



**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

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Group on Road Transport

Draft Report by GEORGIA on current state of implementation of the QUALITY CHARTER

Crime and administrative offence types and categories, defined by Georgian legislation

This document amends the draft Application submitted by Georgia [ITF/TMB/TR(2016)3/ADD12/REV3].

It is presented under Draft Agenda Item 3.2 of the meeting of the Sub-Group to be held on 1 February 2018 in Paris.

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This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

Extract from Georgian Criminal Code related to the Types and Categorisation of infringements specified in article 3.2 of Chapter II of the Quality Charter

Crime Categories

Currently, according to the Georgian Criminal Code, article 12 there exists three types of Crime Categories:

1. **Less serious offense** – A deliberate or negligent crime for which the maximum penalty envisaged does not exceed five years of imprisonment;
2. **Grave offense** - A deliberate crime for which the maximum penalty envisaged does not exceed ten years of imprisonment and negligent crime for which the maximum penalty envisaged does exceed five years of imprisonment;
3. **A particularly grave crime** –A deliberate crime for which the maximum penalty envisaged does exceed ten years of imprisonment or life imprisonment.

Taking into consideration above mentioned statement stipulated in Georgian legislation, it is clearly defined crime categories (Definition of Crime Categories) committed in Georgia or perpetrated by Georgian citizens abroad.

Types of Criminal offences

Commercial law, insolvency law, pay and employment law, road traffic law, professional liability, trafficking in human beings or drugs related crimes in the Georgian Criminal Code

Article 190 – 207²; 143¹

- Article 190. Interference with lawful entrepreneurial activities
- Article 191. Illegal registration of transactions related to land
- Article 192. Illegal entrepreneurial activities
- Article 192¹. Illegal educational activities
- Article 192². Illegal childcare activities
- Article 193. Pseudo-entrepreneurship
- Article 194. Legalization of illegal income (money laundering)
- Article 194¹. Use, purchase, possession or sale of property acquired through the legalization of illegal income
- Article 195¹. Violation of the procedure for participating in public procurements
- Article 196. Unlawful use of trade (service) marks or other commercial designations
- Article 197. Falsification
- Article 197¹. Illegal transportation or sale of forged goods
- Article 198. Manufacturing, import or sale of products hazardous to human life or health
- Article 199. Illegal use of Ecomark
- Article 200. Release, storage, sale or transportation of excisable goods without excise stamps

Article 200¹. Manufacturing, sale and/or use of counterfeit excise stamps

Article 200². Sale, purchase and use and/or transfer to another person of excise stamps for their reuse

Article 200⁵. Production, sale and/or use of counterfeit marking of non-excisable goods subject to mandatory marking

Article 200⁶. Sale, purchase and use and/or transfer to another person for reuse of markings of non-excisable goods subject to mandatory marking

Article 201. False advertising

Article 202. Illegal collection, transfer, disclosure or use of inside information or of information containing commercial or bank secrets

Article 202¹. Disclosure of the existence of an instruction of the Financial Monitoring Service of Georgia on the suspension of the execution of a particular deal (transaction) or disclosure of the fact of the provision of information on a specific transaction subject to monitoring

Article 203. Bribing a participant or organization in a professional sports or commercial entertaining competition

Article 204¹. Violation of accounting rules

Article 205. Unlawful actions in the case of insolvency

Article 205¹. Concealment of property using fraudulent and/or sham transactions

Article 206. Breach of the procedure for books of account in the case of insolvency

Article 207. Failure to file an application for initiating insolvency proceedings in the case of insolvency

Article 207¹. Non-performance of the person responsible for the management and representation of the debtor of the obligation to provide information to the trustee

Article 207². Import and / or re-export of live genetically modified organisms

Article 143¹. Human Trafficking

Drug-related Crime – Article 260-274

Article 260. Illegal manufacturing, production, purchase, storage, transportation, transfer or sale of drugs, their analogues, precursors or new psychoactive substances

Article 261. Illegal manufacturing, production, purchase, storage, transportation, transfer or sale of psychotropic substances, their analogues or potent substances

Article 262. Illegal import or export of drugs, their analogues, precursors or new psychoactive substances to/from Georgia or their international transportation by transit

Article 263. Illegal import or export of psychotropic substances, their analogues or potent substances to/from Georgia or their international transportation by transit in large quantities

Article 266. Arrangement or maintenance of a secret laboratory for illegal production of drugs, their analogues, precursors, new psychoactive substances, psychotropic substances or their analogues

Article 267. Making of forged prescriptions or other documents for purchasing drugs for marketing purposes, or their sale

Article 270. Violation of procedures for manufacturing, production, receipt, keeping records of, issuance, storage, transportation, transfer or import of psychotropic or potent substances

Article 273. Illegal manufacturing, purchase, storage or illegal consumption without

medical prescription of drugs, their analogues or precursors in small quantity for personal consumption

Article 273¹. Illegal purchase, storage, transportation, transfer or sale of cannabis or marijuana or/and use without the consent of a doctor

Transport-related Crime - Article 275 - 278

Article 275. Violation of safety regulations or procedures for operating railway, water, air or cable way transport traffic

Article 276. Violation of traffic safety rules or rules for operating transport

Article 277. Poor quality repair of a vehicle, release for operation of malfunctioning transport

Article 278. Rendering a vehicle unusable

Answerabilities from all the above mentioned criminal offences are confirmed by the Certificate of conviction.

Information regarding the violation of the rules dealing with the admission to the occupation, access to the market in international road haulage, the initial qualification and continuous training of drivers is under the ownership/supervision of the Land Transport Agency, as far as Agency has the competence and therefore uses this information to determine the carrier's reputation.

Checks related to the Company, infringements dealing with information regarding driving times and rest periods of drivers, using of tachograph or speed limiters, manipulation of tachograph and carriage of dangerous goods and etc. **conducted by the carrier Company** is also under the ownership/supervision of the Land Transport Agency, as a competent supervisory body on the implementation of technical regulations in the field, empowered in accordance with the Georgian legislation to impose fines around 5000 GEL. **Discretion of the Agency to impose fine of up to 5000 GEL means to discretion in which the Agency is entitled to decide amount of fine between 0 to 5000 GEL, the exact amount of the fine depends on the frequency, severity and degree of the violations committed by the carrier Company.**

Checks related to the Driver, infringements dealing with information regarding driving times and rest periods of drivers, using of tachograph or speed limiters, manipulation of tachograph, driving without driving license, driving without a valid roadworthiness certificate, driving violating rules regarding maximum weights and dimensions of commercial vehicles is under the supervision of the Ministry of Internal Affairs, which is legally empowered in accordance with the Georgian legislation to impose fines. MIA collects information on above mentioned violations in a single database, from which the Land Transport Agency receives all the necessary information regarding the transport operators.