



REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2021 AND 2022)

GEORGIA

The following communication, dated 28 January 2022, is being circulated at the request of the delegation of Georgia.

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1 MINISTRY OF DEFENSE

Outline of System

1. Georgian licensing system is applied to the military products, software and technology thereof that are defined by the Ordinance of Government of Georgia No. 394 (13 June 2014) on "Approval of Lists of Military and Dual Use Items"; also, to the weapons and ammunition for the civilian usage.

There are clearly identified authorities obliged for licensing, implementation and enforcement of the law. Responsible for licensing in military products transfers is the Ministry of Defense, which represents a leading agency in implementation of control of military and civilian weaponry and also coordinates interagency cooperation and information sharing among designated ministries, that are involved in the decision-making process as consultative bodies responsible to review each case from their respective jurisdiction and through the spectrum of their competency:

- Ministry of Finance/customs department;
- State Security Service;
- Ministry of Justice;
- Ministry of Foreign Affairs;
- LEPL Agency for Nuclear and Radioactive Safety;
- LEPL Technical and Construction Supervision Agency.

The Ministry of Defense is responsible for granting permits on import, export, transit, brokering services and technical assistance of weapons and military products and activity licenses on trade, repair and manufacture of such goods.

¹ See document G/LIC/3, Annex, for the Questionnaire.

Purposes and Coverage of Licensing

2. N/A

3. The system applies to abovementioned goods regardless their origin and countries they are coming from.

4. The licensing (permit) requirements do not include any quantitative or value restrictions. The main objective of licensing is prevention of the illicit spread of weapons and military products and reduce the risk of their diversion to the unauthorized end users and end uses thus maintaining the national and international security.

5. Import licensing system for civilian weapons and military products is regulated by the following normative acts:

- Law of Georgia on "Licenses and Permits" (24 June 2005);
- Law of Georgia on "Licenses and permissions fees" (14 August 2003).
- Law of Georgia "of Arms" (8 May 2003);
- Law of Georgia "On Control of Military and Dual Use Items" (29 November 2013);
- Ordinance of Government of Georgia No. 372 (9 June 2014) on "Determination of Control measures for Military and Dual Use Items";
- Ordinance of Government of Georgia No. 394 (13 June 2014) on "Approval of Lists of Military and Dual Use Items";

Order of Minister of Defense No. 68 (4 August 2020) on "Approval of the Statute of Standing Commission of Military-technical Issues of Ministry of Defense of Georgia".

Law of Georgia "On Arms" Article 22 defines that Import of Civilian Weapons and their main elements, ammunition and their main elements shall be carried out on the basis of permit issued by the Ministry of Defense of Georgia.

Law of Georgia "On the Control of Military and Dual Use Items" Article 5 and Article 9 defines that:

Importation of items provided for in the control lists (Governmental Ordinance No. 394 on "Approval of Lists of Military and Dual Use Items" Attachment No. 1) shall be carried out on the basis of the permit issued by the Ministry of Defense of Georgia.

The licensing is a statutory requirement. Ministry of Defense cannot suspend or abolish the system without legislative approval. The legislation does not leave designation of products to be subjected to licensing to administrative discretion.

Procedures

- 6.I. Licensing authority provides availability of public information on issued licenses (permits) for interested bodies.
- II. The size of quotas on weapons and military products may be determined by the Standing Commission of Military-technical Issues of Ministry of Defense of Georgia, which is authorized to issue the recommendations on import of weapons and military products. Granting recommendations is the first step and compulsory for issuing than the import permits on weapons and military products by the Ministry of Defense of Georgia.
- III. Import permit shall be granted by the Ministry of Defense only to legal entities registered in Georgia that are possessed the license of activity on trade of weapon and military products.
- IV. Georgian legislation regulating control of weapon and military items does not define any quotas for permits. Importers possessing appropriate activity license can apply to the Ministry of Defense whenever they need to obtain the import permit.
- V. The time of processing applications and granting the recommendation on import of weapons and military products shall be defined by the Standing Commission of Military-Technical Issues

of Ministry of Defense of Georgia but it could not exceed 9 months. Import permit that should be issued on the basis of recommendation is made within 20 days after receiving application if all the required documents are submitted.

- VI. Importers are able to import products as soon as they receive the permission. The validity of recommendation is 12 months. Permits are valid during the validity period as indicated. If no validity period is indicated, than the validity is 12 months since its issuance.
 - VII. For obtaining the import permission for weapons and military products, importer approaches only one administrative body - Ministry of Defence.
 - VIII. New importers first should obtain the activity license on trade of weapons or military items. Applications are examined on receipt.
 - IX. The import permission of weapon and military products is required in any case.
 - X. Military-technical issues department of the Ministry of Defence (provides the organizational-technical support to Military-technical Issues Commission and drafting the activity licenses and permits on import, export and transit of weapon and military products) has very close cooperation with relevant authorities of EU member states and countries in region. It gives the opportunity for direct contact with representatives of such authorities in case of any questions regarding their exports to Georgia.
 - XI. No permit is issued on condition that goods should be exported and not sold or used in the domestic market.
- 7.(a) Importers should take into account that according to the relevant normative act, proceeding of granting of recommendations by the Standing Commission on Military-technical Issues of Ministry of Defense can be exceeded within the period of nine months. After obtaining the recommendation, within 12 months period, importers can apply to the Ministry of Defense for import permit, which shall be issued by Ministry of Defense within 20 days after submission of required documents. There is no defined shorter time-limit.
- (b) The permits can be granted in approximately four-five days after request if all required documents and provisions defined by the relevant normative acts are submitted and fulfilled by the applicant.
 - (c) There are no limitations for the period of the year during which applications for import permission may be made.
 - (d) Application for recommendation can be considered by the interagency experts group of the Standing Commission on Military-technical Issues of Ministry of Defense composed of experts from various agencies designated by the Standing Commission. Though importer approaches only one administrative body – Ministry of Defense.

8. Standing Commission of Military-technical Issues of Ministry of Defense is authorized to terminate the proceeding of application or deny to grant it:

- on Request of applicant;
- if the applicant is an ineligible to conduct this activity;
- if the applicant cannot submit all the documents that are prescribed by the relevant normative act and/or requested by the Military-technical Commission.

The Ministry of Defense can deny to grant import permission or terminate a granted permission:

- in cases stipulated by the Georgian "Law on Licenses and Permits", or
- in cases stipulated by Governmental ordinance No. 372 on "Determination of Control measures for Military and Dual Use Items";
- in consideration of national security interests of Georgia.

The applicant has the right to appeal for refusal in the upper administrative organ or the court.

Eligibility of Importers to Apply for License

9.(a) N/A

- (b) Under non-restrictive licensing system - the eligibility to apply for permission on importation of weapon or military items have only legal entities registered in Georgian state registers and possessing activity license for trade of these products, granted by the Ministry of Defense. Fee for license on trade of civilian weapons is 100 Lari and 2,000 Lari for license on trade of Military products.

Documentational or other Requirements for Application for License

10. The application should be made in written form which includes the following:

- Name of administrative organ, the applicant addresses to;
- Name and address of applicant;
- Request;
- Date of submission and signature;
- List of attached documents if any;
- Note from the State Register for legal entities of Private Law and individual entrepreneurs;
- The document on payment of permission fees;

The following documentation should be submitted together with the application:

- document certifying the transaction under consideration (agreement).
- Technical specifications of the products;
- positive recommendation of the Commission;
- Certificate of Origin;
- Export permit issued by the exporting country.

11. Import permit of Ministry of Defense is the main document on the basis of which the actual import can be conducted. Other documents that should be submitted are the prerogative of Customs department of Revenue Service of Ministry of Finance according to the relevant normative act.

12. There is a one-time mandatory fee for obtaining the permissions aiming to cover the administrative expenses. The amount for the permission fees is determined in accordance to the Law of Georgia on "Licensing and Permission Fees". In case of weapons and military items import fee is 0.5% of the weapons and military equipment with the total value between 500 GEL to 10,000,000 GEL and 0.1% for the products above 10,000,000 GEL, but the maximum amount of fee must not exceed 120 000 GEL. A bill on payment of the fee should be submitted to the Ministry of Defense along with other documents while applying for the permit.

13. There is no deposit or advance payment associated with the issue of recommendation of Military-technical Issues Commission of Ministry of Defense. But for the obtaining of import permission of Ministry of Defense on the basis of abovementioned recommendation, together with other required documents importer shall submit the bill of payment, stipulated by the Law of Georgia on "Licenses and permissions fees".

14. Permits are valid during the validity period as indicated. If no validity period is indicated, than the validity is 12 months since its issuance. The validity of a permit cannot be extended. Importer shall obtain the new one.

15. There are no penalties for the non-use of permission.

16. Permits are not transferable between importers.

17. There are no other conditions attached to the issue of a permit.

Other Procedural Requirements

18. There are no other administrative procedures for obtaining a permit.

19. The imported commodities are automatically provided with foreign exchange by banking authorities. The permit is not required as a condition of obtaining foreign exchange. Foreign exchange is always available to cover a permit. There are no formalities for obtaining foreign exchange.

2 MINISTRY OF ENVIRONMENTAL PROTECTION AND AGRICULTURE

Outline of Systems

1. Convention on International Trade in Endangered Species (CITES) Permit - The Georgian Law on the Georgian "Red List" and "Red Data Book", based on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), requires the import permit issued by the Ministry of Environmental Protection and Agriculture for the import of the wild- taken specimens of the species included in the Appendix I of the Convention. The Ministry also issues the certificate for introduction from the sea for the specimens harvested in the marine areas beyond the national jurisdictions.

At the same time, CITES permit/certificate issued by the CITES Management Authority of the exporting/re- exporting country is required for all specimens of species listed in the Appendices of the Convention.

The Ozone Depleting Substances (ODSs) Permit – the Import permit system is regulated by Georgian Law on Ambient Air Protection and Government Decree No. 266 (21 June 2016) establishing the list of substances subject to import permit and relevant accounting form. On 29 May 2018, Government Decree No. 272 Amended Decree No. 266. Amendment entered into force on 1 June 2018. The permit system is administered by the Ministry of Environmental Protection and Agriculture.

The Phytosanitary and veterinary import permit - The licensing system as a whole is governed by the Law of Georgia on Licenses and Permits, Resolution No. 426 of the Government of Georgia, of 31 December 2010, on the Approval of Rules and Conditions for Issuing Permits and Forms Thereof by Legal Entity of Public Law – Revenue Service and Legal Entity of Public Law – National Food Agency and the Law of Georgia - Food/Feed Safety, Veterinary and Plant Protection Code. The licensing system ultimately aims to ensure protection of human, animal and health by preventing the spread of dangerous infectious diseases. The permits in this field are divided into two types: phytosanitary and veterinary permits;

The License of Nuclear and Radiation Activity - Under the Law of Georgia on Nuclear and Radiation Safety, it is forbidden to conduct nuclear and radiation activity without authorization granted by the Regulatory Body – LEPL Agency of Nuclear and Radiation Safety (ANRS) under the state supervision of the Ministry of Environmental Protection and Agriculture of Georgia. The same Law determines the "authorization" to include license and permission. Under the Law of Georgia on Licenses and Permits "import of radioactive materials, raw materials, from which nuclear materials can be obtained or produced, equipment containing radioactive substances, nuclear technologies and know-how, as well as export, import and transit of radioactive sources" is subject to permission, not a license.

The permit is as the right to perform a one-time act within the license of nuclear and radiation activity and is valid for maximum of one year. The only exception is the act related to the radiopharmaceuticals for medical purposes – in this case, the permit may be granted for performing repeated/several acts, but the time limit of one year remains applicable.

The permit on import may be granted to the licensees holding the license on the following activities:

- production, possession, temporary retention, use and sale of radioactive materials;
- using of a source of ionizing radiation for medical (therapeutic) purposes;
- using of radioactive substances (radiopharmaceuticals) for medical diagnosis;
- using of radioactive substances (radiopharmaceuticals) for medical treatment;
- using of a generator of ionizing radiation and/or radioactive substances for delivery of service;
- using of a source of ionizing radiation for industrial purposes;
- using of a source of ionizing radiation for research and education purposes.

Purposes and Coverage of Licensing

2. Convention on International Trade in Endangered Species (CITES) - The permit/certificate issued by the CITES Management Authority;

The Ozone Depleting Substances (ODSs) Permit - Import, export, re-export and transit of ozone depleting substances (ODSs) are subject to permitting;

The Phytosanitary and veterinary import permit - The Phytosanitary import permit covers in general live plants and products of plant origin; Veterinary permits, on the other hand, applies to live animals and products of animal origin;

The License of Nuclear and Radiation Activity - Permit ANRS is statutorily determined to grant, covers:

- ✓ Radioactive materials;
- ✓ Raw materials, from which nuclear materials can be obtained or produced;
- ✓ Equipment containing radioactive substances;
- ✓ Nuclear technologies and know-how;
- ✓ Radioactive sources.

The system is the same for each product enlisted above.

3. Convention on International Trade in Endangered Species (CITES) Permit - This system applies universally, to all countries;

The Ozone Depleting Substances (ODSs) Permit - The system applies to goods originating in and coming from all countries.

The Phytosanitary and veterinary import permit - This system applies universally, to all countries;

The License of Nuclear and Radiation Activity - There is no restriction regarding countries under the legislation under the Law of Georgia on Nuclear and Radiation Safety and the Law of Georgia on Licenses and Permits.

4. Convention on International Trade in Endangered Species (CITES) - In case of the import permits for the wild-taken Appendix I species, the main purpose is to prove that the import is not undertaken for primarily commercial purposes. The quantities are defined by the CITES Management Authorities of the exporting/re-exporting countries.

For the certificate for the introduction from the sea, the quantities are defined, based on the scientific assessment, so that the quantities imported are not detrimental for the survival of the species concerned.

The Ozone Depleting Substances (ODSs) Permit - Permitting intended to restrict the quantity of imports of Hydrochlorofluorocarbons (HCFCs) and limit purposes of import of Methyl Bromide (from 2015 import of Methyl Bromide is allowed only for quarantine and pre-shipment uses).

The Phytosanitary and veterinary import permit - The permits do not, in any shape or form, intend to restrict quantity or value of imports. For the purpose of licensing, please refer to answer to Question No. 1 above. The Agency deems the aforementioned method of being commensurate to the goals set out by the licensing system;

The License of Nuclear and Radiation Activity - Considering the type of goods, there is no interest in restricting the quantity and/or value. Georgian legislation complies with the International Atomic Energy Agency standards, principles and guides and there are no such recommendations as to restrict for any reason. However, since every activity related to the nuclear and radiation field shall be justified before the commencement, the applicants are obliged to give the reasons/grounds of the act they are intending to conduct. Justification means that the benefits outweigh the potential harm.

5. Convention on International Trade in Endangered Species (CITES) Permit - The Georgian Law on the Georgian "Red List" and "Red Data Book", based on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Only the Parliament of Georgia is authorized to abolish the law.

The Ozone Depleting Substances (ODSs) Permit – The Georgian Law on Ambient Air Protection and subordinated by- law on ODSs import and export permitting system are the legislative bases under which the permitting is maintained. Existing legislation does not leave designation of products to be subjected to licensing to administrative discretion. It is not possible for the government (or the executive branch) to abolish the system without legislative approval.

The Phytosanitary and veterinary import permit – The Permits and Licensing is chiefly administered on the basis of Law of Georgia on Licenses and Permits, Resolution No. 426 of the Government of Georgia, of 31 December 2010, on the Approval of Rules and Conditions for Issuing Permits and Forms Thereof by Legal Entity of Public Law – Revenue Service and Legal Entity of Public Law – National Food Agency and General Administrative Code of Georgia. The products to be subjected to licensing are stipulated in relevant legislation. The government (executive branch) may not arbitrarily abolish the system without the proper legislative mandate;

The License of Nuclear and Radiation Activity - There are two main laws that regulate permission granting process:

- ✓ Law of Georgia on Nuclear and Radiation Safety;
- ✓ Law of Georgia on Licenses and Permits.

However, for the purposes of following the administrative procedures, ANRS is also obliged to meet the requirements provided for by the General Administrative Code of Georgia. Since those laws are adopted by the Parliament of Georgia, the Government does not enjoy the right to abolish and/or amend them in any form. Additionally, there is no discretion upon ANRS and/or any member of the executive authorities in this process.

Procedures

6.I. **Convention on International Trade in Endangered Species (CITES)** - In case of imports from other countries, the limits are defined by those countries themselves. For the introduction from the sea, the limits are defined by the Scientific Authority. However, in practice we have never had an application for this permit.

The Ozone Depleting Substances (ODSs) Permit – The Information relating to quotas, formalities of filing applications for permit, exceptions and derogations are published in the Government Gazette. In addition, information is disseminated by different media outlets. Quotas are determined and permits for import are issued on an annual basis. Permits are allotted to importers regardless of whether they are producers of like products. To ensure that quotas are allocated actually, an annual import quota parceling for HCFCs is defined by sub-law. Unused allocations are not added to quotas for the next year. Names of importers to whom permits have been allocated can be made known to governments and export promotion bodies of exporting countries upon request. From the time of announcing the opening of quotas, a period of at least 42 days is allowed for the submission of applications for permits. Applications for permits are processed within 2-3 weeks. There is no time gap between the granting of permit and the date of opening of the period of importation. There are no exceptions or derogations from the licensing requirement established by the legislation.

II. **The Phytosanitary and veterinary import permit** – No such restrictions on products exist for Georgia. No quotas and restrictions exist; therefore, no restricted amounts are published. Publishing in general is undertaken through the Legislative Herald, corresponding websites of relevant responsible authorities and social media platforms;

The License of Nuclear and Radiation Activity - Not Applicable.

III. **Convention on International Trade in Endangered Species (CITES) Permit** - For the introduction from the sea (imports from beyond the national jurisdictions): quantities set for

each permit. For imports from the countries: defined by respective countries. Sometimes, the countries set annual export quotas, which is later indicated on the actual permits we are receiving.

The Phytosanitary and veterinary import permit - There are no quotas.

- IV. **Convention on International Trade in Endangered Species (CITES) Permit** – CITES permits are issued for single export/import/re-export/introduction from the sea. It is not possible to use same permit twice. Also, where annual quotas are set, it is not possible to carry unused quota for the next year.

The Phytosanitary and veterinary import permit - Since we do not have import quotas, nothing is shared with other countries.

- V. **Convention on International Trade in Endangered Species (CITES) Permit** – 20 working days are allocated for issuing the CITES permits in Georgia. This number varies in different countries.

The Phytosanitary and veterinary import permit - Depending on the fees paid, the period for processing application may range from 1 to 20 working days.

- VI. **Convention on International Trade in Endangered Species (CITES) Permit** - The export/re-export permits are valid for 6 months. Permits for introduction from the Sea are valid for 12 months.

The Phytosanitary and veterinary import permit - The importation may commence immediately upon the issuance of permit.

- VII. **Convention on International Trade in Endangered Species (CITES)** - The Ministry of Environmental Protection and Agriculture is the Management Authority in Georgia. At the same time, as mentioned, specimens of the CITES listed species are imported based on the permits issued by the management authorities of respective countries. The list of Management Authorities is uploaded on the CITES web-site. However, we do not have information on the procedures how they are issuing the permits and certificates.

The Phytosanitary and veterinary import permit - A single administrative authority processes the application. In case of applications for phytosanitary and veterinary import permits, such authority may be the LEPL-National Food Agency or LEPL-Revenue Service.

- VIII. **Convention on International Trade in Endangered Species (CITES)** - In case of import permits for wild-taken specimens of Appendix I CITES species, all permits are issued if the trade is not commercial. The quotas and limits are set and shared by the exporting countries. For the introduction from the sea, all permits are judged on a case-by-case basis.

The Phytosanitary and veterinary import permit - There are exists no legislative or other basis for prioritizing one claim over the other. There is also no differentiation between early and late applicants. Application shall be examined after the payment of fee has been cleared.

- IX. There are no Quotas.

- X. **Convention on International Trade in Endangered Species (CITES)** – MEPA has direct communication with the CITES management Authority of exporting country.

The Phytosanitary and veterinary import permit - N/A.

- XI. No such conditions exist.

- 7.(a) **Convention on International Trade in Endangered Species (CITES)** - There is no limit how far in advance the permits should be obtained. In case of arriving without the CITES permit, the import is illegal. The importer may apply for the retrospective permit, but the

decision on issuing such a permit lies with the CITES Management Authority of the exporting country, in consultation with us and if all relevant conditions are satisfied;

The Phytosanitary and veterinary import permit - No such minimum timeframe exists. The period for processing applications ranges from 1 to 20 working days;

The License of Nuclear and Radiation Activity - There is no such time range for applying, however, the applicant shall take into consideration that ANRS is allowed to make a decision on granting or not the permit up to 20 days period of time. Apart from this general rule, under the Ordinance of the Government of Georgia, the applicant is allowed to apply for the shorter period of time amid paying additional fees. In particular, there are options of 3 or 10 calendar days.

- (b) **Convention on International Trade in Endangered Species (CITES)** - The import permits for the specimens of wild-taken Appendix I species cannot be granted immediately, since this process involves obtaining the advice from the Scientific Authority. We do not have information about other countries, whether it is possible to get CITES permit immediately. However, we assume that this may only be possible only for re-exports, when the advice of the Scientific Authority is not required.

The Phytosanitary and veterinary import permit -Yes, granting within one working day is a possibility, provided the applicant pays the corresponding fee;

The License of Nuclear and Radiation Activity - There is no such statutory mechanism as immediate decision on request. The shortest period of time is 3 calendar days.

- (c) **Convention on International Trade in Endangered Species (CITES)** - All CITES permits used for import of the specimens are checked by the Customs Department of Georgia. The department verifies that quantities imported fall within the amounts indicated on the permits.

The Phytosanitary and veterinary import permit - No such limitations exist;

The License of Nuclear and Radiation Activity - No, there are no such limitations.

- (d) **Convention on International Trade in Endangered Species (CITES) Permit** - All CITES permits used for import of the specimens are checked by the Customs Department of Georgia. The department verifies that quantities imported fall within the amounts indicated on the permits.

The Phytosanitary and veterinary import permit - A single administrative authority processes the application. In case of applications for phytosanitary and veterinary import permits, such authority may be the LEPL-National Food Agency or LEPL-Revenue Service;

The License of Nuclear and Radiation Activity - Besides the permit from ANRS, in case of permit on import of dual-use goods, the importer has to approach Ministry of Defense for recommendation and to Revenue Service for the second permit.

8. Convention on International Trade in Endangered Species (CITES) Permit - Generally, the CITES permits are refused, if the specimens are not legally obtained or such harvest is detrimental for the survival of the species concerned. The application may also be refused if some of the necessary documents are missing.

The Phytosanitary and veterinary import permit - There are no other criteria, just ordinary stipulated conditions. Please refer to legislation above. Reason for refusal is given. According to the General Administrative Code, the decision may be first appealed to superior administrative body and then, if the appeal is not satisfied, to the court. Eligibility of Importers to Apply for Licence;

The License of Nuclear and Radiation Activity - The reasons of refusal are strictly provided for by the Law of Georgia on License and Permits which are binding for ANRS to obey. Those reasons are as follows (Article 27):

A permit issuer shall not issue a permit if:

- (a) the application and attached documents submitted by a permit applicant do not meet the requirements set by law, and the permit applicant fails to carry out corrective measures within the period defined by an administrative body;
- (b) a permit applicant does not meet the permit conditions defined by law or by a local self-government representative body under law;
- (c) a permit applicant has been deprived of the right to carry out an activity in the respective permitted area under a valid court judgment of guilty.'

The same Law gives the right to the applicant to appeal the decision of the permit issuer on refusing the permit before higher administrative organ (Ministry of Environmental Protection and Agriculture of Georgia, in case of ANRS decisions) or courts. ANRS is obliged to give the reasons of refusal.

Eligibility of Importers to Apply for License

9. Convention on International Trade in Endangered Species (CITES) Permit - All persons, firms and institutions are eligible;

The Phytosanitary and veterinary import permit - Yes. All person, legal or natural, firms and institutions are eligible. Persons or firms permitted to engage in importation must be registered as resident taxpayers in Georgia at Revenue Service of Georgia;

The License of Nuclear and Radiation Activity - Yes, they are, since those permits are granted within the license already held by the applicant.

Documentation or other Requirements for Application for License

10. Convention on International Trade in Endangered Species (CITES) Permit - For the import of the specimens of wild- taken Appendix I species or introduction from the sea there is no sample form for the application. The applicant should indicate the species, quantity, area of harvest, name and contact details of the importer, as well as information about the intended use. The applicant should also submit information on conditions how the live animals will be kept. The receipt of payment of the permitting fee.

The Phytosanitary and veterinary import permit –

- ✓ The application for veterinary permit:

Application;
Service fee payment receipt;
Copy of the veterinary certificate;
Information in the Public Register.

- ✓ The application for phytosanitary permit:

Application;
Service fee payment receipt;
Information in the Public Register.

The License of Nuclear and Radiation Activity -

- (a) License of nuclear and radiation activity issued to the importer;
- (b) information on the specifications of the radioactive materials to be transported and of the protective containers;
- (c) ensuring the safety and physical protection of radioactive materials during transportation.

In case of import of nuclear material additionally the following conditions must be considered:

- (a) fulfilment of the international obligations under Nuclear Non-proliferation Safeguards for nuclear materials to be received;
- (b) transportation of nuclear materials in accordance with the international obligations under Nuclear Non-proliferation Safeguards.

11. Convention on International Trade in Endangered Species (CITES) Permit – The Original of the Permit, endorsed by the customs department of the exporting/re-exporting country;

The Phytosanitary and veterinary import permit - During the importation, general information concerning the origin, transportation of and financial data on goods are required;

The License of Nuclear and Radiation Activity - The importer shall present the permit from ANRS and invoice to the customs officer.

12. Convention on International Trade in Endangered Species (CITES) Permit - licensing fee: 50 GEL;

The Phytosanitary and veterinary import permit - No specific licensing fees or administrative charges exists. Licensing is done free of charge;

The License of Nuclear and Radiation Activity - licensing fee: 40 GEL.

13. Convention on International Trade in Endangered Species (CITES) Permit – NO;

The Phytosanitary and veterinary import permit - No deposit or advance payment is required for the issuance of a permit;

The License of Nuclear and Radiation Activity - The documents submitted in order to get the permit from ANRS shall be accompanied with the proof of payment. It is refundable in cases strictly determined under the Law of Georgia on License and Permit Fees. If the applicant applies for the accelerated procedure described above, the Ordinance of the Government of Georgia also enshrines provisions on refund.

Conditions for Licensing

14. Convention on International Trade in Endangered Species (CITES) Permit – The Export/re-export CITES permits are issued for six months, permits for import and introduction from the sea are issued for 12 months. New permits can be issued to replace unused permits;

The Phytosanitary and veterinary import permit - The permit shall be valid from one to six months. Extension is not possible, so the applicant should apply for a new application. Procedure remains the same;

The License of Nuclear and Radiation Activity - The validity of a permit is one year. There is no such mechanism as extension. The applicant shall submit new request/application on granting another permit.

15. Convention on International Trade in Endangered Species (CITES) Permit – NO;

The Phytosanitary and veterinary import permit - No such penalties for non-utilization of a permit/licence or a portion of a permit/ licence exist;

The License of Nuclear and Radiation Activity – NO.

16. The Phytosanitary and veterinary import permit - Transferring the import permit to other importers is not possible;

The License of Nuclear and Radiation Activity - Permit cannot be transferred between the importers, since it is granted to the specific importer with the indication of its credentials and other details.

17. **The Phytosanitary and veterinary import permit** - No such conditions.

The License of Nuclear and Radiation Activity- NO.

Other Procedural Requirements

18. **The Phytosanitary and veterinary import permit** - An on-site pre-import inspection applies to live animals and certain meat products, that have possible high risk of spreading infectious diseases and originate from countries, where, according to OIE, a contagious disease has been detected.

The License of Nuclear and Radiation Activity - No. The permit-holder is obliged to give a notice in ten days after import has been conducted.

19. **Convention on International Trade in Endangered Species (CITES)** - The Permit fees are always paid in GEL; exchange is always available in the banks. Other fees associated to this permit are not applicable.

The License of Nuclear and Radiation Activity - The Permit fees shall be paid only in national currency.

3 LEPL REVENUE SERVICE – MINISTRY OF FINANCE (MOF)

Outline of System

1. Types of licenses and permits and the rules applicable thereof are provided for in the law of Georgia on "Licenses and Permits";

Service fees applicable for the processing of permit applications and the amounts therefore as well as timeframes for issuance are provided for in the law of Georgia on "License and Permit Fees"

The basis for movement control and policy measures of the dual-use goods is prescribed under the law of Georgia on "the Control of Military and Dual-Use Goods"

Rules governing the application procedures (including required documentation) and issuance of permits for dual-use goods is provided for in the Governmental Decree No. 372 (from 9 June 2014) "on the Definitions of Control Measures of Military and Dual Use Products"

Purposes and Coverage of Licensing

2. The list of dual-use goods subject to control is provided for in the Georgian Governmental Decree No. 394 (from 13 June 2014) on the Approval of Lists of Military and Dual Use Items. The list has been elaborated in accordance to the list provided for in the Council Regulation - (EC) No. 428/2009.

Permit for provision of brokerage services with regards to import, export, transit and technical assistance on dual-use goods is issued by the Customs Department of the LEPL- Revenue Service of the Ministry of Finance of Georgia.

Dual-use goods permits are issued via a unified electronic permit and licensing system in electronic form. Application and accompanying documentation is lodged with the Customs department via GRS web-page (<https://www.rs.ge/>). The service fee for issuance of dual-use goods permit amounts to 30 Laris (In accordance to the law of Georgia on "License and Permit Fees"

Furthermore, the law of Georgia on the "Prevention of Diseases Caused by a Deficiency of Iodine, other Micronutrients and Vitamins" aims to create a more favourable conditions for the prevention of diseases caused by a deficiency of iodine and of other micronutrients and vitamins. Accordingly,

the rules and conditions for issuance of permits for issuance on non-iodized salt is approved by the Governmental Decree NO. 185 from 14 October 2005 and the administrative body responsible for issuance of the permit is the LEPL – Revenue Service of the Ministry of Finance of Georgia.

3. The licensing systems currently in use do not have provisions for goods specifying them by nature of their origin except for cases when issuance of permits/licenses is pursuant to ensuring of adequate level of safety and security as applicable. Accordingly, import permits for dual-use goods is issued on the provision that the exporting country is not subject to sanctions by the UN Security Council.

4. Licensing systems do not aim to restrict the quantity or value of imports but only to ensure the safety and security as well as public health on national level as well as overall security of the supply chain of products. The system for permits on dual-use goods aims to curb proliferation of WMDs while maintaining relevant security standards. While the non-iodized salt import permit aims to halt the use of non-iodized salt for food purposes.

5. All relevant regulations are cited in the answer to the question N2. At the same time please note that control measures are regulated on the basis of law and Government/administrative agencies may not amend or revoke these without the involvement of the legislative authority.

Procedures

6.I. No restrictions are maintained for the quantity and/or value of imports moreover the existing licensing provisions do not provide for specific rules regarding the origin of goods subject to regulations thereof. All information regarding the regulatory framework governing licenses and permits may be requested through an electronic request lodged with the Revenue Service. Additionally, all legislative acts are publicly available on the webpage of the Legislative Herald of Georgia (official journal) at <https://matsne.gov.ge/>;

Information regarding control measures applicable to dual-use goods may be found at: [https://www.rs.ge/LegalEntityNonTariffControl-en?cat=2&tab=1](https://www.rs.ge/LegalEntityNonTariffControl-en?cat=2&tab=1;);

Dedicated webpage of the Ministry of Defense of Georgia: <https://exportcontrol.mod.gov.ge/pages/database>

Information on receiving licence for importation of non-iodized salt may be found at: <https://rs.ge/LegalEntityNonTariffControl?cat=14&tab=1>

II. No licensing quotas are maintained. For dual-use goods permits have the validity of 12 month period.

III. No licensing quotas are maintained. Licensing is not subject to s origin of products. Depending on the nature of goods license might be required for sale of goods on the domestic market but these procedures fall outside the scope of the Revenue Service operational framework. The Revenue Service is responsible for ensuring the appropriate licenses are presented when importing goods, subject to licensing requirements, at the border. Registry of the licenses is public in accordance with Article 36 of the law of Georgia on "Licenses and Permits"

At the same time information may be exchanged on the basis of agreements aimed at exchange of information and cooperation, where such scheme might be necessary for the purposes of private information protection.

IV. No licensing quotas are maintained.

V. If the required information is provided fully the Customs department shall issue the permit for dual-use goods/non-iodized salt no later than 20 days after the application has been lodged.

VI. The importation may be carried out within the validity period of the permit (12) month, while for non-iodized salt the importation should be carried out at any time during the effective period of the contract on the basis of which the permit had been issued.

- VII. Depending on the nature of goods (firearms, dual-use goods) it is possible to need approval of more than one governmental agency. In these cases the importer needs to apply with single administration with required approval procedures coordinated internally within the relevant structures:

For dual-use goods, permit application is considered by Customs department on the basis of an approval issued by a Standing Committee on Military-Technical Matters of the Ministry of Defense of Georgia.

For nuclear materials, import permit is issued for – "import and export of radioactive materials, raw materials, from which a nuclear material can be obtained or produced, equipment containing radioactive substances, nuclear technologies or know-how, as well as export, import and transit of radioactive sources;" by the LEPL- Agency of Nuclear and Radiation Safety of the Ministry of Environmental Protection and Agriculture.

Applications for non-iodized salt are considered by the Customs department of the Revenue Service.

- VIII. No licensing quotas are maintained for dual-use goods and for non-iodized salt permits.
- IX. Export license issued by the exporting country does not waive the import permit/license requirements for dual-use goods or for non-iodized salt accordingly. The procedures are followed as is without any automatic component thereof.
- X. Currently no such system is maintained. All relevant formalities and information regarding the procedures are freely available both on the Revenue Service official website as well as on the websites of all relevant agencies and the Legislative Herald of Georgia.
- XI. No such regulation exists.
- 7.(a) Legislation does not provide for specific provisions governing the advance application for permits and/or license. The application should be lodged in reasonable timeframe considering the period required for issuance of permits/license as described above. If the license/permits are not presented at the time of importation the importer may be given a three day period to preset the required permit/license. This period may be expanded further if required.
- (b) These type of arrangement is currently not available in the relevant regulatory framework. However permit for dual- use goods is issued within hours of receiving a dully completed application with relevant accompanying documents. While for the non-iodized salt permit is issued within a 1 to 3 day period of application.
- (c) There are no such limitations applicable.
- (d) Depending on the nature of goods (firearms, dual-use goods) it is possible to need approval of more than one governmental agency. In this cases the importer needs to apply with single administration with required approval procedures coordinated internally within the relevant structures:

For dual-use goods, permit application is considered by Customs department on the basis of an approval issued by a Standing Committee on Military-Technical Matters of the Ministry of Defense of Georgia.

For nuclear materials, import permit is issued for – "import and export of radioactive materials, raw materials, from which a nuclear material can be obtained or produced, equipment containing radioactive substances, nuclear technologies or know-how, as well as export, import and transit of radioactive sources;" by the LEPL- Agency of Nuclear and Radiation Safety of the Ministry of Environmental Protection and Agriculture.

Applications for non-iodized salt are considered by the Customs department of the Revenue Service.

8. Application is granted on the compliance with the requirements as set-out in the relevant regulatory framework. If the application does not meet the relevant requirements or importation of specified goods is in breach of relevant legislative framework, the license/permit will be denied with relevant information provided to the applicant. The applicant is always able to appeal any decision in upper administrative authority and/or in court.

Eligibility of Importers to Apply for License

9.(a) No licensing quotas are maintained.

(b) All persons (Natural or legal). Firms and organizations are entitled to apply for licenses/permits.

Documentation or other Requirements for Application for License

10. Find below the link for the application for import of Dual-use items:

<https://eservices.rs.ge/ServiceRequestNew.aspx?p=559>

The application shall be accompanied by:

- Proof of payment for permit fee;
- The original transaction/document evidencing the permit action, or certified copy thereof;
- Description of technical features of goods;
- Positive recommendation of the permanent Commission of Military-Technical Issues of the Ministry of Defense of Georgia
- Documents necessary to determine the circumstances relevant to the case, at the request of the permit issuer
- Relevant license and/or permit, if any, required by the Law of Georgia on Licenses and permits to perform an action Import of the non-iodized salt is authorized based on the permit issued by the revenue service.

The following items should be attached to the application:

- Legal basis of import the non-iodized salt into Georgia (Contract, agreement, formal letter and etc.);
- Confirming documents of goods quantity and level;
- Confirming document (contract) of non-iodized salt for further usage as a non-nutrition purpose, if non-iodized salt importer at the same time is the customer – information about obligation, according to which the imported goods are not used in the nutrition purpose.

11. It is mandatory to submit a contract and transport documents.

12. Fee for obtaining Dual-use items import permit is 30 GEL. Obtaining the Import permit for non-iodized salt is free.

13. No requirement for deposit or advanced payment.

Conditions for Licensing

14. The permit is valid for the period specified in it. If the permit does not specify a term, is assumed that the permit is valid for the 12 months after the issue. Extension of the permit is not defined by legislation.

15. No penalty for non-utilization of a license.

16. The transfer of a permit to another person is not defined by legislation.

17. There are no quantitative restrictions on the import of any kind of dual-use goods

Other Procedural Requirements

18. There are no other administrative procedures prior to importation

19. Foreign exchange licensing is outside of GRS competence and is regulated within the National Banks scope of operations.

Goods subject to a licence or permit requirement to import and/or export, 2021

Goods subject to permit (or licence)	Fees (GEL)	Permit/licence required to	Rationale
National Communications Commission			
Electronic communications interception systems (licence)	200	Import and export	Security
Ministry of Environmental Protection and Agriculture			
Hazardous waste	200	Import and export	Environmental and health protection
Non-hazardous waste for the purpose of its further recovery	200	Only import	Environmental and health protection
Radioactive waste	40	Only export	Environmental and health protection
Ozone-depleting substances	200	Import and export	Environmental protection
Radioactive materials and sources, and raw materials from which nuclear materials can be obtained or produced, equipment containing radioactive substances, nuclear technologies and know-how	40	Import and export	Environmental and health protection
Species listed in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), their parts and derivatives	50	Import and export	Environmental protection
Fir cones, snowdrop bulbs and cyclamen tubers that are listed in the Appendices to the CITES (licence)	100	Only export	Environmental protection
Products of animal origin and veterinary drugs subject to veterinary control ⁱ	Free ⁱⁱ	Only import	Health
Products of plant origin subject to phytosanitary control	Free ⁱⁱⁱ	Only import	Health
Ministry of Defence			
Non-military weapons (civil weapons), major elements of firearms, ammunition, and major elements of ammunition	Varies with transaction value	Import and export	Security
Military goods	Varies with transaction value ^{iv}	Import and export	Security
Revenue Service			
Dual-use goods	30	Import and export	Security
Non-iodized salt	Free	Only import	Health
Ministry of IDP from the Occupied Territories, Labour, Health and Social Affairs			
Pharmaceutical products (i.e., therapeutic agents) subject to special control	100	Import and export	Health protection
Ministry of Internal Affairs			
Electronic means of surveillance (Licence)	1% of the transaction value	Import and export	Security
Hunting and sports firearms and ammunition exported by foreign nationals	8	Import and export	Security and public order
Non-military weapons, gas guns, their key components and ammunition exported by Georgian citizens	8	Import and export	Security and public order
Sports and hunting firearms temporarily exported by a sports institution for participation in a sporting event	16	Import and export	Security and public order

Goods subject to permit (or licence)	Fees (GEL)	Permit/licence required to	Rationale
Ministry of Culture			
Georgian cultural valuables	14	Only export	Protection of national treasures of artistic, historic, or archaeological value

ⁱ Products subject to veterinary control fall mainly within HS Chapters 01-43, while those subject to phytosanitary control are mainly in HS Chapters 6-54. Permits for goods subject to veterinary control include all kind of animals, products of animal origin and raw materials, and animal feed, as well as any biological, medical, or chemical-pharmaceutical preparations used in veterinary medicine. The fees for these permits vary with delay for the request. Revenue Service, *Permits*. Viewed at: <https://www.rs.ge/LegalEntitySafetyControl-en?cat=7&tab=1>.

ⁱⁱ Free if issued in 20 working days, GEL 20 if issued in ten working days, GEL 40 if issued in five working days, and GEL 50 if issued in one working day.

ⁱⁱⁱ Free if issued in 20 working days, GEL 10 if issued in ten working days, GEL 20 if issued in five working days, and 25 GEL if issued in one working day.

^{iv} 0.5% of the transaction value for imports worth between GEL 500 to GEL 10 million and 0.1% (but not more than GEL 120,000) of the transaction value for imports worth more than GEL 10 million.