

# Legal Newsletter

(July 2019)

The present Newsletter refers to significant legislative amendments made in various legislative and sub-legislative acts in July 2019.

## [N57 Decree of Government of Georgia dated 24<sup>th</sup> of March, 2009](#)

On 10<sup>th</sup> of July, 2019 amendments were made into N57 Decree of Government of Georgia dated March 24<sup>th</sup>, 2009 regarding terms of issuing construction permit and permission conditions. In particular, Paragraph 2 of Article 63 of Decree was amended as follows:

“2. Any alternation of the construction document that provides change of agreed area development space more than 20% or change in the function of this area shall not be permitted. In this case, procedure for obtaining a construction permit shall be recommenced according to the acting legislation”.

In addition, Paragraph 2 has been supplemented with 2<sup>1</sup> Paragraph of the following content:

“2<sup>1</sup>: Limitation of development space change determined with the Paragraph 2 of this Article shall not apply if change of title zoning for land use general plan deprives customer opportunity to master specifications granted with terms established with legislation or determined before change of zoning through re-commence procedure to obtain construction permit.”

The decree came into force upon the publication.

## N41 Decree of Government of Georgia dated 28<sup>th</sup> of January, 2016

On 3<sup>rd</sup> of July, 2019 amendments were made to N41 Decree of Government of Georgia dated January 28<sup>th</sup>, 2016 regarding adoption of technical regulation of building-construction safety terms. In particular, exception of 2104.1 sub-paragraph has been amended as follows:

“Exception:

1. It is not necessary for the existing road-ladder to meet the requirements of sub-paragraph 1009 unless the existing space and structure allow to reduce bending.
2. Handles, which otherwise shall meet the requirements of sub-paragraph 1009.2, do not necessarily meet the requirements of sub-paragraph 1012.6 for the full extension of the handles if such extensions are hazardous due to the configuration of the plan.
3. Attic of existing multi-apartment residential houses with N2 residential occupation shall be permitted to alter as inclined-ceiling residential space – mansard, providing all below conditions:
  - 3.1. Existing building is not high-level and in case that building attic will be altered in mansard – the building with mansard roof should not exceed 8-storesys.
  - 3.2. It is not permitted to further increase existing road-stair unsuitability in the building inconsistent with terms.
  - 3.3. If the road-stair existing in the building is extended to the attic level, it is possible to alter attic into mansard to create single residential unit (apartment).
  - 3.4. If the road-stair existing in the building is not extended to the attic level, it is possible to alter attic into mansard that will be part of residential unit (apartment) located under the attic, where the levels will be inter-connected in the residential unit (apartment) with stair organized according to this rule.
  - 3.5. When altering attic into mansard, it is permissible to keep the occupation load for mansard floor of each entrance of the building up to a maximum of 15 and moving distance accessible to the exit to increase up to a maximum of 20 m.

3.6. It is not permitted to increase existing external wall(s) outgoing to the street, height of main façade(s).

3.7. It is permitted to increase existing external wall outgoing to the street of other external walls to the height of main façade.

3.8. The mansard floor shall have the height relevant to the Paragraph 1208.2 of the rule.

3.9. It is permitted to increase at most 1 m height of existing roof ridge but height from mansard floor to ridge cover should not exceed 4.0m.

3.10. Roof slope from ridge cover to external wall shall be rectilinear.

3.11. It is permitted to arrange natural ventilation of mansard and open spaces for lighting according to the rule.

3.12. Incombustible and non-toxic heat insulation material should be used in the mansard walls and ceiling hidden space. Fire-resistance of bent-ceiling fencing constructions of mansard should be provided not less than 15 minutes. Wood material processed for fire-resistance should be used in mansard walls and ceiling constructions”.

The decree came into force upon the publication.

#### [N41 Decree of Government of Georgia dated 28<sup>th</sup> of January, 2016](#)

On 5<sup>th</sup> of July, 2019 amendments were made into N41 Decree of Georgian Government dated January 28<sup>th</sup>, 2016 regarding adoption of technical regulation on buildings safety. In particular, 2<sup>2</sup> Article with the following content has been supplemented:

“Article 2<sup>2</sup>. This decree shall not apply to multi-apartment residential houses who has lost completed architectural appearance due to the impermissible arrangement of partial superstructure, accessory building and/or mansard and, in order to improve the appearance, on the basis of general project, should be issued construction permit for superstructure, accessory building and/or arrangement of mansard”.

The decree came into force upon the publication.

### Law of Georgia “on Accumulative Pension”

On 30<sup>th</sup> of July, 2019 instruction has been adopted on terms for pension contributions payment, forms of information submission, administration of over-paid sums, charging of pension contribution, expense, excessive income, loss, other income, money earned and loss to the individual pension account. The instruction, according to the Georgian Law on Accumulative Pension (hereinafter the Law), in relation with the obligatory and voluntary entry and pension contributions (hereinafter – pension contribution) payment in the accumulative pension scheme, determines adopted terms, forms of information submission, excessively and/or incorrectly paid sums administration, terms and procedures of charging pension contributions, expenses, surplus income, loss, other income, money earned and loss into the individual pension account, adopted by the legal entity of public law – pension agency (hereinafter the agency).

The decree came into force upon the publication

### N476 Decree of Government of Georgia dated 1<sup>st</sup> of October, 2018

On 17<sup>th</sup> of July, 2019 electronic filling form “for advance notification of construction product import”, print form “for advance notification of construction product import” and terms of completion and verification of form “ for advance notification of construction product import” has been adopted according to the Article 2 of N292 Decree of Georgian Government dated June 19, 2019 “on amendments into N476 Decree dated 1<sup>st</sup> of October, 2018 of Government of Georgia on adoption of technical regulation of construction products” and Article 9 of Organic Law on Normative Acts of Georgia.

The decree came into force on 20<sup>th</sup> of July, 2019.