

## **Law of Georgia**

### **on the Legal Entity under Public Law – the Public Safety Command Centre 112**

#### **Article 1 – Purpose of the Law**

The purpose of this law is to establish the Legal Entity under Public Law operating under the Ministry of Internal Affairs of Georgia ('the Ministry') called the Public Safety Command Centre 112 ('the Centre 112'), and define the basic principles of its operation, its tasks and functions.

#### **Article 2 – Legal status of the Centre 112**

The Centre 112 shall be a legal entity under public law established by this Law and operating under the Ministry.

#### **Article 3 – Legal bases for the operation of the Centre 112**

The legal bases for the operation of the Centre 112 shall be as follows: the Constitution of Georgia, the international treaties of Georgia, this Law, other legislative acts and subordinate normative acts of Georgia, and legal acts of the Minister of Internal Affairs of Georgia ('the Minister').

#### **Article 4 – Tasks and functions of the Centre 112**

1. The tasks of the Centre 112 shall be:

- a) for the quick and efficient management of emergency aid, to receive notifications via the unified telephone number `112' in emergency situations and other cases defined by the legislation of Georgia;
- b) to identify facts regarding the commission of a crime, an attempted crime, or any offence in the entire territory of the country, and to respond adequately thereto, and to carry out 24-hour continuous video surveillance;
- c) to issue licences for private security activities under the procedure established by the legislation of Georgia, and to oversee said activities.

2. The functions of the Centre 112 shall be:

- a) together with authorised entities, to quickly and efficiently manage emergency situations and other cases of need for emergency aid, and for this purpose to ensure coordinated activities with said entities;
- b) to receive and process notifications about emergency situations, commissions of crimes/offences, and other cases of need for emergency aid, and to provide appropriate entities with information so as to adequately respond to such cases;

- c) to provide 24-hour continuous video surveillance in the entire territory of the country through video analytical programmes, and to ensure the constant development of the unified video surveillance system;
  - d) based on the needs of the police, to design a video surveillance system, install/place automatic photo- and video equipment and radars, and to connect them to the video surveillance system;
  - e) to monitor, within the scope of its competence, compliance with the requirements established by the legislation of Georgia for the installation/placement and operation of automatic photo- and video equipment and radars;
  - f) on the basis of video surveillance, to identify facts regarding the commission of a crime/an attempted crime, to identify wanted persons and/or motor cars, and to identify administrative offences;
  - g) to carry out electronic supervision in the cases and under the procedures defined by the legislation of Georgia;
  - h) to issue licences for private security activities and to oversee said activities, in accordance with the Law of Georgia on Private Security Activities;
  - i) to provide appropriate services in the manner defined by the Government of Georgia;
  - j) to exercise other powers provided for by the legislation of Georgia.
3. Other functions and powers of the Centre 112 shall be defined by the statute of the Centre 112, which shall be approved by the Minister.
4. Other cases of emergency situations and need for emergency aid, which fall within the scope of the activities of the Centre 112 shall be defined by an order of the Minister.
5. The Minister shall be authorised to issue appropriate subordinate normative acts with regard to matters provided for by this Law.

#### **Article 5 – The service fee of the Centre 112 and its rate**

1. Payers of the service fee ('the fee') of the Centre 112 shall be subscribers from fixed geographical or non-geographical areas and/or subscribers receiving a mobile telephone service ('a subscriber').
2. By an ordinance of the Government of Georgia, a fee of GEL 0.20 to GEL 0.50 may be charged each calendar month to natural persons and legal entities for a subscriber number for subscribers from fixed geographical or non-geographical areas, regardless of the date of becoming a subscriber.
3. By an ordinance of the Government of Georgia, a fee of GEL 0.20 to GEL 0.50 may be charged each calendar month to natural persons and legal entities for a subscriber number for subscribers receiving mobile telephone services, regardless of the date of becoming a subscriber.
4. A subscriber number for a subscriber from a fixed geographical or non-geographical area shall be subject to the payment of a fee, as follows:
  - a) for a subscriber number to which the subscription fee is charged and which was two-way activated at least once during a calendar month;

b) for a subscriber number to which the subscription fee is not charged but for which paid services were purchased or used during a calendar month;

c) when purchasing or using a telecommunication service package if a paid service was purchased or used during a calendar month through the subscriber number provided with this package.

5. In the cases provided for by paragraph 3 of this article, the fee shall be charged to each subscriber number through which paid services worth more than GEL 5 in total were purchased or used during a calendar month.

6. The fee shall not be charged to a subscriber number which is used in a cash register.

7. In the case of porting a subscriber number, a fee shall be charged to it separately for the periods before the porting and after the porting.

8. The rate of the fee and its detailed payment procedure shall be defined by a resolution of the Government of Georgia.

*Law of Georgia No 78 of 5 January 2021 – website, 6.1.2021*

#### **Article 6 – Fee payment procedure**

1. The fee shall be collected by a person providing the electronic communication service ('the service provider') in accordance with the procedure established by an ordinance of the Government of Georgia.

2. The fulfilment by the service provider of the obligations imposed on it under this Law shall be overseen by the Georgian National Communications Commission.

3. The failure of the service provider to fulfil the obligations imposed on it under this Law shall serve as a basis for imposing liability established under the Law of Georgia on Electronic Communications.

#### **Article 7 – Exemption from payment of the fee**

1. Family members registered in the unified database of socially vulnerable families, whose rating points do not exceed 70 000, shall be exempt from payment of the fee set by Article 5(2) of this Law.

2. The Legal Entity under Public Law called the Social Service Agency shall provide the service provider with access to the unified database of socially vulnerable families, and shall periodically submit to it information on the addition of socially vulnerable families/persons to the database, or on the revocation of their status.

3. The right provided for by paragraph 1 of this article shall originate or be revoked for persons registered in the unified database of socially vulnerable families from the month following the month of registration or de-registration in the above database.

#### **Article 7<sup>1</sup> – Enforcement of payment of the fee for towing a vehicle and/or its trailer to, and for parking it at, a special impound lot of the Centre 112**

1. In the cases provided for by the Administrative Offences Code of Georgia and/or the Criminal Procedure Code of Georgia, the Centre 112 shall ensure the transfer of a vehicle and/or its trailer to a special impound lot of the Centre 112 ('an impound lot') by a tow truck, or under its own power, and its parking there.

2. In the case of non-payment of the fee for the transfer of a vehicle and/or its trailer to, and for its parking at, an impound lot defined by an ordinance of the Government of Georgia, an authorised official of the Centre 112 shall issue an individual administrative act under the procedure established by an order of the Minister on the enforcement of payment of the fee for the transfer of a vehicle and/or its trailer to, and for its parking at, an impound lot, and the removal of the above vehicle and/or its trailer from an impound lot, and shall immediately, but not later than 5 working days after its issuance, forward this individual administrative act to the person (persons) provided for by paragraph 3 of this article. The period set for the voluntary fulfilment of the obligation defined by the above individual administrative act must be 30 calendar days after serving this act on this person (persons). This period may be extended, under the procedure and in the cases established by an order of the Minister, by not more than 24 months, upon the submission of an appropriate guarantee, to ensure the payment of the fee for the transfer of the vehicle and/or its trailer to, and for its parking at, an impound lot.

3. The individual administrative act provided for by paragraph 2 of this article shall be sent to, and the obligation to pay the fee for the transfer of the vehicle and/or its trailer to, and for its parking at, an impound lot shall be imposed on:

a) the owner of the vehicle and/or its trailer transferred to the impound lot;

b) the legal possessor and the owner of the vehicle and/or its trailer transferred to the impound lot if the legal possessor is not the owner at the same time.

4. In order to remove the vehicle and/or its trailer from an impound lot, its owner/legal possessor must provide the registration certificate or power of attorney for the vehicle and/or its trailer.

5. An individual administrative act provided for by paragraph 2 of this article may be appealed within 20 calendar days after it is served on an appropriate person (persons) under the procedure established by the legislation of Georgia.

6. If the obligation provided for by paragraph 2 of this article is not fulfilled within the relevant time frame, the individual administrative act provided for by the same paragraph shall be enforced only by selling the vehicle and/or its trailer. The fee for the transfer of a vehicle and/or its trailer to, and for its parking at, an impound lot shall also be considered paid if the proceeds from the enforcement under the procedure established by this paragraph are not sufficient for payment of the above fee.

7. For the enforcement of an individual administrative act provided for by paragraph 2 of this article, an authorised official of the Centre 112 shall issue a writ of execution. The writ of execution shall be issued after the expiry of the period set for the voluntary fulfilment of the obligation as provided for by paragraph 2 of this article, and of the period for appealing the individual administrative act as provided for by paragraph 5 of this Article, and if the individual administrative act provided for by paragraph 2 of this article is appealed, the writ of execution shall be issued after the final decision on the case is made.

8. In the case provided for by Article 250(13)(b) of the Administrative Offences Code of Georgia, the individual administrative act provided for by paragraph 2 of this article shall be issued after the final decision on the case is made.

9. If the vehicle and/or its trailer parked at an impound lot is recognised as material evidence in a criminal case, the individual administrative act provided for by paragraph 2 of this article shall be issued after the issue of the return of the above material evidence is finally resolved in accordance with Article 80(1), (2) and (4-6) of and Article 81(1) of the Criminal Procedure Code of Georgia.

10. An authorised official of the Centre 112 shall have the right to apply to the appropriate body conducting criminal proceedings for information regarding a decision about a vehicle and/or its trailer parked at an impound lot and recognised as material evidence in a criminal case.

11. If the owner/legal possessor of a vehicle and/or its trailer cannot be identified under the procedure established by an order of the Minister, a writ of execution to enforce the selling of the vehicle and/or its trailer shall be issued without issuing an individual administrative act as provided for by paragraph 2 of this article. If the proceeds from the sale of the vehicle and/or its trailer exceed the amount of the enforcement fee, the enforcement cost and the fee for the transfer of the vehicle and/or its trailer to, and for its parking at, an impound lot, the excess sum shall be transferred to the state budget of Georgia.

12. The form of the writ of execution and the procedure for issuing it shall be approved by the Minister.

Law of Georgia No 614 of 9 June 2022 – website, 14.6.2021

#### **Article 7<sup>2</sup> – Procedure for sending and delivery of notifications, decisions and/or other documents**

1. The Centre 112 shall ensure that notifications, decisions (including an individual administrative act as provided for by Article 71 of this Law) and/or other documents ('notifications') are sent and delivered to an interested person under the procedure established by this article.

2. A notification shall be sent to an interested person to the registered place of residence by mail, or, if his/her actual place of residence is known, to that place. The notification shall be considered delivered to an interested person if it was delivered directly to that person, or to an adult member of his/her family living with him/her at the respective address. A notification shall also be considered delivered to an interested person if, upon delivery of the notification sent by mail, this person or an adult member of his/her family living with him/her at the above address, refuses to accept it.

3. If a notification sent by mail was not delivered to the interested person at the proper address, the person delivering the notification shall make an appropriate note on the mail package and shall return the notification to the post office. The notification shall be sent again to the interested person at the same address within one week after the notification was returned to the post office.

4. If a notification sent by mail is not delivered a second time to the interested person, the Centre 112 shall ensure that the notification is published on the official website of the Ministry. The notification shall be considered delivered to the interested person on the 15th day after its publication on the official website of the Ministry. The procedure for publishing the notification shall be approved by an order of the Minister.

5. The Centre 112 may, in addition, send information about the decision provided for by paragraph 1 of this article to the interested person in the form of an SMS, or through other technical means if the proper contact information is available in the database of the Ministry system. The contact phone number of an interested person retained in the system of the Ministry shall be used for sending and delivering a notification by said technical means.

*Law of Georgia No 614 of 9 June 2021 – website, 14.6.2021*

#### **Article 8 – Structure of the Centre 112**

1. The Centre 112 shall consist of structural units.
2. The structure of the Centre 112 and the competence of its structural units shall be defined by the statute of the Centre 112, which shall be approved by the Minister.

#### **Article 9 – Management and representation of the Centre 112**

1. The Centre 112 shall be administered by the Director of the Centre 112 ('the Director'), who shall be appointed to and may be dismissed from position by the Minister, in accordance with the procedure established by the legislation of Georgia.
2. The Director shall, within the scope of his/her powers, individually manage the Centre 112 and be personally responsible for the proper conduct of its activities.
3. The Director shall:
  - a) resolve issues falling within the scope of the Centre 112, and act on behalf of the Centre 112;
  - b) within the scope of his/her competence, represent the Centre 112 in relationships with international and other organisations;
  - c) within the scope of his/her competence, issue individual administrative acts– orders;
  - d) under the procedure established by the legislation of Georgia, appoint to and dismiss from position employees of the Centre 112, and exercise official supervision of their activities;
  - e) dispose of the property and funds of the Centre 112, under procedures established by the legislation of Georgia;
  - f) in agreement with the Ministry, approve the budget, staff list and salary fund of the Centre 112, under procedures established by the legislation of Georgia;
  - g) define the internal regulations of the Centre 112;
  - h) present to the Minister and the supervising Deputy Minister (if any) a report on the activities carried out by the Centre 112;
  - i) exercise other powers granted by the legislation of Georgia.

4. The Director shall have a deputy (deputies), who shall be appointed to and may be dismissed from position by the Director, under procedures established by the legislation of Georgia.

5. The powers of the Deputy Director (Directors) shall be defined by the statute of the Centre 112, and other legal acts.

#### **Article 10 – Property of the Centre 112**

1. The property of the Centre 112 shall consist of the property transferred to it, under procedures established by the legislation of Georgia, by the state, natural persons and legal entities under private law.

2. The property of the Centre 112 shall consist of the fixed assets, and other material assets and financial resources that are included in the independent balance sheet of the Centre 112.

#### **Article 11 – Funding of the Centre 112**

1. The sources of funding of the Centre 112 shall be as follows:

a) the target funds allocated from the state budget of Georgia;

b) (Deleted – 15.7.2020, No 6940);

c) the service fees of the Centre 112;

d) revenue gained from the performance of work on the basis of an agreement;

e) other revenue as permitted by the legislation of Georgia.

2. The types, fees and terms of service of the Centre 112 shall be defined by the Government of Georgia.

3. The funds and revenues provided for by paragraph 1 of this article shall be fully used for the implementation of the goals and objectives of the Centre 112 and the development of the system of the Ministry.

Organic Law of Georgia No 6940 of 15 July 2020 – website, 28.7.2020

#### **Article 12 – State oversight of the Centre 112**

State oversight of the Centre 112 shall be carried out by the Ministry.

#### **Article 13 – Procedure for termination of operation of the Centre 112 and its liquidation**

The operation of the Centre 112 shall be terminated, and the Centre 112 shall be liquidated, in accordance with procedures established by the legislation of Georgia.

#### **Article 14 – Transitional provisions**

1. The Legal Entity under Public Law operating under the Ministry called '112' ('112') and the Joint Operations Centre (Department) of the Ministry ('the Joint Operations Centre') shall be reorganised, and the Centre 112 shall be established on the basis of their functions and rights and duties.

2. The Centre 112 shall be considered the legal successor of '112' and the Joint Operations Centre.

3. The functions of issuance of licences for private security activities and oversight of private security activities shall be transferred to the Centre 112, and it shall be considered the legal successor to the Ministry with regard to the issuance of licences for private security activities, and it shall be considered the legal successor of the Legal Entity under Public Law under the Ministry of Internal Affairs of Georgia called the Security Police Department with regard to the oversight of private security activities.

4. The Minister shall appoint the Director to position within 10 days after this Law enters into force.

5. Employees of '112' and the Joint Operations Centre, and persons employed under labour contracts as of 31 December 2019, shall be transferred to respective positions in the Centre 112 without competition, and shall be considered the Centre 112's employees, with their legal labour relations defined by the special legislation regulating service at the Ministry.

6. The Ministry shall, within not later than 3 months after this Law enters into force, ensure the analysis of the functions of persons employed at the Centre 112 and, on the basis of the analysis, the implementation of optimisation and reorganisation.

7. The Ministry shall, within 10 days after this Law enters into force, set up a respective commission to ensure that the following be transferred to the Centre 112:

a) the identification, disposal and transfer of the remaining balance on the books of the Joint Operations Centre, and of its official documentation (including appropriate archival material and other documents);

b) the identification, disposal and transfer of official documentation on the books of the Ministry (including appropriate archival material and other documents) related to the issuance of licences for private security activities;

c) the identification, disposal and transfer of official documentation on the books of the Legal Entity under Public Law operating under the Ministry of Internal Affairs of Georgia called the Security Police Department (including appropriate archival material and other documents) related to the oversight of private security activities.

8. The Centre 112 shall, within 3 months after the remaining balance and the official documentation (including appropriate archival material and other documents) transferred to it in accordance with paragraph 7 of this Article have been transferred/received, ensure their recording and inventory under the legislation of Georgia.

9. The legal acts adopted/issued before the entry of this Law into force shall remain legally effective until the appropriate legal acts have been adopted/issued.

10. The Minister shall:

a) before 31 December 2019, approve the Statute of the Legal Entity under Public Law Operating under the Ministry of Internal Affairs of Georgia called the Public Safety Command Centre 112;

b) before 1 May 2020, ensure the compliance of the relevant subordinate normative acts with this Law.



11. The Government of Georgia shall, before 31 December 2019, ensure the adoption of the Ordinance on the Approval of the Types, Fees and Terms of Services of the Legal Entity under Public Law Operating under the Ministry of Internal Affairs of Georgia called the Public Safety Command Centre 112.

**Article 15 – Invalidated normative act**

From 31 December 2019, the Law of Georgia of 24 November 2011 on the Establishment of the Legal Entity under Public Law of the Ministry of Internal Affairs of Georgia called ‘112’ shall be declared invalid. (The Legislative Herald of Georgia ([www.matsne.gov.ge](http://www.matsne.gov.ge)), 5.12.2011, registration code: 040030000.05.001.016485).

**Article 16 – Entry of the Law into force**

1. This Law, except for Articles 1-13 of this Law, shall enter into force upon publication.
2. Articles 1-13 of this Law shall enter into force from 31 December 2019.

**President of Georgia**

**Salome Zourabichvili**

**Tbilisi**

**19 December 2019**

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