

Legal Newsletter

(March 2020)

The present Newsletter refers to important legislative changes that have been made to various legislative and sub-normative acts in March 2020.

Resolution of the Government of Georgia №57

On 2nd of March, 2020, in accordance with the Resolution of the Government of Georgia N139 and an article 25, subparagraph "b" of the first paragraph of Organic Law of Georgia on Normative Acts, resolution №57 of the Government of Georgia established in 24th of March 2009 "On the Rules and Permits for Issuance of Construction Permits" have been declared invalid.

The resolution came into force upon publication.

№153 Resolution of the Government of Georgia

On 9th of March, 2020 on the bases of part 2 of article 141¹ of the code of spatial planning, architectural and construction activities of Georgia, approved the "Rules and conditions for legalization of an object or part of a building constructed without the permission and /or violation of the project", also, the deadline for started and uncompleted object, which started before January 1, 2007, and the rules and conditions for its legalization. This rule defines the process of making decision about the object built without permission and/or in violation of the project. It applies to object or part of a building constructed without the permission and /or violation of the project before 1 January 2007.

This rule also applies to apartment buildings without the permission and /or violation of the project those constructions that started and not completed before January 1, 2007, completion of which does not mean increasing the number of buildings and / or adding floor (floors).

The resolution came into force upon publication.

№255 Resolution of the Government of Georgia

On 2nd of March, 2020, in accordance with Article 20, Paragraph 4 of the Organic Law of Georgia „on Normative Acts”, a change was made in the resolution of the Georgian Government Decision of №255 of 31st of May, 2019 „On the issuance of construction permits and on the terms and conditions of operation of the building ", particularly:

Paragraph 3 of the article 1 formed as follows:

„3. Permits for construction in the cultural heritage protection zone or other special regulation zone shall also be issued in accordance with the legal regimes established (intended) for this zone. “

The first paragraph of the article 2:

Subparagraph "C" was formed as follows:

„C) Planting Project -the project of arranging a planting space in the construction area, which may include the transplantation of green plants on the site, compensation planting and / or greenery to be planted, in accordance with the rules established by law;

Subparagraph "U" was formed as follows:

„U) Linear construction – Fence, street, highway, railway, all kinds of pipelines, piping, air-cable route, power transmission line, communication line (network), funicular, melioration and irrigation construction, bridge, tunnel;

After sub-paragraph “V”, the following sub-paragraph “W” was added:

„W) Place of residence – The part of the building that is used for people to stay for a long time”.

Changes have also been made to the types of construction and accordingly, the article 4 is formulated as following:

"Article 4, types of construction

1. Types of construction are:

- A) new construction (including montage);
- B) reconstruction;
- C) repair (mending, cladding/ equipping);
- D) dismantling (dismantlement/demolition of an existing building);
- E) landscaping construction.

2. New construction of buildings is such construction, which is carried out in the part of the land plot where there is no building or the existing one is getting completely replaced. New construction is also the montage / placement of a temporary building.

3. Reconstruction can be of the following types:

- A) reconstruction of the building – to construct new floor (s) on buildings or dismantling of an existing floor (s), as well as change of the construction area of any of its floors more than 1 m²;
- B) exterior reconstruction - Changing the dimensions of the architectural-construction parts / details of the exterior (building calculation surface, roof) by more than 0.1 meters and / or adding / removing such parts / details, technical implements, including the change of external materials and color, which substantially changes the exterior of the building and does not cause a change in area of more than 1 m²;
- C) reconstruction of load-bearing elements- Replacement of the load-bearing structure with new and / or other types of construction, as well as reinforcement of the damaged / out-of-order load-bearing structure, remove of the load-bearing structure, cut the sunroof in the interior of the building;
- D) reconstruction of networks - remodeling, replacement, addition or reduction of engineering communication networks of buildings;
- E) such a change in the function of buildings of III, IV classes or their parts that changes the occupation;
- F) changing of fire resistance separations in III, IV class buildings.

4. Repair (mending, cladding/ equipping) does not require a building permit and / or construction notice. Repair is a construction in which defects are eliminated so that the appearance and load-bearing structures of the building do not change, namely:

- A) moving partitions (except for fire resistance separations) in the interior of the building, adding new ones and / or diminish, as well as cutting sunroofs in them;
- B) repair of engineering-technical networks for individual use of buildings;

- C) repair / renovation of the parts of the common-use engineering-technical systems of buildings intended for the service of apartments or other dwellings, parking lots, storerooms (including those parts of common-use engineering-technical systems located in apartments or other dwellings, parking lots, storerooms);
- D) repair / renewal of technological equipment and technological systems, as well as local engineering and technical networks and transportation mechanical devices;
- E) carrying out all kinds of repairs and coverings of the building, including the facade and the roof, without substantially changing the size and appearance (except for monuments of cultural heritage);
- F) repair-refit of linear buildings without changing their capacity and characteristics, with protecting the technical norms.

5. Landscape construction defined by the subparagraph “e” of paragraph 1 of this article involves the construction of a square, garden, park, boulevard and / or land improvement, as well as arranging plants, lawns and other vegetation. ”

The full version of the changes can be found on the official website of the Georgian Herald with the identification code: 300310000.10.003.021850.

The resolution came into force upon publication.

Order № 996 of the Minister of Finance of Georgia

On 26th of March, 2020, the following amendments have been made to the instructions approved by the order of the Minister of Finance of Georgia of December 31, 2010 “On Administration of Taxes”:

After the article 25¹ paragraph 15 subparagraph „e”, sub-paragraph “f” with the following content has been added:

"F) while transporting goods related to construction, in accordance with the article 25³ of this instruction."

After the article 25² , paragraph 5, subparagraph "e", the following subparagraph "f" with the following content was added:

"F) while transporting goods related to construction, in accordance with the article 25³ of this instruction.”

The rules and conditions for the use of the consignment note when transporting goods related to construction shall be determined by the same amendment document, you can find the full version on the official website of the Georgian Herald with the identification code: 200090000.22.033.017309.

The order came into force upon publication.

№255 Resolution of the Government of Georgia

On 13th of March, 2020, in accordance with article 20, paragraph 4 of the organic law of Georgia „on normative acts”, there was made the changes in the resolution №255 of the government of Georgia of 31st of May, 2019 "Issuance of construction permit and on the terms and conditions of operation of the building” and paragraph 9 with the following content was added to the article 31 of the “rules and conditions for issuance of a construction permit and operation of a building” approved by the resolution:

„9. If, after the operation of the building, it is found that it has a structural defect (s),the architect (architectural company), the constructor, the person supervising the construction, the construction company or the relevant person operating the building shall be responsible for this on the basis of the relevant expert conclusion.”

The resolution came into force upon publication.