

Law of Georgia

on Creative Workers and Creative Unions

The State shall facilitate the activity of the professional creative unions of cultural figures of Georgia, who aim to develop various branches of literature and art, to preserve the nature and traditions of art, to deepen international relations in the field of culture, to promote the creative professions in society, to protect the rights of their representatives, and to create appropriate legal frameworks.

This Law, in accordance with the standards of international law and the specific activities of creative unions, shall entitle such unions to independently resolve matters falling within their scope of authority as provided for in their statutes. Herewith, in accordance with the provisions of this Law, membership of a creative union is voluntary and does not restrict the rights of those creative workers who are not members of such union.

Chapter I -

General Provisions

Article 1- Scope of regulation of this Law

This Law shall establish the legal status of a creative worker and a creative union, and the procedures for the creation of a union, its activities and for its reorganisation and liquidation.

Article 2- Scope of the Law

This Law shall apply to all creative workers, all creative unions and their branches (local organisations) registered in Georgia under the procedures established by legislation.

Article 3- Terms used in this Law

The terms used herein have the following meanings for the purposes of this Law:

- a) creative worker - a natural person whose intellectual and creative activity has resulted in the creation of literary and artistic work or their interpretation;
- b) literary and artistic work - the result of intellectual and creative activities of a creative worker , which is defined by the Law of Georgia on Copyright and Related Rights;
- c) creative union- a non-entrepreneurial (non-commercial) legal entity, a professional and creative union of at least five creative workers of one or several fields of literature and art, where membership is voluntary and which aims to develop various branches of literature and/or art, to protect the general legal interests and rights of the members of the union and to implement other non-entrepreneurial (non-commercial) activities;
- d) branch of a creative union - a separate subdivision of a creative union, which is located outside the premises of the union and fully or partially performs its functions, and operates under the statute established by the union and is not a legal entity;
- e) creative group - a voluntary union of at least five creative workers established for the purposes of achieving the same goal, and which is not a legal entity. In addition, a member of a creative union has the right to join a creative group, if this does not contravene the statute of the union.

Law of Georgia No 1107 of 12 October 2001-LHG I , No 30, 30.10.2001, Article 121

Law of Georgia No 501 5 of 1 July 2011 – web-site, 14.7.2011

Article 4 - Legal grounds for activities of creative unions

1. Creative unions shall manage their activities in accordance with the Constitution of Georgia, this Law, the legislation of Georgia and their statutes.
2. The premises of a creative union and their administration bodies shall be in the territory of Georgia.

Chapter II -

Creative Workers and their Status



Article 5 - Terms of membership of creative workers in a creative union

1. A member of a creative union may be a person (a citizen of Georgia, a foreign citizen or a stateless person), whose intellectual and creative activity has resulted in literary and artistic work or their interpretation and who meets the requirements established by this Law and the statute of the union.
2. The requirements established by the statute of a creative union shall not restrict the copyright or other rights of its members, and they shall facilitate the membership of qualified representatives of appropriate creative professions in the union and their creative development.
- 2¹. A creative worker is entitled to become a member of several creative unions simultaneously.
3. The terms of and procedures for membership of creative unions, as well as procedures for voluntarily leaving the membership of a union and for exclusion from a union, are defined by the statute of the union.

Law of Georgia No 1308 of 28 February 2002, LGH I No 5, 21.3.2001, Art. 30

Article 6- Rights and responsibilities of members of creative unions

1. A member of a creative union is entitled to give a notice to the head or the standing governing body of a creative union and to leave the membership of a union at any time.
2. A member of a creative union is entitled to act on behalf of the union on the basis of a power of attorney and to make a statement within the scope of authority granted to him/her by the statute of the union.
3. A member of a creative union has other rights defined by this Law and the statute of the union.
4. A member of a creative union is obliged to fulfil the requirements established by this Law and the statute of the union.

Article 7- Status of a creative worker

The status of a creative worker, who:

- a) is a member of a creative union, is defined by the statute of the union;
- b) is not a member of a creative union, if required, may be established by professional recommendation which may be issued only by a collegial body of a creative union in the relevant field. The procedure for the issuance of a recommendation is established by the statute of the union and is based on a positive evaluation of the worker's professional and creative activities.

Law of Georgia No 1107 of 12 October 2001, -LHGI No 30, 30.10.2001, Article 121

Article 8- Employment and social status of a creative worker

1. A creative worker may be a person with an independent profession, or may work on the basis of an employment contract or other kind of agreement.
2. The social insurance and pension provision of a creative worker are based on the appropriate legislative acts of Georgia.

Chapter III -

Types of Creative Unions and their Status

Article 9- Types of creative unions

1. Types of creative unions are:
 - a) a creative union of Georgia, a voluntary union of at least 100 workers, the activities of which as provided for by its statute take place in the entire territory of Georgia;
 - b) a local creative union, the activities of which take place in appropriate administrative-territorial units or in a regional area;
 - c) an international creative union, the activities of which take place in the territory of Georgia or in the territory of at least one foreign country.
2. All types of creative unions operating in Georgia are free and equal before the law.

Law of Georgia No 1107 of 12 October 2001, LHGI No 30, 30.10.2001, Article 121

Law of Georgia No 1308 of 28 February 2002, LGH I No 5, 21.3.2001, Art. 30



Article 10- Fundamental principles for the creation of creative unions and their activities

1. The fundamental principles for the creation of creative unions and their activities are the following: their voluntariness, the equality of their members and of those creative workers who are not members of the union, self-government, lawfulness and publicity.
2. At the end of each year a creative union shall publish the basic documents adopted by it, and a list of governing bodies, and data regarding financial sources and expenses. A particular place for the publication of the aforementioned shall be defined by the management board of the creative union.

Law of Georgia No 1107 of 12 October 2001, LHG I, No 30, 30.10.2001, Article 121

Article 11- Status of creative unions

A creative union is a non-entrepreneurial (non-commercial) legal entity defined by the Civil Code of Georgia, and the procedures established by this Law and by other legislative and subordinate normative acts of Georgia with regard to the registration of a non-entrepreneurial (non-commercial) legal entity shall apply to it.

Law of Georgia No 5015 of 1 July 2011 – web-site, 14.7.2011

Article 12- The State and creative unions

1. The State shall ensure the protection of the legal rights and interests of creative unions established and operating in accordance with this Law.
2. For the facilitation of creative activities, the State, based on appropriate legislative acts, shall establish benefits for the activities of creative unions.
3. Intervention in the activities of a creative union by state authorities shall not be permitted except as provided for by this Law.

Article 13- International relations of creative unions

1. Relations between creative unions and their foreign partners shall be regulated by the contracts signed by them, and in accordance with the legislation of Georgia and the standards of international law.
2. A creative union, in accordance with its status, is entitled to join an international creative organisation, and establish direct international relations, and sign agreements with natural and legal persons of foreign countries, and to have its own branches outside Georgia in accordance with the requirements of the legislation of a respective country.

Article 14- Name and symbol of a creative union

The name and symbol of a creative union shall essentially differ from the names and symbols of other creative unions and their associations, state institutions and other legal entities already operating in Georgia.

Article 15- Activities of a creative union and its fundamental rights

1. In order to develop culture, revive literature and art, and to facilitate artistic initiatives, a creative union, in accordance with its statute, is entitled to perform activities which do not contravene the legislation of Georgia.
2. A creative union is entitled to:
 - a) participate within its scope of authority in the discussion of projects of international agreements, and legislative and other normative acts of Georgia, in the field of literature and art, and make proposals to the legislative and executive authorities of Georgia regarding matters related to the development of literature and art, and matters related to the social and legal protection of a creative worker;
 - b) disseminate information about its activities;
 - c) create its own print media and other mass media;
 - d) found a legal entity under private law and establish an organisation in accordance with the procedures established by this Law for the purposes of achieving the goals determined by its statute;
 - e) carry out entrepreneurial activities of an auxiliary nature;
 - f) perform any activity permitted by the legislation of Georgia or by its statute;

Law of Georgia No 3972 of 14 December 2006, LHG I, No 48, 22.12.2006, Art. 339



Procedures for the Establishment and State Registration of a Creative Union

Article 16- Founders of a creative union

1. The founders of a creative union comprise an initiative group (of natural persons with legal capacity) in which there are at least five creative workers.
2. A founder may not be the State or a local self-government body.
3. The enrolment of founders in a creative union and the registration of members shall be conducted by the governing body and/or by a person entitled to manage the union in accordance with the procedures provided for by the statute of the union.

Law of Georgia No 1107 of 12 October 2001, LHG I, No 30, 30.10.2001, Article 121

Law of Georgia No 5015 of 1 July 2011 – web-site, 14.7.2011

Article 17 -Establishment of a creative union

1. A creative union shall be established on a founding congress (conference) conducted by at least five persons. For the purposes of registration it shall be submitted to the legal entity under public law called the National Agency of Public Registry within the Ministry of Justice of Georgia ('the Agency').
2. In order to approve and confirm the decisions of the governing body of a creative union the procedures for the adoption and confirmation of the decisions of non-entrepreneurial (non-commercial) legal entities shall apply, unless otherwise provided for by this Law.

Law of Georgia No 1107 -of 12 October 2001, LHGI No 30, 30.10.2001, Article 121

Law of Georgia No 5015 of 1 July 2011 – web-site, 14.7.2011

Article 18 - Registration of a creative union

1. The registration of a creative union shall be conducted by the Agency.
2. In order to register a creative union, registration documents required for the registration of non-entrepreneurial (non-commercial) legal entities under this Law and other legislative and subordinate normative acts of Georgia shall be submitted to the Agency.
3. The terms and fees of registration of a creative union are defined by the procedures for the registration of non-entrepreneurial (non-commercial) legal entities determined by an ordinance of the Government of Georgia.
4. Other procedures for the registration of a creative union, and the forms of extract from the registry, shall be established under the Instruction approved by an Order of the Minister of Justice of Georgia regarding the Registration of Entrepreneurial and Non-Entrepreneurial (non-commercial) Legal Entities.

Law of Georgia No 5015 of 1 July 2011 – web-site, 14.7.2011

Law of Georgia No 5574 of 20 December 2011 - website, 28.12.2011.

Article 19 -Statute of a creative union

1. The rules of operation of a creative union and its fundamental directions are determined by the statute of the union.
2. The statute of the union shall include:
 - a) the full name of the creative union, and its short name (if such exists);
 - b) the goals and objectives of the activities of the creative union;
 - c) procedures for membership of the creative union, for leaving the membership of the creative union and for exclusion from the creative union;
 - d) the rights and obligations of the members of the creative union;
 - e) the grounds for the establishment of the governing bodies of the creative union and their activities, their powers and the procedures for making decisions;
 - f) the procedures for controlling the activities of the creative union;
 - g) nomination of a body and/or a person entitled to make decisions regarding the reorganisation or liquidation of the creative union and the procedures for making such decisions if they differ from those established by the procedures determined by sub-paragraph (e) of this paragraph;



h) data regarding a person (name, surname, and personal number) entitled to manage and/or represent the creative union. If two or more persons hold the power to represent the creative union, the founding documents shall specify how such powers are distributed among them;

i) procedures for making amendments and addenda thereto.

3. The statute of a creative union may also cover other matters that do not contravene the legislation of Georgia.

Law of Georgia No 501 5 of 1 July 2011 – web-site, 14.7.2011

Chapter V -

Management of a Creative Union

Article 20- The highest body of a creative union

1. The highest body of a creative union is the meeting of the members of the union (general meeting). The management board of a union shall convene a regular meeting (general meeting) at least once in five years in accordance with the periodicity determined by its statute.

2. The meeting (general meeting) shall be duly constituted and quorate if more than half of the members of the creative union are present and if there is no other quorum determined by the statute of the union.

3. An extraordinary meeting (general meeting) may be convened at the request of the chairperson of a creative union, or of more than one third of the members of the union, or at the request of an auditing commission, within a period of 2 months, as provided for in the agenda of the meeting (general meeting). In addition, a request to convene an extraordinary meeting (general meeting) shall have reasonable grounds and shall be based on serious violations detected in the activities of the creative union or on other well-grounded reasons.

4. A decision to convene an extraordinary meeting (general meetings) is made by the management board, or by the chairperson of the union in the cases determined by Article 21(4) of this Law.

5. A meeting (general meeting) shall make decisions by a majority of votes of the attending members, unless otherwise provided for by the statute of the creative union. A decision regarding the property of the creative union, and its reorganisation and liquidation, shall be made by a two thirds majority of votes of the attending members. A member who does not attend a meeting (general meeting) may participate in the voting process in written form or transfer his/her vote to another member of the union on the basis of an appropriately certified document.

6. The special powers of a meeting (general meeting) are the following: to adopt the statute of the creative union and to make amendments and addenda thereto; to elect the governing body of the union, including the management board and the controlling body, as well as the chairperson of the union; and to make decisions with regard to the reorganisation and liquidation of the union and other matters provided for by this Law and the statute of the union.

Article 21- The management board of a creative union

1. During periods between meetings (general meetings), the management board of a creative union shall be the highest governing body and shall lead the activities of the union on the basis of the legislation of Georgia, the statute of the creative union, and the decisions of the meeting (general meeting). The management board shall be elected by the meeting (general meeting) for a period of five years, unless otherwise provided for by the statute. The management board shall maintain its power after the expiry of the term, until a new management board is elected.

2. The management board shall:

a) lead the activities of the creative union;

b) approve the annual reports of the creative union, and develop working plans and maintain a costs-estimate;

c) prepare materials for meetings, (general meetings), convene the meeting (general meetings) and organise them;

d) exercise other functions provided for by this Law and the statute of the creative union.

3. The management board shall be entitled to make a decision if at least half of the members are present at the meeting. Decisions shall be made by a majority of members present at the meeting. Members of the management board who are not present at the meeting shall have the right to participate in the voting in written form.

4. A chairperson of a creative union shall, based on the serious violations detected in the activities of the management board, solely or at the reasonable request of the audit commission, convene extraordinary general meetings, which may decide matters related to the early election of a new management board. Such matters may be discussed in accordance with the statute provisions only if there are serious grounds therefor.

Article 22- Audit commission of a creative union

1. The controlling body of a creative union is an audit commission, which shall be elected by a meeting (general meeting) of at least three members.

2. The audit commission is entitled to inspect the financial and accounting documents of a creative union. The audit commission may have other



controlling functions in accordance with the statute of the creative union.

3. The sessions of the audit commission shall be convened when necessary but at least once a year.

4. A session of the audit commission shall be duly constituted and quorate if it is attended by more than half of the members of the commission. Decisions shall be made by a majority of the members attending the session unless otherwise provided for in the statute of the creative union.

Article 23- The chairperson of a creative union

1. The chairperson of the creative union manages the activities of the union and its management board, and shall ensure freedom of expression, and is entitled to sign, and take responsibility for the lawfulness of, decisions made by the management board.

2. A meeting (general meeting) shall elect the chairperson of a creative union from the members of the union for a period of five years (unless otherwise provided for by the statute) through direct secret suffrage on the alternative basis, and with the right of re-election. The candidate for chairperson may be presented by creative groups within the union as well as by separate members of the union. The presented candidate may not be discriminated against on the grounds of age, or other similar grounds.

3. The power of a chairperson of the creative union, his/her scope of management and his/her obligations shall be determined by the statute of the union in accordance with the goals of the union.

4. The statute may specify that a particular action of the chairperson of the creative union, which shall require consent from the management board or from the controlling body of the union.

5. The chairperson of the creative union is entitled to transfer some of his/her own powers to another managing person of the union, on the basis of a delegation of rights, and with consent from the governing body as determined by the statute of the union.

Article 24- Other mechanisms of the management of a creative union

1. The management board of a creative union is entitled to set up commissions in different fields in accordance with its statute, the members of which shall be members of the union.

2. The statute of the union may also envisage the establishment of other management and controlling bodies (a secretariat, Presidium, council, etc.) and their activities except where such bodies or activities contravene this Law.

Chapter VI-

Reorganisation and Liquidation of Creative Unions

Article 25 - Procedures for the reorganisation and liquidation of creative unions

The reorganisation and/or liquidation of creative unions shall be implemented on the basis of a meeting of the creative union (general meeting of the members), and in accordance with the procedures for the reorganisation and/or liquidation of non-entrepreneurial (non-commercial) legal entities.

Law of Georgia No 5015 of 1 July 2011 – web-site, 14.7.2011

Chapter VII-

Property and Finances of Creative Unions

Article 26- The property of creative unions

1. A creative union may own property as permitted by the legislation of Georgia, and including: a land plot, a building and structure, a sanatorium and a holiday house, a medical facility, a publishing house, a cultural house, a workshop, an atelier-studio, a housing fund, an enterprise and an organisation, securities, and other property that is necessary for the purposes of performing the activities provided for by the statute of the union.

2. A creative union is entitled to use its own property for the purposes established by the statute of the creative union. The property may not be distributed among the members of the creative union.

3. The State shall ensure the protection of the property rights of creative unions.

Article 27- Finances of creative unions

1. The finances of creative unions include:



- a) funds allocated from the State Budget of Georgia;
- b) membership fees;
- c) donations received from natural and legal persons;
- d) income received from entrepreneurial (commercial) activities performed in accordance with the procedures established by this Law;
- e) income from cultural shows and entertainments and other paid events ;
- f) other income permitted by this Law.

2. State and local self-government bodies may finance particular programmes of the creative union. The amount allocated for such purposes shall not be spent for other purposes.

3. Creative unions have no right to impose any mandatory fee on a natural person other than the membership fee.

4. The membership fee shall be determined by the statute of the creative union.

Chapter VIII -

State Control of the Activities of Creative Unions and their Responsibility

Article 28 -State control over the entrepreneurial, financial and other economic activities of creative unions

State control over the entrepreneurial, financial and other economic activities of creative unions is carried out by controlling bodies within the scope of their authority and in accordance with the procedures established by the legislation of Georgia.

Law of Georgia No 5015 of 1 July 2011 – web-site, 14.7.2011

Article 29- Responsibility of creative unions

The responsibility of a creative union shall be established in accordance with the legislation of Georgia.

Chapter IX -

Transitional and Final Provisions

Article 30- Re-registration of creative unions

1. Creative unions established before the entry of this Law into force on the basis of the Civil Code of Georgia shall be subject to re-registration with the Ministry of Justice of Georgia within a period of six months after the entry of this Law into force.

2. A creative union which has gone through the re-registration process shall not be an assignee of the respective legal entity that had been registered prior to re-registration.

3. For re-registration to take place, a creative union shall submit the following to the Ministry of Justice of Georgia:

- a) an application with the signature of the chairperson of the union and a list of the members of the governing bodies of the union, including their dates of birth and residential addresses;
- b) the minutes of the session of the governing body of the union in which their decision regarding the re-registration of the union was recorded;
- c) other documents as determined by Article 18(2)(d-h) of this Law.

4. The joint national property of a creative union which was in their possession at the moment of re-registration is indivisible and shall not be distributed between the creative groups, local unions or members of the union.

5. (Deleted).

6. (Deleted).

7. Before 1 February 2007, the Government of Georgia shall determine the property which shall be donated to art workers by the President of Georgia in support of culture and art.

8. Before the beginning of the spring session of 2008 of the Parliament of Georgia, the Committee of Education, Science, Culture and Sports of the



Parliament of Georgia shall present the project of amendments to be made to the Law of Georgia on Creative Workers and Creative Unions.

Law of Georgia No 3884 of 8 December 2006, LHG I No 48, 22.12.2006, Art. 326

Article 31- Entry into force of this Law

This Law shall enter into force upon its promulgation.

President of Georgia

Eduard Shevardnadze

Tbilisi

8 June 1999.

No 2059- IIS

