

mosazrebebi saqarTvel os kanonis proeqtze
`uZrav nivTebze ufl ebaTa registraciis Sesaxeb"

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`uZrav nivTebze ufl ebaTa registraciis Sesaxeb" saqarTvel os kanonis proeqtis avtorTa gancxadebiT, proeqti SemuSavebul ia qarTvel i da ucxoel i special istebis monawil eobiT, romel Sic gaTval iswinebul ia sazRvargareTis rigi qveynebis gamocdil eba da sajaro reestriis organizaciis wesis detal izaciis gziT uzrunvel yofil ia korufciul i el ementebis aRmofxvra uZrav nivTebze ufl ebaTa registraciis sferoSi.

udavoa, rom zemoxsenebul sferoSi `uZrav nivTebze ufl ebaTa registraciis Sesaxeb" saqarTvel os kanonis proeqti win gadadgmul i nabijia `miwis registraciis Sesaxeb- saqarTvel os kanonTan, magram unda aRiniSnos, rom warmodgenil i proeqti mainc Sorsaa srul yofil ebidan da badebs rig SekiTxebs da gaugebrobebs.

Tavdapirvel ad SevexebiT me-3 muxl s – terminTa ganmartebes. migvaCnia, rom:

- umj obesi iqneba, Tuki kanonproeqtis am muxl is „p” qvepunqti iqneba „g“ qvepunqti, xol o „g” qvepunqti ki iqneba „d” qvepunqti.

- aseve vfiqrobT, rom „Z” qvepunqti unda iyos „k” qvepunqtis Semdeg, xol o „y” qvepunqti ki saerTod amosaRebia, rameTu am sakiTxebs awesrigebs swored „k” da „Z” qvepunqtebi, Tanac sityva „sporadul i” kanonproeqtis arc erT muxl Si ar aris naxsenebi SemdegSi.

- umj obesia jer iyos „o” qvepunqti, xol o Semdgom ki „n” qvepunqti, rameTu sakadaastro gegma gamomdinareobs sakadaastro rukidan.

- am muxl is “C” qvepunqtSi Cven kategoriul ad ar veTanxmebiT termins „ufl ebis mamkvidrebel i sabuTi”, sityva „mamkvidrebel i” ZiriTadad gamoiyeneba memkvidreobiT urTierTobebSi samkvidros damtovebl is anu gardacvl ili piris aRsaniSnavad. amitomac umj obesi iqneba Tuki ufl ebebTan mimarTebsi gamoyenebul i iqneba termini „ufl ebis damdgeni sabuTi”.

- sasurvel i iqneba aseve Tuki „b” qvepunqtSi mieTiteba samoqal aqo kodeqsis 45-e muxl i – araregistrirebul i kavSiri, 216-e muxl iT gaTval iswinebul i binis mesakuTreTa amxanagoba, 930-e muxl iT gaTval iswinebul i erToblivi saqmianobis xel Sekrul ebiT Seqmnili amxanagoba.

- am muxl is “c” qvepunqtTan mimarTebsi vfiqrobT, umj obesi iqneba Tuki muxl is numeraciis miTitebis nacvl ad pirdapir aRiniSneba, rom uZrav nivTebis miekuTvneba miwis nakveTi masSi arsebul i wiariseul iT, miwaze aRmocenebul i mcenareebi, aseve Senoba-nagebobani, roml ebic myarad dgas miwaze.

aseve gvinda SevexoT me-4 muxl s, roml is “a” qvepunqtis mixedviTac, sajaro reestrSi registracias eqvemdebareba “uZrav nivTebze sakuTrebis ufl ebis mopoveba nasyidobis, gacvl is, Cuqebis, memkvidreobis, sakuTrebis ufl ebis dadasturebis, privatizaciis gziT, agreTve sajaro reestrSi registrirebul i sakuTrebis ufl ebis

mitoveba”. am CamonaTval Si araferia naTqvami nardobis xel Sekrul ebaze, gansakuTrebiT kapital uri mSenebl obis nardobaze, aseve samoqal aqo kodeqsis 941-e muxl iT gaTval iswinebul samisdRemSio rCenis xel Sekrul ebaze. kerZod, samoqal aqo kodeqsis 942-e muxl is Tanaxmad samisdReSio rCenis xel Sekrul eba unda daidos weril obiT. uZravis qonebis gadacemis SemTxvevaSi xel Sekrul eba unda damowmdes sanotaro wesiT.

vfiqroBT umj obesi iqneba Tuki me-4 muxl is „a” qvepunqti Camoyal ibdeba Semdegnairad: „uZrav nivTebze sakuTrebis mopoveba kanoniT gaTval iswinebul i samarTI ebrivi safuZvl ebiT, agreTve saj aro reestrSi registrirebul i sakuTrebis ufl ebis mitoveba”.

amave muxl is „e” qvepunqtis mixedviT, saj aro reestrSi registracias eqvemdebareba „kanonier Zal aSi Sesul i saqorwino xel Sekrul ebiT dadgenil i qonebrivi ufl ebebi, roml ebic Seexeba uZrav nivTs”. vfiqroBT, rom arasworia termini „kanonier Zal aSi Sesul i”, es SeiZl eba gamoyenebul i iqnes mxol od sasamarTI os aqtebis (gadawyvetil eba, ganCineba, dadgenil eba) mimarT. umj obesi iqneba, Tuki „e” qvepunqti Camoyal ibdeba Semdegnairad: „kanoniT dadgenil i wesiT dadebul i saqorwino xel Sekrul ebiT dadgenil i qonebrivi ufl ebebi, roml ebic Seexeba uZrav nivTs”.

me-4 muxl is „v” qvepunqtiT, saj aro reestrSi registracias eqvemdebareba „binis mesauTreTa da\an amxanagobis wevrTa Soris dadebul i SeTanxmebebi”. vfiqroBT rom saWiroebs dazustebas termini „SeTanxmebebi”, rameTu binis mesakuTrebs an\da wevrTa Soris SeiZl eba daidos uamravis SeTanxmebebi, roml ebic gaTavl iswinebul ia saqarTvel os samoqal aqo kodeqsiT (amxanagobis marTva, pasuxismgebl oba, warmomadgenl oba da a.S). migvaCnia, rom „v” qvepunqti Camoyal ibebul i unda iqnes Semdegnairad: „binis mesakuTreTa (amxanagobis) an\da erTobl ivi saqmianobis (amxanagobis) wevrTa Soris dadebul i SeTanxmebebi, roml ebic dakavSirebul ia uZrav nivTebTan”.

an aseTnairad:

„binis mesakuTreTa amxanagobis da\an erTobl ivi saqmianobis(amxanagobis) wevrTa Soris uZrav nivTebTan dakavSirebiT dadebul i SeTanxmebebi”.

migvaCnia, rom kanonproeqtSi gamoyenebul i terminis „mamkvidrebel i sabuTi” (me-7 muxl i, punqti „a”, me-8 muxl i da sxva) nacvl ad yvel gan unda iyos „sakuTrebis ufl ebis mamkvidrebel i sabuTis” nacvl ad „sakuTrebis ufl ebis damdgeni sabuTi. me-8 muxl is „k” qvepunqti sasurvel ia Tuki Camoyal ibdeba Semdegi saxiT: „kompetenturi organos (piris) mier saj aro vaWrobis (auqcionis) wesiT sakuTrebis SeZenis damadasturebel i dokumenti, romelic adasturebs dauregistrirebil uZrav qonebaze sakuTrebis ufl ebis warmoSobas”.

me-9 muxl is „a” qvepunqti sasurvel ia Camoyal ibdes Semdegi saxiT: „kanoniT gaTval iswinebul samarTI ebrivi safuZvl iT uZrav nivTze sakuTrebis ufl ebis mopovebis damadasturebel i sabuTi”. amave muxl is „g” qvepunqti sasurvel ia Camoyal ibdes Semdegi saxiT: „aRnagobis, uzufruqtis, servitutis, aseve uZravi nivTis ijaris an qiravnobis sanotaro wesiT damowmebul i xel Sekrul ebebi”. amave muxl is „e”

qvepunqti sasurvel ia Camoyal ibdes Semdegi saxiT: „kanoniT dadgenil i wesiT dadebul i saqorwino xel Sekul eba, roml eic Seexeba uzrav nivTs” da bol os, am muxl is „v” qvepunqti sasurvel ia Camoyal ibdes Semdegi saxiT: “binis mesakuTreTa amxanagobis wevrTa da’an erTobl ivi saqmianobis (amxanagobis)wevrTa Soris sanotaro wesiT dadebul i SeTanxmebebi”.

me-10 muxl is saTauri, zemoTqmul idan gamomdinare, migvaCnia, rom unda Camoyal ibdes Semdegi redaqqiit: “muxl i 10. moTxovnebi sakuTrebis ufl ebis damdgeni da ufl ebis damadasturebel i sabuTebis mimarT”.

anal ogiurad, me-13 muxl is me-2 punqtSi sityva „mamkvidrebl is” nacvl ad unda iyos “ufl ebis damdgeni”.

kanonproeqtis me-15 muxl is me-2 punqtis mixedviT, “amonaweri sajar o reestr idan Seicavs gacemis momentisaTvis saaRricxvo baraTSi uzravi nivTis samarTI ebrivi mdgomareobis Sesaxeb Zal aSi myof monacemebs. baTilia amonaweri, romelic ar Seesabameba Sesabamis saaRricxvo baraTs misi gacemis momentisaTvis”. kanonproeqtiT araferia gaTaval iswinebul i sinamdvil is Seusabamo amonaweris gacemis SemTxvevaSi ra samarTI ebrivi pasuxismgebl oba daekisreba mis gamcems.

garda amisa, me-15 muxl is me-7 punqtis Tanaxmad, “amonaweri sajar o reestr idan ganmeorebiT gaicema mxol od amonaweris dedanis dabrunebis Semdeg an ufl ebamosil i piris weril obiTi dasturis safuZvel ze amonaweris dednis masTan Senaxvis Sesaxeb”. mocemul normaSi gaurkvevel ia, ra igul isxmeba sityvaSi `ganmeorebiT- – erTi da imave ganmcxadebl is mier erTidaigive amonaweris moTxovna, Tu nebismieri piris mier erTidaigive amonaweris moTxovna. Tu sakiTxi Seexeba erTidaimave ganmcxadebel s, gaugebaria Tu ra azri aqvs dednis dabrunebis an ufl ebamosil i piris mier weril obiTi dasturis wardgenas, xol o Tu igul isxmeba sxva ganmcxadebel ic, gaugebaria rogor SeiZl eba pirma sajar o reestrSi waradginos meore piris mier gatanil i amonaweris dedani an ufl ebamosil i piris weril obiTi dasturi.

me-18 muxl is pirvel i punqtiT `sakadastro rukis/gegms Sesworeba xorciel deba xel axal i sakadastro aRweris safuZvel ze, romelic tardeba dainteresebul i piris gancxadebis an saregistracio samsaxuris gadawyvetil ebis safuZvel ze.~ Cvenis azriT, araTu mizanSewonil ia sakadastro rukaSi/gegmaSi Sesworebis Setanis SEmTxvevaSi ecnobos dainteresebul mxareebis (mag. miwis nakveTi Zveli mfl obel ebi), rogorc es xdeba 33-e muxl is me-2 punqtiT gaTval iswinebul SemTxvevaSi (`dasaSvebia saaRricxvo baraTSi teqniki xasiaTis xarvezis gamosworeba, romlebic gamowveul ia saregistracio dokumentaciaSi mocemul i informaciis uzusto gadatanis Sedegad. teqniki xarvezi SeiZl eba gamoswordes rogorc dainteresebul i piris gancxadebis safuZvel ze, aseve saregistracio samsaxuris gadawyvetil ebiT da amis Taobaze ecnobos yvel a dainteresebul mxares-), aramed aucil ebel ic.

dasaxvewia me-19 muxl ic, radgan sainformacio momsaxurebiT dainteresebul i piri araTu val debul i ar unda iyos saregistracio

samsaxurs warudginos saregistracio warmoebiT dainterešebul i piriš mier warsadgeni sabuTebi, aramed fizikurad ver uzrunvel yofs me-19 muxl is me-2 punqtiT gansazRvrul i sabuTebis wardgenas.

me-19 muxl is me-2 punqtis `d- qvepunqtIT, saregistracio warmoebiT dainterešebul ma pirma sxva sabuTebTan erTad unda waradginos `amgegmavis mier Sestrul ebul i uZravi nivTis sakadaštro azomviTi naxazi.~ kanonproeqtSi aršad ar Cans, Tu vin SeiZl eba CaiTval os amgegmavad.

me-20 muxl is pirvel punqtSi sityva „ufl ebiš mamkvidrebel i erT-erTi sabuTisa” Seicval os „ufl ebiš damdgeni erT-erTi sabuTisa”;

24-e muxl is pirvel i punqtIT `Tu uZravi nivTis mesakuTres surs nawil ebad dayos Tavisi nivTi, saregistracio samsaxuri moiTxovš misgan sakadaštro aRweril obas SemoTavazešbul i dayofis Taobaze.~ kanoniš proeqtis me-3 muxl is `m- qvepunqtIT, sakadaštro aRwera warmoadgens uZravi nivTebis Sesaxeb monacemebis dokumentirebas (moZieba, sistemalizacia, dafiqšireba), roml ebiš asaxaven uZravi nivTebis adgil mdebareobas, danišnul ebas, gamoyenebiš tips, sazRvrebs, zomebs da mašTan dakavširebul ufl ebebs. rogorc vxedavT, faqtiurad gaurkvevel ia vin atarebs sakadaštro aRweraš (Tumca ganmartebis formul ireba badebda eWvs, rom es unda gaekeTebina saregistracio samsaxurs) da Sesabamišad saidan unda waradginos is saregistracio samsaxurs uZravi nivTis mesakuTrem.

27-e muxl Tan mimarTebiT vfiqrobT, rom saregistracio sabuTis wardgeniš vadaSi unda Caematos sityva “5 samuSao dRis” da ara 5 dRis vadaSi. miTumetes, rom Semdeg muxl ebSi yvl egan saubaria samuSao dReebze.

am muxl Tan mimarTebaSi vfiqrobT, pirvel punqtSi gaurkvevel ia saregistracio samsaxurs viš mier waređgineba yvel a xel Sekrul eba an sxva dokumenti miRebidan an damowmebidan 5 dRis vadaSi, romel ic adasturebs uZrav nivTze sakuTrebiš, sxva šanivTo, šagarantio an val debul ebiTi urTierTobidan gamomdinare ufl ebiš warmoSobas, Seavl as an Sewyvetas.

gaurkvevel ia Tu ratom esaWiroešba saregistracio samsaxurs ufl ebiš pirvel adi registraciiašTviš aTi dRe, xol o ipoTekiš registraciiašTviš šami, rogorc es ariš dadgenil i kanonproeqtis 28-e muxl is me-4 punqtIT.

amave muxl is me-7 punqtSi `saregistracio samsaxuri registraciis SeCerebaze an registraciis ganxorciel ebaze uariš Sesaxeb weril obiT gadawyvetil ebas iRebs ganxadebiš registraciis dRidan 3 dRis vadaSi da amiš Sesaxeb dauyovnebl iv acnobebs dainterešebul piriš- nacvl ad unda iyos `saregistracio samsaxuri registraciis SeCerebaze an registraciis ganxorciel ebaze uariš Sesaxeb gadawyvetil ebas iRebs ganxadebiš registraciis dRidan 3 dRis vadaSi da amiš Sesaxeb weril obiT dauyovnebl iv acnobebs dainterešebul piriš-.

29-e muxl is me-2 punqtIT, daCqarebul i saregistracio warmoebisaTvis dainteresebul i piri ixdis momsaxurebis gazrdil safasurs. interess iwvevs, ra mizeziT dgindeba gazrdili safasuri (mosakrebel i) daCqarebul i saregistracio warmoebisaTvis. safasuris (mosakrebel is) gazrda gamowveulia ekonomikuri mogebis (kerZo samarTl is iuridiul i pirebisaTvis damaxasiaTebel i) interesIT, Tu daCqarebul i saqmiswarmoebisaTvis saWiRo xarjebis gazrdIT (damatebiTi muSaxeli, ??zenormirebul i?? samuSao saatebis anazRaureba, safosto momsaxureba da sxv.), vinaidan `mosakrebel ebis sistemis safuZvl ebis Sesaxeb- saqartvel os kanonis me-7 muxl is pirvel punqtIT, mosakrebel ebis ganakveTebi cal keul saxeobebze wesdeba am kanonis (mosakrebel ebis sistemis safuZvl ebis Sesaxeb-) Sesabamisad miRebul i kanoniT da ganisazRvreb a Semdegi principiT: `a. saxel mwifos mier uzrunvel yofil momsaxurebaze da/an ufl ebis miniWebaze gaweuli danaxarjebis anazRaurebis gaTval iswinebiT; b. gansakuTrebul SemTxvevaSi saxel mwifos politikuri da ekonomikuri (maT Soris mosal odnel i Semosavl ebis Sefasebis gaTval iswinebiT) interesebidan gamomdinare.- am SemTxvevaSi, Cveni azriT adgili ar unda qondes politikur da ekonomikur interesebs, rogorc es xdeba vizis an saTamaSo biznesis warmoebaze licenziis gacemisas, amitom ar SeiZl eba adgili qondes gansakuTrebul SemTxvevas, roml is drosac SeiZl eba dadgindes gazrdil i mosakrebel i, garda daCqarebul i saqmiswarmoebisaTvis gazrdil i xarjebis asanazRaurebl ad.

rogorc zemoT avRniSneT, 28-e muxl is me-7 punqtIT saregistracio samsaxuri registraciis SeCerebaze an registraciis ganxorciel ebase uaris Sesaxeb gadawyvetil eba iRebs registraciidan 3 dRis vadaSi. 29-e muxl is me-5 punqtIT, saregistracio samsaxuri daCqarebul saregistracio warmoebisas pirvel ad registracia da ipoTekis registracia SeiZl eba ganaxorciel os erTi dRis vadaSi, xol o Semdgomi registracia, maT Soris sakuTrebis ufl ebis gadacemis, datvirTvis, SezRudvis an Sewyvetis (ipoTekis garda) registracia erTi samuSao dRis vadaSi. anu srul i registracia SeiZl eba morCes 1 (ipoTekis SemTxvevaSi) an 2 dReSi.

SeiZl eba darwmunebiT iTqvas, rom Sesabamisi dainteresebis SemTxvevaSi, daCqarebul i saregistracio warmoebis Semokl ebul i vadebi SeiZl eba gamoyenebul iqnas saregistracio warmoebis SemCerebel i an uaris saTqmeli safuZvl ebisagan Tavis asaridebl ad da aseTi safuZvl ebis arsebobis miuxedavad, saregistracio samsaxurma ganaxorciel os saregistracio warmoeba.

kanonproeqtis 30-e muxl is me-3 punqtis mixedviT, saregistracio warmoebis SeCerebis vadaa 2 kvira ganmcxadebl is informirebis dRidan. vfiqrobT, rom araa swori zogadi 2 kviriani vadis gavrcel eba 30-e muxl iT gaTval iswinebul i SeCerebis yvel a safuZvl is mimarT. kerZod, 30-e muxl is „g” punqtis Tanaxmad, saregistracio warmoeba SeCerdeba, Tu arsebobs sasamarTl os kanonier Zal aSi Sesul i aqti, romel ic iTval iswinebs registraciis procesis SeCerebas. migvaCnia, rom aseT SemTxvevaSi saregistracio warmoebis SeCereba unda moxdes ara 2 kviriT, aramed manam, sanam ar aRmoifxvreb a is garemoeba (is safuZvl i) roml iTac sasamarTl om SeaCera Tavis aqtiT registraciis procesi.

migvaCnia, rom proeqtis 31-e muxl is „g” qvepunqti unda Camoyal ibdes Semdegi redaqqiIT: „saregistraci od wardgenil uZrav nivTeze ufl ebis damadasturebel i sabuTi kanoniT dadgenil i wesiT baTil ad an Zal adakargul ad aris cnobil i”.

proeqtis 32-e muxl is mixedviT, “saregistracio warmoebis Sewyvetis SemTxvevaSi saregistracio momsaxurebis safasuri ukan dabrunebas ar eqvemdebareba”. gaugebaria, Tu ratom ar unda iqnes ukan dabrunebul i saregistracio momsaxurebis safasuri, roca dainteresebul pirs faqtobrivad ar usargebl ia am momsaxurebiT.