

damouki debel eqspertTa daskvna  
saqarTvel os kanonis proeqtze  
„xe-tyis eqsportis regul irebis Sesaxeb” da  
misgan gamomdinare kanonproeqtebze

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saqarTvel oSi arsebuli energetikuli krizidan da xe-tyis Sedarebit iafi fasebidan gamomdinare, xSiria misi ukanonod Wra, saTbobad gamoyenebis faqtebi an/da sxvadasxva qveynebsi aral egal uri Tu legal uri eqsporti. aRniSnulidan gamomdinare, sakmao safrTxis qveS dgas saqarTverl os tyis resursebi da es qveyanas seriozuli ekologiuri probl emebis winaSe ayenebs.

yovel ive zemoaRniSnulidan gamomdinare, am xasiaTis probl emebis mogvarebis erTerTi berketia ekonomikuri regul ireba da bazarze garkveuli RonisZiebebis danergvit tyis resursebis racional uri gamoyeneba. warmodgenili kanonproeqti am RonisZiebaTa realizebis erTerTi saukeTeso saSual ebaa da udaod qveynis mTavrobis wingadadgmul nabijad unda miviCniot. wingadadgmuli nabijia kanonproeqtsi `sabaJo tarifisa da gadasaxadis Sesaxeb saqarTvel os kanonSi damatebebis Setanis Taobaze- Camoyal ibebuli koncefcia, rom xe-tyis importze tarifis gauqmebit moxdes eqsportis dabal anseba. aRniSnulis gaTval iswinebit migvaCnia, rom kanonproeqti am saxiT miRebul unda iqnes.

anal ogiurad, misaRebad migvaCnia warmodgenili kanonproeqtebi `sisxli samarTli kodeqsi damatebis Setanis Sesaxeb- da `administraciul samarTal darvevaTa kodeqsi cvlilebebsa da damatebebis Setanis Sesaxeb-. rac Seexeba Semotavazebul kanonproeqts `tyis kodeqsi damatebis Setanis Sesaxeb-, aRvniSnavT, rom saqarTvel os tyis kodeqsis 74<sup>1</sup> muxlis me-2 punqti unda Camoyal ibdes Semdegi redaquit: `xe-tyis eqsportis wesi ganisazRvrebis `samewar meo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb-saqarTvel os kanonit-.

rac Seexeba usual od `xe-tyis eqsportis regul irebis Sesaxeb- kanonproeqts:

dReisaTvis saqarTvel oSi moqmedebs am sferos momwesrigebeli 2 normatiuli aqti: `samewar meo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb- saqarTvel os kanoni da `salicenzio da sanebartvo mosakrebl ebis Sesaxeb- saqarTvel os kanoni.

`samewar meo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb-saqarTvel os kanonis 19.1.0.g.- muxlis Sesabamisad dadgenilia, rom xe-tyis eqsportisaTvis saval debul oa Sesabamisi nebarTvis miReba.

`salicenzio da sanebartvo mosakrebl ebis Sesaxeb- saqarTvel os kanonis 7.13. `g-muxlit gansazRvrulia xe-tyis eqsportis sanebartvo mosakreblis odenoba.

`samewar meo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb-saqarTvel os kanonit dadgenilia nebarTvis gacemisaTvis saWiropirobebi, agreTve reglamentirebuli gadawyvetilebebis miRebis wesi da procedura. aqve aRvniSnavT, rom amave kanonit ganisazRvra, rom nebarTvis gacemaze gadawyvetilebebis miReba warmoebs saqarTvel os zogadi administraciuli kodeqsiT dadgenili administraciuli warmoebit – anu sakiTxis reglamentacia warmoebs `samewar meo

saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb- saqarTvel os kanoniTa da saqarTvel os zogadi administraciul i kodeqsiT dadgenil i pirobebis Sesabamisad.

aRniSnul is gaTval iswinebiT migvaCnia, rom ar arsebobs dasabuTebul i saWiroeba warmodgenil i kanonproeqtis `xe-tyis eqsportis regul irebis Sesaxeb- cal ke miRebisa. `samewarmeo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb- saqarTvel os kanonis 19.1. o.g.- muxl is Sesabamisad, xe-tyis eqsportis nebarTvas gascems saqarTvel os garemos dacvisa da bunebrivi resursebis saministro (*ufl ebamosil i administraciul i organo Tanaxmad saqarTvel os zogadi administraciul i kodeqsisa*). zemoaRniSnul i kanonis miRebiT erTian aqtSi moeqca samewarmeo saqmianobis yvel a saxe, romel Ta ganxorciel ebasac sWirdeba licenzia an nebarTva, riTac mewarme subieqtebs miecaT saSual eba saqmianobisas ixel mZRvanel on erTi aqtiT da ar dasWirdeT sxva aqtebis moZieba. rodesac saubaria liberal izaciaze, masSi moiazreba mewarmisaTvis samarTl ebrivi aqtebis xel misawvdomobis uzrunvel yofac da yvel a sakiTxis erTian aqtSi maqsimal urad Tavmoyra (adre arsebobda cal -cal ke kanonebi da sxva normatiul i aqtebi samewarmeo saqmianobis licenzrebis Sesaxeb, nebarTvebisa Tu mosakrebl ebis Sesaxeb, ris Semdgomac saxel mwifom 2002 wel s `samewarmeo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb- kanonis miRebiT moaxdina am aqtebiT regul irebul i sakiTxebis erT aqtSi – kanonSi Tavmoyra). am pirobebsi ki, `xe-tyis eqsportis regul irebis Sesaxeb- warmodgenil i kanonproeqtis cal ke miRebis saWiroeba ar arsebobs. Tuki saWiroa raime sakiTxebis axl eburad gadawyveta, maSin cvl il eba unda Sevides `samewarmeo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb- saqarTvel os kanonSi. am Tval sazrisiT SesaZl ebel ia SemoTavazebul i kanonproeqtis 2 `g- da 3.2. muxl ebiT gaTval iswinebul i sakiTxebis asaxva `samewarmeo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb- saqarTvel os kanonSi.

kanonis aseTi formiT cal ke miRebis SemTxvevaSi, proeqtSi dasazustebel i da gasamarTia ramodenime debul eba. kerZod:

kanonproeqtis me-2 muxl Si (ZiriTadi cnebebi da terminebi) mocemul ia mxol od sami terminis ganmarteba, rac ar izl eba amomwurav informacias kanonSi gamoyenebul sxva cnebebeze da terminebze, amitom mizanSewonl ia mas daematos Semdegi punqtebi:

d) *tyiT mosargebl e \_ fizikuri an iuridiul i piri, romel sac gaaCnia aRniSnul i kanonis me-5 muxl is safuZvel ze miRebul i nebarTva.*

e) *nebarTvis moqmedeba/SeCereba \_ Sesabamisi administraciul i organos qmedeba xe-tyis sargebl obis wesebis darRvevaze, Tanaxmad `samewarmeo saqmianobis licenciisa da nebarTvis gacemis safuZvl ebis Sesaxeb- saqarTvel os kanonisa.*

kanonproeqtis me-3 muxl is, pirvel punqtSi `eqsporti xorciel deba- damatos nebarTvis gamcemi administraciul i organo saqarTvel os garemosa da bunebrivi resursebis dacvis saministros saxiT da Camoyal ibdes Semdegi redaqqiIT:

*`1. tyiT sargebl obis Sedegad miRebul i xe-tyis eqsporti xorciel deba garemosa da bunebrivi resursebis dacvis saministros mier gacemul i nebarTvis safuZvel ze.-*

kanonproeqtis me-3 muxl is me-2 punqtSi miTitebul ia, rom saeqsporto nebarTva warmoadgens dasaxel ebul i produqciis eqsportirebisas sabaJo momsaxurebis safuZvel s. `sabaJo mosakrebl ebis Sesaxeb- saqarTvel os 1998 wl is 18 Tebervl is #1226-IIs kanonis me-2 muxl iT, sabaJo mosakrebl i aris fizikuri da iuridiul i

pirebisaTvis saval debul o ful adi Senatani saxel mwifo biuj etSi, romel sac axdevineben sabaJo organoebi saqonl is, agreTve satransporto saSual ebebis mier sabaJo sazRvris gadakveTisas ganxorciel ebul i saval debul o sabaJo procedurebisaTvis. gamomdinare aqedan, sabaJo momsaxurebis safuZveli aris sabaJo mosakrebel i da ara saeqsporto nebarTva, rogorc es kanonproeqtSia miTiTebul i. saeqsporto nebarTva ki unda iyos xe-tyis eqsportis sabaJo reJimSi gaformebis/moqcevis erT-erTi safuZveli (aRniSnul i dokumentis warmodgenis gareSe sabaJom xe-tye eqsportze ar unda gauSvas), iseve rogorc saqonl is warmoSobis sertifikati, invoisi da sxva dokumentacia. aRniSnul idan gamomdinare, me-3 muxl is me-2 punqti unda Camoyal ibdes Semdegi redaqqiiT:

*`2. saeqsporto nebarTva warmoadgens sagareo ekonomikuri saqmianobis sasaqonl o nomenkl aturis 44-e jgufis 4404, 4406 da 4407 sasaqonl o poziciiT aRweril i da kodirebul i produqciis eqsportirebisas sabaJo organosTvis warsadgen erT-erT aucil ebel dokuments.-*

kanonproeqtis me-7 muxl is 1-el punqtSi miTiTebul ia, rom xe-tyis eqsportis sabaJo gaformeba xorciel deba saqarTvel os sabaJo kodeqsiT dadgenil i wesiT, saqarTvel os garemos dacvisa da bunebrivi resursebis saministros mier gacemul i eqsportis nebarTvis safuZvel ze. unda aRiniSnos, rom moqmedi kanonmdebl obiT saqonl is eqsportis sabaJo reJimSi gaformebis safuZvel s warmoadgens ara marto sabaJo kodeqsi da mis Sesabamisad miRebul i, aramed sxva saxis normatiul i aqtebic (mag. saerTaSoriso SeTanxmebebi). amitomac, terminis `sabaJo kodeqsi-nacvl ad mizanSewonil ia gamoviyebot termini `saqarTvel os sabaJo kanonmdebl obiT-. amastan, eqsportis nebarTvasTan erTad sabaJo organos mizanSewonil ia waredginos bunebrivi resursebiT sargebl obisaTvis mosakrebl is gadaxdis qviTari, Tanaxmad `bunebrivi resursebiT sargebl obisaTvis mosakrebl ebis Sesaxeb- saqarTvel os 2004 wl is 29 dekembris #946-rs kanonisa. gamomdinare aRniSnul idan, kanonproeqtis me-7 muxl is 1-l i punqti unda Camoyal ibdes Semdegnairad:

*`1. xe-tyis eqsportis sabaJo gaformeba xorciel deba saqarTvel os sabaJo kanonmdebl obiT dadgenil i wesiT, saqarTvel os garemos dacvisa da bunebrivi resursebis saministros mier gacemul i eqsportis nebarTvis da bunebrivi resursebiT sargebl obisaTvis mosakrebl is gadaxdis damadasturebel i cnobis safuZvel ze.-*

aRniSnul is gaTval iswinebiT, me-4 muxl is me-3 punqts unda daematos Semdegi Sinaarsis `g)- qvepunqti:

*`g) bunebrivi resursebiT sargebl obisaTvis mosakrebl is gadaxdis cnoba.-*