

## BGI Special Alert

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### Georgian Parliament Overrides Presidential Veto and Adopts the Malign Foreign Agents Law

On 28 May 2024, the presidential veto on the internationally denounced bill on Transparency of Foreign Influence (also known as the Foreign Agents Law or simply the Russian Law) was overridden by the parliament, despite intense public backlash and daily mass protests held against its enactment. The operative provisions of the Law shall become effective on the 60<sup>th</sup> day from its publication.

The European Commission for Democracy through Law (the “Venice Commission”), an advisory body of the Council of Europe, described the Law in its Urgent Opinion No. 1190/2024 as “*highly controversial*” and incompatible with the international “*requirements of legality, legitimacy, necessity in a democratic society and proportionality, as well as with the principle of non-discrimination*”.

The Russian Law, which ironically contains the term “transparency” in its name, was substantially amended by the ruling Georgian Dream party in secrecy either during or after the second reading of the bill. According to the above-referenced Urgent Opinion, the “*Venice Commission cannot but express deep concern about such absence of transparency*”.

These non-transparent amendments introduce liability of individuals, which was not envisaged under the initial draft of the Law. Accordingly, the Russian Law establishes an administrative fine in the amount of GEL 5,000 (currently circa USD 1,800) for “*any person*” failing to disclose “*any information*” including, *inter alia*, any personal data (with the exception of state secrets) requested by the authorities for the purposes of registering the “*organization pursuing the interests of a foreign power*”. Such regulation puts any individual or legal person at risk of facing statutory liability if they do not disclose their own or somebody else’s personal data. Moreover, the Foreign Agents Law authorizes the Ministry of Justice to enact further regulations implementing this Law paving the way for the authorities to introduce more repressive rules in even less transparent way.

We share the Venice Commission’s “*regrets that the Georgian parliament did not wait for its opinion before adopting the law, despite the calls by the President of the Parliamentary Assembly and by the Secretary General of the Council of Europe*”.

The Georgian legal community has widely criticized the Russian Law as being unconstitutional on multiple grounds. The Russian Law fundamentally undermines Georgia’s democracy and effectively halts Georgia’s EU integration process, against the aspirations of the overwhelming majority of Georgians.

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