

# Legal Newsletter

(April 2020)

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

## №515 Order of the Minister of Justice of Georgia

On 6<sup>th</sup> of April, 2020, Order №515 of the Minister of Justice of Georgia approved the rules "On Enforcement Proceedings" different from those established by the legislation of some services/actions provided by the Law of Georgia. According to the mentioned rule, the legal entity of public law operating in the field of governance of the Ministry of Justice of Georgia - the National Bureau of Enforcement has been given the right to receive/register and start enforcement proceedings even without the original of the writ of execution / enforcement act, which is submitted in accordance with the rules established by the legislation of Georgia. The creditor / applicant shall be entitled in order to start the enforcement proceedings, submit the following acts of enforcement established by Article 2 of the Law of Georgia on Enforcement Proceedings and the documents provided in Article 25 of the same Law to be submitted to the special portal via [my.gov.ge](http://my.gov.ge) and / or [info@nbe.gov.ge](mailto:info@nbe.gov.ge) e-mail.

The full version of the order can be found on the official website of the Georgian Herald with the identification code: 120060030.22.027.017011.

This order is valid from its publication on the "Measures to be taken on the declaration of a state of emergency on the whole territory of Georgia" until the expiration of the Decree N1 of the President of Georgia of March 21, 2020.

## Nº257 Order of the Minister of Finance of Georgia

On 10<sup>th</sup> of April, 2020, an amendment was made to Order Nº 257 of the Minister of Finance of Georgia of August 29, 2019 "on Approval of Instructions on Moving and registration of goods in the Customs Territory of Georgia", according to which paragraph 5 of the Order shall be formed as follows:

„5. The pre-determined term of temporary import may be extended several times, provided that the total time limit for the temporary importation of goods shall not exceed 10-year term specified in Part 4 of Article 139 of the Customs Code of Georgia, except for the case provided for in paragraph 8 of this Article. ”

After the paragraph 7, paragraph 8 of the following content was added:

„8. In cases specified by an individual administrative-legal act of the Minister of Finance of Georgia the 10-year restriction established by Article 139, Part 4 of the Customs Code of Georgia shall not apply if the goods are used in the temporary import procedure. if the mentioned goods are used:

- A) For the implementation of a strategic project for the country;
- B) For the implementation of a significant infrastructure project;
- C) For the implementation an important social project;
- D) for educational and scientific purposes. ”

The order came into force upon publication.

## Nº521 Order of the Minister of Justice of Georgia

On 15<sup>th</sup> of April, 2020, by the Order N521 of the Minister of Justice of Georgia was approved "Rules and Conditions of Service by the National Agency of Public Registry, a Legal Entity under Public Law for the Prevention of the Dissemination of New Coronavirus (COVID-19)." This order defines the rules and conditions different from the administration activities of the legal entity of public law operating in

the field of governance of the Ministry of Justice of Georgia - the National Agency of Public Registry (hereinafter - the Agency), as well as the services provided by the legislation.

The order came into force upon its publication and is valid for the duration of the N1 Decree of the President of Georgia of March 21, 2020 on the Measures to be taken on the declaration of a state of emergency in the whole territory of Georgia.

### Criminal Code of Georgia

On 23<sup>rd</sup> of April, 2020, amendments were made to the Criminal Code of Georgia, according to which Article 359<sup>1</sup> of the following content was added to the Code:

"Article 359<sup>1</sup> is a violation of the state of emergency or martial regime

Violation of the state of emergency or martial law defined by the Decree of the President of Georgia and / or other relevant normative acts (including violation of the rules of isolation and / or quarantine established in connection with the issues envisaged by the Law of Georgia on Public Health, if this rule is part of the state of emergency or martial law) by an administratively convicted person and / or a person convicted of a crime under this article,

shall be punished by imprisonment for up to six years, unless other thing is provided by the Decree of the President of Georgia.

Note: A legal entity shall be punished by a fine, deprivation of the right to operate or liquidation and a fine for the actions provided for in this Article, unless other thing is provided by the Decree of the President of Georgia.

The law came into force on 2<sup>nd</sup> of May, 2020.

## №257 Order of the Minister of Finance of Georgia

On 28<sup>th</sup> of April 28, 2020, an amendment was made to the №257 Order of the Minister of Finance of Georgia dated 29<sup>th</sup> of August, 2019 on the approval of the instructions on the movement and registration of goods on the Customs Area of Georgia. According to the mentioned amendment paragraphs 5 and 6 of the following content have been added to article 6:

„5. Until the danger of new Coronavirus (COVID-19), declared a pandemic by the World Health Organization, diminishes and after its reduction, before receiving the appropriate notification from the European Commission, "On the one hand, on the Association Agreement of June 27, 2014 between Georgia and, on the other hand, the European Union and the European Atomic Energy Union and their Member States." and in order to take the advantage of benefits provided in the free trade agreement of June 27, 2016 between the countries of the European Free Trade Association and Georgia, "about the Rules of Preferential Origin of Pan-Euro-Mediterranean Sea" Certificate of Preference issued in accordance with annexes I and II of the Regional Convention EUR.1 can be submitted as a copy signed and stamped (if any) by the declarant, in accordance with the requirements of this instruction - electronically or in material form.

6. After the expiration of the period provided for in paragraph 5 of this Article, the declarant is obliged to submit an original EUR.1 certificate copy of the of preferential to the Customs Authority upon request. ”

The order came into force upon publication.

## №511 Order of the Minister of Justice of Georgia

On 29<sup>th</sup> of April, 2020, an amendment was made to the №511 order of the Minister of Justice of Georgia dated 31<sup>st</sup> of March, 2020 "on the activities of the Legal Entity of Public Law - the Notary

Page 4 of 6

Chamber of Georgia and the establishment of the rules and conditions of services by notaries to support the prevention of the spread of new coronavirus (COVID-19) in Georgia." According to the mentioned amendment, sub-paragraph "b2" of the following content was added to sub-paragraph "b":

B<sup>2</sup>) In order to get notary services you need to take a "live queue". It is not allowed to break the sequence of queue. The customer, who for some reason lost the queue, in order to receive the service must take a seat in the queue again. It is also not allowed to create any list in order to add the user and / or control the queue. Enforcement police provide security and defend discipline in the area around the temporary bureaus and arranges / manages the number of customers to receive notarial services in accordance with this subsection. Enforcement police periodically provide oral information to users of the rule provided for in this subsection, and along the line, the temporary placement of the relevant information sheet on the facade of the building in which the temporary bureau operates - the Chamber;

Subparagraph "m" was formed as follows:

„m) The working hours of the temporary bureau are set from Monday to Friday (Except for the holidays defined by the Organic Law of Georgia "Labor Code of Georgia"), from 8.00 am to 18.00 pm. The Enforcement Police are supervising the temporary closure of the bureau by a notary at 18.00 and leaves the area after a notary. "

The order came into force upon publication.

## **№518 Order of the Minister of Justice of Georgia**

On 29<sup>th</sup> of April, 2020, amendments were made to order №518 of the Minister of Justice of Georgia dated 9<sup>th</sup> of April, 2020 on the approval of the rules for the administration of services and activities of the LEPL State Services Development Agency in order to prevent the spread of the new coronavirus

(COVID-19). These changes first of all specified the list of services provided in the first paragraph of the order, which may be implemented only during a state of emergency. In addition, paragraph 2 of the order was formulated as follows:

„2. The Agency is authorized to receive applications electronically On the services specified with subparagraphs “d”, “e”, “h” and “k” - “u” of paragraph 1 of this Article, when electronic communication allows direct visual contact between the applicant and the person authorized to receive the application and the applicant can be identified and verified using the information available in the Agency's electronic database. ”;

C) After paragraph 2, 2<sup>1</sup> paragraph of the following content have been added:

„21. In case of legalization and apostille certification of documents issued in Georgia for sending to a foreign country or when translating Georgian-language documents subject to legalization or apostille certification into a foreign language the person must send the relevant documents to the Agency in material form, by mail.”

The full version of the changes can be found on the official website of the Georgian Herald with the identification code: 120160030.22.027.017020.

The order came into force upon publication.