

Minister of Justice of Georgia

Decree # 220

September 30, 2008, Tbilisi

On approving the statute of the National Bureau of Enforcement, legal entity of public law under the supervision of the Ministry of Justice of Georgia

Pursuant to subparagraph “3” of article 4 of law of Georgia “on Enforcement Proceedings”, I order:

Decree # 81 of the Minister of Justice of Georgia, July 1, 2011- Website, 01.07.2011

1. Approval of the statute of the National Bureau of Enforcement-the legal entity of public law under the governance of the ministry of Justice of Georgia
2. Announcing as ineffective:
 - a) Order N834 “on approval of the statute of the enforcement department of the Ministry of Justice of Georgia” issued on August 4, 2003 by the Minister of Justice of Georgia;
 - b) Order N19 “on enforcement bureaus-territorial authorities of the Ministry of Justice of Georgia” issued on January 12, 2001 by the Minister of Justice of Georgia;
 - c) This order shall become effective on October 1, 2008.

N. Gvaramia

Amendments:

Decree # 242-SSM III, # 155 of the Minister of Justice of Georgia, October 24, 2008, 24.10.2008; Art.1540

Decree # 302-SSM III, # 183 of the Minister of Justice of Georgia, December 24, 2008, 25.12.2008; Art.1869

Decree # 10-SSM III, # 5 of the Minister of Justice of Georgia, January 15, 2009, 15.01.2009; Art.41

Decree # 23-SSM III, # 10 of the Minister of Justice of Georgia, January 26, 2009, 26.01.2009; Art.99

Decree # 141-SSM III, # 90 of the Minister of Justice of Georgia, July 21, 2009, 22.07.2009;
Art.951

Decree # 209-SSM III, # 135 of the Minister of Justice of Georgia, November 2, 2009,
02.11.2009; Art.1544

Decree # 230-SSM III, # 157 of the Minister of Justice of Georgia, December 25, 2009,
25.12.2009; Art.1886

Decree # 28-SSM III, # 14 of the Minister of Justice of Georgia, February 4, 2010,
05.02.2010; Art.167

Decree # 29-SSM III, # 15 of the Minister of Justice of Georgia, February 9, 2010,
10.02.2010; Art.177

Decree # 47-SSM III, # 25 of the Minister of Justice of Georgia, March 9, 2010, 10.03.2010;
Art.375

Decree # 82-SSM III, # 36 of the Minister of Justice of Georgia, April 7, 2010, 07.04.2010;
Art.600

Decree # 86-SSM III, # 40 of the Minister of Justice of Georgia, April 14, 2010, 15.04.2010;
Art.629

Decree # 110-SSM III, # 66 of the Minister of Justice of Georgia, June 9, 2010, 09.06.2010;
Art.982

Decree # 143-SSM III, # 93 of the Minister of Justice of Georgia, July 30, 2010, 30.07.2010;
Art.1373

Decree # 149-SSM III, # 98 of the Minister of Justice of Georgia, August 11, 2010,
12.08.2010; Art.1470

Decree # 159-SSM III, # 103 of the Minister of Justice of Georgia, August 24, 2010,
24.08.2010; Art.1551

Decree # 207-SSM III, # 142 of the Minister of Justice of Georgia, November 3, 2010,
03.11.2010; Art.2045

Decree # 211-SSM III, # 144 of the Minister of Justice of Georgia, November 8, 2010,
08.11.2010; Art.2058

Decree # 232-SSM III, # 166 of the Minister of Justice of Georgia, December 20, 2010,
20.12.2010; Art.2382

Decree # 233-SSM III, # 168 of the Minister of Justice of Georgia, December 24, 2010,
24.12.2010; Art.2422

Decree # 2 of the Minister of Justice of Georgia, January 12, 2011- Website, 13. 01.2011

Decree # 9 of the Minister of Justice of Georgia, January 17, 2011- Website, 17.01.2011

Decree # 41 of the Minister of Justice of Georgia, March 22, 2011- Website, 22.03.2011

Decree # 81 of the Minister of Justice of Georgia, July 1, 2011- Website, 01.07.2011

Decree # 96 of the Minister of Justice of Georgia, July 26, 2011- Website, 26.07.2011

Decree # 146 of the Minister of Justice of Georgia, November 21, 2011- Website,
11.11.2011

Decree # 151 of the Minister of Justice of Georgia, December 1, 2011- Website, 01.12.2011

Decree # 78 of the Minister of Justice of Georgia, May 17, 2012- Website, 17.05.2012

Decree #87 of the Minister of Justice of Georgia, June 6, 2012-Website, 06.06.2012

Statute
**of the National Bureau of Enforcement - legal entity of public law under the supervision of
the Ministry of Justice of Georgia**

Article 1. The scope of the statute

This statute defines the objectives, functions and the subject of activities, management organization, structure and competence, form and frames of state control, basis of financial activities of the legal entity of public law-the National Bureau of Enforcement (later-the National Bureau of Enforcement).

Article 2. The National Bureau of Enforcement

1. The National Bureau of Enforcement is the legal entity of public law under the governance of the ministry of Justice of Georgia (later-ministry), which is created based on the law of Georgia “on Enforcement Proceedings”.
2. The full name of the National Bureau of Enforcement is “legal entity of public law under the governance of the ministry of Justice of Georgia-the National Bureau of Enforcement”. On the stamps, blanks, signs, symbols, official documents, website, any other requisite and official relations of the National Bureau of Enforcement and its territorial authorities, the abbreviated name of the National Bureau of Enforcement (“NEB”) can be used, but in all cases the name of the National Bureau of Enforcement should include the reference to “The Ministry of Justice of Georgia”.
3. The National Bureau of Enforcement is guided in its activities by the constitution of Georgia, international treaties and agreements of Georgia, law of Georgia “on Enforcement Proceedings”, other legislation acts and subordinate normative acts of Georgia and this statute.
4. The National Bureau of Enforcement is accountable to the ministry.
5. The National Bureau of Enforcement obtains the rights and responsibilities, makes agreements and participates in relations with third parties with his own name, as well as the while acting as a plaintiff or defendant in the court.
6. The National Bureau of Enforcement has symbols, which are approved by the chair of National Bureau of Enforcement, official sheet with blank, stamp with the illustration of the state emblem of Georgia, independent financial balance, bank accounts and other requisites of legal entity of public law. The official website of the National Bureau of Enforcement is www.nbe.gov.ge
7. The official address of the National Bureau of Enforcement is: Tbilisi, David Aghmashenebeli alley, 10th Kilometer.

Decree # 81 of the Minister of Justice of Georgia, July 1, 2011- Website, 01.07.2011

Article 3. Objectives, functions and the subject of activities of the National Bureau of Enforcement

1. The major objective of the National Bureau of Enforcement is the enforcement of the resolutions prescribed by the law of Georgia “on Enforcement Proceedings”.
2. For achieving the objective provided in paragraph one of this article the National Bureau of Enforcement carries out:
 - a) Coordination and control of the process of enforcement proceedings;
 - b) Selecting highly qualified staff as a personnel of the National Bureau of Enforcement;
 - c) Organizing in order that the enforcement bureaus meet the requirements of the law of Georgia “on Enforcement Proceedings”, as well as of corresponding legal and subordinate normative acts;
 - d) Revision and control of enforcement bureaus and bailiffs, employees of enforcement police Office, organizational and methodical management of their activities; (25.12.2009 N 230)
 - e) Acquiring the necessary information and documents from enforcement bureaus;
 - f) Drafting the projects of normative acts in the competence, which is presented to the minister;
 - g) Maintaining the statistics and analysis of enforcement proceedings;
 - h) Maintaining the debtors’ registry and distributing public information;
 - i) Financial-economic activities prescribed by legislation;
 - j) Material-technical maintenance of territorial units;
 - k) Relations with state, social and international organizations;
 - l) Examination of claims related to EA’s activities and subordination;
 - l¹) Carrying out rights and duties pursuant to the rules prescribed in the Law of Georgia on “Enforcement Proceedings”;
 - m) Other activities prescribed in legislation.
- 2¹. National Bureau of Enforcement through its structural units and territorial bodies also carries out actions prescribed in paragraphs 1¹-1⁴ of the Article 3 of the Law of Georgia on “Enforcement Proceedings”;
3. For purposes of carrying out the functions stated in subparagraph “b” of the paragraph 2 of this Article, employees of the National Bureau of Enforcement shall be appointed on the basis of competition, except for cases upon decision of the Chair of the National Bureau of Enforcement. In case of appointing an employee without a competition upon decision of the Chair of the National Bureau of Enforcement, the notification to the Ministry shall be made.
4. Competition shall be conducted by the competition commission of the Ministry.
5. Prior to transferring an employee to a different position (incl. the promotion) within the Bureau the Chair of the National Bureau of Enforcement shall notify the Ministry.

Decree # 230-SSM III, # 157 of the Minister of Justice of Georgia, December 25, 2009, 25.12.2009; Art.1886

Decree # 233-SSM III, # 168 of the Minister of Justice of Georgia, December 24, 2010, 24.12.2010; Art.2422

Decree # 2 of the Minister of Justice of Georgia, January 12, 2011- Website, 13.01.2011

Decree # 9 of the Minister of Justice of Georgia, January 17, 2011- Website, 17.01.2011

Decree # 81 of the Minister of Justice of Georgia, July 1, 2011- Website, 01.07.2011

Article 4. Management of the National Bureau of Enforcement

1. The National Bureau of Enforcement is managed by the chair, which also is a deputy minister of justice of Georgia (later-the chair of National Bureau of Enforcement). *(9.06.2010 N 110)*
2. The chair of National Bureau of Enforcement has deputies, which he appoints upon the agreement of the minister of Justice of Georgia (later-minister) and dismisses the chair of National Bureau of Enforcement. *(9.06.2010 N 110)*
3. The deputies of the chair of National Bureau of Enforcement govern their sphere of management in the National Bureau of Enforcement assigned to them by the chair of National Bureau of Enforcement. The rights and responsibilities of the deputies are defined by the order of the chair of National Bureau of Enforcement.
4. In case of absence of the chair of National Bureau of Enforcement or his inability to carry out work-related duties, his duties are carried out by one of his deputies upon the order of the minister.

Decree # 23-SSM III, # 10 of the Minister of Justice of Georgia, January 26, 2009, 26.01.2009; Art.99

Decree # 110-SSM III, # 66 of the Minister of Justice of Georgia, June 9, 2010, 09.06.2010; Art.982

Decree # 207-SSM III, # 142 of the Minister of Justice of Georgia, November 3, 2010, 03.11.2010; Art.2045

Article 5. The chair of National Bureau of Enforcement

The chair of National Bureau of Enforcement:

- a) Represents the National Bureau of Enforcement;
- b) Within the scope of the legislation and this statute manages and solely leads the activities of the National Bureau of Enforcement;
- c) Is responsible for implementing the constitution of Georgia and other legal acts in the spheres of rights of the National Bureau of Enforcement;
- d) In the name of National Bureau of Enforcement makes agreements and issues power of attorney;
- e) Upon the agreement with the minister defines the system of the enforcement bureaus;
- f) In the frames of competence issues orders – individual legal acts;
- g) Approves the regulations of the National Bureau of Enforcement;
- h) Approves the statutes, of the enforcement bureaus-territorial authorities of the National Bureau of Enforcement, defines their identification numbers;

- i) Upon the agreement with the minister approves the statute of the enforcement police Office;
- j) According to the regulations in the legislation manages the means and property of the National Bureau of Enforcement;
- k) Creates the meeting authorities (commissions and councils) for solving organizational issues and defines their rights and responsibilities;
- l) Upon the agreement with the minister appoints deputies, the chair of the enforcement police Office and the chair of the enforcement bureaus (Senior Bailiffs);
- m) Is entitled to delegate his particular rights and responsibilities, assigned by the legislation, to the deputies of the chair of the National Bureau of Enforcement, as well as the chairs of the corresponding structural units of the National Bureau of Enforcement, including carrying out financial activities, certifying the documentation by signature, representation, granting business trip and/or leave to the employees.
(4.02.2010 N28)
- n) Appoints and dismisses the employees of the National Bureau of Enforcement according to the staff list and defines the amount of their salary;
- o) Is entitled to hire employees not planned in the staff list of the National Bureau of Enforcement, based on the work contract, for completing specific work;
- p) Approves the procedure for completing an internship in the system of the National Bureau of Enforcement, appoints and dismisses the interns; (24.12.2008 N 302)
- q) Is entitled to use the bonus and disciplinary measures towards the employees, in the frames of competence grant the employees special state ranks prescribed by the law of Georgia "on Special State Ranks";
- q¹) According to the demand presented based on the results of work examination carried out by the general inspection of the Ministry of Justice of Georgia, is obliged to use the measure of disciplinary liability towards the person that committed a disciplinary misconduct; (15.01.2009 N 10)
- r) Ensures the control and methodical management on the activities of structural units of the National Bureau of Enforcement and its territorial authorities;
- s) Approves the standard samples of the stamps and seals of the National Bureau of Enforcement, the enforcement bureaus-its territorial authorities and the bailiffs, as well as code names and the samples of official certificates;
- s¹) Approves the seal sample of the National Bureau of Enforcement;
- t) Extracted (17.01.11 #9)
- u) Examines the arguments related to work and enforcement subordination;
- v) Extracted (17.01.11 #9)
- w) Extracted (17.01.11 #9)
- x) Supervises the Enforcement Police Office solely, Internal inspections office and Financial-Accounting office as well as Material and technical Provision Office and the Procurement office;
- y) Is entitled to define the specialization of the Enforcement Agents if needed;
- z) Distributes responsibilities among the employees of the National Bureau of Enforcement, gives instructions and assignments.

- aa) Supervises the process of carrying out the duties in the National Bureau of Enforcement, oversees the decisions and activities of the employees, is entitled to cancel (announced invalid or ineffective) their unjust decisions, except for the acts issued by the bailiff;
- bb) In order to improve the acts regulating the activities of the National Bureau of Enforcement, ensures preparation of projects on corresponding legislative and subordinate acts and presents them to the minister;
- cc) Upon the agreement with the minister approves the staff list and the salary fund of the National Bureau of Enforcement;
- dd) Solicits about allocation of the means and material values, which are necessary for carrying out the tasks of the National Bureau of Enforcement;
- ee) Reports to the Minister on activities undertaken by the National Bureau of Enforcement;
- ee¹) Is entitled to request the enforcement of a case pursuant to the rules prescribed by the Law of Georgia on "Enforcement Proceedings" from the employee or the intern of the National Bureau of Enforcement;
- ee²) Is entitled to annul the enforcement action of an EA upon claim or his own decision;
- ee³) Is entitled to suspend the appealed action of EA upon a party's request or his own decision.
- ee⁴) Decides upon a prevention of a person or a self prevention according to paragraph ee¹ of this Article;
- ee⁵) Is entitled to grant a debtor the opportunity to cover the debt in installments according to Article 18⁴ of the Law of Georgia "on Enforcement Proceedings";
- ee⁶) Is entitled to prolong the term of presenting the document certifying the legal ownership and use of property by the owner of the immovable property according to the Paragraph 9 of the Article 84 of the Law of Georgia "on Enforcement Proceedings";
- ee⁷) Is entitled to postpone the compulsory enforcement activities for 6 months and to prolong the established term once for up to additional 6 months according to the Article 31 of the Law of Georgia "on Enforcement Proceedings";
- ee⁸) Is entitled to terminate the enforcement for a certain period of time in extraordinary circumstances;
- ff) Carries out other duties assigned as per legislation.

Decree # 302-SSM III, # 183 of the Minister of Justice of Georgia, December 24, 2008, 25.12.2008; Art.1869

Decree # 10-SSM III, # 5 of the Minister of Justice of Georgia, January 15, 2009, 15.01.2009; Art.41

Decree # 209-SSM III, # 135 of the Minister of Justice of Georgia, November 2, 2009, 02.11.2009; Art.1544

Decree # 230-SSM III, # 157 of the Minister of Justice of Georgia, December 25, 2009, 25.12.2009; Art.1886

Decree # 28-SSM III, # 14 of the Minister of Justice of Georgia, February 4, 2010, 05.02.2010; Art.167

Decree # 47-SSM III, # 25 of the Minister of Justice of Georgia, March 9, 2010, 10.03.2010; Art.375

Decree # 82-SSM III, # 36 of the Minister of Justice of Georgia, April 7, 2010, 07.04.2010; Art.600

Decree # 159-SSM III, # 103 of the Minister of Justice of Georgia, August 24, 2010, 24.08.2010;
Art.1551

Decree # 9 of the Minister of Justice of Georgia, January 17, 2011- Website, 17.01.2011

Decree # 41 of the Minister of Justice of Georgia, March 22, 2011- Website, 22.03.2011

Decree # 81 of the Minister of Justice of Georgia, July 1, 2011- Website, 01.07.2011

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Article 6. Structural units and territorial authorities of the National Bureau of Enforcement

1. The National Bureau of Enforcement ensures the carrying out of the functions assigned with the means of structural units and territorial authorities.
2. The structural units of the National Bureau of Enforcement are:
 - a) Administrative Office, which consists of the following departments:
 - a.a) Unit of Statistics and Analysis;
 - a.b)(Extracted -01.12.11 #151)
 - a.c) Information Technologies;
 - b) Internal inspection Office;
 - c) Regional Supervision Office;
 - d) Legal Office;
 - e) Material-Technical Office, which consists of the following departments:
 - e.a) Finances and Accounting Office
 - e.b) Procurement;
 - f) Human Resources Management Office;
 - g) Valuation Office
 - g¹) Special Office for enforcing cases from the State Budget;
 - g²) Case Management Office;
 - g³) Summary Proceedings Office
 - h) Enforcement police Office - organization, structure, functions and the activities of which are defined by the corresponding statute, which is approved by the chair of the National Bureau of Enforcement upon the agreement with the Minister of Justice.

Decree # 242-SSM III, # 155 of the Minister of Justice of Georgia, October 24, 2008, 24.10.2008; Art.1540
Decree # 302-SSM III, # 183 of the Minister of Justice of Georgia, December 24, 2008, 25.12.2008; Art.1869
Decree # 209-SSM III, # 135 of the Minister of Justice of Georgia, November 2, 2009, 02.11.2009; Art.1544
Decree # 230-SSM III, # 157 of the Minister of Justice of Georgia, December 25, 2009, 25.12.2009; Art.1886
Decree # 29-SSM III, # 15 of the Minister of Justice of Georgia, February 9, 2010, 10.02.2010; Art.177
Decree # 47-SSM III, # 25 of the Minister of Justice of Georgia, March 9, 2010, 10.03.2010; Art.375
Decree # 82-SSM III, # 36 of the Minister of Justice of Georgia, April 7, 2010, 07.04.2010; Art.600
Decree # 149-SSM III, # 98 of the Minister of Justice of Georgia, August 11, 2010, 12.08.2010; Art.1470
Decree # 232-SSM III, # 166 of the Minister of Justice of Georgia, December 20, 2010, 20.12.2010; Art.2382
Decree # 9 of the Minister of Justice of Georgia, January 17, 2011- Website, 17.01.2011
Decree # 96 of the Minister of Justice of Georgia, July 26, 2011- Website, 26.07.2011
Decree # 151 of the Minister of Justice of Georgia, December 1, 2011- Website, 01.12.2011
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Article 7. Structural units of the National Bureau of Enforcement (9.03.2010 N 47)

- 1. Administrative Office ensures:**
 - a) The Coordination of relations of the system of National Bureau of Enforcement and its chair with mass media and public organizations;
 - b) Provision of the society with information about the ongoing activities in the competence of the National Bureau of Enforcement and its news;
 - c) Organization of receiving the guests;
 - d) Support in a maximal capacity, in the frames of competence, the activities of the chair of the National Bureau of Enforcement, his deputies, chairs of services, structural units and territorial authorities;
 - e) (Extracted -01.12.11 #151)
 - f) Examination and control of corresponding legal acts, control tasks and administrative-legal acts of the chair of National Bureau of Enforcement;
 - g) (Extracted -01.12.11 #151)
 - h) (Extracted -01.12.11 #151)
 - i) Processing the corresponding information received from territorial authorities and structural unites of the National Bureau of Enforcement;
 - j) Preparation of total-monthly, quarterly, annual reports (statistical data) and their analysis, acquiring necessary information from other structural units and territorial authorities to pursue this objective;

- k) Protection and administration of the security of the National Bureau of Enforcement's servers and computer network;
- l) Monitoring of central databases, correction of mistakes in local and central database, their completion-improvement, administration of the electronic programs implemented in National Bureau of Enforcement, implementing new technologies and maintenance of their software;
- m) Organization and control of the meetings of National Bureau of Enforcement's employees with the parties interested in enforcement activities (individuals or legal entities).
- n) Personal-legal consultation of parties (individuals or legal entities) interested in enforcement activities;
- o) Telephone (general/legal) consultation of parties (individuals or legal entities) interested in enforcement activities, forwarding the incoming calls to the employees of the National Bureau of Enforcement according to the subject;
- p) In the frames of competence, carrying out other tasks assigned by the chair of the National Bureau of Enforcement and the deputy in charge.

2. Carrying out the functions defined in subparagraphs "a", "b", "c", "d", "o" are ensured by the department of public relations and marketing, the functions defined in subparagraphs "e", "f", "g", "h", "l" are ensured by the department of case proceedings, the functions defined in subparagraph "j" are ensured by the department of statistics and analysis, the functions defined in subparagraphs "i", "j", "k" are ensured by the department of information technologies.

3. Internal inspection Office ensures:

- a) Reaction to the facts of disobedience to work discipline among the employees of the system and revealing the facts of unlawful conduct at work, its avoidance, prevention and service checks of above-mentioned facts;
- b) In the frames of competence the analysis of work carried out by the National Bureau of Enforcement's employees, control of financial activity and corresponding service checks for this reason;
- c) Examining incoming statements and complaints and responding to them;
- d) Creating the corresponding conclusion concerning the results of service check and presenting it to the chair of National Bureau of Enforcement;
- d¹) In case of inaccurate information regarding an employee's disciplinary violations-terminating the case;
- e) Timely and adequate response to the incoming calls about the infringements in enforcement procedures by the telephone consultants of the National Bureau of Enforcement;
- f) In case of need obtaining the necessary information and documents from enforcement bureaus;
- g) Monitoring of the activities of private bailiffs, based on the statements, complaints and messages, as well as information received by any other means. In cases indicated in subparagraphs "g" and "h" of article 14¹ of the law of Georgia "on enforcement proceedings". According to the order N 140 of July 21, 2009 issued by the minister of Justice of Georgia "on monitoring the activities of private bailiff and the regulation for imposing a responsibility on private bailiff;
- h) (Extracted- 17.0111 #9)

4. Regional Supervision Office ensures:

- a) Organization of fulfilling the requirements of the enforcement bureaus-territorial authorities of the National Bureau of Enforcement as well as the law of Georgia “on enforcement proceedings”, other legislative and subordinate normative acts and informing them about the changes implemented in the corresponding legislation;
- b) Control over the course of the enforcement proceedings in enforcement bureaus and issuing corresponding instructions;
- c) Maintenance of debtor registry-timely registration of data, preparing corresponding certificates and records in accordance with the maintenance regulation of the debtor registry;
- d) In case of need acquiring necessary information and documents from the enforcement bureaus;
- e) Examining the incoming statements related to the enforcement and responding to them;
- f) Study, analysis, generalization of enforcement practice and presenting the corresponding proposal to the chair of the National Bureau of Enforcement;
- g) Examining the activities of the territorial authorities of the National Bureau of Enforcement, preparing corresponding recommendation and controlling their implementation;
- h) Providing the information related to the action on the website of the National Bureau of Enforcement;
- i) In the frames of competence, carrying out other duties of the chair of the National Bureau of Enforcement and the deputy in charge;

5. Legal Office ensure:

- a) Legal services of the system of the National Bureau of Enforcement;
- b) Preparation of the normative acts related to the enforcement and other documents and projects and presenting to the corresponding structural sub Office of the ministry;
- c) Preparing the legal conclusions about the arguments related to the activities of the National Bureau of Enforcement;
- c¹) Preparation of the project for the chair of the National Bureau of Enforcement in regard with the claim on EA’s activity.
- c²) Registration of a private enforcement agent, keeping a registry of private enforcement agents, issuing and revoking a license for enforcement activities and controlling the fulfillment of licensing conditions by the license owner.
- d) Analysis of the experience existing in foreign countries related to the enforcement of decisions and for improving the legal acts in this sphere, presenting the corresponding proposal to the chair of the National Bureau of Enforcement;
- e) Representation of the National Bureau of Enforcement and its territorial authorities in the court authorities;

- f) Participation in trainings and studies of the employees of the system of the National Bureau of Enforcement;
- g) Preparation of the material of legal character, related to the enforcement, textbooks or recommendation material to be published by the National Bureau of Enforcement;
- h) In the frames of competence, carrying out other duties assigned by the chair of the National Bureau of Enforcement and the deputy in charge. (7.04.2010 N 82)

6. Extracted.

7. Financial and Accounting Office ensures:

- a) Management and organization of financial-economical system within the National Bureau of Enforcement;
- b) Presenting projects and proposals to the Chair of the National Bureau of Enforcement for rational distribution of provided funds;
- c) Drafting a balance;
- d) Preparing the project for expense accounting of the National Bureau of Enforcement;
- e) Financing the studies fostering the qualification of the employees of the National Bureau of Enforcement;
- f) Holding an inventory in the system of the National Bureau of Enforcement of assets, financial means and items of financial-material value;
- g) Carrying out the duties pursuant to the rules prescribed by the law and fulfilling assignments of the chair of the National Bureau of Enforcement in scope of competence.

7¹) **Material-Technical Provision Office ensures:**

- a) Material and technical servicing The National Bureau of Enforcement and its territorial bureaus;
- b) Holding an inventory of basic means and material values of the National Bureau of Enforcement;
- a) Securing the items of material value accounted to the balance of the National Bureau of Enforcement;
- c) Organizing a central system of supplies;
- d) Managing the economical activity;
- e) Following the fire safety rules at the National bureau of Enforcement;
- f) Managing the economical activities of the storage facility;
- g) Carrying out the duties pursuant to the rules prescribed by the law and fulfilling assignments of the chair of the National Bureau of Enforcement in scope of competence.

7²) **Procurement Office ensures:**

- b) Organizing the state procurement within the National Bureau of Enforcement;
- c) Preparing the annual plan of state procurement and defining the form of procurement based on the annual value of the item to be purchased;

- d) Organizing tender announcements, preparing tender documentation, making agreements with suppliers and providing control over implementation of the agreements;
- e) Carrying out the duties pursuant to the rules prescribed by the law and fulfilling assignments of the chair of the National Bureau of Enforcement in scope of competence.

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8. (Extracted-17.01.11 #9)

9. Extracted

10. Office of Human Resources Management ensures:

- a) Preparing proposals about the structural improvement and reorganization of the system of National Bureau of Enforcement, optimization of staff units and their rational use;
- b) Creating the job description forms and participation in preparing the job description for every position provided in the structure;
- c) According to the job description, searching for the adequate personnel, attracting, selection, recruitment, as well as creating the personnel reserve of the professionals and their proper use;
- d) Gathering statistical data about the turnover of the employees and its analysis;
- e) According to the regulation, organizing the internships in the system of the National Bureau of Enforcement and participation in the final evaluation of the interns;
- f) Tending to the staff development-consistently defining the training needs and ensuring the implementation of the corresponding training programs;
- g) Organization of the attestation of the public servants of the system of the National Bureau of Enforcement; *(30.07.2010 N 143)*
- h) Creating the employee evaluation system and implementing it;
- i) Implementing the system of bonuses based on the effective and objective-transparent evaluation system;
- j) Carrying out the necessary activities (surveys, non-formal meetings, etc.) necessary for implementing highly developed corporate culture based on corporate values;
- k) Creating the regulations of the National Bureau of Enforcement and the employee guide and introducing it to the employees;
- l) Calculating the staff employed in the system of the National Bureau of Enforcement;
- m) In the frames of the competence of the National Bureau of Enforcement, appointing and dismissal of the employees of the National Bureau of Enforcement system and preparation of other orders and projects related to human resources, as well as registration of the orders issued by the chair of the National Bureau of Enforcement and other entitled persons;

- n) Preparing the documentation about the movement from one to another position of the personnel of the National Bureau of Enforcement system, their bonuses, imposing discipline measures, as well as granting a special rank to the employees of the enforcement police Office; (30.07.2010 N 143)
- o) Calculation of the years served and the length of service of the employees of National Bureau of Enforcement system, calculation and processing of personal files, as well as recording of the archive personal files and corresponding informational database; (30.07.2010 N 143)
- p) Preparation of the documentation to ensure the provision of pension to the employees that resigned from the National Bureau of Enforcement system;
- q) Issuing the service certificates to the employees and identification of the identification number to be issued to the bailiff upon appointing him to the position;
- r) In accordance to the regulations approved by the minister of justice, issue of the certificate confirming the right of public servants to carry the service fire-arms;
- s) In the frames of the National Bureau of Enforcement system, implementing the measures of civil security and mobilization;
- t) Carrying out the other duties of the chair of the National Bureau of Enforcement, in the frames of competence.

11. Valuation Office ensures:

- a) Upon the demand of the bailiff, as prescribed in article 47 of the law of Georgia “on enforcement proceedings”, evaluation of seized property in regard with the market value;
- b) Preparation of report on the evaluation of the seized property and transferring it to the corresponding bailiff;
- c) Participating in the dispute related to the evaluation of seized property;
- d) Providing evaluation services upon the address of a person to the National Bureau of Enforcement;”
- e) In scope of competence, carrying out other duties assigned by the chair of the National Bureau of Enforcement.

12. Special Office for Enforcing cases from the State Budget, except if creditor’s demand is secured by seizure or mortgage ensures:

- a) Compulsory enforcement of cases from the state budget on the entire territory of Georgia pursuant to the rules prescribed in Article 2 of the Law of Georgia on “Enforcement Proceedings”.
- b) Compulsory enforcement of cases from the local self government budget on the entire territory of Georgia pursuant to the rules prescribed in Article 2 of the Law of Georgia on “Enforcement Proceedings”.
- c) Compulsory enforcement of cases from the legal entities of public law on the entire territory of Georgia pursuant to the rules prescribed in Article 2 of the Law of Georgia on “Enforcement Proceedings”.
- d) Assignment ordered by the Chair of the National Bureau of Enforcement or other assignments.

13. Case Management Office ensures:

- a) Performing case management pursuant to the general rules and instructions on “Enforcement Proceedings” at the National Bureau of Enforcement and its territorial unit- Tbilisi Bureau;
- b) Establishing and supervising a unified practicing methods and monitoring at the National Bureau of Enforcement and its territorial units;
- c) Filing and Archiving of concluded case management and enforcement cases.
- d) Availability of public information and accessibility pursuant to the rules prescribed by the law;
- e) Processing the information from the territorial bodies and units of the National Bureau of Enforcement in scope of competence;
- f) Preparing references and records from the debtor’s registry pursuant to the rules of the debtor’s registry proceedings;
- g) Assignments ordered by the Chair of the National Bureau of Enforcement or the supervising deputy.

of Summary Proceedings ensures:

- a) Performing Summary Proceedings on monetary debt payment claims pursuant to the rules prescribed by the Law of Georgia on “Enforcement Proceedings”.
- b) Preparation of decisions and orders of the Chair of the National Bureau of Enforcement in scope of Summary Proceedings;
- c) Examination of the application and attached documentation, identification of flaws, return of the application to the applicant, submission of the notification to the respondent, preparation of relevant documentation for dispute settlement, monitoring of dispute settlement, implementation of reporting;
- d) Imposing or releasing the seizure on respondent’s registered property during the summary proceedings pursuant to the rules defined by the law;
- e) Clarification of conditions of Summary Proceedings and fostering the dispute settlement;
- f) Enforcement of Debt Payment Order pursuant to the rules defined by the law;
- g) Performing other functions related to Summary Proceedings;
- h) Fulfillment of other assignments of the Chair of the National Bureau of Enforcement and the responsible Deputy In scope of competence.

Decree # 242-SSM III, # 155 of the Minister of Justice of Georgia, October 24, 2008, 24.10.2008; Art.1540

Decree # 302-SSM III, # 183 of the Minister of Justice of Georgia, December 24, 2008, 25.12.2008; Art.1869

Decree # 141-SSM III, # 90 of the Minister of Justice of Georgia, July 21, 2009, 22.07.2009; Art.951

Decree # 209-SSM III, # 135 of the Minister of Justice of Georgia, November 2, 2009, 02.11.2009; Art.1544

Decree # 230-SSM III, # 157 of the Minister of Justice of Georgia, December 25, 2009, 25.12.2009; Art.1886

Decree # 28-SSM III, # 14 of the Minister of Justice of Georgia, February 4, 2010, 05.02.2010; Art.167

Decree # 29-SSM III, # 15 of the Minister of Justice of Georgia, February 9, 2010, 10.02.2010; Art.177
Decree # 47-SSM III, # 25 of the Minister of Justice of Georgia, March 9, 2010, 10.03.2010; Art.375
Decree # 82-SSM III, # 36 of the Minister of Justice of Georgia, April 7, 2010, 07.04.2010; Art.600
Decree # 86-SSM III, # 40 of the Minister of Justice of Georgia, April 14, 2010, 15.04.2010; Art.629
Decree # 143-SSM III, # 93 of the Minister of Justice of Georgia, July 30, 2010, 30.07.2010; Art.1373
Decree # 149-SSM III, # 98 of the Minister of Justice of Georgia, August 11, 2010, 12.08.2010; Art.1470
Decree # 211-SSM III, # 144 of the Minister of Justice of Georgia, November 8, 2010, 08.11.2010; Art.2058
Decree # 232-SSM III, # 166 of the Minister of Justice of Georgia, December 20, 2010, 20.12.2010; Art.2382
Decree # 9 of the Minister of Justice of Georgia, January 17, 2011- Website, 17.01.2011
Decree # 81 of the Minister of Justice of Georgia, July 1, 2011- Website, 01.07.2011
Decree # 96 of the Minister of Justice of Georgia, July 26, 2011- Website, 26.07.2011
Decree # 146 of the Minister of Justice of Georgia, November 21, 2011- Website, 11.11.2011
Decree # 151 of the Minister of Justice of Georgia, December 1, 2011- Website, 01.12.2011
Decree # 78 of the Minister of Justice of Georgia, May 17, 2012- Website, 17.05.2012

Article 8. Supervision of the structural units and territorial authorities of the National Bureau of Enforcement

1. Structural unit of the National Bureau of Enforcement is headed by a chair, which is appointed and dismissed by the chair of National Bureau of Enforcement upon the agreement with the minister.
2. The chair of the enforcement police Office is appointed and dismissed by the chair of National Bureau of Enforcement upon the agreement with the minister.
3. The chair of the enforcement B.-the territorial authority of the National Bureau of Enforcement- is appointed and dismissed by the chair of National Bureau of Enforcement upon the agreement with the minister.

Decree # 23-SSM III, # 10 of the Minister of Justice of Georgia, January 26, 2009, 26.01.2009; Art.99
Decree # 143-SSM III, # 93 of the Minister of Justice of Georgia, July 30, 2010, 30.07.2010; Art.1373
Decree # 9 of the Minister of Justice of Georgia, January 17, 2011- Website, 17.01.2011

Article 9. Functions and responsibilities of the chairs of departments of the structural units of the National Bureau of Enforcement and Offices under their supervision

1. Head of the service:
 - a) Supervises and manages the activities of the service;
 - b) Distributes the duties among the personnel of the service, assigns them the tasks and instructions;
 - c) Carries out the control over the carrying out the official duties of the service personnel;
 - d) Signs and directs the documents prepared in the service;
 - e) Presents the report to the chair of National Bureau of Enforcement about the activities of the service;
 - f) In the frames of his competence carries out other duties assigned by the chair of the National Bureau of Enforcement or his deputy in charge;
2. The chair of the department:
 - a) Supervises and manages the activities of the department;
 - b) Distributes the duties among the personnel of the department, assigns them tasks and instructions;
 - c) Carries out the control over the personnel conducting their work duties;
 - d) Approves the documents prepared in the department;
 - e) Presents the report to the chair of service about the activities of the department;
 - f) In the frames of his competence carries out the duties assigned by the chair of the National Bureau of Enforcement, deputy in charge and other senior management.

Decree # 209-SSM III, # 135 of the Minister of Justice of Georgia, November 2, 2009, 02.11.2009; Art.1544

Decree # 230-SSM III, # 157 of the Minister of Justice of Georgia, December 25, 2009, 25.12.2009; Art.1886

Article 10. Property of the National Bureau of Enforcement

1. In order to reach the objectives and carry out its functions, the National Bureau of Enforcement is granted corresponding property from the state which appears on it balance, based on legislation.
2. The property on the balance of the National Bureau of Enforcement consists of basic and movement means, other material valuables, financial resources and non-material assets, purchase and use of which is done according to the legislation.

Article 11. Financial support of the National Bureau of Enforcement

1. The sources for financing the National Bureau of Enforcement are the following:
 - a) Sources allocated from the state budget

- b) Income received for the services rendered by the National Bureau of Enforcement;
 - c) Appropriate credits and grants;
 - d) Other income defined by the Georgian legislation.
2. Means and income indicated in paragraph one of these articles is fully used for the goals and tasks of the National Bureau of Enforcement. Use of the funds of the National Bureau of Enforcement for other purposes is prohibited.
 3. The National Bureau of Enforcement is obliged to carry calculation of the financial-economic activity, make a financial balance and present it to the ministry.
 4. Allocation of the income received by the National Bureau of Enforcement and the relations with the budget are centralized.

Decree # 9 of the Minister of Justice of Georgia, January 17, 2011- Website, 17.01.2011

Article 12. State control of the National Bureau of Enforcement

1. The National Bureau of Enforcement is under the state control, which includes the supervision of the lawfulness of its activities, its purposefulness and effectiveness.
2. The controlling authority over the National Bureau of Enforcement is the ministry of justice of Georgia, which is entitled to demand the material and information necessary for carrying out the control.
3. The ministry is responsible to stop or cancel the unlawful decision of the National Bureau of Enforcement.
4. The National Bureau of Enforcement upon the agreement of the ministry, in accordance with the legislation, can carry out the following actions:
 - a) Purchase, transfer and allocation of the immovable property;
 - b) Taking a credit;
 - c) Guaranteeing;
 - d) Define the staff list and the salary fund;

d¹) Define the limit of the financial means to be allocated for employee bonuses, as well as the fuel to be purchased and the communication expenses; (25.12.2009 N 230)

- e) Other activities related to the property of the National Bureau of Enforcement, if it exceeds the limits of general activities.
5. Any decision taken by the ministry as an authority carrying out the state control or refusal upon the carrying out the actions defined in paragraph 4 of this article should be grounded and is a subject to appeal in court.

Decree # 230-SSM III, # 157 of the Minister of Justice of Georgia, December 25, 2009, 25.12.2009; Art.1886

Article 13. Reorganization and liquidation of the National Bureau of Enforcement

1. Reorganization and liquidation of the National Bureau of Enforcement is carried out in accordance with the legislation.
2. The property left upon the liquidation of the National Bureau of Enforcement is transferred into state ownership.

Article 14. Extracted

Decree # 9 of the Minister of Justice of Georgia, January 17, 2011- Website, 17.01.2011