

damouki debel i eqspertis daskvna

navTobproduqtebi sa da Tambaqos sferoSi Licenzi ebis gacemis
Sesaxeb- kanonproeqtze

iraki narmania

warmodgenili kanonproeqtiT xdeba navTobproduqtebi sa da Tambaqos sferos Licenzi ebis erTi normatiuli aqtiT mowesrigeba. Tavidanve unda aRiniSnos, rom dauSvebel ia erTi normatiuli aqtiT iyos mowesrigebuli navTobproduqtebi sa da Tambaqos sferos Licenzi reba. am ori saxebis produqcias raime saerTo ara aqvs erTmaneTTan warmoebis, Tvisobrivi an sxva maxasiaTebel ebis mixedviT (Tu ar CavTli iT imas, rom orive aris aqcizuri produqcia). umj obesia Tambaqos Licenzi ebaze cal ke kanoni qnes miRebuli an savsebiT SesaZl ebel ia Licenzi ebis debul ebebis asaxva Tambaqos sferos momwesrigebel sxva kanonebSi, mag., `saqarTvel oSi Tambaqos kontrolis Sesaxeb- kanonSi an Tundac, ar gauqmebuliyo da cvl il ebebi Sesul iyo `Tambaqos nawarmiT vaWrobis Sesaxeb- kanonSi.

garda amisa, navTobis sferos Licenzi ebaze srulad ar vrcel deba `samewarmeo saqmianobis Licenzi sa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonis ZiriTadi debul ebebi, rasac ver vityviT Tambaqos sferos Licenzi rebasTan mimarTebsi. Tambaqos sferos Licenzi reba gadis Licenzi ebis saerTo reJimSi da masze ar vrcel deba e.w. sagamonakl iso normebi. sagul isxmoa, rom arc `samewarmeo saqmianobis Licenzi sa da nebarTvis gacemis safuZvl ebis Sesaxeb- saqarTvel os kanonSi cvl il ebebi sa da damatebebis Setanis Taobaze- kanonproeqti Tambaqos sferos Licenzi rebasTan mimarTebsi ar cvl is dRes arsebul regul irebas da masze navTobproduqtebis Licenzi ebis msgavsad special ur wesebs ar iTval iswinebs. *am mxriv, ZiriTadi probl emebi warmoiSoba Tambaqos sacal o miwodebis Licenziis moqmedebis vadasTan dakavSirebi T.*

terminTa ganmartebebi

piris ganmartebisas kanonproeqti akeTebis gadamisamarTebas saqarTvel os sagadasaxado kodeqsze _ *fizikuri an iuridiuli piri saqarTvel os samoqal aqo kodeqsis mixedviT, romel Tac sagadasaxado kodeqsi sawarmos an organizacias uwodebs.* Tumca, sxva debul ebebSi sagadasaxado kodeqsi sawarmos uwodebs amxanagobebsa da gaertianebebs, roml ebic ar warmoadgenen arc fizikur da arc iuridiul pirebs. garda amisa, sagadasaxado kodeqsi mewarme fizikur pirad moixseniebs im fizikur pirTa saqmianobas, roml ebic `mewarmeTa Sesaxeb- kanonis mixedviT ar iTvl eba samewarmeo saqmianobad. zogadad, aqcenti unda gakeTdes imazec, rom *Licenzi ebisas saqme gvaqvs samewarmeo mizniT ganxorciel ebuli saqmianobis Licenzi rebasTan* da ara saerTod saqmianobis Licenzi rebasTan. Tundac am motiviT, miuRebel ia Licenzi ebis kanonmdebl obaSi gamoyenebuli iyos sagadasaxado kodeqsiT gansazRvruli cnebebi. Tanac, sagadasaxado kodeqsiT ganmartebuli cnebebi gamoiyeneba mxol od sagadasaxado urTierTobis regul irebias, Tundac saerTo-samarTlebrivi azrovnebisagan gansxvavebuli gagebiT da es pirdapiraa miTitebuli sagadasaxado kodeqsSi.

saerTod ar iyo saWiro kanonproqtSi `piris- ganmarteba an Tu iqneboda, maSin misi ganmartebis gadamisamarTeba unda yofil iyo ara sagadasaxado kodeqsze, aramed `samewarmeo saqmianobis l icenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonze. am kanonis mixedviT, *piri aris fizikuri an iuridiul i piri, agreTve kanoniT gansazRvrul i sxva organizebul i warmonaqmni, romel ic ar aris iuridiul i piri* (anu igive amxanagobebic). es ganmarteba aris ufro srul yofil i, misaRebi da l icenzirebis safuZvl ebis kanoniT damkvidrebul i cnebaa. `samewarmeo saqmianobis l icenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonis `terminTa ganmartebebi- vrcel deba TviT navTobproduqtების sferos l icenzirebazec, romel zedac sxva SemTxvevaSi amave kanoniT special uri wesebia dadgenil i.

obieqti. koreqtirebas moiTxovs obieqtis ganmarteba. kanonproeqti `obieqts- ganmartavs, rogorc *l icenzirebas daqvemdebarebul saqmianobis adgil s da/an sartansporto saSual ebas. l icenzireba wesdeba anu l icenzirebas eqvemdebareba uSual od saqmianoba, saqmianobis ganxorciel eba da ara obieqti Tu satransporto saSual eba.*

sabiTumo miwodeba. zogadad kanonproeqts, maT Soris, terminTa ganmartebesac wiTel zol ad gasdevs, rom warmodgenil i kanonproeqti gaxdeba sagadasaxado val debul ebebis Sesrul ebis erT-erTi berketi. am mxriv, sagul isxmoa TviT `sabiTumo miwodebis- ganmarteba: *gadasaxadis gadamxdel ad registrirebul i pirisaTvis saqonl is miwodeba, romel zec gamoweril ia sasaqonl o zednadebi (Sesabamis SemTxvevaSi special uri sagadasaxado angariS-faqtura) da iZl eva myidvel is identificirebis saSual ebas.*

`sabiTumo miwodebis- ganmarteba unda ganTavisufldes zedmeti el emetebisagan. biTumad mimwodebel s ar unda uwevdes imis garkveva, gadasaxadis gadamxdel ad registrirebul ia Tu ara saqonl is SemZeni. sasaqonl o zednadebis gamowera ki, isedac saval debul oa sagadasaxado kanonmdebl obiT da miznad isaxavs dRg-s gadaxdevinebas. am zedmeti el emetebiT l icenzirebis kanonmdebl obis gadatvirTva samarTl ebrivad arakoreqtul ia.

sal icenzi o saxeoba da gamcemi organo

sal icenzio saxeobebis kl asifikacia misaRebia, Tumca gamoTqmul unda iqnes mcire SeniSvnebi:

1. kanonproeqtis mixedviT (me-5 muxl is me-15 punqti), l icenziebi gaicema `TiToeul i stacionarul i sabiTumo da/an TiToeul i avtosatransporto saSual ebis mixedviT saqarTvel os finansTa saministros mier dadgenil i wesiT-.

zemoT, `obiqtis- ganmartebaSive aRvniSneT, rom l icenzirebas eqvemdebareba saqmianoba da ara obieqti. `samewarmeo saqmianobis l icenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanoniT l icenziis misaRebad sal icenzio pirobebi dgindeba mxol od kanoniT da dauSvebel ia administraciul i organos mier kanonqvemdebare normatiul i aqtiT iseTi dokumentis SemoReba, romel ic gul isxmobs raime saqmianobaze Sinaarsobrivad

sal icenzio rejimis dawesebas. amdenad, I icenziis gacemis pirobebi da wesi kanonma unda gansazRvros da ara saminstrom kanonqvemdebare aqti T.

2. reda qciul i Tval sazrisiT sasurvel ia sal icenzio saxeobebebi TiToeul warmodgenil kanonproeqtSi iyos identuri. kerZod, zogierT kanonproeqtSi sal icenzio saxeobis dasaxel ebaSi gamoyenebul ia Semdegi terminebi `importioris mier...-, `mwarmoebel is mier...-, rac ar aris gamoyenebul i `navTobproduqtebisa da Tambaqos sferoSi I icenziiebis gacemis Sesaxeb- kanonproeqtIT sal icenzio saxeobebebi CamonaTval Si. am mxriv, sasurvel ia kanonproeqtebi SesabamisobaSi iqnes erTmaneTTan moyvanil i.

3. I icenzirebadi ar unda iyos Tambaqos nawarmis sacal o miwodeba _ es ekonomikuri urTierTobis dausabuTebel garTul ebas gamoiwvevs da Tanac gaZnel deba TiToeul i sacal od mimwodebel i mewarmis I icenzireba, xolo ul icenziod moqmedi pirebis `devna-. sacal o miwodebis SemTxvevaSi saqme ar gvaqvs produqciis realizaciis im masStabebTan, razedac (ris kontrol zec) Sesazl ebel ia saxel mwifos gaaCndes interesi. Tu Tambaqos produqtebis sacal o miwodebis I icenzireba ganpirobebul ia sabaJo wesebis darRveviT Semotanil i (kontrabandul i) produqciis winaarmddeg brZol iT, pirdapir unda iTqvas, rom verc es Sedegi miRweva I icenzirebiT.

Tanac gasaTval iswinebel ia, rom Tambaqos nawarmiT sacal o miwodebis I icenziis maZiebel s sakuTrebaSi an sargebl obaSi unda gaaCndes stacionarul i sacaWro obieqti, romel ic aRWurvil ia sakontrol o-sal aro aparatiT. amit avtomaturad gamoiricxeba momaval Si e.w. avtomatebis Seqmnis Sesazl ebl oba, romel ic dasavl eTis qveynebSi sakmaod farTod aris gavrcel ebul i.

kanonproeqtIT pirdapir unda ganisazRvros, Tu romel i administraciul i organo iqneba I icenziis gamcemi da ara rogorc es warmodgenil variantSia _ `saqarTvel os finansTa saminstros Sesabamisi organo finansTa saminstros mier dadgenil i wesiT-. ministris kanonqvemdebare aqtiT ar unda moxdes I icenziis gamcemi organos gansazRvra, Tundac Tavisi saminstros sistemaSi. rodesac saxel mwifo I icenzirebas awesebs ama Tu im saqmianobaze, mas winaswarve gansazRvrul i unda hqondes I icenziis gamcemi administraciul i organo, Tundac samarTl ebrivi stabil urobis poziciidan gamomdinare. ministris brZaneba gacil ebiT martivi formiT SeiZl eba Seicval os, vidre kanoni, am dros saj aroobis faqtori informaciul obis Tval sazrisiTac ufro nakl ebia.

garda amisa, warmodgenil i kanonproeqtidan gamomdinare cvl il ebebi da damatebebi Sedis `samewarmeo saqmianobis I icenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonSi, romel Sic aseve unda iqnes igive miTiTeba I icenziis gamcem organoze. `samewarmeo saqmianobis I icenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonidan gamomdinare, masSi unda iyos miTiTebul i I icenziis gamcemi da saerTod, I icenzirebis sferoSi am fuZemdebl uri kanonis principi ar aris sakiTxebis kanonqvemdebare aqtebiT mowesrigeba.

kanonzomieri iqneba I icenziis gamcemi organos gansazRvra sal icenzio saxeobebebi mixedviT, mag., Tu darCeba sacal o miwodebis I icenzireba, maSin

masze licenziis gamcemi unda iyos Sesabamisi raionisa Tu qal aqis sagadasaxado inspeqcia, xol o sxva SemTxvevaSi licenzia unda gaices central izebul i wesiT _ uSual od finansTa saministros mier (garda avtonomiuri respubl ikebisa, sadac Sesabamis saministroebs unda gadaeces es ufl ebamosil eba). TviT kanonproeqtiT finansTa saministros erT-erT funqciad miTiTebul ia `l icenzielis saxel mwifos saxel iT gacema-.

sal icenzi o pirobebi

licenziis misaRebad pirma unda daakmayofil os garkveul i moTxovnebi:

gancxadeba da mosakrebl is qviTari

kanonproeqtSi TiToeul i sal icenzio saxeobis gansazRvrisas cal ke mocemul ia is moTxovnebi, rasac unda Seicavdes gancxadeba (gancxadebis Sinaarsi). es moTxovnebi TiToeul i sal icenzio saxeobis gancxadebaze aris identuri. cxra sal icenzio saxeobis gamo gancxadebaze erTidaigive teqsti kanonproeqtSi meordeba cxraj er. sakanonmdebl o teqniki dan gamomdinare, mizanSewonil i iqneba kanonproeqtSi mxol od erTxel iyos mocemul i gancxadebis mimarT wayenebul i moTxovnebi an miTiTebul iqnes `samewarmeo saqmi anobis licenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonis Sesabamis muxl ze, romel ic licenziis misaRebad zogad pirobebs _ gancxadebis Sinaarsa da sal icenzio mosakrebl is gadaxdis dokumentis wardgenas gansazRvravs. *Tu romel ime sal icenzio saxeobis gancxadebaSi special urad unda mieTITos raime, es gancxadebis zogad Sinaarsze damatebiTi saxiT dadgindes.*

kanonproeqti gancxadebis erT-erT moTxovnad iTval iswinebs gadamxdel is saidentifikacio nomris miTiTebas. ufro progresul ia `samewarmeo saqmi anobis licenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonis debul ebebi, romel ic moTxovs gancxadebaSi samewarmeo reestrSi registraciis Sesaxeb monacemebis miTiTebas. gadamxdel is saidentifikacio nomeri, piris, rogorc gadasaxadis gadamxdel is identifikacias akeTebis da ara piris, rogorc mewarme subieqtis identifikacias. rogorc cans, gadamxdel is saidentifikacio nomris miTiTeba sagadasaxado urTierTobidan nakarnaxevs warmoadgens da ara licenzielis politikis moTxovnebs. *ufro mizanSewonil i iqneba gadamxdel is saidentifikacio nomris gancxadebis Sinaarsidan amoReba.*

navTobproduqtebis warmoebisa da sabiTumo miwodebis licenziis misaRebad licenziis maZiebel s mouvevs gancxadebaSi miTiTeba finansuri mdgomareobisa da im Tanxis wyaros Sesaxeb, romel sac igi gamoiyenebs licenzieladi saqmi anobis gansaxorciel ebl ad. Tavidanve rTul ia mewarmem gansazRvros, Tu uvado licenziis moqmedebis ganmavl obaSi Tanxebs romel i wyarodan gamoiyenebs. es erTgvarad mis finansur saiduml oebaSi Carevasac warmoadgens.

gancxadebis moTxovnebis msgavsad zustad anal ogiuri viTarebaa sal icenzio mosakrebl is gadaxdis damadasturebel dokumentebTan dakavSirebiT. gancxadebis msgavsad, sakmarisia mis Sesaxeb erTxel miTiTeba. miTiTeba saWiro ar iqneba, Tu kanonproeqti warsadgen dokumentebTan dakavSirebiT gadami samarTebas gaakeTebis `samewarmeo saqmi anobis licenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonze.

depozitis saxiT Tanxis ganTavseba

kanonproeqti erT-erT sal icenzio pirobad awesebs depozitis saxiT xazinaSi special ur angariSze garkveul i odenobis Tanxis ganTavsebas. Tanxis odenoba sal icenzio saxeobebis mixedviT diferencirebul ia, Tambaqos SemTxvevaSi 30 000, 25 000, 15 000 (I arebSi), navTobproduqtebis SemTxvevaSi 100 000, 50 000, 10 000, 5 000 (I arebSi). depozitis saxiT Tanxis ganTavseba saWiro ar aris mxol od erT sal icenzio saxeobaze _ Tambaqos nawarmis sacal o miwodebis I icenziis misaRebad.

kanonproeqtis Sinaarsidan naTI ad sCans, rom depozitis saxiT xazinaSi Sesabamis angariSze garkveul i odenobis Tanxis ganTavsebas mxol od sagadasaxado val debul ebebis Sesrul ebis garantiis funqcia gaaCnia. es dasturdeba kanonproeqtis Semdegi debul ebebiT: I icenziis gamcem organos ufl eba aqvs depoziti CamoaWras pirs sagadasaxado val debul ebis Sesrul ebis vadis dadgomidan 3 samuSao dRis ganmavl obaSi, xol o I icenziis CamorTmevisas depoziti dabrunebas ar eqvemdebareba da gadairicxeba saxel mwifo biuj etSi. I icenziis CamorTmevis safuZvl ad ki, miTiTebul ia isev sagadasaxado val debul ebis Seusrul ebl oba _ gadasaxadebis gadaxdis 14 samuSao dRiT dagvianeba, Tu gadasaxdel i gadasaxadis odenoba aRemateba 10 000 I ars.

amdenad, sal icenzio pirobis _ depozitis saxiT Tanxis ganTavseba _ daweseba ar unda xdebodes sagadasaxado val debul ebebis Sesrul ebis garantiisaTvis. sagadasaxado val debul ebebis Seusrul ebl oba sagadasaxado kanonmdebl obis regul irebis obieqtia da damatebiTi berketebis daweseba I icenzirebis kanonmdebl obiT, rbil ad rom vTqvaT, arakoreqtul ia. saxel mwifos, axal i sagadasaxado kodeqsiT, sakmaod mkacri berketebi gaaCnia sagadasaxado val debul ebebis Seusrul ebl obis SemTxvevaSi da kanonproeqtiT misi damatebiT daweseba srul iad zedmetia.

gaTval iswinebul unda iqnes is garemoebac, rom depozitis saxiT Tanxis ganTavseba, Tanac kanonproeqtSi mocemul i odenobiT, Tavi danve gamoricxavs `mcire biznesis- monawil eobas am sferoSi.

obieqtis arseboba

savsebiT misaRebia sal icenzio saxeobad obieqtis (sabiTumo sacavis, savaWro obieqti) sakuTrebis an sargebl obis damadasturebel i dokumentis wardgena. Tumca, SeniSvnis saxiT unda aRiniSnos maTi formis Sesaxeb, romel ic kanonproeqtis mixedviT sanotaro wesiT damowmebul i unda iqnes wardgenil i. nivTis sargebl obis xel Sekrul ebebis ZiriTadi nawil is mimarT ar aris saWiro sanotaro forma, piriqIT, isini formaTavisufal garigebebs warmoadgenen (qiravnoba, ij ara, Txoveba da a.S.). gamonakl isia mag., uzufruqti, romel ic sanotaro damowmebasa da sajaro reestrSi registracias moiTxovs.

iuridiul i Zal is mixedviT sanotaro wesiT damowmebul da daumowmebel xel Sekrul ebas Soris aranairi sxvaoba ar aris (garda im SemTxvevisa, roca aseTi forma saval debul oa xel Sekrul ebisaTvis, romel ic samoqal aqo kodeqsiT ganisazRvreba). sakmarisi unda iyos mxol od weril obiTi formiT xel Sekrul ebis warmodgena (sanotaro damowmebis gareSe). amiT I icenziis maZiebel i ganTavisufal deba zedmeti xarj ebisagan; gasaTval iswinebel ia drois faqtoric, rac xel Sekrul ebis sanotaro damowmebisaTvis notariusisaTvis warsadgeni dokumentebis mopovebaSi

ixarj eba (amonaweri saj aro reestrigan, yadaRis cnoba). amdenad, sanotaro wesiT damowmebul i sargebl obis xel Sekrul ebis wardgena panacea ki ar aris, is ubral od samoqal aqo urTierTobis garTul ebas iwvevs dausabuTebel i barierebis dawesebiT.

Tanac, cal keul sal icenzio saxebaze obieqtebi gamoyenebul i unda iqnes mxol od aRniSnul i saqonl isaTvis (mag., Tambaqos). am SezRudvis dawesebac ar aris dasabuTebul i. pirs SeiZl eba hqondes `didi mocul obis- obieqti da garda l icenzierebadi saqmianobisa, iyenebdes sxva saqmianobisaTvis.

ganacxadi ganzraxul obaTa Sesaxeb

erT-erT sal icenzio pirobad kanonproeqti iTval iswinebs `ganacxads ganzraxul obaTa Sesaxeb, rom piri l icenziis moqmedebis periodSi ar ganaxorciel ebs sxva saxis ekonomikur saqmianobas-. es sal icenzio piroba pirdapir winaaRmdegobaSi modis saqarTvel os konstituciiT aRiarebul samewarmeo saqmianobis Tavisufl ebis ufl ebasTan; aseve, `mewarmeTa Sesaxeb-kanonisa da samoqal aqo kodeqsis fuZemdebl ur debul ebebTan. mewarme subieqtis saqmianobis profil i mraVal mxrivia da dauSvebel ia misi am formiT SezRudva. mewarmis saqmianoba mogebis miRebisaken orientirebul i moqmedebaa, xol o Tanamedrove cval ebad garemoSi bazarze moTxovnebi SesaZl oa moul odnel ad Seicval os da mewarmes ki, Tavisufl ad unda SeeZl os bazris moTxovnebis dakmayofil eba. swored am da sxva postul atebidan gamomdinare `mewarmeTa Sesaxeb- kanoni eTanadeba Tanamedrove moTxovnebsa da dasavl eTis qveynebis tradiciebs, rodesac saval debul od ar miicnevs mewarmis saqmianobis sagani zustad iyos wesdebaSi miTiTebul i. amrigad, administraciul i kanonmdebl obiT dauSvebel ia mewarmis saqmianobis SezRudva mxol od erTi saxis saqmianobiT. Tanac, kanonproeqtis ganmartebiTi barTi ar Seicavs aranair dasabuTebas, Tu ratom wesdeba aseTi SezRudva mewarmeebis mimaRT.

saqonl is miwodebis sqema

l icenziis maZiebel s winaswar mouwevs saqonl is miwodebis sqemis wardgena, saqonl is gadamtani satransporto saSual ebis registraciis qseroasl ebis, mZRol Ta CamonaTval isa da maTi marTvis mowmobis qseroasl ebis TandarTviT.

ekonomikuri motivebidan gamomdinare l icenziis maZiebel s gauWirdeba Tavidanve saqonl is miwodebis sqemis gansazRvra. mewarmem saqonl is gadaadgil eba SesaZl oa moaxdinos sxvadasxva satransporto saSual ebiT (rkinigzis, sahaero, saavtomobil o da a.S.) imis mixedviT, Tu romel i saxebiT tvirtis gadaadgil eba iqneba mistvis ekonomikurad ufro misaRebi. amastan, SesaZl oa mewarme produqciis imports axdens erTi qveyndan da Rirebul ebis gazrdis Sedegad mistvis sxva qveyndan importi ufro misaRebi gaxdes. amisaTvis ki, mas mouwevs sal icenzio pirobebis cvl il ebebis ganxorciel eba, rac garkveul dros moiTxovs.

saqonl is gadasatanad sartansporto saSual ebebis nusxis (Sesabamisi mZRol ebiT) miTiTeba gaumarTI ebel ia. mewarmes SesaZl oa sartansporto saSual ebebi ar hyavdes sakuTrebaSi an xangrZl ivi vadiT sargebl obaSi da saqonl is yovel i konkretul i gadaadgil ebisas daiqiravos.

kanonproeqti satransporto saSual ebis registraciisa da marTvis mowmobis qseroasl ebis warmodgeniT kmayofil deba maSin, rodesac obieqtis

sargebl obis SemTxvevaSi sanotaro wesiT damowmebul xel Sekrul ebas moiTxovs. cnobis saxiT unda aRiniSnos, rom saqarTvel os zogadi administraciul i kodeqsis mixedviT administraciul organos asl ebi unda waredginos saTanado wesiT damowmebul i saxiT.

l i c e n z i i s g a c e m i s w e s i

kanonproeqtiT l i c e n z i i s g a c e m i s w e s i s w o r a d a a g a n s a z R v r u l i . u n d a m i e T i T o s , r o m l i c e n z i i s g a u q m e b a a n d a S e C e r e b a x d e b a g a c e m i s w e s i s a n a l o g i u r a d .

l i c e n z i i s m o q m e d e b i s v a d a

kanonproeqtis Sesabamisad l i c e n z i e b i g a i c e m a g a n u s a z R v r e l i v a d i T , g a r d a T a m b a q o s n a w a r m i s a d a n a v T o b p r o d u q t e b i s s a c a l o m i w o d e b i s l i c e n z i e b i s a , r o m l e b i c 2 w l i T g a i c e m a . *Tambaqos nawarmis (da ara navTobproduqtebis!) sacal o miwodebis l i c e n z i i s m o q m e d e b i s v a d i s d a w e s e b i s g a m o s a k a n o n m d e b l o S e u s a b a m o b a s T a n g v a q v s s a q m e , r a d g a n a c ` s a m e w a r m e o s a q m i a n o b i s l i c e n z i i s a d a n e b a r T v i s g a c e m i s s a f u z v l e b i s S e s a x e b - k a n o n i T l i c e n z i a g a n i m a r t e b a r o g o r c g a n u s a z R v r e l i v a d i T s a m e w a r m e o s a q m i a n o b i s g a n x o r c i e l e b i s u f l e b i s m i n i W e b a ,* garda gamonakl isevisa, romel zedac special ur wesia dadgenil i da l i c e n z i a S e i Z l e b a g a n s a z R v r u l i v a d i T g a i c e s , T u e s S e s a b a m i s i k a n o n i T i q n e b a d a d g e n i l i . m a g . , n a v T o b p r o d u q t e b z e s p e c i a l u r i w e s i v r c e l d e b a d a m a s z e l i c e n z i i s g a n s a z R v r u l i v a d i T g a c e m a S e s a b a m i s i i q n e b a s a k a n o n m d e b l o a q t e b T a n , r a s a c v e r v i t y v i T T a m b a q o s s f e r o S i l i c e n z i i s g a n s a z R v r u l i v a d i T g a c e m a z e . T u m c a , r o g o r c z e m o T a R v n i S n e T , T a m b a q o s s f e r o s l i c e n z i r e b a s T a n m i m a r T e b a S i ` s a m e w a r m e o s a q m i a n o b i s l i c e n z i i s a d a n e b a r T v i s g a c e m i s s a f u z v l e b i s S e s a x e b - k a n o n i T s p e c i a l u r i w e s i a r a r i s d a d g e n i l i d a a r c w a r m o d g e n i l i s a k a n o n m d e b l o c v l i l e b e b i a r g v T a v a z o b s T a m b a q o s s f e r o s l i c e n z i r e b a z e s p e c i a l u r i w e s i s g a v r c e l e b a s .

l i c e n z i r e b a d i s a q m i a n o b i s d a m a t e b i T i S e z R u d v e b i

kanonproeqti krZal avs mewarmis mier sxva saqmianobis ganxorciel ebas, garda kanonproeqtiT gansazRvrul i l i c e n z i r e b a d i s a q m i a n o b i s a d a n a v T o b p r o d u q t e b i s a d a T a m b a q o s s a c a l o m i w o d e b i s a . s x v a s a q m i a n o b i s a k r Z a l v a x e l y o f s s a m e w a r m e o s a q m i a n o b i s S e z R u d v a s , r o m e l z e d a c s a l i c e n z i o p i r o b e b i s g a n x i l v i s a s a R v n i S n e T .

aq yuradReba unda gavamaxvil oT sxva Seusabamobaze, romel sac warmoadgens gamonakl isi SezRudvidan, kerZod, *sxva saqmianobaze l i c e n z i r e b u l i p i r i s m i e r n a v T o b p r o d u q t e b i s a d a T a m b a q o s s a c a l o m i w o d e b i s g a n x o r c i e l e b a .* Tu warmoebis an sabiTumo miwodebis l i c e n z i i s m f l o b e l s s a c a l o m i w o d e b i s u f l e b a a q v s , m a S i n s a c a l o m i w o d e b i s d a u s a b u T e b l o b a u f r o d a m a j e r e b e l i x d e b a . *Tu romel ime saqmianoba aris sal i c e n z i o s a x e o b a , m a S i n a m s a x e o b a z e l i c e n z i i s a R e b a y v e l a s a T v i s s a v a l d e b u l o u n d a i y o s . e r T i s a x e o b i s s a q m i a n o b i s l i c e n z i a a r u n d a g a m o r i c x a v d e s d a a r u n d a i T a v s e b d e s s x v a s a x i s s a l i c e n z i o s a x e o b a s .*

kanonproehti ikrZal eba l licenciis gareSe 40 litris zeviT navTobis distil atebis gadazidva (garda saavtomobil o qarxnul avzSi arsebul i sawvavisa da sarkinigzo transportisa). aseTi zogadi akrZal va ar unda iqnes daSvebul i. gadamwyveti unda gaxdes saqmianobis mizani. Tu piri araekonomikuri mizniT axorciel ebs gadazidvas, igi unda ganTavisufi des akrZal visagan. amastanave, Tu es debul eba darCeba, mniSvnel ovan probl emebs Seqmnis informaciul i Tval sazrisiT, gansakuTrebiT ucxo qveynebidan Semomaval i satransporto saSual ebebTan mimarTebsi, roml ebic saTadarigo avzebiT arian aRWurvil i (igul isxmeba tvirTebis gadamtani satransporto saSual eba).

udavod misasal mebel ia kanonproehti Tundac fragmentul i saxiT navTobproduqtis xarisxis Sesaxeb debul ebis arseboba _ `akrZal ul ia navTobproduqtebis 2 an ramodenime komponentis Sereva, misarTebis, gamxsnel ebis da sxva danamatebis Sereva saavtomobil o benzinSi oqtanobis ricxvis gazrdis mizniT-. am kanonproehtis garda, umj obesia cal ke SemuSavdes kanonqvemdebare aqti, romel ic navTobproduqtebis xarisxs gansazRvavs ara mxol od saavtomobil o benzinTan dakavSirebiT, aramed sxva navTobproduqtebTan dakavSirebi Tac.

aseve, kanonproehti mwarmoebel s ekrZal eba navTobproduqtebis nedl eul is SeZena im pirebisagan, romel Tac ar gaaCnia navTobis mopovebis l icenzia anda ar warmoadgenen nedl eul is importiorebs. umj obesi iqneboda kanonproehti anal ogiuri debul ebebi gaTval iswinebul i yofil iyo Tambaqos mwarmoebi is mimar Tac.

l icenziis mfi obel is ufi eba-moval eobebi

moval eobebtan dakavSirebiT unda gamoiTqvas ramdenime Seni Svna:

1. l icenziis mfi obel i val debul i xdeba saqmianobis adgili gamoiyenos mxol od l icenziiT gaTval iswinebul i saqmianobisaTvis. rogorc zemoT `sxva ekonomikuri saqmianobis dauSvebl obis- SemTxvevaSi aRvni SneT, mewarme Tavisufali unda iyos saqmianobis adgili gamoiyenos sxva saqmianobisaTvis (da ara mxol od kanonproehti gansazRvrul i l icenzi ebadi saqmianobisaTvis);
2. l icenzi ebadi saqmianobis ganxorciel ebisas l icenziis mfi obel s mouwevs `Tanabar pirobebsi upiratesoba mi aniWos saqarTvel os moqal aqeebs-. es debul eba uxeS Carevas warmoadgens mewarmis Tavisufi ebaSi, Tavisufi ad miiRos muSakebi moqal aqeebis Tu sxva niSnebis miuxedavad. samewarme sazogadoebaSi saqmianoba aris kerZo samsaxuri (da ara saj aro) da Sesabamisad, mewarmis daval debul eba moqal aqeebis niSniT miiRos TanamSroml ebi, ar Seesabameba samarTi ebrivi saxel mwifos principebs. uSual od mewarmis gadasawyvetia, Tu vis miiRebs igi Tavis sawarmoSi. garda amisa, es debul eba xel yofs konstituci iT garantirebul Tanasworobis ufi ebas;
3. kanonproehtis mixedviT, l icenziis mfi obel ma depozitidan saxel mwifo biuj etis winaSe warmoqmnil i nebismieri daval ianebis gamo CamoWrii l Tanxa unda Seavsos misi CamoWridan araugvianes 15 kal endarul i dRisa. depozitis saxiT Tanxis ganTavsebis, rogorc sal icenzio pirobis, ganxil visas aRvni SneT, rom mas sagadasaxado val debul ebis Sestrul ebis

garantis funqcia ekisreboda. am val debul ebiT kidev ufro izrdeba misi daniSnul eba da mas ukve saxel mwifo biuj etis winaSe warmoSobil i nebismieri daval ianebis gamo CamoWrian licenziis mfl obel s. al baTobis maRal i xarisxiT mosal odnel ia, rom CamoWra moxdeba TviTneburad da misi Seuvsebl oba gaxdeba licenziis SeCerebis an gauqmebis safuZveli. *sal icenzio piroba unda iyos is moTxovna, rac licenzirebadi saqmianobisaTvisaa aucil ebel i da igi sxvagvari (sagadasaxado da a.S.) funqciis matarebel i ar unda gaxdes. saqmianobis licenzirebiT xarisxi ver miRweva da miT ufro igi ver gaxdeba saxel mwifo biuj etis winaSe warmoSobil i daval ianebis Sesrul ebis garanti. daval ianebis Sesasrul ebl ad kanonmdebl oba sxva meqanizmebs iTval iswinebs, Tumca rogorc Cans finansTa saministros ufro martivad surs misi mogvareba, vidre davis Tundac sasamarTl o wesiT ganxil vaa. licenzirebis ZiriTadi daniSnul ebaa licenziis gamcems mieniWos sal icenzio pirobis (licenziis gacemis Semdeg standartebiT dadgenil i moTxovnebi) kontrol is ufl eba, raTa saxel mwifosaTvis mniSvnel ovan sferoSi maqsimal urad dacul iqnes saval debul o moTxovnebi (xarisxi, vargisi anoba).*

licenziis CamorTmeva, gauqmeba

kanonproeqti gauqmebasTan erTad iTval iswinebs licenziis CamorTmevasac. licenziis CamorTmevis erTaderT safuZvl ad miTitebul ia sagadasaxado val debul ebis Sesrul ebis 14 samuSao dRiT dagvianeba, Tu gadasaxdel i gadasaxadis odenoba aRemateba 10 000 l ars. *licenziis CamorTmeva, rogorc aseTi, saerTod ar Seesabameba kanonmdebl obas da erTgvarad gaugebaricaa, radganac cal kea gaTval iswinebul i ufro civilizebul i forma _ gauqmeba. licenziis CamorTmevis SesaZl ebl oba upirobod unda iqnes amoRebul i kanonproeqtidan. Tanac, licenziis CamorTmevisas depozitis saxiT ganTavsebul i Tanxa dabrunebas ar eqvemdebareba da miimarTeba saqarTvel os central ur biuj etSi. aRniSnul i ufro mkacr sanqcias warmoadgens, vidre gadasaxadis gadaxdis vadis gadacil ebis Sedegad sagadasaxado kodeqsiT gaTval iswinebul i jarimebi.*

licenziis gauqmebas an SeCerebas unda iwvevdes mxol od sal icenzio pirobemis Seusrul ebl oba. *sal icenzio pirobemi ar gul isxmobs zogadad saxel mwifos mier dadgenil i moTxovnebisaa da val debul ebebis erTobl iobas, roml is darRvevac xdeba licenziis gauqmebis safuZveli. sal icenzio piroba aris licenziis misaRebad dadgenil i da misi miRebis Semdeg dasacavi teqno logiuri da xarisxobrivi moTxovnebi _ anu is, rac viwro gagebiT ukavSirdeba licenzirebad saqmianobas. sal icenzio piroba farTod ar unda iqnes gagebul i da ar unda daukavSirdes saxel mwifos winaSe mewarmis nebismier val debul ebas. amdenad, dauSvebel ia licenziis gauqmeba Semdegi safuZvl ebiT, rogorc es kanonproeqtiTaa mocemul i:*

1. Semowmebis Sedegad dadginda, rom faqtiurad arsebul i sasaqonl o naSTebi produqciis romel ime saxeobaSi 20%-iT gansxvavdeba buRal trul (danaklisi an zedmetoba) naSTTan SedarebiT;
2. Sesabamisi organos mier dafiqsirebul iqna licenziis mfl obel is mier aqcizuri markiT niSandebis gareSe saqonl iT savaWro garigebis dadeba (am safuZvl iT pirisaTvis CamorTmeul i Tambaqos nawarmis realizaciis wess adgens finansTa saministro. Tu produqcia ukanono iyo da

CamoerTva, misi realizacia ar unda gansazRvros saministrom da unda moxdes misi ganadgureba);

3. Sesabamisi organos mier dafiqsirebul iqna l icenziis mfl obel is mier sabaJo wesebis darRveviT Semotanili saqonliT savaWro garigebis dadeba.

TiToeul msgavs darRvevebze kanonmdebl obiT Sesabamisi sanqciebi dadgenili (maT Soris, sisxl issamarTi ebrivi pasuxismgebl oba) da damatebiT l icenziis gauqmebac ar aris mizanSewonili.

cal keuli sal icenzio pirobebis darRvevisas l icenziis moqmedeba Cerdeba 30 dRis vadiT da am vadaSi Tu ar aRmoifxvra SeCerebis safuZveli, l icenzia SeiZl eba gauqmdes. *SeCerebis 30 dRiani vada mcire periods warmoadgens da Sesazl ebel ia ver moxerxdes mewarmis mier SeCerebis safuZvl ebis aRmofxvra. umj obesi iqneba gamoyenebul iqnes `samewarmeo saqmianobis l icenziisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonliT damkvidrebul i SeCerebis 3 Tviანი პრაქტიკა.*

sxva sakanonmdebl o aqtebSi cvl il ebebi

sxva sakanonmdebl o aqtebSi cvl il ebebi ganpirobebul ia `navTobproduqtebisa da Tambaqos sferoSi l icenziების გაცემის Sesaxeb-kanonproeqtis SemuSavebiT. damatebiTi cvl il ebaa gasaTval iswinebeli `saqarTvel os administraciul samarTal darRvevaTa kodeqsis cvl il ebebisა da damatebebis Setanis Sesaxeb-kanonproeqtSi.

l icenzirebis kanonproeqtidan gamოდინარე cvl il ebebi Sedis `kvebis produqtebisa da Tambaqos warmoebis sferoSi l icenziის გაცემის Sesaxeb-kanonSi, რომლიტაც xdeba Tambaqos gadamuSavebis anda dafasoebis, როგორც sal icenzio saxebobis amoReba. ამჟამად masze l icenzias gacემს sofl is meurneobis saministros kvebis produqtebis eqspertizisa da monitoringis samsaxuri, რომელსაც გააCნია ul icenziod moqmedi subieqtის გამო samarTal darRvevis oqმის Sedgenis ufl eba (როგორც l icenziის გაცემის). ramdenadac cvl il ebebis გამო icvl eba l icenziის გაცემი, saWiroa administraciul samarTal darRvevaTa kodeqsis 164⁵ muxl is me-3 da me-5 nawil ebSi cvl il ebebis Setana Tambaqos ukanonod (anu ul icenziod) warmoebaze. Tu es debul eba ar iqneba amoRebuli, gveqneba ufl ebamosil ebis dubl ireba.

როგორც დასკვნიდან Cანს, kanonproeqtი მნიSვნელოვანად gadamuSavebasa და arsebiT cvl il ebebs მოიტოვოს, Zირიტად sal icenzio pirobebtan დაკავსირებიT. warmოდgenili versiiT kanonproeqtის მიReba მნიSვნელოვანად SezRudავს Tavisufal samoqal aqo urTierTobebs. zedmeti და დაუსაბუტებელი pirobebi mewarmeebs isedac Camoyal ibebis stadiaze myof sabazro ekonomikis pirobebsi arTმეფს Tavisufl ad, ეკონომიკური მოსაზრებებიT gadawyvetil ebis მიRebis Sesazl ebl obas. l icenzia xom isedac saxel mwifos მერ დაუეხებელი administraciული ბარერია, რომელიც Tavisufal ი მოqმედების Tavisებურ SezRudvas warmoadgens. ამასთან, kanonproeqtი გაJRenTilia sagadasaxado val debul ebebis Sesrul ebis აჯიტირებიT, ტიტqოს saxel mwifoSi gadasaxადის amoRebis sxva მეqანიზმი არ

arsebobdes. Licenzia gadaqceul ia sagadasaxado val debul ebebis Sesrul ebl obis iaraRad. vfiqrob, rom saqarTvel os sagadasaxado kodeqsi isedac ramdenime berkets iTval iswinebs sagadasaxado val debul ebl obis winaaRmdeg da licenzirebis kanonmdebl obiT misi gafarToeba srul iad zedmetia da ar Seesabameba Licenzirebis politikas.

kanonproeqtidan ikveTeba, rom arasworad aris gagebuli `salicenzio piroba-, ris gamoc kanonproeqtiT mixedviT nebismieri normativis darRveva Sesazl ebel ia gaxdes licenziis gauqmebis safuZveli. es xarvezi unda gamoswordes.