

## **Checklist for Enacting Normative Administrative Decrees Pursuant to the General Administrative Code of Georgia\***

1. Do you represent an administrative agency? *Article 2, Paragraph 1, Subparagraph (a)*
2. Do you know the difference between an administrative act and a normative administrative decree? *Article 2, Paragraph 1, Subparagraphs (d) and (e)*
3. Do you enact normative administrative decrees? *Article 2, Paragraph 1, Subparagraph (e)*
4. Do you observe the Law on Normative Acts and the requirements established by the General Administrative Code when drafting a normative administrative decree? *Chapters 4 and 15*
5. Do you observe the general rules of drafting a normative administrative decree when enacting the decree? *The Law on Normative Acts, Chapter 3; The General Administrative Code, Chapter 15*
6. Do you know that unless otherwise established by any law, a normative administrative decree shall be enacted according to the rules of public administrative proceeding? *Article 210, Paragraph 2; Chapter 9*
7. Do you know that the proceeding to enact a normative administrative decree may be based on both your initiative and an appeal of a natural or an administrative person? *Article 211, Paragraphs 1 and 3*
8. Do you know that in order to commence the administrative proceeding to enact a normative administrative decree you should enact an administrative act thereon? *Article 211, Paragraph 2*
9. Do you know that an administrative agency shall publish the draft of a normative administrative decree and a notice regarding commencement of the respective administrative proceeding? *Article 213*
10. Do you know that according to the law, you may have to send your draft of an administrative normative decree to another administrative agency to solicit its expertise? *Article 214*
11. Do you know that the law may require the opinion of a public expert on a draft normative administrative decree? *Article 214, Paragraph 2; Article 215*
12. Do you know that anyone may submit his/her opinion regarding a draft normative administrative decree and that you shall review all the opinions? *Article 216*
13. Are the normative administrative decrees that you enact well founded? *Article 53*
14. Do you observe the statutory requirements for the entry into force of normative administrative decrees? *The Law on Normative Acts, Chapter 3; The General Administrative Code, Article 217*
15. Do you know how to amend a normative administrative decree? *Article 63*
16. Do you know that a person may file a complaint with a higher official (administrative agency) or a lawsuit with court against a normative administrative decree? *Article 178*

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\* Please also see the following normative acts: the Law of Georgia on Normative Acts (October 29, 1996), the Decree No. 326 of the President of Georgia on the Drafting, Enacting, Promulgating and Effect of the Normative Acts of the Executive Branch (May 17, 1998), and the Uniform Rules of Case Management, approved by presidential decree (No. 414, July 1, 1996).

17. Do you know that an administrative agency shall review the administrative complaint regarding a normative administrative decree through special proceeding? *Chapter 13*
18. Are you familiar with the grounds and results of nullification of normative administrative decrees? *Article 60, Paragraphs 1 and 7*
19. Are you familiar with the grounds and results of invalidation of normative administrative decrees? *Article 61, Paragraphs 2 and 6*
20. Do you know how to partly nullify or invalidate a normative administrative decree? *Article 62*
21. Do you know that you may face legal responsibility for the damage caused by the normative administrative decree enacted by you? *Chapter 14*