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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GEORGIA

LAW OF GEORGIA
ON AMENDMENTS TO THE CODE OF ADMINISTRATIVE OFFENCES
(adopted on 13 December 2024)

Law of Georgia

On amendments to the Code of Administrative Offences

Article 1. The Code of Administrative Offences (Gazette of the Supreme of Council of Georgia USSR, No. 12, 1984, Art. 421) shall be amended as follows:

1. Para. 1 of Article 77¹ shall be amended as follows:

"1. For the purposes of this Article, acoustic noise is as defined by Technical Regulations "On the Acoustic Noise Limits in the Premises and Territories of Residential Buildings and Social/Public Institutions" (including the noise made by pyrotechnic products).".

2. Article 77² shall be deleted.

3. Para. 6¹ of Article 125 shall be amended as follows:

"6¹. Blocking a road with vehicles in an organised way or taking part in a group driving in a city or other settlement, during which the roadway is fully occupied – shall entail a fine in the amount of GEL 1 000 and suspension of the right to drive a vehicle for a period of one year.".

4. Article 150 shall be amended as follows:

"Article 150. Defacement of the appearance of the territory within the administrative boundaries of a municipality

1. Arbitrary application of various types of inscriptions, drawings or symbols on building facades, shop windows, fences, columns, trees or other plantings without authorisation, also putting up placards, slogans, banners at places not allocated for this purpose or leaving fences and buildings unpainted – shall entail a fine in the amount of GEL 1 000.

2. The same act committed repeatedly – shall entail a fine in the amount of GEL 2 000.

3. Making various types of inscriptions, drawings, symbols on the facades of administrative buildings or in the adjacent territory, including pavement and road surfaces – shall entail a fine in the amount of GEL 2 000.

4. Repeated commission of the offence defined in paragraph 3 of this Article shall entail a fine of GEL 3 000, or, if the application of this measure is deemed insufficient after taking into account the circumstances of the case and the offender's person, an administrative detention of up to 15 days shall be imposed on the offender.

5. The act defined in paragraph 1 of this Article, committed in a cultural heritage protection zone determined under the Law of Georgia "On Cultural Heritage" – shall entail a fine in the amount of GEL 2 000.

6. The act defined in paragraph 5 of this Article, committed repeatedly – shall entail a fine in the amount of GEL 3 500.

7. Failure to remedy the violation defined in this Article within ten days after a fine is imposed – shall entail a fine in the amount of GEL 1 000.

Note:

For the offence defined in paragraph 4 of this Article, the offender shall be deprived of the right to carry arms for up to 3 years."

5. Article 125² shall be amended as follows:

"Article 150² – Defacement of the appearance of the Tbilisi city municipality

1. Arbitrary application of various types of inscriptions, drawings or symbols on building facades, shop windows, fences, columns, trees and plants, on pedestrian walkways and driveways, or putting up of placards, slogans, or banners at places not allocated for this purpose or leaving fences and buildings unpainted, – shall entail a fine in the amount of GEL 1 000.

2. Repeated commission of the same act, – shall entail a fine in the amount of GEL 2 000.

3. Arbitrary application of various types of inscriptions, drawings, or symbols on the facades of administrative buildings and in the adjacent territory, including pedestrian walkways and driveways, – shall entail a fine in the amount of GEL 2 000.

4. Repeated commission of an act under paragraph 3 of this Article, – shall carry a fine in the amount of GEL 2 000.

5. Commission of an act under paragraph 1 of this Article within a cultural heritage protective zone determined by the Law of Georgia "On Cultural Heritage", – shall entail a fine in the amount of GEL 2 000.

6. Repeated commission of the act under paragraph 5 of this Article, – shall entail a fine in the amount of GEL 3 500.

7. Failure to remedy the violation defined in this Article within 10 days after a fine is imposed – shall entail a fine in the amount of GEL 1 000."

6. Article 156¹ shall be deleted.

7. Articles 156²-156⁴ shall be added to the present Code as follows:

"Article 156². Import, export, production and/or sale of pyrotechnic products without a permit/license

1. Import, export, production and/or sale of pyrotechnic products without a permit/license provided for by the legislation of Georgia - shall entail a fine in the amount of GEL 5 000, with or without confiscation of the object of the offence.

2. The commission of any administrative offence provided by this Article by a person who has already been subject to administrative penalty for the commission of any administrative offence provided in the same Article shall entail a fine in the amount of GEL 6 000, with or without confiscation of the object of the offence.

Note:

Pyrotechnic products are products of pyrotechnic composition, the import, export, production and/or sale of which is permitted only by a natural/legal person with an appropriate permit/license

and to create light, sound, smoke and combined effects (including stage effects) during special works, as well as during mass, festive (celebratory) events.

Article 156³. Violation of the permit/license conditions for the import, export, production and/or sale of pyrotechnic products

Violation of the permit/license conditions for the import, export, production and/or sale of pyrotechnic products by the permit/license holder shall entail a fine in the amount of GEL 2 000, with or without confiscation of the object of the violation.

Note:

1. Regardless of the imposition of liability for violation of the permit/license conditions for the import, export, production and/or sale of pyrotechnic products (except for the cases provided in Article 232 of this Code), failure to comply with the permit/license conditions within the specified period in accordance with the rules established by the Law of Georgia "On Licenses and Permits" shall result in the fine provided for in this Article being tripled.

2. If, after the expiration of the specified period from the imposition of the tripled fine, the permit/license holder fails to comply with the permit/license conditions, the fine imposed shall be tripled in accordance with the rules established by the Law of Georgia "On Licenses and Permits" (except for the cases provided for in Article 232 of this Code).

3. Failure by the permit/license holder to comply with the permit/license conditions for the import, export, production and/or sale of pyrotechnic products within the period specified in Part 2 of this Note (except for the cases provided for in Article 232 of this Code) shall result in the cancellation of the permit/license provided for in the Law of Georgia "On Licenses and Permits".

Article 156⁴. Violation of the Rules for the Sale, Purchase, Possession and Use of Pyrotechnic Products

1. Selling a pyrotechnic product to a person who, in accordance with the legislation of Georgia, does not have the right to possess and/or use it, shall entail a fine in the amount of GEL 2 000.

2. The commission of an administrative offence provided in Part 1 of this Article by a person who has already been subject to administrative penalty for the commission of an administrative offence provided in the same Part shall entail a fine in the amount of GEL 3 000.

3. The purchase or possession of pyrotechnic products by a person who, in accordance with Georgian legislation, does not have the right to purchase, possess, and/or use them shall entail a fine of GEL 1 000, with confiscation of the object of the offence.

4. The commission of an administrative offence provided for in Part 3 of this Article by a person who has already been subject to administrative penalty for the commission of an administrative offence provided in the same Part shall entail a fine in the amount of GEL 2 000, with or without confiscation of the object of the offence.

5. Use of pyrotechnic products in violation of the rules established by Georgian legislation shall entail a fine of GEL 2 000, and in the case of a person with specialised knowledge defined by Georgian legislation, an additional suspension of his/her right to carry out activities for a period of one year.

6. Committing an act provided in Part 5 of this Article in a public place shall entail a fine in the amount of GEL 2 500, and in the case of a person with specialised knowledge defined by the

legislation of Georgia, an additional suspension of his/her right to carry out activities for a period of one year.

7. The commission of an administrative offence provided in Part 5 or Part 6 of this Article by a person who has already been subject to administrative penalty for the commission of an administrative offence provided in the same Part shall entail a fine in the amount of GEL 3 500, and in the case of a person with specialised knowledge defined by the legislation of Georgia, an extension of the period of suspension of the right to engage in activity for a year."

8. Article 166² shall be amended as follows:

"Article 166². Vandalism

1. Intentional damage or destruction of infrastructure/inventory located in a square, road, park, underpass, other object intended for public use, including a road sign, traffic light, outdoor surveillance camera, intentional damage to public transport or intentional damage or destruction of inventory in public transport - shall entail a fine in the amount of GEL 1 000.

2. The commission of an administrative offence specified in this Article by a person who has already been subject to administrative penalty for the commission of an administrative offence specified in the same Article - shall entail a fine in the amount of GEL 2 000 or administrative detention for a term of up to 5 days.

Note:

1. This Article shall not apply if a crime provided in Article 187 of the Criminal Code of Georgia has been committed.

2. This Article shall not apply if an administrative offence provided for in Articles 150–150³ of this Code has been committed."

9. Article 172 shall be amended as follows:

"1. Failure of a parent or other legal representative of a child to raise and educate a minor or to fulfill other duties towards a minor, which is manifested in the abusive failure to fulfill the duties of raising and educating a minor, providing a minor with housing, food and other conditions necessary for normal development, the use of narcotic substances by a minor without a doctor's prescription, improper treatment of an animal that caused its suffering, bodily harm, or pain, both once and over a certain period of time, and/or cruel treatment of an animal that caused its death or mutilation, petty hooliganism, hooliganism, committing acts provided for in Parts 3-7 of Article 156⁴ of this Code, committing acts provided for in Article 173 of this Code committing vandalism, drinking alcoholic beverages, violating the rules of tobacco consumption, carrying melee weapons, committing an illegal act against sexual freedom and inviolability, misuse of the single emergency (rescue) services call number - "112", as well as refusal by a parent or other legal representative of a child to conclude an agreement with the Juvenile Referral Center or failure to fulfill the obligations specified in the agreement concluded with the parent or other legal representative of the child - shall entail a fine in the amount of GEL 100 to GEL for the parent or other legal representative of the child."

10. In Article 174¹:

a) Part 4 shall be amended as follows:

"4. Violation of the provisions of Article 9, Article 11 (except for subparagraphs "a¹" and "a²" of paragraph 2 of Article 11) and Article 11¹ of the Law of Georgia "On Assemblies and Demonstrations" shall entail a fine in the amount of GEL 5 000 or administrative detention for a term of up to 15 days, and if the offender is an organiser – a fine in the amount of GEL 15 000 or administrative detention for a term of up to 15 days.";

b) Part five shall be added as follows:

"5. Violation of the norms provided for in subparagraphs "a¹" and "a²" of paragraph 2 of Article 11 of the Law of Georgia "On Assemblies and Demonstrations" shall entail a fine in the amount of GEL 2 000 for the perpetrator."

11. Add new Article 198³ to the Code as follows:

"Article 198³. Illegal wearing of uniforms or attributes established in the system of the Ministry of Internal Affairs of Georgia or wearing of clothing/attributes similar to uniforms or attributes established in the system of the Ministry of Internal Affairs of Georgia

Illegal wearing of uniforms or attributes established in the system of the Ministry of Internal Affairs of Georgia or wearing of clothing/attributes similar to uniforms or attributes established in the system of the Ministry of Internal Affairs of Georgia by a person who is not an employee of the system of the Ministry of Internal Affairs of Georgia, which, taking into account the relevant circumstances, misleads an objective observer, shall entail a fine in the amount of GEL 2 000, with confiscation of the object of offence."

12. In Article 209:

a) Part 1 shall be amended as follows:

"1. Agencies of the internal affairs of Georgia shall hear cases of administrative offences provided in Articles 42¹⁰, 58³, 86¹, 107¹–107³, 107⁵, 108, 114¹, 114² and 115¹, Article 116 (except for Article 116 (3), (5), (6), (8) and (9) of this Code), Articles 116¹–116³, Article 116⁴ para 1, 116⁵ para 1, 116⁶ para 1, 116⁷ para 1, 116⁸, 118–118⁴, 119 and 120–123, Article 125 (except for Article 125 (16) of this Code), Articles 127, 127¹ (1-2²) and (6-7²), Article 128(1) and (2), 129¹, 131 (for administrative offences committed on a motor transport), 134, 135²–135⁴, 139⁵, 152⁷ and 152⁸, 153³ (1), (3) and (4), 153⁶(1), (3) and (4), 155, 156²–156⁴, 166², 167, 170, 171(1) and (2), 171¹ (against all institutions (except for defence forces of Georgia and a penitentiary institutions), against a driver of a vehicle (except for a driver of a railway, sea and air transport), against an owner/proprietor of a railway, sea and air transport, and against a natural person (except for an administrative offence committed by a natural person in a railway transport)), 174¹⁵ (except for Article 174¹⁵(4) of this Code), 174¹⁶ - 174¹⁸, 176¹, 176³, 177 (except for Article 177(4), (5), (8), (12) and (13)), 177¹⁵, 180-181¹, 181³-181⁵, 182-182², 190 and 190²–191¹ and 198³ of this Code."

a) Part 2¹ shall be amended as follows:

"2¹. When an administrative offence provided in Articles 42¹⁰, 86¹, 114², 152⁷, 152⁸, 153³ (1), (3) and (4), 153⁶ (1), (3) and (4), 156²–156⁴, 171¹ (against all institutions (except for defence forces of Georgia and penitentiary institutions), against a driver of a vehicle (except for a driver of a railway, sea and air transport), against an owner/proprietor of a railway, sea and air transport, and against a natural person (except for an offence committed by a natural person in a railway transport)), Articles 174¹⁷ and 174¹⁸, 177(1), (2-3), (6-7), (9-11) and (14), 177¹⁵, 190 and 190² of

this Code, if an administrative inquiry is not required for the administrative offence concerned, an authorised person of the Ministry of Internal Affairs of Georgia shall review the administrative offence case at the scene and shall impose an administrative penalty on the offender at the scene.”.

12. In Article 209³:

a) Part 1 shall be amended as follows:

“1. A structural unit of a municipality city hall defined by the representative body of the municipality or by a natural or legal person authorised by the representative body of a municipality shall, based on Article 290⁶ of this Code, hear cases of administrative offences under Articles 46⁵, 46⁶, 55², 55⁵, 55⁶ and 77¹, 77², 82⁵ (with regard to the sale of plastic and biodegradable bags), 103 and 107²–107⁴, 114²(6), 125(8) and (12–16), 125²–125⁴, 130(4)(a), 134¹, 135–135⁵, 146¹, 148 and 150³, 151(3), 151¹, 151², 152²–152⁹, 153⁶(1),(3) and (4), 153⁴, 153⁶(1), (3) and (4), 153⁹ 156², 156⁴, 158³ and 158⁴, 158⁵(1) and (2), 159, 159¹, 166², 172⁸, 172⁹ and 172¹⁰(1) and (2), of this Code.”.

b) Parts 2¹–4 shall be amended as follows:

“2¹. When administrative offences under Articles 82⁵ (with regard to the sale of plastic and biodegradable bags), 119¹, 152⁴–152⁹, 153³(1), (3) and (4), 153⁶(1), (3) and (4), 156², 156⁴ and 172¹⁰(1) and (2) of this Code are committed, if an administrative inquiry is not required for an administrative offence in question, a structural unit of a city hall defined by the representative body of a municipality or by a natural or legal person authorised by the representative body of a municipality shall hear the administrative offence case at the scene and shall impose an administrative penalty (fine) on the offender at the scene.

3. When an administrative offence under Articles 55², 55⁵, 55⁶, 64², 77¹, 77², 103, 130(4)(a), 134¹, 135–135⁵, 148, 150¹–150³, 151(3), 151¹, 151², 152, 152²–152⁹, 153⁴, 153⁹, 156², 156⁴, 158³, 158⁴ and 158⁵(1) and (2), 159 and 159¹ and and 172¹⁰(1) and (2) of this Code is committed, if an administrative proceeding is not required for the identification of an offender or establishment of other factual circumstances, a structural unit of a municipality city hall defined by the representative body of the municipality or by a natural or legal person authorised by the representative body of a municipality shall, based on Article 290⁶ of this Code, review the administrative offence case at the scene and shall impose an administrative penalty (fine) on the offender at the very scene.

4. When an administrative penalty (fine) imposed for committing an administrative offence under Articles 55², 55⁵, 55⁶, 64², 77¹, 77², 103 and 107⁴, 114²(6), 125(8) and (12)–(16), 125², 125³(4) and (5¹), 125⁴, 130(4)(a), 134¹, 135–135⁵, 146¹, 148 and 150¹–150³, 151(3), 151¹, 151², 152 and 152²–152⁹, 153³(1), (3) and (4), 153⁴, 153⁶(1), (3) and (4), 153⁹ and 158⁴ and 158⁵(1) and (2), 159 and 159¹ and 172(1) and (2) of this Code is appealed with a superior body (official), based on Article 290⁶ of this Code, the appeal shall be reviewed and the decision shall be made by a structural unit of a municipality city hall defined by the representative body of the municipality or by a person authorised by the representative body of a municipality.”.

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“13. When the administrative offences provided for by Articles 42¹⁰, 45, 45¹, 58³, 86¹, 100², 107, 107⁵, 114¹, 114², 115¹, 116–116⁸, 118–118⁴, Articles 119–123, Article 125 (except for Article 125(16) of this Code), Articles 127, 127¹(1–2²) and (6–7²), 134, 135²–135⁴, 139⁵, 150, 152⁷, 152⁸, 153³, 153⁶, 156²–156⁴, 166, 166², 167, 173, 173¹⁴, 173¹⁵, 174¹, 174¹⁵–174¹⁸, 175², 176¹, 177, 177¹, 177¹⁵, 180–181⁵, 182–183, 190, 190², 191 and 199¹ of this Code are committed, reports of appropriate administrative offences shall be drawn up by an agency of internal affairs.”.

a) Part 22 shall be amended as follows:

“22. Reports on administrative offences defined in Articles 179² and 198³ of this Code shall be drawn up by the persons duly authorised by the agencies of internal affairs.”.

b) Part 27 shall be amended as follows:

“27. Reports of administrative offences under Articles 55⁵, 55⁶, 64², 77¹, 107² and 107³, 125(8) and (12)-(16), 125²-125⁴, 130(4)(a), 134¹, 135-135⁵, 146¹, 150¹-150³, 151¹, 152, 152²-152⁹, 153³, 153⁴, 153⁶, 153⁹, 156², 156⁴, 158³ and 158⁴, 158⁵(1) and (2), 159¹ and 166², 172 (in the part that implies the failure of a parent or other legal representative of a child to raise and educate a minor or to fulfil other duties towards him/her, which is manifested by the minor committing vandalism) and the reports of administrative offences provided in Parts 1 and 2 of Article 172¹⁰ shall be drawn up by a structural unit of the municipality city hall determined by the representative body of the municipality or a natural person or legal entity authorised by the representative body of the municipality, taking into account Article 290⁶ of this Code.”.

15. Part 2 of Article 242 shall be amended as follows:

“2. If administrative offences under Articles 86¹, 107⁵, 114² and 115¹, Article 116 (except for Article 116(3), (5), (6), (8) and (9) of this Code), 116¹-116⁸, 118-122, 123(1), 125, 127, 127¹(1), (1⁴), (1⁵), (2)-(2²) and (7)-(7²) and 129¹, 135²-135⁴, 152⁷, 152⁸, 156²-156⁴, 190 and 190² of this Code is committed, in the case under Article 209(2) or (2¹) or 214(3) of this Code, a fine shall not be paid at the scene, and a penalty charge notice, which at the same time is an administrative offence report, shall be issued to the offender at the scene.”.

16. Part 2¹ of Article 243 shall be amended as follows:

“2¹. For committing an administrative offence under Articles 55², 55⁵, 55⁶, 77¹, 107² and 107³, 125(8), (12), (13), (15) and (16), 134-135⁵, 146¹, 151¹, 151², 153³, 153⁶ and 172¹⁰ (1) and (2) of this Code, the offender may be taken to a police station by a duly authorised person if the offender does not have personal identification documents and there are no witnesses to provide the necessary information about him/her.”.

14. Part 1 of Article 244 shall be amended as follows:

“1. To prevent administrative offences where so expressly provided for by the legislative acts of Georgia, when other sanctions have been exhausted, to identify a person, to draw up an administrative offence report, if drawing up a report is necessary but impossible on the spot, for the timely and due consideration of the administrative offence case and the enforcement of a ruling on an administrative offence case, as well as to present the offender to court timely and prevent the case from being delayed, to prevent evasion from participating in administrative proceedings, and to prevent the repeated commission of an administrative offence, administrative detention of a person, personal inspection, search of his/her belongings and seizure of belongings and documents from him/her shall be permitted.”.

18. in Part 1 of Article 295:

a) Subparagraph "a" shall be amended as follows:

a) an enforcement officer – when an administrative offence provided in Article 208 of this Code is committed; an authorised person of an agency of internal affairs – when an administrative

offence provided in Articles 156²–156⁴, 167 and 180, Part 5 of Article 180¹, Part 3 of Article 181, Articles 181¹ and 181³–181⁵, Part 5 of Article 182 and Articles 182¹ and 183¹ of this Code is committed;"

c) Subparagraph "c¹" shall be amended as follows:

"c¹. A structural unit of the municipality city hall defined by the representative body of the municipality or a natural person or a legal entity authorised by the representative body of the municipality – upon committing an administrative offence provided in Articles 151¹ and 151², 153³(1), (3) and (4), 153⁴, 153⁶(1), (3) and (4), 153⁹ and 156², and 156⁴(3) and (4), of this Code;"

Article 2.

1. This Law, except for Parts 1, 2, 6, 7 and 9 of Article 1, Subparagraphs "a" and "b" of Section 12, Part 13, Subparagraphs "a" and "c" of Section 14 and Parts 15, 16 and 18, shall enter into force upon publication.

2. Subparagraph "a" of Section 12 of this Law shall enter into force on 5 January 2025.

3. Parts 1, 2, 6, 7 and 9 of Article 1, Subparagraph "b" of Section 12, Part 13, Subparagraphs "a" and "c" of Section 14 and Parts 15, 16 and 18 of this Law shall enter into force on 1 April 2025.

President of Georgia

Mikheil Kavelashvili

**Tbilisi, 13 December 2024
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