



## **Georgian Legal News**

### Refer to the Law

#### **Amendments to the Law On State Property**

A bill with the following amendments to Article 36 of the Law On State Property has been submitted to the Parliament of Georgia:

- State property may be transferred to the holder of a mineral production licence for temporary use without an auction;
- State property may only be transferred for mineral resources production purposes within the scope of the licence;
- The types of temporary use are prescribed by the Civil Code of Georgia (for up to 49 years)
- The period of temporary use cannot exceed the term of the licence;
- The revocation of a licence results in the termination of the right to use the property;
- The land area to be transferred under the right to use must not exceed 3 hectares.

## Possible changes to the Labour Code of Georgia

On 23 September 2019, a bill with amendments to the Labour Code was submitted to the Parliament of Georgia. The amendments set limits for working overtime:

- Two hours per day;
- Eight hours a week (for enterprises with special operating conditions – six hours a week).

The existing regulations do not set any limits for working overtime, defining overtime as any work above 40 hours per week.

## Law On Mediation

On 27 September 2019, the Law On Mediation was published, introducing alternative dispute resolution mechanisms and defining the principles of mediation proceedings. It sets forth the procedure for setting up professional unions of mediators, determines the authorities of a mediator, and regulates other matters related to mediation.

Mediation can be started based on:

- Agreement between the parties;
- Grounds provided by law;
- Court decision following a motion made by either party;
- Resolution of an authorised body.

The mediation process and the information disclosed during mediation are confidential.

The fees of the mediator and other terms and conditions of mediation are determined contractually by the parties and the mediator.

When private mediation is started, the period of limitation for the case under review is suspended until the mediation process is over, but no more than for two years. If mediation fails, the suspension period will not be counted towards the limitation period.

## Regulation of taxis and ride-hailing

On 1 October 2019, amendments to the Law On Licences and Permits came into effect, regulating taxis in Tbilisi. A special licence is now required to operate a taxi.

According to the new regulations, the 'Taxi' sign can only be placed on white vehicles. Penalties for breaching these requirements were added to the Administrative Offences Code.

However, cars of other colour can still be used for commercial passenger transportation – provided they are booked over the telephone/online.

## Court practice

On 13 September 2019, the Supreme Court of Georgia issued clarifications regarding the excuses for the failure to appear in court.

The counsel for the appellant submitted an application to the court, requesting postponement of the hearing scheduled in the Court of Appeals. The application state that the counsel and the appellant were unable to participate in the hearing for the reasons that the counsel had to attend a training course and the client had fallen sick.

The Court of Appeals ruled that the application failed to provide a sufficient substantiation. As a result, the application was dismissed at the motion of the opposing party.

The Supreme Court of Georgia referred to the Civil Procedure Code which establishes the reasons for non-appearance at court, including illness, death of a close relative, or force-majeure.

The Supreme Court held that the Court of Appeals was duly notified of the non-appearance of the counsel and the appellant and the application provided the relevant excuses. The Supreme Court further found that the scheduling of a hearing for a time when both the counsel and the appellant were unable to appear at court violated the appellant's right to participate in hearing. Thus, the Supreme Court resolved that the appeal was dismissed unlawfully.

# Contacts

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