

**LAW OF GEORGIA**  
**ON ARCHITECTURAL ACTIVITIES**

**Chapter I - General Provisions**

**Article 1 - Purpose of the Law**

The purpose of this Law is to create a perfect, ecologically safe and aesthetic environment for human life in the territory of Georgia and to develop architecture.

**Article 2 - Terms used**

Terms used:

- a) architect - a person holding a university degree, who, with his/her creative activities, creates a living environment in a certain space, form and historical context, and is responsible for giving architectural expression to these environmental aspects ;
- b) architectural activities - creative activities of architects intended to develop projects of urban planning and eco development, to design buildings, structures and interiors, to find solutions for spatial planning, as well as artistic and functional solutions for such projects; to manage the development of engineering-technical, technological and other parts of projects; to organise a unified cycle of the process of design, to carry out the author's supervision and to manage construction processes;
- c) piece of architecture - an outcome of the architectural activity existing as an architectural design or an architectural work, which represents an object of copyright protection
- d) architectural design - an author's intention documented as a consequence of architectural activity, where the structure and the principle of spatial planning of architectural works are formulated, and which, in accordance with the requirements of normative documents and guidelines, comprehensively solves the issues of urban planning, as well as the artistic, aesthetic, functional and technical issues, and which represents an object of copyright protection and is not subject to licencing;
- e) design documents - design and construction documents prepared in the volume defined on the basis of the architectural design for the purpose of the implementation of an architectural work, which are parts of architectural activities, which do not represent objects of copyright protection and are subject to licencing;
- f) architectural work - urban planning projects, buildings, structures, interiors, and landscapes (territories allocated for parks and gardens, or other territories) developed on the basis of an architectural design or historical developments and buildings and structures that have undergone reconstruction and restoration in accordance with the requirements of the authority for the protection of historical and cultural monuments;
- g) set of normative documents and guidelines - territorial development schemes of the country, master plans of settlements; urban planning documents of industrial, economical and other functional zones, construction norms, rules and standards, and design documents approved in accordance with established procedures;
- h) architectural planning assignment (APA) - a set of requirements defined by the legislation of Georgia, by the set of normative documents and guidelines and by the representative authority of the local self-government, which determines the function of an architectural work, its parameters, territorial boundaries, its placement on the land, as well as environmental, technical, organisational and other conditions for its design and construction.

*Law of Georgia No 1962 of 5 February 2014 - website, 19.2.2014*

**Chapter II - Legal Grounds for Creating Architectural Works**

**Article 3 - Architectural planning assignment (APA)**

1. To create architectural works, clients shall have designs drafted on the basis of an APA and construction permits.
2. The APA shall be issued by an appropriate authority of architecture and urban planning on the basis of a client's application.
3. The APA shall be issued on the basis of a client's application and a document certifying the client's title to the land, or on the basis of permits issued by landlords, or decisions of state or local self-government authorities, if the land is in the ownership of appropriate state or local self-government authorities.
4. The APA shall include provisions of urban planning documents, mandatory requirements for the environmental and sanitary-hygienic safety, and for the protection of historical, cultural and natural monuments, and other special requirements, including requirements for the protection of the rights of those natural and legal persons whose interests will be directly affected by the future construction.
5. The requirements limiting copyrights of clients and project designers may not be included in the APA except for the cases provided for by the



legislation or urban planning documents.

6. The APA may be refused to be issued if the intention of the clients contradicts the legislation or the requirements of the set of normative documents and guidelines. The refusal to issue the APA may be appealed in court.

7. When there are no urban planning documents during the construction of certain architectural works, the APA shall be prepared on the basis of pre-design works, which shall be performed by the clients, and the type and volume of such works shall be defined by an appropriate authority of architecture and urban planning.

8. When there are particular requirements for urban planning, a tender (contest) shall be held at the proposal of an appropriate authority of architecture and urban planning upon the client's approval, in order to prepare the APA or to select the best architectural solution, and to take public opinion into account.

9. Tenders (contests) shall be held with the participation of the professional unions of architects.

*Law of Georgia No 1962 of 5 February 2014 - website, 19.2.2014*

### **Chapter III - Licencing of Architectural Activities and Preparation of Architectural Designs**

#### **Article 4 - Licencing of architectural activities**

1. Architects who participate in the creation of architectural designs do not need licences.

2. Activities related to the implementation of architectural works (the organisation of document preparation, expertise and the management of construction) needs to be licenced in accordance with the procedures established by legislation.

#### **Article 5 - Approval of architectural designs; construction permits; the supervision of implementation of architectural works and their commissioning**

1. Architectural designs shall be approved and construction permits for architectural works shall be issued by an appropriate authority of architecture and urban planning in accordance with the procedures established by legislation.

2. Designs financed from the central budget, the budgets of the autonomous republics and other territorial units of Georgia, and from the state reserves and special state funds as well as from the credits taken by the State or under the guarantee of the State for the purposes of construction, shall be subject to state expertise. The expertise of designs financed by natural persons or legal persons under private law shall be provided on the basis of the request of appropriate approving authorities under the procedures established by legislation.

3. The ecological expertise of architectural designs shall be provided in accordance with the Law of Georgia on State Ecological Expertise.

4. An expert opinion for architectural designs shall be issued by an expert service under the umbrella of an appropriate authority of architecture and urban planning, as well as by independent experts holding appropriate licences.

5. Architectural designs that meet the requirements of the set of normative documents and guidelines, and are drafted in accordance with the terms of the APA, and are approved in accordance with established procedures, shall be binding documents for each entity participating in the implementation of architectural designs.

6. The implementation of architectural designs shall be supervised by:

a) clients and project designers in accordance with the procedures for author's supervision;

b) an appropriate authority of architecture and urban planning in accordance with the Law of Georgia on State Supervision of Architectural and Construction Activities.

7. Architectural works shall be commissioned in accordance with the procedures established by legislation.

#### **Article 6 - Architectural activities of foreign natural and legal persons in the territory of Georgia**

Foreign natural and legal persons shall enjoy the right to perform architectural activities in the territory of Georgia equal to the rights of natural and legal persons of Georgia to perform architectural activities in the territory of Georgia. The issue of granting licences to foreign natural and legal persons to perform a single architectural activity in the territory of Georgia shall be settled in accordance with legislation.

#### **Article 7 - Architectural activities of natural and legal persons of Georgia in the territory of other states**

Natural and legal persons of Georgia may perform architectural activities in the territory of other states in accordance with the legislation of the respective states unless it contradicts obligations under the international agreements of Georgia.



### **Article 8 - The Rights of Architects**

On the basis of agreements signed with clients, architects may:

- a) request and receive the APA and other initial documents from an appropriate authority of architecture and urban planning, to perform a pre-design survey and to design and construct architectural works;
- b) prepare and submit for approval architectural designs during their review by an authority of architecture and urban planning, and other authorities;
- c) participate in the preparation of each part of the documents and submit modifications in architectural designs for approval;
- d) represent clients and protect their interests when signing agreements for the construction of architectural works;
- e) assist clients in signing agreements or organise tenders (contests) under clients' instructions;
- f) provide author's supervision and represent clients;
- g) check the quality of building materials and works; estimate the volume of works performed and implement financial controls;
- h) participate or represent clients in the commissioning of architectural works;
- i) carry out the expertise of designs.

### **Article 9 - The obligations of architects**

1. When performing architectural activities, architects shall comply with:

- a) the legislation of Georgia on architectural activities;
- b) design and construction standards and the requirements of normative documents and guidelines;
- c) the requirements of the APA;
- d) the terms of the design assignments received from clients.

2. Architects are not allowed to:

- a) disclose confidential information on the implementation of architectural designs without the clients' approval, except for the cases defined by law;
- b) represent clients when signing agreements and commissioning architectural works, supervise construction if they are personally interested in the gain of the contractor organisation; participate in tenders (contests) announced for architectural solutions and at the same time represent the jury members of these contests.

3. Rights and obligations provided for in Articles 8 and 9 of this Law shall also apply to those legal persons who perform architectural activities.

### **Article 10 - Contractual relationships in the field of architectural activities**

Architectural designs shall be drafted, implemented and otherwise be used on the basis of an agreement concluded in accordance with the legislation of Georgia.

### **Article 11 - Guarantees for architectural activities**

1. The State shall encourage the creative liberty of architects and facilitate the development of architectural science and education.

2. An appropriate state authority of architecture and urban planning, local self-government authorities and professional unions of architects shall participate in the protection of architects' rights and ensure the creative liberty of architects within their competence.

*Law of Georgia No 1962 of 5 February 2014 - website, 19.2.2014*

## **Chapter V - Copyrights on Pieces of Architecture**

### **Article 12 - The Objects of copyright protection for the pieces of architecture**



1. Relations arising during the creation and use of pieces of architecture as objects of copyright protection shall be regulated by the Civil Code of Georgia.

2. The objects of copyright protection of pieces of architecture are architectural designs and architectural works.

3. Persons who provide technical and organisational assistance to the authors of architectural designs when performing their official duties, or who manage the processes of design and construction or supervise the implementation of design and construction works, may not be considered as project designers.

4. Clients shall sign agreements with architects on the basis of the request of the project designer in order to ensure a copyright protection.

#### **Article 13 - Copyrights of the authors of pieces of architecture**

1. Only architectural project designers may use or permit the use of their designs for the purposes of implementation. Architectural project designers may participate in the implementation of their designs unless otherwise provided for in an agreement.

2. Only architectural project designers may duplicate, distribute, demonstrate and reproduce their designs.

3. The copyrights provided for by paragraphs 1 and 2 of this article shall be transferred on the basis of an agreement.

4. The amount of royalties for using architectural designs shall be defined by an agreement.

5. Architectural designs may be used only once unless otherwise provided for by an agreement. However, architectural designs and documents drafted on the basis of such designs may be reused only with the permission of the project designer.

6. Designers of pieces of architecture may control the preparation of construction documents and the process of construction, and provide author's supervision in accordance with the procedures established by legislation.

7. Project designers of architectural works may take photos and perform video recording of relevant architectural works unless otherwise provided for in an agreement based upon which the architectural design has been drafted.

#### **Article 14 - Copyrights of pieces of architecture made as a work for hire**

1. A copyright on a piece of architecture made as a work assignment (work for hire) belongs to its designer.

2. Relationships regarding the use of work for hire shall be regulated in accordance with the civil legislation of Georgia.

### **Chapter VI - Modifications in Architectural Designs and Architectural Works**

#### **Article 15 - The modifications in architectural designs**

1. During the preparation of construction documents and in the process of construction of architectural works, modifications in relevant designs may be made only with the approval of the relevant project designer. Any deviation from the APA shall be agreed with the architecture and urban planning authority that has issued the assignment.

2. If designers of architectural projects, approved in accordance with established procedures, detect any unauthorised modifications in their architectural solutions during the implementation of architectural works, they shall notify the authority issuing the construction permit and shall take measures to protect their copyrights as provided for by law. In such case, said authorities shall suspend construction work until an appropriate decision on the disputed matter is made.

#### **Article 16 - Modifications in architectural works**

1. Owners of architectural works who intend to modify the structure and function and the appearance of architectural works, shall obtain a permit from the architectural project designers or invite them to perform design works for modifying architectural works.

2. If designers of architectural works refuse to make necessary or justified modifications in their designs, owners (holders) of architectural works may apply to court.

### **Chapter VII - Competence of Central and Local Authorities of Architecture and Urban Planning and Professional Unions of Architects**

#### **Article 17 - Competence of authorities of architecture and urban planning**

1. Central and local authorities of architecture and urban planning shall perform their activities in accordance with legislation.



2. Within the scope of its powers, a central authority of architecture and urban planning shall develop and implement state programmes in the sphere of architecture, ensure the development of a normative base, and manage activities of licencing and controlling services.
3. A local authority of architecture and urban planning is managed by a chief architect, who is appointed to and dismissed from the position in accordance with the procedures established by legislation.
4. An architectural and planning board operates under the umbrella of a chief architect, which comprises persons holding a relevant university degree and qualification and which has its own statute approved by the representative authority of the local self-government.
5. Results of the performance of the board shall be available to the public.

*Law of Georgia No 1962 of 5 February 2014 - website, 19.2.2014*

#### **Article 18 - The competence of professional unions of architects**

1. Architects may create professional unions of architects to perform their professional activities, and to settle creative, social, collegial and ethical issues, as well as to coordinate relationships between state authorities and the public.
2. Professional unions of architects shall protect professional interests of architects and ensure public regulation of architectural activities in accordance with legislation.
3. Central and local authorities of architecture and urban planning shall cooperate with professional unions of architects to regulate relationships between entities participating in architectural activities, to protect interests of architects and to ensure architectural activities.

### **Chapter VIII - Liability for Violations of this Law**

#### **Article 19 - Liability for violations of this Law**

The liability for violations of the requirements of this Law shall be defined in accordance with the legislation of Georgia.

### **Chapter IX - Final Provisions**

#### **Article 20 - Entry of this Law into force**

This Law shall enter into force upon its promulgation.

**The President of Georgia**

**Eduard Shevardnadze**

**Tbilisi**

**14 April 1998**

**No3323-IIS**

