

Law of Georgia

On the State Border of Georgia

Proceed from the democracy of Georgia, sovereignty and territorial integrity, this law shall regulate the status of the state border, the legal relations with respect to the establishment and protection of the state border regime on the land, internal and territorial waters (the territorial sea), airspace, special economic zone and the shelf of the continent.

Chapter I

General Provisions

Article 1. The State Border of Georgia

1. The State Border of Georgia is defined as the administrative border line of a former Soviet Republic of Georgia being determined by the Legislature of the former Soviet Union and recognized under the framework of former Soviet Union's and International Agreements as the State Border that defined the state boundaries between Georgia and the former Soviet Union;
2. In accordance with clause 1 of article 2 of the Constitution of Georgia, the territory of the country Georgia is determined as of December 21, 1991. The territorial integrity and inviolability of the state borders are recognised by the world community of nations and international organisations;
3. The State Border of Georgia is defined in accordance with the Constitution of Georgia, legislative acts, international agreements and treaties and the present Law.

Article 2. Definition of Terms

Terms used in this law shall have the following meanings:

- a. **The State Border of Georgia** – a line and vertical plane that passes with this line, that separates the territory of Georgia -its land, waters, fossils and airspace from the territory of neighbouring countries;
- b. **Protection of the State Border** – consolidation of legal-political, economic, military-operative, operative-investigative, engineering-technical, regime, organizational, ecological, sanitary and other

activities to ensure protection of the inviolability of boundaries, implementation and regulation of set rules at border zones, borderlines and border checkpoints as well as protection of the state, private and public interests;

- c. **The state border regime** – a set of rules and regulations for crossing the state border, keeping the Georgian and foreign military and non-military sailing ships at the Georgian ports and their movement in the Georgian internal and territorial waters, as well as for fishing and other operations and activities at/or adjacent to the state borders;

c1. It is removed; (5.12.2008 N 616)

- d. **Border zone** – land zone, not more than 5 kilometres in width, from the state borderline or coastline inward of the Georgian territory, as well as a part of the territory at international airports (aerodrome), railway stations, river and maritime international ports designated for the border crossing and control. In special cases, in accordance with the Presidential Decree, it shall also be determined as a land zone of 30 kilometres in width, inward of the Georgian state borderline upon specifics of a terrain (27.12.2006 N 4140);
- e. **Borderline** – a part of the border zone, not more than 500 meters in width, which shall be in the immediate vicinity with the State Border;
- f. **Airspace** - atmosphere vertically located above the state controlled territory of Georgia, the sovereign area above the country land which is recognized by fundamental norms of the International Law and international treaties and agreements;
- g. **Aircraft** – a flying object with or without an engine;
- h. **Air Traffic** - transportation of passengers and freight by an aircraft between two countries (o/w one is Georgia);
- i. **Border check point** - allocation at a highway or at an international traffic road, as well as at a railway stations, ports, airports (aerodrome) where border crossing and other controls are permitted and regulated under the Georgian legislation;
- j. **Quarantine** – a temporary termination of traffic/transportation/movement of people, animals, freight cargos, seeding and planting materials and other products of plant and animal origins intended for crossing the state borders of Georgia;

- k. **Physical and technical protection of the State Border** - protection of the state borders and their technical facilities (building/premises, border check points and other facilities) from illegal infringement;
- l. **Port** – a part of the sea coast and surrounding space and water, which is equipped with docks for harbouring sailing ships and vessels for cargo operations with all necessary permanent equipment and hydro-technical facilities having own administration and personnel;
- m. **Military ship** – any navigable means in the possession of the military/armed forces of any country that is under leadership of a military service officer whose name is included in a list of the maritime-navigation officers of such country. Ships/vessels should bear their own statehood distinctive signs and be recruited with the well-disciplined crew and military personnel;
- n. **Special ship of other assignment** - any navigable means owned by the state which shall be used for scientific-research or other non-commercial operations;
- o. **Nuclear ship** - any navigable means that is equipped with nuclear power equipment or with a nuclear weapon or shipping some enriched or poisonous substances;
- p. **Ship inspection** – examination of navel and navigable means, inspection of crew members, passengers and cargo papers as well as ship compartments in special cases;
- q. **Border incident** – a conflict (maybe an armed conflict) at the State Border of Georgia between citizens of Georgia and border protection forces of a neighbouring country or between citizens of other countries and subordinated authorities of the Ministry of Internal Affairs of Georgia. (5.12.2008 N 616)

Article 3. The Internal Waters of Georgia

The internal waters of Georgia shall be:

- a. Waters of rivers, lakes and other reservoirs the shores of which fully belong to Georgia;
- b. Black Sea waters between the land and straight line to measure the landward and the territorial waters;
- c. Waters around the Georgian ports bounded with the sea line that is passing through the most distant markers of hydro-technical or some other permanent premises of the sea.

Article 4. The Internal Waters of Georgia (Territorial Sea)

The internal waters of Georgia shall be:

1. The territorial waters of Georgia (The territorial sea) shall include a part of the sea-coast waters in width of 12 nautical miles that shall be measured from a straight line that is connecting the sea markers, the coordinates of which shall be approved by the President of Georgia upon submission of an outline by Minister of Internal Affairs; (24. 12. 2004. N 812);
2. In some cases, the width of the territorial waters of Georgia (The territorial sea) may be established by the International treaty or agreement but in case of inapplicability of the latter, this shall be made under generally recognized principles and norms of the International Law.

Article 5. The Zone in the close vicinity to the Territorial Waters of Georgia

1. In order to prevent any violations of tax, fiscal, emigrational and sanitary legislations or regulations throughout the territory of Georgia or in the territorial waters thereof, shall be established the water zone in the width of 12 nautical miles that will border the territorial waters from the open seaside; (12.11.2010. N3806 To put into force from January 1, 2011)
2. The zone shall not cover a territory beyond 24 nautical miles from a point of that straight line where the territorial waters are determined from.

Article 6. The special economic zone of Georgia

1. The special economic zone is a sea area not wider than 200 nautical miles a boundary of which shall be determined from the straight line where the territorial waters are set off;

Article 7. The continental shelf of Georgia

1. The continental shelf is the sea plain that is extended from a natural length of a coastal plain until an outer distant margin of underwater shelf in 200 nautical miles or shall be extended no more than in 200 nautical miles from the straight lines where the territorial waters are determined from, unless outer margin of underwater shelf does not cover this area;
2. In certain cases, an outer margin of the continental shelf shall be determined under the International treaty or agreement concluded with bordering or other countries across.

Article 8. The Legislation of Georgia on the State Border of Georgia

1. Legislation of Georgia on the State Border of Georgia shall consist of the Constitution of Georgia, the present law, "Rule on the State Border Regime and Protection" and other normative acts of Georgia;
2. The "Rule on the State Border Regime and Protection" shall be developed by the National Security Council of Georgia and approved by the President of Georgia.

Article 9. Border Policy of Georgia

1. Border Policy of Georgia as the integral part of the country's policy for independence, the state sovereignty and territorial integrity, shall be determined by the Parliament of Georgia;
2. The President of Georgia, the executive governmental institutions of autonomous republics of Abkhazia and Adjara and the executive institutions of local governments shall implement the border policy of Georgia within the framework granted under the legislation of Georgia;
3. It is removed (5.12.2008 N 616);
4. Georgia, while determining the state border, regulating relations with other countries concerning the state border in the border zone and borderline, as well as for legal arrangement of the international traffic throughout the Georgian territory, shall follow the following principles:
 - a. To assure security both on local and international level;
 - b. To hold mutually beneficial and comprehensive cooperation with the other countries;
 - c. To follow internationally recognized principles and norms of the International Law on the state sovereignty, territorial integrity and inviolability of the state borders;
 - d. To reach peaceful settlement of a border dispute.
5. Georgia shall solve border issues with bordering countries on the basis of principles of friendly relations and pleasant neighbourhood in accordance with the Constitution of Georgia, the present law, other legislative acts of Georgia and international treaties and agreements;
6. In case if the state border of Georgia is not defined with one of the bordering countries under the norms of the International Law, it, in accordance with the Constitution of Georgia and clause 1 of

article 1 of this Law, shall be carried out by international treaty and agreement concluded with an adjoining country thereof;

Article 10. Establishment of the State Border of Georgia

1. The Georgian State Border shall be established as follows unless otherwise established by the international treaty and agreement:
 - a. On land – by means of dots and lines characteristic to a terrain or obvious coordinates;
 - b. On the sea – by the territorial waters of Georgia and the zones in a close vicinity;
 - c. On a navigable river – in a middle of the main navigable channel or thalweg;
 - d. On a non-navigable river or on a stream – in a middle of a river or a stream, or in its main current;
 - e. On a lake, an artificial lake and a reservoir – on a straight line which connects the crossing points on the state border lake, an artificial lake and a reservoir together;
 - f. On an artificial lake or a reservoir – in accordance with the state borderline of Georgia before its fill-up;
 - g. Railway and highway bridges, dams and other hydro-technical premises located in border zones – in a middle section of constructions or premises regardless of border locations of the State water borderline of Georgia.
2. The State borderlines that cross a river, a channel, a stream, a lake, an artificial lake or a reservoir shall not be moved or changed under any circumstances neither in cases of alterations of their initial border outlines and water levels nor shifting water basins of a river, a stream or a channel towards different directions, unless otherwise agreed under the international treaties and agreements with Georgia.

Article 11. Marking the State Border

1. The State border of Georgia shall be marked with visual border signs; the forms, sizes and location sequences of which shall be determined under “Rule on the State Border Regime and Protection.” unless otherwise stipulated in the International treaty or agreement.

Chapter II

State Border Regime of Georgia

Article 12. The State Border Regime of Georgia

The State Border Regime of Georgia shall determine the following, unless otherwise stipulated in the International treaty or agreement:

- a. The state border crossing rules for people and vehicles as well as for their inspection;
- b. The state border crossing regulations for people, possessions, goods, currency, precious metals/stones as well as wares made from, movable items those bear historical and cultural value being under state protection (22. 06. 2001 N 987) as well as securities and animals intended to move across the borders;
- c. The rules for people and vehicles to enter, stay and depart from a border check point as well as import and export of goods and commodities;
- d. The rule for the Georgian and other country's navigable means to enter, move, stay and depart from the Georgian internal waters, ports and the territorial waters as well;
- e. The rule for crossing the Georgian borders by aircrafts or other machines capable of flight;
- f. The regulations for fish farming and other activities at the borders of Georgia, in accordance with this law, other legislative acts of Georgia and the International treaties or agreements.

Article 13. Procedures for Crossing the State Border of Georgia

1. Railway, highway, seaway, river and airway traffic on the state border shall take place through those border check points which are approved by the President of Georgia in accordance with the Georgian Legislation and the International treaties or agreements.

¹All relevant notes that are to be made in a traveling document while crossing the state border at the border check points shall be carried out by an authoritative agency subordinated to the Ministry of Internal Affairs and/or Ministry of Finance of Georgia approved as a rule under a joint order of those

Ministries; The agencies being authorized for such duties shall be entitled to ask and verify any visitor's ID and a travel document with a permit of entry and stay in the country (5.12.2008 N 616);

2. The state flag of Georgia shall be erected on top of every border check point;
3. The "Rule on the State Border Regime and Protection" shall prescribe a rule for allowing international traffic through the border check points of Georgia;
4. The Ministry of Internal Affairs in co-ordination with the relevant institutions of the Ministry of Finance shall establish scopes and ambiances of the border check points that shall be presented to the President of Georgia for approval. (5.12.2008 N 616);
5. The flight by the aircraft on the state border of Georgia, without passing the air corridor shall be admissible only with the permission obtained from by the LEPL (legal entity of public law) Civil Aviation Agency under subordination of the Ministry of Economy and Sustainable Development of Georgia. The "Rule on the State Border Regime and Protection" defines the terms of permission and terms of flight. (22.02.2011. N4221 to enter into force from April 15, 2011);

Article 14. Control over Crossing the State Border of Georgia

1. A person, a vehicle, a cargo and other goods shall undergo the border and custom control while crossing the state border. Immigration, sanitary-quarantine, veterinary and sanitary control as well as control over cultural and art valuable items shall be imposed under the circumstances set by the "Rule on the State Border Regime and Protection" (27.03.2012. N5948);
2. A captain of navigable means, a pilot of an aircraft, a head of a train, a driver of a vehicle travelling out of or in the Georgian territory and who, by means of his/her transportation, will intend to move people or cargos illegally across the border shall be charged with attempted criminal act in accordance with the Georgian legislation;
3. All transports coming from abroad shall be checked in the presence of an owner (his/her proxy) and/or service personnel thereof. An owner (or somebody who stands proxy for) of the vehicle should present it to the border control officers as well as let them open a sealed trailer, a car, a compartment, and other parts of maritime or air transportations in cases if required under the Georgian legislation unless otherwise stipulated by the International treaties or agreement.

Article 15. Crossing of the State Border of Georgia by people, transportation, animal, cargos and other goods

1. On the state border of Georgia a person, a transport, an animal, a cargo and other goods shall pass through the border check points and shall be considered as the recognition of lawfulness of crossing procedures set for a person, a moving vehicle or animal, a cargo and other goods;
2. Personnel of the authoritative bodies subordinated to the Ministry of Internal Affairs of Georgia shall let a person cross the state border of Georgia upon presentation of a type of ID that is prescribed by the Georgian legislation, as well as presenting some relevant documentations for transports, animals, cargos and other goods(5.12.2008 N 616);
3. Crossing the state border of Georgia by a transport, an animal, a cargo and other goods shall happen pursuant to rules set under the “Rule on the State Border Regime and Protection”, unless otherwise stipulated by the International treaties or agreements.

Article 16. The Rule for Entering, Staying and Leaving the Border Check Points by Person and Vehicle, as well as the Rule for movement of goods across the border

The rule for entering, staying and leaving the border check points by person and vehicle, also the rule for moving the goods across the border shall be established by the “Rule on the State Border Regime and Protection” and International treaties and agreements.

Article 17. Take off and Landing of an aircraft

1. Taking off or landing of any aircraft that intends to cross the state border of Georgia shall take place at those airports designated for the international air traffic (an aerodrome) where the border check points, customs check points and other services are present (27.03.2012. N5948) ;
2. Any take offs or landings of an aircraft otherwise than stated in clause 1 of this article shall be allowed only on the basis a permission issued by LEPL Civil Aviation Agency under subordination of the Ministry of Economy and Sustainable Development of Georgia. Thus, rules and conditions for issuance of such permission shall be defined by “Rule on the State Border Regime and Protection” (22.02.2011. N4221 to put into force after April 14, 2011);
3. While crossing the state border and during the transit flight through aerial space of Georgia, an aircraft shall not be allowed:
 - a) To take off from and land in an airport (aerodrome) which is not open for international air traffic;

- b) To fly around the restricted areas that are made known nationwide and according to set rules;
 - c) To carry out any activities prohibited under the legislation of Georgia, the International treaties and agreements.
4. Entry of a military aircraft of foreign country into the aerial space of Georgia without the permission prescribed under this law shall be regarded as violation of the state sovereignty and the territorial integrity and Georgia shall take measures which are determined by the norms of international law to prevent this.

Article 18. The Rule for Entering of Non-military, Military and Nuclear Ships of Foreign countries into the Ports and the Internal Waters of Georgia

1. Entry of a military ship of foreign country into the ports and internal waters of Georgia without the permission prescribed under this law shall be regarded as as violation of the state sovereignty and the territorial integrity and Georgia shall take measures which are determined by the norms of international law to prevent this.
2. Non-military and military ships of foreign countries can enter ports and the internal waters of Georgia only in case if the ports are open to grant such ships a permission to do so. The President of Georgia shall approve the list of the open ports. The regulations for entering, staying, carrying out freight/travel-related operations of navigable means, as well as for establishing communications with a coast and giving permissions for crew members to go off board other operations shall be established by the “Rule on the State Border Regime and Protection.”;
3. A special ship of the foreign country that is under the state mission shall, by means of diplomatic channels, submit a solicitation to authoritative body, subordinated to the Ministry of Internal Affairs of Georgia for taking permission to enter into ports and the internal waters of Georgia, not later than 14 days before intended entry. The solicitation shall include a name and type of a ship, a list of passengers on board and other data, being prescribed under the “Rule on the State Border Regime and Protection”. An authoritative body of the ministry shall inform a ship owner (his/her representative) about a decision made not later than 7 days before intended entry. Those regulations shall not be applied to those ships which perform rescue or prevention measures of the sea contamination (5.12.2008 N 616);

4. A military ship of the foreign country shall submit a solicitation, by means of the diplomatic channels, to the President of Georgia to receive permission to enter into ports and the internal waters of Georgia, not later than one month before intended entry. National Security Council of Georgia shall discuss the solicitation within one week and shall present its decision to the President who, in two week time, shall make a decision respectively;
5. Not later than one month before intended entry, the foreign country shall submit a solicitation, by means of the diplomatic channels, to the President of Georgia to receive permission for their nuclear ship to enter into ports and the internal waters of Georgia. National Security Council of Georgia shall discuss the solicitation within one week and shall present its decision to the President which, in 14 days, shall be become known to a country about approval or rejection of such a solicitation;

Article 19. Peaceful Navigation in the Territorial Waters of Georgia

1. Ships shall be allowed to peacefully navigate in the territorial waters of Georgia;
2. Navigation in the territorial waters of Georgia shall be regarded as continuous crossing of the territorial waters at a certain pace without entering the internal waters or entering and leaving ports and the internal waters only to continue sailing further into the sea;
3. During peaceful navigation in the territorial waters of Georgia, a ship shall not be allowed:
 - a. to enter a restricted area for navigation which is made known nationwide and beyond, upon set rules;
 - b. to stop, discharge (board) passengers, cargos, animals, to launch navigable means into waters, to let machines that are capable of flight to take off from or land on a ship, to conduct any fishing or research activities in restricted areas or even in those areas which are not restricted but without the permission, the issuance of which shall be established by the Georgian legislation;
 - c. to carry out activities that shall be prohibited by the legislation of Georgia, the international treaties and agreements as well;
 - d. to use force against independence of Georgia, the state sovereignty and the territorial integrity, as well as a threat of force and other actions that shall violate the main principles of the international law recognised by the UN Charter;
 - e. to conduct manoeuvres and military drills by using weapons;

- f. to implement any activities related to data collection to the detriment of the security and defence of Georgia;
 - g. to engage in any type of propaganda that cause a harm to the security and defence of Georgia;
 - h. to take in or remove any military equipment from a ship as well as let any military flying machine take off from or land on a ship;
 - i. to contaminate the sea on purpose and in a greater extend;
 - j. to carry out any operation that shall not be in relation to a ship's navigation;
4. All requirements set undersub clauses of "a", "b" and "c" of this article shall not be applied to those ships that are engaged in rescue operations;
 5. Any foreign country's ship or any other ship on a special mission while peacefully navigating the territorial waters of Georgia, shall have their weapons under transportation, placed in a special cover, but the means of fishery and other equipment shall be placed in special storing compartments;
 6. Any submarine or any other submarine vessel, during the peaceful navigation in the territorial waters of Georgia, shall navigate on a water surface and have its national flag erected visibly;
 7. A ship of any foreign country shall navigate in the territorial waters of Georgia in accordance with set routes and schemes for the movement separations as well as their coordinates which shall be determined by the President of Georgia;
 8. The President of Georgia shall exercise a right to either limit or reject any foreign country's military, nuclear or non-military ship to enter and stay in any part of the territorial and internal waters of Georgia in case if it is vital for the sovereign interests of the country.

Article 20. Liability to be assumed by Non-military, Military and Nuclear Ships of Foreign Countries on navigations and other regulations

1. Any foreign country's non-military, military or nuclear ships while entering and staying in the territorial and internal waters of Georgia shall be obliged to follow rules for radio connection, navigation, port, customs and sanitary regulations, as well as other requirements set by this law and the "Rule on the State Border Regime and Protection" (27.03.2012. N5948);

2. In case when non-military, military and nuclear ships of foreign states are forced to enter and stay in the territorial or the internal waters of Georgia or to violate rules of navigation, they must immediately inform the nearest port administration of Georgia about this fact.
3. If non-military ships of foreign countries do not inform the nearest port administration of Georgia about the fact that they are forced to enter and stay or to violate rules of navigation, the authoritative body under the Ministry of Internal Affairs independently or together with other state bodies if needed, shall temporarily detain this ship for checking the reasons that caused the violations. In case if the latter cannot be proved to be justifiable, then coercive measures envisaged by articles 36, 37 and 38 of this Law shall be applied (5.12.2008 N 616);
4. If military or nuclear ships of foreign countries do not inform the nearest port administration of Georgia about the fact that they are forced to enter and stay or to violate rules of navigation, the authoritative body under the Ministry of Internal Affairs independently or together with other state bodies if needed, shall temporarily detain this ship for checking the reasons that caused the violations. If there are no reasons for the forced entry and if primary reason for such behaviour was to conduct activities described in clause 3 of Article 19 of this Law, then authoritative body of the Ministry of Internal Affairs shall detain ships and corresponding organs through diplomatic channels will negotiate with the owner state of the ship (19.12.2008 N 782);

Article 21. Prohibition of Fishing, Research and Hydrographical Activities to be carried out by Foreign ships in the Territorial and Internal Waters of Georgia

The foreign countries' ships shall not be allowed to carry out fishing, research and hydrographical activities in the territorial or internal waters of Georgia, unless otherwise prescribed under the International treaties or agreements.

Article 22. Regulations applied to industrial activities on the State Border of Georgia

Navigation, usage of facilities built on water or usage of water otherwise, arrangement of hydro-premises and implementation of some other activities in the territorial and internal waters of Georgia, as well as the usage of land and forest, making mountain chemistry, geological research, fishing and other industrial activities shall be carried out in accordance with regulations established by the legislation of Georgia and conditions provided by the "Rule on the State Border Regime and Protection," unless otherwise stipulated by the International treaty and agreement.

Article 23. Temporary Termination of Traffic on the State Border of Georgia - Quarantine

In accordance with a decision made by the President of Georgia in some cases envisaged under the “Rule on the State Border Regime and Protection” or in some other cases foreseen under the legislation of Georgia, when there is a danger either in Georgia or in its neighbouring countries of hazardous disease outbreak, the traffic between Georgia and other countries shall be temporarily terminated or quarantine enforced for them who cross the state border of Georgia.

Article 24. Violators of the State Border of Georgia

A violator of the state border of Georgia shall be:

- a. A person or a vehicle that crossed or intended to cross the state border of Georgia without checking at a border check point or violating set rules while crossing it, unless a check free movement is prescribed under an agreement with a neighbouring country is concluded about;
- b. A non-military or a military ship of the foreign country that violated rules set under this Law upon entering the territorial and internal waters of Georgia;
- c. An aircraft that crossed the state border of Georgia without required permission or violated the rules for crossing the state border of Georgia.

Chapter III

Border Regime

Article 25. Border Zone and Border Line

1. A border zone shall be established within an area of district, city, village, household and settlement adjacent to the state border of Georgia. The border zone (where to be established) shall include a part of the internal waters of Georgia and islands on it;

2. A border line shall be established along the state border of Georgia on land or a shoreline of river, reservoir, lake and sea that lay on the border;
3. The President of Georgia shall approve the border zones and lines of Georgia under the framework of this Law, upon a proposal provided by the Security Council of Georgia;
4. Territory of border line is the state owned area. Relevant authoritative agency subordinated to the Ministry of Internal Affairs together with direct involvement of other appropriate agencies as well, shall protect the historical and cultural monuments, flora and fauna present on such territory (5.12.2008 N 616);
5. Any activity except looking after the border line, checking of border signs and protection of the state border is prohibited, unless otherwise provided for by the international treaty and the agreement of Georgia. In certain circumstances the President of Georgia has the right to allow particular type of industrial activity in the border line.
6. The border line regime shall not be applied to the populated areas however in resort areas it shall apply to special places determined by the authoritative agencies subordinated to the Ministry of Internal Affairs of Georgia (5.12.2008 N616).

Article 26. The Border Regime

1. The border regime in border zones and border lines shall be determined under “Rule on the State Border Regime and Protection”. However the border regime according to this Law shall define scope of work flow, entrance, temporary presence and movement of people in there, as well as regulations on recording, presence and navigation of non-military and military ships in ports, harbours and in other sea-based locations in the internal waters of Georgia;
2. Taking into consideration clause 1 of the present article in harbours, ports and other basing points, in the internal waters of Georgia the rules on marking, staying and navigation of non-military and military ships extends to the territories of the contiguous regions of the state border of Georgia, where the border regime is not established.

Article 27. Entry, Temporary Presence and Movement of People and Vehicles in Border Zones and Lines

1. Entry, temporary presence and movement of either a person or a vehicle in the border zone or line of Georgia shall happen upon presenting a person's ID and a vehicle's relevant documentation, determined by the legislation of Georgia.
2. The place and date, route, also other conditions for entering of person and vehicle in the border line shall be established by the "Rule on the State Border Regime and Protection".

Article 28. Industrial, fishing and Scientific-Research Activities in Border Zone (5.12.2008 N 616)

1. Requirements prescribed under articles 26 and 27 of this Law shall be followed while implementing industrial, fishing and scientific-research activities in all border zones. A person who intends to carry out such activities shall inform the authoritative agency subordinated to the Ministry of Internal Affairs. This notification shall include thorough description of characteristics of intended operations, technology and equipment and machinery to be used as well as a venue, date and duration, a number of people involved and a name of the person in charge;
2. In accordance with a decision made by the authoritative agency of the executive government indicated in clause 1 and 2 of article 33 of this Law, the authoritative agency subordinated to the Ministry of Internal Affairs shall exercise a right to disapprove any person's request about industrial, fishing and scientific-research activities in case if this person indicated false information in his/her notification or any operation related to such activities will be hazardous both to environment and human.

Article 29. Regulations on recording, staying and navigating Non-military, Military and Nuclear Ships in Internal Waters, Ports and other sea-based locations in Border Zone (5.12.2008 N 616)

Regulations on recording, staying and navigating non-military, military and nuclear ships in the internal and territorial waters, ports and in other sea-based locations present in border zone shall be controlled by the authoritative agency of the Ministry of International Affairs according to the "Rule on the State Border Regime and Protection".

Article 30. Border Regime on Border Check Points

1. Border regime on border check points related to any person's or vehicle's entry and movement, other activities as movement of people, transport, cargo and other goods within an area of railway, sea, auto stations, as well as sea ports, airports (aerodrome) shall be determined under the "Rule on the State Regime and Protection";

2. Border regime on the border check points present at the state border of Georgia shall be established by the authoritative agency of the Ministry of Internal Affairs with agreement of LEPL Revenue Service of the Ministry of Finance of Georgia pursuant to the “Rule on the State Regime and Protection”. In those designated places and buildings where border control is carried out, some additional regulations of the regime shall be established in order to regulate control over people and vehicles coming from abroad (12.11.2010. N3806 to put into force from January 1, 2011);
3. Border check points on the state border of Georgia on highways for international traffic shall be built and opened in accordance with set rules prescribed under clause 1,2,3 and 4 of article 13 of this Law.

Chapter IV

Protection of the State Border of Georgia

Article 31. Scope of Protection

Scope of protection of the state border of Georgia shall be:

- a. Physical and technical protection of the state border of Georgia;
- b. Border, quarantine, vehicle, veterinary, phytosanitary and custom control (27.03.2012. N5948);
- c. Avoidance of border incidents or military of any other aggressive acts with bordering countries as well as offer resistance if necessary;
- d. Control over migration processes;
- e. Control over crossing the state border of Georgia by a person and a vehicle, as well as movement of a cargo or other goods across the state border;
- f. Control of the industrial, fishing and scientific-research activities in the border zone;
- g. Determination of facts in violation of the Georgian legislation; to charge a violator for his/her unlawful act and eradicate reasons and conditions that caused such a violation.

Article 32. Protection of the State Border of Georgia

1. Protection of the state border of Georgia is a special competency of the Ministry of Internal Affairs of Georgia (24.12.2004 N 812);

2. Protection of the state border on land, in the territorial and internal waters as well as at the international border check points shall be assigned to the authoritative agency of the Ministry of Internal Affairs, but in the air, to the land forces of the Ministry of Defence (27.04.2010 N 3020);
3. Authoritative agency of the Ministry of Internal Affairs and the Land forces of the Ministry of Defence during protecting the state border of Georgia shall guide their operations in accordance with the Georgian legislation, the international treaties and agreements (27.04.2010 N 3020);
4. Residents of villages situated in the close vicinity of the state border of Georgia shall be given some privileges as to the border defenders;
5. Georgian citizens as permanent inhabitants of a high mountainous region undergo military service in local military forces stationed in such region. Privileges to serve in a high mountainous region shall be given to those who originally are from the region but don't reside there any more (09.06.99. N 2090 "Legislative Herald" 24 (31));

Article 33. Entities for the State Border Protection of Georgia

1. Entities for the state border protection of Georgia shall be: (24.12.2004 N 812)
 - a. Ministry of Internal Affairs of Georgia;
 - b. Ministry of Defence of Georgia;
 - c. Ministry of Foreign Affairs of Georgia.
2. Institutions of the executive government the functions of which are in direct relation with all border protection regime prescribed under this, Law shall be: (24.12.2004 N 812)
 - a. Relevant agency of the Ministry of Finance of Georgia (29.12.2006 N 4264);
 - b. Ministry of Economy and Development of Georgia (26.10.2010. N 3751);
 - c. Ministry of Labour, Health and Social Affairs;
 - d. Ministry of Agriculture;
 - e. Ministry of Energy of Georgia (11.03.2011. N 4420);
 - (e) Ministry of Environment and Natural Resources Protection of Georgia (25.03.2013 N 484 to put into force after 40 days from its publication)

3. Authorizations of entities prescribed under clauses 1 and 2 of this article when protecting the state border shall be defined by the “Rule on the State Border Regime and Protection” and other normative acts.

Article 34. Georgian Border Representative - Border Commissar

1. The Minister of Internal Affairs of Georgia under set rules of “Rule on the State Border Regime and Protection” and in order to implement the state border policy of Georgia and resolve issues of border regime protection, as well as settle border incidents on certain parts of the borderline in cases described in “Rule on the State Border Regime and Protection”, shall appoint Border Commissars, determine their authorizations and present it to the President of Georgia for approval (5.12.2008 N 616);
2. A border commissar shall guide his/her actions pursuant to the Constitution of Georgia, the present Law, the international treaties and agreements and other normative acts.
3. Any issue that a border commissar is unable to resolve shall be resolved in accordance with rules for a peaceful settlement of disputes set under the international law;
4. A border commissar and those officials who accompany him/her while crossing the state border of Georgia, in accordance with the international treaties and agreements, shall have a special status provided under “Rule on the State Border Regime and Protection”;

Article 35. Authorizations of agencies subordinated to the Ministry of Internal Affairs (5.12.2008 N 616)

1. The agencies under subordination of the Ministry of Internal Affairs shall have the following authorizations at the state border of Georgia, in border zones, in border lines, at border areas and border check points of Georgia:
 - a. To temporarily terminate a legal entity’s or a private person’s right of property determined by inevitable urgency that will be followed further by the state compensation;
 - b. To allocate border guards on ships in cases determined under “Rule on the State Border Regime and Protection” to accompany ships from a port to the state border of Georgia;
 - c. To hand persons prescribed under sub-clauses of “g”, “h”, “i”, “u” and “z. h.” of the present article of this Law over to the investigation agencies, unless otherwise stipulated by the international treaty and agreement;
 - d. To be authorized to use a right of “hot pursuit” prescribed under UN Convention on Maritime Law 1982;

- e. To protect the state border of Georgia, established sea signs, other building-premises and facilities;
- f. To prevent any illegal attempt of altering the state borderline of Georgia;
- g. To repulse any attempt of military invasion on the Georgian territory launched by armed forces as well as any other kind of provocation; to protect the private/state property to be misappropriated that are located in the border zones and lines of Georgia;
- h. To avoid and prevent any illegal movement of people as well as illegal transportation of vehicles, cargos and other goods on the state border of Georgia;
- i. To find and detain any violator of the state border of Georgia;
- j. To let a person, a vehicle, a cargo and other goods cross the state border of Georgia once all necessary and relevant documentations are presented;
- k. To keep and protect border check points and other border facilities;
- l. To prevent any movement and transportation of explosives, poisonous substances, radioactive minerals, narcotics, weapons, ammunitions, as well as contraband and other prohibited goods across the state border, either independently or together with one relevant agency of the Ministry of Finance and other institutions determined under clauses 1 and 2 of article 33 of this Law in pursuance with regulations established by the legislation of Georgia;
- m. To protect the border regime together with the agencies provided in clauses of 1 and 2 of article 33 of this Law;
- n. To ensure fulfilment of international obligations related to the state border;
- o. To control the border regime at airports (aerodromes), railway stations, ports and at border check points of the international highways either independently or together with institutions prescribed under clauses 1 and 2 of article 33 of this Law;
- p. To verify how the Georgian and foreign military, non-military and nuclear ships follow established rules on entry, presence and navigation in the territorial and internal waters of Georgia;
- q. To cease, apprehend, check and take all necessary measures against a foreign non-military, military or nuclear ship in case if it violated terms of article 5 of this Law on the regime of adjacent zones to the territorial sea of Georgia;
- r. To provide assistance to specially authorised state agencies in keeping natural resources, protecting fishery and ecosystem, as well as in liquidation of the results of natural disasters and extinguishing fire blazes in the border zones;
- s. To arrange border protection watching posts on the state borders of Georgia;
- t. To move in the border zones, check documents, control vehicles and cargos without any restrictions while carrying out their usual duties;
- u. To detain and confine a person temporarily if he/she violated the legislation of Georgia, that will raise some administrative or criminal responsibilities in accordance with established rules of the Georgian legislation;
- v. To check a vehicle, cargo and other goods together with a relevant agency of the Ministry of Finance upon their request in accordance with the established rules of the Georgian legislation;

- w. To perform seizures of items that are restricted to be moved across the border as well as prevent contraband together with a relevant agency of the Ministry of Finance;
- x. To request and verify IDs of either Georgian or foreign citizens for appropriate entry visa to the country and make relevant notes in that;
- y. To deny his/her entry to the country if she/he cannot present the documents at a check point that are required under clause (x) of article 35 of this Law;
- z. To refuse to discharge crew members and other passengers from a foreign ship which violated regulations on staying and navigating the territorial and internal waters, as well as at ports and adjacent zones to the borderlines of Georgia;

- z.a.) To request the Georgian or foreign ships to erect the state flag while being in the territorial and internal sea waters of Georgia;

- z.b.) To conduct an inquiry about a purpose of a ship or a sailing vessel for entering the territorial and internal sea waters of Georgia;

- z.c.) To suggest to a non-military or a military ship or other sailing vessel to change a course, if the latter took a direction towards a closed zone for navigation, or violated the established navigation tracks and schemes for movement separation;

- z.d.) To apprehend or check a non-military or a military ship or other sailing vessel in case the latter will not reply to a request signal, stay in a closed zone, violate regulations on entry, presence and navigation in the territorial and internal waters of Georgia, as well as if it is heading towards a closed zone and violating the established navigation tracks and schemes for movement separation and performing activities forbidden under article 21 of this Law;

- z.e.) To protect artificial islands of Georgia, scientific-research equipment and some other facilities in a special economic zone and on the continental shelf;

- z.f.) To enforce control and take measures against prevention of the sea contamination, illegal scientific-research and fishing activities carried out by foreign countries in a special economic zone and on the continental shelf of Georgia which were established under UN Convention 1982 of Maritime Law;

- z.g.) To detain crew members and other passengers of a non-military ship of a foreign country for criminal activities, unless otherwise stipulated by the international treaty or agreement;

- z.h.) To fulfil other tasks in relation to the state border protection in cases prescribed under this Law, the international treaty or agreement and “Rule on the State Border Regime and Protection”.

- z.i.) To contribute to the social-economic and material-cultural development that takes place in regions and villages adjacent to the state border of Georgia.

Article 36. Grounds for the Detention of Georgian or Foreign Non-military Ships (5.12.2008 N 616)

The authoritative agency of the Ministry of Internal Affairs of Georgia shall detain the Georgian and foreign non-military ships that are present in the territorial and internal sea waters of Georgia and send them with the border forces to the nearest ports or other relevant destinations, if:

- a. a ship is present or moving towards a closed zone for navigation, or not following the established navigation routes and schemes for movement separation;
- b. discharging and boarding people, as well as loading and unloading of cargo that taking place in the areas that are not specified as appropriate under the “Rule on the State Border Regime and Protection”;
- c. a ship is illegally fishing, carrying out research or hydrographical activities, dumping or burying contaminated wastes, materials and substances harmful both for human health or living resources of the sea, or/and its other activities are otherwise harmful for Georgia in general;
- d. a ship is used by any aircraft to land or take off from its deck without having a proper permission being issued by a relevant authoritative agency of Georgia;
- e. a captain of the ship does not present all necessary documentations for a ship, cargo, passengers and some others, if required;
- f. a ship would refuse to obey commands/instructions of representatives of the authoritative body of the Ministry of Internal Affairs of Georgia or other authoritative agencies as well, prescribed under clauses 1 and 2 of article 33 of this law and the “Rule on the State Border Regime and Protection”;
- g. a ship violates regulations established under this law, other legal acts of Georgia and the international treaty or agreement, as well as norms of the International Law;

Article 37. Inspection and Detention Protocol of a Non-military Ship (5.12.2008 N 616)

1. A special protocol shall be documented in cases if a non-military ship undergoes inspection or it is detained, thus it must be signed by representatives of the authoritative agency of the Ministry of Internal Affairs and a captain of inspected or detained ship;
2. In case of detention, a captain shall be deprived of documents of a ship and cargo which shall be attached to a protocol. In case of disagreement of a captain of inspected or detained ship with actions taken by the authoritative agency of the Ministry of Internal Affairs as well as a content of a protocol, he/she shall exercise a right to make a note in the minute itself in any language or on those documents attached thereof;

3. If a captain of the ship does not sign a protocol, a relevant note shall be made in it.

Article 38. Further activity after detention of the ship of foreign country

After detention of a foreign non-military ship, it shall be handed over to the special trusty representatives of such a country or shall be displaced from the Georgian territory. Under the Georgian legislation, before the decision is made by the court, in cases prescribed by clauses of (b) and (c) of article 36 of this law, a temporary deprivation of property and its sources shall take place. If the court makes verdict of not guilty, deprived property shall be returned to the owner with the total compensation for the loss caused by the deprivation of the property.

Article 39. Regulations Applied to the Aircraft in case of violation of the rules for crossing the State Borders of Georgia or the presence therein

The special regulations set by “Rule on the State Border Regime and Protection” shall be imposed upon any aircraft, which violated the rules that apply to crossing of the state borders of Georgia and staying in the Georgian territory.

Article 40. Application of weapons, military equipment and special ammunition for protecting the state border of Georgia

1. The authoritative body of the Ministry of Internal Affairs and Land Forces of the Ministry of Defence when protecting the state border of Georgia and in order to defeat armed invasion on the territory of Georgia, as well as to prevent attempts of hijacking of aircrafts and navigable means aboard (If passengers are not involved) shall use weapons and military equipment in cases prescribed under and the rules established by the legislation of Georgia(27.04.2010 N 3020);
2. Weapons and military equipment shall possibly be applied:
 - a) against a person, aircraft, navigable means or other types of vehicles that crossed or attempted to cross the state border of Georgia by violating the rules established by this Law; In reply to

the forces used when preventing violations and detaining a violator who could not be rendered harmless otherwise;

- b) to defend people from attacks, when their life and health are exposed to danger;
- c) to release hostages;
- d) to prevent attacks on the state border personnel;
- e) to prevent military attacks on the authoritative agency under the Ministry of Internal Affairs, subdivisions and facilities of Land Forces of the Ministry of Defence, as well as navigable means and aircrafts of Georgia (27.04.2010 N 3020);

3. A warning about using weapons or military equipment shall precede their actual application;
4. Application of weapons or military equipment without a warning shall happen when unexpected armed attacks take place on military personnel and other citizens, as well as on aircrafts, navigable and some other types of machinery, also in cases of armed resistance, when detainees escape with weapons and during operations for releasing hostages;
5. The military personnel have a right to use their weapons when hearing an alarm signal or a call for help, also when animals need to be rendered harmless if their presence poses threat to the life and health of the military servants and other citizens.
6. Application of the weapons and military equipment shall not be allowed;
 - a) towards women and minors, except in cases, when they are involved in attacks or armed resistance towards aircraft, navigable and other types of transport with passengers;
 - b) towards persons, who crossed or attempted to cross the state border of Georgia unlawfully by accident or under the influence of invincible force.
7. Rule of application of weapons and military equipment shall be determined according to the law on "Fire Arms" and under the "Rule on the State Border Regime and Protection";
8. Representatives of military forces and the Ministry of Internal Affairs who participate in the state border protection operations shall use weapons and military equipment under requirements of this article (24.12.2004. N 812);

9. Application of special items (handcuffs, truncheon, tear-gas, equipment for stopping vehicles, etc.), physical force, fighting moves, trained dogs shall take place under the Laws of Georgia “On Police” and “On a special service of the state Defence”;
10. A comprehensive list of special items included in the ammunition of the authoritative agency of the Ministry of Internal Affairs shall be determined by legislative acts of Georgia and the “Rule on the State Border Regime and Protection” (5.12.2008 N 616).

Chapter V

Responsibility for Violating the Legislation on the State Border of Georgia

Article 41. Responsibility for Violating the Legislation on the State Border of Georgia

1. According to the established rules of Georgian legislation, public employees and officials provided in clauses 1 and 2 of article 33 of this Law, shall be held responsible for exceeding their authorities granted by the legislation and for other violations of legislative acts thereof;
2. A person, who violated or attempted to violate the state border regime of Georgia, who crossed or attempted to cross the state border of Georgia, who checked or attempted to check illegally in the border check points, transferred or attempted to transfer a cargo, materials, documents or other items, or otherwise violated the legislation on the state border of Georgia, shall be held responsible under established rules of the Georgian legislation.

Chapter VI

Transitional Provisions

Article 42. Peaceful Navigation in the Territorial waters of Georgia before fully restoring the Jurisdiction of Georgia throughout the country's territory (5.12.2008 N 616)

Before the complete restoration of the jurisdiction of Georgia over the whole territory of the country, foreign nuclear, military and special ships, which are under the state operations, shall only be peacefully navigating in the territorial waters of Georgia if they, through diplomatic channels notify the authoritative

agency under the Ministry of Internal Affairs of Georgia, not later than 48 hours before the entry. This notification shall include a name of the ship, a type, other signs, dates and locations of ship's entry and departure. Permission for departure shall be issued by the authoritative agency of the Ministry of Internal Affairs. These requirements shall not be applied to ships participating in the rescue operations.

Chapter VI

Final Provisions

Article 48. Enactment of a Law and Approval of a Normative Act

1. This law shall enter into force after its publication;
2. The President of Georgia shall be referred to approve the "Rule on the State Border Regime and Protection" before January 1, 1999.

The President of Georgia

Eduard Shevardnadze

Tbilisi

July 17, 1998

N 1536-RS