

# Legal Newsletter

## (February 2024)

The present newsletter contains significant legislative amendments made in various legislative and sub-legislative acts in February 2024.

### Order №77/04 of the President of the National Bank of Georgia

On the 2<sup>nd</sup> of February, 2024 by the Order №21/04 of the President of the National Bank of Georgia paragraph 12<sup>1</sup> with the following content was supplemented to the Rule №77/04 of the President of the National Bank of Georgia made on the 1<sup>st</sup> of May, 2023 „on the approval of the registration and regulation rules of Payment Service Provider”.

„12<sup>1</sup>. if the administrator/administrators of the interested person and/or the direct/indirect also beneficial owner (owners) of significant share/person with significant influence owns a share(s) in the entity(ies) under the supervision of the National Bank or represents an administrator in the entity(ies) under supervision of the National Bank and has passed at least the relevant and/or more complex suitability check of the administrator/administrators and/or significant share both direct/indirect and beneficial owner(s)/person with significant influence in the National Bank, National bank is authorized to take into account the information/documentation submitted to the National Bank during the determination of suitability and no longer require the interested person to submit the information/documentation specified in subsections "L", "M", "N", "O" and/or "P" of Article 3, paragraph 2 of this rule.

You can see the full version of the above Rule at the link: <https://matsne.gov.ge> with the registration code: 200090000.18.011.016827

The Order came into force upon its publication.

## Order №996 of the Minister of Finance of Georgia

On the 5<sup>th</sup> of February, 2024 by the Order №37 of the Minister of Finance of Georgia, an amendment was made to the instruction №996 of the Minister of Finance of Georgia on „Administrations of Taxes“, made on the 31<sup>st</sup> of December, and Article 47 (cancellation of registration as a VAT payer) and etc. was formed with new redaction.

You can see the full version of the amendment to the above Instruction at the link: <https://matsne.gov.ge> with the registration code: 200090000.22.033.017799

The Order came into force upon its publication.

In the same Order, on the 5<sup>th</sup> of February, 2024 by Order №38 of the Minister of Finance of Georgia an amendment was made in the instruction №996 of the Minister of Finance of Georgia on „Administrations of Taxes“ made on the 31<sup>st</sup> of December, 2010 and Article 73<sup>2</sup> (recalculation and/or cancellation of VAT deductible amount) and etc. were formed with the new redaction.

You can see the full version of the amendment to the above Instruction at the link: <https://matsne.gov.ge> with the registration code: 200090000.22.033.017800

The Order came into force upon its publication.

## Order №06/M of the Minister of Education, Science and Youth of Georgia

On the 12<sup>th</sup> of February, 2024 by order №24/M of the Minister of Education, Science and Youth of Georgia an amendment was made to the Order №06/M of the Minister of Education, Science, Culture and Sports of Georgia made on the 29<sup>th</sup> of January, 2019 on „the approval of rules and conditions for the protection of safety and public order in a general educational institution" and Article 3 (mechanisms for the protection of safety and public order); Article 9 (receiving psychological help), etc. 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: 430090000.22.022.018442

The order, except subparagraph "a" of paragraph in article 1 and subparagraph "c" of paragraph 2 of this order, is effective immediately upon publication.

Sub-paragraph "a" of the first paragraph of the first article and sub-paragraph "c" of the 2<sup>nd</sup> paragraph of the order shall come into force immediately after publication and its effect shall be extended to the legal relations arising from the 1<sup>st</sup> of January, 2024.

### **Order №34/04 of the President of the National Bank of Georgia**

On the 14<sup>th</sup> of February, 2024 the liquidation rule of the microfinance organization was approved along with the attached appendix and the order № 59/04 of the President of the National Bank of Georgia made on the 5<sup>th</sup> of April, 2018 "on approval of the liquidation rule of the microfinance organization" was declared invalid.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 220090000.18.011.016829

The Order came into force upon its publication.

### **Order №35/04 of the President of the National Bank of Georgia**

On the 14<sup>th</sup> of February, 2024 the rule for the liquidation and declaration of insolvency and/or bankruptcy of a commercial bank was approved with the attached appendix and the order №46/04 of the President of the National Bank of Georgia made on the 16<sup>th</sup> of March, 2018 "on approval of the rule for liquidation and declaration of insolvency and/or bankruptcy of a commercial bank" was declared invalid.

You can see the full version of the amendment to the above Rule at the link: <https://matsne.gov.ge> with the registration code: 220090000.18.011.016830

The Order came into force upon its publication.

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

On the 15<sup>th</sup> of February, 2024 by Order №47 of the Minister of Finance of Georgia an amendment was made to Order №257 of the Minister of Finance of Georgia made on the 29<sup>th</sup> of August, 2019 "on the approval of instructions on the movement and clearance of goods in the customs territory of Georgia" and the instruction of "Customs Control" (Appendix №2); instruction "on Customs Supervision" (Appendix №3), etc. were formed with a new edition.

You can see the full version of the above Instruction at the link: <https://matsne.gov.ge> with the registration code: 230210000.22.033.017802

The Order came into force on the 3<sup>rd</sup> day of its publication.

In the same Order on the 15<sup>th</sup> of February, 2024 by Order №46 of the Minister of Finance of Georgia an amendment was made to the Order №257 of the Minister of Finance of Georgia "on approving instructions on the movement and clearance of goods in the customs territory of Georgia" made on the 29<sup>th</sup> of August, 2019 and appendix №8 of the instruction "on declaration and registration of goods in the customs procedure or re-export" was formed with a new edition.

You can see the full version of the above Instruction at the link: <https://matsne.gov.ge> with the registration code: 230210000.22.033.017801

The Order came into force upon its publication.

### **Order №28/M of the Minister of Education, Science and Youth of Georgia**

On the 15<sup>th</sup> of February, 2024 by order №28/M of the Minister of Education, Science and Youth of Georgia in Article 2 of the "General Educational Institution manual/series grading rule" approved by the first article of the Order №28/M of the Minister of Education and Science of Georgia made on the 16<sup>th</sup> of February, 2017" on the approval of the rules for grading the manual/series of the general educational institution"

1. Sub-paragraph "h" was formed with the following redaction:

„H) Manual maquette questionnaire (hereinafter - questionnaire) - a document that contains information about a specific manual maquette. The requisites of the questionnaire

are approved by the Minister of Education, Science and Youth of Georgia (hereinafter - the Minister) with individual administrative-legal act ;".

2. Sub-section „P“ was formed with the following redaction:

„P) Applicant - a natural or legal person/persons, who submit/submits a registration application to the Ministry of Education, Science and Youth of Georgia (hereinafter referred to as the Ministry) with a request to grant certification for a specific textbook/series model;

You can see the full version of the amendment to the above Rule at the link: <https://matsne.gov.ge> with the registration code: 430210000.22.022.018446

The Order came into force upon its publication.

### **Order №3 of the Chairman of the Legal Entity under Public Law - National Center of Intellectual Property of Georgia – Sakpatenti**

On the 21<sup>st</sup> of February, 2024 "granting the status of the authorized person to the institution, canceling this status and rule for providing information to the National Intellectual Property Center of Georgia - "Sakpatenti" by an authorized person" was approved and the form of submission of information to Sakpatenti by the authorized person was approved too (in Excel format) with the form of attachment №1.

You can see the full version of the above Rule at the link: <https://matsne.gov.ge> with the registration code: 050040000.48.065.016035

The order, except for Article 3 of the rule approved by this order, is effective from the 22<sup>nd</sup> of February, 2024.

Article 3 of the rule approved by the order shall come into force from the 1<sup>st</sup> of July, 2024.

### **Order №08 of the Head of the Personal Data Protection Service**

On the 29<sup>th</sup> of February, 2024 according to the order №26 of the head of the personal data protection service, an amendment was made "in the Personal Data Protection Service

Administrative Violation Protocol form, its storage, use and accounting-reporting rules" and Article 3 (keeping the protocol form and transferring it to the authorized persons) was formed with a new edition.

You can see the full version of the above Rule at the link: <https://matsne.gov.ge> with the registration code: 010100000.78.091.016027

The Order came into force from the 1<sup>st</sup> of March.

### **Order №25 of the Head of the Personal Data Protection Service**

On the 29<sup>th</sup> of February, 2024 the Code of Ethics of the employees of the Personal Data Protection Service was approved and the Order №14 of the Head of the Personal Data Protection Service made on the 19<sup>th</sup> of July, 2023 "on the approval of the Code of Ethics of the Employees of the Personal Data Protection Service" was declared invalid.

You can see the full version of the above document at the link: <https://matsne.gov.ge> with the registration code 010100000.78.091.016026

The Order came into force from the 1<sup>st</sup> of March.

### **Order №23 of the Head of the Personal Data Protection Service**

On the 29<sup>th</sup> of February, 2024 in order to transfer personal data to another state, in the attached form, the "list of countries with appropriate guarantees of personal data protection" was approved and the order №03 of the Head of the Personal Data Protection Service made on 2<sup>nd</sup> of March, 2022 on "approving the list of countries with appropriate guarantees of personal data protection" was declared invalid.

You can see the full version of the amendment to the above List at the link: <https://matsne.gov.ge> with the registration code: 010100000.78.091.016024

The Order came into force from the 1<sup>st</sup> of March.

## Resolution №257 of the Government of Georgia

On the 29<sup>th</sup> of February, 2024 according to the Resolution №58 of the Government of Georgia in accordance with paragraph 4 of Article 20 of the Organic Law of Georgia "on Normative Acts", an amendment was made to Resolution №257 of the Government of Georgia made on the 31<sup>st</sup> of May, 2019 "on the rule for issuing construction permits and permit conditions for facilities of special importance (including radiation or nuclear facilities) and in the Resolution:

1. Article 47:

A) Sub-paragraph "m" with the following content was supplemented to the first paragraph:

„M) Reduction of plots of land to be used for construction during the construction of highways of international and/or domestic significance and/or engineering structures on them, on which no construction works were carried out.";

B) Paragraph 3<sup>1</sup> was supplemented after the paragraph 3.

„3<sup>1</sup>. In the case of making amendments in the construction document specified by subsection "m" of the first paragraph of this article, the customer is obliged to submit the corrected data of the plots of land to be used for construction to the agency. The agency confirms the amendment made in the construction document in written form. The letter of agreement is an integral part of the construction permit and must be attached to all copies of the construction documents defined by this resolution.";

C) Paragraph 4 was formed with the following redaction.

„4. The amendments specified in the construction document under the first paragraph of this article (except for the cases provided in paragraphs 3 and 31 of this article) during the procedure of putting the building into operation are permissible amendments, and they are confirmed in the manner provided in paragraph 6 of article 66 of this resolution."

2. Chapter XIX<sup>2</sup> was supplemented after the XIX<sup>2</sup>.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 230210000.10.003.024450

The Resolution came into force upon its publication.

## Resolution №56 of the Government of Georgia

On the 29<sup>th</sup> of February, 2024 by the Resolution №56 of the Government of Georgia "on Local Fees" in accordance with paragraph 2, Article 178 of the Law of Georgia, the attached "container fee payment rule, periodicity and term" was approved.

You can see the full version of the amendment to the above document at the link: <https://matsne.gov.ge> with the registration code: 210020010.10.003.024448

The Resolution came into force upon its publication and extended to legal relationships arose from the 1<sup>st</sup> of February, 2024.