



GYLA submits the opinion to the Parliament concerning the draft law on property expropriation

The draft Law of Georgia on the Procedure for the Expropriation of Property for Pressing Social Needs has been submitted to the Parliament of Georgia the purpose of which is to improve the regulations of expropriation.

GYLA has submitted its opinions to the Parliament of Georgia. The report focuses on the following important issues:

The Court's role in compulsory expropriation - despite the involvement of the Court in the process of expropriation, the proposed regulation does not provide for the proper emphasis of the court's significance. The law does not specify that the court shall be the sole entity authorized to make a decision, that the Court shall evaluate the existence of pressing social needs and in case of absence thereof it shall be entitled to refuse to the right of expropriation. Under such circumstances, it seems that the court involvement is only a formal stage, which obviously is not recommended.

Appellation - The appellation of the first instance court decisions on expropriation shall not hinder the execution. However, in case of any unsettled dispute, an owner may be deprived of his/her property. We suppose that the idea of appellation is totally devoid of sense due to this approach and cannot be considered expedient.

Grounds for expropriation - The broad basis for expropriation such as construction / arrangement of buildings and facilities for pressing social needs is maintained. Under the conditions, in order to avoid possible maneuvering and to fully take into consideration the public interests, the law should provide for the possibility to make evaluative judgments. It is an internationally recognized principle when advantages and disadvantages of the project to be implemented are confronted and the final decision is made only based on the above aspects.

Compensation - According to the international standards, when determining the price of the property to be expropriated, the key factor shall be the market value of the property taking into account the potential which generally characterizes the property and not the condition at the moment of the expropriation of property rights. Consequently, the proposed draft law, which uses the methodology non-defined in advance in determining the compensation as well as excludes consideration of following assessment, cannot be considered substantiated.

Besides the above, the GYLA's report focuses on other important issues **such as description-inventory of expropriation property, pre- expropriation stages, review of the issue of expropriation by the Ministry, deposit account of notary, expropriation during ongoing enforcement proceedings, etc.**

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We hope that the issues brought up in the report will be shared by the author / initiator of the legislative package and also by the leading committee.