LAW OF GEORGIA

ON ELECTRONIC COMMUNICATIONS

Chapter I – General Provisions

Article 1 – Scope of the Law

This Law lays down the legal and economic framework for activities carried out through electronic communication networks and associated facilities, the principles for creating and regulating a competitive environment in this field, determines the functions of the national regulatory authority (the Georgian National Communications Commission), and the rights and obligations of natural and legal persons in the process of possessing or using electronic communication networks and facilities, or when providing services via such networks and facilities.

Law of Georgia No1591 of 20 November 2013 – website, 3.12.2013.

Article 2 – Definition of terms used in the Law

The terms used in this Law have the following meanings:

a) subscriber – an end-user who or which is provided with publicly available electronic communication services on the basis of a prior written contract entered into with the provider of electronic communication services;

b) subscriber's individual access system – a technological system, technical facilities and related operational management software resources which ensure the receipt of individual and encrypted digital broadcasting services by subscribers;

c) local access network – operator's wire and cabling (electric wire or optical fibre cable) facilities or wireless (fixed radio frequency or open optical) access technical facilities used for providing electronic communication services in a local service area, in order to convey calls or information signals, or to transmit digital broadcasting signals between the fixed terminal equipment of the end-user and the switching or transmitting station;

d) local service area – a geographical (territorial) segment of a service market where an authorised person provides publicly available electronic communication services to an end-user;

e) authorisation – registration of the activities of a natural or legal person providing public electronic communication networks and facilities and/or electronic communication services, by the Georgian National Communications Commission in accordance with the unified procedure established by this Law;

f) authorised person – any entrepreneurial person, as well as any non-entrepreneurial person registered by the Georgian National Communications Commission and providing electronic communication networks (electronic communication network operator) and/or electronic communication services (provider of electronic communication services);

g) significant joint market power of authorised persons – a significant joint market power of two or more authorised persons over a relevant segment of the service market, which is a situation where an analysis conducted by the Georgian National Communications Commission confirms that the situation created in this segment of the market and characteristics of competition allow them to act in concert and obtain a joint non-competitive advantage in the market even when there are no structural or other types of links, including contractual relations, between them;

h) exhaustible resources – a radio frequency spectrum and/or numbering resources;

i) fee for using exhaustible resources – a fee for using a radio frequency spectrum and/or numbering resources – a sum payable by the permit seeker of a relevant exhaustible resource, the amount and the rules for payment of the fee are determined on the basis of an auction and/or in accordance with the Provision for Holding an Auction for Using Radio Frequency Spectrum and/or Numbering Resources or the Procedures for Issuance, Usage and Payment of the Numbering Resources approved by resolution of the Commission or another procedure established by this Law;

j) indirect access – access provided by the electronic communication network operator, through the networks of another transit (service) operator, for a user or an interested authorised person to the elements of its network, to their functional resources and free capacities, or to the electronic communication service types rendered (or capable of being rendered) with the use of such elements;

k) auction – in the cases provided for by law, a form of obtaining the right to use a radio frequency spectrum whereby a license is granted to a successful bidder at an auction;

l) service market conditions – a situation created in the market by the interaction of structural and dynamic factors and the demand and supply of specific types of services;

m) billing information – data on services provided to users or on the loading of relevant elements of the operator's network (traffic) and on the amount of the operational resources used during a certain period of time, which are shared between operators or provided to an end-user for payment;

n) end-user – a user who uses or intends to use the services provided through public electronic communication networks and associated facilities for personal use and who does not intend to sell them to another user;

o) transfer – partial or full transfer by a licence holder of the rights and obligations under a licence to use a radio frequency spectrum in its possession, in accordance with the procedures provided for by this Law;

p) application program interface (API) – a software interface connecting consumer resources of the service types made available by a provider of digital broadcasting or electronic communication services and the functional resources of the technical facilities of digital broadcasting;

q) access – making available for use by an electronic communication network operator, under the conditions (including tariffs) determined by such operator, of the relevant elements and technical facilities of its own network, as well as of their available functional resources or capacities, or of the types of electronic communication services provided (or capable of being provided) through them, which includes making available for use:

q.a) by the electronic communication network operator of the relevant elements of its physical infrastructure and technical facilities;

q.b) the elements of a local access network and their free resources, including sewage canals and wells, subscriber pairs, masts and poles;

q.c) the co-location area;

q.d) the relevant network elements of fixed and mobile communication network operators, their free operational and functional resources and capacities (including resources related to the provision of roaming);

q.e) a subscriber's individual access system and electronic programme (services) guide;

q.f) the operational software management resources of electronic communication networks and user information databases, and resources related to the portability (translation) of subscriber numbers;

q.g) virtual network services;

q.h) the functional resources and capacities of other relevant elements of an electronic communication network or the types of communication services;

r) persons interested in access and/or interconnection – an authorised person requesting an electronic communication network operator to allow access to the relevant elements of the network and to their functional resources and free capacities and/or to provide electronic communication services;

s) access and/or interconnection provider – an electronic communication network operator that is obliged to provide access to an interested provider to its network, system, network elements, technical facilities, also to their free functional resources and capacities, or to the types of electronic communication services provided (or capable of being provided) through these networks and facilities, and/or to provide interconnection;

t) access (interconnection) point – a point in a co-location area where the responsibility of one operator with respect to the access and/or interconnection ends and that of another provider begins;

u) access (interconnection) tariff – a fee for accessing and/or interconnecting with the network elements of an electronic communication network provider and with its resources and capacities;

v) economic activity – an activity within the meaning of the Tax Code of Georgia;

w) electronic communication services – services provided through public electronic communication networks and facilities and offered by an authorised service provider to an interested operator or user for a certain fee;

x) electronic communications network – a technological system of electronic processing, routing (switching), conveyance and transmission of calls and various information signals, including by wire (including fibre-optic), satellite, radio or optical equipment, and other technological means and operational technical resources including fixed (circuit -and packet-switched, including Internet) and mobile communications, digital broadcasting, and terrestrial broadcasting and cable networks. The provision of state defence, security and law enforcement authorities with electronic communication networks implies the existence of special electronic communication networks;

y) provision of electronic communication networks – the installation of networks, technical facilities or appropriate elements of a network, their operational management and maintenance, and conduct of economic activity via such networks, as well as granting access to interested authorised persons to these elements of the network, and to their resources and capacities;

z) departmental electronic communication network – a network created for non-commercial purposes, which is intended for intraindustrial needs and is connected to a public electronic communication network;

z^1) electronic communication network operator – an authorised person intending to provide or providing public electronic communication networks or relevant network elements, and providing access, for a certain fee, to an interested authorised person to these elements and to their resources and capacities, as well as providing electronic communication services through them to users;

z^2) electronic communication service provider – an electronic communication network operator or an authorised person allowed to access the relevant elements or resources of its network, who intends to provide or who provides electronic communication services through these elements or resources of the network;

z^3) shared access – granting access to two or more authorised persons to separable functional resources or capacities of a specific element of an electronic communication network;

z^4) vertically integrated operator- an electronic communication network operator which owns and uses a full range of relevant network elements or their functional resources during its activity in the relevant segment of the service market, and which significantly controls the whole process of the provision of specific electronic communication services;

z^5) maximum tariff – the upper limit defined by decision of the National Communications Commission of Georgia in the cases determined by the legislation on tariffs for accessing the elements of an electronic communication network;

z^6) co-location – granting access to an interested person to a co-location area of a specific size allocated by an electronic communications network operator, as well as insuring the installation of the person's technical equipment and the conduct of operational services by such person, for the purposes of providing access and/or interconnection to the relevant elements of an electronic communication network;

z^7) interface – a physical or logical form of interaction of the elements of an electronic communication network, of technical facilities and operational software resources and systems, which is determined by common functional, electrical, optical, constructive and other interoperability characteristics, and by uniform requirements with respect to the protocol;

z^8) the Commission – the National Communications Commission of Georgia;

z[9]) preliminary regulation of competition – identification by the Commission of an authorised person with significant market power and imposition on it of specific obligations preliminarily determined by this Law;

z[10]) licence – a special authorisation granting a person the right to use a radio frequency spectrum for a specified period of time and under special conditions;

z[11]) supply-side substitution – the possibility of providing interchangeable service types to users by authorised persons in a competitive service market;

z[12]) acquisition of a significant share – acquisition by an authorised person of an ownership interest in the share capital of another authorised person that allows significant control over the activity of the latter (controlling interest). The acquisition of a significant share determines the interrelation of the persons;

z[13]) significant market power – a significant market power of an authorised person over a relevant segment of the service market, which is a situation where the analysis conducted by the Commission confirms that an authorised person has no competitors, is protected from significant competition or its competitive position allows it to have unilateral substantial influence over this segment of the market and to limit competition;

z[14]) relevant segments of a service market – service types, including interchangeable service types, identified by taking into account factors such as tariffs, conditions, competition, and demand-side and supply-side substitution;

z[15]) relevant geographic boundaries of a service market – a geographical (territorial) segment with homogeneous competitive conditions;

z[16]) user – a natural or legal person who intends to use or that uses electronic communication services;

z[17]) terminal equipment of the user – technical equipment, mobile or located at a fixed address, intended for a subscriber or end-user to receive electronic communication services; such equipment is not part of the operator's network, but is connected to it

z[18]) demand-side substitution – ability of a user to switch to available substitute services that satisfy his/her requirements with a similar price, quality and volume;

z[19]) closely related segments of a service market – relevant segments of a service market where, due to contractual relationships among one or more authorised persons or due to a structural link among their networks, authorised persons may use, separately or in concert, their significant market power in one market segment in order to obtain or strengthen their significant market power in another segment;

z[20]) numbering system – a defined combination of symbols used in the process of providing electronic communication services for identifying an electronic communication operator's network or terminal equipment of a user;

z[21]) numbering resources – a system of symbols existing on the basis of a numbering system, which is used when granting a permit for the use of numbering;

z[22]) direct access – the granting of direct access by an electronic communication network provider to an interested authorised person to the elements of its network, to its functional resources and available capacities;

z[23]) regulatory fee – a fee set on the basis of this Law and the Law of Georgia on Broadcasting;

z[24]) subscriber numbering – a digital system existing on the basis of a numbering system for identifying terminal equipment of the user;

z[25]) public electronic communication network – a unified system of electronic communication networks, which is intended to provide publicly available unlimited electronic communication service to users;

z[26]) harmful interference – interference that endangers the functioning of radio navigation equipment and/or terminal equipment of the user;

z[27]) certificate – a document certifying that properly identified equipment or service complies with the defined requirements;

z[28]) capacity – quantitative characteristic of the functional resources of the element of an electronic communication network;

z[29]) special electronic communication networks – networks physically different from a public electronic communication network and created for non-commercial purposes, for state defence, security or law enforcement measures;

z[30]) specific obligation – an obligation imposed by the Commission on an authorised person with significant market power to ensure competitiveness in the relevant segment of the service market;

z[31]) structural subdivision – the functional subdivision of the internal organisational structure of an electronic communication network operator that performs specific work and provides specific electronic communication services according to the activity of the authorised person;

z[32]) technical facilities – equipment and facilities of an electronic communication network used for forming, processing, conveying, transmitting or receiving electronic communication calls and information signals;

z[33]) technological neutrality principle – a principle, according to which, in making regulatory decisions, vital importance is attached to the type of electronic communication services provided to an end-user rather than to the technologies used for providing such services;

z[34]) transit connection (service) operator – a person who possesses and performs activities through the elements of transit conveyance or transmission networks and connects different operators' networks functioning in one or several local service areas, or conveys and/or transmits information signals of various electronic communication services or of digital broadcasting;

z[35]) traffic – total loading of the network elements and technical facilities of an operator in a specified period of time;

z[36]) interconnection – physical and logical linking of electronic communication networks used by one or several electronic communication network providers in order to allow users of one electronic communication network operator to communicate with users of the same or another electronic communication network operator, and/or to access services provided by another electronic communication network operator, and which is carried out through unlimited, mandatory and non-discriminatory mutual access of providers to the appropriate elements of their networks;

z[37]) (deleted – 28.12.2005, No2564);

z[38]) (deleted – 28.12.2005, No2564);

z[39]) (deleted – 28.12.2005, No2564);

z[40]) interdependence – special relations between interdependent (affiliated) persons that may have direct influence on the terms of transactions made between them or on their economic outcome. Relations shall be deemed special, in particular, where: the persons are founders (participants) of one and the same enterprise and their total ownership interest is at least 20 percent; one person directly or indirectly participates in the enterprise of another person and such participation interest is at least 20 percent; one person, by virtue of his/her position, is subordinated to another person or where one person is directly or indirectly controlled by another person; the persons concerned are branch enterprises or the persons are directly or indirectly controlled by a third person; the persons jointly control a third person directly or indirectly; the persons are relatives (for the purposes of this Law, relatives shall be: family members, direct relatives of ascending and descending lines, a stepchild, a sister and a brother, also, stepchildren of parents and children);

z[41]) interchangeable service types – service types functionally similar by nature, quality, price and other characteristics which, in the aggregate, are so similar that a user changes or is ready to switch from one service to another;

z[42]) interoperability – mutual compatibility and/or mutual controllability of the interfaces, and of technical, operational and functional characteristics of electronic communication networks;

z[43]) wide-screen digital television service – a television service that consists of programmes produced, edited and presented to users in a wide-screen (16:9) format;

z[44]) elements of electronic communications network – functionally separated (or separable) technical or technological facilities that are part of an electronic communication network, and their operational functional resources and capacities, which, by their

characteristics, ensure: conveyance, transmission and routing (switching) of call and information signals; collection of billing information; management and interoperability of the terms and conditions of services provided to an end-user; portability of subscriber numbers; operational, information, ancillary and special services of the operator; synchronisation and signalling of networks; penetration into the call-related databases; multimedia; provision of digital broadcasting; conversion, coding, safety maintenance; paging; television processing of digital data and transmission via the Internet or other protocol, etc.;

z[45]) relevant elements of an electronic communication network – network elements or technical facilities directly related to the provision of electronic communication networks or electronic communication services, and their functional resources, including subscriber's individual access system resources related to the provision of digital broadcasting;

z[46]) free element of an electronic communication network – an element of an electronic communication network, its functional resources or capacity, which is not loaded and which may be used for providing electronic communication services in compliance with operational requirements;

z[47]) merger – in accordance with the Law of Georgia on Entrepreneurs, a combination of two authorised persons into one enterprise, which is a legal successor of the original authorised persons;

z[48]) digital television equipment – terminal equipment of an end-user, connected to or integrated in a television set, and intended for receiving digital and interactive television service;

z[49]) revocation of a licence – declaring as void a decision to issue a licence in accordance with the General Administrative Code of Georgia;

z[50]) person – any entrepreneurial person, as well as any non-entrepreneurial legal person;

z[51]) line facilities and structures of electronic communication networks – physical circuits and line paths of cable, air, radio relay and satellite lines of electronic communication networks, and/or integrated complexes of installations, equipment and structures of their technological system, which are used for conveying and/or transmitting electronic communication calls and information signals;

z[52]) transit of broadcasting – an authorised activity where a person transmits, in an unchanged form, a television or radio channel (without making editorial changes in the television or radio programmes) lawfully received from a broadcaster, and delivers it to an end-user through publicly available electronic communication networks and facilities. The transmission in an unchanged form includes the case where, despite the changes in the broadcasting schedule, the Commission considers that the transit of a television or radio channel is essentially performed;

z[53]) subscriber number portability (translation) – an option provided to end-users (subscribers) to retain the same subscriber number when switching to another authorised person providing fixed or mobile communication networks and facilities or services ;

z[54]) deleted;

z[55]) operating asset – essential tangible and intangible assets used by an authorised person to provide electronic communication networks and/or electronic communication services, including an electronic communication network, a local access network, ducts, line facilities and structures of electronic communication networks, sewerage canals and wells, masts, poles, also, a licence for using exhaustible resources, which is of essential importance for an authorised person to gain significant market advantage;

z[56]) use of radio frequencies for ancillary technological purposes – the use, on the basis of the decision of the Commission, of radio frequencies for ancillary technological purposes in its activities by a person whose activities are not related to the provision of electronic communication networks and facilities and/or to the provision of services through these networks and facilities;

z[57]) deleted;

z[58]) digital terrestrial television network – an electronic communication network with appropriate elements (including multiplex platforms) that is used for the distribution of digital television broadcasting;

z[59]) multiplex platform – an electronic system combining television programmes and associated data, and other relevant data, in a digital format for distribution through a digital terrestrial television network;

z[60]) specific section of a radio frequency band (radio frequency range) – paired or unpaired radio frequency resources allocated/restricted in accordance with norms and parameters harmonised within Europe and/or at the international level and determined by the National Plan for Radio Frequency Distribution;

z[61]) set of specific sections of a radio frequency band with similar characteristics (radio frequency ranges) – a set of specific sections of radio frequency band (radio frequency ranges) defined by the Commission, which is used for providing one and the same electronic communication services;

z[62]) maximum amount of radio frequency resources – a maximum amount of a set of specific sections of a radio frequency band (radio frequency range) or specific sections of a radio frequency band with similar characteristics (radio frequency ranges) expressed in megahertz or percentage and determined by a decision of the Commission on the announcement of an auction or on the transfer of a licence for the use of exhaustible resources;

z[63]) technical possibility to obtain information in real time – the interception of information and its identification data transmitted via communication networks during the process of communication or directly after, using stationary, semistationary or non-stationary technical means for obtaining information;

z[64]) stationary technical possibility to obtain information in real time communication – the interception of information and its identification data transmitted via communication networks during the process of communication or directly after, with the pre-determined architecture and established interfaces, by an authorised body by placing/installing relevant hardware and/or software at the network and/or station infrastructure of an electronic communication company;

z[65]) non-stationary technical possibility to obtain information in real time communication – the interception of information and its identification data transmitted via communication networks during the process of communication or directly after, by an authorised body, without connecting to the network and/or station infrastructure of an electronic communication company, using special technical means and/or software;

z[66]) lawful interception management system – a unity of technical and software decisions which is an intermediary in the architecture of the stationary technical possibility to obtain information in real time between the monitoring system of a law enforcement agency and the infrastructure of a service provider and which ensures technical execution of orders initiated by the monitoring system of an authorised body on the activation and deactivation of the object;

z[67]) electronic communications company – an authorised person whose type of activities and/or services involve the provision of telephone networks and/or internet networks, and/or services;

z[68]) object – the object determined by Article 3(31) of the Criminal Procedure Code of Georgia, also the object provided for by Article 2(p) of the Law of Georgia on Counter Intelligence Activities;

z[69]) electronic communication identification data – user identification data; data necessary for tracing and identifying a communication source; data necessary for identifying a communication addressee; data necessary for identifying communication date, time and duration; data necessary for identifying the type of a communication; data necessary for identifying user communication equipment or potential equipment; data necessary for identifying the location of a mobile communication equipment;

z[70]) free-to-air multiplex platform – a multiplex platform intended for the installation of terrestrial broadcasters provided for in the Law of Georgia on Broadcasting;

z[71]) high definition format – a broadcasting standard determined by the Commission, which is used when determining the procedure for providing access to the free-to-air multiplex platform for broadcasters authorised to provide on-air broadcasting in accordance with the Law of Georgia on Broadcasting.

z[71]) technical identificator of the object – an identificator determined by Article 3(37) of the Criminal Procedure Code of Georgia, also an identificator provided for by Article 2(q) of the Law of Georgia on Counter Intelligence Activities;

z[72]) authorised body – Legal Entity under Public Law called Operational and Technical Agency of Georgia;

[z[73]) determination of geolocation in real time – the unity of technical and software decisions which provides the possibility to determine:

a. in the Legal Person under Public Law of the Ministry of Internal Affairs of Georgia, geolocation of mobile communication equipment initiating notification of 112 in real time, automatically and with a maximum possible accuracy;
b. with the initiation of an order about activating the technical identificator of the mobile communication equipment of the object, its geolocation in real time and with a maximum possible accuracy, for the purpose of carrying out covert investigative actions provided for by Article 143^1(c) of the Criminal Procedure Code of Georgia and the electronic surveillance measures provided for by Article 9(3)(c) of the Law of Georgia on Counter Intelligence Activities; *(Shall enter into force from 30 March 2020)*]

z^{74}) semistationary technical possibility to obtain information in real time communication – the interception of information and its identification data transmitted via communication networks during the process of communication or directly after, with the pre-determined architecture and established interfaces, by an authorised body by placing/installing relevant hardware and/or software at the network and/or station infrastructure of an electronic communication company temporarily or permanently;

z^{75}) monitoring system of the authorised body – a software interface contained in the architecture of the stqationary technical possibility to obtain information in real time communication, with the help of which the authorised body initiates the remote activation or deactivation of the technical identificator of the object and which is the last point of obtaining the intercepted information.

z^{76}) media literacy – media literacy defined by the Law of Georgia on Broadcasting.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 2039 of 20 February 2014 – website, 27.2.2014

Law of Georgia No 2632 of 1 August 2014 – website, 12.8.2014

Law of Georgia No 2871 of 30 November 2014 – website, 30.11.2014

Law of Georgia No 5021 of 27 April 2016 – website, 13.5.2016

Law of Georgia No 480 of 22 March 2017 – website, 27.3.2017

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 3 – Legislation of Georgia in the field of electronic communications

1. The basis for the organisation of activities and the regulation of relations in the field of electronic communications of Georgia are the Constitution of Georgia, international agreements and treaties of Georgia, this Law and other normative acts.

2. A foreign citizen and legal person, also, a person who is not a citizen of Georgia, shall enjoy the rights and duties determined by this Law for Georgian entrepreneurial persons unless otherwise provided for by the legislation of Georgia.

Article 4 – Goals and principles of activities in the field of electronic communications

1. The goal of the activities in the field of electronic communications is to satisfy the needs of natural and legal persons with respect to electronic communication networks and facilities, and to promote the creation of an information society, including the facilitation of the improvement of the media literacy.

2. Activities in the field of electronic communications are carried out in accordance with the following main principles of the state policy in this field:

a) equality of legal and natural persons in the process of carrying out their activities and using obtained results;

b) prohibition of monopolistic situations in the activities of electronic communication networks and the liberalisation of the service market;

c) development of a free enterprise system and competition;

d) prohibition of granting exclusive powers to authorised persons and of the execution of exclusive contracts in activities related to electronic communication networks;

e) facilitation of the introduction of modern technologies and management experience, and the attraction and effective use of financial and material resources;

f) expansion of service types and provision of appropriate quality of technical norms;

g) protection of legitimate interests of users;

h) international integration of electronic communication networks;

i) active international cooperation;

j) publicity, objectivity, non-discrimination, transparency and technological neutrality in regulatory decision-making by the Commission.

k) the improvement of the media literacy.

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 5 – Authority regulating activities in the field of electronic communications

Activities in the field of electronic communications shall be regulated by the Commission.

Article 6 – Determining and directing state policy in the field of electronic communications

1. Main directions of state policy in the field of electronic communications, taking into account the proposals of the Ministry of Economy and Sustainable Development of Georgia, shall be developed by the Government of Georgia and submitted to the Parliament of Georgia for approval.

2. Main areas of state policy in the field of electronic communications shall be directed by the Prime-Minister of Georgia. The main directions of state policy in the field of electronic communications approved in accordance with the procedure established by the legislation of Georgia shall be implemented by the Government of Georgia within the powers granted by the Constitution of Georgia, this Law and the Law of Georgia on the Structure, Powers and Rules of Procedure of the Government of Georgia.

3. In exercising its powers, the Commission shall be guided by the main directions of state policy in the field of electronic communications.

4. In accordance with the Law of Georgia on Broadcasting, the Commission shall develop and approve the action plan for facilitation of the improvement of the media literacy.

Law of Georgia No 4319 of 9 March 2011 – website, 22.3.2011

Law of Georgia No 1036 of 6 September 2013 – website, 23.9.2013

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 7 – Management and ownership of special electronic communication networks

The right to manage and own special electronic communication networks shall be granted to the bodies determined by a legal act of the Government of Georgia. Their structure and organisational activities shall be determined by the legislation of Georgia.

Law of Georgia No 1036 of 6 September 2013 – website, 23.9.2013

Article 8 – Maintenance of the confidentiality of information in the field of electronic communications

1. Information on a user of electronic communication networks, also information transferred by a user via said networks, shall be confidential and its confidentiality shall be guaranteed by the legislation of Georgia.

2. All persons employed in the field of electronic communications are obliged to maintain the confidentiality of information referred to in paragraph 1 of this article. Employees and other persons working in the field of electronic communications shall be held liable in accordance with the legislation of Georgia if they reveal such information.

3. The obligation of confidentiality of information provided for in paragraph 1 of this article shall not apply to cases where an authorised body carries out covert investigative activities provided for by Article 143^1(1)(a-c) of the Criminal Procedure Code of Georgia, electronic surveillance measures provided for by Article 9(3) of the Law of Georgia on Counter Intelligence Activities and copying of the electronic communication identification data determined by Article 8^3 of this Law.

4. The electronic communication company is obliged to provide electronic communication identification data to the body carrying out investigative or operative and investigative activities in accordance with the procedure established by Article 136 of the Criminal Procedure Code of Georgia.

5. Information on the content of the communication made by a user via an electronic communication network shall be immediately and automatically destroyed. Said information may become available only to the entity specified in Article 8^1 of this Law in accordance with the procedure established by law.

6. The obligation of maintaining the confidentiality of information provided for by paragraph 2 of this Article does not apply to the cases when the personal data protection inspector exercises his/her powers (examination, the revision of the application) provided for by the legislation of Georgia.

[6. The obligation of maintaining the confidentiality of information provided for by paragraph 2 of this Article does not apply to the cases when the State Inspector Service exercises his/her powers (examination, the revision of the application) provided for by the legislation of Georgia. (*Shall enter into force from 1 January 2019*)]

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Article 332

Law of Georgia No 2637 of 1 August 2014 – website, 18.8.2014

Law of Georgia No 2871 of 30 November 2014 – website, 30.11.2014

Law of Georgia No 480 of 22 March 2017 – website, 27.3.2017

Law of Georgia No 3286 of 21 July 2018 – website, 9.8.2018

Article 8^1 – Obtaining real time communication by the authorised body using stationary or semistationary technical possibilities

1. The authorised body shall have the possibility to obtain real time communication and its identification data transmitted through

the infrastructure of an electronic communication company using stationary or semistationary technical possibilities and for this purpose the authorised body shall:

a) if necessary, place/install lawful interception management system and/or necessary hardware and software related to its function free of charge;

b) require from the electronic communication company to possess technical stationary possibility to provide real time communication content and its identification data to the authorised body in accordance with the architecture and interface defined by the technical stationary possibility to obtain real time communication.

2. After organising technical stationary and semistationary possibilities to obtain real time communication defined in paragraph one of this article, the authorised body shall carry out the measures to obtain real time communication directly, without interference of the electronic communication company and legal participation, in accordance with the procedures established by Article 143^3 of the Criminal Procedure Code of Georgia and Articles 12-14 of the Law of Georgia on Counter Intelligence Activities.

3. The architecture and interface of the technical stationary possibility to obtain real time communication shall be established by the normative acts of the authorised body.

4. The rules for organising and carrying out the interception of the content of the communication transmitted through the electronic communication network and its identification data using technical semistationary possibility shall be established by the normative acts of the authorised body.

Law of Georgia No 2637 of 1 August 2014 – website, 18.8.2014

Law of Georgia No 2871 of 30 November 2014 – website, 30.11.2014

Law of Georgia No 480 of 22 March 2017 – website, 27.3.2017

Article 8^{2-} Recording instances of data transfer and provision of information to the Personal Data Protection Inspector

An electronic communications company shall record instances when the identification data of electronic communications are transferred under Articles 112 and 136 of the Criminal Procedure Code of Georgia to relevant state bodies and shall provide the relevant information to the Personal Data Protection Inspector.

[Article 8^{2-} Recording instances of data transfer and provision of information to the State Inspector Service

An electronic communications company shall record instances when the identification data of electronic communications are transferred under Articles 112 and 136 of the Criminal Procedure Code of Georgia to relevant state bodies and shall provide the relevant information to the State Inspector Service.(*Shall enter into force from 1 January 2019*)]

Law of Georgia No 2637 of 1 August 2014 – website, 18.8.2014

Law of Georgia No 2871 of 30 November 2014 – website, 30.11.2014

Law of Georgia No 3286 of 21 July 2018 – website, 9.8.2018

Article 8^3 – Copying the databases of the electronic communication identification data by the authorised body

1. The authorised body shall be entitled to copy the databases of the electronic communication identification data and store them at the central bank of the electronic communication identification data in accordance with the term established by Article 15(1) of the Law of Georgia on Legal Entity under Public Law called Operative and Technical Agency of Georgia.

2. In order to copy the databases of the electronic communication identification data provided for by paragraph one of this article

the authorised body shall be entitled to have an access on the relevant databases of the electronic communication company. The technical procedure for copying the databases of the electronic communication identification data shall be established by the normative acts of the authorised body.

Law of Georgia No 2871 of 30 November 2014 – website, 30.11.2014

Law of Georgia No 3929 of 8 July 2015 – website, 15.7.2015

Decision of the Constitutional Court of Georgia No 1/1/625,640 of 14 April 2016 – website, 22.4.2016

Law of Georgia No 480 of 22 March 2017 – website, 27.3.2017

[Article 8^4 – The system for defining real time geolocation

1. The authorised body is entitled to have the possibility to obtain real time geolocation from the network and station infrastructure of the electronic communication company which provides mobile communication networks and means and/or services and place/install relevant hardware and software on the mentioned infrastructure free of charge. The authorised body shall carry out the further actions to define real time geolocation in accordance with the procedure established by Article 143^3 of the Criminal Procedure Code of Georgia and Articles 12-14 of the Law of Georgia on Counter Intelligence Activities.

2. The system for defining real time geolocation shall ensure the possibility for defining real time geolocation of the communication equipment initiating notification of Legal Entity under Public Law called 112.

3. The architecture and interface of the system for defining real time geolocation shall be established by the normative act of the authorised body. (*Shall enter into force from 30 March 2020*)]

Law of Georgia No 480 of 22 March 2017 – website, 27.3.2017

Article 9 – International cooperation in the field of electronic communications

1. International cooperation in the field of electronic communications shall be carried out on the basis of the legislation of Georgia, including international agreements and treaties to which Georgia is a party.

2. In its relations with international organisations operating in the field of electronic communications and with the administrations of electronic communications of foreign countries, Georgia shall be represented by the Government of Georgia, as well as by the Commission within the scope of authority delegated by the Government of Georgia.

3. In internating associations of national regulatory bodies operating in the field of electronic communications, Georgia shall be represented by the Commission. The Commission shall also retain its right to represent Georgia in those international organisations operating in the field of electronic communications in which it is already a member.

4. In relations with the administration of electronic communications of foreign countries and international organisations operating in the field of electronic communications, the Government of Georgia and the Commission shall protect the interests of Georgia.

Georgian Law of Georgia No1591 of 20 November 2013 – website, 3.12.2013.

Chapter II – Commission

Article 10 – Status of the Commission; the procedure for its formation and its rules of procedure

1. The status of the Commission, the procedure for its formation and its rules of procedure, as well as the rights and obligations of the chairperson of the Commission, the term of office of Commission members, their independence and immunity, grounds for

terminating their powers and for their removal from office, the legal acts of the Commission, also circumstances of conflicts of interests of Commission members and of the staff, shall be determined by the Law of Georgia on Broadcasting and the Statutes of the Commission.

2. The Statutes of the Commission shall be approved by a resolution of the Commission.

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Article 11 – Main goals and functions of the Commission in the field of electronic communications

1. In the field of electronic communications, the Commission shall independently regulate the activities of authorised persons and/or the use of the radio frequency spectrum and/or numbering resources, also it shall adopt legal acts, monitor and control their execution, impose sanctions, within the powers determined by this Law, for identified violations in accordance with this Law and the Administrative Offences Code of Georgia.

2. Main objectives of the Commission are to:

a) create, maintain and develop a competitive environment in the provision of electronic communication networks and facilities and electronic communication services;

b) ensure the provision of a quality service, a wide range of services and affordable tariffs to end-users (including disabled persons) by authorised persons providing electronic communication services;

c) promote effective investments in innovative technologies by authorised persons owning electronic communication networks and facilities.

d) facilitation of the improvement of the media literacy in the society.

3. The main functions of the Commission are to:

a) issue authorisation for activities in the field of electronic communications;

b) manage exhaustible resources and ensure their effective use, optimally distribute and effectively redistribute a radio frequency spectrum for the purposes of introducing innovative electronic communication technologies and for the purpose of developing a competitive environment, establish transparent and non-discriminatory rules and conditions for obtaining the right to use a radio frequency spectrum and/or numbering resources, also to issue licences/grant permits for the use of exhaustible resources and revoke licences/permits for use;

c) study and analyse relevant segments of the service market, identify authorised persons with significant market power, impose specific obligations under this Law and monitor and supervise their execution for the purposes of ensuring competition;

d) ensure the provision of certification, standardisation and metrological services to electronic communication facilities in accordance with regulations on the certification of radio equipment and telecommunication terminal equipment;

e) regulate access to the elements of an electronic communication network and/or technical, economic and legal relations related to interconnection;

f) resolve, within its powers, disputes arising between authorised persons operating in the field of electronic communications, also disputes between such authorised persons and users;

g) supervise compliance with the conditions of authorisation of activities and licencing conditions in the field of electronic communications, also monitor the performance of licence and/or permit conditions and, in case of non-compliance, implement measures prescribed by law;

h) maintain open, public and transparent relations with the public;

i) coordinate the electromagnetic compatibility of radio-electronic facilities and measures related to its international legal protection;

j) represent Georgia in international organisations operating in the field of electronic communications and protect its interests within its powers and the scope of authority delegated by the Government of Georgia;

k) define procedures for establishing amateur radio communications and for using amateur radio stations;

l) perform other functions based on this Law and the objectives of the Commission;

m) resolve, within its powers, disputes arising between licence holders and/or persons who have the right to use radio frequency spectrum and/or numbering resources related to the exercise of the rights granted by the licence and/or permit, in accordance with the procedures established by Chapter VI of this Law;

n) approve regulations on the portability of subscriber numbers, identify the system administrator of the central database of portability of subscriber numbers through an open competition, enter into an agreement with such system administrator and monitor compliance with the conditions of the agreement;

o) if a situation in the international and/or a regional market is such that it has significant and non-transitory negative impact on authorised persons operating in the Georgian electronic communications market, determine, before the elimination of such significant and non-transitory impact, appropriate and effective regulations for all relevant authorised persons operating in the field of electronic communications by a justified decision made by way of public administrative proceedings;

p) monitor the quality of the maintenance of confidentiality of information in the field of electronic communications.

q) exercise powers to improve and facilitate to the media literacy determined by this Law and the Law of Georgian on Broadcasting.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 2637 of 1 August 2014 – website, 18.8.2014

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 12 – Budget of the Commission

1. By 1 December of each year, the Commission shall prepare and publish the next year's budget that contains all the expenses of the Commission, including the expenses related to the remuneration of the Commission and its staff, as well as revenues.

1^1. The Commission may, after covering the expenses determined by the budget of the Commission, transfer the remaining budget funds (if any) to the State Budget of Georgia.

2. The budget of the Commission shall be financed by regulatory fees paid and by other sources of finance provided for in this Law, the Law of Georgia on Broadcasting and the Law of Georgia on Legal Entities under Public Law.

3. Regulatory fees shall be one of the primary sources for financing the budget of the Commission; they are related to the exercise of powers granted to the Commission by the legislation of Georgia and shall not be treated as income earned from economic activity. The expenses determined by the budget of the Commission shall be covered from the annual regulatory fees. In the field of electronic communications, the regulatory fee shall be paid by authorised persons, and in the field of broadcasting, by persons determined by the Law of Georgia on Broadcasting.

4. The amount of the regulatory fee shall be 0.75 per cent of the total value (excluding VAT) of the regulated products (services) provided and/or of the work performed by an authorised person. Authorised persons shall, on a monthly basis, submit to the Commission information on the estimated regulatory fees and transfer the regulatory fees to the account of the Commission not later than 20th day of the month following the reporting month.

5. Fee for using exhaustible resources is a sum payable by a holder of the radio frequency spectrum licence, also any other person to gain the right of using radio frequency spectrum and/or numbering resources. The fee for using radio frequency spectrum is

transferred to the budget of the Commission, except for the fee paid for obtaining a licence for using exhaustible resources which is fully transferred to the State Budget of Georgia.

6. From payment of the fee for using radio frequency spectrum are exempted:

a) foreign diplomatic institutions/representations or institutions/representations equal to them which exist on the territory of Georgia when using radio frequency spectrum for their official purposes;

b) ministries provided for by the Law of Georgia on the Structure, Authority and the Procedure for Activity of the Government of Georgia and/or sub-agencies in the field of their governance.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 4867 of 5 June 2007 – LGH I, No 21, 18.6.2007, Art. 182

Law of Georgia No 3450 of 16 July 2010 – LGH I, No 42, 22.7.2010, Art. 269

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 13 – Report of the Commission

1. The commission shall prepare an annual report on its activities and conduct a financial audit of its expenses and accounting statements in accordance with applicable rules. The Parliament of Georgia may decide to perform the audit of the Commission-approved budget which is carried out by an internationally recognised auditor selected in accordance with the Rules of Procedure of the Parliament of Georgia. The Commission shall cover the expenses associated with the activities of the auditor selected for the examination of the financial activities provided for by this article.

2. Not later than 1 June of each year, the Commission shall submit to the Parliament of Georgia, to the President of Georgia and to the Government of Georgia, and publish a report on its activities of the previous year and the results of the financial audit.

3. The President of Georgia, a Member of Parliament of Georgia and the Government of Georgia may request and obtain, in accordance with the procedure established by the legislation of Georgia, any information on the activities carried out by the Commission.

Law of Georgia No 1036 of 6 September 2013 – website, 23.9.2013

Law of Georgia No 3887 of 6 December 2018 – website 14.12.2018

Chapter III – Authorisation of activities in the field of electronic communications, and general rights and obligations of authorised persons

Article 14 – Grounds for carrying out activities in the field of electronic communications

1. Activities in the field of electronic communications shall be carried out on the basis of an authorisation granted for these activities.

2. The regulation in the field of electronic communications shall be carried out in accordance with the principle of technological neutrality.

3. No authorisation of activities shall be necessary if electronic communication networks and facilities are used for:

a) organising special electronic communication networks;

b) organising a departmental electronic communications network of an enterprise, institution or organisation that is created for

non-commercial purposes, and for providing internal communication in such enterprise, institution or organisation.

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Article 15 – Body issuing authorisations for the activities in the field of electronic communications

In the field of electronic communications, activities shall be authorised by the Commission, which, in accordance with the procedure established by this Law shall:

a) authorise persons carrying out activities in the field of electronic communications and maintain a departmental registry of authorised persons;

b) monitor the compliance by authorised persons in the field of electronic communications with the legislation of Georgia, including with the resolutions and decisions of the Commission.

Article 16 – Authorisation application

1. A person interested to obtain an authorisation to provide electronic communication networks and facilities and/or electronic communication services, shall apply to the Commission with an application, the form of which shall be approved by the Commission.

2. The application shall include:

a) for an individual entrepreneur – name, surname, place and date of birth, data on their registration with the registry of entrepreneurs and non-entrepreneurial (non-commercial) legal persons, and addresses of places of work and residence;

b) for a legal person – trade name, legal form, legal address (domicile), data on its registration with the registry of entrepreneurs and non-entrepreneurial (non-commercial) legal persons, name and surname of the authorised representative;

c) types of activity and/or services for which authorisation is requested by an individual entrepreneur or a legal person;

d) a brief description of the relevant network and/or services.

3. The application shall be accompanied by an extract from the registry of entrepreneurs and non-entrepreneurial (non-commercial) legal persons, as well as by a copy of the charter of the legal person and a copy of the relevant identification document of the natural person.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 1939 of 3 November 2009 – LGH I, No35, 19.11.2009, Art. 257

Article 17 – Departmental registry of authorised persons

1. The Commission shall maintain a departmental registry of authorised persons, in which it shall enter application data.

2. Any person may review the data recorded in the departmental registry of authorised persons.

Article 18 – Unified procedure of authorisation

1. The Commission shall:

a) authorise the provision of electronic communication networks and facilities;

b) authorise the provision of services through electronic communication networks and facilities.

2. Within 10 working days after the receipt of an application, the Commission shall grant authorisation for the provision of electronic communication networks and facilities and of services through electronic communication networks and facilities by registering the authorised persons in the departmental registry.

3. If the documents supporting the application are incomplete, the Commission shall allow the applicant 5 days to submit complete documentation. If documentation is not submitted within this time limit, the authorisation shall not be granted. The refusal of authorisation shall not deprive a person of the right to apply to the Commission for authorisation again. If within five working days after the receipt of an application the Commission does not specify a time limit for submitting complete documentation, the person shall be deemed to have been granted authorisation.

4. Within three working days, authorised persons shall be issued an extract from the departmental registry of authorised persons.

5. If an authorised person terminates the provision of electronic communication networks and facilities and/or the provision of services through electronic communication networks and facilities, or intends to modify its activities, it shall notify the Commission within seven working days. The information on the termination of authorisation, as well as data on the modification of the authorised activity, shall be entered in the departmental registry of authorised persons.

6. Authorisation for activities in the field of electronic communications shall be for an indefinite period.

7. A person may commence its activities from the day of its registration in the departmental registry of authorised persons.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Article 19 – General rights and obligations of authorised persons

1. An authorised person may:

a) request a provider of a public electronic communication network to provide access and/or interconnection to the relevant elements of its network;

b) use exhaustible resources during its activities in accordance with the procedure established by this Law and set tariffs for access to the elements of its own network and for electronic communication services;

c) in accordance with this Law, transfer, fully or partially, to other persons the rights and duties derived from the licence for the use of a radio frequency spectrum;

d) (deleted – 28.12.2005, No2564);

e) appeal a legal act of the Commission in court.

2. An authorised person shall:

a) provide to the Commission, fully and within the required time limits, information on its activities requested in connection with the performance of the objectives and functions determined by this Law and by the normative acts of the Commission, including financial and economic documentation, despite its confidential nature, as well as documentation confirming compliance with the requirements determined by the legislation of Georgia on copyright and associated rights. The Commission shall maintain the confidentiality of information that is deemed to be a commercial secret or personal data in accordance with the General Administrative Code of Georgia and the Law of Georgia on the Protection of Personal Data. Generalised information on the service market, also data on the number of subscribers, traffic, revenues received and expenditure incurred may not be confidential. The provision of incorrect or incomplete information by an authorised person shall be considered as a failure to provide information;

b) comply with the legislation of Georgia in the field of electronic communications, including the ordinances of the Government of Georgia, as well as the resolutions and decisions of the Commission;

c) notify the Commission, within seven working days, of the modification of its activities and/or services, also about the changes in shareholders, and the Commission shall enter this information into the departmental registry of authorised persons;

d) upon request, ensure unlimited access of an interested authorised person to the relevant free elements of its own network and to their functional resources and capacities;

e) maintain integrity and security of the network;

f) prevent unsanctioned use of electronic communication networks and facilities;

g) ensure protection of service-quality norms determined by the legislation;

h) ensure unlimited availability of the assigned numbering resources for all end-users in compliance with the conditions determined by this Law;

i) ensure the protection of user safety rules during the use of electronic communication networks and means;

j) ensure electromagnetic compatibility and protection from interferences and harmful effects when using a radio frequency spectrum;

k) pay the regulatory fee, and in the cases provided for by this Law, the fee for using exhaustible resources, as well as licence fees;

l) notify the Commission in writing about changes in the data provided for in Article 16(2)(a) and (b) and submit appropriate documentation within seven working days after registration of the changes;

m) ensure the portability (translation) of subscriber numbers in accordance with the regulations approved by the Commission on the portability of subscriber numbers, by using the system of the central database of subscriber number portability and at its own expense;

n) fulfil the obligations imposed on it by a normative act of the Government of Georgia as on a provider of electronic communication service.

2^1. Except for the fulfilment of the obligations provided for by paragraph two of this article:

a) the electronic communication company, for provision of the technical stationary possibility of obtaining real time communication and copying the databases of the electronic communication identification data by the authorised body, is obliged to:

a.a) possess technical stationary possibility to provide real time communication on the request of the authorised body which may be a relevant licence issued by the manufacturer and relevant hardware, the management system of the lawful interception with a licence issued by a manufacturer, relevant hardware and software and their periodic update, and also ensure their security and proper operation;

a.b) support the representatives of the authorised body to carry out powers established by Article 8^1(a) of this Law and ensure their smooth access to the relevant components of the infrastructure, also ensure placement/installing of the relevant hardware free of charge, and provide its security and necessary conditions for its operation;

a.c) inform the authorised body in reasonable time about the scheduled technical maintenance works which may affect the technical stationary possibility to obtain real time communication;

a.d) provide the access to the state secret on the request of the authorised body;

a.e) support the representatives of the authorised body while copying electronic communication identification databases and technically ensure the storage of the electronic communication identification data for the period of time which the authorised person needs to carry out the technical process of copying;

b) the electronic communication company, for provision of the technical semistationary possibility of obtaining real time communication, is obliged to fulfil obligations provided for by subparagraphs a.b-a.d of this paragraph, and also ensure the smooth access of the representatives of the authorised body to the relevant hardware at any time to carry out covert investigative actions and electronic surveillance measures;

[c) the electronic communication company which provides mobile communication networks and means and/or services, in order to provide possibility of defining real time geolocation to the authorised body, is obliged to:

c.a) possess the duly licence issued by a manufacturer and supported hardware and ensure its periodic update;

c.b) support the representatives of the authorise body to carry out the powers provided for by Article 8^4(1) of this Law and ensure their smooth access to the relevant components of the infrastructure, also ensure placing/installing relevant hardware free of charge, and ensure its security and provide necessary conditions for its operation; (*Shall enter into force from 30 March 2020*)]

d) the electronic communication company which provides mobile communication networks and means and/or services, in order to find lost mobile communication equipment, is obliged to possess technical possibility to detect activation of the mobile communication equipment;

e) the electronic communication company is obliged, 14 days earlier before the start of the authorised activities, to ensure obtaining real time electronic communication and its identification data, technical possibility to copy electronic communication identification databases, the compliance of the communication and technologic and telecommunication infrastructure technical features of the electronic communication company with the standards established by the legislation of Georgia and providing this information to the commission, and the person authorised to ensure mobile communication networks and means and/or services shall also ensure real time geolocation, the compliance of the detection of the activation of the mobile communication equipment with the standards established by the legislation of Georgia and provide this information to the commission.

f) the electronic communication company which provides mobile communication networks and means and/or services shall, in the emergency situations on the request of the Special-Purpose State institution – Emergency Management Service which is under direct subordination of the Prime Minister of Georgia, ensure informing the citizens of Georgia and other persons on the territory of Georgia about the emergency situations and provide other information in accordance with the Ordinance of the Government of Georgia on Approval of the Information System on Incident/Potential or Existing Emergency Situation.

[f) the electronic communication company which provides mobile communication networks and means and/or services shall, in the emergency situations on the request of the State Sub-Agency – Emergency Management Service which is under the field of governance of the Ministry of Internal Affairs, ensure informing the citizens of Georgia and other persons on the territory of Georgia about the emergency situations and provide other information in accordance with the Ordinance of the Government of Georgia on Approval of the Information System on Incident/Potential or Existing Emergency Situation. (*Shall enter into force from 1 January 2019*)]

3. An electronic communications network operator providing services to end-users in a local service area through subscriber numbering resources shall ensure the provision of direct or indirect interconnection to other interested operators or owners of a departmental electronic communication network by providing unlimited and non-discriminatory access, at cost-oriented tariffs, to the relevant elements of its own network. It shall be prohibited to terminate the active interconnection between electronic communication network operators. If a provider of an interconnected electronic communication network does not fulfil the conditions of an active interconnection agreement, the other party to the agreement may suspend the active interconnection in order to ensure performance of these conditions only with the consent of the Commission and for the period of time and under the conditions determined by the Commission.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5561 of 20 December 2011 – website, 28.12.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 6328 of 25 May 2012 – website, 12.6.2012

Law of Georgia No 480 of 22 March 2017 – website, 27.3.2017

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Law of Georgia No 2623 of 27 June 2018 – website, 6.7.2018

Law of Georgia No 4086 of 22 December 2018 – website, 28.12.2018

Article 19^1 – Suspension and revocation of authorisation

1. The Commission may suspend authorisation:

a) on the basis of a request of an authorised person for the period indicated by the authorised person;

b) on its own initiative, if for more than one year, the authorised person fails to perform the following activities concurrently:

b.a) carry out an authorised activity;

b.b) submit to the Commission regulatory fee estimates or submits a zero sum estimate;

b.c) pay a regulatory fee;

c) on its own initiative, if an authorised person violates the requirements of the legislation of Georgia and if a written warning and a fine has already been used against the person as a sanction for such violation.

2. The suspension of authorisation means the prohibition of the authorised activity until its resumption.

3. An authorisation shall be suspended:

a) for a period of time indicated by the authorised person;

b) until the information on the resumption of the authorised activity is submitted to the Commission;

c) until the elimination of the violation.

4. In the cases specified in paragraph 1(b) and (c) of this article, when suspending an authorisation, a decision to suspend authorisation shall, within seven days after making the decision, notify in writing the authorised person with and indication of the reasons and the grounds therefor.

5. In the cases provided for in paragraph 1(a) and (b) of this article, when suspending an authorisation, the authorised person shall resume its activity as soon as the Commission registers it in the departmental registry of authorised persons. In the cases provided for in this paragraph, the Commission shall register an authorised person in the departmental registry of authorised persons within three working days after the receipt of notification.

6. In the case provided for in paragraph 1(c) of this article, when suspending an authorisation, the authorised person shall resume its activity as soon as the Commission registers it in the departmental registry of authorised persons within seven days after confirmation by the authorised person of the elimination of the violation.

7. The authorisation shall be revoked:

a) on the basis of an application of an authorised person. In that case, the authorised person must have fulfilled all legal obligations before the Commission;

b) if an authorised person dies or is liquidated.

8. The revocation of authorisation shall not prevent a person from obtaining authorisation again in accordance with the established rules.

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 3693 of 12 June 2015 – website, 15.6.2015

Chapter IV – Creation of a Competitive Environment in the Field of Electronic Communications

Article 20 – Aims of competition regulation and objectives of the Commission

1. The aims of competition regulation in the field of electronic communications are to:

a) ensure equality of authorised persons in the pursuit of their activities, and stimulate effective competition;

b) stimulate investments in electronic communication networks and facilities, and promote technological innovations;

c) prevent the excessive concentration of market power in the hands of a few authorised persons;

d) ensure the existence of a transparent structure for the management of risks related to regulatory decisions made with respect to the activities of authorised persons;

e) ensure the existence of a transparent, objective and effective regulatory regime regulating the activities, mergers and acquisition of shares by authorised persons having significant market power over the relevant segments of a service market.

2. Objectives of the Commission are to:

a) create conditions contributing to effective competition in the field of electronic communications;

b) prohibit the discrimination against authorised persons, and ensure their equality; ensure that upon the request of interested authorised persons non-discriminatory access and/or interconnection is provided by the electronic communication network operator to the relevant elements of its own network and to their available functional resources and capacities;

c) prohibit discrimination against end-users in the provision of electronic communication services, protect their rights, prohibit any subsidies for the provided service types and ensure equal access to publicly available electronic communication networks and electronic communication services;

d) monitor and control compliance by authorised persons having significant market power with obligations that may be imposed on them to ensure effective competition;

e) create a transparent, equal and competitive environment when using exhaustible resources.

Article 21 – Preliminary regulation of competition, and principles of a service market study and analysis

1. In the field of electronic communications, the preliminary regulation of competition shall be carried out according to the relevant and closely related segments of the service market determined by the Commission and to the relevant geographic boundaries of the market.

2. For the purposes of preliminary regulation, the relevant segments of the service market shall be determined by the Commission according to criteria determining the service types and geographic boundaries of electronic communication services.

3. The study and analysis of the service market conducted in a relevant segment of the electronic communications market for the purpose of identifying authorised persons with significant market power shall be conducted by the Commission on the basis of the methodology and procedures for determining market competitiveness and for identifying authorised persons with significant market power; the methodology and procedures shall be approved by a resolution of the Commission.

4. In the field of electronic communications, the regulation of activities, the provision of competition in the relevant segments of the service market and the identification of authorised persons with significant market power in these segments in accordance with the primary and secondary criteria shall be carried out by taking account of the principles of objectivity, technological neutrality, functional equivalence (homogeneous use of functional criteria), the minimum required regulation, as well as the principles of the imposition of proportionally balanced specific obligations, the stimulation of effective competition, transparency and non-discrimination.

5. In making a decision to conduct a study and analysis of a service market, to identify authorised persons with significant market power, also to impose specific obligations on authorised persons with significant market power, the Commission shall take into account the terms and conditions of international agreements and treaties of Georgia, including the General Agreement of the World Trade Organisation on Trade in Services.

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Article 22 – Stages of study and analysis of the service market, and general provisions for determining authorised persons with significant market power

1. The study and analysis of the service market shall include the following stages:

a) determining the relevant and closely related segments of the service market, and appropriate geographic boundaries of the market;

b) conducting an analysis of the competitiveness of the relevant segments of the service market;

c) determining authorised persons with significant market power in the relevant segment of the service market;

d) determining authorised persons with significant market power in the relevant and closely related segments of the service market by taking into account the primary and secondary criteria and imposing specific obligations on them under concrete conditions determined in Chapter V of this Law.

2. The procedures relating to the analysis of the service market, also other procedures described in this Chapter, shall be performed in accordance with public administrative proceedings.

3. In determining the relevant segments of a service market, the Commission shall take into account the objective criteria that uniformly determine the relevant and closely related segments of the service market.

4. In conducting an analysis of the competitiveness of the relevant segments of the service market the Commission shall take into account the following analytical factors:

a) the conditions prevailing in the relevant and closely related segments of the service market, the concentration level and relative market shares held by authorised persons;

b) the demand and supply characteristics (flexibility, increase in the demand, etc.) of the service types in the relevant segment of the service market, as well as conditions for demand-side and supply-side substitution;

c) levels of tariffs set on potentially non-competitive and interchangeable service types, as well as past changes in the tariffs;

d) financial and economic indicators of authorised persons in the relevant segment of the service market, the degree of their interdependence and opportunities for authorised persons interested in starting activities in this segment, also infrastructural and dynamic factors impeding entry into the market, and relevant investment risks;

e) the degree and nature of vertical integration of an electronic communication network functioning in the relevant segment of the service market;

f) (deleted – 28.12.2005, No2564);

g) other related characteristics determined by a resolution of the Commission.

5. The Commission shall make a decision on the commencement of the study and analysis of the service market:

a) on the basis of a request of an authorised person, provided justification of the non-competitiveness of the relevant segment of the service market and of the need to commence the given study and analysis of the service market, and the Commission agrees with this justification;

b) upon the request of state bodies that provide justification of a need to commence a study and analysis of the relevant segment of

the service market, and if the Commission agrees with this justification;

c) on its own initiative.

6. The Commission may, at its discretion, make a decision to conduct a study and analysis of either the entire service market or its separate segments.

7. Competition in the relevant segment of the service market shall be deemed effective if no authorised persons with significant market power carries out its activities in that segment. Competition in the relevant segment of the market shall not be deemed to be effective if one or several authorised persons operating in that segment have joint significant market power. If an authorised person has significant market power in the relevant segment of the market, it shall also be deemed to have significant market power in the closely related segment of the market.

8. In the process of the study and analysis of the competitiveness of a relevant segment of the service market, the main criterion for designating a person as having significant market power shall be the relative market share held by the authorised person or by a group of interrelated persons in this segment of the market. The relative market share held by an authorised person in the relevant segment of the market shall be determined by the income received by the person, by the number of end-users or subscribers or by the percentage of the total volume (traffic) of service provided in the specified period, as well as by taking into account the loaded and free capacities or the functional resources of the relevant elements of the network held or owned by the authorised person. Taking into account the characteristics of the relevant segment of the market, the Commission shall, in each specific case, on the basis of the principle of objectivity, make a decision to measure the share held by the authorised person in the relevant segment of the market and to apply the relevant primary criteria.

9. If, on the basis of the study and analysis of the relevant segment of the service market, the Commission establishes that one or several authorised persons have joint significant market power, it shall, considering the nature of the significant market power, determine specific obligations to be imposed on such persons in accordance with Chapter V of this Law.

10. In accordance with the primary criterion for determining a significant market power in the relevant segment of the service market, an authorised person shall be designated as having significant market power if it holds at least 40 per cent of the market share in the relevant segment of the market.

11. Several authorised persons shall be considered as persons having joint significant market power if in the relevant segment of the service market:

a) the total market share of two authorised persons is at least 60 per cent; at the same time, the market share of each of them must be at least 25 percent;

b) the total market share of three authorised persons is at least 80 per cent; at the same time, the market share of each of them must be at least 15 percent.

12. In designating an authorised person as having significant market power in a relevant segment of the service market and in imposing specific obligations on such person, in addition to the primary criteria, use shall be made of secondary criteria which, in accordance with primary criteria, objectively determines the possibilities of persons with significant market power to restrict competition and carry out noncompetitive actions in the relevant segment of the service market. Secondary criteria shall be determined by the Commission taking into account analytical factors.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Article 23 – Abusing significant market power

1. An authorised person having significant market power in the relevant segment of the service market shall not abuse its significant market power.

2. Significant market power shall be considered to be abused if an authorised person does not fulfil the specific obligations determined in Chapter V of this Law and imposed by a decision of the Commission.

Article 24 – Publishing information on the analysis of the service market

Decisions of the Commission made on the basis of the analysis of preliminary regulation of competition and the service market specified in this Chapter, except for personal data and the parts containing state or commercial secrets, shall be published on the website of the Commission. The following information shall also be published:

a) a list of the relevant segments of the service market indicating the criteria determining geographic boundaries and economic indicators;

b) a list of authorised persons having significant market power in the relevant and closely related segments of the service market;

c) specific obligations imposed on authorised persons with significant market power and specific conditions of these obligations;

d) description of the primary and secondary criteria by which an authorised person has been designated as having significant market power.

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 6328 of 25 May 2012 – website, 12.6.2012

Article 25 – Regulation of mergers with an authorised person, as well as of the acquisition of ownership interest, shares and operating assets of an authorised person

1. Articles 26 and 27 of this Law shall apply:

a) if operating assets of an authorised person are purchased;

b) if two or more persons are combined as a result of a merger and one of them is an authorised person;

c) if an ownership interest or shares of an authorised person are acquired and as a result of the acquisition, 5 per cent or more, in total, of the ownership interest or shares of the authorised person is transferred into the ownership of the acquiring person and/or interdependent (affiliated) persons.

2. Articles 26 and 27 of this Law shall not be applied in the case of acquisition of the ownership interest or shares of an authorised person if the acquirer or the interdependent (affiliated) persons jointly acquire up to 5 per cent of the ownership interest or shares of an authorised person.

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Article 26 – Notification obligation and request of information

1. A notice of intent to merge, to acquire an ownership interest or shares, or operating assets shall be provided to the Commission before such merger or acquisition.

2. The notification obligation shall rest on the authorised person participating in the merger, or whose ownership interest or shares or operating assets are acquired.

3. A form of the merger or acquisition shall be indicated in the notification. The notification shall also contain the following information on each authorised person and interdependent (affiliated) persons participating in the merger or acquisition:

a) trade name, type of activity and registration data;

b) income from services provided in Georgia and to foreign operators;

c) (deleted – 1.8.2014, No2632);

d) in the case of the acquisition of an ownership interest, shares or operating assets of another authorised person, the amount of the ownership interest acquired and the amount of the total interest owned in the relevant segments of a service market;

e) information on interest-holders or shareholders, on the relations between the authorised person and its interdependent (affiliated) persons, which shall contain data on the possibility of exercising mutual control, and on participatory interest.

4. A notification shall not contain incorrect or incomplete information.

5. The Commission shall verify the data on the merger or on the acquisition of an ownership interest, shares or operating assets indicated in the notification of an authorised person and the data referred to in paragraph 3 of this article. If a notification of an authorised person does not contain the documents or information required by paragraph 3 of this article, the Commission shall specify additional time for submitting the documents or information; the time limit shall not exceed 15 working days.

6. When authorised persons are merged or when they acquire an ownership interest, shares or operating assets, the Commission may, in order to assess the potential restriction on competition, request additional information from the authorised persons on the activities carried out by them in the relevant segment of the service market and on their future plans, as well as additional information on the interest-holders or shareholders, registration numbers, etc.

7. The Commission may exercise the powers specified in Article 27 of this Law after it receives a notification of an authorised person on a merger or acquisition.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 2632 of 1 August 2014 – website, 12.8.2014

Article 27 – Investigation and subsequent regulation of mergers or of acquisitions of ownership interests, shares or operating assets

1. The Commission may, within 15 days after receipt of a complete notification by an authorised person of a merger or acquisition, issue a consent to the merger or acquisition, or decide to commence administrative proceedings to investigate the merger or acquisition to determining its potential impact on competition in the relevant segment of the service market. The duration of administrative proceedings shall not exceed three months;

2. The investigation of a merger or acquisition shall be necessary if:

a) after the merger or acquisition, structures of vertically and horizontally integrated undertakings are created in the relevant segments of the retail market and in the segments of a wholesale market closely related to the retail market, and such structures will be able to obtain significant market advantage in these segments through mutual control, to create barriers to entry and significantly restrict competition;

b) if one or several undertakings participating in the merger or acquisition is a vertically integrated authorised person having significant market power both in the retail market and closely related wholesale market segments;

c) if the initiating undertaking participating in the merger or acquisition has significant market advantage in the retail (wholesale) service market segments and the potential merger is conducted with, or significant interest, shares or operating assets are purchased from such an undertaking that has significant market advantage in the closely related upstream (downstream) segments of a wholesale (retail) market.

3. A notification and attached documentation shall be confidential until the administrative proceedings to investigate a merger or acquisition are commenced to determine the potential impact on competition in the relevant segment of the market.

4. In the case of granting its consent, the Commission may request from the authorised person created as a result of the merger, or from the authorised person acquiring an operating asset, to carry out such activities in the future, as will ensure the maintenance of competition in relevant segments of the service market.

5. The Commission may, on the basis of a substantiated decision, request that the conditions of a merger or acquisition be corrected, or it may prohibit the merger or the acquisition of the ownership interest, shares, or operating assets of the authorised person if it considers that the merger or acquisition will significantly distort competition in the relevant segment of the service

market.

6. If competition in the relevant segment of the service market is significantly distorted by an authorised person with significant market power formed as a result of a merger or acquisition effected with the consent of the Commission, the Commission may request from the authorised person formed as a result of the merger, or from an authorised person that has acquired an operating asset, or from an authorised person whose ownership interest or shares have been acquired, to ensure functional separation (separation of functionally separated structural units into a separate legal person/persons).

7. Parties to a merger or acquisition may offer their own proposals to the Commission at any stage of the merger or acquisition to avoid significant distortion of competition in the relevant segments of the service market.

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Article 28 – Powers of the Commission to ensure competition

1. If the Commission establishes that the activities of an authorised person do not conform to the provisions of this Law for ensuring competition in the field of electronic communications, or that the authorised person has not fulfilled one or more obligations imposed on it as an authorised person with significant market power in the relevant segment of the service market, or that the authorised person has not fulfilled one or more obligations imposed on it during the merger or the acquisition of an ownership interest, the Commission may apply the sanctions defined by Chapter VII of this Law.

2. The Commission may, in the case of abusing significant market power, impose on the abusing person or prohibit the abusing person from certain activities, and in the case of a failure to fulfil the relevant decisions of the Commission, the latter may use the sanctions defined by Chapter VII of this Law.

3. If an authorised person with significant market power does not fulfil the obligations imposed on it, which poses direct risk to the public health and safety or which may create significant electronic or operational problems for other providers or users of electronic communication services, the Commission may ensure their fulfilment by means of direct coercion in accordance with the General Administrative Code of Georgia.

4. The burden of proving the existence of the circumstances that objectively determine the nature and the reasons of non-fulfilment of obligations imposed on an authorised person shall be on the authorised person. If objectively substantiated proof is presented, the Commission may amend the conditions of the specific obligations imposed on the authorised person taking into account the nature of the non-fulfilment of these obligations.

5. The amendment made under paragraph 4 of this article to specific obligations imposed by the Commission shall not release the authorised person from liability for the non-fulfilment of specific obligations.

6. The Commission may select only those objective measures which ensure the most rapid and low-cost elimination of the identified violation and do not cause harm to users and to the relevant authorised person.

Chapter V – Specific Obligations of Authorised Persons with Significant Market Power

Article 29 – Specific obligations of authorised persons with significant market power

1. The Commission may, by a decision, impose on an authorised person with significant market power in the relevant segment of the service market one or several of the following specific obligations:

a) obligation to ensure transparency of information;

b) obligation to prohibit discrimination;

c) obligation to record expenditure and income separately in accordance with the methodological rules approved by the Commission;

d) obligation to provide access to relevant elements of an electronic communication network;

e) obligation to regulate tariffs and prepare cost estimates.

2. Fulfilment of the obligations specified in paragraph 1 of this article shall not preclude the fulfilment by the authorised person of other obligations determined by the legislation of Georgia.

Article 30 – Imposition of specific obligations

1. Specific obligations shall be imposed only on an authorised person with significant market power in the relevant segment of the service market.

2. The date of entry into force of specific obligations shall be specified by a decision of the Commission; if the Commission does not specify this date, the authorised person shall begin the performance of imposed obligations from the moment when the decision is made.

3. The Commission may set out in detail the specific obligations determined by this Law and conditions for their fulfilment, also make changes and additions to the conditions of specific obligations on the basis of a study and analysis of the service market.

4. Specific obligations imposed on an authorised person by the Commission shall correspond to the market power of the authorised person in the relevant segment of the service market and to the nature of the abuse of such power, and shall be proportionally balanced and objectively substantiated.

5. If a study and analysis of the service market reveals that there is no authorised person with significant market power in the relevant segment of the market, the specific obligations shall be annulled and the relevant segment of the market shall be considered to be competitive.

Article 31 – Obligation to ensure the transparency of information

1. An authorised person with significant market power shall ensure the transparency of information related to access to the relevant elements of its own network and to the provision of interconnection, and shall make public the following information:

a) financial reporting documents reflecting its activities;

b) description of the relevant elements, technical facilities, functional resources and interfaces of the network, as well as information on free capacities;

c) technical characteristics of the network, including the description of used interfaces, of co-location areas and interconnection points;

d) conditions of access to the relevant elements of the network, to their functional resources and free capacities and the conditions for providing interconnection, taking into account the requirements of authorised persons interested in a relevant segment of the service market;

e) tariffs of access and interconnection, and payment conditions.

2. An authorised person shall publish an offer (invitation offer) to access appropriate elements of its own network and the provision of interconnection, which shall contain detailed information on: the elements of the operator's network, their functional resources and free capacities, as well as on the tariffs for access and interconnection, so that interested authorised persons are not required to pay an additional fee for those elements, technical means or functional resources of the network that the person has not requested.

3. In order to ensure the transparency of information, the Commission may determine what essential data are to be included in the information referred to in paragraph 1 of this article and in the offer (invitation offer) concerning access and interconnection of an authorised person with significant market power, also to request that changes or additions be made to the published invitation offer of the operator to ensure conformity with the defined conditions.

4. If the Commission imposes an obligation of unlimited access on an authorised person to the relevant local access network, the local service operator shall ensure the publication of an offer (invitation offer) on access and interconnection, which shall contain the conditions of access, including joint access, to the local access network and other essential conditions specified by the Commission.

5. Information that is essentially related to the development of a competitive environment in the relevant segment of the service market and to the provision of non-discriminatory free choice to access-seeking persons, and that helps such persons to make a decision on the selection of conditions for electronic communication services, shall not be regarded as a commercial secret of the operator providing access.

Article 32 – Obligation of non-discrimination

1. In offering access to the relevant network elements, technical facilities, free functional resources and capacities, an electronic communications network operator with significant market power shall, in the case of essentially similar circumstances and under equivalent requirements, provide the requested electronic communication services and associated information to interested authorised persons in a non-discriminatory (unrestricted) manner, within the same time limits and under the same conditions.

2. The determination of non-discriminatory conditions by an electronic communication network operator shall include the provision of homogeneous conditions, as well as: availability, quality, tariffs, delivery time limits, transparency of other essential information related to the provision of services, and interoperability.

3. An interested authorised person may request access to the relevant elements of the network under the same conditions that are not less favourable than those defined, in the case of essentially similar relations, for a structural subdivision of an access-providing operator, or for affiliated and other authorised persons.

4. An electronic communication network operator may offer to interested authorised persons the provision of access and interconnection under better conditions than those specified in its access and interconnection offer (invitation offer). In order to avoid discrimination, when offering better conditions, the operator shall make changes to the conditions of its invitation offer within 30 days after entering into the agreement.

5. Where an interested authorised person is successfully provided with access and interconnection under conditions different from those specified in an offer (invitation offer) of access and interconnection, the electronic communication network operator shall introduce relevant changes or additions to its invitation offer, and publish the conditions of access to the relevant network elements, their free functional resources and capacities.

6. (Deleted – 28.12.2005, No2564);

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Article 33 – Obligation to record expenditure and income separately

1. An authorised person with significant market power shall be obliged not to allow activities restricting competition, including subsidisation of tariff preferences of any group of users at the expense of other authorised persons or groups of users.

2. An electronic communication network operator shall, in accordance with methodological rules approved by the Commission, keep separate, objective and transparent records of the expenditure and income related to access to the relevant network elements and/or to the provision of interconnection and distribute them according to the network elements, operating activities and electronic communication service types.

3. In order to record and distribute expenditures and income separately, and ensure the transparency of information and performance of specific obligations of non-discrimination, the Commission may request an authorised person to submit accounting and financial information, including information on the distribution of expenditures and on income received from other authorised persons. In accordance with Article 31(5) of this Law and the provisions of the General Administrative Code of Georgia concerning the protection of commercial secrets or personal data, and the Law of Georgia on Personal Data Protection, the Commission may, by a decision, make public all the information submitted by an authorised person or only that part of the information that effectively ensures the stimulation of competition in the relevant segment of the service market.

4. In order to avoid discrimination in the process of providing electronic communication services to interested authorised persons, a vertically integrated electronic communication network operator or electronic communication network operator with joint significant market power, shall ensure the transparency of access to the relevant free elements of the electronic communications network, as well as transparency of the wholesale tariffs and transfer tariffs offered in the service market between intraindustrial structural divisions.

Law of Georgia No 6328 of 25 May 2012 – website, 12.6.2012

Article 34 – Obligation to provide access to the relevant elements of an electronic communication network

1. An authorised person with significant market power that owns an electronic communication network shall ensure unrestricted, transparent and non-discriminatory access to the relevant elements, technical facilities of its network and other types of electronic communication services.

2. In order to properly perform the obligation of providing access to the relevant elements of a network, an electronic communication network operator with significant market power shall ensure that the functional and technical characteristics of the relevant elements of its network meet the standards specified in the legislation.

3. In order to properly perform the obligation of providing access and interconnection to the relevant elements of a network, an electronic communication network operator with significant market power, which provides services to end-users by using subscriber numbering resources in the local service area, shall ensure that the functional and technical characteristics of the relevant elements of its network provide sufficient co-location areas and operational capacities in the interconnection points located in those areas.

4. If an authorised person is interested in access to the relevant elements of a network, it shall clearly indicate in its application the unconditional acceptance of the conditions specified in the offer (invitation offer) of access and interconnection made by an operator with significant market power, and, if the operator requests interconnection, the essential conditions for the provision of access and interconnection to the relevant elements of its own network.

5. The parties shall implement all equitable and reasonable measures, and within 30 days after the receipt of the application, agree between each other and enter into an agreement for access and /or interconnection to the relevant elements of the network and submit a copy of the agreement to the Commission within three working days after it has been signed by both parties.

6. If the agreement is inconsistent with the legislation of Georgia, or with the essential conditions of the offer (invitation offer) of access and interconnection, and/or if the legislation is changed during the validity period of the agreement, the Commission may request the revision, amendment or revocation of the conditions in the agreement.

7. In order to further develop electronic communication networks, and to diversify the service types provided to users and to facilitate the introduction of new communication technologies, the Commission may, by a relevant decision, request an electronic communication network operator to provide access to the relevant elements of the network and to their free functional resources and capacities, taking into account the conditions required by the interested authorised person. When making a decision, the Commission shall take into account the following circumstances:

a) the development level of the relevant segment of the service market;

b) the technical and economic capabilities of the access-providing operator;

c) the existence of free functional resources and requested capacities of the network elements of the access-providing operator;

d) the amount of investment to be made by the electronic communication network operator and the relevant investment risks;

e) the necessity to ensure long-term competition in the relevant segment of the service market;

f) the protection of intellectual property rights.

8. By a decision of the Commission, an electronic communication network operator shall ensure the separation of the functional resources of the relevant elements of its own network, the use of which is reasonably requested by an interested authorised person even if such separation has not been performed before by the operator.

9. An electronic communication network operator may refuse to separate the functional resources of the relevant elements of the network if such separation:

a) is not technically or technologically feasible or violates the integrity of the operator's network;

b) in the case of a lack of the required capacity of the network element, restricts the provision of access and/or interconnection to other operators in accordance with active agreements or the provision of electronic communication services to end-users;

c) is not essentially related to the requested access and/or interconnection.

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Article 35 – Obligation to regulate tariffs and make cost estimates

1. An electronic communication network operator with significant market power shall provide access and/or interconnection for interested authorised persons to the relevant elements of its own network, and to their functional resources and free capacities, or electronic communication service types, at cost-oriented and non-discriminatory tariffs.

2. A tariff set by an electronic communication network operator shall take account of the expenses incurred to provide the relevant elements, resources and capacities of the network used for the provision of services, and the right of the operator to receive a reasonable return on the investments made and a long-term tendency for further development and expansion of the communication networks of the operator.

3. In regulating tariffs and imposing cost accounting obligations, the Commission may, by a decision, set:

a) a requirement that evidence is provided confirming that the tariffs set by the authorised person are cost-oriented and comply with the requirements of the methodological rules established by the Commission;

b) a requirement that data verified by an independent auditor are submitted to the Commission by an authorised person;

c) a requirement that the competition-restricting tariffs set by authorised persons are changed;

d) maximum tariffs for access to the relevant elements of a network, to their functional resources and free capacities and for providing electronic communication services.

4. A tariff set by a provider of access and of electronic communication services, or in the cases determined by the legislation, a maximum tariff set by the Commission, shall ensure a long-term and effective competition in the field of electronic communications, the provision of economically affordable and quality services to end-users, and shall not allow unreasonably high tariffs or tariff pressure in the relevant segments of the service market.

5. The Commission may establish methodological rules for authorised persons to make cost estimates and to separately record expenditures, and such rules shall be binding on authorised persons in order to properly carry out tariff regulation and cost accounting obligations.

6. In the case of imposition of tariff regulation and cost accounting obligations, an authorised person shall create a cost accounting system in accordance with conditions specified by the Commission, and publish its description, submit it to the Commission and keep records of expenses in accordance with this system.

Chapter VI – Procedures for Reviewing and Resolving Disputes between Authorised Persons

Article 36 – Commencement of the review of a dispute

1. Disputes arising between authorised persons shall be resolved by the Commision within the powers granted by the legislation of Georgia, and disputes arising before the entry into force of this Law, in accordance with the normative acts invalidated upon the entry into force of this Law, except where the parties intend to regulate their relations in accordance with this Law.

2. An authorised person may apply to the Commission to review and resolve a dispute.

3. The parties shall commence proceedings before the Commission by submitting to the Commission an appropriate application indicating:

a) the name, surname, residential or work address, telephone number (if any), of the applicant, and if the applicant is a legal person, the data from the Registry of Entrepreneurs and Non-Entrepreneurial (Non-commercial) Legal Persons or the data of the founding document, and a telephone number (if any);

b) the name, surname, residential or work address, telephone number (if any), of a representative, if the application is submitted by a representative;

c) the name of the person complained against;

d) the request of the applicant;

e) the actual circumstances supporting the applicant's request;

d) evidence confirming these circumstances.

4. An application shall be accompanied by a document certifying the authority of the representative.

5. An application shall be admitted if the request does not exceed the powers of the Commission.

6. If the request specified in the application substantially relates to such a request or circumstance in respect of which the Commission has already made a decision ensuring competition and relating to preliminary regulation, the dispute between the parties shall not be reviewed. In that case, the Commission may commence an administrative proceeding on the abuse of significant market power by a person with significant market power, in accordance with Article 28 of this Law.

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 1939 of 3 November 2009 – LGH I, No35, 19.11.2009, Art. 257

Article 37 – Principles for resolving disputes

1. Dispute shall be reviewed at a meeting of the Commission on the basis of the adversarial principle. Parties shall enjoy equal rights and opportunities to substantiate their claims, reject or repudiate the claims, opinions or evidence presented by the other party. Parties shall, on their own, determine the factual circumstances on which to base their claims, or evidence to use to verify those facts.

2. The adversarial principle specified in paragraph 1 of this article shall not restrict the Commission from collecting, on its own motion, factual circumstances and requesting evidence in order to establish the details of a case.

3. The Commission shall review a dispute in an open meeting, except for the cases provided for in the Law of Georgia on State Secrets and in the General Administrative Code of Georgia.

Article 38 – Preparatory meeting

1. The Commission shall set a date for a preparatory meeting within 10 days after registration of an application. The Commission may decide to terminate the dispute resolution administrative proceedings if it discovers that the subject-matter of the dispute is not related to the performance of the regulatory functions assigned to the Commission by legislation, or decide to dismiss the application if the applicant does not submit additional information or documents in the specified period of time.

2. The Commission shall notify the parties about the scheduling of the preparatory meeting and the date, time and place of the meeting.

3. Parties shall submit to the Commission their opinions and evidence before the preparatory meeting or at the meeting.

4. A party may submit for consideration to the Commission a cross-application (counter request) with the main application before the preparatory meeting or at the meeting. A cross-application may be submitted in accordance with the procedure established by this article.

5. An applicant may inspect the cross-application.

6. At the preparatory meeting the Commission shall make a decision on the date of scheduling the review of the dispute.

Article 39 – Notification and invitation

1. Parties, or their representatives, shall be notified of the date, time and place of the review of the dispute.

2. The Commission shall, where necessary, invite witnesses, experts, specialists and interpreters at the review of the dispute.

3. A notification shall be sent by mail or courier, or may also be served on the Parties upon the completion of the preparatory meeting. The notification shall contain:

a) the address of the Commission;

b) the date, time and place of the Commission meeting;

c) the title of the case for which a certain person is invited;

d) the name of a person to be invited, also, the capacity in which the person is called;

e) a request to the Parties to present all evidence available to them;

f) a statement that in the case of absence of the addressee, the person receiving the notification is obliged to deliver the notification to the addressee at the earliest opportunity.

4. In addition to the notification, the Commission shall send or deliver to the parties copies of the application and attached documents. The Commission shall send or deliver to the party submitting the application a copy of the cross-application of the other party if it was submitted to the Commission by the time of sending the notification. Copies of every written document submitted to the Commission may be sent to the parties even after a notification has already been sent or delivered.

5. Where necessary, the parties may be invited to the Commission meeting via e-mail or fax.

Article 40 – Collecting and evaluating evidence

1. Parties shall provide evidence of the facts on which their claims are based.

2. Facts may be proved by explanations of the parties, or where necessary, by witness testimonies, expert opinions and reports, which shall be presented in writting.

3. Written evidence shall be documents containing data on facts relevant to the case. Normally, the original of written evidence shall be presented.

4. A person who is aware of a certain ciscumstance of the case shall be questioned as a witness.

5. An expert may be invited to provide an explanation or an opinion on a certain matter.

6. The Commission shall evaluate evidence on the basis of a comprehensive, complete and objective examination.

Article 41 – Review of disputes

1. If a party (parties) to the dispute does not appear, the review of the dispute shall be postponed until the next meeting of the Commission. A repeated failure of a party to appear without good reason shall not prevent the Commission from reviewing the dispute.

2. At the meeting of the Commission, the review of a case shall begin by presenting the circumstance of the case, the parties, and the subject matter and grounds of the dispute.

3. The process of establishing circumstances important for the case shall commence by receiving the explanations of the parties.

4. The refusal of a Party to provide an explanation at the meeting shall not prevent the receipt of an explanation from the other party.

5. The Chairman of the meeting and the members of the Commission shall ask questions of the parties that facilitate a full and accurate determination of the circumstances important to the case. Parties shall be entitled to ask questions of each other.

6. A record of the meeting of the Commission shall be prepared. The record shall reflect all essential moments of the hearing of the case, in particular: the year, month, day and place of the meeting; the starting and ending time of the meeting; the composition and the secretary of the meeting; the title of the case; information on the attendance of representatives, witnesses, experts and interpreters; explanations of the parties and of their representatives; witness testimony, interpretations by experts of their opinions; and details of the content of the decision.

Article 42 – Resolution of disputes

1. A dispute shall be resolved on the merits by a decision of the Commission.

2. The parties may, at any stage of the review of a dispute, request to settle the dispute amicably.

3. The Commission may, by its decision, approve an amicable settlement of the dispute.

4. The Commission may object to an amicable settlement of a dispute and make a different decision if the amicable settlement conflicts with the requirements of the legislation of Georgia.

5. An applicant may withdraw an application and the other Party may recognise the claim of the applicant. In that case, the Commission may terminate the dispute resolution proceedings.

6. The term for reviewing a dispute on interconnection shall be one month. If the parties cannot reach an amicable settlement during a review of a dispute on interconnection, the Commission may, on its own, specify the conditions for the interconnection.

7. The decision of the Commission may be appealed to a court.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Chapter VII – Liability and Monitoring of Activities in the Electronic Communications Sector

Article 43 – Monitoring activities in the field of electronic communications

1. The Commission shall monitor the activities of authorised persons in the field of electronic communications and their compliance with the requirements and obligations determined in the field of electronic communications by the legislation of Georgia, including by resolutions and decisions of the Commission.

2. The Commission shall monitor the compliance of persons carrying out activities through departmental and special electronic

communication networks with the requirements and obligations determined in the field of electronic communications by the legislation of Georgia, including by the resolutions and decisions of the Commission, for the non-performance of which natural and legal persons shall be held liable in accordance with the Administrative Offences Code of Georgia.

3. The Commission shall monitor the observance of the conditions of the requirements and obligations determined by the relevant decisions of the Commission and the licence conditions by the persons who possess the permit to use exhaustible resources, including the holders of the licences for using the exhaustible resources. In the case of their violation, the Commission shall apply the sanctions defined in Article 45 of this Law.

4. The use of a radio frequency spectrum and/or numbering resources without authorisation, license, or a permit for using exhaustible resources in the field of electronic communications shall be inadmissible and shall create liability as provided for in the Administrative Offences Code of Georgia.

5. Where necessary, the Commission may use the administrative powers that are granted under the Administrative Code of Georgia but that are not provided for in this Law.

Law of Georgia No 2564 of 28 December 2005 – LHG I, No 4, 18.1.2006, Article 34

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 44 – Monitoring and inspection

1. The Commission shall monitor the performance by authorised persons of the requirements and obligations determined by the legislation of Georgia, including the resolutions and decisions of the Commission in the field of electronic communications, in a continuous and systematic manner.

2. The Commission shall check the performance of licence conditions by a license holder through a random inspection of licence conditions and/or regular reporting by the license holder. In addition, the Commission may conduct an inspection on the basis of a complaint, ex parte notification, and information from newspapers or other sources.

3. When monitoring the performance of the the requirements and obligations determined by the legislation of Georgia, including by the resolutions and decisions of the Commission in the field of electronic communications, as well as when checking the licence conditions, the Commission may not inspect the submission of such factual circumstances that are not directly related to the performance by the license holder of the license conditions, or of the requirements and obligations provided for in the legislation, including in the resolutions and decisions of the Commission.

4. The Commission shall make a decision on conducting an inspection; the decision shall contain the name of a person authorised to conduct the inspection.

5. Before conducting an inspection, the authorised person shall present to the representative of a person to be inspected an identity card and a document certifying his/her authority. He/she shall be authorised to inspect the documents related to the activity of the authorised person on site, make copies of documents, check technical equipment with special equipment, request the officials and other personnel to provide information, oral and written explanations regarding the issue to be examined.

6. A person authorised to conduct an inspection shall prepare an inspection report in the form approved by the Commission, which shall be entered into a register specially maintained for this purpose. An inspection report shall contain: the date, time and place of inspection; the grounds for the inspection; the name of the person(s) present during the inspection from the side of the inspected person; a list of inspected documents if they were inspected on site (if a copy was made, the copy shall be attached to the report); a list of the inspected equipment and their technical parameters; a summary of oral explanations received (if in writing, the written materials shall be attached to the report); comments, if any, of the person authorised to conduct the inspection; other explanations, if any, of the person (his/her representative) being inspected; the signature of the person (his/her representative) being inspected, or in the case of refusal to sign, signatures of at least two attending witnesses.

7. If there is sufficient evidence of violations even without an inspection, an administrative proceeding shall be commenced under Article 76(1)(b) of the General Administrative Code of Georgia for the purpose of making a decision to impose liability on the violator, of which the violator shall be notified.

8. If, as a result of an inspection, a person authorised to conduct the inspection discovers that an action of the person violating the legislation of Georgia in the field of electronic communications contains elements of crime defined by the Criminal Legislation of Georgia, he/she shall immediately submit the inspection materials to the Commission to take relevant measures.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 45 – Liability

1. If a person fails to comply with the legislation of Georgia in the field of electronic communications, including with the resolutions and decisions of the Commission and/or if a license holder fails to observe the licence conditions, the Commission may warn the violator in writing, and in the case of failure to eliminate a continuous violation within the time limit specified by the Commission, or in the case of the commission of a new single infringement within a year, the Commission may impose a fine in the amount of 0.5 per cent of the of the last 12 months' income of the authorised person or licence holder (total income without VAT as determined by the Tax Code of Georgia), but the amount shall not be less than GEL 3 000 nor more than GEL 30 000.

2. If, after having been fined, an authorised person and/or a license holder carries on a continuous infringement and/or within a year after having been fined, commits a new single infringement, the Commission may impose a fine in the amount of 1 per cent of the last 12 calendar months' income of the authorised person and/or of the license holder, but the fine shall not be less than GEL 9 000 nor more than GEL 90 000, or the Commission shall act under Article 54 of this Law with respect to the license holder.

3. If after having been fined for a second time, an authorised person and/or a license holder carries on a continuous infringement and/or after having been fined for the second time, but within a year after the imposition of the first fine, commits a new single infringement, the Commission may impose a fine in the amount of 3 per cent of the last 12 calendar months' income of the authorised person and/or of the license holder for each new subsequent single infringement, and the fine shall not be less than GEL 27 000 nor more than GEL 270 000, or the Commission shall act under Article 54 of this Law with respect to the license holder.

4. The violation of permit conditions by a person who has a right to use exhaustible resources (except for a licence holder or a person who has been granted the right to use exhaustible resources free of charge) shall entail a fine in the amount of GEL1 000, and in the case of a failure to eliminate a continuous infringement within the period specified by a decision of the Commission, or in the case of a new single infringement committed within a year after the imposition of the fine, the Commission may impose a fine in the amount of GEL 3 000 on the permit holder or act in accordance with Article 54 of this Law with respect to such person.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 46 – Administrative proceedings on sanctions

1. Decisions of the Commission relating to a warning and fine shall be made in simple administrative proceedings. The person concerned shall be notified in writing of the decision within seven days after the decision is made.

2. A fine shall be paid within 30 working days after a decision is made to impose the fine on a violator. The fine shall be transferred to the State Budget of Georgia.

3. If a violator does not comply with a decision imposing a fine, the enforcement of the decision shall be ensured by the National Bureau of Enforcement – a legal entity under public law under the Ministry of Justice of Georgia, on the basis of a writ of execution issued by the Commission.

4. If there are no grounds for a warning or fine, the administrative proceedings shall be immediately terminated.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 224 of 15 July 2008 – LHG I, No 17, 28.7.2008, Article 140

Chapter VIII – Regulating the Use of Exhaustible Resources

Article 47 – Radio frequency spectrum

1. The position allocated for Georgia on the geostationary orbit is a property of Georgia. The position allocated for Georgia on the geostationary orbit, also, a radio frequency spectrum used by electronic communication networks and facilities in their activities shall not be subject to transfer to private ownership or for permanent use or privatisation. A radio frequency spectrum and a position of the communication satellite of Georgia on the geostationary orbit shall be protected by the State.

2. The use of the position of Georgia on the geostationary orbit in accordance with international rules and requirements shall be ensured by the Government of Georgia. The Government of Georgia shall, in agreement with the Commission, specify radio frequencies used for the execution of public functions by the State, such as measures implemented for state defence, security and protection of law and order.

3. Radio frequency bands for aeronautical mobile service and aeronautical radio navigation service shall be allocated in accordance with the Radio Regulations of the International Telecommunication Union and the Statute of the International Civil Aviation Organisation (ICAO Charter).

4. The Commission shall allocate the radio frequency spectrum and regulate its use.

5. The National Plan for the Allocation of the Radio Frequency Spectrum shall be prepared by the Commission in accordance with the Radio Regulations of the International Telecommunication Union, taking into account the radio frequencies specified by the Government of Georgia, in agreement with the Commission, for the execution of the public functions of the State.

6. The right to use a radio frequency spectrum shall be obtained on the basis of a licence, through an auction or contest or in the cases defined by this Law – granting on the basis of the decision of the Commission.

7. The right to use a radio frequency spectrum to provide a digital terrestrial television network shall be obtained on the basis of a licence, through a contest as provided for in Article 52^1 of this Law.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 2039 of 20 February 2014 – website, 27.2.2014

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 47^1 – Assignment of call signs, identities and radio frequencies

1. Radio frequency bands for amateur services shall be allocated in accordance with the Radio Regulations of the International Telecommunication Union. The Commission shall assign call signs to amateur stations to provide amateur services within these radio frequency bands.

2. Radio frequency bands for maritime mobile services and maritime radio navigation services shall be allocated in accordance with the Radio Regulations of the International Telecommunication Union. The Commission shall assign call signs and identities

to marine vessels. Radio frequency bands allocated in accordance with the Radio Regulations of the International Telecommunication Union shall be used by a marine vessel in distress to transmit international distress alerts in accordance with the rules and conditions determined in Part 13 of Volume II of the same Regulations and do not require the Commission's authorisation.

3. An unauthorised person whose activity is not related to the provision of public electronic communication networks and facilities and/or to the provision of services through such networks and facilities, but who requires the use of radio frequencies as ancillary technology, shall be permitted temporary use bye Commission, for one year, of radio frequencies as ancillary technology through simple administrative proceedings, and the unauthorised person shall pay a fee for using exhaustible resources.

4. The Commission may, without conducting an auction, give permission to use a radio frequency for 15 years to an authorised person who needs to use the radio relay network or one or several sections of a radio relay line as ancillary technology for carrying out his/her activity for non-commercial purposes, on the basis of an application submitted to the Commission and covering the main technical characteristics of the network and stations, also the desired time limit for granting the right to use radio frequency/frequencies. In that case, the authorised person shall pay the fee to use these resources, which shall be determined by the Commission and/or the Provision on the Conduct of an Auction for Obtaining the Right to Use Numbering Resources.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 2632 of 1 August 2014 – website, 12.8.2014

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 47^2 – Harmonisation of a radio frequency spectrum

1. For the effective management and use of a radio frequency spectrum, the Commission shall ensure the harmonisation, at the national level, of radio frequency ranges harmonised for electronic communication services and terrestrial systems envisaged by the decisions of the European Commission in accordance with the technical norms and conditions required by the same decisions, by introducing appropriate changes to the National Plan for the Allocation of Radio Frequency Spectrum and by modifying the licences issued within the same radio frequency ranges for the use of exhaustible resources.

2. Licences for the use of exhaustible resources within the harmonised radio frequency ranges specified in paragraph 1 of this article shall be issued in accordance with the principle of technological and service neutrality, for 15 years, in compliance with the technical norms and conditions determined by the decisions and/or directives of the European Commission.

3. For the purpose of introducing new technologies into radio frequency ranges provided for in paragraph 1 of this article, licences issued on the basis of an allocation plan in accordance with decisions of the European Commission shall be subject to the modification provided that:

a) the purpose of using exhaustible resources is modified in such a way that the licence holder is able to use exhaustible resources in accordance with the National Plan for the Allocation of Radio Frequency Spectrum, and in accordance with the principle of technological and service neutrality for authorised electronic communication activities, in compliance with the harmonised technical norms and conditions determined by the decisions and/or directives of the European Commission;

b) the period of validity of a licence is specified as 15 years after a decision is made by the Commission to modify a licence, irrespective of the period specified by the decision of the Commission to issue/extend the validity of the licence;

c) the fee for using exhaustible resources under the licence is subject to re-calculation in accordance with the procedure established by a resolution of the Commission in accordance with the following principles:

c.a) the Commission sets the price for using exhaustible resources provided for in the modified licence;

c.b) the amount paid/payable for the use of exhaustible resources by the licence holder, which is directly proportional to the

amount calculated for the period starting from the moment when the Commission made a decision to modify the licence up to the expiry of the period provided for in a decision to issue/extend the validity period of the licence, is deducted from the amount determined in accordance with sub-paragraph (c.a) of this paragraph.

4. A licence holder may request the modification of a licence in accordance with paragraph 3 of this article only with respect to a certain part of the exhaustible resource covered by the licence and may transfer the remaining part. It must be possible to use the transferred part independently in accordance with the principle of technological neutrality. In the case of a partial transfer of a licence, the amount re-calculated for the period starting from the moment when the Commission made a decision to modify the licence up to the expiry of the period provided for in a decision to issue/extend the validity period of the licence and paid by the licence holder for the use of exhaustible resources shall be deducted from the amount calculated in accordance with paragraph 3(c.a.) of this article.

5. A licence holder may completely refuse to modify the license under paragraph 3 of this article and to terminate the use of the exhaustible resources covered by the licence. In that case, the licence shall be deemed to be annulled at the initiative of the licence holder. Where a licence is annulled at the initiative of the licence holder, the amount paid for the use of exhaustible resources covered by the licence shall not be refunded.

6. Article 49(3,5,6) shall not apply to a licence issued/modified on the basis of this article.

7. The procedure and schedule for paying the fee for the use of exhaustible resources covered by a license modified on the basis of this article shall be determined by the Commission. The payment schedule shall not require the payment of more than 50 per cent of the fee payable for the use of exhaustible resources for one year.

8. A licence specified in paragraph 3 of this article shall be modified within three months after the appropriate changes are introduced into the National Plan for the Allocation of Radio Frequency Spectrum for the purpose of harmonisation, at national level, of the radio frequency ranges harmonised for electronic communication services and terrestrial system envisaged by the decisions of the European Commission in accordance with technical norms and conditions determined by the same decisions.

Law of Georgia No 2632 of 1 August 2014 – website, 12.8.2014

Article 47^3 – Change of radio frequencies; full or partial transfer

1. When introducing changes into the National Plan for the Allocation of Radio Frequency Spectrum, the Commission shall be authorised to substitute the radio frequency granted by a decision of the Commission under Article 47^1(4) by another radio frequency. In that case, the authorised person shall not be entitled to claim compensation.

2. The Commission may substitute a radio frequency resource provided on the basis of a licence, before the expiry of the validity period of such licence, by another radio frequency resource of the same volume existing within a specific section (radio frequency range) of the same radio frequency band determined by the National Plan for the Allocation of Radio Frequency Spectrum if the licence holder is able to continue its activity and the provision of services without changing the technology used. If expenses arise due to changing a radio frequency resource, a licence holder shall be entitled to apply to the Commission with a reasonable request to reimburse the expenses. The amount of the expenses, the payment method and conditions shall be determined by the Commission by a decision made to change a radio frequency resource. In that case, the Commission shall be authorised to rely on the opinion of an audit company selected from the list of persons providing audited financial reports and/or expert and audit opinions for enterprises determined by the Government of Georgia.

3. When for the purpose of planning and distributing radio frequency ranges in accordance with the harmonised technical norms and parameters, the National Plan for the Distribution of Radio Frequency Spectrum is changed in such a way that it is impossible to ensure the simultaneous maintenance of the technical norms and parameters of existing, newly planned or allocated radio frequencies, also the co-existence of electronic communication technologies, the Commission may have the following rights with respect to a license holder using such a radio frequency resource:

a) choose not to extend the validity period of the licence of a license holder. The licence holder shall be informed at least three years before the expiry of the licence;

b) extend the validity of the licence for less than 10 years if less than three years are left before the expiry of the licence of a license holder using such a radio frequency resource. In that case, the Commission shall:

b.a) notify the licence holder of the intention to extend the validity of the licence for less than 10 years. The validity period of the

licence shall not be less than three years after the receipt of a notification by the licence holder;

b.b) calculate the amount of the fee payable for the use of the exhaustible resources covered by the licence in accordance with the period (year, month) specified in a decision made by the Commission to extend the validity period of the licence;

c) require from the licence holder full or partial transfer of the radio frequency resource covered by the licence before the expiry of that licence in lieu of appropriate compensation. The amount of compensation, payment conditions and methods shall be determined by a decision of the Commission in agreement with the Government of Georgia, and compensation shall be paid from the State Budget of Georgia. When determining the amount of compensation, the Commission shall rely on the opinion of an audit company selected from the list of persons providing audited financial reports and/or expert and audit opinions for enterprises determined by the Government of Georgia. To purchase the services of an international audit company, the Commission shall announce a tender. Expenses associated with the purchase shall be covered from the budget of the Commission or from the State Budget of Georgia, as agreed with the Government of Georgia;

d) in agreement with the licence holder, offer another radio frequency resource in lieu of the compensation provided for in sub-paragraph (c) of this paragraph. The market value of this radio frequency resource shall correspond to the amount of compensation determined on the basis of the opinion of the international audit company selected by the Commission. When calculating the market value of an offered radio frequency resource:

d.a) the Commission shall take into account the fee/arithmetical average of fees for 1 megahertz recorded at auctions conducted within the last one year on a specific section of the offered radio frequency band (radio frequency range);

d.b) if no auctions were conducted within the last one year on a specific section of the offered radio frequency band (radio frequency range), the fee payable for 1 megahertz of the offered radio frequency band shall be calculated in accordance with Article 49(5);

d.c) if an auction provided for by sub-paragraph (d.a) of this paragraph has not been conducted and a radio frequency resource specified in Article 47^2 of this Law has been offered in lieu of the compensation, the Commission shall take into account the fee calculated for 1 megahertz of the relevant appropriate exhaustible resource covered by the licence modified on the basis of Article 47^2.

4. The compensation specified in paragraph 3(c) of this article shall comprise the amount paid for obtaining the right to use the exhaustible resource, calculated in direct proportion to the years remaining until the expiry of the licence for the use of exhaustible resources and to the volume of the transferred exhaustible resource, as well as the expenses of dismantling or modifying a network.

5. The Commission shall make substantiated decisions on the basis of this article through public administrative proceedings.

Law of Georgia No 2632 of 1 August 2014 – website, 12.8.2014

Article 48 – Numbering resources

1. The national numbering system shall be developed by the Government of Georgia in agreement with the Commission.

2. Matters related to the use of numbering resources shall be regulated by the Commission.

3. The Commission shall:

a) approve the Rules for Issuing and Using Numbering Resources and for Paying the relevant Fees

b) grant right for using numbering resources in accordance with the time limit established by this Law and the Rules for Issuing, Using and Payment of Numbering Resources and specify permit conditions. A permit for using numbering resources shall be granted to a person on the basis of a decision of the Commission through simple administrative proceedings;

4. The grounds for obtaining a right for the use of numbering resources shall be the availability of free resources and an application of a seeker to obtain a right to use numbering resources.

5. The Commission shall grant a right to a person to use numbering resources in accordance with this Law, the Regulation on the National Numbering System of Electronic Communication Networks of Georgia and the Rules for Issuing, Using and Payment of

Numbering Resources and for Paying the relevant Fees.

6. In order to obtain a right for using numbering resources, a person shall pay the fee for using numbering resources specified in the Rules for Issuing, Using and Payment of Numbering Resources, except for the exceptional cases provided for by the legislation of Georgia. The failure to pay the fee for using numbering resources shall serve as grounds for refusing to grant a right.

7. A right for using numbering resources shall be granted to a person for an indefinite period with annual renewal, except for the cases provided for by the Rules for Issuing, Using and Payment of Numbering Resources.

8. A right for using numbering resources shall be renewed not later than one year after the issuance/renewal of the right for using numbering resources, by payment of the relevant fee and by submitting to the Commission a document certifying the payment of the fee for using numbering resources. In that case, the Commission shall enter the information on the renewal of a right into the appropriate departmental registry. If the fee is not paid and a document certifying the payment of the fee for using numbering resources is not submitted to the Commission in the specified period of time, the right for using numbering resources shall be deemed revoked.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 49 – Licences and the validity period of licences

1. The Commission shall issue a licence for using a radio frequency spectrum.

2. The Commission shall issue a licence for using a radio frequency spectrum through an auction or contest, in accordance with this Law, the Law of Georgia on Licences and Permits and the Law of Georgia on Licence and Permit Fees and the Regulation approved by the Commission on Conducting an Auction to Obtain the Right to Use a Radio Frequency Spectrum.

3. The licence shall be issued for 10 years.

3^1. A license holder shall use exhaustible resources covered by the licence, in accordance with the conditions determined by the legislation of Georgia and by a decision of the Commission to issue the license, ensure optimal and effective use of the exhaustible resources covered by the licence, including by the introduction of innovative electronic communication technologies.

4. A licence holder may apply to the Commission with a request to extend the validity period of the licence, one month prior to the expiry of the licence. If a licence holder uses a radio frequency spectrum in accordance with the rules established by this Law, the validity period of the licence shall be extended for 10 years by a decision of the Commission.

5. If the validity period of a licence is extended:

a) the licence holder shall pay the arithmetical average of the fees recorded at auctions that have been conducted within last two years for obtaining the right to use the relevant band of the same radio frequency spectrum allocated in accordance with the National Plan for the Allocation of Radio Frequency Spectrum;

b) if not more than two auctions have been conducted during the period specified in sub-paragraph (a) of this paragraph (two years) for obtaining the right to use the relevant band of the same radio frequency spectrum, the licence holder shall pay the arithmetical average of the fees recorded at auctions conducted during last three years for obtaining the right to use the relevant band of the same radio frequency;

c) if not more than two auctions have been held during the last three years for obtaining the right to use the relevant band of the radio frequency allocated in accordance with the National Plan for the Allocation of Radio Frequency Spectrum, the licence holder shall pay the arithmetical average of the fees recorded at the last three auctions (in the absence of three auctions, during the last two years) held for the purpose of obtaining the right to use a radio frequency spectrum;

d) if only one auction has been held for obtaining the right to use the relevant band of a radio frequency allocated in accordance with the National Plan for the Allocation of Radio Frequency Spectrum, the licence holder shall pay the fee recorded at that auction;

e) if no auction has been held for obtaining the right to use the relevant band of a radio frequency allocated in accordance with the National Plan for the Allocation of Radio Frequency Spectrum, the licence holder shall, for the extension of the licence, pay the starting price of an auction to be held for obtaining the right to use a radio frequency spectrum, which shall be determined by the Regulation on Conducting an Auction for the Purposes of Obtaining the Right to Use a Radio Frequency Spectrum;

f) the license holder shall also pay a license fee.

6. The procedure specified in paragraph 5 of this article shall not apply to the extension of the validity period of s license issued through a contest.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 2039 of 20 February 2014 – website, 27.2.2014

Article 50 – Grounds for obtaining a licence

1. The grounds for obtaining a license to use a radio frequency spectrum shall be the availability of free resources, an application of the person, and his/her successful bid at the auction.

2. The Commission shall make a decision to conduct auction if there is a:

a) free radio frequency spectrum provided for in the National Plan for the Allocation of Radio Frequency Spectrum and a request of a person to conduct an auction for obtaining the right to use a radio frequency spectrum. A decision of the Commission on conducting an auction shall specify the starting price of the right to use the exhaustible resource to be put up for auction in accordance with the Regulation on Obtaining the Right to Use a Radio Frequency Spectrum;

b) an application of the holder of a license to use a radio frequency spectrum requesting full or partial transfer to any person of his/her right to use the radio frequency spectrum. In that case, the Commission shall hold an auction in accordance with the general procedure established by this Law.

3. For the purpose of ensuring competition in the field of electronic communications, the right to use a radio frequency spectrum may, by a substantiated decision of the Commission, be restricted for a person who, by the moment when the auction is announced, independently and/or jointly with interdependent (affiliated) persons owns or will own, in the case of winning the auction, more than the maximum amount of the radio frequency resources, determined by a decision of the Commission on the announcement of auction, on a specific section of a radio frequency band (radio frequency range) or on a set of specific radio frequency sections (radio frequency ranges) with similar characteristics.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 2632 of 1 August 2014 – website, 12.8.2014

Article 50^1 – Grounds for obtaining a license for using a radio frequency spectrum in order to provide a digital terrestrial television network

1. For the purpose of providing a digital terrestrial television network, a licence for using a radio frequency spectrum shall be issued if a free radio frequency resource is available and after a contest is announced on the initiative of the Commission or upon application of an interested person, the successful candidate is identified in the contest.

2. The Commission shall make a decision on conducting a contest if:

a) free radio frequency resources provided for in the National Plan for the Allocation of Radio Frequency Spectrum is available for providing a digital terrestrial television network;

b) there exists an application of a holder of a licence for using a radio frequency spectrum requesting a full or partial transfer to another person of the right to use the radio frequency spectrum currently used by him/her, except for the persons specified in Article 52^1(5) of this Law. In that case, the Commission shall conduct a contest in accordance with the procedure established by Article 52^1 of this Law.

3. The Commission shall assign to the holder of a license for using radio frequency spectrum an identification code for terminal equipment of digital terrestrial networks for the validity period of the license.

Law of Georgia No 2039 of 20 February 2014 – website, 27.2.2014

Law of Georgia No 3693 of 12 June 2015 – website, 15.6.2015

Article 51 – Assignment of the right to use a radio frequency spectrum to other persons

1. A holder of a licence for using a radio frequency spectrum may assign the right to use a radio frequency spectrum to another person, fully or partially, by direct assignment, without conducting an auction, by entering into an agreement for direct assignment. The Commission shall commence public administrative proceedings on the assignment of a licence on the basis of a joint application for assignment.

2. By decision of the commission, the assignment of a licence may be restricted for a holder of a licence for using a radio frequency spectrum if:

a) the assignor has not paid an overdue regulatory fee payable to the Commission or an overdue fee for using an exhaustible resource payable to the State Budget of Georgia;

b) when transferring, fully or partially, a licence for using an exhaustible resource by direct assignment, a person independently and/or jointly with interdependent (affiliated) persons becomes the owner of more than the maximum limit of the radio frequency resource determined by a substantiated decision of the Commission on the basis of a study and analysis conducted within the scope of the public administrative proceedings commenced regarding the assignment of a specific section of the radio frequency band (radio frequency range) or of a set of specific sections of the radio frequency band (radio frequency ranges) with similar characteristics.

c) an end-user is provided with telecommunication services through exhaustible resources specified by the licence and the licence recipient has not confirmed the obligation to provide him/her with services, under the agreement entered into with the end-user, for the period of validity of the agreement.

3. In the case specified in paragraph 2 of this article, except as provided for in sub-paragraph (b) of the same paragraph, public administrative proceedings shall be suspended and shall only be resumed after the assignor fully performs its obligations.

4. A licence holder may start using a radio frequency spectrum provided for by the licence in accordance with the licence conditions and the requirements determined by this Law only after the Commission make a decision to assign the licence and after the authorisation is obtained in accordance with the procedure established by this Law.

5. An authorised person who has obtained a licence for using a radio frequency spectrum through an auction may apply to the Commission and request that an auction be held in order to assign the right to use a radio frequency spectrum, fully or partially, to another authorised persons.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 2632 of 1 August 2014 – website, 12.8.2014

Article 51^1 – Transfer of the right to use a radio frequency spectrum for providing a digital terrestrial television network

1. A holder of a licence for using a radio frequency spectrum for the provision of a digital terrestrial television network may transfer the right to use a radio frequency spectrum currently used by him/her to another person, fully or partially, except for persons specified in Article 52^1(5), without conducting a contest, by entering into an agreement for direct assignment. The Commission shall commence public administrative proceedings on the assignment of a licence on the basis of a joint application for assignment.

2. By a decision of the Commission, a holder of a licence for using a radio frequency spectrum for the provision of a digital terrestrial television network may be restricted in the assignment of the licence if the assignor has not paid an overdue regulatory fee payable to the Commission.

3. In the case specified in paragraph 2 of this article, public administrative proceedings shall be suspended and shall be resumed after the assignor fully performs its obligations.

4. A holder of a licence to use a radio frequency spectrum may start using the radio frequency spectrum covered by the licence in accordance with the licence conditions and the requirements determined by this Law only after the Commission makes a decision to assign the licence and after the authorisation is obtained in accordance with the procedure established by this Law.

5. An authorised person having obtained a licence to use a radio frequency spectrum through an auction may apply to the Commission and request that an auction be held in order to fully assign the right to use a radio frequency spectrum to another authorised persons.

Law of Georgia No 2039 of 20 February 2014 – website, 27.2.2014

Article 52 – Issuance of licenses on the basis of an auction

1. A decision to conduct an auction for issuing a licence to use a radio frequency spectrum shall be made by the Commission; the decision shall be disseminated via mass media and published in the Internet on the official website of the Commission.

2. A decision of the Commission to conduct an auction shall contain:

a) the relevant geographic boundaries of the service market;

b) technical and operational conditions for using an exhaustible resource, ensuring the prevention of its harmful interference and adverse effects on human health;

c) starting or offered price;

d) starting and ending dates of receiving applications, and the time limits for conducting the auction;

e) other data specified in Article 18(10) of the Law of Georgia on Licenses and Permits.

3. (Deleted – 28.12.2005, No2564);

4. When conducting an auction, the Commission shall be guided by the principles of objectivity, transparency, publicity and non-discrimination.

5. A successful bidder in an auction shall be selected by a decision of the Commission. The criterion for identifying a successful

bidder in an auction shall be the maximum price offered for the use of an exhaustible resource, 30 per cent of which shall be paid within one month after a decision identifying the successful bidder is made. A decision of the Commission identifying the successful bidder in the auction shall be disseminated via mass media or the Internet.

6. A licence shall be issued within seven working days after the successful bidder pays 30 per cent of the price for using an exhaustible resource. The remaining part of the price for using an exhaustible resource shall be paid within one year after obtaining the licence, in accordance with conditions determined by the decision of the Commission.

7. If a successful bidder in the auction intends to start an authorised activity (provision of services) which requires permissions from other authorities to use a radio frequency spectrum, the successful bidder may, in order to obtain such permission in accordance with the one-stop-shop principle, submit to the Commission appropriate documentation required by the legislation of Georgia for this permission, and the Commission shall ensure the issuance of the appropriate permission by the relevant authorities. In that case, the Commission shall, within five working days after receiving the relevant documentation, apply to the appropriate authorities and send them the documentation presented by the successful bidder. If the issuance of the permission is refused by the relevant authority within the next 20 working days, the refusal shall justify the non-compliance with the legislation of Georgia and indicate the ways of correcting the deficiencies. The successful bidder shall be allowed additional time to correct said deficiencies.

8. A licence holder shall start the practical activities within the period of time specified by a decision of the Commission to issue the licence.

8^1. A licence holder may not terminate the use of the resources covered by the licence or the practical activities carried out using such resources for longer than three consecutive months or six months within one year.

9. In order to start practical activities, the holder of a licence to use the resources provided for by this Law shall ensure:

a) the installation of electronic communication networks, technical facilities or the relevant elements of the network, operational management and operation in each geographical area covered by the licence;

b) the performance of economic activity using electronic communication networks, technical facilities or the relevant elements of the network;

c) the access of interested authorised persons to the elements of an electronic communication network, their resources and capacities and provision of services through public electronic communication networks and facilities to the interested provider for a certain fee;

d) the provision of services to users (including end-users) through electronic communication networks and facilities, on the basis of the relevant authorisation and for a specified fee.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 3453 of 14 July 2006– LHG I, No 29, 26.7.2006, Article 230

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Article 52^1 – Procedure for granting a license to use a radio frequency spectrum for the provision of a digital terrestrial television network

1. A decision to conduct a contest for the issuance of a licence to use a radio frequency spectrum shall be made by the Commission.

2. A decision of the Commission to conduct a contest shall contain:

a) the frequencies put up for the contest and the relevant geographical area of their use;

b) technical and operational conditions for using the exhaustible resource for ensuring the prevention of harmful interference and

adverse effects on human health;

c) initial price of the exhaustible resource put up for the contest, set by the Commission in each specific case on the basis of an opinion of an authoritative international organisation and taking into account the international practice;

d) list of documents to be attached to the competitive bid;

e) dates of the preparatory meeting, oral hearing and the contest;

f) conditions for using the radio frequency spectrum;

g) criteria and relevant indicators for evaluating the competitive bid and attached documents;

h) grounds for disqualifying the bidder;

i) other data – by decision of the Commission.

3. The Commission shall ensure the publication of information on the announcement of a contest and the receipt of competitive bids within one month after its publication.

4. To obtain a licence, a licence seeker shall apply to the Commission with a competitive bid which shall contain:

a) for a natural person – name, surname, date and place of birth, data on the registration, address, and nationality;

b) for a legal person – trade name, legal form, legal address (domicile), data on the registration in the registry of entrepreneurs and non-entrepreneurial (non-commercial) legal persons, name and surname of an authorised representative; details of the partners, also, of the shareholders owning 5 per cent or more of the shares;

c) appropriate licence/licences, by a decision of the Commission, if a contest is announced for obtaining more than one licence.

5. The participation in a contest shall be restricted for:

a) an administrative body, officials of administrative bodies and other public officers;

b) a political party;

c) a legal person in which ownership interest or shares is directly or indirectly owned by the State, or a person specified in sub-paragraphs (a) or (b) of this paragraph.

6. The application shall be accompanied by:

a) the financing plan for the activity to be carried out, and information on the financing resources and a bank guarantee on the amount specified by a decision of the Commission;

b) an excerpt from the registry of entrepreneurs and non-entrepreneurial (non-commercial) legal persons, and for a natural person, a copy of the relevant identification document;

c) a technical proposal for providing a digital terrestrial television network, which specifies the date of the commencement of practical activities;

d) tariff conditions offered to television broadcasters;

e) in the case of offering a price exceeding the initial price for the use of the exhaustible resource put up for the contest, the relevant bid;

f) other data – by decision of the Commission.

7. Within three days after the completion of the acceptance of competitive bids, the Commission shall hold a preparatory meeting where competitive bids shall be reviewed and sealed documentation attached to the bids shall be opened in the presence of the licence seekers. If licence seekers present incomplete documentation, the Commission shall allow them additional five working

days to bring the documents in conformity with the specified requirements. A competitive bid and supporting documentation may not be submitted to the Commission by mail.

8. Competitive bids and supporting documentation shall be available for public review for the next 20 days.

9. After 20 days following the publication of a notification about making the documentation available for public review, the Commission shall hold an oral hearing.

10. If a licence seeker does not or cannot ensure compliance of the documentation with the specified requirements within the period defined by the Commission or presents incomplete documentation, the Commission shall dismiss the competitive bid and refuse the licence seeker participation in the contest, and in the case of identifying grounds for the bidder's disqualification, shall make a decision on his/her disqualification.

11. The Commission shall hold a contest at a public meeting.

12. When conducting a contest, the Commission shall be guided by the principles of objectivity, transparency, publicity and non-discrimination.

13. The Commission shall make a decision on the identification of a successful bidder and provide detailed justifications. A decision of the Commission on the identification of a successful bidder shall be disseminated via mass media and/or the Internet.

14. A licence shall be issued within five working days after the initial price for using an exhaustible resource is paid by the successful bidder. In the case of offering a price exceeding the initial price for using an exhaustible resource put up for the contest, the price exceeding the initial price for using an exhaustible resource shall be payable within one year after the licence is issued, in accordance with the schedule set out by the decision of the Commission on the identification of a successful bidder in the contest.

15. If the permission of other authorities is necessary for the use of a radio frequency spectrum, the successful bidder may, in order to obtain such permission in accordance with the one-stop-shop principle, submit to the Commission appropriate documentation required by the legislation of Georgia for such permission, and the Commission shall ensure the issuance of the relevant permission by relevant authorities. In that case, the Commission shall, within five working days after receiving the relevant documentation, apply to the relevant authorities and send to them the documentation presented by the successful bidder. If the issuance of permission is refused by the appropriate authority within the next 20 working days, the refusing authority shall justify non-compliance with the legislation of Georgia and indicate the ways for correcting such non-compliance. The successful bidder shall be given extra time to correct said deficiencies.

16. A licence holder shall start its practical activities within the period of time specified by the decision of the Commission to issue the licence.

17. A licence holder may terminate the use of the resources covered by the licence and the practical activity carried out through the use of these resources only if the licence holder gives the Commission six month’s prior notice.

18. For the purpose of starting its practical activities, a holder of a licence to use a radio frequency spectrum for the provision of a digital terrestrial television network shall ensure:

a) the installation of appropriate elements of an electronic communication network, its operational management and operation within the geographical area determined by the licence;

b) the conduct of economic activities by disseminating television signals through electronic communication networks and facilities on the basis of the appropriate authorisation;

c) the access of interested television broadcasters to the elements of an electronic communication network, their resources and capacities.

Law of Georgia No 2039 of 20 February 2014 – website, 27.2.2014

Article 52[2] – Procedure for providing access for broadcasters authorised to provide on-air broadcasting under Law of Georgia on Broadcasting to the free-to-air multiplex platforms of a holder of the licence to use a radio frequency spectrum for the provision of digital terrestrial television network and of an authorised person owning a local digital terrestrial television network

1. A holder of the licence to use a radio frequency spectrum for the provision of digital terrestrial television network and an authorised person owning a local digital terrestrial television network shall provide access for broadcasters authorised to provide on-air broadcasting under the Law of Georgia on Broadcasting to their free-to-air multiplex platforms on non-discriminatory, homogeneous conditions and at cost-oriented tariffs, and provide them with services of similar quality.

2. Broadcasters authorised to provide on-air broadcasting under the Law of Georgia on Broadcasting shall be permitted to access the free-to- air multiplex platforms of a holder of the licence to use a radio frequency spectrum for the provision of digital terrestrial television network and of an authorised person owning a local digital terrestrial television network in accordance with the principles provided for by this Law and the order of priority and procedures established by the Commission.

3. In establishing the order of priority and procedures under this article, the Commission shall give priority to the date of obtaining the authorisation for on-air broadcasting required by the Law of Georgia on Broadcasting by a broadcaster authorised, under the Law of Georgia on Broadcasting, to provide on-air broadcasting and to the broadcasters that are authorised, under the Law of Georgia on Broadcasting, to provide on-air broadcasting and whose programmes are transmitted in high definition format.

4. In the case of free resources in the free-to-air multiplex platform of a holder of the licence to use a radio frequency spectrum for the provision of digital terrestrial television network and of an authorised person owning a local digital terrestrial television network, a broadcaster that is first in the order of priority and that is authorised, under the Law of Georgia on Broadcasting, to provide on-air broadcasting may within two months after obtaining the authorisation for on-air broadcasting, switch to the free-to-air multiplex platform of a holder of a license to use a radio frequency spectrum for the provision of digital terrestrial television network or of an authorised person owning a local digital terrestrial television network. If such broadcaster does not use this right within two months, it shall be moved to the last place in the order of priority existing at that time.

5. In the absence of free resources in the free-to-air multiplex platform of a holder of the licence to use a radio frequency spectrum for the provision of digital terrestrial television network or of an authorised person owning a local digital terrestrial television network, the 2-month period specified in paragraph 4 of this article shall be calculated from the date when a place becomes available in the relevant free-to-air multiplex platform that has the coverage requested by the broadcaster authorised to provide on-air broadcasting in accordance with the Law of Georgia on Broadcasting

6. A broadcaster authorised, under the Law of Georgia on Broadcasting, to provided on-air broadcasting shall start on-air broadcasting within15 working days after switching into the free-to-air multiplex platform.

7. A broadcaster authorised, under the Law of Georgia on Broadcasting, to provide on-air broadcasting shall loose its place in the free-to-air multiplex platform of a holder of the licence to use a radio frequency spectrum for the provision of digital terrestrial television network or of an authorised person owning a local digital terrestrial television network if it does not provide on-air broadcasting for more that 30 days in succession or for more that 45 days in a year. In that case, an agreement entered into between the broadcaster authorised, under the Law of Georgia on Broadcasting, to provide on-air broadcasting and a holder of the licence to use a radio frequency spectrum for the provision of digital terrestrial television network or an authorised person owning a local digital terrestrial television network shall be cancelled and the broadcaster shall be moved to the last place in the order of priority existing at the time. The time limits provided for in this paragraph shall not include the period when the broadcaster is unable to provide on-air broadcasting due to the violation of the conditions of the relevant agreement by a holder of the licence to use a radio frequency spectrum for the provision of digital terrestrial television network or by an authorised person owning a local digital terrestrial television network or due to *force-majeure* (natural disaster, state of emergency, martial law, etc.).

8. The time limits provided for in this article shall not be calculated and the priority shall automatically pass to the next broadcaster authorised, under the Law of Georgia on Broadcasting, to provide on-air broadcasting if the broadcaster that is authorised, under the Law of Georgia on Broadcasting, to provide on-air broadcasting and is first in the order of priority applies in writing to the Commission with a refusal to switch into the free-to-air multiplex platform or to commence the on-air broadcasting.

9. In the absence of free resources in the free-to-air multiplex platform of a holder of a licence to use a radio frequency spectrum for the provision of a digital terrestrial television network, such licence holder shall apply to the Georgian TV and Radio Centre Ltd. within one month after receiving a request for the free resource by a broadcaster authorised, under the Law of Georgia on Broadcasting, to provide on-air broadcasting and the Georgian TV and Radio Centre shall, in its turn, provide access for such licence holder to the free resources available in the free-to-air multiplex platform at cost-oriented tariffs.

10. The Georgian TV and Radio Centre Ltd. shall provide access for a holder of the licence to use a radio frequency spectrum for the provision of a digital terrestrial television network to the available free resources of the free-to-air multiplex platform in accordance with paragraph 9 of this article for the period specified in the relevant agreement, but until the Public Broadcaster uses its rights specified in Article 17(2) of the Law of Georgia on Broadcasting.

Law of Georgia No 5021 of 27 April 2016 – website, 13.5.2016

Article 53 – Modification of licences

1. The grounds for the modification of a licence may be:

a) amendments to the legislation of Georgia on electronic communications;

b) a substantiated request of the Commission or of a licence holder.

2. A decision to modify a licence shall be made by the Commission.

Article 54 – Revocation of licenses/right to use exhaustible resources

1. The grounds for revocation of licences/right to use exhaustible resources shall be:

a) a request of the licence holder/a person possessing the right to use exhaustible resources;

b) termination by the licence holder of the use of the resource covered by the licence or, of the practical activity carried out using such resource, for three consecutive months or for six months during one year.

c) failure to commence the practical activities within the period determined by the licence;

d) violation of the licence conditions in the case of the commission by the licence holder of a continuous violation and/or of a new single violation within one year after having been fined;

e) violation of the conditions of using exhaustible resources by the person possessing the right to use exhaustible resources in the case of the commission of a continuous violation and/or of a new single violation within one year after having been fined;

2. Only the Commission shall be authorised to revoke a licence/right to use exhaustible resources shall be .

3. If a licence/right to use exhaustible resources shall be revoked, the licence holder/a person possessing the right to use exhaustive resources shall not be refunded the fee paid for the use of the exhaustible resource.

4. Upon the expiry of the licence the licence shall be considered revoked.

Law of Georgia No 2564 of 28 December 2005 – LHG I, No 4, 18.1.2006, Article 34

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 55 – Use of state-owned territory, of lands, and protection of electronic communication networks

1. For the purposes of protecting line facilities and structures of electronic communication networks, the Government of Georgia shall establish the procedure for protecting line structures of electronic communication networks and their protection areas. Any earthwork within a line structure's protection area may be performed only in agreement with the owner of the line structure.

2. Local self-government bodies, in coordination with the Commission, shall establish transparent and non-discriminatory procedures for granting to authorised persons the right to install systems of electronic communications network, its elements, technical facilities, equipment and additional resources on the territories and plots of land owned by such bodies.

3. Electronic communications network operators may, in agreement with the holders (owners) of the land and of the facilities, install electronic communications on any section of the land, on bridges, in tunnels, in streets, in engineering structures, in collectors and in protected areas.

4. Natural and legal persons who design, construct and reconstruct social infrastructure shall, in the cases determined by law, carry out the design, construction or reconstruction of the engineering structures by taking into account the possibility of the installation of electronic communication networks and facilities.

5. Design, construction and installation works of electronic communication networks and facilities shall be performed at the expense of the construction project owner, in compliance with the technical standards defined for the construction of electronic communication networks and facilities.

Law of Georgia No 2564 of 28 December 2005 – LHG I, No 4, 18.1.2006, Article 34

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 5293 of 24 November 2011 – website, 8.12.2011

Chapter IX – Digital Broadcasting and Individual Access Systems

Article 56 – Wide-screen digital television service

1. Providers of public electronic communication networks, which carry out their activities through the facilities of a local access network in providing digital broadcasting to end-users, shall ensure that the technical characteristics of their networks and technical facilities are able to transmit wide-screen digital television signals and distribute programmes.

2. Transit connection (service) operators providing digital broadcasting, which carry out the transit of wide-screen digital television signals to end-users shall ensure that the technical facilities of its network have appropriate characteristics, and provide wide-screen television programmes to end-users maintaining the format.

Article 57 – Interoperability and provision of digital interactive television service

1. A provider of digital interactive television services shall ensure the use of open application program interface; unlimited access of interested authorised persons to the relevant elements of a digital interactive television network, including to the resources of a subscriber's individual access system and electronic programme guide.

2. An operator authorised to provide digital television broadcasting networks and facilities shall ensure the interoperability and the compliance of the open application program interfaces with the established technical standards, also provide information to the Commission on the characteristics of the selected application program interface.

3. An operator authorised to provide digital television broadcasting networks and facilities shall provide to the providers of digital television services, on the basis of fair, reasonable and non-discriminatory conditions, all the essential information that ensures the unlimited access of interested authorised persons to their technical facilities, functional resources and operating capacities.

4. Operators of digital interactive television services and operators providing digital broadcasting subscriber equipment shall ensure the interoperability of their technical facilities and systems, and on the basis of non-discriminatory and transparent conditions, the availability of all the information that ensures the provision of quality and uninterrupted digital television broadcasting services.

5. Digital broadcasting subscriber equipment intended for receiving signals of digital interactive television shall be able to:

a) decrypt encrypted signals received by the encryption algorithm determined in accordance with the standards provided for by

this Law;

b) display on the television screen clear and quality signals transmitted by the digital television broadcastings;

c) provide the types of digital interactive services to end-users without interruption;

d) ensure the interoperability between the technical facilities and the types of services.

Chapter X – Standardisation, Certification and Protection of Metrological Standards in the Field of Electronic Communications

Article 58 – Standards applicable in the field of electronic communications

1. The list of the European harmonised standards applicable in the field of electronic communications shall be approved by the Government of Georgia.

2. Radio equipment and telecommunication terminal equipment shall conform to the basic requirements defined by the Regulations on Certifying Radio Equipment and Telecommunication Terminal Equipment.

Article 59 – Certifying radio equipment and telecommunication terminal equipment

1. Radio equipment and telecommunication terminal equipment shall be certified in accordance with the Regulations on Certifying Radio Equipment and Telecommunication Terminal Equipment approved by the Commission.

2. Radio equipment and telecommunication terminal equipment shall be certified by testing centres and laboratories which are accredited by the National Agency for Standardisation, Metrology and Certification of Georgia upon the recommendation of the Commission. If an accredited testing centre (laboratory) violates the relevant normative acts, the accreditation shall be revoked upon the recommendation of the Commission.

3. Radio equipment and telecommunication terminal equipment shall be certified in accordance with the relevant technical standards.

Article 60 – Protection of metrological standards of electronic communication facilities

1. The observance of the metrological standards of electronic communication facilities shall be ensured by the certification testing centres and laboratories

2. The Commission shall, in a prescribed manner and within its authority, regulate and monitor the protection of metrological standards of electronic communication facilities.

Chapter XI -Quality of Services and Protection of the Rights of Users

Law of Georgia No 2564 of 28 December 2005 – LHG I, No 4, 18.1.2006, Article 34

Article 61 – (Deleted)

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Article 62 – Protection of users' rights and general rules for services

1. User may choose freely the type of services provided through public electronic communication networks and facilities.

2. The protection of rights and legitimate interests of users in the field of electronic communications shall be supervised by the Commission.

3. Users shall be entitled to receive information, including on the tariffs of the provided or selected electronic communication services, on the conditions of providing services and rules of payment, and detailed billing information for the relevant reporting period.

4. Providers of electronic communication services shall provide services to their subscribers in accordance with the set standards and on the basis of a duly concluded agreement which must contain:

a) the name and address of the electronic communication service provider;

b) the conditions concerning the type of the provided service, the quality and the time of the first connection;

c) the conditions for restricting and terminating the service;

d) the conditions for repairing damages;

e) detailed information on the tariffs of services, also up-to-date information on any changes in tariffs;

f) the term of the agreement, the conditions for its termination and extension;

g) mechanisms for ensuring adherence to quality standards when providing the services stipulated by the agreement, as well as compensation mechanisms in the case of failure to comply with these quality standards;

h) the procedure for submitting service-related complaints and for settling disputes.

5. The Commission shall set the quality standard for the provision of services and monitor the adherence of the providers of electronic communication services to this quality standard.

6. A provider of electronic communication services shall provide its subscribers with directory services, including billing information and information on arrears, and with relevant bills free of charge.

7. A provider of electronic communication services shall make available telephone numbers of the emergency service for its subscribers free of charge.

8. The rules for providing electronic communication services in the field of electronic communications and the regulations for protecting users' rights shall be determined by the Commission by a normative act.

Article 63 – Procedure for reviewing disputes between an electronic communication service supplier and an end-user

1. In the case of a dispute between an electronic communication service provider and an end-user, the matter shall be regulated under this Law, and other legislative and subordinate normative acts of Georgia.

2. An electronic communication service provider shall create an effective internal mechanism for reviewing and responding to complaints. If an electronic communication service provider violates the legislation of Georgia on the protection of users' rights, an interested person may apply to the electronic communication service provider concerned and/or to the Commission, or directly to a court.

3. An electronic communication service provider shall review a complaint within 15 days.

4. (Deleted – 28.12.2005, No 2564);

5. The Commission shall review the applications and complaints of users at oral hearings, in formal administrative proceedings, except as provided for by the General Administrative Code of Georgia and except where the settlement of a dispute does not require the implementation of organised procedures. The applications and complaints of users concerning the interests of a wide range of people, or the issues specified in Article 115(1) of the General Administrative Code of Georgia shall be reviewed by the Commission only in public administrative proceedings.

6. The chairperson of an oral hearing shall ensure that circumstances relevant to the case are investigated, documentation related to the case is requested and that the attending persons are able to express their opinions.

7. When reviewing a dispute between an end-user and an electronic communication service provider, the Commission shall be guided by the procedure established by Chapter V of this Law unless a different procedure is established by this Chapter.

8. A record shall be prepared on the oral hearing. The record shall contain: the title of the administrative proceedings for which the hearing is held; the name of the administrative body; the year, month and day, time and place of the hearing; the name of the chairperson of the hearing, of the interested party participating in the oral hearing, and the name of the expert and of the witness; the subject-matter of the oral hearing, a brief summary of the submitted application; a brief description of witness and expert testimonies; description of the results of the examination of the site of the incident, if any.

9. A record of the hearing shall be signed by the chairperson and the secretary of the meeting. The interested party may inspect the record and present comments with respect to the record within three working days after the inspection, or indicate inaccurate or incomplete information contained in the record of the hearing. If the Commission agrees with the comment, it shall confirm its correctness, and if it does not agree with the comment, it shall issue an administrative act rejecting the comment.

10. The main objective of an oral hearing is to settle a dispute amicably.

11. Within 10 working days after an oral hearing, the Commission shall make a decision on the basis of the legislation of Georgia, which shall be binding for the parties. Only those members of the Commission who participated in the oral hearing may vote on the decision.

12. If the fact of violation is confirmed, the Commission shall impose sanctions against the violator and restore right that have been violated.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Chapter XII – Transitional and Final Provisions

Article 64 – Transitional provisions

1. Within one year after the entry into force of this Law, the Commission shall automatically authorise all licensed persons carrying out activities in the field of electronic communications in accordance with this Law, and issue appropriate certificates as well as modify licences of persons using exhaustible resources, in accordance with this Law.

2. Any person that uses exhaustible resources for intra-industrial, technological and non-commercial purposes shall bring its activities in line with the requirements of this Law within six months after this Law takes effect.

3. Transition to the new national numbering system shall be completed before 1 January 2011 in accordance with the procedure determined by the Government of Georgia. Electronic communication network operators, persons owning departmental networks and providers of electronic communication services shall ensure compliance of the network systems with the new national numbering system at their own expense.

4. (Deleted – 28.12.2005, No 2564);

5. The Government of Georgia shall, before 1 May 2009, submit to the Parliament of Georgia for consideration a draft law of Georgia on Postal Services.

6. Upon the commencement of this Law, the Law of Georgia on Communications and Postal Services shall be declared invalid.

7. The Commission shall adopt the following normative acts within one year after the effective date of this Law:

a) on the Universal Service in the field of Electronic Communications;

b) on the Approval of the National Plan for the Allocation of Radio Frequency Spectrum;

c) on the Approval of the Regulations on the Provision of Services and on the Protection of Users' Rights in the Field of Electronic Communications;

d) on the Approval of the Regulations on Conducting Auctions to Obtain the Right to Use a Radio Frequency Spectrum and/or Numbering Resources;

e) on the Approval of the Methodological Rules for Determining Appropriate Segments of the Service Market and for Analysing Competition;

f) on the approval of the Methodological Rules for Separate Distribution of Cost Estimates and Expenditures by Authorised Persons.

7^1. Before 1 February 2012, the Commission shall:

a) adopt a Resolution on the Approval of the Rules for Issuing and Using Numbering Resources and for Making Payments;

b) bring in line with this Law the Ordinance on the Approval of the Ordinance on Conducting an Auction to Obtain the Right to Use a Radio Frequency Spectrum and/or Numbering Resources;

8. Before the complete transition to the authorisation system, all licence holders carrying out activities under Article 36(2) of the Law of Georgia on Communications and Postal Service and who use a radio frequency spectrum in their activities (except for the broadcasting licence holders and of those licence holders who have been assigned radio frequencies for organising special communication networks for intra-industrial and technological and non-commercial purposes, or for implementing measures related to state defence, security, law and order and environmental monitoring) shall, until the adoption of the normative act of the Commission on the Approval of the National Plan for the Allocation of the Radio Frequency Spectrum, use these radio frequencies only for the activity covered by their licences.

9. The European harmonised standards applicable in the field of electronic communications and recognised in Georgia before the entry of this Law into force are determined by the Regulation on the Certification of Radio Equipment and Telecommunication Terminal Equipment.

10. (Deleted – 8.4.2011, No 4526).

11. (Deleted – 27.6.2008. No 67).

12. The Georgian National Communications Commission shall declare invalid Resolution No 10 of the Georgian National Communications Commission on the Universal Service in the Field of Electronic Communications.

13. (Deleted – 1.8.2014, No 2632);

14. The amount available in the account of the Georgian National Communications Commission opened for the purpose of providing universal service, shall be transferred to the State Budget of Georgia.

15. (Deleted – 27.6.2008. No 67).

16. The Commission shall, before 1 May 2011, adopt a Resolution on the Approval of the Regulations on the Portability of Subscriber Numbers.

17. Persons who hold a licence to use the resources provided for by this Law and with respect to whom the date of commencing practical activities has not been specified, shall commence their practical activities before 1 September 2011.

18. Persons who, before 1 February 2012, were granted by the Commission licences for using numbering resource on the basis of this Law or who were granted licences for using numbering resources by a decision of the Commission, shall retain the right to use the numbering resources for the period of the licence or for the period specified by a decision of the Commission granting the right to use numbering resources.

19. Before 1 September 2015, the Head of the State Security Service of Georgia shall, by the relevant act, determine the architecture and relevant interfaces for the provision of information in real time.

20. The right to use the radio frequency spectrum, which the authorised persons have for internal technology and/or supporting technology, non-commercial use and the licence for using it was obtained before the Law of Georgia No 4526 of 8 April 2011 on Amending the Law of Georgia on Electronic Communications entered into force and was obtained on the grounds of the Article 64(10) of the Law of Georgia on Electronic Communications, shall be obtained after the expiration of the validity of the licence in accordance with the procedures established by Article 47^1(4) of this Law, granted on the grounds of the decision of the Commission. After the expiration of the validity of the licence provided for by this paragraph, it shall not be extended.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Law of Georgia No 3921 of 8 December 2006, LHG I, No46, 13.1.2006, Art. 310

Law of Georgia No67 of 27 June 2008- LHG I, No 12, 14.7.2008, Art. 89

Law of Georgia No 795 of 26 December 2008 – LHG I, No 40, 29.12.2008, Article 292

Law of Georgia No 4526 of 8 April 2011 – website, 2.5.2011

Law of Georgia No 5546 of 20 December 2011 – website, 30.12.2011

Law of Georgia No 2632 of 1 August 2014 – website, 12.8.2014

Law of Georgia No 3929 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 1929 of 23 December 2017 – website, 11.1.2018

Article 64^1 – Entry into force of this Law

If this Law establishes a procedure for issuing licences in the field of electronic communications and for inspecting the performance of licence provisions, which is different from the procedure defined by the Law of Georgia on Licences and Permits, or in a different form and/or liability, this Law shall be applied.

Law of Georgia No 2564 of 28 December 2005, LHG I, No4, 18.1.2006, Art. 34

Article 65 – Invalidated normative acts

1. Upon the entry into force of this Law, the following acts of the Commission shall be deemed invalid:

a) Resolution of 1 September 2000 on the Approval of the Regulations on the Terms and Conditions for the Re-registration the Holders of a Licence to Carry out Activity in the Field of Communications;

b) Resolution of 10 July 2001 on the Approval of Interconnection of Communication Networks;

c) Resolution of 20 December 2002 on the Approval of the Regulations on the International Telephone Service Using Calling Codes and on the Determination of Initial Amount of the Fee Payable for the Activity Using a Frequency Spectrum and on the Procedure for Paying a Licence Fee.

2. Upon the adoption of a normative act by the Commission in accordance with this Law, all other relevant normative acts governing the relations specified in the normative act adopted by the Commission shall be deemed invalid.

Article 66 – Entry into force of this Law

1. This Law shall enter into force upon its promulgation, except for Article 45.

2. Article 45 of this Law shall enter into force on the 15th day after promulgation.

President of Georgia M. Saakashvili

Tbilisi

2 June 2005

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