Ministry of Internal Affairs of Georgia.
8. (Deleted).
- Law of Georgia No 3146 of 25 May 2006 – LHG I, No 20, 9.6.2006, Art. 174*
- Law of Georgia No 2510 of 28 December 2009 – LHG I, No 3, 13.1.2010, Art. 7*
- Law of Georgia No 762 of 4 May 2017 – website, 25.5.2017*

#### **Article 21<sup>14</sup> – Procedure for issuing and appealing a restraining order**

1. The procedure for issuing a restraining order and its period of validity shall be defined under the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Violence.
2. A claim for the annulment of a restraining order shall be considered by a court of first instance according to the place of residence of the victim, under the procedure established by this Code, unless otherwise provided for by this article.
3. A claim for the annulment of a restraining order shall be submitted in writing. The claim must include:
- a) the name and surname of the person submitting the claim;
  - b) the residential address of the person submitting the claim;
  - c) the description of factual circumstances;
  - d) the information about the perpetrator, the victim and their relationship;
  - e) the list of evidence;
  - f) the request for annulling or making a change to the restraining order;
  - g) the signature of the claimant.
4. The court shall consider the claim within 3 days after its submission and shall deliver a decision on cancelling or partially cancelling, or refusing to cancel the restraining order.
5. The court shall, within 24 hours after submission of the claim, forward it, together with the attached materials, to an authorised body that has issued the restraining order, and to an interested person in protection of whom the restraining order has been issued, and shall grant them the right to submit their opinions and evidence with regard to the claim.
6. An authorised police officer shall prepare a written response concerning the issues specified in the claim and submit



evidence before the case is heard by the court.

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

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

9. A court decision delivered with regard to the elimination of violence against women and/or domestic violence, and the protection and support of victims of violence shall be forwarded to the parties within 24 hours after its delivery.

10. A court decision under paragraph 4 of this article delivered by a court of first instance may be appealed to a court of appeals within three days from serving a reasoned decision on a party.

11. A decision on appeal shall be delivered by a court of appeals in under the procedure determined by this article within seven days after filing the appeal.

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

13. Submission of a claim for cancelling a restraining order and appealing of the decision delivered by the court under the procedure established by this article shall not suspend the effect of the restraining order issued.

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

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

*Law of Georgia No 2699 of 17 October 2014 – website, 31.10.2014*

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

*Law of Georgia No 6759 of 13 July 2020 – website, 20.7.2020*

### **Article 21<sup>15</sup> – Issues that may be included in a protective order**

1. A protective order shall be drawn up in a language of judicial proceedings, clearly and understandably. It may be prepared by hand or printed using technical means.

2. A protective order shall include:

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

b) the circumstances having served as a basis for its issuance;

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

d) the list of actions under the restraining order that the perpetrator is prohibited to perform, in accordance with paragraph 3 of this article and the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Violence;

e) the issues of taking by a perpetrator a compulsory training course oriented on the change of a violent attitude and behaviour, and paying an appropriate fee.

3. A protective order may include:

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

b) the issues of moving the victim or a person depending on him/her away from the perpetrator and of placing them in a shelter;

c) the issue of moving the perpetrator away from the place of residence of the victim;

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

e) the prohibition of the perpetrator from unilateral using the property in joint ownership;

f) the issues of separating the perpetrator from a minor, of regulating their meeting and communication;

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

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

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

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

k) (Deleted – 20.9.2019, No 5025);

l) the warning of the perpetrator about the liabilities defined by the legislation of Georgia in case of violation of the requirements under the protective order;

m) other issues necessary to be resolved for the protection of the victim.

4. The protective order can include any or all the issues provided in paragraph 3 of this article, based on the act of violence.

5. The period of validity of a protective order shall be defined under the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Violence.

6. Unless otherwise provided for by the law, a protective order shall be drawn up in at least 4 copies, one of which shall be served on the perpetrator, another copy shall be served on the victim, one copy shall remain with the authorised body



having issued the protective order, and the fourth copy shall be forwarded to the respective District Office of the territorial body of the Ministry of Internal Affairs of Georgia according to the place of residence of the victim. If the issue provided for by a protective order refers to a minor, one copy of the order shall also be forwarded to an appropriate local guardianship and custodianship authority, and if the court decision refers to the issues related to weapons, one copy of the protective order shall be forwarded to an appropriate office of the Ministry of Internal Affairs of Georgia. The court decision delivered with regard to the protective order shall be served on the parties under the procedure determined by this Code.

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

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

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

*Law of Georgia No 2699 of 17 October 2014 – website, 31.10.2014*

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

*Law of Georgia No 5025 of 20 September 2019 – website, 1.10.2019*

## **Chapter VII<sup>4</sup> – Administrative Legal Proceedings regarding Placement of a Person in an Inpatient Facility for Provision of Involuntary Psychiatric Assistance**

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

### **Article 21<sup>16</sup> – A judge’s order on placing a person in an inpatient facility for provision of involuntary psychiatric assistance**

1. An order on placing a person in an inpatient facility for provision of involuntary psychiatric assistance shall be issued by a magistrate judge on the basis of an application of an appropriate psychiatric facility administration or penitentiary institution, and at an administrative-territorial unit where a magistrate judge is not presiding, the aforementioned order shall be issued by a judge of a district (city) court according to the location of the psychiatric facility or penitentiary institution.

2. A judge shall consider the case on placing a person in an inpatient facility for involuntary psychiatric assistance and shall issue an order under the procedure determined by this chapter.

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

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

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

### **Article 21<sup>17</sup> – Application to a judge or to a court for placing a person in an inpatient facility for involuntary psychiatric assistance**

1. A psychiatric facility administration or a penitentiary institution where a patient/convicted person is placed shall apply to a magistrate judge or a district (city) court for issuing an order on placing a person in an inpatient facility for involuntary psychiatric assistance.

2. A psychiatric facility administration or a penitentiary institution shall apply to a magistrate judge or a district (city) court for issuing an appropriate order within 48 hours after placing a patient/convicted person in an inpatient facility or after receiving a positive opinion from an authorised expert institution.

3. An application of a psychiatric facility administration or a penitentiary institution must be justified and must be based accordingly on the opinion of the psychiatric committee or of an authorised expert institution, which must be attached to the application together with the patient's/convicted person's identification documents (a passport, an identity card, a marriage certificate, or another document), if any. If the identity of a person (the first name, surname, age, gender, citizenship, residential address) to be placed in an inpatient facility for involuntary psychiatric assistance cannot be identified as his/her identity documents do not exist, the application of the psychiatric facility administration must be accompanied by a protocol provided for by Article 19(3) of the Law of Georgia on Mental Health if it has been drawn up by a police officer.

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

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

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

*Law of Georgia No 6362 of 23 June 2020 – website, 1.7.2020*

### **Article 21<sup>18</sup> – Procedure for considering a case on placing a person in an inpatient facility for involuntary psychiatric assistance and for issuing an order**

1. A judge shall consider a case on placing a person in an inpatient facility for involuntary psychiatric assistance and shall deliver a decision within 24 hours after submission of an appropriate application.

2. A judge shall review a case on placing a person in an inpatient facility for involuntary psychiatric assistance at his/her own discretion at a closed session. Only the persons involved in the treatment process of the patient/convicted person, and persons whose participation is necessary for ensuring the conduct of administrative legal proceedings shall have the



right to attend the court hearing. A representative of the psychiatric facility administration or the penitentiary institution, and at least one member of the appropriate psychiatric committee, the patient/convicted person and his/her attorney accordingly must participate in the case hearing. If a patient/convicted person cannot afford an attorney, the court shall have the obligation to assign an attorney for him/her at the expense of the State. A legal representative of a patient/convicted person shall also participate in the hearing, and if there is no such representative, his/her relative (in this case, the term 'a relative of the patient' means a person from among the people defined by Article 4(h) of the Law of Georgia on Mental Health) shall participate in the hearing. In a special case, when a patient/convicted person cannot be brought to the court due to his/her illness or another objective reason, the judge shall conduct a field court hearing regarding the placement of a person in an inpatient facility for involuntary psychiatric assistance in the inpatient facility where the patient/convicted person stays, or by a court decision, a patient/convicted person may participate in the hearing remotely, with the use of technical means.

3. After opening the court session, the judge shall announce about the application to be considered, list the participants of the proceedings, and ascertain whether there are any recusals. Consequently, the representative of a psychiatric facility administration or a penitentiary institution respectively shall justify the application submitted by him/her and then shall answer the questions asked by the judge, the patient/convicted person and his/her attorney, legal representative and/or relative of the patient/ convicted person. Failure of the legal representative or the relative of the patient/ convicted person to appear at the court session shall not be a ground for postponing consideration of the application.

4. The judge may summon and question the members of the psychiatric committee, whose opinion served as a basis for applying to the court by the psychiatric facility administration or the penitentiary institution, and other persons whose testimony (information) justifies the application. The patient/convicted person, his/her attorney, legal representative and/or relative shall have the right to require that other persons also be questioned, whose testimonies may be essentially significant for the case. The patient/convicted person, his/her attorney, legal representative and/or relative shall also have the right to give explanations to the court and to state opposing opinions.

5. A record of proceedings shall be drawn up at the court session. After verifying the justifiability of the application and evaluating the grounds defined by Article 18(1) of the Law of Georgia on Mental Health, the judge shall issue a justified order on placing a person in an inpatient facility for involuntary psychiatric assistance until the involuntary treatment criteria come to an end but for not more than six months.

6. If there are no statutory grounds for placing a person in an inpatient facility for involuntary psychiatric assistance, the judge shall make a ruling on refusing to place the person in an inpatient facility for involuntary psychiatric assistance. In this case, the person placed in an inpatient facility for involuntary psychiatric assistance must be immediately discharged from the inpatient facility.

7. The following information shall be indicated in a judge's order on placing a person in an inpatient facility for involuntary psychiatric assistance:

- a) the date and place of issuance of the order;
- b) the surname of the judge;
- c) the psychiatric facility whose administration has filed a respective application with the court, or the penitentiary institution that has applied to the court;
- d) parties to the court proceedings;
- e) the decree on placing a person in an inpatient facility for involuntary psychiatric assistance, with an appropriate justification, and the identity of the person to be placed in the inpatient facility (if the person cannot be identified as his/her identification documents, facts or data do not exist, then the 'unidentified patient No ...' shall be indicated in the judge's order, and a conditional number shall be assigned to him/her according to the registration number of the administrative case considered);
- f) the period of validity of the order on placing a person in an inpatient facility for involuntary psychiatric assistance, which must not exceed six months. The order shall usually include that it is valid until the involuntary treatment criteria come to an end, which is determined by the appropriate psychiatric committee on the basis of the opinion;
- g) the psychiatric facility (its head), which must comply with the order;
- h) the signature of the judge and the seal of the court.

8. The following information shall be indicated in a judge's ruling on refusing to place a person in an inpatient facility for involuntary psychiatric assistance:

- a) the date and place of rendering the ruling;
- b) the surname of the judge;
- c) the psychiatric facility whose administration has filed a respective application with the court, or the penitentiary institution that has applied to the court;
- d) parties to the court proceedings;
- e) the decree on refusing to place a person in an inpatient facility for involuntary psychiatric assistance, with an appropriate justification, and the identity of the person who was to be placed in the inpatient facility (if the person cannot be identified as to his/her identification documents, facts or data do not exist, then the 'unidentified patient No ...' shall be indicated in the judge's order, and a conditional number shall be assigned to him/her according to the registration number of the administrative case considered);



f) the psychiatric facility (its head), which must comply with the ruling;

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

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

10. A psychiatric facility administration shall have the right, during hearing the application in the court, to withdraw its application before the judge retires to the deliberations room.

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

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

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

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

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

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

*Law of Georgia No 6362 of 23 June 2020 – website, 1.7.2020*

### **Article 21<sup>19</sup> – The period of validity of a judge's order on placing a person in an inpatient facility for involuntary psychiatric assistance and the procedure for extending its period of validity**

1. A judge's order on placing a person in an inpatient facility for involuntary psychiatric assistance shall be valid until the involuntary treatment criteria come to an end, which is confirmed by the opinion of the psychiatric committee but this period must not exceed six months. This period of validity shall not apply to a patient who serves a sentence in an appropriate medical (treatment) facility. The period of placement in an inpatient facility shall start to run from the moment of placement of the person in the inpatient facility.

2. Based on the mental condition of a patient and if there are grounds provided for by Article 18(1) of the Law of Georgia on Mental Health, the period of validity specified in paragraph 1 of this article may be extended by not more than six months on the basis of a justified application of the psychiatric facility administration. After expiry of each such extended period, the psychiatric facility administration may apply again to the court for extending the period, unless the involuntary treatment criteria of the patient have come to an end. The application of the psychiatric facility administration for extending the period of placement of a person in an inpatient facility for involuntary psychiatric assistance shall be considered under the procedure determined by Article 21<sup>18</sup> of this Code, within 72 hours after submission of the appropriate application by the psychiatric facility administration.

3. If the involuntary treatment criteria of a patient have come to an end before expiry of six months from the issuance of the judge's order on placing the person in an inpatient facility for involuntary psychiatric assistance and/or on extending the period of placement of the person in an inpatient facility for involuntary psychiatric assistance, the patient must be immediately discharged from the inpatient facility. The decision to release the patient from the inpatient facility shall be made by the psychiatric facility administration on the basis of the opinion of the psychiatric committee, which will be immediately notified to the magistrate judge and/or the appropriate district (city) court.

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

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

*Law of Georgia No 6362 of 23 June 2020 – website, 1.7.2020*

### **Article 21<sup>20</sup> – Appeal of a judge's order (ruling) on placing a person in an inpatient facility for involuntary psychiatric assistance**

1. A judge's order (ruling) on placing a person in an inpatient facility for involuntary psychiatric assistance may be appealed by the psychiatric facility administration or the penitentiary institution, the patient/convicted person, his/her attorney, legal representative and/or relative to the court of appeals, under the procedure determined by this article.

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

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

4. An appeal shall be heard on the merits at the court of appeals within one week after submission of the appeal, under the procedure determined by Article 21<sup>18</sup> of this Code. In addition, the court of appeals shall have the right, in order to determine the patient's mental condition, to schedule an additional forensic psychiatric expert examination at its own initiative or on the request of a party. If the expert examination is scheduled at the court's initiative, it shall be conducted at the expense of the State. The expert examination scheduled on the request of a party shall be conducted at the expense of that party.

5. The court of appeals shall annul an appealed order by issuing an order, while it shall annul an appealed ruling by issuing a ruling.

6. An order (ruling) of the court of appeals shall be final and shall not be subject to appeal.



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

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

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

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

## **Chapter VII<sup>5</sup> – Administrative Legal Proceedings for Sale of the Taxpayer's Property Seized by the Tax Authority**

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

### **Article 21<sup>21</sup> – A judge's order on selling taxpayer's seized property**

An order on selling the taxpayer's seized property shall be issued by a judge of a district (city) court, on the basis of a motion of a tax authority, according to the taxpayer's location.

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

### **Article 21<sup>22</sup> – A motion of a tax authority**

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

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

### **Article 21<sup>23</sup> – Procedure for resolving the issue of selling a taxpayer's seized property**

1. A judge shall, based on a motion of a tax authority, issue an order within 14 days after submission of the motion.

2. A judge shall consider a motion of a tax authority at his/her own discretion. Participants of the court hearing on the motion shall be a representative of the tax authority and the taxpayer, or his/her representative, issuance of an order on selling the seized property of who is requested by the tax authority (except when the parties cannot be invited) shall participate in the.

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

4. After verifying the justifiability of a tax authority's motion, the judge shall issue an order on granting or refusing to grant the motion for selling the taxpayer's seized property, which will include the following information:

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

b) the surname of the judge;

c) the tax authority submitting the motion to the court;

d) the tax authority that has the right to execute the order;

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

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

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

6. A judge's order, as regards sales of seized property, shall enter into force after the expiry of the period for appealing the order. Appealing the order shall suspend the validity of the order.

7. An appeal for cancelling a judge's order shall be filed with the court issuing the order within 48 hours after a copy of the order is forwarded to a party. The judge shall immediately forward the appeal, together with the case materials, to the court of the appellate instance.

8. An appeal shall be heard at the court of appellate instance within 10 days after filing.

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

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

## **Chapter VII<sup>6</sup> – Administrative Legal Proceedings Concerning an Application for International Protection or for Granting Asylum**

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

*Law of Georgia No 5371 of 6 December 2011 – website, 20.12.2011*

*Law of Georgia No 4063 of 17 July 2015 – website, 29.7.2015*

*Law of Georgia No 47 of 1 December 2016 – website, 15.12.2016*

### **Article 21<sup>24</sup> – Application to a court**

A person with international protection or an asylum seeker shall have the right to apply to a district (city) court, under the procedure established by the legislation of Georgia and in the language understandable to him/her, with regard to a dispute related to application for international protection or to the issue of granting asylum, within one month after the appropriate individual administrative legal act is served on him/her.

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

*Law of Georgia No 5371 of 6 December 2011 – website, 20.12.2011*



**Article 21<sup>25</sup> – Procedure for resolving a dispute related to application for international protection or to the issue of granting asylum**

1. A district (city) court shall consider a dispute related to application for international protection or to the issue of granting asylum and forward the delivered decision to the parties within two months after the claim is filed with the court.

2. An appeal for annulling the decision provided for by paragraph 1 of this article shall be filed with a district (city) court that has rendered the decision, within 15 days after the decision is forwarded to a party. The judge shall immediately forward the appeal, together with the case materials, to the court of appeals.

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

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

5. Provisions of this article shall also apply to appealing an individual administrative act, issued by the Ministry of Internal Affairs of Georgia on the basis of Article 45(3) of the Law of Georgia on International Protection, on starting the asylum procedure and refusing to consider a renewed application for international protection on the merits.

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

*Law of Georgia No 5371 of 6 December 2011 – website, 20.12.2011*

*Law of Georgia No 4063 of 17 July 2015 – website, 29.7.2015*

*Law of Georgia No 47 of 1 December 2016 – website, 15.12.2016*

*Law of Georgia No 1568 of 11 May 2022 – website, 17.5.2022*

**Chapter VII<sup>7</sup> – Administrative Legal Proceedings Related to Payment of the Monetary Compensation to Persons Recognized as Victims of Political Repressions and to Their First Degree Heirs**

*Law of Georgia No 4646 of 5 May 2011 – website, 18.5.2011*

**Article 21<sup>26</sup> – Filing of a claim to court**

1. Persons provided for by Article 9(1) of the Law of Georgia on Acknowledgment of Citizens of Georgia as Victims of Political Repressions and Social Protection of Repressed Persons shall have the right to file with the court an action to obtain monetary compensation provided for by Article 9 of the same Law.

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

3. The following documents must be attached to an action to obtain monetary compensation:

a) a document evidencing the recognition of a person as a victim of political repressions;

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

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

4. If there are several first degree heirs to a person recognised as a victim of political repressions, a lump-sum monetary compensation shall be paid to them.

*Law of Georgia No 4646 of 5 May 2011 – website, 18.5.2011*

*Law of Georgia No 2763 of 31 October 2014 – website, 11.11.2014*

**Article 21<sup>27</sup> – Consideration of the issue of allowing a claim for obtaining monetary compensation**

1. A judge shall consider the issue of allowing an action to obtain monetary compensation within five days after filing the action.

2. If the judge finds out that the claim for obtaining monetary compensation fails to meet the requirements established by this Code, he/she shall deliver a ruling on the existing defect and shall fix a reasonable period of time for the claimant to remedy the defect. If the claimant remedies the defect specified in the ruling within the fixed period of time, the judge shall deliver a ruling on allowing the claim for obtaining monetary compensation; in the opposite case, the judge shall deliver a ruling on refusing to allow the claim for obtaining monetary compensation and shall return the claim to the claimant, along with the attached documents.

3. A private complaint may be filed against the court ruling on refusing to allow the claim for obtaining monetary compensation.

4. After the ruling on allowing a claim for obtaining monetary compensation is delivered, or after the time limit for delivering such a ruling expires, the judge shall immediately forward the claim and the copies of the attached documents to the defendant and shall fix a period of time for him/her to file a statement of defence.





**Article 21<sup>28</sup> – Consideration of a claim for obtaining monetary compensation**

When considering a claim for obtaining monetary compensation, the court shall consider the fact of acknowledging a person as a victim of political repressions as established, which is evidenced by a document acknowledging the person as a victim of political repressions.

*Law of Georgia No 4646 of 5 May 2011 – website, 18.5.2011*

**Article 21<sup>29</sup> – The procedure for resolving the issue of payment of monetary compensation**

1. The Ministry of Finance of Georgia shall be the defendant during the legal proceedings provided for by this Chapter.
2. A decision on paying monetary compensation shall be delivered by the court considering the gravity of various levels of coercion specified in Article 9(1) of the Law of Georgia on the Acknowledgment of Citizens of Georgia as Victims of Political Repressions and Social Protection of Repressed Persons, and the age and health status of a repressed person or his/her first degree heir, and other objective factors.
3. The amount of monetary compensation shall be at least GEL 1 000 and shall not exceed GEL 2 000.
4. A case provided for by this Chapter shall be considered without oral hearing. Upon request of one of the parties, the court shall consider the case by way of an oral hearing. A case provided for by this Chapter shall be considered within a general time limit defined and under the procedure established by the procedural legislation of Georgia for consideration of a case.
5. A decision of the Tbilisi or Kutaisi City Court may be appealed to the Tbilisi or Kutaisi Court of Appeals respectively, under the procedure established by the procedural legislation of Georgia.
6. An appeal shall be submitted to the Court delivering the decision, which shall immediately forward the appeal to the appropriate court of appeals along with the attached documents.
7. A claim for obtaining monetary compensation shall be exempt from payment of state fees.
8. A decision (ruling) rendered by a court of appeals shall be final and shall not be appealed.

*Law of Georgia No 4646 of 5 May 2011 – website, 18.5.2011*

*Law of Georgia No 2763 of 31 October 2014 – website, 11.11.2014*

**Chapter VII<sup>8</sup> – (Deleted)**

*Law of Georgia No 5354 of 25 November 2011 – website, 8.12.2011*

*Law of Georgia No 4451 of 28 October 2015 – website, 11.11.2015*

*Law of Georgia No 5229 of 30 October 2019 – website, 30.10.2019*

*Law of Georgia No 426 of 30 March 2021 – website, 13.4.2021*

**Article 21<sup>30</sup> – (Deleted)**

*Law of Georgia No 5354 of 25 November 2011 – website, 8.12.2011*

*Law of Georgia No 4451 of 28 October 2015 – website, 11.11.2015*

*Law of Georgia No 5229 of 30 October 2019 – website, 30.10.2019*

*Law of Georgia No 426 of 30 March 2021 – website, 13.4.2021*

**Article 21<sup>31</sup> – (Deleted)**

*Law of Georgia No 5354 of 25 November 2011 – website, 8.12.2011*

*Law of Georgia No 4451 of 28 October 2015 – website, 11.11.2015*

*Law of Georgia No 5229 of 30 October 2019 – website, 30.10.2019*

*Law of Georgia No 426 of 30 March 2021 – website, 13.4.2021*

**Article 21<sup>32</sup> – (Deleted)**

*Law of Georgia No 5354 of 25 November 2011 – website, 8.12.2011*

*Law of Georgia No 4451 of 28 October 2015 – website, 11.11.2015*

*Law of Georgia No 5229 of 30 October 2019 – website, 30.10.2019*

*Law of Georgia No 426 of 30 March 2021 – website, 13.4.2021*

**Article 21<sup>33</sup> – (Deleted)**

*Law of Georgia No 5354 of 25 November 2011 – website, 8.12.2011*

*Law of Georgia No 5229 of 30 October 2019 – website, 30.10.2019*

*Law of Georgia No 426 of 30 March 2021 – website, 13.4.2021*

**Article 21<sup>34</sup> – (Deleted)**

*Law of Georgia No 5354 of 25 November 2011 – website, 8.12.2011*



*Law of Georgia No 4451 of 28 October 2015 – website, 11.11.2015*

*Law of Georgia No 5229 of 30 October 2019 – website, 30.10.2019*

*Law of Georgia No 426 of 30 March 2021 – website, 13.4.2021*

## **Chapter VII<sup>9</sup> – Administrative Legal Proceedings for Cases on Sending Minors to Boarding Schools**

*Law of Georgia No 5666 of 28 December 2011 – website, 12.1.2012*

### **Article 21<sup>35</sup> – Application to a court**

1. The court shall, under the procedure established by this Chapter, consider a motion of the group of specialists of the Juvenile Referral Centre ('the Group of Specialists'), a structural unit of the Legal Entity under Public Law operating under the Ministry of Justice – the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation ('the Juvenile Referral Centre') for sending a minor to a juvenile referral facility, or extending the period of stay of a minor at a juvenile referral facility.

2. A motion of the Group of Specialists shall be filed with the court in accordance with the conditions provided for by Article 48<sup>7</sup>(9) of the Law of Georgia on General Education within 10 calendar days after making the decision to file the motion.

*Law of Georgia No 5666 of 28 December 2011 – website, 12.1.2012*

*Law of Georgia No 3039 of 5 July 2018 – website, 11.7.2018*

*Law of Georgia No 5407 of 29 November 2019 – website, 10.12.2019*

### **Article 21<sup>36</sup> – (Deleted)**

*Law of Georgia No 5666 of 28 December 2011 – website, 12.1.2012*

*Law of Georgia No 5407 of 29 November 2019 – website, 10.12.2019*

### **Article 21<sup>37</sup> – The procedure for considering and making a decision on a case**

1. A court shall consider a case and make a decision within 15 calendar days after a motion is filed.

2. A judge shall consider a case at a closed session. The following persons shall have the right to attend a closed session: the minor, a parent/legal representative of the minor, a representative of a guardianship and custodianship authority, members of the Group of Specialists, another representative of a Juvenile Referral Centre, a social worker, an attorney of the minor, and other persons invited by the court.

2<sup>1</sup>. When considering the case, the judge shall be guided by, along with other circumstances significant to the case, the individual assessment report of the minor and documents proving his/her complex behaviour and/or the crime allegedly committed by him/her, which are attached to the motion. When the decision is made, the following circumstances shall be taken into consideration: cooperation of the minor and/or the legal representative of the minor with the Juvenile Referral Centre; participation of the minor in a service/programme selected for the minor by the Juvenile Referral Centre and the results achieved; if an act under the Criminal Code of Georgia is committed, the nature, gravity and other significant circumstances of the act shall be taken into consideration.

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

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

5. The decision of the Tbilisi City Court may be appealed to the Tbilisi Court of Appeals within 10 days after delivery of the decision.

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

7. The Tbilisi Court of Appeals shall consider the appeal within 10 days after it is allowed.

8. The decision (ruling) delivered by the Tbilisi Court of Appeals shall be final and shall not be appealed.

*Law of Georgia No 5666 of 28 December 2011 – website, 12.1.2012*

*Law of Georgia No 5407 of 29 November 2019 – website, 10.12.2019*

### **Article 21<sup>38</sup> – Rights of a minor**

A minor shall have the right to refuse to give explanations at the court, and to require that his/her attorney and parent/legal representative be attended at the court proceedings.

*Law of Georgia No 5666 of 28 December 2011 – website, 12.1.2012*

## **Chapter VII<sup>10</sup> – Administrative Legal Proceedings for Expelling Aliens from Georgia**

*Law of Georgia No 2047 of 5 March 2014 – website, 17.3.2014*



### **Article 21<sup>39</sup> – An order of a judge on expelling an alien from Georgia**

Where so defined by Article 51 of the Law of Georgia on Legal Status of Aliens and Stateless Persons, a judge of a district (city) court shall, on the basis of a motion of an authorised body of the Ministry of Internal Affairs of Georgia, issue an order on expelling an alien from Georgia.

*Law of Georgia No 2047 of 5 March 2014 – website, 17.3.2014*

### **Article 21<sup>40</sup> – Procedure for resolving the issue of expelling an alien from Georgia**

1. A judge shall consider a motion submitted by an authorised body of the Ministry of Internal Affairs of Georgia within 30 days after it is submitted and shall issue an order on expelling an alien from Georgia, or make a decision on refusing to grant the motion.

2. A judge shall be authorised to consider a motion of an authorised body of the Ministry of Internal Affairs of Georgia without oral hearing, regarding which the judge shall, within not later than 48 hours after the motion is received, notify the body submitting the motion and the alien whose expulsion is requested by the authorised body of the Ministry of Internal Affairs of Georgia, and shall forward the appropriate case materials to the alien. If the judge finds that an investigation of the circumstances indicated in the motion be necessary, he/she shall be authorised to consider the motion by oral hearing. The alien shall have the right to submit his/her written opinions to the court within 72 hours after he/she is notified of the expulsion from Georgia and the case materials are forwarded to him/her.

3. For verification of the reasonability of the motion, the judge shall be authorised to summon and question a person, to suggest that an authorised body of the Ministry of Internal Affairs of Georgia submitting the motion and the alien present necessary documents and evidence.

4. The following information shall be specified in the judge's order on expelling an alien from Georgia:

- a) the date and place of preparing the order;
- b) the surname of the judge;
- c) the authorised body of the Ministry of Internal Affairs of Georgia that has submitted the motion to the judge;
- d) the decree on expelling the alien from Georgia and the name and surname of the alien to be expelled;
- e) the legal grounds for expelling the alien from Georgia;
- f) the time given to the alien to leave Georgia voluntarily;
- g) the body authorised to enforce the order if the alien does not leave Georgia voluntarily;
- h) the state to which the alien is to be expelled;
- i) the procedure for appealing the order;
- f) the signature and the seal of the judge.

5. A judge's order on expelling an alien from Georgia shall become effective upon expiry of the time limit for appealing the order, except when a party confirms in writing that it does not intend to appeal the judge's order.

6. A judge's order on expelling an alien from Georgia may be appealed to the court of appeals under the procedure established by this Chapter. Appealing the judge's order shall suspend its validity.

*Law of Georgia No 2047 of 5 March 2014 – website, 17.3.2014*

### **Article 21<sup>41</sup> – The procedure for deferring the expulsion of an alien from Georgia**

1. Where so defined by Article 55 of the Law of Georgia on Legal Status of Aliens and Stateless Persons, a judge shall, on the basis of a motion of an authorised body of the Ministry of Internal Affairs of Georgia or of an alien, within 48 hours after the motion is submitted, issue an order on deferring the expulsion of an alien from Georgia.

2. The judge's order on deferring the expulsion of an alien from Georgia shall be final and shall not be appealed.

*Law of Georgia No 2047 of 5 March 2014 – website, 17.3.2014*

### **Article 21<sup>42</sup> – A judge's order on placing an alien in a temporary placement centre for expulsion from Georgia**

1. A judge of a district (city) court shall, on the basis of a motion of an authorised body of the Ministry of Internal Affairs of Georgia, issue an order on placing an alien in a temporary placement centre for his/her expulsion from Georgia or on extending the period of placement of an alien in a temporary placement centre.

2. A motion for placing an alien in a temporary placement centre shall be submitted to the court not later than 48 hours after the alien is arrested.

2<sup>1</sup>. A motion for extending the period of placement of an alien in a temporary placement centre shall be submitted to the court 48 hours before the period of placement of the alien in a temporary placement centre expires.

2<sup>2</sup>. A motion for placing an asylum seeker alien placed in a temporary placement centre in a temporary placement centre shall be submitted to the court not later than 48 hours after the registration of an alien's application for international protection.

3. A judge shall consider the issue of placing an alien in a temporary placement centre for his/her expulsion from Georgia or extending the period of placement of an alien in a temporary placement centre and shall issue the appropriate order not later than 24 hours after the motion is submitted.



4. A judge shall be authorised, on the basis of a justified motion of an authorised body of the Ministry of Internal Affairs of Georgia, to issue an order on imposing a measure on an alien alternative to placement in a temporary placement centre defined by Article 64 of the Law of Georgia on Legal Status of Aliens and Stateless Persons.

5. A judge's order on placing an alien in a temporary placement centre for expulsion from Georgia, on extending the period of placement of an alien in a temporary placement centre, or on imposing an alternative measure on an alien may be appealed to the court of appeals under the procedure established by this Chapter. Appealing the judge's order shall not suspend its validity.

*Law of Georgia No 2047 of 5 March 2014 – website, 17.3.2014*

*Law of Georgia No 47 of 1 December 2016 – website, 15.12.2016*

#### **Article 21<sup>43</sup> – Procedure for appealing a judge's order**

1. An appeal for revoking a judge's order shall be submitted to the court that has issued the order within five days after the appeal is forwarded to a party. The appeal shall be immediately forwarded to the court of appeals, along with the case materials.

2. The appeal for revoking a judge's order shall be considered at the court of appeals within 14 days after it is submitted.

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

4. The court of appeals shall revoke an appealed order of the judge by issuing an order.

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

*Law of Georgia No 2047 of 5 March 2014 – website, 17.3.2014*

#### **Article 21<sup>44</sup> – Procedure for appealing a decision of an authorised body of the Ministry of Internal Affairs of Georgia on expelling an alien from Georgia**

A claim of an alien for revoking the decision of an authorised body of the Ministry of Internal Affairs of Georgia on expelling him/her from Georgia shall be considered in a district (city) court and the court's decision shall be appealed in accordance with the procedure and within the time limits determined by Articles 21<sup>40</sup> and 21<sup>43</sup> of this Code.

*Law of Georgia No 2047 of 5 March 2014 – website, 17.3.2014*

#### **Chapter VII<sup>11</sup> – Administrative Legal Proceedings for Obtaining Confidential Information on Persons from Commercial Banks, Microbanks, Payment Service Providers, Microfinance Organisations, Loan Providers, Currency Exchange Offices, Brokerage Companies, Central Licensed Depositories, Securities Registrars, Asset Management Companies, or Investment Companies by Tax Authorities**

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

*Law of Georgia No 1809 of 9 September 2022 – website, 23.9.2022*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

#### **Article 21<sup>45</sup> – An order of a judge on providing confidential information on a person by a commercial bank, a microbank, a payment service provider, a microfinance organisation, a loan provider, a currency exchange office, a brokerage company, a central licensed depository, a securities registrar, an asset management company, or an investment company to a tax authority**

An order on providing confidential information on a person by a commercial bank, a microbank, a payment service provider, a microfinance organisation, a loan provider, a currency exchange office, a brokerage company, a central licensed depository, a securities registrar, an asset management company, or an investment company to a tax authority shall be issued by a district (city) court judge, on the basis of a motion of the tax authority, according to the person's location.

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

*Law of Georgia No 1809 of 9 September 2022 – website, 23.9.2022*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

#### **Article 21<sup>46</sup> – A motion of a tax authority**

1. A tax authority may file a motion with a court requesting confidential information on a person from a commercial bank, a microbank, a payment service provider, a microfinance organisation, a loan provider, a currency exchange office, a brokerage company, a central licensed depository, a securities registrar, an asset management company, or an investment company during the tax audit of a taxpayer, within the scope of this audit, if the tax authority has asked the person, at least once under the procedure established by the legislation of Georgia, to submit information and the person has failed to submit the information within the set period of time.

2. A motion of a tax authority must be reasoned. The following information must be included in it:

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

b) the name of the commercial bank, the microbank, the payment service provider, the microfinance organisation, the loan provider, the currency exchange office, the brokerage company, the central licensed depository, the securities



registrar, the asset management company, or the investment company from which the information must be received;  
c) the description of the information requested by the tax authority;  
d) the form and time limit for receiving information by the tax authority.

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

*Law of Georgia No 1809 of 9 September 2022 – website, 23.9.2022*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

**Article 21<sup>47</sup> – Procedure for issuing a judge’s order on providing confidential information on a person by a commercial bank, a microbank, a payment service provider, a microfinance organisation, a loan provider, a currency exchange office, a brokerage company, a central licensed depository, a securities registrar, an asset management company, or an investment company to a tax authority**

1. A judge shall, on the basis of a motion of a tax authority, issue an order within 14 days after the motion is submitted.

2. A judge shall consider a motion of a tax authority at his/her sole discretion. A representative of the tax authority and the person the issuance of an order on providing confidential information of who is requested by the tax authority (except when invitation of the parties cannot be organised), or his/her representative shall participate in the consideration of the motion at a court session.

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

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

5. If the motion is granted, the following information shall be specified in the order:

a) the date and place of preparing the order;

b) the surname of the judge issuing the order;

c) the tax authority that has filed the motion with the court;

d) the tax authority that must be provided with the requested information;

e) the commercial bank, the microbank, the payment service provider, the microfinance organisation, the loan provider, the currency exchange office, the brokerage company, the central licensed depository, the securities registrar, the asset management company, or the investment company, which must provide the tax authority with the confidential information on a person;

f) the form and time limit for providing the information;

g) the decree on granting the motion.

6. If the motion is rejected, the following information shall be specified in the order:

a) the date and place of preparing the order;

b) the surname of the judge issuing the order;

c) the tax authority that has filed the motion with the court;

d) the decree on rejecting the motion.

7. A judge’s order shall be drawn up in four copies. One copy shall be forwarded to the tax authority filing the motion, the second one shall be forwarded to the person the order on providing confidential information on whom has been issued, the third one shall be forwarded to the commercial bank, the microbank, the payment service provider, the microfinance organisation, the loan provider, the currency exchange office, the brokerage company, the central licensed depository, the securities registrar, the asset management company, or the investment company, and the fourth one shall remain with the court.

8. A judge’s order shall become effective upon expiry of the time limit for appealing the order. If appealed, the validity of the order shall be suspended.

9. An appeal for revoking a judge’s order shall be filed with the court that has issued the order, within 48 hours after a copy of the order is delivered to the party. The judge shall immediately forward the appeal to a court of appeals, along with the case materials.

10. The appeal shall be considered in the court of appeals within 10 days after it is filed.

11. An order of a court of appeals shall be final and shall not be appealed.

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

*Law of Georgia No 1809 of 9 September 2022 – website, 23.9.2022*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

**Chapter VII<sup>12</sup> – Administrative Proceedings for Obtaining Confidential Information on Persons from Commercial Banks, Microbanks, Payment Service Providers, Microfinance Organisations, Loan Providers, Currency Exchange Offices, Brokerage Companies, Central Licensed Depositories, Securities Registrars, Asset Management Companies, or Investment Companies by Tax Authorities for Purposes Provided for by International Agreements of Georgia**

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

*Law of Georgia No 1809 of 9 September 2022 – website, 23.9.2022*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*



**Article 21<sup>48</sup> – A judge’s order on providing information by commercial banks, Microbanks, Payment Service Providers, Microfinance Organisations, Loan Providers, Currency Exchange Offices, Brokerage Companies, Central Licensed Depositories, Securities Registrars, Asset Management Companies, or Investment Companies to tax authorities to satisfy the request of foreign competent (authorised) bodies on the basis of the international agreements of Georgia**

An order on providing confidential information on a person by a commercial bank, a microbank, a payment service provider, a microfinance organisation, a loan provider, a currency exchange office, a brokerage company, a central licensed depository, a securities registrar, an asset management company, or an investment company to the tax authority to satisfy the request of a foreign competent (authorised) body on the basis of an international agreement of Georgia shall be issued by a judge of a district (city) court on the basis of a motion of the tax authority, according to the location of the commercial bank, the microbank, the payment service provider, the microfinance organisation, the loan provider, the currency exchange office, the brokerage company, the central licensed depository, the securities registrar, the asset management company, or the investment company.

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

*Law of Georgia No 1809 of 9 September 2022 – website, 23.9.2022*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

**Article 21<sup>49</sup> – A motion of a tax authority**

1. A tax authority shall file a motion to the court for requesting confidential information (except for information provided for by the Agreement between the Government of the United States of America and the Government of Georgia to Improve International Tax Compliance and to Implement the Foreign Account Tax Compliance Act (FATCA), the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information (CRS MCAA) within the framework of the Convention on Mutual Administrative Assistance in Tax Matters of 25 January 1988, or the respective Agreement on Automatic Exchange of Financial Account Information between Georgia and the relevant jurisdiction) on a person from a commercial bank, a microbank, a payment service provider, a microfinance organisation, a loan provider, a currency exchange office, a brokerage company, a central licensed depository, a securities registrar, an asset management company, or an investment company if a foreign competent (authorised) body has requested this information in accordance with the international agreement of Georgia.

2. The following information must be included in the motion of a tax authority:

- a) the identification data of a person information on whom is requested by the tax authority;
- b) the name of the commercial bank, the microbank, the payment service provider, the microfinance organisation, the loan provider, the currency exchange office, the brokerage company, the central licensed depository, the securities registrar, the asset management company, or the investment company from which the information must be received;
- c) the description of information requested by the tax authority;
- d) the form and time limit for receiving information by the tax authority;
- e) the written explanation that the request of a foreign country to provide information meets the requirements of the appropriate international agreement of Georgia.

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

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

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

*Law of Georgia No 1809 of 9 September 2022 – website, 23.9.2022*

*Law of Georgia No 2140 of 30 November 2022 – website, 15.12.2022*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

**Article 21<sup>50</sup> – Procedure for issuing a judge’s order on providing confidential information on a person to a tax authority by commercial banks, Microbanks, Payment Service Providers, Microfinance Organisations, Loan Providers, Currency Exchange Offices, Brokerage Companies, Central Licensed Depositories, Securities Registrars, Asset Management Companies, or Investment Companies for the purposes provided for by an international agreement of Georgia**

1. A judge shall, on the basis of a motion of a tax authority, issue an order within 14 days after the motion is submitted.

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

*(The normative content of the words in paragraph 2: “ without participation of a person with respect to whom the tax authority is requesting confidential information on the basis of an international agreement of Georgia”, which deprive the judge of the possibility to resolve the issue of participation of the person, with respect to whom the tax authority is requesting confidential information on the basis of an international agreement of Georgia, in the consideration of the motion on the basis of examination of the individual circumstances, has been invalidated )*

*(The normative content of the words in paragraph 2: “ without participation of a person with respect to whom the tax authority is requesting confidential information on the basis of an international agreement of Georgia”, which, in the*





**case when the person is excluded from the proceedings, does not provide for the obligation to notify him/her after the threats associated with the notification have been expunged, has been invalidated )** – Decision No 1/3/638 of 14 February 2017 of the Constitutional Court of Georgia – website 21.2.2017

3. A judge shall issue an order on granting the motion if it contains the information provided for by Article 21<sup>49</sup>(2) of this Code.

4. If the motion is granted, the following information shall be indicated in the order:

- a) the date and place of drawing up the order;
- b) the surname of the judge issuing the order;
- c) the tax authority of Georgia that has filed the motion with the court;
- d) the commercial bank, the microbank, the payment service provider, the microfinance organisation, the loan provider, the currency exchange office, the brokerage company, the central licensed depository, the securities registrar, the asset management company, or the investment company that have to provide the tax authority with the confidential information on the person;
- e) the form and time limit for providing the information;
- f) the decree on granting the motion.

5. If the motion is rejected, the following information shall be indicated in the order:

- a) the date and place of drawing up the order;
- b) the surname of the judge issuing the order;
- c) the tax authority of Georgia that has filed the motion to the court;
- d) the decree on rejecting the motion.

6. A judge's order shall be drawn up in three copies. One copy shall be forwarded to the tax authority filing the motion, the second one shall be forwarded to the commercial bank, the microbank, the payment service provider, the microfinance organisation, the loan provider, the currency exchange office, the brokerage company, the central licensed depository, the securities registrar, the asset management company, or the investment company, and the third one shall remain with the court.

7. A tax authority shall have the right to file an appeal for revoking the judge's order to the court issuing the order, within 48 hours after a copy of the order is forwarded to it. The judge shall immediately forward the appeal to a court of appeals, along with the case materials.

**(The normative content of the words in paragraph 7 – 'a tax authority shall have the right to file an appeal for revoking the judge's order to the court issuing the order, within 48 hours after a copy of the order is forwarded to it', which excludes the possibility for the person, with respect to whom the tax authority is requesting confidential information on the basis of an international agreement of Georgia, to file an appeal to the court for revoking the judge's order, has been invalidated )** – Decision No 1/3/638 of 14 February 2017 of the Constitutional Court of Georgia – website 21.2.2017

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

9. The order of the court of appeals shall be final and shall not be appealed.

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

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

*Law of Georgia No 1809 of 9 September 2022 – website, 23.9.2022*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

## **Chapter VII<sup>13</sup> – Administrative Proceedings for Involuntary Isolation of Persons Provided for by Article 14(3) of the Law of Georgia on Tuberculosis Control**

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

### **Article 21<sup>51</sup> – Definition of the term**

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

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

### **Article 21<sup>52</sup> – A judge's order on involuntary isolation of a patient**

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

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

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

### **Article 21<sup>53</sup> – Application to a judge or a court for involuntary isolation of a patient and his/her placement in an**



### **appropriate medical service providing facility**

1. An application for issuing an order on involuntary isolation of a patient and his/her placement in an appropriate medical service providing facility shall be submitted to a magistrate judge or a district (city) court by a local public healthcare unit within the validity area of which there is a medical service providing facility that has applied to the local public healthcare unit with a request to apply the involuntary isolation to the patient.
2. An appropriate local public healthcare unit shall apply to a magistrate judge or a district (city) court for issuing an order within 72 hours after the appropriate medical service providing facility submits the request to the local public healthcare unit.
3. The application of the appropriate local public healthcare unit must be substantiated and based on the request of the appropriate medical service providing facility. The identity documents of the patient (a passport, identity certificate or another document) and the request of the appropriate medical service providing facility must be attached to the application.

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

### **Article 21<sup>54</sup> – Procedure for hearing a case on involuntary isolation of a patient and issuing an order**

1. A judge shall hear a case on involuntary isolation of a patient and make a decision within 48 hours after an appropriate application is submitted to him/her.
2. A judge shall hear a case on involuntary isolation of a patient sitting alone in a closed hearing. The hearing may only be attended by persons whose participation is necessary for the insurance of administrative proceedings. Participation of a patient in the hearing shall be necessary unless it endangers the health of other persons. The hearing shall, along with the patient, be attended by the representatives of a respective local public healthcare unit and an appropriate medical service provider, a defence lawyer of the patient, and another legal representative of the patient, if any. In case a patient cannot afford to hire a defence lawyer, and if the patient wishes so, the court shall appoint a defence lawyer for him/her at the expense of the state. When hearing a case of a minor patient, the interests of the minor patient shall be represented by his/her parents or another legal representative. In a particular case, when a patient cannot be brought to the court due to his/her illness or another objective reason, a judge shall hold a field hearing to consider a case on involuntary isolation of the patient in the medical service providing facility where the patient is placed.
3. The judge shall, after opening the hearing, announce what application is being considered, name the participants of the hearing, and clarify whether or not there are challenges. The representative of a respective local public healthcare unit shall substantiate the application he/she has submitted, and subsequently shall answer the questions of the judge, the patient, his/her defence lawyer and/or another legal representative. Failure of the legal representative of the patient to appear in the court shall not be the grounds to postpone hearing of the application.
4. A judge shall be authorised to question the representative of the medical service provider that has applied to the local public healthcare unit with the request to use voluntary isolation against the patient. The patient, his/her defence lawyer and/or another legal representative shall be authorised to require that other persons, whose testimony may have substantial significance for the case, are also questioned. The patient, his/her defence lawyer and/or another legal representative shall also be authorised to provide explanations to the court and give counter-opinions.
5. The minutes of hearing shall be drawn up at the court session. After having verified the relevance of the application and evaluated the circumstances under Article 14 (2) and (3) of the Law of Georgia on Tuberculosis Control, the judge shall issue an order on involuntary isolation of a patient and his/her placement in a medical service providing facility until the ground for the involuntary isolation expires but for no longer than six months.
6. If there are no statutory grounds for involuntary isolation of a patient, a judge shall pass a resolution for rejecting the involuntary isolation of the patient. In this case, if the patient is already in the medical service providing facility, he/she must immediately be discharged from the facility.
7. The following information shall be specified in the judge's order on involuntary isolation of a patient:
  - a) the date and place of the order issuance;
  - b) the surname of the judge;
  - c) the local public healthcare unit that has submitted an application to the court;
  - d) the parties to the proceedings;
  - e) the decree on involuntary isolation of a patient with an appropriate justification, and the identity of a person to be placed in the medical service providing facility;
  - f) the validity period of the order, which must not exceed six months. The judge's order shall usually specify that it is valid until the ground for the involuntary isolation of a patient expires, which is established by a respective local public healthcare unit on the basis of a request of a medical service provider/a medical commission under Article 15(12) of the Law of Georgia on Tuberculosis Control;
  - g) the medical service providing facility, which must comply with the judge's order;
  - h) the signature of the judge and the seal of the court.
8. The following information shall be specified in the resolution of a judge for rejecting involuntary isolation of a patient:
  - a) the date and place of passing the resolution;
  - b) the surname of the judge;





- c) the local public healthcare unit that has submitted an application to the court;
- d) the parties to the proceedings;
- e) the identity of the patient;
- f) the medical service providing facility, which must comply with the resolution of the judge;
- g) the signature of the judge and the seal of the court.

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

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

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

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

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

### **Article 21<sup>55</sup> – Validity period of an order of a judge on involuntary isolation of a patient, procedures for the extension and premature termination of the order validity**

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

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

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

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

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

### **Article 21<sup>56</sup> – Appealing against an order/resolution of a judge on involuntary isolation of a patient**

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

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

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

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

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



by a resolution.

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

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

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

## **Chapter VII<sup>14</sup> – Administrative Legal Proceedings with Regard to the Payment of an Indemnity on the Basis of a Decision of the United Nations Human Rights Treaty Body**

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

### **Article 21<sup>57</sup> – Filing an action in the court for obtaining an indemnity**

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

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

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

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

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

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

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

*Law of Georgia No 2994 of 31 May 2023 – website, 13.6.2023*

### **Article 21<sup>58</sup> – Considering the issue of commencing action proceedings to obtain indemnity**

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

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

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

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

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

### **Article 21<sup>59</sup> – Considering an action on obtaining indemnity**

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

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

### **Article 21<sup>60</sup> – Resolving the issue of paying indemnity**

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

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

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

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

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

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

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



## **Chapter VII<sup>15</sup> – Administrative Proceedings for Suspension of Working Process Due to Violation of Labour Safety Standards**

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

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

### **Article 21<sup>61</sup> – Consideration of the motion for approval of the suspension of working process**

1. A motion for approval of the suspension of working process filed by the Legal Entity under Public Law of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia subject to state control – the Labour Inspection Service shall be considered by a court within 48 hours, without communication to the parties. If necessary, the court may decide to hold an oral hearing of the motion if this helps clarify the circumstances of the case. If the motion is heard orally, the time and venue of the hearing shall be communicated to the parties. Failure of the parties to appear at the hearing shall not hinder the court to consider and resolve the issue.

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

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

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

*Law of Georgia No 7180 of 29 September 2020 – website, 5.10.2020*

### **Article 21<sup>62</sup> – Appeal against the ruling on approval, partial approval or refusal to approve the suspension of working process**

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

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

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

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

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

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

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

## **Chapter VII<sup>16</sup> – Administrative Legal Proceedings with Regard to Recognising a Person as a Straw Man for a Taxpayer**

*Law of Georgia No 4908 of 28 June 2019 – website, 4.7.2019*

### **Article 21<sup>63</sup> – Order of a judge on recognising a person as a straw man for a taxpayer**

An order on recognising a person as a straw man for a taxpayer shall be issued, on the motion of a tax authority, by a judge of a district (city) court according to the taxpayer's location.

*Law of Georgia No 4908 of 28 June 2019 – website, 4.7.2019*

### **Article 21<sup>64</sup> – Motion of a tax authority**

The motion of a tax authority must be grounded. It must include exact data of a taxpayer, and of a person recognition of whom as a straw man of the taxpayer is required by the tax authority.

*Law of Georgia No 4908 of 28 June 2019 – website, 4.7.2019*

### **Article 21<sup>65</sup> – Procedure for settling the issue of recognising a person as a straw man for a taxpayer**

1. A judge shall issue an order on recognising a person as a straw man for a taxpayer on the motion of a tax authority within 14 days after it is submitted to the court.

2. The judge shall solely review the motion of the tax authority. The following persons shall participate in the review of the motion at a court session: a representative of the tax authority, the taxpayer and the person recognition of whom as a straw man of the taxpayer is required by the tax authority (except when invitation of the parties is not possible).

3. Failure of the parties to appear or impossibility of their invitation shall not result in a postponement of the review of the motion of the tax authority.

4. After verifying the reasonableness of the motion of the tax authority, the judge shall issue an order to grant or deny the motion. The order shall include:

- a) the date and place of order issuance;
- b) the surname of a judge issuing the order;



c) the tax authority that filed the motion with the court;

d) the decree on granting or denying the motion;

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

5. The order of the judge shall be made in four copies. One copy of the order shall be forwarded to the tax authority that filed the motion; a second copy shall be forwarded to the taxpayer; a third copy shall be forwarded to the person recognition of whom as a straw man of the taxpayer is required by the tax authority, and the fourth copy shall remain at the court.

6. The order of the judge shall take effect upon expiration of the time limit for appealing it. Appealing the order shall suspend its effect.

7. An appeal for revocation of the judge's order shall be filed with the court that issued the order, within 48 hours after a copy of the order is forwarded to a party. The judge shall immediately forward the appeal together with the case materials to a court of appeals instance.

8. The court of appeals shall review the appeal within 10 days after it was filed.

9. The order of the court of appeals shall be final and shall not be appealed.

*Law of Georgia No 4908 of 28 June 2019 – website, 4.7.2019*

## **Chapter VII<sup>17</sup> – Administrative Proceedings with Regard to the Application of Electronic Supervision**

*Law of Georgia No 6759 of 13 July 2020 – website, 20.7.2020*

### **Article 21<sup>66</sup> – Procedure for issuing a protocol on exercising the electronic supervision**

1. When there is a fact of violence against women and/or domestic violence, an authorised body may, as a temporary measure of protection of a victim, issue a protocol on exercising the electronic supervision.

2. The electronic supervision shall be imposed to ensure the implementation of a temporary measure of protection of a victim as provided for by Article 10(3<sup>2</sup>)(e) of the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Violence, in a special case, if there is a real danger for the repeated violence by the violator.

3. The protocol on exercising the electronic supervision shall be submitted, within 24 hours after issuance, to a district (city) court for approval according to the place of issuance of the protocol on exercising the electronic supervision.

4. The court shall, within 24 hours after submission of the protocol on exercising the electronic supervision for approval, consider the question of appropriateness of issuing the protocol on exercising the electronic supervision and shall make the decision to approve, refuse to approve or partially approve the protocol on exercising the electronic supervision against the violator. Partial approval of the protocol on exercising the electronic supervision against the violator shall mean the changing of the time limit indicated in the protocol on exercising the electronic supervision. The court shall make the decision to approve, refuse to approve or partially approve the protocol on exercising the electronic supervision against the violator considering the reality of a danger of repeated violence by the violator. When evaluating the danger of repeated violence, consideration shall be given to various circumstances, including the fact of a previous violation by the violator of a restraining order and/or a protective order issued against him/her and the character of the violation, the fact of commission of a violent offence in the past, a threat by the violator and/or the fact of using/showing a melee weapon/a firearm by him/her when employing violence, and other circumstances. Failure of an authorised person of the police that has issued the protocol on exercising the electronic supervision or of another person participating in the court proceedings to appear to the court concerned shall not hinder the consideration of an issue provided for in this paragraph and the making of an appropriate decision by the court.

5. A judge may, on the initiative of a party to the proceedings (where a minor is involved, on the initiative of his/her representative, and of the guardianship and custodianship authority), or on his/her own initiative, consider the case at a closed hearing.

6. A court decision on the approval of the protocol on exercising the electronic supervision against the violator must detail the restrictions imposed on the violator and the measures designated for protection of the victim.

7. The court shall, considering the circumstances specified in paragraph 4 of this article, determine the period of validity of the protocol on exercising the electronic supervision. This period must not exceed the period of validity of the restraining order. If an authorised person of the police or another person participating in the court proceedings is present at the court hearing when the period for exercising the electronic supervision is determined, the court shall hear his/her opinion.

8. The protocol on exercising the electronic supervision against the violator shall include:

a) the date and place of making the decision;

b) the name of the court; the first name and surname of the judge;

c) the parties to the court proceedings;

d) the names, surnames and ID numbers of the violator and the victim;

e) the court decision on the approval, refusal to approve or partial approval of the protocol on exercising the electronic supervision against the violator;



- f) the details of the restraining order for exercising of which the measure of electronic supervision is applied;
- g) the circumstances on which the protocol on exercising the electronic supervision was based;
- h) the period of exercising the electronic supervision;
- i) information on previous convictions of the violator, if any;
- j) the consent of the victim to the exercise of the electronic supervision, and where a minor victim is involved, the consent of the victim or his/her legal representative/procedural representative. If a minor expresses his/her consent to the exercise of the electronic supervision, while his/her legal representative/procedural representative expresses refusal, the decision shall be made in the best interests of the minor.
- k) the prohibition notice for the violator to approach the victim, his/her office and such other places where the victim stays;
- l) other issues that must be solved in order to exercise the electronic supervision against the violator.

9. The court decision on exercising the electronic supervision against the violator shall become valid upon announcement. The decision shall be drawn up in several copies, of which one copy will remain at the court, and the remaining copies shall be, within 24 hours after the decision is announced, sent to:

- a) the violator;
- b) the victim;
- c) the territorial body of the Ministry of Internal Affairs of Georgia concerned;
- d) the Legal Entity under Public Law of the Ministry of Internal Affairs of Georgia – the Public Safety Management Centre ‘112’;
- e) the authority that has issued the protocol on exercising the electronic supervision;
- f) the local guardianship and custodianship authority concerned, where a minor victim is involved.

10. The police shall, within 24 hours after the occurrence of a circumstance provided for in Article 10<sup>1</sup>(26)(e) of the Law of Georgia on Elimination of Violence against Women and/or Domestic Violence, Protection and Support of Victims of Violence, apply to the court according to the place of issuance of the protocol on exercising the electronic supervision for cancelling the exercise of the electronic supervision. The court shall, within 24 hours after the application is filed, consider the aforementioned issue and shall, in compliance with the rules determined in paragraphs 4, 8 and 9 of this article, make the decision either to cancel the exercise of the electronic supervision or keep it in force.

*Law of Georgia No 6759 of 13 July 2020 – website, 20.7.2020*

#### **Article 21<sup>67</sup> – Procedure for appealing the court decision on exercising the electronic supervision against the violator**

The decision made by the court of first instance on exercising the electronic supervision against the violator, as defined by Article 21<sup>66</sup> of this Code, may be appealed to the appellate court, within 3 days after the reasoned decision is served on the party. The appealing of this decision shall not suspend the validity of the issued protocol on exercising the electronic supervision. A decision with regard to the aforementioned appeal shall be made by the appellate court under the procedure established by this article, within 7 days after the appeal is filed. The decision of the appellate court shall be final and shall not be appealed.

*Law of Georgia No 6759 of 13 July 2020 – website, 20.7.2020*

### **Chapter VII<sup>18</sup> – Administrative Proceedings with Regard to Onsite Inspection of Economic Agent/Economic Agents**

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

#### **Article 21<sup>68</sup> – Order of a judge on the onsite inspection of an Economic Agent/Economic Agents**

When there are grounds provided for in Article 25(7) of the Law of Georgia on Commotion, the order on the onsite inspection of an economic agent/economic agents shall be issued by a judge of the Tbilisi City Court on the basis of a reasoned motion of the Legal Entity under Public Law – the National Commotion Agency of Georgia (‘the Agency’) for the onsite inspection of an economic agent/economic agents.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

#### **Article 21<sup>69</sup> – A motion of the Agency for the onsite inspection of an economic agent/economic agents**

1. A motion of the Agency for the onsite inspection of an economic agent/economic agents shall be submitted to a judge before the beginning of an onsite inspection of the economic agent/economic agents.

2. The motion of the Agency for the onsite inspection of an economic agent/economic agents must include a sufficient ground for applying the aforementioned measure and the substantiation of the need for its application. The motion of the Agency shall include the precise data of the economic agent/economic agents that must be inspected, the period of inspection, nature and scope.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

#### **Article 21<sup>70</sup> – The procedure for resolving the issue of an onsite inspection of the economic agent/economic agents**

1. A judge shall make an appropriate decision (issue an order) regarding the onsite inspection of an economic



agent/economic agents on the basis of a motion of the Agency within 72 hours after the motion is submitted.

2. The judge shall review the motion for the onsite inspection of an economic agent/economic agents at his/her sole discretion, without oral hearing and without notifying the economic agent/economic agents whose onsite inspection is requested by the Agency.

3. The following information shall be indicated in the order on the onsite inspection of an economic agent/economic agents:

a) the date and place of preparing the order;

b) the decree on the onsite inspection of an economic agent/economic agents, the relevant substantiation and information about the economic agent/economic agents that will be inspected;

c) the period of the order validity and of the onsite inspection of the economic agent/economic agents;

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

4. If the judge does not agree to the onsite inspection of the economic agent/economic agents, the following information shall be indicated in the order on the refusal of the onsite inspection of the economic agent/economic agents:

a) the date and place of preparing the order;

b) the decree on the refusal of an onsite inspection of the economic agent/economic agents, the relevant substantiation and information about the economic agent/economic agents that have been refused to be inspected;

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

5. The judge's order on the onsite inspection of an economic agent/economic agents shall be prepared in 3 copies. One copy shall be kept in the court, and two shall be forwarded (sent) to the Agency. The Agency shall submit (forward) one copy to the economic agent/economic agents before beginning of the onsite inspection.

6. The judge's order on the refusal of an onsite inspection of the economic agent/economic agents shall be prepared in 3 copies. One copy shall be forwarded (sent) to the Agency, the second copy shall be forwarded (sent) to the economic agent/economic agents, and the third one shall be kept in the court.

7. The period of validity of the judge's order on the onsite inspection of an economic agent/economic agents shall be not more than one week. If this period is not sufficient for the aforementioned inspection, it may be, on the basis of a reasoned motion of the Agency for the extension of the period of the onsite inspection of the economic agent/economic agents, extended by not more than one month. The motion of the Agency shall include the data obtained as a result of the onsite inspection of the economic agent/economic agents, and the reason for which sufficient data for the case inquiry failed to be obtained. The motion of the Agency shall be reviewed under the procedure established by this article.

8. The judge's order on the onsite inspection of the economic agent/economic agents/refusal of the onsite inspection of the economic agent/economic agents shall not be announced publicly.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

### **Article 21<sup>71</sup> – The procedure for appealing against the judge's order on the onsite inspection of the economic agent/economic agents/refusal of the onsite inspection of the economic agent/economic agents**

1. The Agency may appeal against the judge's order on the refusal of the onsite inspection of the economic agent/economic agents to the court of appeals within 48 hours after a copy of the order has been forwarded (sent) to it. An appeal for the revocation of the judge's order shall be filed with the court that has issued this order. The judge shall immediately, without notifying the economic agent/economic agents, send the appeal to the court of appeals, together with the case materials. The court of appeals shall hear the appeal under the procedure established for hearing by the court of first instance.

2. The economic agent/economic agents may appeal against the judge's order on the onsite inspection of the economic agent/economic agents to the court of appeals within 48 hours after a copy of the order has been forwarded (sent) to him/her/them. Appealing of the judge's order shall not suspend its validity. An appeal for the revocation of the judge's order must include information on the non-existence of a ground provided for by the legislation of Georgia by the beginning of the onsite inspection of the economic agent/economic agents. The appeal shall be filed with the court that has issued the order. The judge shall immediately send the appeal to the court of appeals, together with the case materials, and shall notify the parties. The court of appeals shall consider the appeal within 72 hours after it is filed, without oral hearing. The decision made by the court of appeals regarding the appeal shall be announced publicly, and shall be forwarded to the parties if they so request.

3. The decision made by the court of appeals regarding the appeal for the revocation of the judge's order on the onsite inspection of the economic agent/economic agents/refusal of the onsite inspection of the economic agent/economic agents shall be final and shall not be appealed.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

## **Chapter VII<sup>19</sup> – Administrative Proceedings with Regard to Receiving Information from Economic Agent/Party/Interested Party**

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*



**Article 21 – The order of a judge on the submission of information/documentation by an economic agent/party/interested party to the Agency**

When there is a ground provided for in Article 18(1)(c) of the Law of Georgia on Commotion, the order on the submission of information/documentation by an economic agent/party/interested party to the Agency shall be issued by a judge of the Tbilisi City Court on the basis of a motion of the Agency for requesting the information/documentation from the economic agent/party/interested party during the course of exercising the appropriate powers.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

**Article 21<sup>73</sup> – A motion of the Agency for requesting information/documentation from an economic agent/party/interested party during the course of exercising the appropriate powers**

1. The Agency may apply to the court with a motion for requesting information/documentation from an economic agent/party/interested party during the course of exercising the appropriate powers if the Agency has requested it to submit the information/documentation and the information/documentation was not submitted within the set time period.

2. The motion of the Agency for requesting information/documentation from an economic agent/party/interested party during the course of exercising the appropriate powers must contain the appropriate substantiation. The motion of the Agency shall include the precise data of the economic agent/party/interested party from whom the Agency requests the information/documentation to be submitted, and the content of the information/documentation requested.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

**Article 21<sup>74</sup> – Procedures for issuing and appealing the order of a judge on the submission of information/documentation by an economic agent/party/interested party to the Agency**

1. A judge shall issue the order on the submission of information/documentation by an economic agent/party/interested party to the Agency on the basis of a motion of the Agency for requesting information/documentation from an economic agent/party/interested party during the course of exercising the appropriate powers within 72 hours after the motion is submitted.

2. The judge shall consider the motion of the Agency for requesting information/documentation from the economic agent/party/interested party during the course of exercising the appropriate powers at his/her sole discretion without oral hearing.

3. After having checked the substantiation of the motion of the Agency for requesting information/documentation from the economic agent/party/interested party during the course of exercising the appropriate powers, the judge shall issue a substantiated order on either granting the motion or refusing to grant the motion.

4. If the motion of the Agency is granted, the order on granting the motion shall include:

- a) the date and place of order preparation;
- b) the economic agent/party/interested party that must submit information/documentation to the Agency;
- c) the form of and the time limit for the submission of information/documentation;
- d) the decree on granting the motion;
- e) the signature of the judge and the seal of the court.

5. If the motion of the Agency is refused to be granted, the order on refusing to grant the motion shall include:

- a) the date and place of order preparation;
- b) the decree on refusing to grant the motion and the appropriate substantiation;
- c) the signature of the judge and the seal of the court.

6. The judge's order on the submission of information/documentation by the economic agent/party/interested party to the Agency shall be prepared in 3 copies. One copy shall be forwarded (sent) to the Agency, the second copy shall be forwarded (sent) to the economic agent/party/interested party, and the third one shall be kept in court.

7. The judge's order on the submission of information/documentation by the economic agent/party/interested party to the Agency shall take effect from the time when the period for appealing it expires. Appealing this order shall suspend its effect.

8. An appeal for the revocation of the judge's order on the submission of information/documentation by the economic agent/party/interested party to the Agency shall be filed with the court that has issued the order, within 48 hours after a copy of the order has been forwarded (sent) to the party. The judge shall immediately send the appeal to the court of appeals, together with the case materials.

9. The court of appeals shall consider the appeal for the revocation of the judge's order on the submission of information/documentation by the economic agent/party/interested party to the Agency within 72 hours after it is filed, without oral hearing.

10. The decision made by the court of appeals regarding the appeal for the revocation of the judge's order on the submission of information/documentation by the economic agent/party/interested party to the Agency shall be final and shall not be appealed.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*



**Article 21<sup>75</sup> – The order of a judge on temporary suspension of a certain action of an economic agent, until the Agency makes the final decision**

When there is a ground provided for in Article 18(1)(m) of the Law of Georgia on Commotion, the decision to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision shall be made by a judge of the Tbilisi City Court on the basis of a motion of the Agency for temporarily suspending a certain action of an economic agent, until the Agency makes the final decision.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

**Article 21<sup>76</sup> – A motion of the Agency for temporarily suspending a certain action of an economic agent, until the Agency makes the final decision**

A motion of the Agency for temporarily suspending a certain action of an economic agent, until the Agency makes the final decision must contain sufficient grounds for the application of the aforementioned measure and the substantiation of the need to apply it. The motion shall include precise data of the economic agent and the content of his/her action temporary suspension of which is requested by the Agency.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

**Article 21<sup>77</sup> – The procedure for resolving the issue of temporary suspension of a certain action of an economic agent**

1. A judge shall consider a motion of the Agency for temporarily suspending a certain action of an economic agent, until the Agency makes the final decision within one month after it is filed.

2. A judge shall consider a motion of the Agency for temporarily suspending a certain action of an economic agent, until the Agency makes the final decision by oral hearing, and shall inform the above economic agent about it not later than 3 days after the motion is filed, and shall send the case material to him/her. Failure of the parties to appear shall not entail postponement of the motion hearing.

3. The decision of a judge to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision/to refuse to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision shall be made in the form of an order.

4. If a motion of the Agency is granted, the appropriate order shall include:

- a) the date and place of the order preparation;
- b) information about the economic agent and his/her action which will be suspended;
- c) the decree on granting the motion;
- d) the signature of the judge and the seal of the court.

5. If a motion of the Agency is refused to be granted, the appropriate order shall include:

- a) the date and place of the order preparation;
- b) the decree on refusing to grant the motion and the appropriate substantiation;
- c) the signature of the judge and the seal of the court.

6. The judge's order on temporarily suspending a certain action of an economic agent, until the Agency makes the final decision/refusing to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision shall be prepared in 3 copies. One copy shall be forwarded (sent) to the Agency, the second shall be forwarded (sent) to the economic agent, and third one shall be kept in the court.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

**Article 21<sup>78</sup> – Procedure for appealing the order of a judge on the temporary suspension of a certain action of an economic agent, until the Agency makes the final decision/the refusal to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision**

1. The order of a judge on the temporary suspension of a certain action of an economic agent, until the Agency makes the final decision/the refusal to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision may be appealed one time to the court of appeals. Appealing the order shall suspend its effect.

2. An appeal for the revocation of the judge's order on temporarily suspending a certain action of an economic agent, until the Agency makes the final decision/refusing to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision shall be filed with the court that has issued this order, within 5 days after a copy of the order has been forwarded (sent) to the party.

3. The judge shall immediately send the appeal for the revocation of the judge's order on temporarily suspending a certain action of an economic agent, until the Agency makes the final decision/refusing to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision to the court of appeals, together with the case materials. Copies of the appeal and the case materials attached shall also be sent to the other party.





4. The court of appeals shall consider the appeal for the revocation of the judge's order on temporarily suspending a certain action of an economic agent, until the Agency makes the final decision/refusing to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision within 14 days after it is filed, under the procedure established by Article 21<sup>77</sup> of this Code.

5. The decision of the court of appeals made with regard to the appeal for the revocation of the judge's order on temporarily suspending a certain action of an economic agent, until the Agency makes the final decision/refusing to temporarily suspend a certain action of an economic agent, until the Agency makes the final decision shall be final and shall not be appealed.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

## **Chapter VII<sup>21</sup> – Administrative Proceedings with Regard to the Issues of Cancellation of the Concentration of Economic Agents and Compulsory Division of an Economic Agent**

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

### **Article 21<sup>79</sup> – Decision of a judge on cancelling the concentration for restoration to the original position**

When there is a ground provided for in Article 11(9) or Article 11<sup>1</sup>(14) of the Law of Georgia on Commotion, the decision on cancelling the concentration for restoration to the original position shall be made by a judge of the Tbilisi City Court on the basis of a motion of the Agency or a regulatory body of a regulated field of economy (for the purposes of this Chapter, both together and each separately – ‘the authorised body’).

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

### **Article 21<sup>80</sup> – A motion of the authorised body for cancelling the concentration for restoration to the original position**

1. The decision on cancelling the concentration for restoration to the original position on the basis of a motion of the authorised body for cancelling the concentration for restoration to the original position shall be made by a judge of the Tbilisi City Court. The motion of the authorised body must contain sufficient grounds for the application of an appropriate measure and the appropriate substantiation. The motion shall include precise data of the economic agents participating in the concentration.

2. A motion of the authorised body for cancelling the concentration for restoration to the original position must be accompanied by an appropriate decision of the authorised body and other information needed for case consideration and resolution.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

### **Article 21<sup>81</sup> – The procedure for resolving the issue of cancelling the concentration**

1. A judge shall make a decision regarding the issue of cancelling the concentration within a period of 3 months after a motion for cancelling the concentration for restoration to the original position is filed.

2. The judge shall consider a motion of the authorised body for cancelling the concentration for restoration of the original position by oral hearing and shall, not later than 7 days after the motion is filed, notify the economic agents participating in the concentration about it and shall forward (send) the case materials to them. Failure of the parties to appear shall not entail postponement of consideration of the motion of the authorised body.

3. Economic agents participating in the concentration may, not later than 10 days after the case materials are forwarded (sent) to them, submit their written opinions to the court.

4. After having considered the motion of the authorised body for cancelling the concentration for restoration to the original position, the judge shall make one of the following decisions on:

- a) cancelling the concentration for restoration to the original position;
- b) refusing to cancel the concentration for restoration to the original position.

5. The judge shall make the decision on cancelling the concentration for restoration to the original position/refusing to cancel the concentration for restoration to the original position in the form of an order. The order shall include:

- a) the date and place of the order preparation;
- b) the decree on cancelling the concentration or the decree on refusing to cancel the concentration, respective time limits and measures to be taken;
- c) the signature of the judge and the seal of the court.

6. One copy of the judge's order on cancelling the concentration for restoration to the original position/refusing to cancel the concentration for restoration to the original position shall be kept in the court and the rest of copies shall be forwarded (sent) to the economic agents (parties) participating in the concentration and to the authorised body.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

### **Article 21<sup>82</sup> – Procedure for appealing the order of a judge on cancelling the concentration for restoration to the original position**

1. The order of a judge on cancelling the concentration for restoration to the original position shall take effect from the



time when the period for appealing it expires. Appealing the order shall suspend its effect.

2. An appeal for the revocation of the judge's order on cancelling the concentration for restoration to the original position shall be filed with the court that has issued the order, within a period of 5 days after copies of the order have been forwarded (sent) to the parties. The judge shall immediately send the appeal to the court of appeals, together with the case materials.

3. The court of appeals shall hear the appeal for revocation of the judge's order on cancelling the concentration for restoration to the original position within a period of one month after it is filed, under the procedure established by Article 21<sup>81</sup> of this Code for hearing by the court of first instance.

4. The decision made by the court of appeals with regard to the appeal for revocation of the judge's order on cancelling the concentration for restoration to the original position shall be final and shall not be appealed.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

### **Article 21<sup>83</sup> – The order of a judge on compulsory division of an economic agent with a dominant position**

When there is a ground provided for in Article 18(1)(k) of the Law of Georgia on Commotion, the decision (the order) on compulsory division of an economic agent with a dominant position shall be made (shall be issued) by a judge of the Tbilisi City Court.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

### **Article 21<sup>84</sup> – A motion of the authorised body for compulsory division of an economic agent**

1. A motion of the authorised body for compulsory division of an economic agent must contain sufficient grounds for making the decision (issuing the order) and the appropriate substantiation. The motion of the authorised body shall include precise data of the economic agent whose compulsory division is requested by the authorised body.

2. The following information must be attached to the motion of the authorised body:

a) evidence confirming facts of repeated violation of the Law of Georgia on Commotion by the economic agent with a dominant position;

b) information on the potential for the division of the economic agent (the organisational and territorial separation of the enterprise);

c) other information necessary for case consideration and resolution.

3. The court shall consider the issue of compulsory division of an economic agent under the procedures established by Articles 21<sup>79</sup>-21<sup>82</sup> of this Code.

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

## **Chapter VII<sup>22</sup> – Administrative Legal Proceedings with Regard to the Inclusion of Data of Persons in the List of Persons Dependent on Games of Chance and/or Prize-winning Games**

*Law of Georgia No 2352 of 22 December 2021 – website, 28.12.2021*

### **Article 21<sup>85</sup> – Definition of terms**

For the purpose of this Chapter, the terms used therein shall have the following meanings:

a) the list of dependent persons – the list provided for by the Law of Georgia on Organisation of Lotteries, Games of Chance and Prize-winning Games;

b) a dependent person – a person dependent on games as defined by the Law of Georgia on Organisation of Lotteries, Games of Chance and Prize-winning Games;

c) a family member – a parent, a spouse, a child of a person or a person permanently living with him/her.

*Law of Georgia No 2352 of 22 December 2021 – website, 28.12.2021*

### **Article 21<sup>86</sup> – Application to court**

1. A family member shall have the right to apply to court for including the data of a person in the list of dependent persons under the Law of Georgia on Organisation of Lotteries, Games of Chance and Prize-winning Games.

2. An application for including the data of a person in the list of dependent persons shall be exempt from state fees.

*Law of Georgia No 2352 of 22 December 2021 – website, 28.12.2021*

### **Article 21<sup>87</sup> – Reviewing an application and making a decision by court**

1. An application for including the data of a person in the list of dependent persons shall be reviewed by a magistrate judge or a judge of a district (city) court according to the residential address of the person under the procedure established by this Code, unless otherwise provided for by this Chapter.

2. An application for including the data of a person in the list of dependent persons shall be submitted to a judge (court) in writing. It must include:

a) the identification data of a person submitting the application (the first name, surname, personal number, residential address, business address, phone number, including the mobile number, and an email address);



- b) the identification data of a person to be included in the list of dependent persons (the first name, surname, personal number, residential address, business address, phone number, including the mobile number, and an email address);
  - c) information about the interrelation of the person submitting the application and the person to be included in the list of dependent persons;
  - d) the specific facts and circumstances the request of a person submitting the application is based on;
  - e) the list of evidence proving the circumstances specified by the person submitting the application;
  - f) the request for including the data of the person in the list of dependent persons;
  - g) the signature of the person submitting the application;
- 3) the information and evidence provided for by paragraph c) and e) of this article must be attached to the application.
- 4) The judge shall, within a period of not earlier than 3 days and not later than 5 business days after the application is submitted, review it and issue an order to include the data of the person in the list of dependent persons or an order to reject the application.
5. The judge may review the application without oral hearing, of which, not later than 24 hours after the application is submitted, he/she notifies the person submitting the application and the person against whom the application has been submitted, and he/she forwards them the appropriate case materials.
6. If the judge deems that the circumstances specified in the application must necessarily be examined, he/she may review the application with oral hearing. Failure of the parties to appear shall not hinder the review of the application provided for by this Chapter.
7. The person shall have the right to present his/her opinions and evidence to the court within 48 hours after the application and case materials are received.
8. The judge may, to verify substantiation of the application, on the motion of a party or at his/her own initiative, summon and question any person, make a proposal to the parties to present the required documents or evidence, and, on the motion of a party or at his/her own initiative, request documents and evidence necessary for the case review.
9. The judge may, on the motion of a party or at his/her own initiative, review the case at a closed court session.
10. The burden of proof at the legal proceedings lies with the party submitting the application.
11. When reviewing the application, the court/judge shall be guided by the individual circumstances of the case, including they shall consider the degree of dependency of the person, material damage caused to a family member.
12. The following information shall be specified in the order on including the data of a person in the list of dependent persons:
- a) the date and place of the order drawn up;
  - b) the name and surname of the judge;
  - c) the name and surname of the person submitting the application;
  - d) the name and surname of the person to be included in the list of dependent persons;
  - e) the circumstances that served as a basis for the decision made;
  - f) the decree on including the person's data in the list of dependent persons or the decision on rejecting the application;
  - g) the warning about liability under the legislation of Georgia in case of failure to enforce the order;
  - h) the time limit and procedure for appealing the order;
  - i) the signature and stamp of the judge.
13. The order of the judge on including the person's data in the list of dependent persons shall enter into force upon announcement of the order. Appealing the order shall not suspend the validity of the order.
14. The order of a judge shall be drawn up in 4 copies, one of which to be sent to a person submitting the application, the second copy shall be sent to a person to be included in the list of dependent persons, the third copy shall be sent to the Legal Entity under Public Law within the Ministry of Finance of Georgia – the Revenue Service, and the fourth copy shall remain in court.

*Law of Georgia No 2352 of 22 December 2021 – website, 28.12.2021*

### **Article 21<sup>88</sup> – Appealing the order of a judge**

1. The order of a judge on including the data of a person in the list of dependent persons shall be appealed in the court of appeals within 3 days after the order has been forwarded to a party. The appeal shall be filed with the court issuing the order. The judge shall immediately forward the appeal along with the case materials to the court of appeals.
2. The court of appeals shall make the decision regarding the appeal within 5 business days after the appeal is filed. The order of the court of appeals shall be final and shall not be appealed.

*Law of Georgia No 2352 of 22 December 2021 – website, 28.12.2021*

### **Article 21<sup>89</sup> – The procedure for prematurely striking off the data of a dependent person from the list of dependent persons**

1. In accordance with Article 7<sup>1</sup>(4) of the Law of Georgia on Organisation of Lotteries, Games of Chance and Prize-winning Games, a dependent person may, considering the requirements of Article 21<sup>87</sup> of this Code, apply to the court issuing the order for striking off his/her data from the list of dependent persons.



2. The application provide for by paragraph 1 of this article shall be reviewed in accordance with the procedures established by this Chapter.

*Law of Georgia No 2352 of 22 December 2021 – website, 28.12.2021*

## **Chapter VII<sup>23</sup> – Administrative Legal Proceedings with Regard to Temporary Suspension of Certain Activities by Traders**

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

### **Article 21<sup>90</sup> – Decision of a judge on temporarily suspending a certain activity of a trader until the Agency makes the final decision**

When there is a ground provided for by Article 32(8) of the Law of Georgia on Protection of Consumer Rights, the decision on temporarily suspending a certain activity of a trader until the Agency makes the final decision shall be made by a judge of the Tbilisi City Court on the basis of a motion of the Agency for temporary suspension of a certain activity of the trader.

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

### **Article 21<sup>91</sup> – Motion of the Agency for temporary suspension of a certain activity of a trader**

A motion of the Agency for temporary suspension of a certain activity of a trader must include a sufficient ground for applying the aforementioned measure and a justification of the need for its application. The motion of the Agency must include the exact details of the trader and the description of his/her activity temporary suspension of which is requested by the Agency.

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

### **Article 21<sup>92</sup> – Procedure for resolving an issue of temporary suspension of a certain activity of a trader**

1. A judge shall consider a motion of the Agency for temporarily suspending a certain activity of a trader within 3 days without oral hearing.

2. A judge shall make a decision on temporarily suspending or refusing to temporarily suspend a certain activity of a trader until the Agency makes the final decision in the form of an order.

3. If a motion of the Agency is granted, the following details shall be indicated in the judge's order:

- a) the date and place of preparing the order;
- b) the exact details of the trader and the description of his/her activity to be temporarily suspended;
- c) indication that the motion of the Agency is granted and the appropriate justification;
- d) the signature of the judge and the seal of the court.

4. If a motion of the Agency is refused to be granted, the following details shall be indicated in the judge's order:

- a) the date and place of preparing the order;
- b) the refusal to grant the motion of the Agency and the appropriate justification;
- c) the signature of the judge and the seal of the court.

5. The order of the judge shall be drawn up in three copies. One copy of the order shall be forwarded to the Agency, the second one shall be forwarded to the trader and the third copy shall remain in the court.

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

### **Article 21<sup>93</sup> – Appealing the order of a judge to temporarily suspend or refusing to temporarily suspend a certain activity of a trader until the Agency makes the final decision**

1. The order of a judge to temporarily suspend or refusing to temporarily suspend a certain activity of a trader until the Agency makes the final decision may be appealed with the Court of Appeals only once.

2. An appeal against the order of a judge to temporarily suspend or refusing to temporarily suspend a certain activity of a trader until the Agency makes the final decision shall be filed with the court issuing the order, within 72 hours after a copy of the order is forwarded to a party.

3. The judge shall immediately forward the appeal, along with the case materials, to the Court of Appeals. Copies of the appeal and the attached case materials shall be forwarded to the other party as well.

4. The Court of Appeals shall consider the appeal within 7 days after it is filed, under the procedure established by Article 21<sup>92</sup> of this Code.

5. The decision of the Court of Appeals shall be final and shall not be appealed.

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

## **Chapter VII<sup>24</sup> – Administrative Legal Proceedings with Regard to Obtaining Information from Trader**

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

### **Article 21<sup>94</sup> – Order of a judge on submitting information by a trader to the Agency**

When there is a ground provided for by Article 29(4)(c) of the Law of Georgia on Protection of Consumer Rights, an



order on submitting information by a trader to the Agency shall be made by a judge of the Tbilisi City Court on the basis of a motion of the Agency for submitting appropriate information by the trader.

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

#### **Article 21<sup>95</sup> – Motion of the Agency for submitting appropriate information by a trader**

1. The Agency may file a motion with the court for submitting appropriate information by a trader if the Agency has requested from the trader information related to his/her activity and the information has not been submitted within the defined period of time.

2. The motion of the Agency for submitting appropriate information by a trader must include a proper justification. The motion of the Agency must include the exact data of the trader from whom submission of the information is requested by the Agency, and the description of the information requested.

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

#### **Article 21<sup>96</sup> – Procedures for issuing and appealing the judge’s order on submitting information by a trader to the Agency**

Procedures established by Article 21<sup>74</sup> of this Code shall apply to the issuance and appealing of the judge’s order on submitting information by a trader to the Agency.

*Law of Georgia No 1476 of 12 April 2022 – website, 19.4.2022*

### **[Chapter VII<sup>25</sup> – Administrative Proceedings with Regard to Receiving Information from Service Providers**

*Law of Georgia No 3112 of 13 June 2023 – website, 30.6.2023*

#### **Article 21<sup>97</sup> – A judge’s order on submitting case-related information to the Agency by a service provider**

When there is a ground provided for by Article 16(2)(c) of the Law of Georgia on Electronic Commerce, an order on submitting case-related information to the Agency by a service provider shall be issued by a judge of the Tbilisi City Court on a motion of the Agency for submission of the required case-related information by the service provider.

*Law of Georgia No 3112 of 13 June 2023 – website, 30.6.2023*

#### **Article 21<sup>98</sup> – A motion of the Agency for submission of the required case-related information by a service provider**

1. The Agency may apply to a court with a motion for submission of the required case-related information by a service provider if the Agency has requested the aforementioned information from the service provider and it has not been submitted within the specified period of time.

2. The motion of the Agency for submission of case-related information by a service provider must contain the appropriate justification. The motion of the Agency must include the accurate data of the service provider from who the Agency has requested the aforementioned information, and the content of the information requested.

*Law of Georgia No 3112 of 13 June 2023 – website, 30.6.2023*

#### **Article 21<sup>99</sup> – Procedures for issuing and appealing a judge’s order on submitting case-related information to the Agency by a service provider**

1. A judge shall issue an order on submitting case-related information to the Agency by a service provider on a motion of the Agency for requesting the case-related information from the service provider within 72 hours after the motion has been filed.

2. The judge shall consider the motion of the Agency for requesting the case-related information from the service provider at his/her sole discretion without an oral hearing.

3. The judge shall, after having verified the justification of the motion of the Agency for requesting the case-related information from the service provider, issue a justified order on granting the motion or refusing to grant the motion.

4. If the motion of the Agency is granted, the following information shall be entered in the order on granting the motion:

- a) the date and place of drawing up the order;
- b) the service provider that must submit the case-related information to the Agency;
- c) the form and the time limit for submitting the case-related information;
- d) the decree on granting the motion;
- e) the signature of the judge and the seal of the court.

5. If the motion of the Agency is refused to be granted, the following information shall be entered in the order on refusing to grant the motion:

- a) the date and place of drawing up the order;
- b) the decree on refusing to grant the motion and the respective justification;
- c) the signature of the judge and the seal of the court.

6. The judge’s order on submitting case-related information to the Agency by a service provider shall be drawn up in 3 copies. One copy of the order shall be forwarded (sent) to the Agency, the second copy of it shall be forwarded (sent) to the service provider and the third copy shall be retained at the court.



7. The judge's order on submitting case-related information to the Agency by a service provider shall enter into force upon expiration of the time limit for appealing it. Appealing the order shall suspend its validity.
8. An appeal for revoking the judge's order on submitting case-related information to the Agency by the service provider shall be filed with the court that has issued the order, within 48 hours after a copy of the order has been forwarded (sent) to a party. The judge shall immediately forward the aforementioned appeal and the case materials to the court of appeals.
9. The court of appeals shall consider the appeal for revoking the judge's order on submitting case-related information to the Agency by the service provider within 72 hours after it has been filed, without an oral hearing.
10. The judgment of the court of appeals made with regard to the appeal for revoking the judge's order on submitting case-related information to the Agency by the service provider shall be final and shall not be appealed. **(Shall become effective from 5 January 2024)]**

*Law of Georgia No 3112 of 13 June 2023 – website, 30.6.2023*

## **Chapter VIII – Administrative Legal Proceedings at the Court of First Instance**

### **Article 22 – A claim on annulment and declaring invalid an administrative act**

1. A claim may be filed to require annulment and declaring invalid an administrative act.
2. Unless otherwise provided for by law, a claim may be filed, if an administrative act or part of it directly and immediately (individually) prejudices the legal rights or interests of a claimant or unlawfully limits his/her rights.
3. Unless otherwise provided for by law, a claim shall be filed with a court within one month after making available an individual administrative act or a decision regarding an administrative claim, as well as after the expiry of the time determined for rendering a decision regarding the administrative claim, while in the case of normative acts, a claim shall be filed within three months after the direct prejudice.
4. (Deleted).
5. (Deleted).
6. In case of filing a claim to annul an administrative act, a counter-claim shall not be submitted.

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

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

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

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

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

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

### **Article 23 – A claim on issuing an administrative act**

1. A claim may be filed to require issuance of an administrative act.
2. Unless otherwise provided for by law, a claim may be filed if the refusal of an administrative body to issue an administrative act directly and immediately (individually) prejudices the legal rights or interests of the claimant.
3. Unless otherwise provided for by law, a claim shall be filed with the court within one month after refusal to issue an administrative act.
4. In the case of filing a claim to issue an administrative act, a counter-claim shall not be submitted.

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

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

### **Article 24 – A claim on performing an action**

1. A claim may be filed to require to perform or to abstain from performing an action, which does not entail issuance of an individual administrative act.
2. A claim may be filed, if performing or refusing to perform an action by an administrative body directly and immediately (individually) prejudices the legal rights or interests of the claimant.

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

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

### **Article 25 – An action for acknowledgement**

1. An action for acknowledgement may be filed to determine an act null and void, to determine the existence or absence of a right or legal relationship, if the claimant has a lawful interest in this regard.
2. An action for acknowledgement may not be filed, if a claimant may file a claim on the basis of Articles 22-24 of this Code.

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

### **Article 25<sup>1</sup> – Contractual disputes**

1. Contractual disputes shall be resolved by applying to a general court.
2. Disputes with regard to concluding, performing and terminating contracts under public law shall be considered by the



general courts in administrative legal proceedings. Disputes with regard to concluding, performing and terminating private law agreements by an administrative body shall be considered in civil legal proceedings.

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

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

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

#### **Article 26 – Filing a claim to a competent court**

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

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

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

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

#### **Article 26<sup>1</sup> – Inadmissibility of rendering a decision in absentia**

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

2. (Deleted).

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

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

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

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

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

#### **Article 26<sup>2</sup> – Preliminary hearing**

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

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

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

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

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

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

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

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

#### **Article 27 – Simplified legal proceedings**

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

#### **Article 27<sup>1</sup> – Review of issues determined by the Imprisonment Code of Georgia**

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

a) to uphold the decision of the Local Council of the State Sub-agency within the system of the Ministry of Justice of Georgia – the Special Penitentiary Service (‘the Local Council’) on denying parole to the convicted person or refusing to commute the sentence of the convicted person;

b) to declare null and void, without resolving the disputed issue, a decision in question of the Local Council and task it





with issuing a new act after examination and evaluation of the appropriate circumstances;

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

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

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

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

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

*Law of Georgia No 6392 of 5 June 2012 – website, 19.6.2012*

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

*Law of Georgia No 5407 of 29 November 2019 – website, 10.12.2019*

### **Article 28 – Expedited administrative proceedings**

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

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

- a) to shorten the time allowed for submitting a response (statement of defence) or a counter-claim by a defendant;
- b) not to allow time for a third person to submit his/her opinion regarding the counter-claim;
- c) not to allow time for the parties to submit their opinions regarding assigning an expert;
- d) to shorten the time for the parties to submit their opinions regarding an expert's conclusions.

### **Article 28<sup>1</sup> – An action performed by a judge to expedite proceedings**

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

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

### **Article 29 – Suspension of an appealed individual administrative act**

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

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

- a) it is connected with payment of state or local charges, duties or other fees;
- b) postponing the execution causes significant material damage or poses a significant risk to the public order or security;
- c) it is issued during a state of emergency or martial law, announced on the basis of an appropriate law;
- d) an administrative body has rendered a written justified decision on immediate execution, if there is a necessity for urgent execution;
- e) an individual administrative act has been executed or it is an enabling act and its suspension may significantly prejudice the legal rights and interests of other persons;
- f) the above is determined by the law.

3. At the request of a party, a court may suspend an individual administrative act or a part of it in cases determined under paragraph 2 of this article, if there is a justified doubt regarding lawfulness of the individual administrative act, or if urgent execution of such an act may significantly damage the party or make protection of his/her legal rights and interests impossible, except for a case provided for by the Organic Law of Georgia on the National Bank of Georgia when the suspension of the validity of an individual administrative and legal act or a part thereof may endanger the efficient exercising of supervision by the National Bank of Georgia or the legitimate rights or interests of commercial bank or microbank depositaries, and/or the stable operation of a commercial bank, a microbank or the financial sector. The court may fix a period for suspending the validity of an individual administrative and legal act or a part thereof.

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

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

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

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

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





9. A complaint subject to a time limit may be filed against the court ruling.  
*Law of Georgia No 1800 of 24 June 2005 – LHG I, No 37, 14.7.2005, Art. 244*  
*Law of Georgia No 5656 of 20 December 2019 – website, 31.12.2019*  
*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

### **Article 30 – Ruling on suspension of an individual administrative act**

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

- a) a court decision on that issue enters into legal force;
- b) the outcome of the action proceedings is different.

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

### **Article 30<sup>1</sup> – Ruling on suspension of a normative administrative act**

1. Unless otherwise provided for by law, a court may suspend a normative administrative act based on the motion of a party, submitted when filing a complaint, if there is a justified doubt regarding lawfulness of that act, or if urgent execution of the act may significantly damage a person or make protection of his/her legal rights and interests impossible.
2. In the case of recently revealed circumstances, a court shall be authorised to change or annul the ruling regarding suspension of a normative administrative act based on a motion of a party.
3. A complaint subject to a time limit may be filed against the court ruling.

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

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

### **Article 31 – Interlocutory ruling on the issuance of individual administrative acts, and on performance of actions**

1. On the basis of an application, a court may render an interlocutory ruling regarding a dispute, prior to initiating proceedings, if there is a risk that changing the existing situation may hinder or significantly complicate the exercise of the applicant's rights. A interlocutory ruling of a court may also be used for preliminary resolution of a disputed legal relationships, if such a resolution, first of all, in case of long-term legal relationships, is necessary due to significant damage, existing danger or any other reason.
2. An interlocutory ruling shall be rendered by a court considering the case. Such a court shall be a court of the first instance and in the case of reviewing a dispute at a court of appeals – a court of appeals.

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

### **Article 32 – Court decision regarding a claim declaring an administrative act null and void or invalid**

1. If an administrative act or a part of it contradicts the law or directly and immediately (individually) prejudices the legal rights and interests of a claimant or unlawfully restricts his/her rights, the court shall render a decision on declaring the administrative act null and void regarding a claim under Article 22 of this Code.
2. If an individual administrative act has been executed prior to the court decision, on the basis of the motion of a party, the court decision shall include the procedure for the reversal of the executed decision.
3. If an individual administrative act is declared null and void prior to a court decision, the court shall be authorised to declare the individual administrative act null and void, provided there is a legal interest of the party or the party motions for such declaration.
4. If a court considers that an administrative act has been issued without investigating and evaluating essential circumstances of the case, the court shall be authorised to declare the administrative act null and void, without resolving the dispute, and to assign the administrative body to issue a new act after investigating and evaluating the circumstances. The court shall render such a decision in case of urgent legal interest of the party in declaring the individual administrative and legal act null and void.

4<sup>1</sup>. In the case an individual administrative and legal act, issued within the framework of exercising the resolution powers by the National Bank of Georgia on the basis of the Organic Law of Georgia on the National Bank of Georgia, is declared null and void, the state that existed before the aforementioned act was declared null and void may not be regained if the regaining of the state may endanger the stable operation of the financial sector. In such a case a court may impose on the National Bank of Georgia the payment of a compensation for only actually incurred damage.

5. A court decision on declaring a normative administrative and legal act null and void shall be binding. If the declaration of a normative administrative and legal act null and void poses a significant danger to the State or public security, and/or results in a significant increase in the state or municipality expenses, or if the declaration null and void of a legal act of the National Bank of Georgia, including of an individual administrative and legal act issued during the commercial bank resolution process, may endanger the stable operation of the financial sector and/or the legitimate rights or interests of the commercial bank or microbank depositaries, the court may declare the legal act provided for by this paragraph invalid instead of declaring it null and void.

6. The operative part of a court decision must be published in the same manner as the normative act was published at the expense of an administrative body issuing the normative act.

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



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

*Law of Georgia No 5656 of 20 December 2019 – website, 31.12.2019*

*Law of Georgia No 6881 of 15 July 2020 – website, 28.7.2020*

*Law of Georgia No 2623 of 22 February 2023 – website, 10.3.2023*

### **Article 33 – Court decision regarding a claim on issuing an administrative act**

1. If a refusal to issue an administrative act contradicts the law, or the times determined for its issuance are violated, which directly and immediately (individually) prejudices the legal rights or interests of the claimant, the court shall assign an administrative body to issue an administrative act regarding a claim defined by Article 23 of this Code. At the request of a party, the court shall allow time for issuing an administrative act.

2. A court shall be authorised to regulate a dispute by issuing a decision, if it implies the issuance of an individual administrative act and does not require additional investigation of the case circumstances, and if the matter does not fall within the discretionary authority of an administrative body. The procedure established by this Code for appealing an individual administrative act shall not apply to this court decision.

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

### **Article 33<sup>1</sup> – Court decision regarding a claim on performing an action**

If performing an action or abstaining from performing an action by an administrative body is unlawful, and it directly and immediately (individually) prejudices the legal rights and interests of a claimant, the court shall assign an administrative body to perform or abstain from performing an action regarding a claim determined by Article 24 of this Code.

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

## **Chapter IX – Appeal and Cassation, Resumption of Proceedings**

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

### **Article 34 – Admissibility of appeals and cassation appeals**

1. Appeals and cassation appeals shall be admissible in administrative legal proceedings, irrespective of the value (amount in controversy) of a complaint. In this case, the requirements of Articles 365 and 391(2) of the Civil Procedure Code of Georgia shall not apply.

<sup>1</sup> A judge of the Chamber of Administrative Cases of the court of appeals may consider the following cases sitting alone:

a) appeals filed with regard to judgments related to the following cases:

a.a) disputes provided for in Article 6 of this Code;

a.b) a dispute regarding the issuance of public information;

a.c) a dispute related to a record of the Public Registry;

a.d) a dispute related to the privatisation of a residential apartment;

a.e) a dispute arisen from a contract under public law;

a.f) a dispute arisen from construction relationships;

a.g) a dispute arisen from enforcement relationships based on the Law of Georgia on Enforcement Proceedings;

a.h) a dispute regarding the compensation for damage by an administrative body;

a.i) a dispute arisen from the Law of Georgia on Recognition of Property Rights on Parcels of Land Possessed (Used) by Natural Persons and Legal Entities under Private Law;

b) private complaints;

c) complaints/appeals on disputes under Chapters VII<sup>1</sup> and VII<sup>3</sup>-VII<sup>14</sup> of this Code;

d) complaints/appeals on disputes defined under administrative proceedings provided for by Chapters VII<sup>18</sup>-VII<sup>21</sup> of this Code.

<sup>2</sup> A court of appeals shall consider a case and deliver the judgment without an oral hearing if:

a) an appeal is based on a breach of law and it only claims for examination of the appealed judgment (ruling) in legal terms;

b) it is obvious that there are absolute grounds for revocation of judgment under Article 394 (except for paragraphs e) and e<sup>1</sup> of this article) of the Civil Procedure Code of Georgia in relation to a judgment (ruling) of a court of first instance;

c) the defendant has admitted the claim.

<sup>3</sup> Information about consideration of a case without an oral hearing shall be communicated to the parties in advance. The court of appeals shall deliver a ruling on the date of consideration of the case without an oral hearing.

2. Decisions of the appellate court may be appealed to the cassation court by the parties and third persons engaged in the case under Article 16(2) of this Code within the specified times.

3. A cassation appeal shall be admissible if the appellant proves that:

a) the case represents a legal problem and resolving it would contribute to the development of law and the establishment of uniform judicial practice;



- b) the Supreme Court of Georgia has not delivered a decision on a similar legal issue before;
- c) it is probable that, as a result of considering the cassation appeal, the Supreme Court of Georgia delivers a decision concerning the given case that would differ from the previously existing practice concerning similar legal cases;
- d) the decision of a court of appeals differs from the previously existing practice of the Supreme Court of Georgia concerning similar legal cases;
- e) a court of appeals has reviewed the case in substantial violation of substantive and/or procedural law norms, and this could have affected the outcome of reviewing the case;
- f) the decision of a court of appeals contradicts the Convention for the Protection of Human Rights and Fundamental Freedoms and/or the case law of the European Court of Human Rights concerning similar legal issues.

3<sup>1</sup>. The time limit for verifying admissibility under paragraph 3 of this article shall not exceed three months.

4. Regarding the matters of administrative proceedings, the time limit for granting leave to a cassation appeal and the time for rendering a decision on the appeal shall be six months.

5. If the Cassation Court applies to the European Court of Human Rights for an advisory opinion, the running of the time limits under paragraphs 3<sup>1</sup> and 4 of this article shall be suspended until the advisory opinion is obtained.

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

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

*Law of Georgia No 2262 of 4 December 2009 – LHG I, No 41, 8.12.2009, Art. 306*

*Law of Georgia No 4646 of 5 May 2011 – website, 18.5.2011*

*Law of Georgia No 5666 of 28 December 2011 – website, 12.1.2012*

*Law of Georgia No 3667 of 29 May 2015 – website, 5.6.2015*

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

*Law of Georgia No 258 of 8 February 2017 – website, 13.2.2017*

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

*Law of Georgia No 7127 of 16 September 2020 – website, 21.9.2020*

#### **Article 34<sup>1</sup> – Consideration of a case at a cassation court**

1. During the consideration of a case at a cassation court, the parties may submit their opinions only regarding the circumstances, on the basis of which the cassation court admitted the appeal.

2. Third persons determined under Article 16(2) of this Code, may be engaged in the cassation court proceedings with their consent, if they do not dispute factual circumstances determined by the cassation court and only submit legal opinions.

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

#### **Article 34<sup>2</sup> – (Deleted)**

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

*Law of Georgia No 1920 of 18 October 2022 – website, 24.10.2022*

### **Chapter IX<sup>1</sup> – Transitional Provisions**

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

#### **Article 35**

1. Prior to entry into force of this Law, disputes related to concluding, performing and terminating contracts under public law under proceedings of the general courts shall be considered and resolved as administrative legal proceedings.

2. Powers of a court of appeals, provided for under this Law shall be exercised by district courts and autonomous republic highest courts until 1 November 2005.

3. Cases that were commenced by district courts and autonomous republic highest courts before 15 July 2005, which fall within the authority of a district (city) court, shall be transferred to a district (city) court for review.

4. Article 34(3) of this Code shall not apply to hearings of cassation appeals registered before 1 November 2005.

5. An appeal, submitted before 1 January 2008, may be reviewed by a judge of the Chamber of Administrative Cases of the appellate court at his/her own discretion, regarding the following cases:

- a) a decision regarding a case under Article 6 of this Code;
- b) an individual administrative act, issued regarding the disclosure of public information;
- c) a dispute, related to records of the Public Registry;
- d) a dispute, related to privatisation of a residential apartment;
- e) a dispute, regarding a contract under public law on lease relationships;
- f) a dispute, arising from relationships related to construction;
- g) a complaint subject to a time limit;
- h) in cases under Article 21<sup>23</sup>(8) of this Code.

6. After entry into force of this Law, the appeal proceedings commenced on cases determined by paragraph 5 of this



article shall be resumed by a judge of the Chambers of Administrative Cases of the (district) court of appeals, who was appointed at the Chambers of Administrative Cases of the court of appeals, at his/her own discretion.

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

*Law of Georgia No 2133 of 25 November 2005 – LHG I, No 53, 19.12.2005, Art. 352*

*Law of Georgia No 3389 of 23 June 2006 – LHG I, No 26, 14.7.2006, Art. 211*

*Law of Georgia No 4307 of 29 December 2006 – LHG I, No 51, 31.12.2006, Art. 449*

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

### **Article 35<sup>1</sup> – Appealing a court decision rendered in absentia**

If a court decision was rendered in absentia, under Chapter VII<sup>2</sup> of this Code, a party shall have the right to appeal such decision to the appellate (cassation) court. This provision shall apply to all court decisions, rendered from the moment of entry into force of Chapter VII<sup>2</sup> of this Code.

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

### **Article 35<sup>2</sup> – Litigation proceedings on a claim filed with the court in relation to an individual administrative-legal act adopted by a legal entity under public law of Tbilisi City Municipality**

Litigation proceedings for a claim on which a final judgment has not been made, and which is filed with the court before 1 October 2015 in relation to an individual administrative-legal act adopted by a legal entity under public law of Tbilisi City Municipality shall be finalised through general action proceedings.

*Law of Georgia No 3978 of 8 July 2015 – website, 20.7.2015*

### **Article 35<sup>3</sup> – Procedures related to the payment of indemnity on the basis of a decision of the United Nations Committee**

1. The person, with regard to whom the UN Human Rights Committee or the Committee on the Elimination of All Forms of Discrimination against Women took a decision before the entry into force of Chapter VII<sup>14</sup> of this Code with regard to the payment of an indemnity by the State, shall be authorised to apply to a court for the payment of an indemnity on the basis of a decision of the said Committee in accordance with the procedures provided for under Chapter VII<sup>14</sup> of this Code.

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

### **Article 35<sup>4</sup> – Judge’s resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons**

1. Under the Agreement between Georgia and the EU for the Participation of Georgia in Horizon 2020 – the EU Framework Programme for Research and Innovation (2014-2020) and on the basis of a motion of the body determined by the Government of Georgia, judges of the Tbilisi City Court shall pass resolutions on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons.

2. The body determined by the Government of Georgia shall include in its motion information on the legal person indicated in the decision of the European Commission provided for by paragraph 1 of this article, the amount of the pecuniary obligation imposed on him/her/it and the property of the legal person (if specified in the decision of the European Commission).

3. A judge shall review a motion of the body determined by the Government of Georgia at his/her own discretion, without oral hearing, regarding which the judge shall notify the legal person specified in the motion within not later than 48 hours after receiving the motion and shall forward the respective case materials to the legal person.

4. A judge shall pass a resolution provided for by paragraph 1 of this article within 10 days after the body determined by the Government of Georgia submits a motion.

5. A judge's resolution provided for by paragraph 1 of this article shall indicate:

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

b) the surname of the judge;

c) data regarding the author of the motion;

d) information on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons;

e) data regarding the legal person specified in the decision of the European Commission imposing a pecuniary obligation on legal persons;

f) the amount of a pecuniary obligation imposed on the legal person by the decision of the European Commission imposing a pecuniary obligation on legal persons;

g) data regarding the property of the legal person (if specified in the decision of the European Commission);

h) the procedure for appealing the resolution;

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

6. A judge's resolution provided for by paragraph 1 of this article shall be drawn up in three copies, one of which shall remain with the court, the second copy shall be forwarded to the body determined by the Government of Georgia, and



the third copy shall be forwarded to the legal person specified in the motion of the body determined by the Government of Georgia. If the resolution cannot be delivered to the legal person, it shall be published as provided for by the Civil Procedure Code of Georgia and shall be considered delivered on the third day after publication.

*Law of Georgia No 381 of 10 March 2017 – website, 22.3.2017*

**Article 35<sup>5</sup> – Entry into force and appeal of a judge's resolution on the enforcement of the European Commission imposing a pecuniary obligation on legal persons**

1. A judge's resolution on the enforcement of the European Commission imposing a pecuniary obligation on a legal person shall enter into force upon issuance. Appealing the judge's resolution shall not suspend the resolution.

2. If there have been procedural violations in the issuance of a judge's resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons, an appeal for the revocation of the judge's resolution shall be filed with the court that passed the resolution within 48 hours after handing a copy of the resolution to a party, and if the resolution cannot be handed to the party, within 5 days after its publication. The judge having passed the resolution shall immediately forward the appeal together with the case materials to a court of the appellate instance.

3. An appeal under paragraph 2 of this article shall be reviewed at a court of the appellate instance within 15 days after submission.

4. A resolution of the court of the appellate instance shall be final and not subject to appeal.

*Law of Georgia No 381 of 10 March 2017 – website, 22.3.2017*

**Article 35<sup>6</sup> – Annulment of a resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons based on the termination of the execution of the decision of the European Commission**

1. A decision of the Court of Justice of the European Union terminating the execution of the decision of the European Commission imposing a pecuniary obligation on legal persons shall serve as grounds for annulling the decision of the European Commission.

2. The body determined by the Government of Georgia shall, within one month after officially becoming familiar with the decision of the Court of Justice of the European Union provided for by paragraph 1 of this article, file an application with the Tbilisi City Court requesting the annulment of the judge's resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons.

3. A judge of the Tbilisi City Court shall make a decision to annul the judge's resolution on the enforcement of the decision of the European Commission imposing a pecuniary obligation on legal persons within the time limit and under the procedure established by Article 354 of this Code.

*Law of Georgia No 381 of 10 March 2017 – website, 22.3.2017*

**Chapter X – Final Provisions**

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

**Article 36 – Entry of the Code into force**

This Code shall enter into force from 1 January 2000.

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

**President of Georgia**

**Eduard Shevardnadze**

**Tbilisi**

**23 July 1999**

**No 2352\_ ოს**

