

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



To the Attention of GYLA Members, Lawyers of Civil and Administrative Law and Other Representatives of the Legal Profession!

The Parliament of Georgia is considering draft of very important amendments to the Civil Procedure Code of Georgia.

[The draft of amendments to the Civil Procedure Code](#) change the procedures for

summoning claimant legal entities, individual entrepreneurs and their representatives to court; an employer of the office of court will be entitled to refuse registration of a lawsuit (application) even when corresponding document is delivered by mail; a claimant will be obligated to provide the respondent with copies of the lawsuit and enclosed documents; the court of first instance will no longer deliver a ruling about deficiencies in the lawsuit (application) but rather, will directly refuse to admit it, etc. More specifically, according to the draft law:

- The first instance court will no longer deliver a ruling about deficiencies in the lawsuit but rather, will directly refuse to admit it. With the only exception, all circumstances that served as grounds for delivering a ruling on deficiencies in a lawsuit will now serve as grounds for deeming the lawsuit as inadmissible.
- An employee of the office of court will have the right to refuse registration of a lawsuit (application) even if it is delivered by mail, which may deprive a claimant from the right to apply to court due to expiration of time limit.
- Claimant will be obligated to appear before court no less than 7 days and no more than 14 days after registration to be handed with a package (lawsuit together with copies of enclosed documents) for submission to respondent. Failure of a claimant to appear before court within the noted term will serve as grounds for leaving a lawsuit unexamined.
- Claimant will be obligated to submit the package to respondent within the term of 6 months by mail or by means of a court messenger. A lawsuit will be deemed as admitted for legal proceedings on the day claimant presents documents certifying submission of package to respondent. Although terms for considering a case by court remain intact and will still amount to 2 months, point of reference will change. More specifically, under the existing Code, the day of registration is the reference point for countdown of the term of examination of the case, whereas under the draft, presenting of documents certifying submission of package to respondent by the claimant serves as the reference point, which will naturally extends the term of court proceedings.
- If lawsuit is filed by a legal entity, individual entrepreneur or its representative (except for a legal representative), it is obligated to indicate e-mail address. These

individuals may be summoned to trials by means of e-mail, which may engender certain problems in absence of access to Internet.

These amendments are very important in their essence and are related to practical aspects of court proceedings. There is a risk that they will have a negative influence on administration of justice. According to the explanatory note, none of the governmental, non governmental or international organizations or an expert has participated in the development of the draft law. According to the draft, the procedural norms will come into force on January 1, 2012.

These are the following authors and initiators of the draft law: MPs Kakhaber Anjaparidze and Andro Alavidze. The draft was initiated on November 25, 2011. It has already been approved with the first reading at relevant committees. First reading of the legal draft at the plenary session of the parliament will possibly be held tomorrow.

GYLA calls on its members, lawyers of civil and administration law, other representatives of the legal profession to get actively involved in examination of the legal draft, attend committee hearings and express opinion about the draft amendments. GYLA plans to hold discussion of the proposed draft, independently from the parliament. At the same time, GYLA calls on the parliament of Georgia to decelerate the process of examination of the draft law, strictly comply with procedures concerning publication of committee sessions and agenda 2 days prior to committee hearings (which was grossly violated in approval of the legal draft with the first reading), and allow all stakeholders to participate in the process of legal drafting.