

**LAW OF GEORGIA ON THE STRUCTURE, POWERS AND
ORDER OF ACTIVITY OF THE GOVERNMENT OF GEORGIA
CHAPTER I GENERAL PROVISIONS**

Article 1

The Government of Georgia (hereinafter - the Government) implements executive, domestic and foreign policies of Georgia in accordance with the laws of Georgia. For its activity the Government shall be accountable before the President and the Parliament of Georgia.

Article 2

The Government consists of the Prime Minister and ministers, including state ministers.

Article 3

1. The powers of the Government in the sphere of executive authority are provided by the Constitution of Georgia, this Law, other legislative acts and normative acts of the President of Georgia.
2. In exercising its powers, the Government is guided by its Government Program to which the Parliament expresses trust.

Article 4

1. The Government carries out executive authority through ministries and state sub-departmental institutions within the subordination of the ministries.
2. No structure/body can be formed and set up within the Government except as provided by this Law.

CHAPTER II COMPETENCE OF THE GOVERNMENT

Within the bounds of the Constitution of Georgia the Government:

- a) Coordinates and exercises control over the activity of ministries and state sub-departmental institutions;
- b) Approves the statutes of ministerial staffs and the Statute of the State Minister's Staff;
- c) May revoke the legal acts of ministers and heads of state sub-departmental institutions;

- d) Approves the regulations of the government commission set up for specific purpose;
- e) Approves state target-oriented programs and ensures their implementation in social-economic, cultural and other spheres;
- f) Carries out government initiatives and elaborates a government program;
- g) Ensures the integrity of the economic expanse of the nation, liberality of the economic activity, and formation of a competitive and stable investment environment;
- h) Carries out the management of state assets;
- i) Regulates financial-budget relations, works out and in agreement with the President of Georgia submits to the Parliament of Georgia a draft state budget of Georgia, after approval of the state budget ensures its execution, and presents the state budget performance report to the Parliament of Georgia;
- j) Manages the national domestic and foreign debts;
- k) Ensures social protection of citizens;
- l) Develops and implements state poverty reduction and elimination programs;
- m) Ensures the implementation of a uniform national emigration and immigration policy;
- n) Implements a uniform policy in education and science, and improves general, vocational and higher education;
- o) Implements a uniform national policy for protection of environment and natural resources and for the ecological safety of the population;
- p) Organizes protection and rational use of natural resources;
- q) Within the powers granted by the President of Georgia signs international agreements and fulfills the commitments under such agreements;
- r) Takes necessary measures to ensure the defense of the country and its national security;
- s) Supplies the Georgian military forces with funds, military equipment and other logistics;
- t) Takes measures towards protection of national defense and public security; (24.12.2004, N806)
- u) Implements measures for the social protection of military servicemen;
- v) Carries out measures for protection of the national border;
- w) Exercises the powers vested in it by the Constitution of Georgia, this Law, other legislative acts of Georgia and the normative acts of the President of Georgia.

Article 6

1. The Government passes resolutions and orders under the Constitution of Georgia, this Law, other legislative acts of Georgia and the normative acts of the President of Georgia.
2. The legal acts of the Government are signed by the Prime Minister.
3. The Government resolution is a normative act, the order for preparation, adoption/passing and enactment of which is provided by the Law of Georgia on Normative Acts.
4. Legal acts of the Government shall be binding across the whole territory of Georgia.

CHAPTER III RELATIONS OF THE GOVERNMENT WITH THE PRESIDENT OF GEORGIA

Article 7

1. The Government and the government members lay down their powers before the President of Georgia.
2. The Government lays down its powers after the President of Georgia has been sworn. The President accepts lay-down of powers and may assign the Government to fulfill obligations pending the formation of the new Government.
3. In connection with particularly important matters the President of Georgia may convene and preside over the Government Meeting. In such case, the agenda of the Government Meeting shall be drawn up by the President of Georgia and the decision made at the Meeting shall be executed as the President's Act.
4. The President of Georgia may suspend or revoke the acts of the Government and executive institutions if they contradict the Constitution of Georgia, international agreements and covenants, laws and normative acts of the President.
5. The President of Georgia:
 - a) Appoints the Prime Minister and gives him permission to appoint ministers;
 - b) May, on his own initiative or in the cases provided by the Constitution of Georgia, dissolve the Government, remove the Minister of Internal Affairs and the Minister of Defense;
(24.12.2004, N806)
 - c) Accepts resignation of the Government or its member, may assign obligations on the Government or its member pending formation of the new Government or appointment of the new member of the Government;
 - d) Appoints and removes the Internal Troops General of the Ministry of Internal Affairs of Georgia, Land Troops and Air Force Generals and the Navy Admiral of Georgia;

- e) Approves the structure and army regulations of the military forces of Georgia, submits Draft Georgian Military Doctrine and Military Forces Building Concepts to the Parliament of Georgia for approval;
 - f) Approves the Georgian Military Forces building, utilization and mobilization plans as well as national economic mobilization plans;
 - g) Approves the national territorial military-operational plan and the Civil Defense Plan of Georgia.
6. In the existence of the circumstances referred to in Subparagraphs a)-d) of Article 511 of the Constitution of Georgia, if the Parliament of Georgia does not express confidence in the Government composition within the term provided by the Constitution, the President of Georgia may appoint the Prime Minister and give him permission to appoint ministers.

CHAPTER IV SUPERVISION OF THE GOVERNMENT AND ORGANIZING ITS ACTIVITY

Article 8

1. The Government is headed by the Prime Minister who is appointed to and removed from office by the President of Georgia.
2. The Prime Minister:
 - a) Supervises the Government, under the Constitution of Georgia, this Law, decrees of the President of Georgia and other normative acts determines the directions of the activity of the Government and organizes its activity;
 - b) Coordinates and exercises control over the activity of the members of the Government;
 - c) Is accountable for the Government activity before the President and Parliament of Georgia;
 - d) By request of the Parliament of Georgia, presents a report to the Parliament on the progress in the fulfillment of the Government Program;
 - e) Convenes and presides over Government Meetings, and signs Government resolutions and orders in the cases provided by the Constitution of Georgia;
 - f) Coordinates the implementation of the regional policy and relations of the Government with local self-government and government authorities;
 - g) By consent of the President of Georgia, appoints other Government members and may remove Government members from office;
 - h) Within the scope of his competence issues an individual legal act - an order, and discharges full administrative functions in the

Government Building;

- i) To the extent and in manner provided by law appoints and removes other officials;
- j) Represents the Government before other state institutions and international organizations;
- k) Within the scope of his competence makes decisions to afford incentives to or administer disciplinary actions against the officials of the Chancellery of the Government;
- l) Discharges the duties of the President of Georgia in the cases provided by the Constitution of Georgia;
- m) Exercises other powers provided by this Law, other legislative acts and decrees of the President of Georgia.

Article 9

1. The Prime Minister's powers terminate:

- a) Upon resignation;
- b) Upon death;
- c) Upon entry into force of a court's judgment of conviction against him;
- d) Upon dissolution of Government;
- e) In the cases and in manner provided by Article 64 of the Constitution of Georgia;
- f) Upon holding an office not reconciling with the activity of a member of the Government;
- g) By individual application.

2. In the cases provided by Paragraph 1 of this article, the Prime Minister is released from office by the President of Georgia.

3. Resignation of the Prime Minister or termination of his powers for any other reason results in the termination of the powers of the other members of the Government. If another member of the Government resigns or is removed from office, the Prime Minister shall appoint a new member of the Government within 2 weeks by consent of the President of Georgia.

Article 10

1. By order of the Prime Minister, one of the members of the Government shall discharge the duty of a Vice-Premier.

2. In manner provided by the Constitution of Georgia, for the fulfillment of particularly important national objectives, the decision on introduction or dissolution of the office of the State Minister shall be made by the President of Georgia at the advice of the Prime

Minister (Candidate for the Prime Minister).

3. The State Minister shall be appointed by the Prime Minister in agreement with the President of Georgia.

4. The powers and scope of competence of the State Minister shall be provided by this Law and decree of the President of Georgia.

5. The State Minister:

a) Exercises executive authority within the scope of his competence;

b) Wields the powers vested in the minister under this Law and other legislative acts;

c) Fulfills specific assignments from the Government and Prime Minister;

d) Issues orders within the scope of his competence.

6. The activity of the State Minister is supported by the Staff of the State Minister.

7. The structure and staff schedule of the Staff of the State Minister shall be provided by the Government of Georgia.

8. The powers of the State Minister terminate in manner provided by Paragraph 1 of Article 22 of this Law.

Article 12

1. The Government Meeting is held at least on a monthly basis.

2. The Government Meeting is called and the agenda is drawn up by the Prime Minister except as provided by Paragraph 3 of Article 7 of this Law.

3. The Government Meeting is presided over by the Prime Minister except as provided by Paragraph 3 of Article 7 of this Law.

4. The Prime Minister and ministers shall personally take part in the Government Meeting. If a minister cannot attend the Government Meeting, he shall give prior notice to the Prime Minister thereon. By decision of the Chairman of the Meeting, other individuals may also be invited to the Government Meeting with a deliberative vote.

5. As a rule, the Government Meeting is held behind chambers. However, the Government Meeting may be declared open by the Government decision.

6. The order for the work of the Government, for preparation, conduct of the Government Meeting and for considering a question thereat shall be provided by the Regulations of the Government approved by the Government at the advice of the Prime Minister.

7. The Government Meeting is authorized if more than half of the Government members are present thereat. The Government makes decisions by majority of votes of the members present but by the votes of at least one third of the total number of the members of

the Government. In case of a tie in votes, the Chairman of the Government Meeting shall give a casting vote.

8. The decision of the Government Meeting shall be executed as a Government Resolution or Order that is signed by the Prime Minister except as provided by Paragraph 3 of Article 7 of this Law.

CHAPTER V CHANCELLERY OF THE GOVERNMENT

Article 13

1. The Chancellery of the Government is set up to provide organizational support to the activity of the Government, prepare analytical, information and other materials, and provide control over the fulfillment of the Government decisions.

2. The Chancellery of the Government is led by the Head of Chancellery who is appointed to and removed from office by the Prime Minister.

3. The structure, powers and order of activity of the Chancellery of the Government shall be provided by the Chancellery Regulations approved by the Government.

CHAPTER VI MINISTRY

Article 14

1. The Ministry is set up in accordance with law to provide government in a specific sphere of state and public life.

2. Georgia has:

- a) The Ministry of Education and Science;
- b) The Ministry of Environment and Natural Resources;
- c) The Ministry of Economic Development;
- d) The Ministry of Energy;
- e) The Ministry of Defense;
- f) The Ministry of Justice;
- g) The Ministry of Culture, Monuments Protection and Sports;
- h) The Ministry of Refugees and Accommodation;
- i) The Ministry of Foreign Affairs;
- j) The Ministry of Internal Affairs;
- k) The Ministry of Agriculture;
- l) The Ministry of Finance;
- m) The Ministry of Labour, Health and Social Affairs. (24.06.2004, N195); (24.12.2004, N806)

Article 15

1. The Ministry shall be accountable before the Government and fulfill the objectives provided by law or assigned by the Government or Prime Minister in accordance with law.
2. The Ministry shall have a statute, a completed balance and an account with the Treasury, cost estimate and a seal bearing the national emblem.
3. The Ministry is financed from the state budget. It shall be accountable in manner provided by the laws of Georgia for due spending of budget funds.
4. The Ministry is based on the principle of autocracy unless otherwise provided by law.
5. The competence of the Government is established by law or/and by the decree of the President of Georgia or resolution of the Government issued in accordance with law. The Ministry has no right to transfer rights and obligations within its competence to governmental or non-governmental institutions unless otherwise provided by the laws of Georgia.
6. The Ministry acts within the scope of its competence on the basis and for the fulfillment of the Constitution of Georgia, other laws, decrees and edicts of the President of Georgia, and acts of the Government and Prime Minister.

Article 16

1. The sphere of governance of the Ministry is determined by the Statute of the Ministry.
2. If a matter that is delegated by law to the sphere of governance of executive power does not fall within the sphere of governance of any Ministry, the decision thereon shall be made by the Government.
3. If a matter falls within the sphere of governance of several ministries so that the Ministry to make a decision thereon is not specified, the decision shall be made by the Government

Article 17

1. The statute of the Ministry other than those of the Ministry of Internal Affairs and the Ministry of Defense of Georgia shall be approved by the Government at the advice of the Minister.
(24.12.2004, N806)
2. The statutes of the Ministry of Internal Affairs and the Ministry of Defense of Georgia shall be approved by decree of the President of

Georgia at the advice of the Government. (24.12.2004, N806)

3. The statute of the Ministry shall contain:

- a) Full name and legal address of the Ministry;
- b) Sphere of activity and objectives of the Ministry;
- c) Management of the Ministry, rights and obligations of the managerial staff;
- d) The system and structure of the Ministry and main objectives and competence of structural units of the Ministry;
- e) Other substantial issues regarding the organization of the Ministry.

Article 18

1. Pursuant to its statute, the Ministry shall be divided into structural units.

2. The competence of a structural unit of the Ministry shall be determined by the statute of the Ministry approved by the Minister.

4. The state control over a legal entity of public law (other than independent regulatory bodies or such legal entities of public law, which have no state controlling body or the legal entities set up in accordance with Subparagraph d) of Paragraph 2 of Article 5 of the Law of Georgia on Legal Entity of Public Law) shall be exercised only by the Ministry or the institution of executive power within the immediate subordination to the President of Georgia. (11.11.2004, N569); (22.03.2005, N1132)

5. The state control over a legal entity of public law may be provided only by the Ministry except for the independent regulatory bodies or such legal entities of public law, which have no state controlling body by law.

Article 19

1. A territorial body of the Ministry is set up, reorganized and terminated by resolution of the Government unless otherwise provided by law.

2. A territorial body of the Ministry represents the Ministry within the scope of its competence.

3. The head and deputy head of a territorial body of the Ministry are appointed to and removed from office by the Minister.

4. The sphere of governance, rights and obligations and main directions of activity of a territorial body of the Ministry shall be provided by the Regulations of the Territorial Body approved by the Ministry.

Article 20

1. The Ministry shall be headed by the Minister who makes decisions on the matters within his competence in accordance with the laws of Georgia.

2. The Minister:

a) Supervises the Ministry, conducts its activity and makes decisions on the matters within the competence of the Ministry.

b) Is responsible for the fulfillment of the Constitution of Georgia, laws of Georgia, decrees and edicts of the President of Georgia and resolutions and orders of the Government;

c) Observes the progress in the fulfillment of their duties by the structural units or the Ministry and the state sub-departmental institutions, public laws of legal entity and territorial bodies within the sphere of governance of the Ministry and in manner provided by this law provides official oversight on the decisions and activity of the public servants of the Ministry;

d) In manner provided by the laws of Georgia and within the scope of its competence, appoints to and removes from office the public servants under the staff schedule of the Ministry, officers of the territorial bodies, heads of the state sub-departmental institutions, and public laws of legal entity within the sphere of its governance except as provided by law;

e) Submits a proposal to the Prime Minister regarding the income and expenditure of the annual budget of the Ministry and, if necessary, regarding a draft additional budget, makes decisions on target-oriented use of budget funds and is responsible for accurate and expedient execution of the budget;

f) Pursuant to the state budget, approves the cost estimate of the state sub-departmental institutions within the sphere of its governance, exercises control over its execution and, if necessary, gives instructions regarding the use of budget funds;

g) Forms the structure and order of paperwork of the state sub-departmental institutions within the sphere of its governance except where they are established by the legal acts superior to an order of the Minister;

h) Submits a performance report of the Ministry to the Prime Minister. The Minister of Internal Affairs and the Minister of Defense of Georgia shall present a report to the President of Georgia;
(24.12.2004, N806)

i) Takes part in the Government Meetings;

j) Fulfills other tasks assigned to him by law, decrees and edicts of the President and resolutions and orders of the Government.

3. If a matter attributed to the sphere of competence of the Ministry concerns another Ministry as well, the Minister shall agree the decision with the relevant Ministry. In case of failure to reach agreement, the matter shall be discussed at the Government Meeting.

4. The Minister shall be responsible for protection and use of the state assets and organizes this activity in manner provided by the laws of Georgia.

5. Within the sphere of his governance the Minister may set up commissions and boards with a deliberative vote and determine their duties and order of activity.

Article 21

1. Pursuant to Article 812 of the Constitution of Georgia, the Minister the Minister issues orders on the basis and for the fulfillment of law.

2. The Minister signing an order shall be responsible for the legality and expediency thereof.

Article 22

1. The Minister's powers terminate:

a) Upon resignation;

b) Upon death;

c) Upon being removed from office by an act of the Prime Minister;

d) Upon entry into force of a court's judgment of conviction against him;

e) Upon lay-down of powers by the Government;

f) In the cases and in manner provided by Article 64 of the Constitution of Georgia.

2. The Minister submits an application for resignation to the President of Georgia. The Minister may resign if there is a principle disagreement with a decision of the President or Parliament of Georgia, inexpediency of being in public office due to belief, compulsion to fulfill an unlawful decision that may inflict a significant material or oral damage or if the health condition is such that impedes the execution of official powers.

3. The decision on resignation or reasonable rejection of resignation of the Minister is made by the President of Georgia. The decision on granting or rejecting the application for resignation shall be made within one month. In case of a reasonable rejection of the application for resignation, the Minister shall carry on discharging

his official duties. However, the Minister reserves the right to be released from office by individual application in manner provided by the laws of Georgia.

4. The Minister's resignation shall bear the consequences provided by this Law and the Law of Georgia on Public Service.

Article 23

1. The Minister has the first deputy and deputies. The number of deputies shall be determined by the Statute of the Ministry and their powers - by order of the Minister unless otherwise provided by law or any other Government act.

2. The lay-down of powers by the Government or termination of the Minister's powers for any reason shall result in the termination of the powers of the first deputy and deputy ministers.

3. The first deputy and deputy ministers have no right to hold office in the management, controlling or auditing bodies of enterprises or engage in entrepreneurial business.

4. The first deputy minister supervises the activity of the structural unit that is delegated to his subordination by order of the Minister.

5. The first deputy minister supervises the activity of the Ministry and coordinates the activity of the state sub-departmental institutions, territorial bodies and structural subunits within the sphere of governance of the Ministry when the Minister is absent.

Article 24

1. At the advice of the Minister, the first deputy minister and deputy ministers are appointed to and remove from office by the Prime Minister in agreement with the President of Georgia.

2. By commission of the Minister, one of the deputy ministers shall discharge the function of a secretary for the Parliament.

CHAPTER VII STATE SUB-DEPARTMENTAL INSTITUTION

Article 25

1. The state sub-departmental institution is an establishment of executive power within the sphere of governance of the Ministry.

2. The state sub-departmental institution is set up, reorganized and terminated by law or by resolution of the Government.

3. The state sub-departmental institution is set up to accomplish national objectives and discharge public functions in social, economic and cultural spheres.

4. The state sub-departmental institution is financed from the state budget.

5. The Regulations of the state sub-departmental institution are approved by the Minister.

The provisions of Paragraph 3 of Article 17 of this Law shall apply to the regulations of the state sub-departmental institution.

6. At the advice of the Minister, the head of the state sub-departmental institution is appointed to and removed from office by the Prime Minister.

7. The heads of the state sub-departmental institutions within the sphere of governance of the Ministry of Internal Affairs and the Ministry of Defense of Georgia are appointed to office by the Prime Minister at the advice of the Minister in agreement with the President of Georgia and removed from office by the President of Georgia on his own initiative or at the advice of the Prime Minister. (24.12.2004, N806)

8. The registration of the institutions provided by this article shall be recorded by the Government in a special register.

Article 26

1. Unless otherwise provided by law, the decision on the establishment, reorganization or termination of the territorial body of a state sub-departmental institution shall be made by the Minister.

2. The territorial body of a state sub-departmental institution represents the institution in the relevant administrative-territorial unit.

3. The head and deputy head of the territorial body of a state sub-departmental institution shall be appointed to and removed from office by the Minister at the advice of the head of the institution.

4. The sphere of governance, rights and obligations and main directions of activity of the territorial body of a state sub-departmental institution shall be provided by the regulations of the territorial body approved by the Minister.

CHAPTER VIII REPRESENTATION OF THE STATE

Article 27

1. The Ministry or a state sub-departmental institution may represent the state in discharging the duties assigned unto it by the laws of Georgia.

2. Unless the laws of Georgia provide which institution of the executive power is to be deemed as a representative of the state in

this or that legal relation, the state representative shall be appointed by the Government.

3. Unless otherwise provided by law, the head of the state institution or a person authorized by him shall be a representative of the state institution in accordance with the regulations of the said institution.

Chapter VIII1. State Attorney - Governor

Article 27-1

1. State Attorney - Governor is the representative of the President of Georgia and Government of Georgia in the administrative-territorial units provided by law who after consultation with the Prime Minister is appointed to and removed from office by the President of Georgia.

2. State Attorney - Governor:

a) Coordinates and exercises control over the execution of the laws of Georgia and the normative acts of the President and Government of Georgia in the administrative-territorial units of Georgia;

b) By assignment from the Government, implements regional social-economic development programs in the administrative-territorial units;

c) In manner provided by law, exercises state supervision over the activities of local self-government authorities;

d) In the cases provided by Subparagraph i) of Paragraph 1 of Article 73 of the Constitution of Georgia, submits to the President of Georgia proposals on the suspension or dismissal of the council, if the activity thereof poses a threat the sovereignty, territorial integrity of the nation and the implementation of the constitutional rights of national government authorities;

e) In the cases provided by Paragraph 1 of Article 63 of the Fundamental Law of Georgia on Local Self-Government, submits proposals on termination of the council to the President of Georgia;

f) If so requested by the Government, coordinates the activities of the territorial bodies of the Ministries of Georgia;

g) May take part in the Government meetings with an advisory vote;

h) Issues individual legal acts within the scope of his competence;

i) Exercises any other rights provided by the laws of Georgia.

Article 27-2

1. State Attorney - Governor performs its activity through the Administration of State Attorney - Governor, the staff list and pay rates of which are approved by the President of Georgia. The public servants of the Administration are appointed to and removed from office by State Attorney - Governor in accordance with the Law of Georgia on Public Service.
2. The activities of the State Attorney - Governor and of the Administration are financed from the state budget.
3. The territorial borders of the powers of State Attorney - Governor, the structure and order of activity of the Administration of State Attorney - Governor are provided by the Regulations of State Attorney - Governor approved by the President of Georgia.

Article 27-3

1. The legal act of State Attorney - Governor is an individual legal act - the order of State Attorney - Governor.
2. The legal act of State Attorney - Governor is abolished by the President of Georgia, Government of Georgia.
3. The legal act of State Attorney - Governor may be appealed against bin court in manner provided by the laws of Georgia.

CHAPTER IX INSTITUTIONS OF THE EXECUTIVE POWER OF THE AUTONOMOUS REPUBLICS OF ABKHAZIA AND AJARA

Article 28

1. The institutions of the Executive Power of the Autonomous Republics of Abkhazia and Ajara fall within the system of the executive bodies of Georgia.
2. The institutions of the Executive Power of the Autonomous Republics of Abkhazia and Ajara shall operate in accordance with the Constitution of Georgia, Constitutions of the Autonomous Republics of Abkhazia and Ajara, legal acts of Georgia, and legal acts of the Autonomous Republics of Abkhazia and Ajara.
3. The institutions of the Executive Power of the Autonomous Republics of Abkhazia and Ajara shall be established, reorganized and terminated in manner provided by the Constitution of Georgia, Constitutions of the Autonomous Republics of Abkhazia and Ajara, legal acts of Georgia, and legal acts of the Autonomous Republics of Abkhazia and Ajara.

CHAPTER X CONSULTATIVE BODIES

Article 29

1. To examine certain issues, the Prime Minister, the Government or a member of the Government may set up consultative bodies - commissions and boards.
2. A consultative body is set up to prepare various issues attributed to the competence of executive power. The tasks of the consultative body as well as the order for preparation of its opinions and proposals shall be provided by the Prime Minister, the Government or a member of the Government, respectively, in creating such body.
3. The consultative body may obtain from state institutions the documents, notices and other information necessary for its activity.
4. The opinions and proposals prepared by the consultative body shall be duly submitted by the Prime Minister, the Government or a member of the Government.
5. A government official or a person not being a government official may be appointed member of the consultative body only by consent of such official or person.

CHAPTER XI OFFICIAL OVERSIGHT

Article 30

1. Official oversight is intended to ensure the lawfulness of the activity of the ministries and state sub-departmental institutions within their sphere of governance.
2. A person providing official oversight may:
 - a) Issues written instructions for elimination of defects in an issued act or fulfilled action;
 - b) Suspend execution of an act or fulfillment of an action;
 - c) Find an act invalid.
3. In exercising official oversight, the President of Georgia, the Prime Minister, and heads of the institutions of executive power issue individual legal acts.
4. Official oversight is provided by jurisdiction.
5. A person exercising official oversight may request from ministries and sub-departmental institutions legal acts and other documents, and obtain explanations and conclusions from officials. The Ministry shall provide documents, explanations and conclusions within no later than 2 days unless no other term is provided by the person exercising official oversight.

Article 31

1. The Prime Minister may revoke individual legal acts of ministers on motive of their legality or inexpediency.
2. The Government may revoke a legal act of the Minister on motive of its legality or inexpediency.

Article 32

1. The Minister exercises oversight on the legality and expediency of the activity of structural units of the Ministry and state sub-departmental institutions and territorial bodies within the sphere of governance of the Ministry.
2. The Minister shall find invalid the acts and actions of first deputy or deputy ministers, heads of structural units and other officials of the ministry, and heads of the relevant ministries of the Autonomous Republics of Abkhazia and Ajara which do not compatible with the Constitution or other laws of Georgia, decrees and edicts of the President of Georgia, orders of the Minister.
3. The Minister may find invalid the acts and actions of the officials and heads of the state sub-departmental institutions within the sphere of governance of the Ministry referred to in Paragraph 2 of this article on motive of their expediency.
4. The Minister may assign his first deputy to exercise official oversight on the actions of the officials of the Ministry.
5. The person exercising official oversight may issues binding instructions for changing an act or elimination of defects in an action or for fulfillment of new actions.

Article 33

1. An act or action of an official may be found invalid on motive of inexpediency of such act or action is clearly incompatible with the Government Program or the national policy arising from legal requirements and pursued by the President of Georgia, government or Minister or causes inefficient spending of government assets or budget funds or otherwise prejudices national interests.
2. The individual legal act or action issued or performed in organizing public service as well as the act or action the issuance or fulfillment terms of which arise from law or other legal acts cannot be found invalid on motive of inexpediency.
3. Finding an act or action invalid on motive of inexpediency shall be substantiated.

Article 34

1. A legal dispute between ministries and other state institutions shall be settled by jurisdiction unless otherwise provided by law.
2. A legal dispute between structural units of the Ministry as well as between state sub-departmental institutions within the sphere of governance of the Ministry shall be settled by the Minister.
3. A legal dispute between the state institutions within different spheres of governance shall be settled by the Ministers concerned. In case of failure to reach agreement, the decision shall be made by the Government.

CHAPTER XII TRANSITIONAL AND CONCLUSIVE PROVISIONS

Article 35

1. Within 3 months upon enactment of this Law, the President of Georgia and the Government ensure:
 - a) Liquidation of the State Chancellery of Georgia and reorganization of state departments in manner provided by this article and laws of Georgia;
 - b) Setting up of the relevant liquidation commission to provide organizational support for the measures provided by this Law.
2. The State Procurement Service of Georgia be liquidated. By a legal act of the President of Georgia, the State Procurement Service Liquidation Commission be set up within 2 weeks. The state assets remaining after liquidation of the State Procurement Service be distributed in manner provided by law pursuant to the decree of the President of Georgia.
3. In manner provided by this Paragraph, state departments be reorganized into state sub-departmental institutions and transferred to the respective ministries.
 - a) Deleted (24.06.2004, N195)
 - b) The Ministry of Environment and Natural Resources be set up and its sphere of governance bring together the State Departments for Forestry, Protected Territories, Reserves and Hunting Fields, Geology and Hydrometeorology;
 - c) Deleted (24.12.2004, N806);
 - d) The State Departments for Material Reserves and State Border Protection be transferred to the sphere of governance of the Ministry of Internal Affairs;

e) The Ministry of Economics be set up and the State Departments for Statistics, Tourism and Health Resorts be transferred to its sphere of governance;

f) The State Departments for Archive and Land Management be transferred to the sphere of governance of the Ministry of Justice. The law-provided functions and powers of the State Department for Land Management related to land consolidation and qualitative assessment of soil (soil maps), and development of a unified bank on their condition, rational use and protection of land, fertility restoration and maintenance, changing the categories of farmlands shall be transferred to the Ministry of Agriculture of Georgia. The functions and powers related to implementation of state control pursuant to the legislation on target-oriented use and protection of land, development of rules for removal, keeping and use of a fertile strip of soil, preparation of measures for conservation of contaminated and degraded soil and state control over their implementation, as well as state control over implementation of anti-soil erosion measures, transfer of land from one category to another (except the categories provided by the second sentence of this paragraph), participation in manner provided by law in allocation of land plots, establishment and demarcation of borders be transferred to the Ministry of Environment and Natural Resources of Georgia; (10.03.2005, N1071)

g) The Ministry of Culture, Monuments Protection and Sports be set up and the State Departments for Sports and Youth Affairs be transferred to its sphere of governance;

h) The State Department for Vet Affairs be Transferred to the sphere of governance of the Ministry of Labour, Health and Social Affairs;

i) The Ministry of Education and Science be set up and the National Language Chamber and the Department for Science and Technologies of the Ministry of Economics, Industry and Trade be transferred to its sphere of governance.

4. Public laws of legal entity be set up on the basis of the National Technical Supervision Inspection and the State Department for Standardization, Metrology and Certification. Within 1 month after enactment of this Law, the government of Georgia present proposals on determining their business entities and further jurisdiction. The heads of these legal entities of public law shall be appointed to and removed from office by the President of Georgia.

5. The National Inspection for Protection of National Secrets be liquidated and its functions be delegated to the Ministry of Internal Affairs of Georgia. (23.11.2004, N777)

6. Within 1 month after enactment of this Law, the Government present proposals on determining the business entity and further jurisdiction of the Council of Learned Experts.

7. Within 1 month after enactment of this Law, the Government present to the Parliament law-provided draft legislative acts necessary for reorganization and distribution of functions of the executive power. Prior to the enactment of the legislative changes, these institutions shall carry on with discharging their duties.

8. The Ministries set up by this article be deemed to be the assignees to the liquidated institutions.

9. The acts issued by the heads of the institutions subject to liquidation under this article shall retain legal force. Such acts may be changed, amended or revoked by the respective assignee ministries.

Article 36

Upon enactment of this Law, the April 15, 1997 Law of Georgia on the Structure and Order of Activity of the Executive Power (The Parliament Bulletin, N17-18, May 9, 1997, p.32) be deemed invalid. The institutions of executive power and their heads exercise their powers in accordance with the Constitution of Georgia and this Law pending commencement of the authority of the Government.

Article 37

This Law be enacted upon promulgation.

President of Georgia **Mikheil Saakashvili**

February 11, 2004

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