



Legal Newsletter

(October 2022)

The present newsletter contains significant legislative amendments made in various legislative and sub-legislative acts in October 2022.

Law of Georgia on Spatial Planning, Architectural and Construction Activities of Georgia

On 7th of October, 2022 an amendment was made to the Code of Spatial Planning, Architectural and Construction Activities of Georgia, according to which:

1. Section 9 of Article 141 was formed with a new version:

„9. Until 1st of March, 2024, the expert evaluation and technical supervision of the permit documentation defined by this Code shall be carried out by the persons specified in the temporary rule for the implementation of the expert evaluation and technical supervision of the permit documentation together with the accredited inspection bodies and certified experts.

2. Section 7 with the following content was supplemented to the Article 144:

„7. Article 140 of this Code (mandatory certification in the implementation of architectural activities and construction activities) was suspended until March 1, 2024."

The effect of Article 141, Part 9 of the Code of Spatial Planning, Architectural and Construction Activities of Georgia provided by the first part of the first article of this law is extended to the legal relationships arising from October 1, 2022.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge>, with the registration code: 330090000.05.001.020631.

The law came into force upon its publication.



Civil Procedure Code of Georgia

On 18th of October, 2022 a number of amendments were made to the Civil Procedure Code of Georgia, including:

1. Section 1¹ with the following content was supplemented to the Article 178:

„1¹. Norms of the convention on the protection of human rights and fundamental freedoms and its additional protocols and precedents of the European Court of Human Rights on a similar legal issue, which, in the plaintiff's opinion, justifies the validity of his request" shall also be referred in the claim.

2. Section 2¹ with the following content was supplemented to the Article 201:

„2¹. Norms of the convention on the protection of human rights and fundamental freedoms and its additional protocols and precedents of the European Court of Human Rights on a similar legal issue, on which the defendant's position is based" are also possible to refer in the written answer of the defendant.

3. Section 4 of Article 249 was formed with the following redaction:

„4. In the motivational part of the decision there should be mentioned the legal assessment and the laws by which the court was guided. In the motivational part of the decision, the precedents of the European Court of Human Rights, by which the court was guided, can also be indicated on a similar legal issue."

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 060000000.05.001.020637

The Law, except for the first Article of this Law, came into force upon its publication.

The first article of the Law will come into force on the 30th day after its publication.



General Administrative Code of Georgia

On 18th of October, 2022 part 3 of the Article 53 (justification of the administrative-legal act) and Article 181 (contents of the administrative complaint) of the General Administrative Code of Georgia were formed with a new edition.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 020000000.05.001.020635

The law came into force upon its publication.

Law of Georgia "On Lawyers"

On 18th of October, 2022 the following amendment was made to the Law of Georgia "On Lawyers":

1. Article 11:

a) Sub-paragraph "b" of paragraph 5 was formed with the following redaction:

„b) International law of human rights, including, case law of the European Court of Human Rights;"

b) Sub-paragraph "b" of the paragraph 6 was formed with the following redaction:

„b)) International law of human rights, including, case law of the European Court of Human Rights;"

გ) Sub-paragraph "b" of the paragraph 7 was formed with the following redaction:

„b) International law of human rights, including, case law of the European Court of Human Rights;"

2. Sub-paragraph "e" of the paragraph 7, article 26 was formed with the following redaction:

„e) Determines the continuing mandatory legal education program for lawyers and the procedure for its implementation. An essential component of the continuing mandatory legal education program for lawyers shall be training of international law of human rights, including the case law of the European Court of Human Rights.



Article 2. The Executive Council of the Georgian Bar Association shall, within 60 days from the enactment of this law, ensure that international law of human rights, including the case law of the European Court of Human Rights, is considered as a necessary component of the continuous mandatory legal education program for lawyers.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 160000000.05.001.020636.

The Law, except for the first Article of this Law, came into force upon its publication.

The first article of the Law shall come into force on the 60th day after its publication.

Administrative Offenses Code of Georgia

On 18th of October, 2022 the following amendment was made to the Administrative Offenses Code of Georgia:

1. 2¹ with the following content was supplemented to Article 266:

„2¹. In the resolution, there may also be referred the norms of the European Convention for the protection of human rights and fundamental freedoms and its additional protocols and the precedents of the European Court of Human Rights on similar legal issues, which the court was guided by.

2. Sub-paragraph "d" with the following content was supplemented to the part 6 of Article 272:

„d) The decision of the court of the first instance contradicts the European Convention for protection of human rights and fundamental freedom and/or its additional protocol/protocols and the precedent law of the European Court of human rights on similar legal issues.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 020000000.05.001.020634.

The Law came into force upon its publication.



Order №37/04 of the President of the National Bank of Georgia

On 12th of October, 2022 paragraph 2 of Article 7 "on approval of the rules for registration and regulation of currency exchange points" was formed with the following redaction:

„2. The point shall submit the consolidated quarterly report (Appendix No. 3) to the National Bank through the NBFi remote supervision portal of the National Bank of Georgia no later than 10 working days after the end of the reporting quarter, in accordance with the order №69/04 of the President of the National Bank of Georgia made on April 13, 2020 „on approval of the rules for using the NBFi remote supervision portal".

2. Annex №3 of the rule was formed with the attached edition.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 220090000.18.011.016648.

The Order came into force upon its publication.

Order №996 of the Minister of Finance of Georgia

On 18th of October, 2022 paragraph 2 of Article 11 of the instruction "on the administration of taxes" approved by Order №996 of the Minister of Finance of Georgia made on December 31, 2010 was formed with a new redaction:

„2. Via the website of the service - a document/letter prepared and submitted by a person in electronic form does not require a signature/qualified electronic signature/qualified electronic stamp. In addition, the document/letter created and sent by the tax/customs authority in electronic form does not require the signature of the authorized person. The document/letter provided in this paragraph has the same legal force as a document/letter submitted/sent in written form, certified with a personal signature and seal."



You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 200090000.22.033.017626.

The Order came into force upon its publication.

Order №18 of the head of the Insurance State Supervision Service of Georgia

On 21st of October, 2022 The following amendments were made to the "instruction on protection of consumers' rights during the provision of insurance services by the insurer" approved by the order №18 of the head of the Insurance State Supervision Service of Georgia made on April 3, 2017 "on the approval of the instruction on the protection of consumers' rights during the provision of insurance services by the insurer".

1. Sub-section "e¹" with the following content was supplemented after the sub-section "e" of paragraph 4, Article 4 of the instruction:

„e¹) Information about the conditions, term and procedure for withdrawing from the contract (including indication of the address where such notice should be sent), if the contract is concluded remotely, for an indefinite period or is automatically prolonged. Including the information that the user cannot refuse the contract, if, in accordance with this rule, it is impossible to refuse the contract;"

2. Paragraph 5¹ with the following content was supplemented after the paragraph 5, article 4 of the instruction:

„5¹. If it is possible to refuse the contract, the insurer is obliged to provide the customer with a form to be filled in case of refuse the contract together with the important terms of the contract.";

3. Article 4¹ with the following content was supplemented after the Article 4 of the instruction:

Article 4¹. Refusal of contract

1. The customer has the right to refuse the contract, without specifying any reason, penalty or extra charge:

a) In the case of a life insurance contract - within 30 days of its conclusion;

b) In case of conclusion of the insurance contract remotely or out of trade - within 14 days from its conclusion.



2. A condition that imposes a fee and/or penalty on the customer in case of refusal of the contract is void.

3. The first paragraph of this article does not apply to:

a) For the services whose price does not exceed 30 GEL;
b) on insurance contracts, the validity period of which is less than the period of the right of refusal;

c) on an insurance contract related to the main contract, when the main contract does not include the right of refusal;

d) on an insurance contract, the price of which depends on changes in the financial market, which are not under the control of the insurer and which may occur during the period of using the right to refuse the contract;

e) If the insurer/insured, before the expiration of the right to refuse the contract, directly and clearly request, taking into account the terms of the insurance contract, to receive the service and the insurer provided information that by receiving the relevant service, he loses the right to refuse."

4. Paragraph 4, annex 1 of the instruction was formed with the following redaction:

„4. The insurer should assign the category of claim to the one of the categories provided by sub-section "c" of the third paragraph of Article 6 of the Instruction. However, if the content of the claim belongs to two or more categories, they are accounted separately for reporting purposes."

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 290160000.60.072.016064.

The Order came into force upon its publication.

Resolution №455 of the Government of Georgia

On 19th of October, 2022 "Instructions on the rules and conditions for issuing permits for the activities of customs warehouses and free trade points":

1. Sub-paragraph „e.e.a” of the Article 2 was formed with the following redaction:



„e.e.a) Storage of Georgian goods to be exported from the customs territory of Georgia, originating/produced in the customs territory of Georgia for a period of up to 12 months, and in other cases (except for the provisions of the "e.e.c" subsection of this article) - storing Georgian goods for a period of up to 3 months;"

2. Appendix №5 was formed with a new redaction, according to which, in the case of storage of Georgian goods in the customs warehouse provided in sub-paragraph "e,e,a", Article 2 of the instruction, the first - 7th columns of the appendix shall be filled, and in the 16th column ("note"), the details (registration number and date of the relevant letter) of the consent issued by the customs authority for the storage of Georgian goods in the customs warehouse shall be filled.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 240090000.10.003.023706.

The Resolution came into force upon its publication.

Resolution №7 of the Georgian National Communications Commission

On 20th of October, 2022 appendix №3 of resolution №7 made on August 23, 2013 of the Georgian National Communications Commission "on approval of forms of property declarations submitted by natural and legal entities" was approved with a new edition.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 240090000.10.003.023706.

The Resolution came into force upon its publication.