

# **LAW OF GEORGIA ON PRIVATE INTERNATIONAL LAW**

## **Chapter I – General Provisions**

### **Article 1 – Scope of application**

This law determines which legal order is applied when there are factual circumstances of a case related to a foreign law, as well as the rules of procedural law that are applied during these proceedings.

### **Article 2 – International agreements**

The rules under international agreements shall prevail over the rules under this Law.

### **Article 3 – Determining the essence of the rules of foreign laws**

1. When applying a foreign law, the court of Georgia shall take necessary measures to determine the essence of the rules of the foreign law taking into consideration their official interpretation, application practice and doctrine in the respective country.
2. If, despite the measures taken under paragraph 1 of this article, the essence of the rules of a foreign law cannot be determined, or unreasonable expenses are required to do it, and neither of the parties to the proceedings can determine the essence of the rules and justify their application, the court shall apply the law of Georgia.

### **Article 4 – Reference**

1. Making reference to the law of another country (including a third country) shall also mean the application of the Private International Law of this country, unless the reference contradicts the idea of making reference or it implies the application of rules that are related only to a particular case.
2. Where the reference back to the law of Georgia is made, the rules of the law of Georgia governing the case in question shall apply.
3. If the parties may choose the law of either country, the choice shall mean the application of the rules related only to that particular case.

### **Article 5 – Public order**

The rules of a foreign law shall not be applied in Georgia, if it contradicts the basic legal principles of Georgia.

### **Article 6 – Application of imperative rules**

Provisions of this Law shall not apply to the operation of imperative rules of the law of Georgia regardless of an applicable law of any country to regulate relations.

### **Article 7 – Application of the law of a foreign state with multiple legal systems**

When applying the law of a state where several territorial or different legal systems are in effect, a legal system application of which in a given situation is provided by the law of this state shall be applied. If there is no such rule, the law of a territory with which particular legal relations are most closely related shall be applied.

## **Chapter II – International Jurisdiction of Georgian Courts**

### **Article 8 – The principle of international jurisdiction**

Georgian courts shall have international jurisdiction if a respondent has a place of residence, residence or habitual residence in Georgia.

### **Article 9 – Instances of international jurisdiction**

Georgian courts shall have international jurisdiction if:

- a) a respondent party consists of several persons one of whom has a place of residence, residence or habitual residence in Georgia;
- b) the obligations under an agreement must be fulfilled in Georgia;
- c) a claim concerns damages inflicted by an unlawful or an equivalent act and the act was committed or damages were inflicted in Georgia;
- d) a dispute concerns a branch of an enterprise which is based in Georgia;
- e) regarding the establishment of paternity or payment of alimony, the place of residence or habitual residence of the child or the beneficiary of alimony is in Georgia, or a person has applied to court with regard to a claim originated within



the scope of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance;

f) the subject of a claim is the determination of succession rights and/or division of inherited property, and a place of residence, residence or habitual residence of a testator at the time of his/her death was in Georgia.

*Law of Georgia No 3946 of 15 December 2023 – website, 25.12.2023*

#### **Article 10 – exclusive international jurisdiction**

Courts of Georgia shall have exclusive international jurisdiction only over claims that refer to:

- a) immovable property if the property is in Georgia;
- b) the authenticity or termination of decisions of a legal person or its body when the residence of the legal person or its body is in Georgia;
- c) the registration of legal persons by courts or other bodies of Georgia;
- d) the registration of a patent, trademark or another right (except for a registered right originated from a qualified financial agreement provided for by the Law of Georgia on Financial Collateral Arrangements, Netting And Derivatives) when the registration of that right or the request for its registration has been completed in Georgia;
- e) the enforcement measures when they have been requested or carried out in Georgia.

*Law of Georgia No 5676 of 20 December 2019 – website, 31.12.2019*

#### **Article 11 – Declaration of absence or death**

Courts of Georgia shall have international jurisdiction over cases of declaration of absence or death, if:

- a) a missing person is a citizen of Georgia;
- b) a missing person has a habitual residence in Georgia;
- c) a party filing a petition for the declaration of absence or death has a substantiated interest to declare.

#### **Article 12 – Marriage-related cases**

1. Courts of Georgia shall have international jurisdiction over marriage-related cases, if:

- a) either of the spouses is a citizen of Georgia or was a citizen of Georgia at the time of marriage;
- b) a spouse against whom a claim has been filed has a habitual residence in Georgia;
- c) either of the spouses is a stateless person and has a habitual residence in Georgia.

2. Marriage-related cases include divorce, termination or annulment of marriage, or establishment of the fact of marriage or cohabitation of spouses.

3. The jurisdiction defined in paragraph 1 of this article shall also apply to additional effects of divorce.

#### **Article 13 – Personal relations between parents and children, origin of children, establishment of paternity and related disputes**

Courts of Georgia shall have international jurisdiction over cases of personal relations between parents and children, origin of children, establishment of paternity and related disputes if one party to the proceedings is a citizen of Georgia or has a habitual residence in Georgia.

#### **Article 14 – Adoption**

Courts of Georgia shall have international jurisdiction over cases of adoption if adoptive parents or one adoptive parent or the child is a citizen of Georgia or has a habitual residence in Georgia.

#### **Article 15 – Limitation of legal capacity**

Courts of Georgia shall have international jurisdiction over cases of limitation of legal capacity of a person if the person is a citizen of Georgia or has a habitual residence in Georgia.

#### **Article 16 – Custodianship and guardianship**

1. Courts of Georgia shall have international jurisdiction over cases of custodianship and guardianship if a custodian, a guardian, or a person in need of custodianship or guardianship is a citizen of Georgia or has a habitual residence in Georgia.

2. Courts of Georgia shall also have international jurisdiction if a custodian, guardian, or a person under custodianship or guardianship so requests it through a court of Georgia.

#### **Article 17 – Citizens of Georgia residing abroad**

If internal jurisdiction of proceedings is not provided by the legislation of Georgia and at the same time, a case cannot be initiated in a foreign country or the conduct of proceedings in a foreign country makes no sense due to the circumstances of the case, a court of the territory of Georgia in which a citizen of Georgia residing in a foreign country had his/her last place of residence or habitual residence shall have the jurisdiction.



#### **Article 18 – Agreements on international jurisdiction**

1. Parties may agree on international jurisdiction of a court of Georgia even if it is not competent under Articles 8, 9 and 10 of this Law. The agreement must be concluded:
  - a) in writing or verbally followed by a written confirmation;
  - b) in international trade relations in the form that corresponds with international trade practices and which is or must have been known to the parties.
2. Courts of Georgia shall have international jurisdiction if a respondent party agrees to participate in a proceeding without lodging an objection to the jurisdiction of the court despite:
  - a) the respondent is represented by a lawyer;
  - b) the judge notified the respondent of the possibility of lodging an objection and the notification is recorded in a protocol of the proceeding.
3. The parties may make an agreement on international jurisdiction of a foreign court if one party has a place of residence, residence or habitual residence in a foreign country. Accordingly, paragraph 2 of this article shall apply to the agreement.
4. Agreements on jurisdiction defined in Articles 10-16 of this Law shall be void. In this case paragraph 2 of this article shall not apply.

#### **Article 19 – Legal proceedings conducted simultaneously in several countries**

1. If a proceeding on the same claim and between the same parties is being conducted simultaneously in Georgia and in a foreign country and the claim initially was under the jurisdiction of a foreign court, a court of Georgia shall suspend the proceeding. The proceeding shall not be suspended if there is a risk that a foreign court fails to adopt a decision in due time or the decision may not be recognised in Georgia.
2. A court of Georgia shall not initiate proceedings in a case if there is a decision of a foreign court that may be recognised in Georgia.

#### **Article 20 – Interim measures**

When securing a claim, a court of Georgia shall be competent if interim measures must be enforced in Georgia, or if courts of Georgia have international jurisdiction.

### **Chapter III – Persons**

#### **Article 21 – Equality before law**

Foreign natural and legal persons and stateless persons shall have the same capacity for rights and legal capacity as citizens of Georgia. An exception to this rule may be allowed if rules restricting the rights of natural or legal persons of Georgia are effective in a foreign country. A rule clearly defined by law shall be required for this purpose.

#### **Article 22 – Personal status**

1. If a person has a multiple citizenship, the law of a country to which he/she is the most closely related, in which he/she has a habitual residence or in which he/she carries out basic activities shall be applied to him/her.
2. If a natural person is stateless or it is impossible to determine his/her citizenship, the law of a country in which he/she has a habitual residence or carries out basic activities shall be applied to him/her; and if there is no such country – the law of Georgia shall apply.

#### **Article 23 – Capacity for rights and legal capacity of natural persons**

1. Capacity for rights and legal capacity of a natural person shall be determined under the law of a country to which this person belongs. This rule shall also apply when legal capacity is extended after marriage.
2. Change of the legal status of a Georgian citizen shall not restrict capacity for rights and/or legal capacity once it is acquired.

#### **Article 24 – Capacity for rights and legal capacity of legal persons**

Capacity for rights and legal capacity of a legal person shall be determined under the law of a country in which the administration of a legal person has an actual residence. This rule shall also apply to a branch of a legal person.

#### **Article 25 – Application of law in case of declaration of absence or death**

1. Declaration of absence or death shall be regulated by the law of a country to which a person declared missing or dead belonged according to the latest information available with regard to his/her life. The law of a country of habitual residence shall be applied to a stateless person; and if there is no such country – the law of Georgia shall apply.
2. If a person declared missing or dead is a citizen of a foreign country during a hearing, he/she may also be declared absent or dead under the law of Georgia if there is a substantiated interest in this regard.

#### **Article 26 – Name**



1. Legal relations involving the name of a natural person shall be regulated by the law of a country to which the person belongs.
2. The issue of a corporate name of a legal person shall be regulated by the law of a country in which the administration of the legal person has an actual residence. This rule shall also apply to a branch of a legal person.

## **Chapter IV – Transactions**

### **Article 27 – Authenticity of transactions**

1. Entry into force and authenticity of a transaction or of its individual provision shall be determined by the law of a country which ought to have been applied to determine the authenticity of the transaction or any of its provisions.
2. If there are circumstances according to which determination of the activity of one party under the law referred to in paragraph 1 of this article during contract negotiations may have been unjustified, a person may apply the law of his/her country of habitual residence to prove that he/she has not given consent to concluding the contract.

### **Article 28 – Representation in transactions**

If application of the law of any country is not agreed when representing in a transaction, the law of a country in which a representative carries out activities shall apply. If there is no place of activity of a representative, the law of his/her country of habitual residence shall apply. If there are close relations with a country in which a representative performed activities, particularly if the representative or a third party has its place of activity or habitual residence in this country, the law of the country in which the representative performed activities shall apply.

### **Article 29 – Form of transactions**

1. The form of a transaction shall be defined under the law of the country in which the transaction was made, or the law of the country that is applied to the subject of transaction. The form of a transaction shall be considered observed if the agreement was concluded by persons staying in different countries and if it complies with the requirements of the law of one of the countries regarding the form of the transaction.
2. If an agreement is concluded through a representative, a country in which the representative is staying shall be implied when applying paragraph 1 of this article.
3. In case of transactions concerning the title to land, regardless of the place of contract and the law effective in this place, imperative rules for the form of transaction of the law of the country in which the land is located shall apply.
4. A transaction giving rise to a right to property or used to administer this right shall be considered to have been concluded according to the form if it complies with the requirements for the form of transaction of the law of a country applied in relation to legal relations that give rise to the subject of transaction.

### **Article 30 – Period of limitation of claims**

Period of limitation of a claim shall be determined by the law of a country applied in relation to the claim.

### **Article 31 – Observance of good faith**

1. If an agreement was concluded between persons staying in the same country, a natural person who has no capacity for rights and legal capacity according to the rules of law related to circumstances of a particular case shall only indicate his/her incapacity under the rules of a foreign law if the other party to the agreement was or must have been aware of it when concluding the agreement.
2. If an agreement is concluded with participation of a legal person, it shall not indicate the restriction of those representative powers of its bodies or representatives that do not exist in the place of activity or country of habitual residence of the other party to the agreement and that were not or could not have been known to the party to the agreement.

## **Chapter V – Property Law**

### **Article 32 – Rights to Property**

1. The origination, change, transfer and termination of the right to property shall be regulated by the law of a country in which the property is situated. The rules of property law of this country shall also apply when the law of another country must be applied under the referential (conflict) rules of this law.
2. If the property to which the right was originated is in another country, the effects of the right shall be subject to the law of the country to which the property was moved.

### **Article 32<sup>1</sup> – Rights to securities**

1. The origination, modification, transfer and termination of the right to the registered securities provided for by the Law of Georgia on Securities Market shall be regulated by law of a country where the related securities account is opened.
2. Provisions of Article 13 of the Law of Georgia on Possession of Dematerialised Securities shall apply to determine the



### **Article 33 – Rights to transportation facilities and to property in them**

1. Rights to air, water and railway transportation facilities shall be subject to the law of a country to which they belong.
2. Rights to the property which is placed in transportation facilities under paragraph 1 of this article shall be subject to the law effective at the place of final destination of the property.

### **Article 34 – Non-property rights**

Non-property rights shall be subject to the law of a country in which they must be applied.

## **Chapter VI – Law of Obligations; Obligations Arising from Contract and Law**

### **Article 35 – Choice of law by the parties**

1. Determination of rights and obligations derived from contractual relationships, particularly interpretation, fulfilment, termination of contracts, as well as the results of annulment of contracts, violation of obligations, including the violation of pre-contractual and post-contractual obligations shall be regulated by the law of a country chosen by the parties.
2. As agreed to by the parties, the law of a chosen country may be replaced by the law of another country even after concluding the contract.
3. The choice of law shall be considered void if it disregards imperative rules of the law of a country that is most closely related to the contract.

### **Article 36 – Application of law if parties have not chosen the law of any country**

1. If parties have not chosen the law of any country, a contract shall be subject to the law of the country that is most closely related to it. A contract shall be considered to be most closely related to the country in which a party that had to fulfil an appropriate contractual obligation had a habitual residence or residence of administration when concluding the contract.
2. If the subject of contract is the title to land or land use right, it is considered that the contract is most closely related to the country in which the land is located.
3. In a cargo transportation contract, it shall be considered that the contract is most closely related to a country in which a transporter has its basic administration residence when concluding the contract if the basic place of shipment, discharge or location of a forwarder is in the same country. Otherwise the provisions of paragraph 1 of this Article shall apply.
4. In an insurance contract, it shall be considered that it is most closely related to the country in which the main part of risks to be insured is present.

### **Article 37 – Transfer of claims to another person**

1. When transferring a claim for liabilities between old and new creditors, the law of the country that regulates a contract concluded between them shall apply.
2. The law that regulates a transferred claim shall determine whether the claim may be transferred, as well as the rights and obligations of a debtor towards old and new creditors.

### **Article 38 – Imperative rules of social protection**

The choice of law shall be considered void if it disregards the imperative rules that are adopted to protect customers and employees from discrimination. This rule shall also apply to the delivery and financing of movable property, or labour or service contracts if they are agreed upon or concluded in a country in which the customers and employees have their place of residence and where these protective rules operate.

### **Article 39 – Rights of common**

Rights of common of the equity holders shall be regulated by the law of a country in which these rights exist.

### **Article 40 – Performance of activities of others without assignment**

1. Claims regarding the performance of activities of others shall be regulated by the law of a country in which these activities were carried out.
2. Claims arisen from providing help during a sea disaster shall be regulated by the law of the country under whose flag the ship in distress sails.
3. Claims arisen from settling obligations of others shall be regulated by the law of the country to be applied to these obligations.

### **Article 41 – Unjust enrichment**

1. Claims arising from unjust enrichment shall be regulated by the law of the country which is applied to legal relations



connected with actions that give rise to the claims.

2. Claims related to unjust enrichment as a result of encroachment on goods protected by a foreign law shall be subject to the law of the country in which the encroachment took place.

3. In other cases, claims related to unjust enrichment shall be subject to the law of the country in which the effects of the enrichment are present.

#### **Article 42 – Torts**

1. The obligation to compensate for damages shall be subject to:

- a) the law of a country which is more favourable for an affected person;
- b) the law of the country in which an action or a circumstance that gave rise to a claim for damages took place;
- c) the law of the country in which the interests protected by law were prejudiced.

2. The following laws shall be applied instead of the law specified in paragraph 1 of this article:

a) the law of the country in which a person liable for damages and an affected person had a habitual residence when the damage occurred;

b) for claims related to unfair competition, the law of the country in which the market is affected by such competition, unless it is limited to inflicting complete or partial damage to the interests of individual market players.

3. An affected person may submit his/her claim directly to the liability policy holder if it is provided by the law of the country which is applied to the liability for damages, or the law of the country that regulates the insurance contract.

#### **Article 43 – Choice of law in obligations arising from law**

After the obligations arising from law are created, the parties may choose the law that will regulate these obligations. In this case, the rights of the third parties shall remain inviolable.

### **Chapter VII – Family Law**

#### **Article 44 – Marriage requirements**

1. Marriage requirements for every person intending to marry shall be subject to the law of a country to which such a person belongs.

2. If any of the marriage requirements is absent and one of persons intending to marry is a citizen of Georgia or has a habitual residence in Georgia, the law of Georgia may be applied if:

- a) a foreign law restricts freedom of marriage compared to Georgian customs;
- b) a previous marriage does not impede remarriage;
- c) a previous marriage is terminated or annulled by decision of a court of Georgia or by a decision recognised in Georgia;
- d) a former spouse of a person intending to marry is declared dead.

3. The form of marriage shall be determined by the law of the country in which the marriage was performed. If one of the persons intending to marry is not a citizen of Georgia, marriage may be performed in Georgia in compliance with the form of marriage followed in the country to which this person belongs.

#### **Article 45 – Effects of marriage**

1. General effects of marriage shall be subject to the law of the country:

- a) to which both spouses individually belong or belonged at the time of marriage;
- b) in which both spouses individually have or at the last moment of the marriage had a habitual residence;
- c) to which spouses are jointly most closely related.

2. Paragraph 1 of this article shall also apply to property relations of spouses if they have not chosen the law of any other country. The law may be chosen if it indicates the law of a country:

- a) to which either of the spouses belongs;
- b) in which either of the spouses has a habitual residence;
- c) in which the immovable property is situated.

3. To regulate property relations, persons with international protection may also choose the law of the country of their new joint residence.

4. The choice of the law must be documented notarially.

*Law of Georgia No 5371 of 6 December 2011 – website, 20.12.2011*

*Law of Georgia No 53 of 1 December 2016 – website, 15.12.2016*

#### **Article 46 – Observance of goodwill of the third persons**

If property relations of spouses are subject to a foreign law and one of the spouses has a habitual residence or carries out entrepreneurial activities in Georgia, claims regarding transactions made with a third person shall not be taken into account if this person was or ought to have been aware of a legal status of the property of the spouses.

#### **Article 47 – Termination of marriage**



1. Termination of marriage shall be subject to the law of the country that applies to general effects of marriage.
2. If divorce is impossible under a foreign law, it may be done according to the law of Georgia if an applicant for a divorce is a citizen of Georgia or was a citizen of Georgia at the time of marriage.

#### **Article 48 – Obligation of maintenance**

1. The obligation of maintenance shall be subject to the law of the country where the maintenance creditor has a habitual residence. If a maintenance creditor cannot obtain maintenance from a maintenance debtor under the law of this country, the law of a country to which they both belong shall apply. If a maintenance creditor cannot obtain maintenance from a maintenance debtor under neither of these laws, the law of Georgia shall apply.
2. If there is an obligation of maintenance between indirect relatives, a maintenance debtor can apply the law of the country in relation to a maintenance creditor to which they jointly belong. If there is no common citizenship, the law of the country of habitual residence of the maintenance creditor shall apply.
3. If a divorce took place in Georgia, an obligation of the divorced spouses to provide maintenance shall be subject to the law of a country that was applied to the divorce. This rule shall also apply to other forms of termination of marriage and separation of spouses.
4. If a maintenance creditor and a maintenance debtor are both citizens of Georgia and the latter has a habitual residence in Georgia, the law of Georgia shall apply.
5. The law applied to an obligation to maintenance shall determine:
  - a) whether, to what extent and from whom a maintenance creditor may make a claim for maintenance;
  - b) who is authorised to conduct maintenance proceedings and what time limits are used to conduct them;
  - c) the amount of payment payable to state bodies by a maintenance debtor.
6. When determining the amount of maintenance, the needs of a maintenance creditor and the economic status of a maintenance debtor must be taken into consideration, even when the law applied in this case defines otherwise.

#### **Article 48<sup>1</sup> – Law applicable to the maintenance obligations within the scope of the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations**

The law applicable to the maintenance obligations within the scope of the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations shall be defined under the procedure established by the same protocol.

*Law of Georgia No 3946 of 15 December 2023 – website, 25.12.2023*

#### **Article 49 – Relations between parents and children**

Personal and property relations between parents and children, including parental care shall be subject to the law of a country in which a child has a habitual residence. At the same time, for the interests of the child, the law of a country to which the child belongs shall apply.

#### **Article 50 – Legal relations with respect to the origin of children**

1. Legal relations with respect to the origin of a child shall be subject to the law of a country where the child has a habitual residence. Establishment of the origin of a child by either of the parents shall be subject to the law of the country to which this parent belongs. If a mother is married, the origin of a child may also be established by the law of the country on which, under Article 45 of this Law, general effects of marriage were based at the time of birth of the child. If marriage was terminated due to the death of one of the parents, the time of marriage termination shall have crucial importance.
2. If parents are not married, the obligations of the father towards his pregnant spouse shall be subject to the law of the country where the mother has a habitual residence.

#### **Article 51 – Disputes over the origin of children**

The origin of a child may also be disputed under the law of a country where a precondition for the dispute arose. In all cases, the origin of a child may be disputed under the law of the country in which the child has a habitual residence.

#### **Article 52 – Application of the law in case of adoption**

Adoption shall be regulated by the law of a country to which an adoptive parent belongs at the time of adoption. Adoption by either of or both parents shall be subject to the law of the country that is applied to general effects of marriage.

#### **Article 53 – Requirements for giving consent**

The issue of giving consent to the adoption of a child and a person who has family and legal relations with the child, as well as recognition of paternity and giving a name shall also be additionally subject to the law of the country to which the child belongs. If the interests of a child so require, the law of Georgia shall apply instead of the law of that country.

#### **Article 54 – Custody and guardianship**



1. Origination of guardianship, custody or other forms of care, change of their nature and termination shall be regulated by the law of the country to which the person subject to guardianship belongs. According to the law of Georgia, a custodian/guardian/supporter may be assigned to an alien, a person with international protection residing in Georgia.
  2. If the application of a guardianship is necessary but it is not determined who participates in the guardianship or if a participant is in another country, the law of the country that is more favourable for the person subject to guardianship shall apply.
  3. Temporary measures of custody, guardianship or care shall be subject to the law of the country imposing guardianship.
- Law of Georgia No 5371 of 6 December 2011 – website, 20.12.2011*  
*Law of Georgia No 53 of 1 December 2016 – website, 15.12.2016*

## **Chapter VIII – Inheritance Law**

### **Article 55 – Inheritance relations**

Inheritance relations shall be regulated by the law of the country to which a testator belonged at the time of his/her death. A stateless person shall be subject to the law of the country in which he/she had his/her last habitual residence. If there is no such residence, the law of Georgia shall apply.

### **Article 56 – Form of last will and testament**

Last will and testament shall be considered as prepared according to the form if it complies with the law of a country:

- a) to which a testator belonged at the time of his/her death;
- b) in which a testator had a habitual residence at the time of his/her death;
- c) where immovable property referred to in a last will and testament is situated.

## **Chapter IX – Procedural Rules**

### **Article 57 – The basic principle**

Citizens and legal persons of a foreign country, as well as stateless persons shall enjoy the same legal guarantees in a civil procedure in the territory of Georgia as citizens and legal persons of Georgia.

### **Article 58 – Provision of guarantees for reimbursement of court expenses**

1. If a claimant is a citizen or a legal person of a foreign country or a stateless person and he/she has a place of residence, habitual residence or residence outside the territory of Georgia, an obligation to give a guarantee to reimburse court expenses within established time limits may be imposed on him/her, based on a respondent's petition and under decision of the court. .
2. A guarantee shall not be required if:
  - a) a country, the citizen of which is a claimant, requires no guarantees from natural and legal persons of Georgia;
  - b) a respondent cannot justify the requirement for giving a guarantee.
3. A respondent shall file a petition to require a guarantee during oral hearing where he/she was given explanation regarding the right to the petition.
4. A decision to provide a guarantee must be adopted by a court ruling. In the event of a positive decision on the petition, the case shall be considered only after guarantees are submitted.
5. A guarantee for the reimbursement of court expenses to a party shall not be required if the dispute is heard within the scope of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.

*Law of Georgia No 3946 of 15 December 2023 – website, 25.12.2023*

### **Article 59 – Immunity of members of diplomatic missions**

Representatives of diplomatic missions operating in Georgia and their family members, and the service staff of the missions shall be exempted from jurisdiction of courts of Georgia under the Vienna Convention of 18 April 1961 on Diplomatic Relations. This rule shall also apply when their home country is not a signatory to this Convention.

### **Article 60 – Immunity of members of consulate representations**

Officials of consulate representations and employees of consulates operating in Georgia shall be exempt from jurisdiction of courts of Georgia under the Vienna Convention of 24 April 1963 on Consular Relations. This rule shall also apply when their home country is not a signatory to this Convention.

### **Article 61 – Other cases of extraterritoriality**

1. Jurisdiction of courts of Georgia shall not apply to representatives of foreign countries staying in Georgia on official invitation and their accompanying persons.
2. Jurisdiction of courts of Georgia shall not apply to persons who are exempted from jurisdiction of Georgia according to



general rules of international law or other legal rules.

#### **Article 62 – Petitions for legal assistance**

1. If it is necessary to perform judicial acts outside the territory of Georgia to determine case circumstances, establish facts, and transfer documents or for other reasons, a petition may be filed with an appropriate institution of a foreign country.
2. If an act is performed through diplomatic missions or consular representations of Georgia, a petition must be filed with them.
3. A petition for legal assistance must be justified and must include the necessary data to fulfil it.

#### **Article 63 – Granting of petitions for legal assistance**

1. Courts of Georgia shall grant petitions of foreign courts for legal assistance.
2. Petitions of foreign courts for performance of individual procedural actions to provide legal assistance shall be filed under the legislation of Georgia.
3. If a petition for legal assistance is not prepared in the Georgian language or is not accompanied by a certified Georgian translation, its granting shall depend on whether or not an interested party pays an appropriate advance to have it translated into the Georgian language and certified.
4. At the request of a court in which a petition was filed, procedural rules of a foreign law may be applied when performing a procedural action, unless they contradict basic legal principles of Georgia.

#### **Article 64 – Refusal to grant petitions for legal assistance**

Legal assistance shall not be provided if:

- a) granting of a petition contradicts the basic legal principles of Georgia;
- b) an action included in a petition is not within jurisdiction of the courts of Georgia.

#### **Article 65 – Transfer of documents to other countries**

1. Documents shall be transferred to another country according to legal assistance rules as determined by this Law.
2. Transfer of documents must be certified by an institution receiving the petition.
3. If the transfer of documents is not possible within legal assistance rules, it may be completed by a registered letter. Under International Postal Law, the transfer shall be considered as completed from the moment documents are delivered.

#### **Article 66 – Appointment of persons authorised to transfer documents**

1. If one of the parties that has a place of residence or residence outside the territory of Georgia and has no representative in Georgia, it may, by ruling of a court of Georgia, be assigned to appoint a person residing in Georgia who is authorised to transfer documents within established time limits.
2. If, within this time limit, a party fails to appoint a person authorised to transfer documents, any further transfer of documents by a registered letter shall be considered as completed one month after it was delivered to a post office. This rule shall also apply when there is no document to confirm the delivery to an addressee.
3. Under the ruling defined in paragraph 1 of this article, the effects that may arise from application of paragraph 2 of the same article must be explained to a party.

#### **Article 67 – Transfer of documents of foreign countries to Georgia**

1. Documents of a foreign country shall be transferred to Georgia according to the legal assistance rules as determined by this Law.
2. If a document to be transferred is not prepared in the Georgian language or is not accompanied by a certified Georgian translation, an addressee may refuse to accept the document. In this case, the document must be returned to the body that filed a petition with indication of the reason for return. The right to refuse to accept the document must be explained to the addressee..

#### **Article 68 – Recognition of decisions of foreign countries**

1. Georgia shall recognise legally effective court decisions of foreign countries.
2. A decision shall not be recognised if:
  - a) a case belongs to the exclusive jurisdiction of Georgia;
  - b) a party was not notified of summoning by way of delivering the writ of summons under the law of a country adopting the decision or other procedural violations have occurred;
  - c) there is a legally effective court decision of Georgia on the same dispute between the same parties, or a legally effective court decision of a third country which has been recognised in Georgia;
  - d) the foreign court that adopted the decision is not considered as competent under the legislation of Georgia;
  - e) the foreign country does not recognise court decisions of Georgia;
  - f) proceedings are pending in Georgia between the same parties on the same issue and on the same basis;



- g) the decision contradicts the basic legal principles of Georgia.
3. In cases defined in paragraph (2)(e) of this article, a foreign court decision may be recognised if it does not refer to property rights and their local jurisdiction is not determined by the legislation of Georgia.
4. If a proceeding is in progress under paragraph (2)(f) of this article, a decision of a foreign country may be recognised after the proceeding is over in Georgia.
5. The issue of recognising a foreign court decision shall be considered by the Supreme Court of Georgia.

#### **Article 69 – Decisions on marriage issues**

1. Recognition of a decision is not required if at the time of decision spouses were citizens of a country the institution of which adopted this decision.
2. The decision of the Supreme Court of Georgia to recognise a decision of a foreign country shall be binding.

#### **Article 70 – Execution of foreign court decisions**

1. Foreign court decisions on cases of civil and labour laws shall be executed if they are subject to execution.
2. A decision on execution shall be made after an interested party files an appropriate petition.
3. The issue of adopting a decision with respect to a petition shall be subject to the jurisdiction of the Supreme Court of Georgia.

#### **Article 71 – Process of execution of decisions**

1. A petition for execution must be accompanied by a certified copy of a court decision with a certified translation and by a certificate of entry of the decision into force and the necessity of its execution, unless it follows from the text.
2. It must be determined in the process of reviewing the petition whether conditions defined in Article 68 of this Law are observed.
3. An oral hearing shall not be conducted unless the parties require it. On serving a petition, the right to express an idea must be explained to the respondent. The fact that an oral hearing can be conducted if he/she requires must also be explained to the respondent.
4. Court of Georgia shall adopt a decision on execution of a foreign court decision in the form of a resolution.

#### **Article 72 – Reaching of friendly settlement between parties by court and public documents**

1. A friendly settlement between parties shall be reached by a court and public documents of foreign countries that are subject to execution shall be executed on the basis of a petition under Articles 70 and 71 of this Law.
2. A petition may not be granted if the execution contradicts the basic legal principles of Georgia.

#### **Article 73 – Appeal**

Decisions (rulings and resolutions) adopted by a court of first instance according to provisions of this Chapter shall be subject to appeal under the procedures established by law.

#### **Article 73<sup>1</sup> – Recognition and execution of arbitration decisions adopted outside the territory of Georgia**

Arbitration decisions adopted outside the territory of Georgia shall be recognised and executed under the procedure established by the Law of Georgia on Arbitration.

*Law of Georgia No 1283 of 19 June 2009 – LHGI, №13, 2.7.2009, Art. 66*

#### **Article 73<sup>2</sup> – Recognition and execution of decisions adopted by a court or a competent administrative authority of a foreign country, and of an agreement concluded and/or certified by a competent authority within the scope of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance**

A decision adopted by a court or a competent administrative authority of a foreign country, and an agreement concluded and/or certified by a competent authority within the scope of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance shall be recognised and executed under the procedure established by the same Convention and Chapter XLIV<sup>17</sup> of the Civil Procedure Code of Georgia.

*Law of Georgia No 3946 of 15 December 2023 – website, 25.12.2023*

### **Chapter X – Final Provision**

#### **Article 74 – Entry of the Law into force**

This Law shall enter into force from 1 October 1998.



Tbilisi

29 April 1998

No 1361-II ბ

