

damouki debel i eqspertis daskvna

saqarTvel os kanonis proeqtze
`adgil obrivi TviTmmarTvel obis Sesaxeb-

zurab ezugbaia

I. arsebiTi xasiaTis Seni Svnebi

1. proeqtis pirveli muxl is pirveli punktSi adgil obrivi TviTmmarTvel obis cnebis ganmartebisas gamoyenebuli termini `adgil obrivi mniSvnel obis saqmeebi- ar Seesabameba adgil obrivi TviTmmarTvel obis ganmartebisas evropuli qartiis mier gamoyenebuli kategorias `saxel mwifo an sazogadoebrivi saqmeebis mniSvnel ovani nawil i-, rasac arsebiTi mniSvnel oba aqvs.

2. proeqtis pirveli muxl is me-2 punktis mixedviT `TviTmmarTvel i erTeul i- ganmartebisas erT-erT saval debulo niSnad miiCneva administraciul erTeul Si TviTmmarTvel obis organos arseboba. mizanSewonilia es niSani Seivsos da dakonkretdes ara nebsmieri TviTmmarTvel obis organos arsebobiT, aramed swored adgil obrivi TviTmmarTvel obis arCeviTi organos arsebobiT.

3. proeqtis pirveli muxl is me-5 punktSi gamoyenebuli sityebi `ar aris amoRebuli misi ufl ebamosil ebidan-, Sesazl oa gansxvavebuli adac ganmartos aRsrul ebisas da mianisnebdes mxolod iseT ufl ebamosil ebaze, romelic konkretulad aris figsirebuli adgil obrivi TviTmmarTvel obis kompetenciaSi (ar aris amoRebuli anu datovebulia). aseTi orazrovnebis aRmofxvris mizniT, martebuli iqnebamitiTebulis nacvlad gamoyenebuli iqnes termini `ar aris akrZaluli adgil obrivi TviTmmarTvel obisaTvis-.

4. proeqtis me-2 muxl is pirveli punktSi adgil obrivi TviTmmarTvel obis ufl ebis moqal aqeta mier ganxorciel ebis samarTlebriv wyaroebis Soris aucileblad unda dafiqsirdes konstituciaTan erTad saqarTvel os saerTasorisoxel Sekrul ebebis da Setanxmebebis kategoriac.

5. proeqtis me-5 muxl is me-2 punktis Sesabamisad adgil obrivi TviTmmarTvel obisTvis saintereso sakiTxebeze aucilebelia winaswari konsul taciebis gamarTva TviTmmarTvel i erTeul ebis warmomadgenl ebTan. aq mizanSewonilia ufro konkretulad ganisazRvros sxvadasxva iuridiuli Tu fizikuri pirebis TviTmmarTvel i erTeul ebis warmomadgenl ebad aRiarebis minimaluri motxovnebi, rwmunebis is saxel, romel sac moitxovs kanonmdebeli.

6. proeqtis me-7 muxl is pirveli punkti adgens Sesazlebl obas adgil obrivi TviTmmarTvel obis organoebisTvis, raTa maT calkeuli

erTgvarovani funqciebis Sesasrul ebl ad Seqmnan erTobl ivi organoebi da gadascen maT saTanado material uri da finansuri resursebi. aq aucil ebel ia dakonkretdes Tu organizaciul -samarTI ebrivi, statusuri gagebiT ra tipis erTobl ivi organoebi SeiZl eba iqnes Seqmnil i, xol o am procesis dawyebamde aucil ebel ia special uri kanonmdebl obis SemuSaveba erTobl ivi organoebisTvis material uri da finansuri resursebis gadacemis saerTo wesebisa da am resursebiT sargebl obis procedurebis Sesaxeb, rac unda proeqtis gardamaval debul ebebSic aisaxos.

7. proeqtis me-8 muxl is pirvel punqtSi miTiTebul ia, rom kavSirs (asociacias) aqvs ufl eba saxel mwifo organoebTan mimarTebiT da oficial ur urTierTobebSi gamodiodes TviTmmarTvel i erTeul ebis saxel iT. vfiqrob, aseTi zogadi norma unda iqnes SezRudul i mxol od konsul taciebis miznebiT da ara saerTo warmomadgenl obiT ufl ebamosil ebas aniWebdes kavSirs.

8. proeqtis me-19 muxl is me-2 punqtis Tanaxmad, sakonsul tacio komitetis wevrTa SerCevis ufl eba eniWeba mosaxl eobis saerTo krebas. termini "mosaxl eoba" aqac da proeqtis zogierT momdevno muxl Sic, unda dakonkretdes da mieTitos TviTmmarTvel i erTeul is teritoriaze registrirebul amomrCvel Ta erTobl iobaze.

9. proeqtis 28-e muxl is me-4 punqtSi gaurkvevl i rCeba, daSvebul ia Tu ara adgil obrivi TviTmarTvel obis kontrol ioris samsaxuris SemoqmedebiT saqmi anobasTan SeTavseba.

10. proeqtis 44-e muxl is `a- qvepunqtSi dasakonkretebel ia gzebis kategoria.

11. proeqtis 45-e muxl is `k- qvepunqtSi Sesyidvebis saxeoba unda dakonkretdes da cal saxad mieniSnos, rom saubaria mxol od municipal ur Sesyidvaze.

12. proeqtis 37-e da 51-e muxl ebi saWiroeben detal ur SeTanxmebasa da Sej erebas aRmasrul ebel i xel isufl ebis Sesabamis dargobriv uwyebebTan.

13. proeqtis 70-e muxl Si da saerTod proeqtSic ganmartebas saWiroebs gamoyenebadi termini `dasaxl eba-.

14. proeqtis 81-e muxl is pirvel i punqtis redaqtia ganapiroebis masTan erTad paketSi sxva kanonebSi cvl il eba-damatebebis proeqtis warmodgenasac.

15. proqtis 83-e muxl is `a- qvepunctsa da 84-e muxl Si asaxul i gansxvavebul i terminebi `saxel mwifo kontrol i- da `saxel mwifo zedamxedvel oba- Sesaj erebel ia erTmaneTTan.

16. proeqtis 92-e muxl is me-2 punqtis `d- qvepunctis arsebul i redaqtia miuRebel ia – sakrebul os ufl ebamosil eba vadamde uwydeba `Tu dakarga mosaxl eobis ndoba-. saWiroa naTel i samarTI ebrivi dispozicia

da ganmarteba. amave muxl is me-2 punktis `e- qvepungtSi dasazustebel ia, Tu rogori formiT gacxadebul i an gamoxatul i uari CaiTvl eba sakrebul os ufl ebamosil eba vadamde Sewyvetis safuZvl ad.

II. Seni Svnebi iuridiul teqnikaze

1. proeqtis mTel teqstTan dakavSirebiT – xSirad gamoiyeneba termini `TviTmmarTvel oba- winaTqmad `adgil obrivis gareSe-. kanonproeqtis regul irebis sferoSi ki swored teritoriul - saxel isufli ebo TviTmmarTvel obis erTi konkretul i saxe – adgil obrivi TviTmmarTvel oba Sedis. amrigad, mizanSewonilia yvel gan terminis `TviTmmarTvel oba- `adgil obrivis- winaTqmiT Sevseba.

2. proeqtis me-6 muxl is `z--l ~ qvepungtebi seriozul redaquiul da stilistur damuSavebas saWiroeben, raTa gamovl enil iqnes maTi umTavresi Semadgenel i principul i debul ebebi.

3. proeqtis 26-e muxl is me-3 punktis `b- qvepungtSi misaTiTebel ia moqmedi kanonis zusti saxel wodeba.

4. proeqtis 38-e-51-e muxl ebs akl ia pirvel i abzacebi.

5. proeqtis 45-e muxl is `d- da `T- qvepungtebi imeorebs erTmaneTs.

6. proeqtSi gamotovebul ia muxl ebis 66, 67, 68, 94 da 95 redaqlia.

III. rekomendaciebi

1. proeqtis me-4 muxl is mixedviT fiqsirdeba TviTmmarTvel i Temebis Seqmnis axal i SesaZl ebl oba da Tan mieTiteba, rom maTi Seqmnis wesi ganisazRvreba saqarTvel os kanonmdebl obiT. es sakiTxi principul xasiaTs atarebs da masTan dakavSirebiT umTavresi normebi swored warmodgenil kanonproeqtSi unda aisaxos, Tundac gardamaval i debul ebebis saxiT an gardamaval i debul ebebi unda iTval iswinebdes proeqtis aseTi muxl ebis mogvianebiT amoqmedebas da droebiT Zvel i reJimis SenarCunebas.

2. proeqtis me-7 muxl is pirvel i punqti mizannimarTul ia imisaken, rom moaxdinis TviTmmarTvel i erTeul ebis nebayofl obiT gaertianebis procesis stimuli ireba, magal iTad, axal i gaertianebisTvis saxel mwifo biuj etidan damatebiTi subsidiis gamoyofis gziT. magram aseTi mastimuli irebel i meqanizmi aqamdec iyo asaxul i kanonmdebl obaSi, Tumca raime sagraZnobi efeqti mas ar mohyolia. mizezebs Soris sxvadasxva SesaZl oa dasaxel des, maT Soris winaswari konkretul i garantiabis ararseboba saxel mwifos mxridan subsidiis mocul obasTan an mis sistematur obasTan dakavSirebiT. amrigad, vfiqrobT, rom damatebiTi

dazustebisa da mastimul irebeli faqtorebis gamdidrebi garese es norma kvl av ar gamoiRebs saTanado Sedegs.

3. proeqtis 76-e muxl is me-3 punqtSi asaxul ia sakrebul os gawvevis iniciirebis saval debul o minimumi, romel ic unda aRematebodes TviTmmarTvel erTeul Si registrirebul amomrCeval Ta 50%. amasTan dakavSirebiT, Sesazl ebel ia gawvevis iniciirebis minimumi ubral od daemTxves Sesabamisi sakrebul os arCevnebis Semdgarad Sesafasebl ad kanoniT dadgenil amomrCeval Ta zRvars.

IV. saerTo Sefaseba

warmodgenil i kanonproeqti miznad isaxavs saqarTvel oSi adgil obrivi TviTmmarTvel obis ganxorciel ebis ganaxl ebul i erTiani sakanonmdebl o bazis Seqmnas. rasakvirvel ia, aq rTul ia ar aRniSno iseTi udaod pozitiuri aspektebi, rogoricaa:

- organul i kanonis gamartiveba;
- saqarTvel oSi adgil obrivi TviTmmarTvel obis ganxorciel ebis adgil obrivi TviTmmarTvel obis Sesaxeb evropul i qartiis debul ebebTan daaxl oebis mcdel oba;
- proeqtiT wesrigdeba adgil obrivi TviTmmarTvl obis ganxorciel ebasTan dakavSirebul i TiTqmis yvel a samarTl ebrivi institutis umTavresi principebi.

Sesazl o risk-faqtorebs warmoadgenen:

- proeqts ar axl avs safinanso-ekonomikuri gaangariSeba, romel ic aucil ebel ia msgavsi kanonproeqtebisTvis.
- proeqti ar Seicavs detal ur gardamaval debul ebebs, roml ebic dasaxvdnen droSi zustad gaweril konkretul RonisZiebebs kanonproeqtis amoqmedebisa da qveynis mTel s teritoriaze unificirebul i impl ementaciis uzrunvel sayofad.
- proeqts ar axl avs mTel i sakanonmdebl o paketi, romel ic mis aRsasrul ebl ad da gansamarTtbl ad gankuTvnil sxva kanonproeqtebs unda Seicavdes.