

Decree N 670
of President of Georgia
November 17, 1997
the city of Tbilisi

On Statute of Ministry of Agriculture and Food of Georgia

1. To approve the enclosed Statute of Ministry of Agriculture and Food of Georgia.
2. To deem as invalid Decree N 260 of President of Georgia On Approval of Statute of Ministry of Agriculture and Food of Georgia of April 8, 1996.

Eduard Shevardnadze

*Approved
by Decree N 670
of President of Georgia
of November 17, 1997*

STATUTE OF MINISTRY OF AGRICULTURE AND FOOD OF GEORGIA

I. General Provisions

1. The Ministry of Agriculture and Food of Georgia (hereinafter - the Ministry) is established and carries out its activity under the Law of Georgia On Rule of Structure and Activity of Executive Power.

The Ministry legal address is 41, Kostava street, Tbilisi, 380023.

2. the Ministry is the state governmental institution that performs the executive power for providing of the state government in the agriculture and food sector (hereinafter - the sector) proceeding from the law on executive power and instructions passed by the President of Georgia on the legal grounds.
3. The Ministry is accountable for the entrusted tasks before the President of Georgia.
4. The normative acts passed by the Ministry within its terms of reference in accordance with the laws of Georgia and acts of President of Georgia are binding upon legal and natural persons all over the territory of Georgia.
5. The Ministry has got the Statute, independent balance sheet, current account with the bank, special account with the treasury, estimate and seal with the National Emblem.

The financing source of the Ministry is the national budget.

the Ministry is entitled to receive subsidies, donations, other non-budgetary income and is accountable for their purposeful use.

6. The Ministry is based on the one management principle. The Ministry official has no right to hold another post in the public service simultaneously.
7. The terms of reference of Ministry are established by the law or under the law. The Ministry is not entitled to assign the rights and duties which are covered by its competence to another governmental or non-governmental institutions unless the law of Georgia provides otherwise.

8. The Ministry issue the acts within its terms of reference under the Constitution of Georgia, other laws, acts of President of Georgia and resolutions of Parliament of Georgia and in pursuance in them.
9. The Ministry may dispose the state jurisdiction institutions financed from the national budget the main task of which is not performance of the executive power.
10. A state jurisdiction institution is established, reorganized and terminates its activity by the decree of President of Georgia or by the Ministry on the ground of procedure determined by the President of Georgia.
11. The statute of that state jurisdiction institution which is established by the order of Ministry of Agriculture and Food shall be approved by the Minister of Agriculture and Food of Georgia.
12. The Ministry and state jurisdiction institutions under its authority are entitled to perform the state representation within the execution of the tasks entrusted to them under the law of Georgia.
13. The minister or a person authorized by him/her is the representative of Ministry.
14. The Ministry is divided into structural units in accordance with the Statute on Ministry.
15. For working out its policy in the management sphere, making decisions on strategic matters and coordinating actions with the state structures the minister creates the collective advisory body, the Council composed of officials of the ministerial system and managers of the ministries and departments concerned as well.
16. The structural units of Ministry obtain no executive power towards those persons who are not public servants in the Ministry.
17. The terms of reference of Ministry structural units are determined by the statute to be approved by the minister.
18. The competence of that department, inspection, main department, division, service, other structural unit which is included in the Ministry system, to perform the management function, state supervision and, in cases specified by the law, the state enforcement, is determined by the law and the statute approved by the Ministry.

II. Aims, Sphere, Functions and Tasks of Ministry

19. The aims, sphere, functions and tasks of the Ministry are:
 - a) Promotion of production and improvement of the living standards of population within the process of transformation of the agricultural and

industrial and food complex with respect of the maximum saving of the natural resources and points determined by the agrarian policy conception.

- b) Implementation of the agrarian reform based on the national traditions and international experience, contribution to the formation of a wide strata of private producers of the agricultural product as the social-economic unit, complex settlement of problems of development of agriculture, arrangement of cooperation and integration of science, agriculture and industry.
- c) Promotion of domestic food market and competitive ability of producers of the domestic products, entire use of export opportunity, searching for the stable position on the foreign market.
- d) Contribution to the coordination of interests of producers and consumers, arrangement of ensuring of production of eco-friendly agricultural products and food safety for population.
- e) Introduction of international experience in production and sale of agricultural products and food, coordination of the international aid, its effective use.
- f) Providing the state administration of the sector as system.
- g) Working out strategy and policy in the sector, planning and forecasting, presentation of proposals and projects to the President of Georgia, providing execution of the passed decisions.
- h) Preparation of bills and drafts of other normative acts for the formation of legislative basis of sector functioning and reforms or participation in their preparation.
- i) Participation in the purposeful and organized execution of restructuring and reorganization and privatization of enterprises in the sector.
- j) Formation of the adequate capability of the market economy in various management links in the sector.
- k) Searching for and analyzing, systematization, forecasting and dissemination of information of the state and trends of the domestic and foreign market. Consulting and assistance in organization and management of enterprises and social system, in development of integration processes in the sector.
- l) promotion of formation of the market infrastructure (wholesale markets, stock exchanges, intermediary companies, crediting unions and partnership, insurance and pension institutions).
- m) stimulation and development of melioration, plantation, selection, seed-farming, testing and protection of species, protection of plants, veterinary, agronomic-engineering-technical and other services.
- n) Promotion of regulation of production and sale of agricultural and food products, state licensing of consumer's production of food products, arrangement of quality control and certification within its terms of reference.

- o) Arrangement and registration of testing of plant protection means, fertilizers, veterinary means, bioeneroactivity in crops and cereals. Issuing permits for their use and rendering control over their use under agreement with the Ministry of Health of Georgia and Ministry of Environment and Natural Resources Protection of Georgia. Protection of the territory of country from penetration of the quarantine objects, arrangement of control of the quality of seeds, state supervision over the technical condition of the self-propelled and other vehicles (except motor-cars).
- p) Participation in elaboration and implementation of measures for the complex development of the countryside as a single social and economic unit in cooperation with the other central departments, authorities of the autonomous republics, regions and areas.
- q) Performing functions of the state property management in the sector within the delegated powers.
- r) Organizational and methodical management, assistance and consulting of the agriculture and food levels of management of the autonomous republics and other administrative territorial units.
- s) Arrangement of the scientific and consulting service, mastering of the professional experience and improvement of skills of entities employed in the sector.
- t) Promotion of activity of non-governmental structures in the agricultural and food sectors (unions, associations and other public organizations), systematic cooperation with the public.
- u) Participation in the elaboration of financial and economic policy and effect on the food market though implementation of this policy by the formation of appropriate resources, providing strengthening and stability of the market.
- v) Formation of resources for the state needs and reserves and supervision over their use.
- w) Establishment of international relations in the sector, participation in the development of international cooperation.
- x) Obtaining within its terms of reference the information from the authorities, natural and legal persons, processing and analyzing of this information.

III. Powers of Ministry

20. The Ministry has the right:

- a) to participate in elaboration of the economic and social policy of the country, bills, drafts of regulatory acts, state programs and national budget;
- b) to request and get the information allowed by the law and required for its activity from the authorities, legal and natural persons;

- c) to render control over the implementation of programs and projects for the development of sector, obtain reports from the participants in accordance with the established order;
- d) within its terms of reference and in accordance with procedure established by the law to work out and pass the legal acts of normative and individual nature, instructions, standards for entities and demand their execution; to provide under the procedure determined by the law the eradication of illegal acts, to seek the compensation for the loss and damage;
- e) to present to the President of Georgia proposals of correction of policy in the sector, making amendments in the resolutions or their abrogation;
- f) to prepare conclusions and observations on bills, drafts of enactments of President of Georgia and other documents;
- g) in case of interference of the authorities, public associations, legal and natural persons in the matters covered by the competence of Ministry to demand its termination; to arise the appropriate suggestion before the President of Georgia;
- h) according to the applicable rule to establish relationship with the appropriate state bodies of other countries and international organizations as well as with legal and natural persons, to enter into agreements with them on behalf of the state within its terms of office or in the event of granting of the appropriate powers to it;
- i) to create the advisory and problematic commissions, councils with participation of representatives of public organizations, scientists and experts;
- j) to arrange auctions, competitions, tenders for revealing of participants in the state and international programs in the sector and executors of the state orders (in case of need), to make contracts with them in accordance with the established order;
- k) to exercise the powers established by the Law of Georgia On Entrepreneurs towards the treasury enterprises established by the Ministry, limited liability companies and that state property the management of which is delegated to the Ministry;
- l) to guide directly the work of departments, services and organizations under its jurisdiction, to carry out their reorganization, liquidation, create new structures in accordance with the current procedure;
- m) to manage the staff policy, create the system for training, retraining and improvement of skills of personnel;
- n) to examine the applications of citizens on issues covered by the competence of Ministry and make appropriate decisions;

o) to exercise other powers determined by the law of Georgia, enactments of President of Georgia and this Statute.

21. The Ministry is obliged:

- a) to report periodically to the President of Georgia on application and implementation of powers granted to the Ministry;
- b) to ensure performance of the entrusted tasks and functions;
- c) to execute the tasks and instructions of President of Georgia in time and at quality level;
- d) to present in the fixed term and according to the requirements the projects and proposals for elaboration of bills, indicative plans, national budget, state programs and other acts;
- e) to cooperate closely with the central and regional (municipal), autonomous republics and other administrative and territorial units bodies of legislative, executive and judicial authorities;
- f) not to allow the interference into the competence of other bodies;
- g) to cooperate with the public associations, to provide the systematic relations with the public directly and via mass media;
- h) warning the competent bodies to suspend the effect of own decisions and enactments and in the case of establishment of their illegality to abrogate or revise them;
- i) to present reports in the fixed term and established form to the appropriate state bodies;
- j) to respond for the passed decisions, and for the loss or damage suffered due to those decisions in accordance with the procedure established by the law;
- k) to appear at the court as a party and on institution of an action to be exempted from payment of the state duty;
- l) to perform other duties determined by the law and this Statute.

IV. Organization and Structure of Ministry Activity

22. The Ministry includes the officials, structural units, departments under its jurisdiction, main departments, divisions, inspections, services, regional (municipal) divisions, enterprises and regional (municipal) departments of agriculture and food; the Ministry performs the organizational and methodical management of the appropriate structural units of the autonomous republics, certain departments and other administrative and territorial units. The main aims and purposes of its activity are determined by the Statute to be approved by the minister.

23. The Ministry is headed by the minister who is appointed to this post by the President of Georgia with consent of the Parliament. The President of Georgia releases the minister from its post as well.

24. The minister as the head of Ministry:

- a) is in charge of the Ministry and regulates the matters covered with the sphere of jurisdiction of the Ministry;
- b) is responsible for the performance of the Constitution of Georgia, laws of Georgia, decrees and regulations of the President of Georgia, resolutions of the Parliament in the sector of agriculture and food;
- c) makes decisions on the matters under the jurisdiction of Ministry if passing of decisions on such matters is not entrusted to the state jurisdiction institutions or officials under the law or enactments of President of Georgia;
- d) supervises over the performance of assignments by the Ministry structural units and state institutions under the jurisdiction of the Ministry and executes the official control over the decisions and work of the Ministry public services in accordance with the procedure established by the law;
- e) within the terms of his/her office appoints and releases advisers to minister, heads of the Ministry structural units, heads of the Ministry territorial divisions under the agreement with the appropriate local bodies of public authorities, other servants provided by the staff schedule of Ministry;
- f) appoints and releases the heads of state jurisdiction institutions in accordance with procedure established by the law;
- g) nominates candidatures of first deputy minister, deputies minister, other officials of the sector to the President of Georgia; put forward proposals to the President of Georgia on annual revenues and expenditures of the Ministry and, in case of need, the additional draft budget; makes decisions on the purposeful use of budgetary funds and responds for the purposeful performance of the budget;
- h) approves the estimates of state institutions under the jurisdiction of Ministry according to the national budget, performs allocation of money and other means required for them, renders the control over use of those moneys and in the case of need issues instructions on the use of budgetary and non-budgetary funds;
- i) in coordination with the Ministry of Finance approves the estimate of non-budgetary funds, rule of their spending and responds for its performance;
- j) draws up the structure of state institutions under jurisdiction of the Ministry, the rules of their record-keeping except the cases when they are established by the superior legal enactments;

- k) puts forward proposals to the superior bodies for making decisions on the matters not covered by the competence of Ministry;
- l) reports to the President of Georgia on the work of Ministry;
- m) performs other assignments entrusted to him/her by the laws of Georgia, decrees and regulations of the President of Georgia;
- n) agrees the decisions with appropriate ministries and government institutions on such matters covered by the jurisdiction of Ministry those concerning the jurisdiction sphere of other ministries or government institutions. In case of default the matter shall be considered at the government session and decision is made by the President of Georgia;
- o) responds for protection and use of the state-owned property and regulates this activity in accordance with the procedure established by the law;
- p) the Ministry structural units apply to the Parliament of Georgia or the President of Georgia through the minister;
- q) represents the Ministry in terms with other bodies and organizations;
- r) guides the activity of departments, services and organizations of Ministry and those ones under its jurisdiction;
- s) directly as well as through the deputies minister and heads of services and organizations settles the matters determined by the aims, functions and powers of the Ministry;
- t) determines the functions of deputies and other officials and their responsibilities;
- u) approves the statutes of structural units and organizations, public enterprises established by the Ministry, charters of limited liability companies, statutes of the jurisdictional institutions as per item 9 of Chapter I. agrees the statutes of appropriate departments of executive power of the autonomous republics;
- v) approves the statutes of Ministry territorial bodies;
- w) coordinates the candidatures of heads of ministries of agriculture and food of the autonomous republics; under nomination of regional, local, municipal administration bodies appoints and releases the heads of appropriate structural units; exercises other powers vested in him/her by the law of Georgia, enactments of the President of Georgia and this Statute;
- x) creates the commission of representatives of different governmental and state jurisdiction institutions the composition of which shall be approved and appointed by the President of Georgia or the State Minister of Georgia under commission of the President.

V. Acts of Minister

25. The minister issues orders under the law and in pursuance of it as per Article 31 of the Constitution of Georgia.
26. The minister signing the order is responsible for the legality and expedience of it.
27. The order of minister is an authorizing or prohibiting enactment. It shall indicate the legislative norm on the grounds and in pursuance of which the order is issued.
28. The draft of normative act of minister is issued to the Ministry of Justice which shall make inference on the compliance of it with the legislative acts of Georgia and decrees of the President of Georgia within two weeks. The normative act shall be delivered to the Ministry of Justice for registration within 10 days after its signing by the minister.
29. The order of minister shall obtain a title, there shall be mentioned the date and place of its passing, effective date and validity (if passed for the fixed term), signature of the official, registration number, and if the act requires the state registration - code of the state register.
30. An act of the minister, if a normative one, is effective upon its promulgation in the official mass medium unless the same legislative act provides another term; an individual legislative act is effective on the day of its signing and shall be notified to the persons concerned without delay.

VI. Termination of Minister's Powers

31. The matter of termination of the minister's powers is regulated by the Constitution of Georgia in accordance with the requirements of Article 18 of the Law of Georgia On Rule of Structure and Activity of Executive Power.

VII. First Deputy Minister and Deputies Minister, Heads of Structural Units

32. The minister has got the first deputy minister and two deputies the powers of whom are determined by the minister's order.
33. Termination of the minister's powers by the government or on the other grounds shall be the ground for termination of powers of his/her first deputy and deputies.
34. The first deputy minister and deputies minister have no right to participate in the managing, controlling or auditing bodies of the production companies, to carry out entrepreneurship.
35. The first deputy minister is in charge of the work of that structural unit which is passed to his/her jurisdiction by the minister's order.

36. The first deputy minister is in charge of the Ministry work and coordinates the official relations in absence of the minister.
37. The first deputy minister and deputies minister are appointed under the nomination of minister and released by he President of Georgia.
38. One deputy minister performs the function of Parliamentary secretary under commission of the minister.
39. The main structural units of the Ministry are: staff of the minister, departments, inspections, services, main departments, divisions, groups (sectors).
40. Heads of structural units guide the work of those units in accordance with the directions and powers determined by the Statute.

VIII. Official Control

41. The competence of minister in the official control sphere is exercised on the grounds of requirements of Article 45 of the Law of Georgia On Rule of Structure and Activity of Executive Power.

IX. Staff of Ministry

42. The staff of Ministry includes the following divisions:

- minister's staff;
- department of law and relations with the Parliament;
- department of agrarian reform;
- finance and economy department;
- agriculture department;
- food industry department;
- baking products and food department;
- international relations department;
- science and use of nature department;
- administration department.

X. Ministry Territorial Bodies

43. The Ministry has got the following bodies in the administrative-territorial units:
 - in the autonomous republics - ministries of agriculture and food;
 - in regions (in cities) - departments of agriculture and food;

- structural units within the Ministry and appropriate territorial units of the state jurisdiction institutions and organizations.

XI. List of State Jurisdiction Institutions in Ministry Sphere

- Department for Melioration and Water Supply;
- Veterinary Department;
- Department for Fishing “Saktevzi”;
- Department for State Regulation of Wine-growing and Wine-making “Samtresti”;
- Department for Regulation of Mineral and Fresh Waters;
- Department for Cattle-breeding;
- State Inspection of Quality of Bread and Baking Products;
- State Inspection of Quality of Seed;
- Melioration Inspection;
- Main Department of “Saktekzedmkhedveloba” (State Suoervision) Inspection;
- Service for Licensing Production of Food Products;
- Services of Tbilisi, Kutaisi, Rustavi, Poti for Licensing of Food Products;
- Commission for Testing and Protection of Selection Achievements;
- Plant Protection Service including:
 - State Fitosanitary Inspection;
 - Republican Plant Protection Station;
 - Agrochemical and Soil Fertility Service including:
 - Republican Soil Fertility Center;
 - Western Georgia Soil Fertility Center;
 - Georgian Technical and Ecological Research Scientific Center;
 - Agricultural Biotechnology Scientific and Research Center;
- Contingent for driving cattle to the winter pastures inside the country;
 - Adjara pastures administration;
- Agricultural machines experimental station;
- State Agricultural Business Institute;
- Main Department for Material and Technical Supply.

XII. Conclusive Provisions

44. The Statute of Ministry is approved by the President of Georgia.

45. Reorganization and liquidation of Ministry is carried out under the applicable law.