

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Constitutional Court did not satisfy constitutional claim of the Georgian Young Lawyers' Association.

By its judgment (July 14.2006) the Constitutional Court did not satisfy GYLA claim in regard to constitutionality of the norms of the Customs Code A (in relation to articles 24 and 41 of the Constitution). According to the disputed norms documents transferred to customs' agencies are considered commercial secret.

By the rendered judgment Constitutional Court challenged all the achievements of the

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Administrative Code. The Court considered, that public agencies might have commercial secret:

□□□□□□□□ to article 8 of the Civil Code, any natural or legal person may be a subject of private law relations which are regulated by the Civil Code.”

According to the Constitutional Court judgment, any civil transaction (procurement or other) may be deemed a commercial secret and therefore it may be classified. According to submitted logic it is not necessary to have the law on State Procurements or regulate procedures for classifying information containing commercial secret according to the Administrative Code.

Even though main acts guarantying freedom of information □ the Constitution of Georgia and the General Administrative Code have not been amended, the right to acquire information is restricted by amendments introduced to other legislative acts.

By the constitutional complaint the Georgian Young Lawyers □ Association tried to resist the attempt to restrict the right to freedom of information, however with its judgment constitutional court only postponed GYLA endeavor to achieve desirable results.