

Legal Newsletter

(May 2024)

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

Law of Georgia "on Licenses and Permits"

On the 15th of May, 2024 the following amendment was made to the Law of Georgia "on Licenses and Permits":

1. Paragraph 5 of Article 9¹ was formed with the following redaction:

„5. The technical safety norms of the building-structure provided in subparagraph "e" of paragraph 3 of this article and the authorized person issuing the document confirming compliance with the technical safety norms of the building-structure is determined by the technical regulations stipulated by the first paragraph of Article 15 and the first paragraph of Article 17 of the Law of Georgia "on Weapons".

2. Article 22² with the following content was supplemented to the law:

Article 22². Revoking licenses for activities provided in paragraphs 10¹-11² of Article 6 of this law due to non-compliance with the amended license conditions

1. The owners of licenses for activities provided in paragraphs 10¹-11² of Article 6 of this law (including the license provided for in paragraph 2 of Article 38 of this law) are obliged to ensure compliance with the amended license conditions no later than 1 year after the amendment of these conditions.

2. Holders of licenses for the activities specified in the first paragraph of this article are obliged to submit documentation confirming compliance with the amended license conditions to the license issuer in writing no later than 5 calendar days after the expiration of the term provided in the same paragraph.

3. License issuer:

a) declares the license invalid within 7 calendar days, if the license holder has not submitted the documentation confirming compliance with the amended license conditions in accordance with the procedure established by paragraph 2 of this article;

b) within a period of 30 calendar days reviews the documentation confirming compliance with the amended license conditions submitted by the license holder and makes a written decision:

b.a) about declaring the license invalid, if compliance with the amended license conditions is not confirmed by the mentioned documentation;

b.b) Regarding compliance with the amended license terms.

4. The license issuer takes the decision specified by this article according to the simple administrative procedure established by the General Administrative Code of Georgia."

You can see the full version of the above document at the link: <https://matsne.gov.ge> with the registration code: 300310000.05.001.102257

The Law will enter into force on the 180th day after its publication.

Law of Georgia on Maritime Code of Georgia

On the 15th of May, 2024 Parts 5¹ 5² of Article 70 of the Maritime Code of Georgia (Sea Port) and Article 78¹ (Definition of Terms) were formed with a new redaction.

You can see the full version of the amendment to above document at the link: <https://matsne.gov.ge> with the registration code: 400010020.05.001.102255

The Law, except the first article of this Law, came into force upon publication.

The first article of the Law will come into force from the 1st of October, 2024.

Law of Georgia "on Facilitating the Prevention of Money Laundering and Financing of Terrorism"

On the 30th of May, 2024 an amendment was made to the Law of Georgia "on Facilitating the Prevention of Money Laundering and Financing of Terrorism" and Article 2 (Definition of Terms); Article 3 (Disabled Persons) of the Law etc. were formed by a new redaction.

You can see the full version of the above document at the link: <https://matsne.gov.ge> with the registration code: 080090020.05.001.102261

The Law, except for sub-paragraph 'b' of paragraph 2, Article 1 and paragraphs 4, 9, and 11 of this Law, came into force upon publication."

"Sub-paragraph b of paragraph 2 and paragraphs 4, 9, and 11 of Article 1 of the Law will come into force on from the 1st of December, 2024."

"Order № 002 of the Director of the Pension Agency made on the 30th of July, 2019."

On the 1st of May, 2024 by the order №013 of the director of the legal entity under public law - Pension Agency the following amendment was made in order №002 of the director of the legal entity under public law - Pension Agency made on the 30th of July, 2019 regarding the approval of the instructions on the rules for the payment of pension contributions, the forms of information submission, the administration of overpaid amounts, the accrual of pension contributions, expense, surplus income, loss, other income, surpluses and losses to the individual pension account":

1. Paragraph 7¹ of Article 4 was formed with the following redaction:

„7¹. Except for registration/authorization through the username and temporary password specified in paragraph 5 of this article, the employee/pension recipient is entitled to register/authorize in the electronic system of administration of pension contributions

through the electronic identity card (ID card) or electronic residence card of a citizen of Georgia or by any other means available in the electronic system (if any).

2. Article 5² was supplemented after Article 5¹ with the following content:

„5². Providing access to the electronic system

1. The pension agency is authorized to sign a contract/agreement/memorandum with the third party(ies) for the purpose of informing the participants/pension recipients, to provide alternative means of accessing the employee's pension page, in addition to the provisions of this instruction, in order to receive the relevant services.

2. For the purposes of this article, the relevant service provider is authorized to process personal data only to ensure the opportunity provided in the first paragraph of this article."

You can see the full version of the above document at the link: <https://matsne.gov.ge> with the registration code: 280030000.73.085.016026

The Law came into force upon its publication.

Order №35/M of the Director of the Legal Entity under Public Law - Land Transport Agency

On the 20th of May, 2024 the attached "procedure for issuing Permit Document for International Freight Transportation to/from a Third Country" was approved.

You can see the full version of the amendment to above document at the link: <https://matsne.gov.ge> with the registration code: 310150000.77.090.016035

The Order came into force upon its publication.

Order №257 of the Minister of Finance of Georgia made on the 29th of August, 2019

On the 24th of May, 2024 by Order №164 of the Minister of Finance of Georgia "on the approval of instructions on the movement and clearance of goods in the customs territory of Georgia" an amendment was made to Order №257 of the Minister of Finance of Georgia made on the 29th of August, 2019 and the appendix №20 of the instruction "on the possibility of using the "new computerized transit system (NCTS)" in the implementation of customs formalities was formed with a new redaction.

You can see the full version of the above Instruction at the link: <https://matsne.gov.ge> with the registration code: 230210000.22.033.017821

The Order will come into force from the 27th of May, 2024.

"In the same order, on the 24th of May, 2024, an amendment was made by Order №168 of the Minister of Finance of Georgia and appendix №3 of instruction on customs

supervision"; Electronic registration form of goods (№3-04), etc. were formed with a new redaction.

You can see the full version of the above Instruction at the link: <https://matsne.gov.ge> with the registration code: 230210000.22.033.017824

The order will enter into force on the 30th day after its publication.

Order №996 of the Minister of Finance of Georgia made on the 31st of December, 2010

On the 22nd of May, 2024 by Order №166 of the Minister of Finance of Georgia an amendment was made to the instructions of Order №996 of the Minister of Finance of Georgia made on the 31st of December, 2010 "on Tax Administration" and Appendix "A" ("Information about the disbursement and withheld tax in the reporting month") of the declaration №II-06 ("Declaration of the tax withheld at the source of payment") was formed with a 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: 200090000.22.033.017823

The order, except for subparagraphs "a" and "b.a" of paragraph 2 of the first article, came into force immediately after its publication.

Sub paragraphs "a" and "b.a" of paragraph 2, the first article of this order came into force immediately after publication and their effect was extended to legal relationships arising from the 1st of January, 2024.

In the same order, on the 27th of May, 2024 by order №169 of the Minister of Finance of Georgia, an amendment was made and the title of Chapter XVI³ was formed with the following redaction: Chapter XVI³. Taxable operation implementation place " and Article 66⁶ (Services related to immovable property).

You can see the full version of the amendment to the above Instruction at the link: <https://matsne.gov.ge> with the registration code: 200090000.22.033.017825

The Order came into force upon its publication.

Order №012 of the Prosecutor General of Georgia

On the 28th of May, 2024 the attached rule for the personal data protection officer activity was approved.

You can see the full version of the amendment to the above Rule at the link: <https://matsne.gov.ge> with the registration code: 110060000.70.082.016127

The Order came into force upon its publication.

Order №014 of the Director of the Legal Entity under Public Law - Pension Agency

On the 31st of May, 2024 "the procedure for identifying the fact of violation of the obligation to make pension contribution and the fact of over-making of pension contribution, written and/or electronic warning, refund of the amount of over-made pension contribution, imposition of fine and enforcement" were approved in the form attached to this order.

You can see the full version of the amendment to the above Rule at the link: <https://matsne.gov.ge> with the registration code: 280030000.73.085.016027

The order, except for Article 7 of the rule attached to this order, came into force on the 1st of June, 2024.

Article 7 of the rule attached to the order will come into force on the 30th of September, 2024.