

J u d g m e n t

bs-434-25 (3k-05)

26 July, 2005, Tbilisi

Supreme Court of Georgia Chamber of Administrative and Cases of Other Categories

Composed: M.Vachadze (Chairman),

N.Qadagidze (Presenter),

B.Koberidze

Subject of the Dispute: Compensation for Damage

Descriptive Part:

On 29 May 2004, G.Qobalia's official representative N.Gulua submitted an application to the Tbilisi Circuit Court against respondents: Ministry of Labour, Health and Social Affairs of Georgia, LEPL - Disease Control and Medical Statistics National Center; UNICEF Georgia office and "Green Cross Vaccine Corporation". The Plaintiff sought compensation.

The Plaintiff noted in the application that on 18 March 2002, 12 year old G.Qobalia was vaccinated against Hepatitis B. Examination conducted prior to the vaccination indicated that the child was healthy at that moment. The vaccination was carried out by local pediatrician N.Kviciradze from Tsalenjikha Polyclinic. The Vaccine Material was of Korean origin and it was imported by UNICEF Georgia through humanitarian mission. On 20 March, 2002, the third day after the vaccination G. Qobalia was affected by paralysis (of upper and lower limbs) and fell into a coma.

According to the plaintiff's explanations G.Qobalia cannot move his lower limbs; in the left arm he has 60% movement; and in the right one he has – 70%; he cannot sit up independently; and there is acute pain in the areas of his head and legs. His lungs' capacity is less than 500 tube liters when 1500 is the normal capacity. His consciousness and intellect are normal.

According to the plaintiff the Hepatitis B vaccine imported by UNICEF Georgia was labeled in such a way that there was no notice of side effects, due to which the manufacturer "Green Cross Vaccine Corporation" violated Section 2 of Article 3, and Sections 1 and 2 of Article 6 of the statute on the Protection of Consumers' Rights. If the manufacturer would have given a proper notice on the vaccine the parents would not have allowed their child to be vaccinated. As a reason for the health deterioration, the plaintiff also noted the negligence of respondents LEPL - Disease Control and Medical Statistics National Center and the Ministry of Labour, Health and Social Affairs. The negligence appeared in total disregard of Sections 2 and 3 of Article 3 of the Statute on the Protection of Consumers' Rights. In particular, there was no safety standard developed towards the Korean originated vaccine imported by UNICEF Georgia in this case.

The Disease Control and Medical Statistics National Center and Ministry of Labour, Health and Social Affairs had an obligation to develop a standard as envisaged by law and to stop the sale until the standard was established.

In the plaintiff's opinion Disease Control and Medical Statistics National Center and Ministry of Labour, Health and Social Affairs should not have allowed import of such medicine that did not have notice of those side effects expected after vaccination. They should hold awareness campaigns among the population and explain to the society possible consequences of vaccination. All along UNICEF Georgia should have had a compensation fund in case of vaccination accidents.

The plaintiff indicated article 992 of Civil Code (CC) – Delictual Obligations (torts) as a legal basis for the claim. The plaintiff clarified that harm was caused by the negligence of respondents, which followed by the poor result, established the link between cause and effect of respondents' action (or inaction) and the following result.

According to the aforementioned, the plaintiff sought from the respondents - Ministry of Labour, Health and Social Affairs of Georgia, LEPL - Disease Control and Medical Statistics National Center; UNICEF Georgia office and "Green Cross Vaccine Corporation" 3,7500.000 USD in favor of G.Qobalia. Additionally, they sought a prohibition on the import and sale of vaccination against Hepatitis B produced by "Green Cross Vaccine Corporation".

According to the Tbilisi Circuit Court Administrative and Tax Affairs Chamber's decision of October 11, 2004, the Ministry of Finance was involved as a third party.

The respondent - LEPL - Disease Control and Medical Statistics National Center is one of the actors of the immunization program in Georgia and under that capacity implements the receiving, keeping and distribution of vaccine materials. It submitted a response and requested rejection of the plaintiff's claim because of the following circumstances:

According to the respondent's explanation, modern science cannot detect in 80-90% of cases the root-cause assumed responsible for the disease that affected G.Qobalia. "Green Cross Vaccine Corporation" as a Manufacturer of the vaccination is qualified by the WHO and recommended by UN bodies, and among them UNICEF, in terms of the quality of vaccine manufacturing.

Since Georgia has no national vaccine control system it relies on those standards that are recognized and adopted by the WHO.

According to order #114/o of the Minister of Labour, Health and Social Affairs, vaccination against Hepatitis B should be conducted for children aged between 1-13 years old. G.Qobalia was born on 22 December 1989. When vaccinated the plaintiff was 12 years and 2 months old, and according to the aforementioned order was not within the ambit of the state envisaged vaccination program. "Green Cross Vaccine Corporation" is incorporated in Switzerland's

Berna Biotech pharmaceutical company. WHO recommended the “Green Cross Vaccine Corporation” as a world standard manufacturer and its production is included in WHO’s global program of vaccination and immunization. The representative of the respondent “Green Cross Vaccine Corporation” contended and requested the petitioner’s claim to be rejected for the following reasons:

According to the respondent when using tortious obligation as a legal basis for compensation there should be certain conditions, particularly the damage itself and the causal relationship of the link between cause and result, which qualify as unlawful activity.

The respondent considered that no such link existed between the damage and its activity because a short time had passed between the vaccination and disease detection which is incompatible with the disputed cases in the existing practice and medical literature; there is no biologically accurate mechanism establishing the causal relationship between vaccination and the clinical picture.

Neither of the expert-specialists confirmed the causal link between vaccination and disease.

The representatives from the Ministry of Labour, Health and Social Affairs contended the plaintiff’s claim and requested rejection of the application for the following reasons:

G.Qobalia was 12 year and 2 months old and the vaccination against Hepatitis B was not for the plaintiff.

According to article 1014 of CC (Civil Code) it is established that compensation of harm caused by injury to health encompasses article 1009 of the same code. According to the first section of article 1010 of the same code, a product shall be deemed substandard if it fails to secure the reliability that was expected from this product, having due regard to all circumstances. In the given case the Ministry of Labour, Health and Social Affairs through UNICEF’s assistance imported WHO recommended product produced by “Green Cross Vaccine Corporation” and the fact is that the product was good in more than 160,000 vaccinations conducted in the period between 2001-2002, and the only negative result was in the case of G.Qobalia.

The respondent commented that the disease was diagnosed as encephalomyelitis and its occurrence moment was during the post-vaccination period. Scientists declared this disease within a non-authenticated etiology.

Accordingly it is impossible to link the vaccination against Hepatitis B with the occurred result, so the supposed cause cannot be considered as the cause of the disease.

Therefore, since it is impossible to find a strong link between the alleged cause and the result the plaintiff’s application should not be satisfied.

The third party – The representatives of the Ministry of Finance—supported non-satisfaction of the application and noted that the plaintiff failed to prove the causal link between the

respondents' activity (or inactivity) and the occurred consequences. Even if the plaintiff would have proved that such a causal link existed, there must have been an intentionally unlawful or negligent act. Damage should be compensated by medical institution only when there is faulty action from the respondents, as it is according to article 1007 of the Civil Code. Consequently, the application is not legally grounded and should not be satisfied.

During the main hearings the plaintiff supported her own lawsuit requests and claimed full satisfaction. During the parties' dispute hearing stage the plaintiff removed the second request – to prohibit the respondents importing and selling the vaccination against Hepatitis B manufactured by “Green Cross Vaccine Corporation” in Georgia. Accordingly the subject to be heard at the court was the plaintiff's request to impose on the Ministry of Labour, Health and Social Affairs of Georgia; LEPL - Disease Control and Medical Statistics National Center; UNICEF Georgia office and “Green Cross Vaccine Corporation” payment of 37,500.000 USD in favor of G.Qobalia.

The Tbilisi Circuit Court, Chamber of Administrative and Tax Affairs, in the decision dated 17 December 2004 held – the representative of G.Qobalia's request to claim 3.750.000 USD against the respondents jointly: Ministry of Labour, Health and Social Affairs of Georgia, LEPL - Disease Control and Medical Statistics National Center; UNICEF Georgia office and “Green Cross Vaccine Corporation” was partially satisfied: a) Ministry of Labour, Health and Social Affairs of Georgia and LEPL - Disease Control and Medical Statistics National Center was to pay jointly in the amount of minimum 1000 GEL a onetime salary to G.Qobalia and also to pay jointly a monthly minimum in the amount of 50 GEL until 1 June 2054; the remainder of the lawsuit was not to be satisfied.

The Court Chamber noted in its decision that during the moment of G.Qobalia's Hepatitis B immunization, the order #246/o of the Minister of Health of June 2, 1997 was in force, according to which the calendar of prophylaxis vaccination had been approved— among them the immunization against Hepatitis B. In the mentioned order there are post-vaccination reactions which do not include side effects typical to Hepatitis B vaccination such as: Nerve Paresis, Gymboree Syndrome, Multiple sclerosis and Encephalitis. Thus the Court considers that there is a causal relationship between the vaccination and the result.

The chamber of the court found the existence of the very factor, acute encephalomyelitis, significant, and considered this as establishing a causal relationship between vaccination and the consequence. According to the article 37 of the Georgian Constitution it is the State's obligation to ensure life in a healthy and safe environment. According to the Law on Health Protection the obligation of the State to enforce the right to health is delivered by the Ministry of Labour, Health and Social Affairs, which formulates labour, nutrition, chemical and radiation safety

standards and rules on people's health care. According to article 4 of the same statute, one of the fundamental standards in the health protection policy is delivery of full information regarding population in the field of all existing forms of medical care and the ways of its availability. As for article 15, the Ministry of Health and Social Affairs is in charge of health policy implementation.

According to the section 3, sub-paragraph "d" of article 3 of the statute on Medicines and Pharmaceutical Activities the main function of the Ministry of Labour, Health and Social Affairs is regulating pharmaceutical activities, methodological and instructive documentation and the publishing of information analysis.

The responsibility of the Ministry of Labour, Health and Social Affairs is reflected in the following: taking into account the fact that the Ministry of Labour, Health and Social Affairs' object is the development of state health and strategic-prophylaxis governing; implementation and development of state medical standards; provision of safe environment for human health – the Ministry had an obligation to study and analyze the information which existed for that period on Hepatitis B vaccinations and to deliver it to the population in order to minimize the harmful results and provide information on possible results for the child's legal representatives.

Not fully fixing the side effects of the prophylactic vaccinations in the existing calendar approved by the ministerial order condemned the parents to make a choice between vaccination and possible results.

Section 2 of article 3 of the Statute on Consumer's Rights envisaged that the consumer's right is to know that the production be safe for life, health and environment; this also applies to corresponding bodies and entities in public law. Section 3 of article 3 of this statute mentions this in relation to state determined obligatory requirements, which must ensure consumer's life and health. In case of there existing no standards for products which can probably harm the consumer's life and health, appropriate state bodies have an obligation to ensure the development and implementation of standards, or otherwise, in case of necessity, to stop selling the products.

Within the case files it is found that there was no standard developed by the state for vaccination against Hepatitis B, in this case LEPL - Disease Control and Medical Statistics National Center and the Ministry of Labour, Health and Social Affairs of Georgia.

Article 292 of the CC: the person who with intention or negligent act will harm another person has an obligation to compensate the injured.

The chamber is of the opinion that the causal relationship between the vaccination and the consequence has been established, thus there is the harm. Accordingly, coming with the aforementioned norms the respondents Ministry of Labour, Health and Social Affairs of Georgia, LEPL - Disease Control and Medical Statistics National Center must compensate the damage. As nowadays there are no special norms which regulate the compensation of post-vaccination complications, the court is guided by article 992 of the CC. Along with this, the court takes into account the fact that Ministry's of Labour, Health and Social Affairs of Georgia and LEPL - Disease Control and Medical Statistics National Center's unlawful actions (inactions) contributed to the child's disease, who is now totally vulnerable and in need of qualified medical care and other services. In addition the court takes into account the existing reality and considers that the plaintiff should receive one time pecuniary reimbursement in the amount of 1000 GEL (taking into account minimum wage at the time of reimbursement) and monthly allowance in the amount of 50 GEL (taking into account minimum wage at the time of reimbursement).

The court did not take into account the plaintiff's position towards UNICEF Georgia office and "Green Cross Vaccine Corporation" and noted that UNICEF is a part of the UN which took orders from the Ministry of Labour, Health and Social Affairs of Georgia to import vaccines against Hepatitis B, and that UNICEF with their own finances delivered to Georgia vaccines manufactured by "Green Cross Vaccine Corporation".

"Green Cross Vaccine Corporation" incorporated in Switzerland's Brena Biotech represents a pharmaceutical company. "Green Cross Vaccine Corporation" as a WHO recommended organization, manufacturing vaccines of international standard, is included by WHO to global infection vaccines and immunization program.

Accordingly as well, UNICEF fulfilled the proposal of the Ministry of Labour, Health and Social Affairs of Georgia and with its own funds delivered to Georgia vaccines manufactured by "Green Cross Vaccine Corporation". As a result, neither of the respondents' (UNICEF Georgia and Ministry of Labour, Health and Social Affairs of Georgia) acts are in causal relationships with the following consequences. They did not commit an unlawful act and accordingly this is not their responsibility.

The representative N.Gulua for G.Qobalia; L.Sakvarelidze Disease Control and Medical Statistics National Center and the Ministry of Labour, Health and Social Affairs of Georgia submitted the cassation applications.

The representative N.Gulua for G.Qobalia noted that the decision of Tbilisi Circuit Court Chamber of Administrative and Tax Affairs of December 17 2004 for the part of "Green Cross Vaccine Corporation" is unfounded. In the applicant's opinion the part of the decision for not imposing responsibility on "Green Cross Vaccine Corporation" should be void, because the

vaccination against Hepatitis has such side effects as: general weakness, low blood pressure, breathing difficulties, Autoimmune Disease, Paresis, Encephalitis, Multiple Sclerosis and many others about which the medicine of “Green Cross Vaccine Corporation” did not give notice. With section 2 of article 3 of the Statute on Consumers Rights a consumer has the right to know that the product’s preservation, transportation and its use in common condition is harmless to one’s life, health and environment in addition to not being harmful to his/her property. According to section 1 article 6 of the same statute the manufacturer has an obligation to deliver necessary and true information about the product which will give the consumer a proper choice. By section 2 of article 6 the information about products should contain the notice on harmful substances and its side effects in case of particular diseases. In the given case the mentioned manufacturer - “Green Cross Vaccine Corporation” did not fill these requirements. According to the applicant, they did not know about the side effects hence the health deterioration is the fault of “Green Cross Vaccine Corporation.” Moreover, the court found a causal relationship between the vaccination and the resultant consequence. In addition, one of the reasons for imposing responsibility on the Ministry of Labour, Health and Social Affairs of Georgia and LEPL - Disease Control and Medical Statistics National Center was that they held information about the possible consequences of the vaccination which comes from the statute on Consumers’ Rights. According to the applicant the court did not use aforementioned sections 1 and 2 of article 6 and did not impose responsibility on the manufacturer which has an obligation to deliver the information in a timely manner. Hence in the opinion of the applicant, the “Green Cross Vaccine Corporation” was released without reason from responsibility.

In addition, the applicant’s request would have gained more satisfaction, because the health care and other expenses were more. The difference between the satisfied part and the applicant’s claim was 3,409,430 USD.

Accordingly, the applicant requests the court to declare the decision of December 17, 2004 as void and impose on the respondents: Ministry of Labour, Health and Social Affairs of Georgia, LEPL - Disease Control and Medical Statistics National Center; and “Green Cross Vaccine Corporation” jointly the payment of 3,409,430 USD.

The second cassation applicant – L.Sakvaralidze Disease Control and Medical Statistics National Center in his application noted that the Circuit Court Chamber did not correctly interpret article 992 of the CC. The qualification of the given article contains the unity of those elements which are indicated in this norm: the unlawfulness of the act, fault, existence of damage and causal relationship between the act and consequence. The existence of these elements is unfounded. In the case as there is no single element together with the existence of damage, legal damage cannot be said to have occurred, the claim is unfounded and should not be satisfied. According to the

cassation applicant the court satisfied the plaintiff's request without any examination of what unlawful acts had been committed during the Hepatitis B vaccination; or what kind of role had the Ministry and consequently Disease Control and Medical Statistics National Center played. There was no examination on the basis of unlawful act which indicates that the decision was unfounded.

According to the cassation applicant, the Tbilisi Circuit Court considered the Disease Control and Medical Statistics National Center at fault but did not indicate in what circumstances and on what evidences it based the decision. In the files presented, fault is absent what is not assessed by the court.

In addition the cassation applicant explains that the court would not have used the Statute on Consumers' Rights Protection as the governing Act in determining the legal, economic and social bases of consumers' rights protection when the product according to this statute is goods, service and work. The principle legal relations are regulated by the "Statute on Health Protection". Article 1 of this statute regulates the affairs in the field of citizens' health care between state bodies, physical and other legal entities. The Court used the law which should not have been used; the Statute on Drugs and Pharmaceutical Activities regulated turnover of medical substance coordinating persons' activities and establishes the legal practice of state legal basis guaranteed in this field.

Article 74 of the Statute on Health Protection defined that Georgian Ministry of Health determines the list of contagious and other widespread diseases, works out the study, treatment and prophylaxes wide scale programs.

Thus the import of the vaccine and its use was carried on the basis of this statute within the health care program and with its determined rule.

Hence for all the aforementioned reasons the cassation applicant requested the court to declare the decision of 17 December 2004 void with the purpose of rehearing the case and its return to the same court.

The cassation applicant - Ministry of Labour, Health and Social Affairs of Georgia noted that the Circuit Court did not properly interpret the law and did not use the law that should be used which conditioned unfounded and improper judgment. Hence the cassation applicant claimed to declare December 17, 2004 decision of the Tbilisi Circuit Court Chamber of Administrative and Tax affairs as void and its return for rehearing at the same court.

This cassation applicant based the application mainly on the same circumstances as L.Sakvarelidze Disease Control and Medical Statistics National Center indicated in its cassation application.

Part of the Motivation:

The Cassation Court after examining the case files, hearing the explanations of the parties, studying the basis of the cassation application and lawfulness of the challenged decisions and its validity considers that with the change of alleged decision, new judgment must be delivered. The cassation application of the Ministry of Labour, Health and Social Affairs should not be satisfied, as to the cassation applications of the L.Sakvarelidze Disease Control and Medical Statistics National Center and N.Gulua the legal representative for G.Qobalia should be partly satisfied for the following reasons: The Cassation Court cannot share the opinion of the representatives from the Ministry of Labour, Health and Social Affairs and L.Sakvarelidze Disease Control and Medical Statistics National Center that there is no causal relationship between vaccination and its consequence and confirms the Court's arguments on existence of the post-vaccination acute encephalomyelitis.

The Cassation Court is given to this aforementioned decision because the Circuit Court's examined and presented conclusions on the case which is an evidence according to the section 2 of article 102 of the Civil Procedural Code of Georgia (CPC). The analysis of the given evidence deprives the opportunity to exclude causal relationship, as to the additional and unfounded Cassation claims which will void the conclusions in the case if they are not presented. Particularly with the presented files it is established that G.Qobalia was healthy before the vaccination against Hepatitis B and it is without dispute that his health deterioration matched the post-vaccination period.

The preliminary report by the Salzburg Clinic excludes any other reason; it is noted that presumably vaccination should be reviewed as the cause of Myeloma.

The case file includes Erlanger-Nurnberg Fredrik Alexander University's orthopedic, neurology, pediatric and rheumatology clinic prescription where the diagnosis unequivocally indicates post vaccination encephalomyelitis – with the remainder part acute encephalitis.

In addition M.Iashvili Children Central Hospital's conclusion clearly indicates post-vaccination encephalomyelitis. The same is concluded by team of experts who participated: the director of the Disease Control and Medical Statistics National Center, the specialist from the Ministry of Labour, Health and Social Affairs and the director of M.Iashvili Children Central Hospital in the field of Medical Quality Control.

As to the conclusion carried out by participation of the experts from the WHO, although it suggests that a causal relationship between vaccination and the following consequence can be excluded, in the Court's opinion, it does not give such evidence which can reject G.Qobalia's legal representative's claim. In particular, that the mentioned conclusion cannot confirm the disease's viral characteristics. The link between vaccination and clinical disease is not excluded

because of the indicated lack of data about the exact biological mechanisms resulting from Hepatitis B vaccination.

The Court of Cassation takes into account the very circumstance that the reviewing part of the aforementioned conclusion is not matching the conclusive part; for the court no evidence has preliminary power and the court assesses it with its internal belief and considers this conclusion not a categorical one and a causal relationship between G.Qobalia's disease and the vaccination against Hepatitis B cannot be deemed to be absent.

The Cassation Court pays attention to the factor that the cassation applicants, Ministry of Labour, Health and Social Affairs of Georgia and Disease Control and Medical Statistics National Center have no evidence which might confirm that the disease is a virus which in turn would exclude the vaccination consequence.

According to section 1 of article 102 of the CPC each of the parties should prove the factors on which they base their request and response. With the mentioned article and section 2 of article 407 the cassation court considers it established that in the given case it is post-vaccination acute encephalomyelitis and there is a causal relationship between vaccination and the following consequence.

Based on the above factors the Cassation Court considers that the existence of the damage itself gives rise to obligations which the victim (plaintiff) has a right to claim.

By section 2 of the article 407 of the CPC the Court considers it established that the substance used for vaccination purposes did not have the information on side effects. However it is not a single piece of evidence but numerous confirming side effects followed after vaccination against Hepatitis B such as: Paresis, Nerve Paresis, Gymboree Syndrome, Multiple Sclerosis, Encephalitis and etc.

According to article 26.4 of the Statute on Drug and Pharmaceutical Activities persons involved in treatment substance's supply and its use have an obligation to give information to the Drug Agency about treatment substances' specific interactions which were not indicated in the instruction.

The supply of treatment substances according to section 18 of article 1 of this statute includes substance preparation and production. The Cassation Court considers with the indicated norms that there is no evidence presented by "Green Cross Vaccine Corporation" which will enable it to conclude that the information was really delivered. It is unacceptable to exclude the responsibility of this agency and the Circuit Court's opinion to release "Green Cross Vaccine Corporation" from the responsibility cannot be agreed with.

With all of the aforementioned the Cassation Court agrees that it is a fact that the damage was caused by inactivity which in turn created the basis for the compensation claim according to

article 299 of the CC and the obligation to compensate should be jointly imposed on “Green Cross Vaccine Corporation” and the Ministry of Labour, Health and Social Affairs of Georgia; and according to the principles of articles 4 and 15 of the Statute on Health Protection the Medical Statistics National Center should also be responsible as a core participant of the immunization program.

As to the amount – the Cassation Court pays its attention to the practice of other countries and takes into account that there is no special norm which would determine the complexities of post vaccination and what amount of compensation should be awarded; is of the opinion that the sum should be reasonable with general social-economic development and considers that the imposed amount should not disregard fair legal reimbursement principles and also should be in accordance with the expenses which rendered by the plaintiff. With all the above aforementioned the Cassation Court considers that the compensation amount should be determined as 90 000 GEL which should be imposed jointly on every respondent.

As to the monthly allowance the Cassation Court with the above mentioned circumstances and rehabilitation program presented in the case considers that the Ministry of Labour, Health and Social Affairs of Georgia should pay G.Qobalia 50 GEL as a minimum wage until the period when G.Qobalia will be in a different social position regime, in particular the allowance should be paid until 2054, in which Cassation Court fully shares the Circuit Court’s opinion.

The Cassation Court underlines that the imposed amount includes pecuniary damage, as to the non-pecuniary damage with the absence of such request the Court cannot make it the subject of this judgment.

Taking into consideration all the aforementioned and also the fact that the cassation court doesn’t agree with the Circuit Court on parts of the amount considers that challenged decision should be replaced by the new one.

Resolution Part:

The Cassation Court guided by section 2 of article 1, and article 412 of the CPC

Held:

1. The cassation application of the Ministry of Labour, Health and Social Affairs of Georgia is not to be satisfied;
2. The cassation application of the L.Sakvarelidze Disease Control and Medical Statistics National Center is to be partly satisfied;
3. The cassation application of N.Gulua as legal representative of G.Qobalia is to be partly satisfied;

4. The decision of December 17, 2004 of Tbilisi Circuit Court Administrative and Tax Affairs Chamber is to be changed and the new decision is to be declared;
5. The cassation application of N.Gulua as legal representative of G.Qobalia is to be partly satisfied:
 - a) The respondents - Ministry of Labour, Health and Social Affairs of Georgia, L.Sakvarelidze Disease Control and Medical Statistics National Center; and “Green Cross Vaccine Corporation” should pay jointly 90000 GEL in favor of G.Qobalia
 - b) Ministry of Labour, Health and Social Affairs of Georgia should pay G.Qobalia 50 GEL as a minima wage at the time of payment until the period when G.Qobalia will be in different social position regime, in particular the allowance should be paid until June 1, 2054;
6. The cassation application of N.Gulua as legal representative of G.Qobalia in the remainder is not to be satisfied;
7. The decision of the Cassation Court is final and cannot be appealed.