

nebarTvisadmi daqvemdebarebis koliziisas upiratesoba mSenebl obis nebarTvis gacemas eniWebi. aRniSnul i gaumarTI ebel ia sakanomdebl o teqniki Tval sazrisiTac.

kanonproeqtiT unda moxdes zusti reglamentacia im saqmianobebisa, razedac unda gaices garemoze zemoqmedebis nebarTva da masSi mocemul i saqmianobebi unda ganTavisufl des romelime saxis nebarTvisadmi dualisturi damokidebul ebi sagan. kerZod, kanonproeqtidan (muxli 4, punqti 1) amoRebul i unda iqnes im saqmianobebis CamonaTval i, romel zec gaicema mSenebl obis nebarTva; mag., el eqtrosadgurebis ganTavseba, metropol itenis mSenebl oba da a.S. romlebic gaTval iswinebul ia mSenebl obis nebarTvis Sesaxeb- kanoniT da `garemoze zemoqmedebis nebarTvis Sesaxeb-kanonproeqtiTac maTze gaicema mSenebl obis nebarTva. cxadia, nebismeri saxis mSenebl oba pirdapir Tu iribad garemoze zemoqmedebaa da Tu dadga aucil ebl oba garemos zemoqmedebastan dakavSirebul sakiTxebe, maSin garemos dacvis uwyebis monawileoba Sesazl ebel ia `licenzi ebisa da nebarTvebis Sesaxeb- kanoniT gaTval iswinebul i `erTi sarkml is principis- gamoyenebiT sanebarTvo pirobebis dadasturebis gziT an mSenebl obis nebarTvis gacemis administraciul warmoebaSi `sxva administraciul i organos- statusiT CarTvis gziT moxdes e.w. faqtobrivi garemoebebis dadastureba. yovel ive amis Sesaxeb ki, miTitebul i unda iyos `mSenebl obis nebarTvis Sesaxeb- kanonSi da ara `garemoze zemoqmedebis nebarTvis Sesaxeb- kanonSi.

amdenad, kanonproeqtidan amoRebul i unda iqnes mSenebl obis nebarTvasTan dakavSirebul i sakiTxebi.

kanonproeqtSi arasworadaa gagebul i (muxli 4, punqti 3) `sxva administraciul i organos- statusiT garemos dacvis saminstros mier e.w. faqtobrivi garemoebebis dadastureba mSenebl obis nebarTvis gacemisas. kerZod, mSenebl obis nebarTvis maZiebel s uwevs garemoze zemoqmedebis angariSi, misi sajaro ganxil vis oqmisa da sxva dokumentebis warmodgena (faqtiurad identuri dokumentebi, rac garemoze zemoqmedebis nebarTvis misaRebadaa saWiro). es ki, `sxva administraciul i organos- mier faqtobrivi garemoebebis dadasturebas ar warmoadgens da Cveulebriv, sanebarTvo pirobebia. faqtobrivi garemoebebis dadasturebis SemoRebis Ziriradi mizani is gaxl daT, rom nebarTvis misaRebad dawesebul iyo liberaluri procedura da administraciul organoebis urTierTkoordinaciit daedginaT garemoebebi, rac kanonproeqtiT ugul ebel yofil ia.

rogorc aRiniSna, garemoze zemoqmedebis nebarTvis gacema damokidebul ia garemoze zemoqmedebis Sefasebas daqvemdebarebul saqmianobebze. garemoze zemoqmedebis Sefasebas axdens TviTon saqmianobis ganmaxorciel ebel i subieqti da nebarTvis misaRebad warmoadgens mis angariSs, romelic moqmedi wesebis mixedvit sakmaod rTul procedurebs moicavs. garda zogadi ganmartebisa, garemoze zemoqmedebis Sefasebis procedura kanonproeqtiT ar aris gansazRvrul i da igi ministris brZanebiT regul irdeba. garemoze zemoqmedebis Sefaseba erT-erTi ZiriTadi sanebarTvo pirobaa da sasurvel ia rom misi mowesrigeba kanoniT moxdes, Sesazl ebel ia Tundac warmodgenil kanonproeqts daematos misi momwesrigebel i normebi. sanebarTvo pirobis kanoniT mowesrigeba ki, SesabamisobaSi mova `licenzi ebisa da nebarTvebis Sesaxeb- kanoniT gansazRvrul sanebarTvo pirobebis ganmartebasTan _ `kanoniT gansazRvrul i moTxovnebis da informaciis amomwuravi nusxa, romel sac unda akmayofil ebdes nebarTvis maZiebel i nebarTvis misaRebad...-

ekol ogiuri eqspertiza

garemoze zemoqmedebis nebarTva gaicema garemoze zemoqmedebis Sefasebas daqvemdebarebul saqmianobebze, saxel mwifo ekol ogiuri eqspertizis daskvnis safuZvel ze. saxel mwifo ekol ogiur eqspertizas atarebs garemos dacvis saminstros.

rogorc Cans, ekol ogiuri eqspertizis monopol ia kvl av rCeba saxel mwifos xel Si da mas ar emuqreba raim saxis reforma uaxl oes momaval Si. garemos dacvis saminstros hyavs Tu ara adamanuri resursi an gaaCnia Tu ara eqspertizisaTvis adekvaturi baza, romelic garemoze zemoqmedebis nebarTvis maZiebel pirTa moTxovnas daakmayofil ebs, Znel ad sarwmunoa. Tu gaviTval iswinebT eqspertizis Catarebis vadebs (moqmedi debul ebit 10-dan 80 dRemde), al ternatiul i daskvnebis aucil ebl obas, aSkara gaxdeba rom es sfero moitxovs saxel mwifo monopol iisagan ganTavisufl ebas da ekol ogiuri

eqspertizis Catarebas kerZo saeqsperto dawesebul ebebis mier, miT ufro rom ekol ogiuri eqspertizis Catareba bunebriv monopolias ar warmoadgens da mas ar unda atarebdes mxol od erTi subieqti, miT ufro saxel mwifo. Tu saxel mwifo ar endoba kerZo saeqsperto dawesebul ebebis daskvnebs, mas Sesazl ebl oba aqvs nebarTvis gacemis procesi moaxdinos misi Sefaseba, gaiziaros an ar gaiziaros igi. kanonproeqtis mniSvnel ovani wingadadgmuli nabiji iqneba, Tu moxdeba kerZo saeqsperto dawesebul ebebis mier ekol ogiuri eqspertizis Catarebis daSveba, Tundac al ternatiuli eqspertizis saxiT. yovelive es ki xel s Seuwyobs damoukidebel i eqspertizis Catarebas.

ekol ogiuri eqspertizis Sesaxeb amJamad moqmedi normatiuli aqtebiT gaTval iswinebul i damoukidebel i eqsperti mxol od nebarTvis gamcemi organos mier SromiTi xel Sekrul ebis safuzvel ze mowveuli piria, romelic ar aris sajaro moxel e da registrirebულიa saxel mwifo ekol ogiuri eqspertizis eqspertTa reestrSi; bunebrivia, eqspertis damoukidebel obis xarisxi da sazogadoebrivi ndoba-, romelic nebarTvis gamcemi organos mier aris mowveuli (daniSnuli), ar aris marali. amdenad, aucil ebl oba moitxovs gadaxedil iqnes ekol ogiuri eqspertizis wesi. Tundac eqspertizis dasaxel ebaSi saxel mwifos- Cartva, romelic ufro sabWota periodidan inerciit momdinare terminad mimaCnia, veranair gansakuTrebul garantias ver mogvcems daskvnis saimedoobastan dakavSirebiT. araswori daskvnidan gamomdinare pasuxismgebl obis xarisxi, saxel mwifo Tu kerZo eqspertebis mimarT, identuria.

saj arooba

saj aroobis motvit, kanonproeqtSi sakmaod vrcl adaa mocemuli erT-erTi sanearTvo pirobis _ garemoze zemoqmedebis Sefasebi angariSis sajaro ganxil va, mis nebarTvis gamcem organosi wardgenamde. sajaro ganxil vis procedurebi moicavs: informaciis gamoqveynebas central ur da adgil obric beWdviT organosi dagegmili saqmianobis Sesaxeb, informaciis gamoqveynebidan 45 dRis ganmavl obaSi xal xisagan miRebul i Senisvnebis da winadadebebis ganxil vas, informaciis gamoqveynebidan 60 dRis vadaSi sajaro ganxil vis mowyobas, sajaro ganxil vaze adgil obrivi organoebis da garemos dacvisa da ekonomikuri ganvitarebis saminstros warmomadgen ebis mowvevas (romlebic, kanonproeqtidan gamodinare, SeiZl eba eswrebodnen an ar eswrebodnen sajaro ganxil vas), sajaro ganxil vis mimdinareobis oqmSi asaxvas.

aRniSnuli formaluri sajarooba sruliad zedmet val debul ebas warmoadgens nebarTvis maZiebl isatvis. Tu kanonproeqtis avtori miznad isaxavs sajaro ganxil vit raime Sedegis miRwevas (mag., sazogadoebrivi azris gaTval iswineba), maSin sajaro ganxil va nebarTvis gamcem organosi unda yofiliyo gaTval iswinebul i, nebarTvis gacemis Taobaze gamarTul warmoebaSi. kanonproeqtiT gaTval iswinebul nebarTvis maZiebl is mier gamarTul sajaro ganxil visas, al batobis marali xarisxiT mosal odnel ia rom nebarTvis maZiebl is mier ar iqneba gaTval iswinebul i mistvis `arasasurvele mosazrebebi Tu winadadebebi- da igi mxol od sakanonmdebl o formaluri moval eobis moxdis saxes miRebs. arafers ar cvl is is faqti, rom Senisvnebis da winadadebebis gauTval iswinebl obisas nebarTvis maZiebel i val debul ia moaxdinos weril obiTi dasabuTeba da misi gagzavna Senisvnebis da winadadebebis avtorebisatvis.

zemoarNiSnuli sajaroobis rTuli procesidan unda darCes informaciis gamoqveyneba beWdviT organosi dagegmili saqmianobis Sesaxeb da daematos dainteresebul i pirebis mier mosazrebebis wardgena nebarTvis gamcem organosi (da ara nebarTvis maZiebel Tan!), romelic maT ganxil avs nebarTvis Taobaze gadawvyetil ebis miRebisas.

faqtis konstataciis saxiT unda aRiniSnos, rom garemos dacvis mniSvnel obidan gamomdinare, garemosdacviti nebarTvebis gacemisaTvis saqarTvel os zogadi administraciuli kodeqsiT (muxli 115, nawili 2) gaTval iswinebul ia sajaro administraciuli warmoeba, Tumca ufro gvian miRebul ma kanonma `licenziebis da nebarTvebis Sesaxeb- daadgina nebarTvis gacema martivi administraciuli warmoebis wesiT, sadac nebarTvis gamcem organos ar ekisreba sajaro ganxil visa Tu zepiri mosmenis gamarTvis val debul eba.

nebarTvis gacemis vada

kanonproeqtis mixedviT, garemoze zemoqmedebis nebarTva gaicema 20 dRis vadaSi, magram mxol od `dokumentebis srul ad warmodgenidan- (me-8 muxl is me-4 punqti, me-9 muxl is 1 punqti), rac uxeSi Seusabamobaa. administraciul warmoebaSi vadis aTvl a iwyeba gancxadebis registraciis momentidan, rasac eTanadeba `licenzi ebisa da nebarTvebis Sesaxeb- kanoni (muxl i 26, punqti 10): *`nebarTvis gamcemi val debul ia nebarTvis gacemis Sesaxeb gadawyvetil eba miRos gancxadebis wardgenidan 20 dRis vadaSi, Tu aRniSnul vadaSi ar iqneba miRebul i gadawyvetil eba nebarTvis gacemis an nebarTvis gacemaze uaris Tqmis Sesaxeb, nebarTva gacemul ad CaiTvl eba-*. ar aris gamoricxul i, am normaze dayrdnobiT momaval Si garemos dacvis saministros mouwios nebarTvis gacema, Tu vadis aTvl a ucvl el ad iqneba kanonproeqtSi datovebul i. dokumentebis arasrul ad warmodgenisas nebarTvis gamcemi organos miniWebul i aqvs ufl ebamosil eba vada ganusazRvros maT warmosadgenad nebarTvis maZiebel s da am periodSi vadis dena Cerdeba. amrigad, vadis aTvl is aRniSnul i xarvezi unda iqnes gamosworebul i.

nebarTvis moqmedebis vada

kanonproeqtis mixedviT, nebarTva gaicema ganusazRvrel i vadiT. Tumca, saxel mwifo ekol ogiuri eqspertizis dadebiTi daskvna, roml is safuZvel ze gaicema nebarTva da warmoadgens nebarTvis ganuyofel nawil s da nebarTvis mfl obel isaTvis misi pirobebis Sesrul eba saval debul oa (kanonproeqtis muxl i 4, punqti 6), gaicema 5-dan 10 wl amde vadiT. am vadis gasvl is Semdeg, Tu ar Seicval a daskvnis gacemis garemoebebi, daskvnis moqmedeba grZel deba 5 wl iT. aRniSnul i vadis amowurvis Semdeg ki, rogor sCans, daskvna xel axl a unda iqnes aRebul i, Tumca nebarTva ganusazRvrel i vadiTaa gacemul i; Tu ar moxda daskvnis xel axl a aReba, rogor wesi, unda moxdes nebarTvis gauqneba. msgavsi gaugebrobebis Tavidan acil ebis mizniT, sasurvel ia ekol ogiuri eqspertizis dadebiTi daskvna gaices uvadod, xol o garemoebebis arsebiTi Secvl isas SemoRebul iqnes damatebiTi gadamowmebis meqanizmi (da ara axal i daskvnis gacema). yovel ive es adekvaturi iqneba nebarTvis moqmedebis vadasTan, winaaRmdeg SemTxvevaSi nebarTvis uvadooba mxol od sakanonmdebl o fiqciis saxes miRebs.

vadebis gadasinj vis aucil ebl oba

marTal ia nebarTvis gacemis Taobaze gadawyvetil eba ganacxadis wardgenidan 20 dRis vadaSi miReba, magram ganacxadis wardgenamde aris droSi sakmaod gawel il i procedurebi roml is dacvac aucil ebel ia. mag., 1) garemoze zemoqmedebis Sefasebis angariSis momzadeba _ 3 Tvemde; 2) garemoze zemoqmedebis Sefasebis angariSis saj aro ganxil va _ informaciis gamoqveynebidan 45 dRis ganmavl obaSi miRebul i SeniSvnebis da winadadebebis ganxil va, xol o informaciis gamoqveynebidan 60 dRis vadaSi saj aro ganxil vis mowyoba; 3) eqspertizis Catarebis vadebi _ 10-dan 80 dRemde.

zemoaRniSnul i, yovel ive komentaris gareSe, Tval naTl iv adasturebs, rom unda gadaisinj os vadebi, romel ic ukavSirdeba e.w. winasanebarTvo dokumentebis momzadebas.

nebarTvis sxva pirisaTvis gadacemis SesaZl ebl oba

kanonproeqt iT ar aris gansazRvrul i, SesaZl ebel ia Tu ara garemoze zemoqmedebis nebarTvis sxva pirisaTvis gadacema. sasurvel ia, rom kanonproeqt iT dawesdes aRniSnul i privilegia (nebarTvis gadacema) an akrZal va, winaaRmdeg SemTxvevaSi saxeze gveqneba `licenzi ebisa da nebarTvebis Sesaxeb- kanonis zogadi wesi _ *`SesaZl ebel ia nebarTvis gadacema sxva pirisaTvis, Tu es kanoniT ar aris akrZal ul i an nebarTva arsobrivad ar aris dakavSirebul i mis mfl obel Tan-*, romel sac SesaZl ebel ia subieqturi gadawyvetil ebebi mohyves; Tu gaviTval iswinebT im garemoebasac, rom nebarTvis sxva pirisaTvis gadacemis pirdapiri akrZal va ar aris gaTval iswinebul i kanonproeqt iT, savsebiT SesaZl ebel ia rom dadges aRniSnul i probl eba.

sanebarTvo mosakrebel i

kanonproeqtis mirebasTan erTad cvl il ebebi unda iqnes Setanil i `sal icenzio da sanebarTvo mosakrebl ebis Sesaxeb- kanonSi, romel ic daadgens mosakrebl is ganakveTs *garemoze zemoqmedebis nebarTvis* gasacemad. `sal icenzio da sanebarTvo mosakrebl ebis Sesaxeb- kanonis amJamad moqmedi redaqqi iT gaTval iswinebul ia mosakrebl ebi (muxl i 7, punqti 6) *garemosdacviti nebarTvisaTvis* kategoriebis mixedviT; kerZod, pirvel i kategoriis saqmianoba 500 l ari, meore _ 300 l ari, mesame _ 200 l ari, meoTxe _ 100

lari. Tu gavitval swinebt kanonproeqtiT gatval swinebul i *garemoze zemoqmedebis nebarTva* kategoriebad ar iyofa da xdeba saxel wodebis Secvl a, sanebarTvo mosakrebl is cvl il ebebic unda momzddes. mosakrebel i gadaixdeba mxol od kanoniT zustad gansazRvrul odenobiT saqmianobaze, risi moqmedi redaqqiit datoveba nebarTvis maZiebl ebs mianiWebs ufl ebas ar gadaixadon mosakrebel i, radganac igi Sinaarsobrivad identur, magram formal urad sxva saqmianobazea dawesebul i.

Zal adakargul i normatiul i aqtebi

Zal adakargul i normatiul i aqtebis nuxsas (kanonproeqtis 22-e muxl i) unda daematos *saqarTvel os mTavrobis 2005 wl is 1 seqtembris #154 dadgenil eba`garemoze zemoqmedebis nebarTvis gacemis wesisa da pirobebis Sesaxeb debul ebis damtkicebis Taobaze~* (gamoqv. #104 macneSi, 02.09.2005w., nawil i III). kanonproeqtis miRebisa da Zal aSi Sesvl is Semdeg aRniSnul i debul ebis moqmedeba daniSnul ebas kargavs.