



## Georgian Legal News

### Refer to the Law

#### **Amendments to the Civil and Administrative Procedure Code of Georgia**

On 8 February 2017, the Parliament of Georgia enacted certain amendments to the Civil and Administrative Procedure Code of Georgia that enters into force on 14 March 2017.

According to the changes, several points were added to the admissibility of a cassation appeal; in particular, a cassation appeal shall be admissible if the appellant proves that:

- The Supreme Court of Georgia has not delivered a decision on a similar legal issue before;
- It is probable, as a result of considering the cassation appeal, that the Supreme Court of Georgia delivers a decision concerning the given case which would differ from the previously existing practice concerning similar legal cases;
- A court of appeals has reviewed the case in substantial violation of substantive and/or procedural law norms, and this could have affected the outcome of reviewing the case;



- The decision of the court of appeals contradicts the Convention for the Protection of Human Right and Fundamental Freedoms and/or the case law of the European Court of Human Rights concerning similar legal issues.



### **Case Law**

An important decision (case №38/374-15) made by the Tbilisi Court of Appeals on 26 November 2016 was published officially on 16 February 2017.

The main subject of discussion was the rule for administrative bodies concerning granting commercial secret status for information and an obligation of issuing all information that has the same – commercial secret status. The Court defines which preconditions are required so that the information shall be considered as a commercial secret and does not fall into the obligatory public regulation.

The Court states that when submitting information to public institutions the applicant is then obliged to indicate which information is his/her commercial secret. Public administrative bodies are bound to consider that the information is a commercial secret within 10 days, except for the information that is considered as public information under Georgia legislation.

For commercial secret status the Court specifies that the information shall meet the requirements provided by the law. One of the main criteria is when the disclosure of particular information might damage the competition of the applicant and the applicant is obliged to substantiate his/her position. Moreover, willingness of the applicant for commercial secret status is required. When submitting the information, the applicant shall refer to the commercial secret status and the administrative proceeding shall be concluded by the issuance of the respective Administrative act.

**If you have any questions regarding the information provided in this newsletter, please contact one of the Tax & Legal professionals at our Deloitte office in Georgia:**

**Giorgi Tavartkiladze**  
**Director of Tax & Legal Department**

[gtavartkiladze@deloitte.ge](mailto:gtavartkiladze@deloitte.ge)

**Giorgi Khurodze MLB (Bucerius/WHU)**  
**Head of Legal, Attorney at Law**

[gkhurodze@deloitte.ge](mailto:gkhurodze@deloitte.ge)



[deloitte.ge](http://deloitte.ge)

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee (“DTTL”), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as “Deloitte Global”) does not provide services to clients. Please see [www.deloitte.com/about](http://www.deloitte.com/about) for a more detailed description of DTTL and its member firms.

Deloitte provides audit, consulting, financial advisory, risk management, tax and related services to public and private clients spanning multiple industries. Deloitte serves four out of five Fortune Global 500® companies through a globally connected network of member firms in more than 150 countries bringing world-class capabilities, insights, and high-quality service to address clients’ most complex business challenges. To learn more about how Deloitte’s approximately 244,000 professionals make an impact that matters, please connect with us on [Facebook](#), [LinkedIn](#), or [Twitter](#).

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the “Deloitte Network”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

© 2017 Deloitte & Touche LLC. All rights reserved.