

Cross-Regional Court Performance Assessment – Country Report

📍 Georgia



European Bank
for Reconstruction and Development

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Key findings

Macro Data

Eastern Europe and the Caucasus¹

EBRD region of operation

3,708,610 (2021)²

Population size

69,490.0³

Land area (sq.km.)

5,023.3 (2021)⁴

GDP per capita in USD

Georgia's performance is inconsistent among MLAT's dimensions and indicators. Georgia scores close to average in Dimension 1. Policies and Infrastructure for E-justice, has lower than average scores for Dimension 2. Commercial Dispute Resolution and Dimension 3. Uncontested Procedures for Enforcing a Claim, and has the highest scores for Dimension 4. Small Claims Procedures compared to other assessed EBRD CoOs.

In terms of **Policies and Infrastructure for E-justice**, Georgia's performance is inconsistent, indicating weaknesses to its strategic approach to e-justice. The level of broadband internet access in Georgia is low, which might impede access to e-justice systems and tools. The overall level of development of justice system digitalisation is quite high; however, even though the legislative framework and/or infrastructure for digitizing court processes are generally available in Georgia, these are not being sufficiently used in practice by courts

and court users. Georgia earns low scores for the indicator on stakeholder engagement, indicating weaknesses in the onboarding and engagement of court users and other stakeholders with e-justice systems and tools. Importantly, e-filing may be discouraged by high subscription fees required to use the e-filing system.



Regarding **Commercial Dispute Resolution**, there are no commercial courts or chambers in Georgia. Even though the law requires that such cases be heard by specialised judges, in practice such specialisation is available only in the city and the appellate courts of Tbilisi. Furthermore, there are no modifications of the general procedural rules in respect of commercial cases. The inception and continuous training in commercial law for judges is not provided on a mandatory basis. In general, the legal basis for mediation is adequate. Georgia does not have disaggregated statistics on the effectiveness and efficiency of commercial litigation.

¹ See <https://www.ebrd.com/where-we-are.html>.

² See <https://data.worldbank.org/country/georgia?view=chart>.

³ See <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=GE>.

⁴ See <https://data.worldbank.org/country/georgia?view=chart>.

The country's performance is significantly lower in **Uncontested Procedures for Enforcing a Claim**. In Georgia, one of the available uncontested procedures is with enforcement agents and the other one – with notaries. Georgia receives high scores for the ease of filing due to available and user-friendly forms, and effective online filing of the applications. However, the jurisdiction receives very low scores for the efficiency of processing of the uncontested claim case after its initial filing, especially since the timelines are not predictable.

Georgia earns higher than average scores for **Small Claims Procedures**, which makes it the leader in this dimension. While monetary disincentives for e-filing of small claims are observed, there are meaningful procedural simplifications of the procedure. These include the rules on hearings, content of the judgment and appeal. Furthermore, Georgia is one of only two examined jurisdictions where a special effort is made to encourage mediation in small claims procedures. Specifically, when the value of the dispute is below a certain amount, the judge may obligate the parties to try mediation.

Overall, Georgia has an average level of readiness for the introduction of ODR. The country should strengthen its strategic approach to the implementation of e-justice initiatives, as well as the onboarding of court users and other stakeholders to e-justice systems and tools. There are significant areas for improvement in terms of commercial court specialisation and improving the efficiency of uncontested procedures for enforcing a claim. It appears that the most suitable candidate for ODR initiatives in Georgia might be the small claims procedure.



Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 1. Policies and Infrastructure for E-Justice			
	Link to the strategy that covers e-justice (if any) and time-period of the strategy.		The latest available strategy is of 2017-2021. This is a general strategy, which, to some extent, covers e-justice as well. https://www.supremecourt.ge/files/upload-file/pdf/sasamartlo-sistemis-strategia-2017-2021.pdf
	Which body is responsible for digitization of the judiciary?		High Council of Justice has a general responsibility to ensure the quality and effectiveness of the Judicial System.
	Which body is responsible for digitization in public administration?		Legal Entity under Public Law ("LEPL") Digital Governance Agency (operating under the governance of the Ministry of Justice of Georgia).
	Is there a formal coordination mechanism for digitization projects in the judiciary and public administration? What is it?		Yes, there is. LEPL Digital Governance Agency is a newly created body, which through interagency coordination is responsible for developing a unified state policy and strategy on digital governance and the digitalisation of services and facilitate their implementation. The Agency is further responsible to cooperate with other administrative bodies for the purpose of the digitalisation of their services and their integration with the unified portal of electronic services.
	Does the Case Management System of the courts allow for auto-generation of parts of the judicial acts?		The Case Management System available to judges is different from the one available to disputing parties. Since this system is used internally within the courts, lawyers do not have much information about it. According to a representative of the High Council of Justice of Georgia, the system does not allow for auto-generation of parts of the judicial acts.
	Can judges work remotely by accessing the Case Management System of the courts from a distance?		Judges can access the Case Management System of the courts from a distance, however unless there are some extraordinary circumstances (like the pandemic) they work from their respective courts and not remotely.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.1. Level of Development of E-governance and E-infrastructure			
1.1.1.	Level of internet penetration	2	72,53%
1.1.2.	Level of development of electronic signatures	2	The Law of Georgia on Electronic Documents and Electronic Trust Services regulates the use of electronic signatures in Georgia. There are also supplementary acts (orders nos. 308 and 315) of the Ministry of Justice of Georgia, which set rules for the authorisation and supervision of the qualified trust service providers in Georgia. At this point the only qualified trust service provider is the LEPL Public Services Development Agency. Electronic signature is mostly used in interactions with governmental authorities, but it is not very common.
1.1.3.	Level of development of electronic documents	2	There is legislation regulating electronic documents, however such documents are commonly used only in interactions with some of the govern-mental/judicial authorities.
1.1.4.	Level of development of national electronic identification	3	There is legislation governing personal electronic identification in national identity documents and such e-ID is being issued and it is possible to use it to access administrative and/or other services. To use nation ID to access online services one must purchase the specific device from the registry and install several programs on the computer. Electronic signature can be affixed after inserting the ID into the device. You can see the video explanation on how to use the ID here - News ID.GE You can see the guide here - ID-User-Guide-v6-0- 1_.pdf (ecourt.ge)
1.1.5.	Level of online access to administrative services	3	The state provides interactive online access to administrative services (including e-filing and obtaining valid electronic certificates from public administration). See for example My.gov.ge the unified portal of electronic services, where up to 400 electronic services are available at present. The users of the portal can request information from various public bodies electronically, fill out the applications to receive various online services, use qualified electronic signature if necessary, send the application online and receive the answer through the portal. See also სახელმწიფო სერვისების განვითარების სააგენტო (sda.gov.ge) the website of Public Service Development Registry where you can obtain several services online, for example request and receive ID. There are considerable number of online services that do not require electronic signature. Such services are widely used today, especially in the National Agency of Public Registry.
1.1.6.	Level of broadband internet access	1	24,72 Mbps

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.2. Overall level of development of justice system digitalisation			
1.2.1.	Status of e-Justice strategy	3	There is an e-justice strategy and its implementation fully or to a large extent complies with key milestones established therein. E-justice strategy is part of the judicial system strategy of 2017-2021. Key milestones of this strategy were the perfection of the case management system and the introduction of user-oriented innovative services. Both have been to a large extent successfully implemented. The case management system now allows the key-word search of lower instance court decisions as well as of the Supreme Court. E-filing platform has also been introduced as part of the user-oriented innovative service. The old strategy has expired but there is no indication of a new strategy being under preparation.
1.2.2.	Case management system (CMS) deployment rate	3	Based on the latest available CEPEJ data (2020 Evaluation Cycle (2018 Data)), CMS deployment rate is 100%.
1.2.3.	Level of integration of the Case Management System		
1.2.4.	Official information about the justice system available over the internet	3	The relevant information portals (websites) of justice system provide online all the following types of information: (1) the contact information of all courts; (2) schedules of court hearings; and (3) forms that can be used by citizens and businesses for various filings with the court.
1.2.5.	Publication of court judgments and free online access to them	2	All or most judgments of the highest courts are available over the internet free of charge, as well as a significant number of the judgments of the lower-level courts and keyword searches in the texts of the judgments are available. Judgements are available on two separate websites; one is for the decisions of the supreme court and another for the decisions of the lower courts. See the relevant links - გადაწყვეტილებების საძიებო სისტემა (supremecourt.ge) and გადაწყვეტილებები (court.ge)

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.3. Digitisation of court processes			
1.3.1.	Availability and use of e-filing	2	There is legislation governing submission of a case to courts by electronic means, e-filing infrastructure (websites) is available, but such e-filing is used rarely. One of the reasons why such e-filing is rarely used is its price. Only the registration on the e-court system is free in Georgia. To use the e-filing you have to purchase a package allowing you to use e-filing for the set number of times. (IS THIS A DEDICATED SERVICE ONLY FOR COURTS?) – only for courts Monthly payments are set depending on the package you purchase. For natural persons who are themselves a party to the dispute: 1 transaction in 30 working days – Free 60 transactions with no more than 2 transactions per day – 180 GEL (approx. EUR 56) 150 transactions with no more than 5 transactions per day – 450 GEL (approx. EUR 140) 300 transactions with no more than 10 transactions per day – 900 GEL (approx. EUR 280) For lawyers and legal persons 2 transactions per day – 180 GEL (approx. EUR 56) 5 transactions per day – 450 GEL (approx. EUR 140) 10 transactions per day – 900 GEL (approx. EUR 280)
1.3.2.	Availability and use of electronic service of process (e-service)	2	Legislation governing the civil procedure encompasses e-service to some extent and there is adequate infrastructure for e-service. E-service to participants in court proceedings requires specific consent that the party accepts electronic service of documents. Such consent can be expressed in the claim form by ticking the relevant box.
1.3.3.	Possibility to check case files and track case progress remotely	2	Parties can track progress of the case and key procedural events remotely through information system of the judicial system.

No.	Indicator Component	Score	Justification for the scoring and sources
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	2	It is possible to question certain participants in the proceedings from a distance in some types of cases and there is, more or less, adequate infra-structure but generally, holding hearings entirely online is either not done or done very rarely. During the pandemic however, most of the cases were either postponed or held online. Legal ground for doing so is provided under the Criminal Procedural Code of Georgia – Article 3325 – Temporary procedure for holding court hearings before 1 January 2022 1. Until 1 January 2022, in the event that there is a threat of a pandemic and/or the spread of an epidemic especially dangerous for public health, court hearings provided for by the criminal procedure legislation of Georgia may, by a court decision, be held remotely using the electronic means of communication if: a) an accused/convicted/acquitted person consents thereto; b) detention has been applied to an accused person as a measure of restraint, imprisonment has been imposed on a convicted person as a punishment, and/or if the failure to hold a court hearing in the said manner may result in the infringement of the public interest in solving the crime and imposing criminal liability on the person. 2. If a court hearing is held in the manner provided for by paragraph 1 of this article, no person participating in it shall have the right to refuse the holding of a court hearing remotely on the grounds of being willing to physically attend the court hearing. No similar rule can be found in the CPCG. During the pandemic Cisco Webex was usually used by the courts for online hearings. Generally for the hearing or part of it to be held online, the party to the dispute must submit the application requesting online hearing and setting forth reasons for this request. After this it is up to the judge to decide whether to satisfy the request or not. Under Article 127(2) of the CPCG - By decision of a judge, examinations of a party may be taken remotely from another court or administrative body by using a telephone, video equipment or other technical means or through Georgian diplomatic missions and consular offices abroad, provided the respective authority can identify the person at the place of examination. Under Article 148(6) of the GCPC - On the petition of a party or by decision of the judge, witnesses may be examined remotely under Article 127(3) of this Code, of which parties shall be notified in advance.
1.3.5.	Court fees	2	There are online calculators for determining the amount of court fees due and they can be paid through online bank (e-banking). However, the applicant must obtain the original receipt with the wet seal and attach it to the application to the court. In case of e-filing, the claimant initially submits the scanned version of the receipt or the digital version of it. After the claim reaches the judge, he/she may request the delivery of the hard copy of the receipt in court. So it is within the judge's discretion to request it.
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	1	There is no legislation governing electronic enforceable titles and enforcement can only be initiated based on an enforceable title presented on paper. * With only one exception - LEPL National Agency of Public Registry can issue enforcement title electronically using automated means for certain administrative violations (Article 25'2 of the Law of Georgia on Enforcement Proceedings). Such electronic enforcement title is sent to the Enforcement Bureau electronically and is the basis for the commencement of enforcement proceedings. This is the one specific case, however, and not the general rule.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 1.4. Stakeholder engagement			
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	1	There is no legislation governing the obligation for any types of professional court users to interact with the court only electronically.
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	1	There are no monetary incentives for conducting certain court actions electronically.
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	2	E-filing is available and user guides are provided in the e-filing system. No other type of user support is available at present.
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	2	Based on the latest available CEPEJ data (2020 Evaluation Cycle (2018 Data)), court user surveys are conducted by the courts/ the judicial system on a regular basis (annually). However, key areas for improvement identified though the surveys are not addressed in the strategic planning process of courts.

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 2. Commercial Dispute Resolution			
	What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?		As you will see below, there are no commercial courts/division/chambers in Georgia, however the Resolution of the High Council of Justice of Georgia sets forth a narrow specialization of judges. Commercial cases are heard by the judges assigned to the narrow specialization in commercial disputes in the Tbilisi City Court, considering that other regional courts do not have enough judges to allow specialization. Per above said Resolution, commercial case encompasses (for the purposes of the said resolution any civil-law category property dispute if the value of the claim exceeds GEL 500'000 should be considered in this category alone); corporate law disputes; disputes related with the freedom of expression; disputes related with the protection of personal non-property rights; Intellectual property disputes.
	Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.		The Law of Georgia on Mediation has entered into force on 18 September 2019, leading to some changes in the Civil Procedure Code of Georgia as well. The reform reflects on the Singapore Convention on Mediation and introduces civil law procedures for enforcing a mediation settlement. As you will see below, the establishment of corporate/tax chambers has also been planned for some time now but has not yet taken place.
	What has been the impact of the COVID-19 pandemic on commercial litigation in the country, e.g. introducing more electronic interactions?		COVID-19 pandemic has led to the hearings to be held entirely online. This was very challenging for the courts, as well as for its users due to technical difficulties and lack of computer literacy. This has mostly halted commercial dispute resolution, further lengthening the period of deciding the case.
	Number of female/male judges in the country.	Male - 102; Female - 123; Based on the latest CEPEJ data (2020 Evaluation Cycle (2018 Data)).	
	Number of female/male first-instance commercial judges in the country.		Such information is not available at present. We have contacted several relevant organizations but were unable to obtain it. Representative of the High Court of Justice has informed us that upon written request they will be able to provide such information.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.1. Level of specialisation of commercial dispute resolution			
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	1	There are no specialised commercial courts or specialised commercial divisions or chambers in courts. However, the Resolution of the High Council of Justice of Georgia (No. 9, issued on 11/08/2020) sets forth the narrow specialization of judges. Hence both in civil courts and courts of appeals there are certain judges who usually hear and decide the commercial disputes. Please also note, in practice this is possible only in Tbilisi City Court and Tbilisi Court of Appeals. In other regional courts the number of judges is not enough to afford specialization. The Strategy of the Court System for 2017-2021 sets forth the establishment of corporate/tax chambers as one of its goals, however such reform has not yet taken place.
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	1	There are no modifications of the general procedural rules in respect of commercial cases as compared to general civil cases.
2.1.3.	Inception training in commercial law for commercial judges	1	There is <u>no mandatory or voluntary training</u> in commercial law provided to commercial judges upon entry/appointment.
2.1.4.	Continuous (regular) commercial law training for commercial judges	1	There is <u>no mandatory or voluntary training</u> in commercial law provided regularly (continuously) to commercial judges. High School of Justice does organize and provide certain type of mandatory training for judges. According to their website, When developing the In-service Training Program of Sitting Judges, the High School of Justice uses a complex method, which includes but is not limited to the following: - Analysis of the needs of the courts; - Recommendations of the superior courts; - Recommendations of the High Council of Justice; - Analysis of the case law of the European Court of Human Rights; - Recommendations of the Council of Teachers of the School; - Analysis of obligations taken by the Government of Georgia; - Recommendations of foreign and international organizations; - Current novelties and trends in the field of judicial training in developed countries.
2.1.5.	Capacity building for commercial judges' judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	2	Commercial judges have judicial assistants, but they receive no specialized commercial law training

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.2. Use of mediation/ADR tools			
2.2.1.	Availability of mediation in civil/commercial disputes	3	There is legislation governing mediation in civil/commercial disputes and there are procedures implementing court-annexed mediation (see Chapter XXI1 of the law of Georgia on Civil Procedure Code of Georgia).
2.2.2.	Availability of an official register of mediators accessible online	3	Accreditation of mediators is required and there is an official registry of mediators available online
2.2.3.	Availability of incentives for mediation	3	There are following incentives for the use of mediation in commercial disputes after the filing of a claim in court: (1) reduction of court fees upon successful settlement; (2) one or more free mediation session(s); (3) requirement for attempting mediation before litigating some types of disputes. It must also be noted here that the disputes that require mandatory mediation before commencing court proceedings are not commercial in nature, rather encompass labour law disputes, small civil law disputes, disputes between neighbours and the like. The case initially goes to court, after than it is up to the judge to decide whether to transfer the case to mediation or not. Under Article 1871(1) of the GCPC - After a claim has been filed with the court, a case subject to judicial mediation may be transferred to a mediator to conclude the dispute by a settlement between the parties. If the judge decides to transfer the case subject to mandatory judicial mediation to mediation then the parties would have no other choice but to at-tend it. Article 1871(2) - A ruling on referring the case to a mediator may not be appealed.

No.	Indicator Component	Score	Justification for the scoring and sources
2.2.4.	Enforceability of mediation settlement agreements	2	A mediation settlement agreement is directly enforceable and has the legal force of a court judgment, subject to the approval of the competent court. It does not matter whether agreement is made in court annexed mediation or out of court. Under Article 13 of the Law of Georgia on Mediation - Upon the agreement between the parties, an agreement resulting from mediation may be enforced by a court. One or both of the parties may apply to a court with the request to enforce an agreement resulting from mediation.
2.2.5.	Availability and use of online solutions for out-of-court settlement	1	There is the following online solution for pre-trial settlement: e-mediation. E-mediation has been widely used during the pandemic. There is <u>at least one</u> state or private online mediation platform. However, this online mediation platform is used rarely. Out of court online mediation is provided by the private institutions, most widely known of which is Georgian International Arbitration Centre (GIAC). See the protocol of online mediation and facilitation - GIAC protocol.pdf

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 2.3. Efficiency and effectiveness of commercial litigation (to be assessed only if statistical disaggregation of commercial cases is available) Unfortunately, statistical disaggregation of commercial cases is not available. For general information see, Indicator 4.3.			
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	N/A	
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/commercial cases	N/A	
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	N/A	
2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	N/A	

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 3. Uncontested Procedures for Enforcing a Claim			
	What is the name of the procedure (e.g., order for payment, issuance of a writ of execution based on document, other)? If there are several such procedures, please, describe each of them.		1. Summary Proceedings for Claims for Recovery of Monetary Debts. 2. Issuance of a writ of execution by the Notary – a notary public issues a writ of execution on the basis of a matured claim for the enforcement of the payment of monetary indebtedness, the assignment of title to property, also, on the basis of a request, compulsory enforcement against a mortgaged/charged property, if the consent of the parties thereto exists, and the legal consequences of the issuance of a writ of execution are explained in writing by the notary public in a notarial act.
	Which authority is entrusted with examining claims that may be uncontested by the debtor?		1. National Bureau of Enforcement 2. Notary Public
	If the courts are competent to examine such claims, do the general rules of territorial jurisdiction apply to them or is the process centralized?		Courts are not competent to examine such claims
	What claims is the procedure applicable to (i.e., only claims based on certain trustworthy documents such as checks, bills of exchange, notary deeds, utility claims, or also all types of civil and commercial monetary claims)?		1. Applicable to recovery of any type of monetary debts that do not require the performance of counter obligation. 2. Applicable to recovery of any type of monetary debts that do not require the performance of counter obligation, the assignment of title to property and the compulsory enforcement against a mortgaged/charged property (only if the relevant agreement exists between the parties). In the contract, the parties may agree beforehand before a notary that they accept that an enforceable title may be obtained from a notary.
	Is there a monetary threshold for applying the uncontested claims procedure?		There is no monetary threshold for applying.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.1. Ease of filing			
3.1.1.	Effective self-representation	3	Self-representation is allowed, and the process is quite simple. No statistical information is available to assess the percentage of self-representation as opposed to professional representation. However, we have been in-formed by the representative of the National Bureau of Enforcement that self-representation is quite common, and they provide consultations to applicants who might require assistance.
3.1.2.	Availability and use of forms for filing the claim	3	There are mandatory standard forms for filing the claim and they are perceived as user-friendly
3.1.3.	Availability and use of online filing	3	Online filing is available, and it is used quite regularly.
3.1.4.	Level of court fees for filing a claim	2	The fee for filing the claim in this procedure is from 10% to 50% lower than the fee for filing a general civil/commercial claim (assuming equal value of the two claims). There is GEL 100 flat fee for submitting the application for summary proceedings. In case the debtor pays the debt or part of it, the service fee is 2% of the amount that has been paid (no less than GEL 50), as opposed to 3% charge for filing a claim in court. Furthermore, the summary proceeding fee is paid by the respondent when paying the debt in full or in part.
3.1.5.	Simplified rules on attachment of evidence to the claim	2	Documentary evidence is required but may be sent by electronic means.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.2. Efficient processing			
3.2.1.	Predictability of the timelines for pronouncement	1	The timelines for pronouncement on applications under the procedure are unpredictable as they are not regulated and vary greatly on a case-by-case basis
3.2.2.	Length of timelines for pronouncement	1	The timeline for pronouncement is not prescribed by the law. Within five business days after filing the registration, the National Bureau of Enforcement gives the respondent notice of the initiation of a summary proceeding against him/her. Respondent has the obligation to pay the debt in full within 10 calendar days after receipt of the notice if he/she finds it reasonable or perform one of the acts stated below: a) pay a part of the debt if he/she finds the claim to be reasonable in part; b) state a written objection to the applicant's claim if he/she disagrees with the claim; c) acknowledge the claim in full in writing, if he/she finds the claim to be reasonable; d) acknowledge the claim in part in writing, if he/she finds the claim to be reasonable in part; e) present an application proposing a settlement; Depending on the response, the National Bureau of Enforcement either issues the Debt Recovery Order or makes the decision on the refusal of issuing such order. Timeframe for making such a decision is not set under the law.
3.2.3	Availability of options for service to the debtor without proof of receipt	1	The rules of the jurisdiction do not allow the issuance of an enforceable title if there is no proof of receipt by the debtor, even if that debtor has a known address.
3.2.4.	Ease of debtor's objection	2	Debtors can object to the claim without giving any explanations/ justification thereof

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition			
3.3.1.	Consequence of debtor's lack of objection	3	If the debtor does not object or objects only partially, an enforceable title is issued for part of the claim against which there has been no objection
3.3.2.	Launching the litigious stage of the procedure	1	If the debtor lodges a statement of opposition, the uncontested procedure is terminated and the claimant wishing to pursue the claim may file it under the general procedure
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	1	The fee due in a litigious procedure that follows a statement of opposition is of the same amount that would have been due if the litigious procedure was launched without using the uncontested claims procedure first.
3.3.4.	Management of statements of opposition	1	The jurisdiction does not track claims that continue as litigious procedures (either by reason of objection or for any other reason).

No.	Indicator Component	Score	Justification for the scoring and sources
Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)			
	What is the name of the procedure (e.g., small claims procedure, simplified procedure, written procedure, fast-track procedure, other)? If there are several such procedures, please, describe each of them.		There are two procedures under the Civil Procedure Code of Georgia (the “CPCG”), which would qualify as the small claims’ procedures. These procedures are: 1. Property Claims not exceeding GEL 5,000 (approx. EUR 1,492); 2. Summary Proceedings, which include claims/cases on: a) Bills of Exchange or Cheques; b) Return of Leased Assets to the Lessor; c) Compulsory Acquisition of Shares; d) Damages Caused by Some Tortious Acts; and e) Matters envisaged under the Law of Georgia on Entrepreneurs.
	Is there a special small claims court or a special court division examining small claims?		Under Article 14 of the CPCG, the Magistrate Judges, amongst them, would hear at the first instance property disputes, provided the value of the action does not exceed GEL 5 000. Please note that in the administrative-territorial units where there is no Magistrate Judge, also in his/her absence, above cases under Article 14 of the CPCG shall be heard by another judge of a district (city) court. If there are several interconnected claims, one of which is not under the jurisdiction of a Magistrate Judge, another judge of a district (city) court shall hear the case.
	What is the monetary threshold for the applicability of the procedure?		For the small-scale property disputes the monetary threshold is less than GEL 5,000.
	What claims is the procedure applicable to?		Please see questions no. 1 of the Dimension 4

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.1. Ease of filing			
4.1.1.	Effective self-representation	2	The CPCG allows self-representation but as confirmed by the litigation practitioners based in our office, in practice, especially at higher instances of court proceedings, i.e., appellate and cassation courts when the procedure becomes more complicated and appeal process implies certain knowledge of law, most parties tend to engage the lawyer. While the above appears to be true for all types of the proceedings, unfortunately, there are no statistics available on self-representation either in the small claims' procedures or in the general proceedings.
4.1.2.	Existence of forms for filing the claim	3	As mentioned above, there are mandatory standard forms for filing the claims, which are published on the website of High Council of Justice of Georgia (the "HCJG") and which are perceived as mostly user-friendly. Claims not exceeding GEL 5,000 they should be filed through the use of the mandatory claim forms. For mandatory claim forms, please see სასამართლო ფორმები სამოქალაქო საქმეზე - საქართველოს იუსტიციის უმაღლესი საბჭო (hcoj.gov.ge). For application forms, please see, თბილისის სააპელაციო სასამართლო (court.ge).

No.	Indicator Component	Score	Justification for the scoring and sources
4.1.3.	Availability and use of online filing	2	The website such as მთავარი გვერდი (court.ge), which contains the full data on each of the examined cases at all instances of courts, has the built-in system, which allows the parties to make the online filing. Such online filing is rarely used though, mostly due to its price. Only the registration on the e-court system is free in Georgia. To use the e-filing you have to purchase a package allowing you to use e-filing for the set number of times. Monthly payments are set depending on the package you purchase. For natural persons who are themselves a party to the dispute: 1 transaction in 30 working days – Free 60 transactions with no more than 2 transactions per day – 180 GEL (approx. EUR 56) 150 transactions with no more than 5 transactions per day – 450 GEL (approx. EUR 140) 300 transactions with no more than 10 transactions per day – 900 GEL (approx. EUR 280) For lawyers and legal persons 2 transactions per day – 180 GEL (approx. EUR 56) 5 transactions per day – 450 GEL (approx. EUR 140) 10 transactions per day – 900 GEL (approx. EUR 280)
4.1.4.	Guidance to self-represented litigants	1	There are no special rules that require judges/court clerks to provide guidance to self-represented litigants. However, from the experience of the litigation practitioners based in our office, if the judges see that the natural/physical person is self-represented at the Court, they are likely to provide more in-length instructions before and during the hearings. The self-represented litigants tend to be also asked by the judges if they feel competent at defending themselves at the Court, especially at higher instances of judicial examination.

No.	Indicator Component	Score	Justification for the scoring and sources
Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure			
4.2.1.	Statutory timelines in the small claims procedure	1	For the property claims not exceeding GEL 5,000, the statutory timelines are the same as for the general claims. The only exception is the right of the Magistrate Judges to announce the reasoned judgments in the form of the minutes of the hearing. In that case, the Magistrate Judge does not need to prepare a judgment in writing. Although this may lead to time savings, this simplification is assessed under sub-indicator 4.2.5.
4.2.2.	Simplified evidentiary rules	1	The evidentiary rules for the small claims procedure follow the general evidentiary rules set for the civil/commercial procedures, however, there still are certain exceptions and limitations.
4.2.3.	Simplified rules on hearings	3	A score of 3 is assigned because both remote hearings (via a videoconference) and a documentary only examination of the case are allowed. For the purpose of this answer, under the remote examination I meant the examinations of a party, which are taken remotely from another court or administrative body by using <u>a telephone, video equipment or other technical means</u> or through Georgian diplomatic missions and consular offices abroad (provided the respective authority can identify the person at the place of examination). Please however note that the CPCG does allow the examination without holding the oral hearings. In fact, the civil claim forms require the parties to present their position to this effect, i.e. whether they agree to the examination without the oral hearings. <u>The examination of the case conducted through the videoconference would in fact qualify as the examination/consideration of the case with the oral hearing.</u> Particularly, under Article 127(3) of the CPCG, by decision of a judge, examinations of a party may be taken remotely from another court or administrative body by using a telephone, video equipment or other technical means or through Georgian diplomatic missions and consular offices abroad, provided the respective authority can identify the person at the place of examination. Documentary examination: In every form the party must express their position whether they want a hearing or not.

No.	Indicator Component	Score	Justification for the scoring and sources
4.2.4.	Special rules on encouraging conciliation or mediation	3	Under Article 1873 of the CPCG, a judicial mediation may apply to any disputes with the consent of the parties. However, under the same Article, the CPCG specifically refers to the following disputes and ascertains that the judge shall preliminarily examine the circumstances of such cases and shall make the decision <u>to refer them to a mediator without the parties' consent</u> (and with the parties' consent if the opportunity to apply private mediation was used in relation to the same dispute and it ended without result): a) family disputes, except for disputes related to adoption, annulment of adoption, revocation of adoption, restriction of parental rights, deprivation of parental rights, and violence against women and/or domestic violence; b) inheritance disputes; c) neighbourhood disputes; c1) labour law-related disputes, except for a collective dispute under the Organic Law of Georgia the Labour Code of Georgia; c2) disputes related to the exercise of co-ownership rights; c3) <u>property disputes, if the value of the subject of a dispute does not exceed GEL 20 000;</u> c4) <u>disputes resulting from the loan agreements (including the loan agreements concluded in an electronic form) concluded by the bank institutions, micro-financial organisations and non-bank deposit institutions of Georgia, if the value of the subject of a dispute does not exceed GEL 10 000;</u> c5) <u>non-property disputes.</u>
4.2.5.	Simplified content of the judgment	3	As mentioned above, in cases examined by the Magistrate Judges, the latter may choose to announce the reasoned judgments in the form of the minutes of the hearing. In that case, the Magistrate Judge does need not prepare a judgment in writing.
4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	3	The rules on appealing the judgment in the small claims procedure as compared to the general civil/commercial procedure are modified in the following ways: (1) appeal is not allowed for some/all judgments in the small claims procedure; and (2) the appellate procedure is simplified as compared to the appellate procedure for judgments made in the general civil/commercial procedure. According to Article 25 of the CPCG, property disputes the value of which does not exceed GEL 20 000, may be heard by a single judge of the Civil Cases Chamber of the appellate courts (instead of the usual three-judge composition). Having only a single examining judge may suggest a certain simplification of the procedure but not a drastic one. However, please also note that under Article 365 of the CPCG, an appeal in a property dispute shall be admissible only if the value of the subject matter of the dispute exceeds GEL 2,000 (approx. EUR 621). <u>This value shall be determined based on the ex-tem to which the party requests that the judgment appealed be modified.</u> Thus, only those small-scale property claims (or parts of the claims, which are contested) will be subject to the appeal, the value of which exceed GEL 2,000. <u>Accordingly, in certain cases of small-scale property claims, the appeal will not be allowed.</u>

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