

LAW OF GEORGIA  
ON BROADCASTING

**Chapter I – General Provisions**

**Article 1 – Aim and scope of the Law**

1. This law determines the procedure for carrying out broadcasting in accordance with the principles of freedom of speech and expression and the principles of free enterprise, the procedure for setting up the national regulatory body in the field of broadcasting and for determining its functions, the provisions for the regulation of activities in this field, and the rules and procedures for acquiring the right to broadcast.

2. This Law is intended to establish public broadcasting free from government intervention; to regulate activities in the field of broadcasting through the national regulatory body in accordance with the principles of transparency, fairness and impartiality; to ensure the freedom of speech and expression, the stimulation of a competitive environment among broadcasters, the equality and independence of broadcasters, and the efficient use of frequencies.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 1592 of 20 November 2013 – website, 3.12.2013*

**Article 2 – Definition of terms**

The terms used in this Law have the following meanings:

a) local broadcasting – broadcasting carried out as determined by this Law that is accessible to at least 90% of the population within a service area defined in the licence and/or authorisation;

b) administrative body – a body provided for by Article 2(1)(a) of the General Administrative Code of Georgia.

c) opinion – a value judgment, point-of-view, comment, and the expression of views in any form that reflects an attitude to any person, event or object and does not contain any confirmable or rebuttable fact;

c<sup>1</sup>) beneficial owner – a person who, on the basis of law or a transaction, receives or may receive monetary or other benefit from the activities of a broadcaster and who has no obligation to transfer this benefit to another person, whereas if a beneficial owner is an entity established for ideal purposes, or if a corporate owner does not have a person owning a substantial share, a beneficial owner shall be a member of its governing body;

c<sup>2</sup>) legal entity established for ideal purposes – a non-profit (non-commercial) legal entity, the property of which, including the profits, cannot be distributed among its members;

c<sup>3</sup>) offshore – a state or the territory of a state where information on property, activities and partners and/or shareholders of a legal entity is kept confidential;

d) publishing – providing access to information as determined by Article 56 of the General Administrative Code of Georgia;

e) person concerned – a natural person or legal entity, whose legitimate interest, or legitimate interest of which is directly or indirectly influenced by the activities of a broadcaster;

f) independent programme – a programme in relation to which there is no interdependence between the copyright holder and a broadcaster;

f<sup>1</sup>) beginner enterprise (start-up) – an entrepreneurial entity registered in Georgia by a Georgian citizen/group of Georgian citizens and six months have not been passed since its setup;

g) European product – a product made in a European country, where the European Convention on Transfrontier Television is in force, or a product made in Georgia, or a product the copyright holder of which is a natural person or a legal entity that is a resident of this country or of Georgia;

h) national broadcasting – broadcasting carried out as determined by this Law that is accessible to at least 90% of the population of



Georgia;

- i) satellite broadcasting – broadcasting by using ground and orbital stations of TV and radio broadcasting satellite systems;
- j) official – a person who, permanently or temporarily, in return for payment or without it, on the basis of his/her election and appointment, and in accordance with particular assignments, performs regulatory, organisational, administrative or other similar functions in the Commission or public broadcasting;
- k) private broadcasting – broadcasting which is neither public nor community broadcasting and which is carried out by a commercial or non-commercial entity under private law as determined by this Law;
- l) qualified electoral subject – an electoral subject defined by the Organic Law of Georgia – the Election Code of Georgia;
- m) commercial advertisement – information about a natural person and/or legal entity, goods, services, works, ideas and/or undertakings that is disseminated by any means and in any form in return for payment or for other economic profit, and that is intended for the general public and is used to form and maintain interest with respect to a natural person and/or legal entity, goods, services, works, ideas and/or undertakings, and which facilitates the sale of goods, an idea and/or undertaking;
- n) Commission – the Georgian National Communications Commission;
- o) scope of regulation of the Commission – an area of electronic communications and broadcasting, where provision of services or performance of activities is subject to licencing and/or authorisation in accordance with the Law of Georgia on Electronic Communications and this Law, and where the Commission exercises special powers granted to it under the legislation of Georgia;
- p) member of the Commission – a member of the Georgian National Communications Commission;
- q) licence – the right granted to a person by the Commission in accordance with this Law and the Law of Georgia on Licences and Permits, on the basis of complying with the provisions defined in the same Law to carry out broadcasting by observing specific provisions;
- r) modification of a licence – making changes and/or additions to licences in accordance with amendments and/or addenda to the legislation of Georgia or to the priorities in the field of broadcasting and/or on the basis of a reasonable request of the Commission or a broadcaster holding a licence;
- s) broadcaster – a Public Broadcaster, Ajara TV and Radio of a Public Broadcaster, a person holding a licence or an authorised person, who carries out TV and/or radio broadcasting on the basis of this law;
- s<sup>1</sup>) radio broadcaster – a Public Broadcaster, Ajara TV and Radio of a Public Broadcaster, a person holding a licence and/or an authorised person, who transmits, under the sole editorial responsibility, audio products through the personal broadcasting grid, so that at specified times allowed by the broadcasting grid, they are simultaneously available to listeners;
- s<sup>2</sup>) TV broadcaster – a Public Broadcaster, Ajara TV and Radio of a Public Broadcaster, an authorised person who transmits, under sole editorial responsibility, audio and visual products provided for by the personal broadcasting grid, so that at specified times allowed by the broadcasting grid, they are simultaneously available to viewers;
- t) (deleted);
- u) (deleted);
- v) trustee – a member of the Board of Trustees of a Public Broadcaster;
- v<sup>1</sup>) advisor – a member of the Council of Advisors of the Ajara TV and Radio of a Public Broadcaster;
- w) main event – an event of increased public interest, defined by the Commission on the basis of a public opinion poll, taking place in Georgia and worldwide in political, social, cultural, religious and other areas;
- x) family member – a person under Article 3(f) of the Law of Georgia on National Regulatory Bodies;
- y) person – a natural or legal person in accordance with the Civil Code of Georgia;
- z) commencement of practical activities – commencement of broadcasting;
- z<sup>1</sup>) programme – a TV or radio product transmitted live or recorded;
- z<sup>2</sup>) regulation – adopting (issuing) legal acts by the Commission within the powers determined by this Law, and carrying out monitoring, supervision, control and coordination;



z<sup>3</sup>) advertisement – a commercial, social or pre-election advertisement, except for an announcement made by a broadcaster regarding its own or an independent programme, representing information disseminated by any means and in any form about a natural or legal person, goods, services, work, idea and undertaking, which is targeted for the general public and is intended to form and maintain interest in a natural or legal person, goods, services, work, ideas and undertakings, and to facilitate the sale of goods, services, work, ideas and undertakings;

z<sup>4</sup>) election campaign – a procedure for conducting an election campaign defined by the Organic Law of Georgia – the Election Code of Georgia;

z<sup>5</sup>) over-the-air broadcasting – broadcasting using frequencies by a licensed and/or authorised broadcaster in Georgia;

z<sup>6</sup>) general broadcasting – broadcasting of programmes involving at least two topics, including news and social and political topics;

z<sup>7</sup>) public broadcasting – broadcasting carried out by a legal entity under public law established on the basis of state property in accordance with the legislation of Georgia for publicly financed TV and radio broadcasting, independent from the state authority and accountable to the public, which is not subject to any state agency ('the Public Broadcaster') and which is intended to provide the public with diverse programmes that are free from political and commercial influence and reflect the interests of the public;

z<sup>8</sup>) community broadcasting – broadcasting carried out by a non-commercial legal entity under private law or a legal entity under public law that ensures involvement of a part of the public in broadcasting that it serves, and which is not oriented to generating a profit;

z<sup>9</sup>) (deleted – 12.6.2015, No 3691);

z<sup>10</sup>) broadcasting network- a document prepared by a broadcaster that includes titles and brief description of programmes, and broadcasting time;

z<sup>11</sup>) broadcasting concept – a document prepared by a licence and/or authorisation applicant that reflects a broadcasting model and contains brief description of programme areas;

z<sup>12</sup>) prime time – the time from 19:00 to 24:00, when a broadcaster's programmes may be viewed or heard by a peak number of the audience within the broadcaster's service area;

z<sup>13</sup>) public institution – an institution under Article 27 of the General Administrative Code of Georgia;

z<sup>14</sup>) social advertisement – an advertisement intended to promote public good, achieve a charitable purpose, raise public awareness regarding important social issues and/or facilitate positive change in public behaviour, which is neither commercial nor pre-election advertisement, and which does not contain an advertisement of the service provided by a state or a municipal body, or by a legal entity under private or public law;

z<sup>15</sup>) specialised broadcasting – broadcasting of programmes typically of one topic (except for news and social and political topics);

z<sup>16</sup>) sponsorship – direct or indirect financing or co-financing of the process of preparing or broadcasting a programme by a person in order to promote his/her name, trademark, image, or activities;

z<sup>17</sup>) teleshopping – a direct offer of any rights, obligations, goods, services or work in return for payment. Teleshopping may be placed as a broadcasting programme (Teleshopping Window) for at least 15 minutes, or may be integrated into a commercial break as a broadcast advertising (Teleshopping Spot);

z<sup>18</sup>) interdependence – relationship when one person directly or indirectly owns stocks or a share in the authorised capital of other person, or is an official of this person, or performs services for him/her/it or for his/her/its shareholder, partner or official in return for payment; or relationship when one broadcaster carries out broadcasting through another broadcaster;

z<sup>19</sup>) obscenity – an action which is in conflict with ethical norms established in society and which has no social and political, cultural, educational or scientific value;

z<sup>20</sup>) code of conduct – a normative act adopted by the Commission based on this Law that defines the rules of providing services by the broadcasters;

z<sup>21</sup>) pre-election advertisement – an advertisement intended to promote the election of the President of Georgia, the Parliament of Georgia, of a representative body of a municipality – the Sakrebulo (local assembly), an executive body of a municipality and of the highest official of a municipality – the Mayor;



z ) subtitling – placing a written translation of a film product in a language different from the original language in the lower part of the frame;

z<sup>23</sup>) authorisation – registration of activities in the field of broadcasting (except for over-the-air radio broadcasting) by the Commission in accordance with the unified procedure established by this Law;

z<sup>24</sup>) product (goods and/or services) placement in the programme (Product Placement) – dissemination of information about a product in any form in return for payment or for similar consideration, resulting in the integration of a product into the programme, and the indication to a product and/or to a service and trademark;

z<sup>25</sup>) broadcasting hour – a broadcast schedule used for the placement of advertisement spots, 60 minutes following each second;

z<sup>26</sup>) media literacy – a combination of special knowledge and skills about diverse media and technologies, efficient and safe use of internet, about creation, reception, processing and transfer of information using internet, about interactive participation in the reception and transfer of information, and about its perception, understanding and critical assessment, and about the content of media products (audio and visual TV and radio products, electronic and social media products, including films, musical videos, images, webpages and other products) and about creation of diverse media platforms and technologies, their character, usage and regulation.

*Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*

*Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*

*Law of Georgia No 1555 of 31 July 2009 – LHG I, No 24, 13.8.2009, Art. 135*

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

*Decision No 1/1/468 of the Constitutional Court of Georgia of 11 April 2012 – website, 25.4.2012*

*Law of Georgia No 6159 of 8 May 2012 – website, 25.5.2012*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 1592 of 20 November 2013 – website, 3.12.2013*

*Law of Georgia No 2759 of 31 October 2014 – website, 18.11.2014*

*Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

*Law of Georgia No 1262 of 26 July 2017 – website, 29.7.2017*

*Law of Georgia No 1928 of 23 December 2017 – website, 11.1.2018*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

### **Article 3 – Legislation in the field of broadcasting**

1. The legislation in the field of broadcasting comprises the Constitution of Georgia, international agreements of Georgia, the Organic Law of Georgia – the Election Code of Georgia, this Law, the Law of Georgia on National Regulatory Bodies and the Law of Georgia on Copyright and Related Rights, and other legislative acts and subordinate normative acts.

2. The legislation in the field of broadcasting shall be interpreted in accordance with the European Convention on Human rights and Fundamental Freedoms, the practice of the European Court of Human Rights and other international legal norms having legal effect in Georgia.

3. Citizens and legal persons of foreign countries, and persons without citizenship of Georgia shall enjoy the rights and obligations determined by this Law for citizens and business entities of Georgia, unless otherwise provided for by the legislation of Georgia.

*Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*

*Law of Georgia No 1592 of 20 November 2013 – website, 3.12.2013*



#### **Article 4 – Radio broadcasting frequency plan and priorities in the field of radio broadcasting**

In accordance with International Radio Regulations, the Commission shall, once in every two years, define and publish a radio broadcasting frequency plan for licence applicants, and priorities in the field of radio broadcasting based on a public opinion poll.

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

### **Chapter II – Regulation of Activities in the Field of Broadcasting**

#### **Article 5 – Commission**

1. The Commission regulates activities in the field of broadcasting.
2. The Commission is a legal entity under public law, a permanent national regulatory body that is not subject to any state agency. The Commission is not a legal entity under public law (institution) or a corporation under public law established on the basis of state property. The legal status of the Commission is defined by the Law of Georgia on Electronic Communications and this Law.
3. The functions of the Commission in the field of broadcasting are to:
  - a) prepare proposals regarding the main directions of state policy in the field of broadcasting, taking into consideration the results of public opinion polls and broadcasting market studies;
  - b) supervise and control the implementation of proposals under sub-paragraph (a) of this paragraph;
  - c) define licence provisions; issue and modify licences; suspend and resume licences; revoke licences; supervise and control the performance of licence provisions; and impose appropriate sanctions on license holders in case of violation of licence provisions;
  - d) determine and allocate the frequency spectrum as defined by law;
  - e) allot frequencies;
  - f) supervise and control the performance of provisions of legislation in the field of broadcasting; impose appropriate sanctions in case of violations of these provisions;
  - g) facilitate, within its powers, the creation and development of a competitive environment, supervise and control the performance of requirements of the Product Safety and Free Movement Code;
  - h) define amounts and procedures for paying licence fees and regulation costs ;
  - i) supervise and control the performance of legislative acts on copyright and related rights, on the protection of minors from harmful influence, and on advertising;
  - j) resolve, within its powers, disputes between broadcasters, and between broadcasters and their consumers;
  - k) adopt legal acts, including a code of conduct;
  - l) grant authorisation, modify authorisation provisions, suspend, resume and revoke authorisations; supervise and control the performance of requirements of the legislation of Georgia in the field of broadcasting and of authorisation provisions;
  - m) define the forms of property declarations to be submitted by natural and legal persons on the basis of relevant legal acts;
  - n) facilitate improvement of the media literacy within the society;
  - o) exercise other powers provided for by law.

*Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*

*Law of Georgia No 6159 of 8 May 2012 – website, 25.5.2012*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*



## **Article 6 – Independence and immunity**

1. The Commission, members of the Commission and employees of the staff of the Commission are independent in exercising their powers and abide only by the law. Unlawful influence on and intervention in their activities are inadmissible, and a decision made as a result of such influence and intervention is deemed void.
2. A person concerned may apply to court for avoiding and preventing unlawful influence or intervention, and for nullifying decisions made as a result of such intervention and influence.
3. Only the Commission may select, appoint and dismiss employees of the staff of the Commission, as determined by the legislation of Georgia.
4. Any action of an employee of the staff of the Commission may be appealed to the Commission within 30 days, or to the court within the period determined by legislation. A decision of the Commission may be appealed only to a court within the period determined by legislation.
5. A member of the Commission may be detained or imprisoned, or searched only with the consent of the Parliament of Georgia. The exception is the cases when a member of the Commission is caught in the act, of which the Parliament shall be immediately notified. If the Parliament refuses to give its consent, a detained or imprisoned member of the Commission shall be released immediately. The Parliament shall make a decision as determined by the Rules of Procedure of the Parliament.

## **Article 7 – Sessions of the Commission. Confidentiality of information**

1. Sessions of the Commission are open to the public. All resolutions, decisions, orders, records and other documents of the Commission shall be available for public discussion, except for the cases defined by the General Administrative Code of Georgia.
2. The Commission shall ensure the transparency and the participation of all persons concerned in the decision-making process of the Commission in accordance with the General Administrative Code of Georgia.
3. The Commission may hold closed sessions to maintain the confidentiality of information. Resolutions and decisions made at closed sessions shall be published after the removal of any information deemed to be secret, in accordance with the General Administrative Code of Georgia.
4. Sessions of the Commission shall be held at least twice a month. An extraordinary session may be convened by the chairperson of the Commission or by at least 2 members of the Commission.
5. The Commission shall publish information about an upcoming session, its place, time and agenda three days prior to the session, and about closing of a session if a relevant decision has been made.
6. In the case of urgent necessity, the Commission may hold a session without observing the procedures under paragraph 5 of this article. In this case, the Commission shall immediately publish information about the time, place and agenda of a session, and about closing of a session if a relevant decision has been made.
7. The Commission may make a decision if the majority of members of the Commission on the current nominal list is present at the session. The Commission shall make a decision by the majority of votes of the members.
8. Each member of the Commission shall have one vote when a decision is made. In the case of equal votes, the vote of the chairperson shall be decisive.
9. To ensure publicity, the Commission shall create its own website and regularly update information published thereon. Decisions of the Commission, including decisions on the approval of the budget of the Commission and reports on budget performance, shall be published on the website within three working days after making the relevant decision, whereas declarations of compliance provided for by this Law shall be published within three working days after they have been submitted to the Commission.



## **Article 8 – Legal acts of the Commission**

1. The Commission shall, within its powers, adopt (issue) legal acts as determined by legislation. Legal acts of the Commission include resolutions and decisions of the Commission and orders of the chairperson of the Commission.
2. A resolution of the Commission is a normative legal act that is adopted on the basis of this Law, the Law of Georgia on National Regulatory Bodies and the Law of Georgia on Electronic Communications, and other legislative acts as determined by the Law of Georgia on Normative Acts.
3. A decision of the Commission is an individual legal act that is adopted within the powers granted to the Commission by legislation.
4. The Commission makes decisions on issues of non-normative nature to exercise the powers granted by legislation, and on intra-organisational issues of the Commission and its staff that contain a general rule of behaviour for a defined group of people.
5. The chairperson of the Commission issues orders on intra-organisational issues of the Commission and its staff in specific cases. Such orders do not contain a general rule of behaviour.
6. All legal acts of the Commission are adopted (issued) at sessions of the Commission.
7. Legal acts of the Commission may be appealed to a court as determined by legislation.

*Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*

*Law of Georgia No 1592 of 20 November 2013 – website, 3.12.2013*

## **Article 9 – Composition of the Commission**

1. The Commission is composed of 5 members.
2. The term of office of a member of the Commission is six years.
3. A person may not be appointed as a member of the Commission for more than two terms.
4. A candidate for the membership of the Commission shall be elected through an open competition.
5. The President of Georgia shall issue a decree about holding a competition 100 days before the expiry of the term of office of a member of the Commission or within 10 days after the termination of his/her powers.
6. A candidate for membership on the Commission shall be a person having public recognition and confidence. He/she shall have a master's degree or equivalent degree thereof in economics, public administration, business administration, law, electronic communications or journalism and at least 10 years of work experience, including three years of experience in working in a managerial position.
7. Anyone may nominate a candidate for the membership of the Commission within 30 days after the competition is announced.
8. If at least three candidates are not nominated for one vacancy within the period defined by law, a new competition shall be announced and held as determined by this article.
9. Within 10 days after the expiration of the deadline for the nomination of candidates, a list of candidates and documents submitted by them for the competition shall be published on the official website of the President of Georgia.
10. Within 10 days after publication of the list of candidates, the President of Georgia shall, taking into account the qualification requirements determined by this Law, agree with the Government of Georgia on the list of candidates to be submitted to the Parliament of Georgia for election. The President of Georgia and the Government of Georgia shall select at least three candidates for each vacant position.
11. The agreement upon the list of candidates between the President of Georgia and the Government of Georgia shall be countersigned by the Prime Minister of Georgia within three days after such agreement, after which the President of Georgia shall submit the candidates to the Parliament of Georgia.
12. The Parliament of Georgia shall elect members of the Commission within two weeks after the President of Georgia submits the list of candidates. If the period for considering the candidates fully or partially coincides with parliamentary holidays, the process of electing members of the Commission shall start or continue, respectively, upon the resumption of regular sessions of the Parliament of Georgia or at an extraordinary session which is called upon by a decision of the Chairman of the Parliament of Georgia.



13. A candidate nominated for a vacant position of a member of the Commission shall be deemed elected if he/she receives more votes than other candidates, but at least half of the votes of the members of the Parliament of Georgia on the current nominal list. In the case of equal votes, the Parliament of Georgia shall re-vote.

14. If none of the candidates receive votes of more than half of the members of the Parliament Georgia on the current nominal list the process of electing a candidate for the position of a member of the Commission, provided for by this article, shall start anew and the President of Georgia shall, within 50 days, nominate to the Parliament of Georgia a new list of candidates who shall be elected as determined by this article. A candidate nominated for a vacant position of a member of the Commission shall be deemed elected if he/she receives the majority of votes of the members of the Parliament of Georgia present at a plenary session, but not less than one third of the total members of the Parliament of Georgia.

15. The Commission shall elect the chairperson of the Commission from amongst its members by the majority of the total members of the Commission for the term of three years, not earlier than 30 calendar days and not later than 15 calendar days before the term of office of the incumbent chairperson expires, whereas in the case of premature termination of official powers of the incumbent chairperson, within 15 calendar days after termination of his/her powers. A person may not be appointed as chairperson of the Commission for more than one term.

16. The term of office of a newly elected chairperson of the Commission starts on the next day after the expiry of the term of office of the previous chairperson, however if the chairperson of the Commission has been elected due to premature termination of powers of the previous chairperson, from the moment of the election of a new chairperson. The term of office of a chairperson expires on the third anniversary of his/her election, a day before the date when this term started.

17. The chairperson may resign, but may remain as a member of the Commission until his/her term of office expires.

18. The chairperson of the Commission presides over sessions of the Commission, is responsible for the observance of procedures when making resolutions and decisions, and for publication of resolutions and decisions made, and for management of the staff of the Commission.

19. If the chairperson of the Commission resigns or is absent, or if he/she is not able to perform his/her duties, the oldest member of Commission shall act as the chairperson of the Commission.

20. The Commission may dismiss the chairperson of the Commission before the expiry of his/her term of office by a majority of votes of the members of the Commission. At least 2 members of the Commission may, by a joint written request, raise the issue of premature dismissal of the chairperson of the Commission. The Commission shall consider the issue of premature dismissal of the chairperson of the Commission and put it to vote within 10 calendar days after submission of the request of the members of the Commission. If the Commission does not dismiss the chairperson of the Commission, the issue of premature dismissal of the chairperson of the Commission may not be raised over a period of next three months.

*Law of Georgia No 791 of 19 December 2008 – LHG I, No 40, 29.12.2008, Art. 258*

*Law of Georgia No 1362 of 27 September 2013 – website, 9.10.2013*

## **Article 10 – Dismissal of a member of the Commission**

1. If a court delivers a judgment of conviction against a member of the Commission that considers house arrest, imprisonment for a definite term or imprisonment for an indefinite term as a measure of punishment, or if a court finds a member of the Commission missing or being a beneficiary of support, or if a member of the Commission resigns or dies, the Parliament of Georgia shall, within a month after any of the above circumstances occur, make a decision to dismiss such member of the Commission.

2. Procedures established for premature termination of powers of a member of the Parliament of Georgia, which are specified in Article 9 of the Rules of Procedure of the Parliament of Georgia, shall apply in the case of the occurrence of circumstances under paragraph 1 of this article. A member of the Commission shall be deemed dismissed if this decision is favoured by more than half of the members of the Parliament of Georgia present at a plenary session.

3. At least one third of the majority of the members of the Parliament of Georgia on the current nominal list may initiate the procedure to dismiss a member of the Commission if:

a) the norms of conflict of interest determined by this Law have been violated;

b) he/she fails to perform the duties of a member of the Commission for 15 consecutive working days or for more than two months in a year without a valid excuse.

4. Members of the Parliament of Georgia who have initiated dismissal procedure of a member of the Commission shall provide documentary evidence of a specific ground for dismissing a member of the Commission.





5. Within 30 days after collecting signatures, the Parliament of Georgia shall, by the majority of the members of the Parliament of Georgia on the current nominal list, include the issue of dismissal of a member of the Commission in the agenda of a plenary session of the Parliament of Georgia.

6. Within 30 days after including the issue of dismissal of a member of the Commission in the agenda of a plenary session, the Parliament of Georgia shall put the issue to vote. More than three fifth of the majority of the members of the Parliament of Georgia on the current nominal list shall vote in favour of dismissing a member of the Commission.

7. If the number of votes is not enough or if the Parliament of Georgia fails to vote within the period under paragraph 6 of this article, the procedure for the dismissal of a member of the Commission shall be terminated.

8. The issue of dismissal of a member of the Commission may not be raised twice on the basis of the same fact.

9. A decision on the dismissal of a member of the Commission may be appealed to a court.

*Law of Georgia No 1362 of 27 September 2013 – website, 9.10.2013*

*Law of Georgia No 3373 of 20 March 2015 – website, 31.3.2015*

*Law of Georgia No 952 of 1 June 2017 – website, 20.6.2017*

### **Article 11 – Conflict of interest of members and employees of the staff of the Commission**

1. A conflict of interest may arise if a member of the Commission concurrently:

a) is an official of another administrative body;

b) is a member of any political party;

c) carries out any work in return for payment for a person whose activities fall within the scope of regulation of the Commission;

d) holds stocks or a share in the authorised capital of an enterprise, the activities of which fall within the scope of regulation of the Commission;

e) is an official, representative, authorised person or advisor of a person whose activities fall within the scope of regulation of the Commission;

f) has any other direct or indirect economic interest towards a person whose activities fall within the scope of regulation of the Commission.

2. A person with a conflict of interest defined in paragraph 1 of this article may not be a member of the Commission.

3. A person whose family member has a conflict of interest defined in paragraph 1(c-f) of this article may not be a member of the Commission.

4. A person with a conflict of interest provided for by this article may not be an employee of the staff of the Commission (except for a person employed on the basis of a labour agreement).

5. A person whose family member has a conflict of interest defined in paragraph 1(c-f) of this article may not be head of a structural unit of the staff of the Commission.

6. A member of the Commission and an official defined by paragraph 5 of this article shall declare in writing if he/she or his/her family member has had conflicts of interests under paragraph 1 of this article within past five years.

*Law of Georgia No 4360 of 27 October 2015 – website, 11.11.2015*

*Law of Georgia No 139 of 21 December 2016 – website, 28.12.2016*

### **Article 12 – Budget of the Commission. Licence fees. Radio frequency spectrum usage fee. Annual regulation fee**

1. The Commission shall, by 1 December of each year, prepare its budget for the following year, which shall reflect all expenditures and revenues of the Commission. The Commission shall publish its budget.

2. The budget of the Commission is funded by a regulation fee and other funding sources provided for by this Law, the Law of



3. A licence fee is a sum paid by an applicant for a broadcasting licence for the temporary use of the radio frequency spectrum, the amount and the procedure of payment of which are defined by the Commission in accordance with the legislation of Georgia, under the Regulations for Holding an Auction for Obtaining the Right of Using the Radio Frequency Spectrum and/or Numbering Resource. Licence fees are fully transferred to the State Budget of Georgia.

3<sup>1</sup>. A Radio frequency spectrum usage fee shall be the sum paid by a broadcaster for using the radio frequency spectrum as ancillary technology, the amount of which shall be defined and its payment procedure shall be determined by the Commission in accordance with the legislation of Georgia, under the Regulations for Holding an Auction to Obtain the Right of Using the Radio Frequency Spectrum and/or Numbering Resource. A Radio frequency spectrum usage fee shall be transferred to the budget of the Commission.

4. A regulation fee is one of the main sources of funding the budget of the Commission. It is related to the exercise of powers granted under the legislation of Georgia by the Commission and is not considered to be income generated through economic activities. Regulation fees are used to cover expenses defined in the budget of the Commission.

5. A regulation fee is paid by broadcasters. The amount of a regulation fee is 0.5% of the total cost (excluding VAT) of delivery of goods (services) and/or of works performed by a broadcaster, which are subject to regulation. The regulation fee is calculated based on the total amount accrued from revenues of broadcasters during a calendar year, taking into account the revenues that have been actually received on a monthly basis since the beginning of the year. Broadcasters shall monthly transfer regulation fees to the account of the Commission not later than the 20th day of the month following the reporting month and submit information to the Commission in the form established by the Commission.

6. The Commission shall adopt a normative act about an annual regulation fee.

*Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*

*Law of Georgia No 4866 of 5 June 2007 – LHG I, No 21, 18.6.2007, Art. 181*

*Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 1928 of 23 December 2017 – website, 11.1.2018*

### **Article 13 – Report of the Commission**

1. The Commission shall prepare annual reports of its activities and conduct a financial audit of its expenses and accounting reports in accordance with current procedures. The Parliament of Georgia may decide to conduct an audit of the performance of the budget approved by Commission not more than once in a year. In such case, the Parliament of Georgia shall select an internationally recognised auditor on the basis of a tender process. The Parliament of Georgia shall approve the composition of the tender commission upon the recommendation of the Committee for Branch Economy and Economic Policy of the Parliament of Georgia. The Commission shall reimburse the selected auditor for expenses associated with the study of financial activities provided for by this article.

2. The part of the report of the Commission that relates to the field of broadcasting shall include information about:

- a) the progress of implementation of priorities in the field of broadcasting;
- b) the current situation on the broadcast market and further opportunities;
- c) a frequency plan and available frequencies;
- d) the number of licences issued;
- e) the number and content of complaints already considered;
- f) the number and content of applied sanctions;
- g) the results of public opinion polls and broadcasting market studies;
- h) the budget of the Commission for the following year;
- i) the performance of the budget of the Commission;



j) the audit report;

k) authorised broadcasters;

l) the activities conducted for the facilitation of media literacy.

3. The Commission shall, not later than 1 June of each year, submit to the Parliament of Georgia, the President of Georgia and the Government of Georgia and publish the progress reports and the results of the financial audit for the previous year.

*Law of Georgia No 1516 of 2 June 2005 – LHG I, No 26, 6.6.2005, Art. 176*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 1362 of 27 September 2013 – website, 9.10.2013*

*Law of Georgia No 1928 of 23 December 2017 – website, 11.1.2018*

## **Article 14 – Complaints**

1. A broadcaster shall, on the basis of the code of conduct, establish an effective mechanism for self-regulation that will make it possible to review and provide timely and justified responses to complaints.

2. If a broadcaster violates the provisions of the legislation of Georgia, except for the provisions under Articles 52, 54, 56 and 59 of this Law, and licence provisions, a person concerned may apply to the Commission or to a court.

*(Has been invalidated in the part concerning the following words of Article 56(4): “advertisements abusing a citizen’s and a person’s dignity and his/her fundamental rights and that contain obscenity, are prohibited”) – Decision No 1/3/421,422 of the Constitutional Court of Georgia of 10 November 2009 – LHG IV, No 82, 17.11.2009, p.1*

2<sup>1</sup>. If a broadcaster violates authorisation conditions, a person concerned may apply to the Commission or to a court.

3. The Commission shall, within seven days after receiving a complaint, make a reasonable decision whether to accept or reject the complaint for review and shall immediately inform the applicant about the decision.

4. The Commission shall consider applications and complaints of consumers at an oral hearing under official administrative proceedings, except for the exclusions determined by the General Administrative Code of Georgia and the cases when disputes may be settled without organised procedures. The Commission shall consider applications and complaints of consumers related to the interests of the general public under public administrative procedures only.

5. If the fact of violation is confirmed, the Commission shall make a decision to declare such fact. A broadcaster shall, within five days, broadcast on its own air, at prime time, a declaration about its own violation of the provisions of the legislation of Georgia or licence and/or authorisation provisions.

6. Depending on the gravity of violation, the Commission may consider the issue of imposition of an appropriate sanction on the broadcaster.

*Law of Georgia No 4319 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 37*

*Decision No 1/3/421,422 of the Constitutional Court of Georgia of 10 November 2009 – LHG IV, No 82, 17.11.2009, p.1*

*Law of Georgia No 4546 of 19 April 2011 – website, 5.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

## **Article 14<sup>1</sup> – Powers of the Commission in the area of media literacy**

1. The Commission shall, within the scope of its powers, elaborate and approve the action plan for facilitating the media literacy development in accordance with the applicable legislation of Georgia in the areas of broadcasting and electronic communications, and the basic guidelines of the state policy in the area of electronic communications.

2. The Commission shall be entitled to conclude memoranda of mutual cooperation with public institutions, respective market participants in the areas of broadcasting and electronic communications, educational institutions, civil society institutions and



other organisations, and with foreign national regulatory bodies, foreign and international educational and scientific research centres for fulfilling the action plan for facilitating the media literacy development.

3. For facilitating media literacy development, including for evaluating the status of media literacy within the society, identifying challenges and conducting studies for the facilitation of media literacy development, holding special training courses/implementing programmes for various age groups of the society and other groups (children and their parents, teachers, media representatives, etc.), the Commission shall be entitled to set up a media literacy educational research centre with the organisational and legal form of a non-entrepreneurial (non-commercial) legal entity. The Commission may, for achieving the above objectives, set up a media literacy development network/platform, or a webpage, with the participation of other interested persons.

4. In conducting its activities, including when issuing normative and individual-legal acts, the Commission shall consider goals and objectives of the media literacy development and its facilitation; when entering changes and annexes in the code of conduct, the Commission shall be guided by the media literacy development strategy and shall ensure involvement of the society and all interested groups/persons in this process.

5. The Commission shall facilitate the popularisation of media literacy in any legally permissible way, including through creating broadcasting educational products, ordering the preparation of a public service ad and its free dissemination, arranging conferences and other target activities.

6. For achieving the goals and objectives under paragraph 1 of this article, the Commission may allocate appropriate sums from the budget of the Commission, obtain grants and other funding sources, and may fund media literacy facilitation programmes/projects from the budget of the Commission.

7. The Commission shall evaluate the level of media literacy development within the society, identify challenges, analyse activities conducted by the Commission for the facilitation of media literacy development, and shall publish the above analysis in the Commission's Activity Report.

8. For achieving the goals of media literacy development and its facilitation, the Commission may exercise other powers as well.

*Law of Georgia No 1928 of 23 December 2017 – website, 11.1.2018*

## **Chapter III – Public Broadcasting**

### **Article 15 – Legal status of a Public Broadcaster**

For the purposes of providing the public with diverse programmes that are free from political and commercial influence and that reflect the interests of the public, a Public Broadcaster is established under this Law. The Public Broadcaster is a legal entity under public law that is independent from the state government and is accountable before the public; it is created for TV or radio broadcasting under the legislation of Georgia on the basis of state property and operates on the basis of public financing. The Public Broadcaster is not subordinate to any state agency.

### **Article 16 – Content-related obligations**

1. The Public Broadcaster shall:

- a) ensure editorial independence, fairness and impartiality of programmes and freedom from governmental, political, religious or commercial influence;
- b) ensure balance between news, social and political, educational and analytical, cultural and sport programmes in accordance with the interests of the public;
- c) provide the audience with timely and comprehensive information on important events taking place in Georgia, its regions and worldwide;
- d) broadcast news, social and political programmes at prime time, and election debates during electoral campaigns;
- e) not express its opinion in programmes;
- f) cover the pluralism of ideas existing in the public;
- g) allot at least 25% of the Public Broadcaster's products to programmes produced by legal entities under private law, to the



procurement of which the Law of Georgia on Public Procurement shall not apply;

h) reflect ethnic, cultural, linguistic, religious, age and gender diversity of the society in programmes;

i) broadcast a number of programmes for children reflecting the interests of children and adults;

j) take into account the interests of persons with disabilities and provide sign language interpretation in their programmes related to elections and/or referenda and/or plebiscites, which are broadcast during electoral campaigns and referenda and/or plebiscites;

k) facilitate the development of the uniqueness of the country, its spiritual values and cultural diversity;

l) broadcast a number of programmes in certain proportions prepared in the languages of minorities, about minority groups and programmes prepared by minorities.

m) promote mainstreams of the foreign policy of Georgia, as well as the integration of Georgia into the North Atlantic Treaty Organization ('the NATO') and the European Union;

n) provide the audience with timely and comprehensive information regarding events related to the occupied territories of Georgia.

2. To ensure fulfilment of the content-related obligations defined in paragraph 1 of this article, the Public Broadcaster may conduct a public opinion/audience research.

*Law of Georgia No 1130 of 27 March 2009 – LHG I, No 9, 13.4.2009, Art. 30*

*Law of Georgia No 156 of 26 December 2012 – website, 30.12.2012*

*Law of Georgia No 2094 of 7 March 2014 – website, 14.3.2014*

*Law of Georgia No 1928 of 23 December 2017 – website, 11.1.2018*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

#### **Article 17 – TV broadcasting and radio frequencies of the Public Broadcaster**

1. The radio frequencies, assigned by the Commission to TeleRadioCenter of Georgia Ltd. to create a digital terrestrial television network, shall be used to achieve the goals and objectives of the Public Broadcaster and to transmit its programmes.

2. For ensuring transmission of its own TV channels, the public broadcaster may fully utilise the digital terrestrial television network provided for by paragraph 1 of this article.

3. The public broadcaster shall carry out radio broadcasting through three radio channels using radio frequencies.

4. To develop radio broadcasting of the Public Broadcaster, the Commission shall assign additional frequencies in the FM band out of a free frequency resource within a respective bandwidth.

*Law of Georgia No 2471 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art. 397*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

#### **Article 18 – Independence and immunity**

1. The Public Broadcaster, its officials and employees are independent in exercising their powers and they abide only by the law. Unlawful influence on and intervention in their activities is inadmissible, and a decision made as a result of such influence and intervention is deemed void.

2. Encroaching on editorial, managerial and financial independence of the Public Broadcaster, including giving instructions or tasks, or ordering agreements to it, or otherwise influencing the public broadcaster shall be prohibited.

3. A person concerned may apply to court for avoiding and preventing unlawful influence or intervention, and for nullifying decisions made as a result of such intervention and influence.



4. A decision made by an official of the Public Broadcaster may be appealed to the Board of Trustees or to a court within 30 days after the decision is made. A decision of the Board of Trustees may be appealed to the Commission within 30 days or to a court within the period established by the legislation of Georgia.

*Law of Georgia No 2471 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art. 397*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

#### **Article 19 -Archive of programmes with historical value**

The Public Broadcaster shall create an archive, where it shall store its programmes of historical value.

#### **Article 20 -Programme priorities**

1. The Board of Trustees shall identify programme priorities of public broadcasting, taking into consideration the main priorities of the domestic and foreign policy of Georgia, including its integration into NATO and the European Union, events related to the occupied territories of Georgia, results of public opinion polls, and mainstreams and priorities of the national policy in the field of broadcasting.

2. The Board of Trustees shall make a decision on programme priorities of public broadcasting under a public administrative procedure.

3. The programmes of the Public Broadcaster are protected by the Law of Georgia On Copyright and Related Rights and Chapter III of the General Administrative Code of Georgia shall not apply to them.

*Law of Georgia No 156 of 26 December 2012 – website, 30.12.2012*

#### **Article 20<sup>1</sup> – Public procurement of TV and radio products and/or related services by the Public Broadcaster, and Public procurement of services related to the dissemination and/or reception of TV and radio products through a satellite**

The Law of Georgia on Public Procurement shall not apply to the public procurement by the Public Broadcaster of TV and radio products, and of the products designated for webpages and social networks (programmes, telecasts, films, performances, serials, reports, cultural events) and/or services necessary for producing them, and to the public procurement of services related to the dissemination and/or reception of TV and radio products through a satellite (except for the public procurement of goods and construction activities necessary for producing TV and radio products and/or for broadcasting, and of services not envisaged in this article).

*Law of Georgia No 1130 of 27 March 2009 – LHG I, No 9, 13.4.2009, Art. 30*

*Law of Georgia No 1552 of 31 July 2009 – LHG I, No 24, 13.8.2009, Art. 134*

*Law of Georgia No 2471 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art. 397*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

#### **Article 21 – Publicity of the activities of the Public Broadcaster**

The Public Broadcaster shall ensure publicity of its activities, hold regular meetings with the public and consider proposals from citizens to better reflect public interests in its activities.

#### **Article 22 – Structure of the Public Broadcaster**

1. The managing authorities of the Public Broadcaster are:

- a) the Board of Trustees
- b) the Director General.

2. The structure of the Public Broadcaster is determined by the statute of the Public Broadcaster approved on the basis of this Law.



## **Article 23 - Conflict of interest of trustees, the Director General and employees of the Public Broadcaster**

1. A conflict of interest may arise if a trustee concurrently:
  - a) is an official of another administrative body;
  - b) is a member of any political party;
  - c) performs any work in return for payment for another broadcaster;
  - d) holds stocks or a share in another broadcaster or an enterprise that produces and/or delivers TV and radio products;
  - e) is an official, representative, authorised person or advisor of another broadcaster or an enterprise that produces and/or delivers TV and radio products;
  - f) has any other direct or indirect economic interest in another broadcaster or an enterprise that produces and/or delivers TV and radio products.
2. A person with a conflict of interest defined in paragraph 1 of this article may not be a trustee.
3. A person whose family member has a conflict of interest defined in paragraph 1(c-f) of this article may not be a trustee.
4. A person with a conflict of interest defined in this article may not be the Director General.
5. A person whose family member has a conflict of interest defined in paragraph 1(c-f) of this article may not be the Director General.
6. An employee of the Public Broadcaster may not be an official of or perform any work in return for payment for another broadcaster.
7. A trustee and the Director General shall report in writing if he/she or his/her family member has had conflicts of interest defined in paragraph 1 of this article within past five years.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

## **Article 24 – Composition of the Board of Trustees**

1. The Board of Trustees is composed of 9 members or trustees.
2. The Parliament of Georgia, by a majority of votes of the total members of the Parliament of Georgia, elects two trustees nominated by the Public Defender, three trustees nominated by the parliamentary majority (or, if such majority does not exist, by parliamentary factions) and three trustees nominated by at least one fourth of the members of Parliament not belonging to the parliamentary majority, and one trustee nominated by the Supreme Council of the Autonomous Republic of Ajara.
3. A candidate for trustee shall be a citizen of Georgia having public recognition and confidence. He/she shall have a master's or equivalent degree and at least 10 years of work experience, including at least five years of work experience in journalistic, human rights, finances, electronic communications, arts, writing and/or academic fields.
4. The term of office of a trustee is six years. The term of office of a trustee starts on the day following the expiry of the term of office of the previous trustee.
5. In the case of premature termination of powers of a trustee, the term of powers of a new trustee elected as a replacement for the previous trustee shall be limited to the remaining term of office of the previous trustee. If less than one year is left before the expiry of the term of office of a trustee, the position of a trustee, in the case of premature termination, shall remain vacant until his/her term of office expires.
6. One third of the composition of trustees is replaced every two years by way of rotation.
7. A person may not be elected as a trustee for more than one term.
8. A trustee shall receive an honorarium for performing activities of a trustee and shall be reimbursed for all expenses incurred when performing functions determined by this Law.
9. The amount of an honorarium and expenses required for the performance of functions under this Law shall be determined by



the Board of Trustees within 1.5% of the budget of the Public Broadcaster. The amount allocated for an honorarium shall not exceed 1% of the budget.

*Law of Georgia No 1130 of 27 March 2009 – LHG I, No 9, 13.4.2009, Art. 30*

*Law of Georgia No 1661 of 22 September 2009 – LHG I, No 28, 29.9.2009, Art. 156*

*Law of Georgia No 2471 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art. 397*

*Law of Georgia No 4546 of 19 April 2011 – website, 5.5.2011*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 1628 of 20 November 2013 – website, 22.11.2013*

## **Article 25 – Election of a candidate for trustee by the Parliamentary Competition Commission**

1. A candidate for a trustee shall be elected through an open competition.

2. 30 calendar days before the expiry or within 10 calendar days after the termination of powers of a trustee, the Chairperson of the Parliament of Georgia shall issue an order about holding a competition, which shall specify a period of no more than 15 calendar days for the submission of applications by candidates for trustee.

3. Within not later than 10 working days after the announcement of the competition, a competition commission composed of 9 members shall be set up by a resolution of the Parliament of Georgia. The Chairperson of the Parliament of Georgia shall, after consultations with the parliamentary majority, the members of the Parliament of Georgia not belonging to a parliamentary majority, the Supreme Council of the Autonomous Republic of Ajara and the Public Defender of Georgia, submit a list of candidates for membership in the competition commission to the Parliament of Georgia for approval. The competition commission shall be composed of representatives of civil society and academicians. The competition commission shall be headed by a chairperson elected by the competition commission. The competition commission shall draft a regulation which shall be approved by the Bureau of the Parliament of Georgia and which shall define the criteria for evaluating candidates and concepts proposed by them for the development of the Public Broadcaster.

4. The Parliament of Georgia shall approve the members of a competition commission by a majority of votes of the total members of the Parliament of Georgia.

5. Anyone may nominate a candidate for a trustee. The list of candidates shall be published on the official website of the Parliament of Georgia on the day following the expiry of the deadline for submitting applications.

6. The competition commission shall select candidates for trustees in two stages within 10 calendar days after the expiry of the deadline for nominating the candidates. In the first stage, candidates who meet the qualification requirements determined by this Law shall be selected. Additional selection criteria for candidates shall be defined by the regulation of the competition commission. In the second stage, candidates shall be selected on the basis of a review of the concepts for the development of the Public Broadcaster proposed by them and on the basis of interviews held with them. After selecting the candidates, the competition commission shall nominate to the parliamentary majority (if such majority does not exist, to parliamentary factions), the members of the Parliament of Georgia not belonging to the parliamentary majority, the Public Defender of Georgia and the Supreme Council of the Autonomous Republic of Ajara, the candidates whose number shall be at least three times more than the number of candidates to be elected.

7. The competition commission shall ensure public hearings of concepts for the development of the Public Broadcaster proposed by the candidates. A candidate shall submit a concept for development of the Public Broadcaster to the competition commission, which shall be published; a candidate shall also participate in public debates, which shall be conducted by the Parliament of Georgia before the election of trustees and shall be broadcast by the Public Broadcaster.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 1628 of 20 November 2013 – website, 22.11.2013*

## **Article 26 – Election of a trustee**

1. Out of the candidates selected by the competition commission, the Public Defender shall nominate two candidates, the parliamentary majority (if such majority does not exist, the parliamentary factions) – three candidates, at least one fourth of the members of the Parliament of Georgia not belonging to the parliamentary majority – two candidates and the Supreme Council of





the Autonomous Republic of Ajara shall nominate one candidate to the Parliament of Georgia for election. The above subjects shall select and nominate candidates in the following sequence: the Public Defender of Georgia shall be the first to nominate candidates, followed by the Supreme Council of the Autonomous Republic of Ajara, the members of the Parliament of Georgia not belonging to the parliamentary majority, and finally, the parliamentary majority (if such majority does not exist, the parliamentary factions). A decision on the nomination of candidates selected by the Public Defender of Georgia shall be signed by the Public Defender of Georgia. A decision on the nomination of candidates selected by the parliamentary majority shall be signed by the chairpersons of parliamentary factions included in the parliamentary majority. A decision on the nomination of candidates selected by the members of the Parliament of Georgia not belonging to the parliamentary majority shall be signed by the members of the Parliament of Georgia who expressed their consent to nominate candidates. One member of the Parliament of Georgia may sign a decision on the nomination of one person only. A decision on the nomination of candidates selected by the Supreme Council of the Autonomous Republic of Ajara shall be signed by the Chairperson of the Supreme Council of the Autonomous Republic of Ajara.

2. If there is no majority in the Parliament of Georgia, the right to nominate six candidates for trustees shall be apportioned among parliamentary factions in accordance with the number of members of the Parliament of Georgia belonging to parliamentary factions. The parliamentary faction with the least number of members shall nominate a candidate first, followed by other parliamentary factions in ascending order of the number of their members.

3. If the powers of a trustee nominated by the parliamentary majority (if such majority does not exist, by the parliamentary factions), are terminated and at the time of announcing the vacancy there is no majority in the Parliament of Georgia, a subject entitled to nominate a new trustee shall be determined in accordance with the number of votes in favour of the trustee whose powers have been terminated. In this case, the procedure determined by paragraph 1 of this article shall apply.

4. The subjects under paragraph 1 of this article shall nominate their candidates to the Parliament of Georgia within three calendar days after the selection of the candidates for trustees by the competition commission.

5. Within not later than 10 working days after the selection of candidates for trustees by the competition commission the Parliament of Georgia shall, by the majority of members of the Parliament of Georgia on the current nominal list, elect, one by one, the candidates nominated by the Public Defender of Georgia, the Supreme Council of the Autonomous Republic of Ajara, the parliamentary majority (if such majority does not exist, the parliamentary factions), and by at least one fourth of the members of the Parliament of Georgia not belonging to the Parliamentary majority. If there is more than one vacancy to be filled by the quota of the Public Defender of Georgia, the Supreme Council of the Autonomous Republic of Ajara, the parliamentary majority and the members of the Parliament of Georgia not belonging to the parliamentary majority, a candidate shall be elected first by the quota of the Public Defender of Georgia and then a candidate by the quota of the Supreme Council of the Autonomous Republic of Ajara and a candidate by the quota of members of the Parliament of Georgia not belonging to the parliamentary majority shall follow and finally a candidate by the quota of the parliamentary majority shall be elected.

6. If a candidate for trustee fails to receive sufficient votes to be elected, the Public Defender of Georgia, the Supreme Council of the Autonomous Republic of Ajara, the parliamentary majority (if such majority does not exist, the parliamentary factions), and at least one fourth of the members of the Parliament of Georgia not belonging to the parliamentary majority shall nominate new candidates to the Parliament of Georgia within 10 calendar days.

7. Subjects entitled to nominate candidates for trustees may nominate three candidates to the Parliament of Georgia out of the candidates selected by the competition commission. The same candidate may be nominated twice.

8. If none of the candidates receive sufficient votes to be elected, a candidate, having received the most but at least one third of votes of the members of the Parliament of Georgia on the current nominal list, shall be deemed elected. The candidate having received most votes shall be appointed by the quotas of the Public Defender of Georgia, the Supreme Council of the Autonomous Republic of Ajara, the parliamentary majority (if such majority does not exist, the parliamentary factions), and by at least one fourth of the members of the Parliament of Georgia not belonging to the parliamentary majority.

9. If none of the candidates receive at least one third of votes of the members of the Parliament of Georgia on the current nominal list and if the Board of Trustees of the Public Broadcaster is not staffed with nine members, a new competition shall be conducted for the remaining vacant seats.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 1628 of 20 November 2013 – website, 22.11.2013*

## **Article 27 – Premature termination of powers of trustees**

1. The powers of a trustee shall be terminated prematurely if:

a) a court judgment of conviction against a trustee, which provides for house arrest, imprisonment for a definite term or



imprisonment for an indefinite term as a measure of punishment, becomes effective, or a court recognises a trustee as missing, declares him/her dead or recognises him/her as a beneficiary of support from the day of the entry of the court decision into force, unless otherwise provided for by the court decision;

b) he/she violates the norms of conflicts of interest determined by this Law;

c) he/she fails to perform the duties of a trustee for two consecutive months without a valid excuse;

d) he/she does not perform or fails to perform the duties of a trustee for more than three months in one calendar year;

e) he/she resigns voluntarily – from the day on which the application for resignation is officially submitted to the Parliament of Georgia;

f) he/she dies – from the day on which he/she dies.

2. In cases defined in paragraph 1(a) of this article, the powers of a trustee shall be prematurely terminated by a resolution of the Parliament of Georgia, and in cases provided for in sub-paragraphs (e) and (f) of the same paragraph, information about the resignation and death of a trustee shall be taken note of.

3. In cases defined in paragraph 1(b-d) of this article, the powers of a trustee shall be prematurely terminated by a resolution of the Parliament of Georgia, which is adopted at a plenary session by the majority of members present, but by at least one third of the total majority of the members of the Parliament of Georgia.

4. The issue of premature termination of powers of a trustee in the cases defined in paragraph 1 (b-d) of this article may be raised by at least one fifth of the members of the Parliament of Georgia on the current nominal list.

5. The Parliament of Georgia shall consider and put to vote the issue of premature termination of powers of a trustee within 30 calendar days after the request for premature termination of powers of a trustee is submitted, or, if this period coincides with the period between the parliamentary sessions, within 10 calendar days after the resumption of the next session.

6. The issue of premature termination of powers of a trustee on the basis of the same fact may not be raised twice.

7. The Parliament of Georgia may express to the Board of Trustees its non-confidence in the Public Broadcaster if:

a) programme priorities identified on the basis of this Law and the requirements provided for by this Law have not been fulfilled by the Board of Trustees and the Board has not taken effective measures to have them fulfilled;

b) the budget adopted on the basis of this Law has not been carried out and the Board has not taken effective measures to have it carried out.

8. At least one third of the members of the Parliament of Georgia on the current nominal list may raise the issue of expressing non-confidence to the Board of Trustees of the Public Broadcaster. A decision to express non-confidence shall be deemed taken if it is supported by at least three fifth of the members of the Parliament of Georgia on the current nominal list. If the issue is not supported by three fifth of the members of the Parliament of Georgia on the current nominal list, the issue of expressing non-confidence may not be raised during the following year.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3373 of 20 March 2015 – website, 31.3.2015*

*Law of Georgia No 952 of 1 June 2017 – website, 20.6.2017*

## **Article 28 – Meeting of the Board of Trustees**

1. The Board of Trustees makes decisions at its meetings. The Board of Trustees shall be entitled to make decisions if a majority of the total members of the Board is present at a meeting. The Board makes decisions by a majority of votes of trustees present at a meeting, unless otherwise provided for by this Law for making a decision on a certain issue.

2. Meetings of the Board of Trustees shall be held at least once a month. The chairperson of the Board of Trustees may convene an extraordinary meeting on his/her own initiative, by the request of at least one third of the trustees, the Director General or the auditor of the Public Broadcaster, not later than five calendar days after submitting such request.

3. A trustee shall be notified about the upcoming meeting and its agenda at least three working days before the meeting.

4. Each trustee has only one vote when a decision is made at a meeting of the Board of Trustees. In the case of equal votes, the vote of the chairperson of the Board of Trustees shall be decisive.



5. The Director General, the auditor of the Public Broadcaster and an independent auditor may attend meetings of the Board of Trustees. The Board of Trustees is obliged to listen to and discuss the issues raised by them.

6. The Board of Trustees and its chairperson are entitled to invite any employee of the Public Broadcaster, the auditor of the Public Broadcaster and an independent auditor to a meeting of the Board. They are obliged to attend the meeting and answer questions related to their activities in the Public Broadcaster.

7. Any person concerned may attend and express his/her opinion at an open meeting of the Board of Trustees.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

#### **Article 29 – Chairperson and deputy chairperson of the Board of Trustees**

1. The Board of Trustees shall elect a chairperson and a deputy chairperson of the Board of Trustees by a majority of the members of the Board on the current nominal list, for a term of three years, not earlier than 30 calendar days and not later than 15 calendar days before the expiry of the term of office of the chairperson and the deputy chairperson respectively, while in the case of premature termination of official powers, within 15 calendar days after the termination of powers.

2. One and the same person may not be elected as the chairperson of the Board of Trustees for more than two terms.

3. The term of office of a newly elected chairperson/deputy chairperson shall start on the day following the expiry of the term of office of the previous chairperson/deputy chairperson, while in case of his/her election due to premature termination of powers of the chairperson and/or deputy chairperson, his/her term of powers shall start from the moment of his/her election. The term of office of a chairperson and/or deputy chairperson expires on the third anniversary of his/her election, on the day preceding the date of the month when his/her term of office started.

4. The chairperson of the Board of Trustees or, in the case of his/her absence, the deputy chairperson represents the Board of Trustees, convenes and conducts meetings of the Board, and signs decisions of the Board.

5. The Board of Trustees may dismiss the chairperson and/or deputy chairperson of the Board of Trustees by the total majority of the Board. At least three members of the Board of Trustees may, by a joint written request, raise the issue of premature dismissal of the chairperson and/or deputy chairperson of the Board of Trustees. The Board of Trustees shall consider the issue of premature dismissal and put it to vote within 10 calendar days after the request is submitted. If the Board of Trustees does not dismiss the chairperson and/or deputy chairperson of the Board, the issue of his/her dismissal may not be raised during the following three months.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

#### **Article 30 – Functions of the Board of Trustees and rights and obligations of trustees**

1. The Board of Trustees shall:

a) identify programme priorities of the Public Broadcaster;

b) adopt, upon recommendation of the Director General, by at least two thirds of votes of the members of the Board on the current nominal list, the statute of the Public Broadcaster, and make a change to the statute of the Public Broadcaster, which shall ensure the editorial independence of relevant structural units, and be authorised to make a change to the statute of the Public Broadcaster on its own initiative, except when a change refers to the provisions related to the structure of the Public Broadcaster;

c) upon recommendation of the Director General, adopt the budget of the Public Broadcaster, and a change to the budget, and approve the report of the performance of the budget of the Public Broadcaster;

d) hear a quarterly performance report of the Public Broadcaster, including a financial report (in accordance with the international financial accounting standards), within one month after the end of a quarter;

e) give its consent to the Director General for conducting a transaction, the value of which exceeds 1% of the budget of the Public Broadcaster;

f) determine conditions and the amount of remuneration of the Director General;

g) approve the staff list and salaries of employees, the wage fund, including the bonus fund and maximum amounts of bonuses of the Public Broadcaster upon recommendation of the Director General;



h) (deleted – 21.2.2018, No 1966);

i) apply to the Supreme Council of the Autonomous Republic of Ajara with a request to raise the issue of expressing non-confidence to the Council of Advisors of Ajara TV and Radio of the Public Broadcaster.

2. A trustee shall:

a) perform the duties of a trustee in good faith;

b) be authorised to request that a specific issue be included in the agenda of the Board of Trustees;

c) be authorised to request and receive any information related to the activities of the Public Broadcaster.

*Law of Georgia No 156 of 26 December 2012 – website, 30.12.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

### **Article 30<sup>1</sup> – Providing organisational support to the activities of the Board of Trustees**

To provide organisational support to the activities of the Board of Trustees, an organisational unit shall be set up at the Board of Trustees. The Board of Trustees shall determine the powers of this unit.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

### **Article 31 – Public councils**

1. To represent needs and interests of the public through the Public Broadcaster and to ensure fulfilment of obligations defined by Article 16 of this Law, public councils shall be created. Public councils shall be authorised to prepare recommendations for the Public Broadcaster by the direct participation of the public.

2. The number, the rules of formation and operation, and functions of public councils are defined by the statute of the Public Broadcaster.

### **Article 32 – Director General**

1. The Board of Trustees shall, through an open competition, appoint a Director General for the term of six years, which starts on the day following the expiry of the term of office of the previous Director General, while if he/she is appointed due to premature termination of the term of office of the previous Director General, the powers of the Director General shall start upon his/her appointment. The term of office of a Director General expires on the sixth anniversary of his/her appointment, on the day preceding the date of the month, on which this term started.

2. Not later than 90 calendar days before the expiry of powers of the Director General, or, in the case of premature termination of powers, within 10 calendar days after termination, the Board of Trustees shall announce an open competition for the position of Director General.

3. Applications and recommendations for holding the position of Director General shall be submitted within 30 calendar days after announcement of the competition. Any person who meets the requirements determined by this Law may participate in the competition.

4. A candidate for Director General shall be a citizen of Georgia having public recognition and confidence. He/she shall have a master's degree or equivalent thereof and at least 10 years of work experience, including at least three years of work experience in a managerial position and at least five years of work experience in journalistic, human rights, and/or academic fields.

5. Within three calendar days after the expiry of the deadline for nominating candidates for Director General, the Board of Trustees shall publish the list of candidates on the official website of the Public Broadcaster and appoint the Director General within the following seven days after publishing the list of candidates.

6. The Board of Trustees shall sign an employment contract with the Director General.

7. The Director General shall be guided by this Law, the statute of the Public Broadcaster and the employment contract signed



between the Director General and the Board of Trustees. He/she shall run the activities of the Public Broadcaster and represent it in relationship with third parties.

*Law of Georgia No 1475 of 20 May 2005 – LHG I, No 23, 25.5.2005, Art. 160*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

### **Article 32<sup>1</sup> – Procedure and conditions for the dismissal of the Director General**

1. The Director General shall be prematurely dismissed if:

- a) a court delivers a judgement of conviction against him/her, or finds him/her missing, declares him/her dead or recognises him/her as a beneficiary of support, unless otherwise provided for by the court decision – from the day on which the court decision enters into force;
- b) he/she violates the norms of conflicts of interest determined by this Law;
- c) he/she fails to perform the duties of the Director General for two consecutive months without a valid excuse;
- d) he/she does not perform or fails to perform the duties of the Director General for more than three months in a calendar year;
- e) the Board of Trustees expresses non-confidence to him/her – from the day on which non-confidence is expressed;
- f) he/she resigns voluntarily – from the day on which an application for resignation is officially submitted to the Board of Trustees;
- g) he/she dies – from the day on which he/she dies.

2. In the cases defined in paragraph 1(a-e) of this article, the Director General shall be prematurely dismissed by a decision of the Board of Trustees, and in the cases defined in sub-paragraphs (f) and (g) of the same paragraph, information about the resignation or death of a trustee shall be taken note of.

3. The Board of Trustees may express non-confidence in the Director General by a majority of members of the Board on the current nominal list if this is requested in writing by at least two thirds of the trustees.

4. The Board of Trustees shall consider a proposal expressing non-confidence and put it to vote within 10 calendar days after the proposal is submitted. The Director General may attend the meeting when such issue is reviewed and submit his/her opinion thereon.

5. If the Board of Trustees fails to express non-confidence in the Director General, the issue of expressing non-confidence may not be raised during the following six months.

*Law of Georgia No 1475 of 20 May 2005 – LHG I, No 23, 25.5.2005, Art. 160*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3373 of 20 March 2015 – website, 31.3.2015*

### **Article 33 – Budget of the Public Broadcaster. Fees for public broadcasting**

1. The Board of Trustees of the Public Broadcaster shall approve the budget for the following year on the basis of consolidating draft budgets submitted by the Director General and the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster. The budget shall include costs of TV broadcasting, broadcast channels, radio broadcasting and administrative costs separately.

1<sup>1</sup>. The Public Broadcaster shall create one or more regular programme products in at least 4 languages annually, including in the Abkhazian and Ossetian languages.

2. The budget of the Public Broadcaster shall be funded from the public broadcasting fees and other revenues defined and/or permitted by legislation.

3. Any natural person having a taxable income in Georgia shall pay the public broadcasting fee.

4. The public broadcasting fee shall be transferred monthly to the account of the Public Broadcaster.

5. Before paragraphs 2–4 of this article enter into force, the main source of financing for public broadcasting shall be the State



Budget of Georgia. The amount of financing of public broadcasting shall be at least 0.14% of the gross domestic product defined for a year preceding the year to be planned based on the macro parameters available during the period of drafting the annual law on the State Budget of Georgia. The financing provided for by the state budget of Georgia of a respective year shall be transferred to the Public Broadcaster fully, before the end of a budget year, according to a quarterly schedule defined under the procedure established by the legislation of Georgia.

6. The Public Broadcaster may use revenues defined by the legislation of Georgia, including allocations from the State Budget, to cover loan debts and carried forward payments arising at the end of the year.

7. The Public Broadcaster may direct the revenues defined by the legislation of Georgia, including the allocations received from the state budget of Georgia, for the stimulation of beginner enterprises (start-ups), innovative development of TV, radio and online products, and facilitation of the development of the environment in the area of broadcasting. The decision on financing for the achievement of the goals under this paragraph shall be made by the Board of Trustees upon recommendation of the Director General.

*Law of Georgia No 6011 of 21 March 2008 – LHG I, No 9, 4.4.2008, Art. 76*

*Law of Georgia No 2471 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art. 397*

*Law of Georgia No 4546 of 19 April 2011 – website, 5.5.2011*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

#### **Article 34 – Audit**

1. An internationally recognised, independent audit company selected by the Board of Trustees through an open competition shall conduct an external audit of the Public Broadcaster once a year.

2. The Director General shall appoint the auditor of the Public Broadcaster through a competition, who shall regularly conduct an internal audit of the Public Broadcaster. The auditor of the Public Broadcaster shall be accountable to the Director General.

3. The chairperson of the Board of Trustees, the Director General and one third of the members of the Board of Trustees on the current nominal list may assign an auditor of the Public Broadcaster to conduct an additional audit.

*Law of Georgia No 2471 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art. 397*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

#### **Article 35 – Report of the Board of Trustees**

1. By not later than the first of May of each year, the Board of Trustees shall submit to the Parliament of Georgia and the Commission and publish the progress report of the Public Broadcaster for the previous year.

2. The report shall include information about:

- a) the broadcasting policy of the Public Broadcaster;
- b) current and future programme priorities;
- c) schedules of current and future programmes;
- d) independent programmes and their producers;
- e) the results of a public opinion poll and a broadcasting market study;
- f) the number and content of complaints already reviewed;
- g) the contents of public hearings and the proposals of citizens;
- h) enterprises that are interdependent with the Public Broadcaster;
- i) the budget of the Public Broadcaster for the following year;



j) the performance of the budget of the Public Broadcaster;

k) reports of internal and external audits.

3. The Parliament of Georgia shall ensure public hearings of the report of the Public Broadcaster. The results of public hearings shall be reflected in programme priorities of the Public Broadcaster where possible.

4. Any member of the Parliament of Georgia may request and receive information about activities of the Public Broadcaster.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

### **Chapter III<sup>1</sup> – Ajara TV and Radio of the Public Broadcaster**

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

#### **Article 35<sup>1</sup> – Status of the Ajara TV and Radio of the Public Broadcaster**

1. A legal entity under public law – the Ajara TV and Radio of the Public Broadcaster is established on the basis of Article 5(2)(a) of the Law of Georgia on Legal Entities under Public Law.

2. Obligations under Article 16 of this Law shall apply to the Ajara TV and Radio of the Public Broadcaster.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

#### **Article 35<sup>2</sup> – TV and radio broadcasting of the Ajara TV and Radio of the Public Broadcaster**

1. The Ajara TV and Radio of the Public Broadcaster carries out radio broadcasting through one radio channel.

2. The Ajara TV and Radio of the Public Broadcaster carries out TV broadcasting using the digital terrestrial television network under Article 17(1) of this Law.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

#### **Article 35<sup>3</sup> – Structure of the Ajara TV and Radio of the Public Broadcaster**

1. The management authorities of the Ajara TV and Radio of the Public Broadcaster are:

a) the Council of Advisors;

b) the Director.

2. The structure of the Ajara TV and Radio of the Public Broadcaster is determined by the statute approved by the Board of Trustees of the Public Broadcaster on the basis of this Law.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

#### **Article 35<sup>4</sup> – Composition and remuneration of the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster**

1. The Council of Advisors is composed of 5 members: the advisors.

2. The term of office of an advisor is six years.

3. The amount allocated for the fulfilment of obligations of the Council of Advisors comprises 3% of the budget of Ajara TV and Radio of the Public Broadcaster. The amount allocated for the honorarium of the advisors shall not exceed 2% of the budget.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*



## Article 35<sup>5</sup> – Selection of candidates for advisors and election of advisors

1. A candidate for advisor shall be elected through an open competition.
2. Everyone may nominate a candidate for advisor within 30 calendar days after the competition is announced. If by the end of 30 days after the competition is announced the number of candidates nominated for the announced vacancy is not at least three times more than the number of candidates to be elected, the deadline for the nomination of candidates shall be extended for 15 calendar days, which shall be publicly announced by the Chairperson of the Supreme Council of the Autonomous Republic of Ajara upon the expiry of the 30 day deadline.
3. A candidate for advisor shall be a citizen of Georgia having public recognition and confidence. He/she shall have a master's degree or equivalent thereof and at least 10 years of work experience, including five years of work experience in journalistic, human rights, finances, electronic communications, arts, writing and/or academic fields.
4. Within five calendar days after the expiry of the deadline for nominating candidates for advisors, a competition commission composed of five members shall be established by a resolution of the Chairperson of the Supreme Council of the Autonomous Republic of Ajara. The competition commission shall include representatives of civil society. Within the same period of time, the Chairperson of the Supreme Council of the Autonomous Republic of Ajara shall publish the list of candidates for advisors on the official website of the Supreme Council. A candidate shall submit a concept for the development of the Ajara TV and Radio of the Public Broadcaster to the Supreme Council of the Autonomous Republic of Ajara, which shall be published; a candidate shall also participate in public debates to be conducted before the advisors of the Supreme Council of the Autonomous Republic of Ajara are elected.
5. Within 15 calendar days after the list of candidates for advisors is published, the competition commission shall select candidates who meet qualification criteria under this Law and shall nominate to the Supreme Council of the Autonomous Republic of Ajara at least three times the number of candidates than those to be elected. A decision of the competition commission on the nomination of candidates shall be deemed taken if it is approved by at least three members of the competition commission.
6. From among the candidates selected by the competition commission, the factions of the Supreme Council of the Autonomous Republic of Ajara shall nominate three candidates proportionally to the number of its members, while at least one fourth of the rest of members of the Supreme Council shall nominate to the Supreme Council of the Autonomous Republic of Ajara two candidates for election. Decisions on the nomination of candidates selected by factions shall be signed by the chairpersons of factions, whereas decisions on the nomination of candidates selected by the rest of members of the Supreme Council of the Autonomous Republic of Ajara shall be signed by those members of the Supreme Council who have expressed their approval for the nomination of candidates. One member of the Supreme Council may sign a decision on the nomination of one person only.
7. The right to nominate five candidates for advisors shall be apportioned among factions according to the number of members in the factions. The faction with most members shall nominate a candidate first, and then other factions, considering the number of their members in ascending order, shall nominate candidates.
8. Within 15 calendar days after the nomination of candidates, the Supreme Council of the Autonomous Republic of Ajara shall, by the majority of members of the Supreme Council on the current nominal list, elect, one by one, candidates nominated by the factions of the Supreme Council of the Autonomous Republic of Ajara and by at least one fourth of the rest of members of the Supreme Council. If there is more than one vacancy to be filled by the quotas of the factions of the Supreme Council and of the rest of members of the Supreme Council, a candidate nominated by quotas of those members who do not belong to factions shall be elected first.
9. If a candidate for advisor fails to receive sufficient votes to be elected, the factions of the Supreme Council of the Autonomous Republic of Ajara and at least one fourth of the rest of members of the Supreme Council shall nominate new candidates to the Supreme Council within 10 calendar days.
10. Persons entitled to nominate candidates for advisors may nominate three candidates to the Supreme Council of the Autonomous Republic of Ajara out of the candidates selected by the competition commission. One candidate may be nominated twice.
11. If none of the candidates receive sufficient votes to be elected, the candidate having received the most but not less than one third of votes of the members of the Supreme Council of the Autonomous Republic of Ajara on the current nominal list, shall be deemed elected. The candidate having received the most votes shall be appointed by the quotas of the factions of the Supreme Council of the Autonomous Republic of Ajara and by at least one fourth of the rest of members of the Supreme Council of the Autonomous Republic of Ajara.
12. If none of the candidates receive at least one third of the votes of the members of the Supreme Council of the Autonomous





Republic of Ajara on the current nominal list, and if the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster is not staffed with nine members, a new competition shall be conducted for the remaining vacant positions.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

#### **Article 35<sup>6</sup> – Premature termination of powers of advisors**

1. The powers of an advisor shall be terminated prematurely if:

- a) a court delivers a judgment of conviction against an advisor, which provides for house arrest, imprisonment for a definite term or imprisonment for an indefinite term as a measure of punishment, or a court finds him/her missing, declares him/her dead or recognises him/her as a beneficiary of support, unless otherwise provided for by the court's decision – from the day of entry of the court decision into force;
- b) he/she violates the norms of conflicts of interest determined by this Law;
- c) he/she fails to perform the duties of an advisor for two consecutive months without a valid excuse;
- d) he/she does not perform or fails to perform the duties of an advisor for more than three months in one calendar year;
- e) he/she resigns voluntarily on the basis of his/her own application for resignation – from the day of official submittal of the application to the Supreme Council of the Autonomous Republic of Ajara;
- f) he/she dies – from the day on which he/she dies.

2. In the cases defined in paragraph 1(a) of this article, the powers of an advisor shall be terminated by a resolution of the Supreme Council of the Autonomous Republic of Ajara, and in the cases defined in sub-paragraphs (e) and (f) of the same paragraph, information about the resignation or death of an advisor shall be taken note of.

3. The powers of an advisor shall be prematurely terminated in the cases defined in paragraph 1(b-d) of this article by a resolution of the Supreme Council of the Autonomous Republic of Ajara that is adopted by at least three fifth of the members of the Supreme Council on the current nominal list.

4. The issue of premature termination of powers of an advisor in the cases defined in paragraph 1 (b-d) of this article may be raised by at least one fifth of the members of the Supreme Council of the Autonomous Republic of Ajara on the current nominal list.

5. An initiator of the procedure shall provide documentary proof of a specific ground for premature termination of an advisor's powers.

6. The Supreme Council of the Autonomous Republic of Ajara shall consider and put to vote the issue of premature termination of powers of an advisor within 30 calendar days after a request for premature termination of powers of an advisor is submitted, or, if this period coincides with the period between sessions, within 10 calendar days after the resumption of the next session.

7. The issue of premature termination of powers of an advisor on the basis of the same facts may not be raised twice.

8. The Supreme Council of the Autonomous Republic of Ajara may express non-confidence in the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster if:

- a) programme priorities identified by the Council of Advisors on the basis of this Law and its requirements were not fulfilled and the Council of Advisors failed to take effective measures to have them fulfilled;
- b) the budget approved on the basis of Article 35<sup>9</sup> of this Law was not performed and the Council of Advisors failed to take effective measures to have it performed.

9. If the requirements of Article 35<sup>9</sup>(1)(d) of this Law are not fulfilled, the Board of Trustees of the Public Broadcaster shall propose to the Supreme Council to raise the issue of expressing non-confidence in the Council of Advisors.

10. At least one third of the members of the Supreme Council of the Autonomous Republic of Ajara on the current nominal list may raise the issue of expressing non-confidence in the Council of Advisors. A decision to express non-confidence shall be deemed taken if it is supported by at least three fifth of the members of the Supreme Council of the Autonomous Republic of Ajara on the current nominal list. If the issue of expressing non-confidence is not supported by three fifth of members of the Supreme Council on the current nominal list, it may not be raised during the following year.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*



### **Article 35<sup>7</sup> – Meetings of the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster**

1. The Council of Advisors makes decisions at its meetings. The Council of Advisors is entitled to make decisions if the majority of the members of the Council of Advisors on the current nominal list is present at the meeting. The Council of Advisors makes decisions by the majority of votes of advisors present at a meeting, unless otherwise required by this Law.
2. Meetings of the Council of Advisors are held at least once a month. The chairperson of the Council of Advisors convenes an extraordinary meeting on his/her own initiative, by the request of at least one third of the advisors, the Director or the auditor of the Public Broadcaster, within five calendar days after such request is submitted.
3. An advisor shall be notified of an upcoming meeting of the Council of Advisors and of its agenda at least three working days before the meeting.
4. Each advisor has only one vote when a decision at a meeting of the Council of Advisors is made. In the case of equal votes, the vote of the chairperson of the Council of Advisors shall be decisive.
5. The Director, the auditor of the Public Broadcaster and an independent auditor may attend meetings of the Council of Advisors. The Council of Advisors is obliged to hear and discuss the issues raised by them.
6. The Council of Advisors and its chairperson may invite any employee of the Ajara TV and Radio of the Public Broadcaster, the auditor of the Ajara TV and Radio of the Public Broadcaster and an independent auditor to a meeting of the Council of Advisors. They are obliged to attend the meeting and answer questions related to their activities in the Ajara TV and Radio of the Public Broadcaster.
7. Any person concerned may attend and express his/her opinion at an open meeting of the Council of Advisors.

### **Article 35<sup>8</sup> – Chairperson and deputy chairperson of the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster**

1. The Council of Advisors shall elect the chairperson and the deputy chairperson of the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster by a majority of votes of the total members of the Council of Advisors, for a term of six years, not earlier than 30 calendar days and not later than 15 calendar days before the expiry of the term of office of the chairperson and the deputy chairperson respectively, while in the case of premature termination of official powers, within 15 calendar days after the termination of powers.
2. The same person may not be elected as chairperson of the Council of Advisors for more than one term.
3. The term of office of a newly elected chairperson and/or deputy chairperson of the Council of Advisors shall start on the day following the expiry of the term of office of the previous chairperson and/or deputy chairperson, while in the case of his/her election due to premature termination of powers of the chairperson and/or deputy chairperson, his/her term of office shall start upon his/her election. The term of office of a chairperson and/or deputy chairperson expires on the sixth anniversary of his/her election, on the day preceding the day of the month on which this term started.
4. The chairperson of the Council of Advisors or, in the case of his/her absence, the deputy chairperson, represents the Council of Advisors, convenes and conducts its meetings, and signs decisions of the Council.
5. The Council of Advisors may dismiss the chairperson and/or deputy chairperson of the Council of Advisors by a majority of votes of the Council of Advisors. At least three members (or two members if the Council of Advisors is composed of three members) of the Council of Advisors may, by a joint written request, raise the issue of premature dismissal of the chairperson and/or deputy chairperson of the Council of Advisors. The Council of Advisors shall consider and put to vote the issue of premature dismissal within 10 calendar days after the request is submitted. If the Council of Advisors does not dismiss the chairperson and/or deputy chairperson, the issue of his/her dismissal may not be raised during the following three months.

### **Article 35<sup>9</sup> – Functions of the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster and rights and obligations**



## of advisors

1. The Council of Advisors shall:

- a) define the program priorities of the Ajara TV and Radio of the Public Broadcaster in accordance with main directions and priorities of the national policy in the field of broadcasting, taking into account the interests of the Autonomous Republic of Ajara;
- b) adopt, by at least two third of the votes of the total members of Council of Advisors, the statute of the Ajara TV and Radio of the Public Broadcaster, upon the recommendation of the Director, which shall ensure the editorial independence of relevant structural units; be authorised to make amendments to the statute on its own initiative or upon the recommendation of the Director;
- c) upon the recommendation of the Director, consider the draft budget of the Ajara TV and Radio of the Public Broadcaster and submit the budget to the Board of Trustees of the Public Broadcaster for approval in accordance with Article 33(1) of this Law;
- d) hear a report on the performance of the budget of the Ajara TV and Radio of the Public Broadcaster and submit it to the Board of Trustees of the Public Broadcaster for approval . The Council of Advisors may, on its own initiative or upon the recommendation of the Director, prepare a draft amendment to the budget and submit it to the Board of Trustees of the Public Broadcaster for approval;
- e) hear a quarterly performance report of the Director, including a financial report, within 15 days after the end of each quarter;
- f) give its consent to the Director to enter into a transaction, the value of which exceeds 1% of the budget of the Ajara TV and Radio of the Public Broadcaster;
- g) determine the terms and conditions and the amount of remuneration of the Director;
- h) approve the staff list and salaries of employees, the wage fund, including the bonus fund and maximum amounts of bonuses of the Ajara TV and Radio of the Public Broadcaster upon the recommendation of the Director;
- i) define basic provisions of employment contracts with employees of the Ajara TV and Radio of the Public Broadcaster, including provisions for early termination of employment contracts, taking into account that the duration of employment contracts shall be at least one year, except for contracts of engineering and technical staff, the duration of which shall be at least five years (with the exception of such contracts that are related to the fulfilment of programmes with the duration of less than one year);
- j) define the program priorities of the Ajara TV and Radio of the Public Broadcaster and agree upon them with the Board of Trustees of the Public Broadcaster.

2. An advisor shall:

- a) perform the duties of an advisor in good faith;
- b) be authorised to request that a specific issue be included in the agenda of the Council of Advisors;
- c) be authorised to request and receive any information related to the activities of the Ajara TV and Radio of the Public Broadcaster.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 4776 of 19 February 2016 – website, 7.3.2016*

## **Article 35<sup>10</sup> – Director of the Ajara TV and Radio of the Public Broadcaster**

1. The Council of Advisors shall appoint a director through an open competition for a term of three years that starts on the day following the expiry of the term of office of the previous director, while if he/she is appointed due to premature termination of powers of the previous director, the term of office of the director shall start upon his/her appointment. The term of office of a director expires on the third anniversary of his/her appointment, on the day preceding the day of the month on which the term started.
2. Not later than 90 calendar days before the expiry of the term of office of the director, or, in the case of premature termination of powers, within 10 calendar days after the termination, the Council of Advisors shall announce an open competition for the position of director.
3. Applications and recommendations for holding the position of director shall be submitted within 30 calendar days after the announcement of the competition. Any person who meets the requirements determined by this Law may participate in the



competition.

4. A candidate for director shall be a citizen of Georgia having public recognition and confidence. He/she shall have a master's degree or equivalent thereof and at least 10 years of work experience, including at least three years of work experience in a managerial position and at least five years of work experience in journalistic, human rights, and/or academic fields.

5. Within three calendar days after the expiry of the deadline for the nomination of candidates for director, the Council of Advisors shall publish the list of candidates on the official website of the Ajara TV and Radio of the Public Broadcaster and appoint the a director within the following seven days after publishing the list of candidates.

6. The Council of Advisors shall sign an employment contract with the director.

7. The director shall be guided by this Law, the statute of the Ajara TV and Radio of the Public Broadcaster and the employment contract signed between the director and the Council of Advisors. He/she shall manage the activities of the Ajara TV and Radio of the Public Broadcaster and represent it in relationship with the third parties.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

### **Article 35<sup>11</sup> – Procedure and conditions for the premature dismissal of the director of the Ajara TV and Radio of the Public Broadcaster**

1. The director shall be prematurely dismissed if:

a) a court delivers a judgement of conviction against him/her, or finds him/her missing, declares him/her dead or recognises him/her as a beneficiary of support, unless otherwise provided for by the court's decision – from the day on which the court decision enters into force;

b) he/she violates the norms of conflict of interest determined by this Law;

c) he/she fails to perform the duties of a director for two consecutive months without a valid excuse;

d) he/she does not perform or fails to perform the duties of a director for more than three months in one calendar year;

e) the Council of Advisors expresses non-confidence in him/her – from the day on which non-confidence is expressed;

f) he/she resigns voluntarily – from the day on which an application for resignation is officially submitted to the Council of Advisors;

g) he/she dies – from the day on which he/she dies.

2. In the cases defined in paragraph 1(a-e) of this article, the director shall be prematurely dismissed by a decision of the Council of Advisors, and in the cases defined in sub-paragraphs (f) and (g) of the same paragraph, information about the resignation or death of the director shall be taken note of.

3. The Council of Advisors may express non-confidence to the director by the majority of the members of the Council of Advisors on the current nominal list if requested in writing by at least one third of the members of the Council of Advisors on the current nominal list.

4. The Council of Advisors shall consider the proposal about expressing non-confidence and put it to vote within 10 calendar days after the proposal is submitted. The director may attend the meeting when such issue is reviewed and may express his/her opinion.

5. If the Council of Advisors does not express non-confidence to the director, the issue of expressing non-confidence shall not be raised during the following two months.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3373 of 20 March 2015 – website, 31.3.2015*

### **Article 35<sup>12</sup> – Financing of the Ajara TV and Radio of the Public Broadcaster**

1. At least 15% of the budget of the Ajara TV and Radio is financed from the budget of the Public Broadcaster. The allocated amount shall be transferred to the account of the Ajara TV and Radio of the Public Broadcaster after the budget has been approved.



2. The Council of Advisors of the Ajara TV and Radio of the Public Broadcaster shall submit a draft budget of the Ajara TV and Radio of the Public Broadcaster to the Board of Trustees of the Public Broadcaster a month prior to the approval of the budget of the Public Broadcaster.

3. The Board of Trustees of the Public Broadcaster shall approve the budget for the following year on the basis of consolidating draft budgets submitted by the Director General and the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

### **Article 35<sup>13</sup> – Reports of the Council of Advisors of the Ajara TV and Radio of the Public Broadcaster**

1. Not later than 1 April of each year, the Council of Advisors shall submit to the Supreme Council of the Autonomous Republic of Ajara and the Board of Trustees of the Public Broadcaster and publish a progress report for the past year.

2. The report shall contain information under Article 35(2) of this Law.

3. The Supreme Council of the Autonomous Republic of Ajara and the Board of Trustees of the Public Broadcaster shall ensure public discussion of the report.

4. The Supreme Council of the Autonomous Republic of Ajara and the Board of Trustees of the Public Broadcaster may request any information about the activities of the Ajara TV and Radio of the Public Broadcaster.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

## **Chapter IV – Licencing and Authorisation in the Field of Broadcasting**

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 36 – Basis of activities in the field of broadcasting**

1. Activities in the field of broadcasting are carried out by the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster, which are established in accordance with this Law, and on the basis of licencing and/or authorisation of such activities.

2. A licence shall be issued only for radio broadcasting and only if it is carried out by means of broadcast transmitters using the radio frequency spectrum.

3. Broadcasting, except for the broadcasting carried out by the Public Broadcaster, the Ajara TV and Radio of the Public Broadcaster and in the cases defined in paragraph 2 of this article, shall be subject to authorisation.

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

### **Article 36<sup>1</sup> – Organisation of licencing**

1. The Commission is the body issuing licences in the field of broadcasting. By observing the principle of publicity, the Commission shall:

a) issue licences for the activities provided for by this Law and maintain a corporate register of licences;

b) control compliance with licence provisions;

c) modify, suspend, renew or revoke licences as determined by this Law;

d) exercise other powers in the field of licencing granted by legislation.



2. Decisions made by the Commission on issuing licences in the field of broadcasting shall comply with the requirements of Articles 52 and 53 of the General Administrative Code of Georgia.

3. Activities in the field of broadcasting that are related to necessary technical regulation and the use of scarce resources shall only be carried out under the relevant licence, except for public broadcasting and broadcasting that is subject to authorisation under this Law.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 36<sup>2</sup> – Organisation of authorisation**

The authorisation of activities in the field of broadcasting is carried out by the Commission which, as determined by this Law, shall:

- a) grant authorisation to persons carrying out activities under this Law and keep a corporate register of authorised persons;
- b) control compliance of authorised persons with legislation in the field of broadcasting, including with resolutions and decisions of the Commission;
- c) suspend and revoke authorisation as determined by the same Law;
- d) exercise other powers granted by the legislation in the field of authorisation.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 37 – Licence holder and/or authorised person in the field of broadcasting**

1. A licence holder and/or authorised person in the field of broadcasting may be a citizen of Georgia or a natural or legal person who is a resident of Georgia.

2. A licence holder and/or authorised person in the field of broadcasting may not be:

- a) an administrative body;
- b) an official of an administrative body or other officer;
- c) a legal person interdependent with an administrative body;
- d) a political party or its official;
- e) a legal person registered offshore;
- f) a legal person, the shares or stocks of which is directly or indirectly owned by a legal person registered offshore.
- g) a person, the beneficial owner of which is a person of another State defined by sub-paragraph (d) of this paragraph.

3. A licence holder and/or authorised person (except for persons defined in paragraph 2 of this article) may not at the same time be a person, the beneficial owner of which is a person and/or body of another State as defined in paragraph 2(a-c) of this article, except as provided for by an international agreement of Georgia. An international agreement of Georgia may envisage granting the right to broadcast in the territory of Georgia to a broadcaster established by a person and/or body of another State defined by paragraph 2(a), (b) or (c) of this article on the one hand, and the right to broadcast outside the territory of Georgia to a broadcaster established by a person and/or body defined in paragraph 2(a), (b) or (c) of this article on the other hand.

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

### **Article 37<sup>1</sup> – Declarations of compliance**

1. A licence and/or authorisation applicant shall attach a declaration of compliance to an application which shall indicate:



- a) identification data of a licence applicant and/or authorisation applicant;
  - b) data on head officers and bodies of a licence applicant and/or authorisation applicant;
  - c) confirmation that a licence applicant and/or authorisation applicant or his/her/its beneficial owners are not persons defined in Article 37(2) of this Law;
  - d) identification data of beneficial owners of a licence applicant and/or authorisation applicant and information about shares owned by them.
2. A licence holder and/or authorised person shall submit a declaration of compliance to the Commission in the cases provided for by this Law.

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 38 – Types and varieties of broadcasting**

1. Broadcasting is carried out on the basis of an authorisation or a licence.
2. Types of broadcasting are TV broadcasting and radio broadcasting. TV broadcasting and radio broadcasting (except for over-the-air radio broadcasting) are carried out on the basis of an authorisation. Over-the-air radio broadcasting is carried out on the basis of a licence.
3. The varieties of broadcasting are community broadcasting and private broadcasting.
4. Private broadcasting includes general broadcasting and specialised broadcasting. When licencing and/or authorising private specialised broadcasting, the theme/themes of broadcasting programmes shall be indicated.
5. Depending on geographical areas, broadcasting may be national or local.
6. Depending on the availability of broadcasting programmes, broadcasting may be with or without fees.
7. When granting licences and/or authorisation for broadcasting, the following shall be indicated:
  - a) the language/languages of broadcasting;
  - b) a minimum duration of broadcasting within a 24-hour period; in the case of an over-the-air television broadcasting the minimum duration shall be 12 hours;
  - c) broadcast coverage technology;
  - d) date of starting broadcasting;
  - e) a proposed geographical area of broadcast coverage.
8. The transit of radio broadcasting through the radio frequency spectrum shall be allowed for unaltered broadcasting only during the free air time by a radio broadcaster licenced in accordance with the legislation of Georgia, when a person providing transit for radio broadcasting does not carry out his/her/its own broadcasting
9. The issuance, modification, extension of validity of, suspension and revocation of licences shall be carried out through public administrative procedures.
10. Authorisation, modification of authorisation provisions and suspension or revocation of authorisation on the initiative of a broadcaster shall be carried out through simple administrative procedures. The suspension or revocation of authorisation on the initiative of the Commission shall be carried out through public administrative procedures.

*Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

Decision No 1/1/468 of the Constitutional Court of Georgia of 11 April 2012 – website, 25.4.2012

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*



### **Article 38<sup>1</sup> – Language/languages of broadcasting**

1. An authorised TV broadcaster in Georgia carrying out general national broadcasting shall place programmes in the broadcasting network in the official language, except for the cases defined by the legislation of Georgia and/or by the Commission.
2. An authorised TV broadcaster in Georgia carrying out general local broadcasting shall place news and social and political programmes in the broadcasting network, including during the prime time, in the Georgian official language as well.

Law of Georgia No 5020 of 27 April 2016 – website, 13.5.2016

### **Article 39 – Validity period of licences in the field of broadcasting**

A licence in the field of broadcasting is issued for a term of 10 years. After the validity period of a licence expires, the licence is automatically prolonged only once for the same term, unless the sanctions under Article 72(2) of this Law have been applied to the licence holder. In this case, the licence holder shall pay a licence duty and, in the cases determined by legislation, an initial amount of a licence fee established by the moment of prolonging the validity of a licence. In other cases, six months before the expiry of a licence, a licence holder shall submit an application to the Commission for the announcement of a competition. The Commission shall conduct the competition before the licence expires.

### **Article 40 – Over-the-air broadcasting service areas**

1. In accordance with the decision of the Commission, the territory of Georgia is divided into over-the-air broadcasting service areas.
2. A licence holder shall ensure the quality reception of radio signals by at least 90% of the population within his/her/its service area.
3. Licences for national radio broadcasting and local radio broadcasting are issued separately.

Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015

### **Article 40<sup>1</sup> – Transit of broadcasting by authorised persons**

1. The Public Broadcaster, a community broadcaster, a general over-the-air and/or satellite broadcaster authorised under this Law, which broadcast within the service area of a person authorised to transit broadcasting (for the purposes of this article, the broadcasting area for a satellite broadcaster is the entire territory of the country), as well as an authorised general over-the-air broadcaster, the broadcasting of which is available to at least 20% of the population as a result of over-the-air broadcasting, may demand from a person, authorised to transit broadcasting, to place their TV channels in all packages offered to consumers ('must carry'). In this case, the right of the broadcaster shall not be permitted to charge persons authorised to transit broadcasting with a fee for the transit of the broadcaster's signal.

1<sup>1</sup>. The obligation defined under paragraph 1 of this article shall arise with regard to a person authorised to transit satellite broadcasting if the broadcaster is authorised to carry out satellite broadcasting as well and carries out free-to-air satellite broadcasting.

2. A broadcaster may demand a 'must carry' from a person authorised to transit broadcasting, by sending a registered letter to his/her/its legal address. A copy of this letter shall be submitted to the Commission.

3. A broadcaster shall, at its own expense, ensure a one-time provision of a person authorised to transit broadcasting with technical means necessary to propagate a broadcaster's signal within the network and ensure the delivery of a broadcaster's signal to the satellite. The obligation of a one-time provision with technical means shall not apply to those broadcasters who have been providing transit of broadcasting upon the entry of this article into force. Other mutual obligations related to technical issues are determined in transit contracts made between the parties. Each party to a transit contract shall place the transit contract or any other legal instrument for carrying out transit, on its website and immediately provide a copy of such contract to any person, if requested in writing.





4. The Commission shall determine technical data of technical means. Within 14 days after the delivery of technical means by broadcasters under paragraph 1 of this article, a person authorised to transit broadcasting shall fulfil the 'must carry' requirement in accordance with the technical data determined by the Commission.

5. Terms of the 'must carry' shall be revised from time to time.

6. A person authorised to transit broadcasting may carry out transit of broadcasting of the broadcaster referred to in paragraph 1 of this article for free and without the consent of the relevant broadcaster if the broadcaster violates the requirement to act in good faith as specified in paragraph 8 of this article or if it terminates the transit contract made with a person authorised to transit broadcasting by means of violating contractual provisions.

7. If a broadcaster, referred to in paragraph 1 of this article, demands from a person authorised to transit broadcasting, payment for broadcasting its signal, a contract for paid transit shall be made between such broadcaster and the person authorised to transit broadcasting. Each party to a contract for paid transit shall place the contract for paid transit on its website and immediately provide a copy of such contract to any person, if requested in writing.

8. In the case of paid transit, a broadcaster referred to in paragraph 1 of this article and a person authorised to transit broadcasting shall conduct negotiations in good faith in order to enter into a contract for paid transit. The requirement of acting in good faith shall not be deemed fulfilled if any of the parties:

a) unreasonably refuses to participate in negotiations with respect to a contract for paid transit;

b) manifestly delays the negotiations with regard to a contract for paid transit;

c) demands an unreasonably high or low fee for transit as compared to fees that other authorised persons are charged by the same broadcaster. Unreasonableness exists when the difference between the transit fee and the fee demanded by other broadcasters exceeds 10%;

d) demands such other terms for paid transit that place another party in a clearly discriminatory condition as compared to other entities operating in the market of broadcasting or paid transit ;

e) requires from the other party not to enter into transactions with other entities operating in the market of broadcasting or paid transit;

f) unreasonably refuses to consider offers of the other party with regard to provisions related to paid transit;

g) enters into such transaction with a third persons, one of the provisions of which is the obligation of the party not to enter into contract for paid transit with other persons.

9. In the case of 'must carry' or paid transit, a person authorised to transit broadcasting shall carry out an unaltered transit of broadcasting.

10. A broadcaster, whose broadcasting is carried out on the basis of 'must carry' or paid transit, may require that copyright be observed in accordance with the Law of Georgia on Copyright and Related Rights and the procedures determined by the Civil Procedure Code of Georgia.

11. If any of the parties violates paragraphs 1, 3, 6, 7 and/or paragraph 8 of this article, the other party may file a complaint with the Commission.

12. The parties may appeal a decision by the Commission to a court and demand both the fulfilment of obligations and compensation for damages incurred.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

## **Article 41 – Procedure for the issuance of licences**

1. To obtain a licence, a licence applicant shall submit to the Commission an application containing the following:

a) for a natural person – first name and last name, date and place of birth, registration data, address and citizenship;

b) for a legal person – company name, legal status, legal address (location), information on the registration in the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities, the name and surname of an authorised representative, information about partners and shareholders owning 5% of shares or more;



c) the type, category and sub-category of licence that is sought by an applicant;

d) a proposed geographical area of broadcasting coverage;

e) an estimated duration of broadcasting within a 24-hour period;

2. The following shall be attached to the application:

a) excerpt from the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities; in the case of a natural person, a copy of his/her identity document;

b) a document confirming payment of a licence duty;

c) a declaration of compliance;

d) for a natural person – declaration of property of this person and of his/her family members;

e) for a legal person – a certificate of its stated authorised capital and the contributed portion thereof, a certificate of its assets and liabilities, information about the ownership and origin of its authorised capital and assets, declarations of property of its partners and/or shareholders owning substantial shares;

f) the date of commencement of the practical activity;

g) a plan for financing the activities to be carried out and information about sources of financing;

h) documents on technical means to be used for disseminating programmes;

i) a broadcasting concept to be implemented, which shall comply with radio broadcasting priorities and the programme requirements as defined by this Law;

j) the confirmation of payment of 10% of the licence fee. This amount shall be transferred to the account of the Commission. If the licence applicant does not obtain a licence, this amount, excluding the bank commission, shall be returned to the licence applicant within 10 working days after a written application is submitted to the Commission. A successful licence holder shall pay the remainder of the amount as determined by the Commission.

3. Licences shall be issued only by the Commission. It is prohibited to establish and demand any other licences and permits (a one-stop-shop principle).

4. A plan of financing activities to be carried out and a broadcasting concept to be implemented, which are submitted by a licence applicant in accordance with paragraph 2(g) and (i) of this article, shall be defined as terms and conditions of the licence in the case of obtaining the licence by the licence applicant.

*Law of Georgia No 1516 of 2 June 2005 – LHG I, No 26, 6.6.2005, Art. 176*

*Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*

*Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*

*Law of Georgia No 1969 of 3 November 2009 – LHG I, No 35, 19.11.2009, Art. 258*

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

*Law of Georgia No 4546 of 19 April 2011 – website, 5.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

#### **Article 42 – Basis for the refusal to accept an application**

The Commission shall not accept:

a) a licence application if documents provided for by this Law are not fully submitted;

b) a licence application and/or /authorisation application if it is submitted by a person and/or body defined by Article 37(2) of this



Law;

c) a new licence application if it is submitted by a licence holder within one year after the decision to impose sanctions on him/her/it has been made by the Commission for violations defined by this Law.

*Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

### **Article 43 – Procedure for conducting a competition to issue a licence**

1. A licence for over-the-air broadcasting (using the frequency spectrum) shall be issued on a competitive basis. The decision of the Commission on the announcement of a competition shall include:

- a) the type, category and sub-category of the licence to be issued;
- b) the minimum duration of broadcasting and the geographical coverage area;
- c) the minimum requirements for programming which shall be met by a broadcasting concept proposed by a licence applicant;
- d) technical parameters, which shall be complied with by a project proposed by a licence applicant;
- e) the amount of the licence fee and its payment procedure;
- f) dates of conducting a preparatory meeting, oral hearing and a competition.

2. The Commission shall ensure that information on the announcement of a competition is published and licence applications are accepted within one month after publication.

3. Within three working days after the deadline of accepting licence applications, the Commission shall hold a preparatory meeting to review applications for participation in the competition and shall open enclosed sealed documentation in the presence of licence applicants. If the documentation is not submitted fully, the Commission shall give applicants an additional five working days to bring the documentation in line with the established requirements. Applications for participation in the competition and enclosed documentation may not be sent to the Commission by post.

4. The applications for participation in the competition and enclosed documentation shall be made available to the public within the following 20 days.

5. After 20 days following the publication of a note about making the documentation available to the public, the Commission shall hold an oral hearing. In the case that the documentation is not fully submitted, and the minimum requirements for programming and for the fulfilment of investment obligations are not met, the Commission shall make a decision not to review the application and to decline the licence applicant's request to participate in the competition.

6. The Commission shall hold the competition during a public session.

7. The Commission shall assess documents depending on the programming aspect.

8. When determining the winner based on the programming aspect, the following shall be taken into consideration:

- a) the diversity of proposed programmes and their conformity with the interests of the audience;
- b) the availability of other broadcasters' programmes to the audience within the service area.

8<sup>1</sup>. When issuing licences for community radio broadcasting, the Commission shall take into consideration the following:

- a) to what extent the proposed service conforms to present and future interests of the community and the capabilities of a licence applicant;
- b) the type and diversity of the community;
- c) the types of services provided by current broadcasters within the coverage area proposed by the licence applicant.

9. If applicants participating in the competition are assessed equally based on the programming aspect, the licence applicant who had been broadcasting on the basis of a licence issued previously using the frequencies for which the competition was held, shall be declared a winner.



10. The Commission shall adopt and publish a justified decision on the identification of a winner.

11. If only one licence applicant participates in a competition, he/she/it shall be declared the winner in the case of the confirmation of payment of the licence fee by him/her/it.

11<sup>1</sup>. If the use of the radio frequency spectrum for carrying out broadcasting by the winner of the competition requires the permission of other agencies, in order to receive this permission using the one-stop-shop principle, the winner may submit to the Commission relevant documentation required by the legislation of Georgia for obtaining such permission and the Commission shall ensure obtaining of the corresponding permission from the relevant agencies. In this case, the Commission shall, within five working days after the submission of appropriate documentation, send the documentation submitted by the winner of the competition to the relevant agencies. If within the following 20 working days a refusal to issue a permit is received from a relevant agency, the refusal shall contain the substantiation of non-compliance with the legislation of Georgia and the ways to remedy such non-compliance. An additional term shall be given to the winner of the competition to remedy such non-compliance.

12. If the winner fails to pay 20% of the licence fee within the period determined by a decision of the Commission, the Commission shall take a decision to refuse to issue a licence. In this case, the right of the licence applicant to participate in the competition shall be limited to two years.

*Law of Georgia No 1516 of 2 June 2005 – LHG I, No 26, 6.6.2005, Art. 176*

*Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

#### **Article 44 – Basis for the refusal to issue a licence**

1. The Commission shall refuse to issue a licence if the licence applicant does not win the competition. The refusal to issue a licence shall be documented by a decision of the Commission on the identification of the winner of the competition.

2. The refusal of the Commission to issue a licence may be appealed to a court.

#### **Article 45 – Modification of licences**

1. The basis for the modification of licences may be:

- a) the making of amendments and/or addenda to the legislation of Georgia or to the priorities in the field of broadcasting;
- b) a reasonable request of the Commission and/or a licence holder to make amendments and/or addenda to the licence.

2. The Commission shall make a decision on the modification of licences as determined by this Law, within the time limits defined in the General Administrative Code of Georgia.

3. A licence for over-the-air broadcasting may not be modified if such modification causes the change of a licence type, or of the size of a coverage area defined in the licence. In this case, a new licence shall be issued as determined by law.

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

#### **Article 45<sup>1</sup> – Uniform procedure of the authorisation of broadcasting**

1. A person intending to carry out community or private broadcasting shall submit an application to the Commission. The form of the application shall be approved by the Commission.

2. The application shall include the following:

a) for a natural person – first name and last name, date and place of birth, registration data, address and citizenship;

b) for a legal person – company name, legal status, legal address (location), information on registration in the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities, name and last name of an authorised representative, information about partners and the shareholders owning 5% of shares or more;



- c) the type, category and sub-category of broadcasting to be carried out, and the authorisation of which is requested by an authorisation applicant;
- d) the language/languages of broadcasting;
- e) a minimum duration of broadcasting within a 24-hour period; in the case of an over-the-air television broadcasting the minimum duration shall be 12 hours;
- f) technology for ensuring broadcast distribution;
- g) a proposed geographical coverage area for broadcasting;
- h) a brief description of activities to be performed;
- i) an estimated duration of broadcasting within a 24-hour period.

3. The following shall be attached to the application:

- a) excerpt from the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities; in the case of a natural person, a copy of his/her identity document;
- b) a declaration of compliance;
- c) a plan for financing the activities to be carried out and information about sources of financing;
- d) a broadcasting concept to be implemented;
- e) for a natural person – declaration of property of this person and of his/her family members;
- f) for a legal person – a certificate on its stated authorised capital and contributed portion thereof, a certificate on its assets and liabilities, information about the ownership and origin of its authorised capital and assets, declarations of property of its partners and/or shareholders owning substantial shares.

4. Within 10 working days after receiving an application, the Commission shall carry out the authorisation of broadcasting by registering authorised persons in its corporate register. The data on declarations of compliance shall also be entered into the corporate register of authorised persons and the declarations shall be available to any person.

5. If an application for authorisation and documentation attached thereto are not fully submitted, the Commission shall give an authorisation applicant an additional five working days to submit full documentation. If within this period of time the documentation is not submitted, authorisation shall not be granted. The failure to carry out authorisation shall not deprive a person of the right to apply to the Commission for the authorisation again. If within 10 working days after the application for authorisation is submitted, the Commission fails to give a time for submission of full documentation to an authorisation applicant, the authorisation applicant shall be deemed authorised.

6. An authorised person shall be issued an excerpt from the corporate register of authorised persons within three working days.

7. If an authorised person ceases broadcasting or if he/she/it intends to modify the authorised activity, including the type of broadcasting, he/she/it shall give a seven days prior notice thereof to the Commission. Information about ceasing an authorised activity and data on modifying the authorised activity, including the type of broadcasting, shall be entered into the corporate register of authorised persons.

8. The authorisation of broadcasting is issued for an indefinite term.

9. A person may commence broadcasting from the date of its registration in the corporate register of authorised persons.

10. An authorised person shall:

- a) comply with the legislation in the field of broadcasting, including with the resolutions and decisions of the Commission; ensure compliance of authorised activity with amendments if they are made to the current legislation;
- b) comply with all authorisation provisions defined in his/her/its authorisation application;
- c) protect the rights, freedoms and legal interests of persons during his/her/its activity, and provide customers with information about possible changes in service terms in advance;
- d) publish and provide the Commission weekly with the schedule of programmes for the coming week, indicating titles and brief summaries of programmes;



e) bring the technical means applied and the quality of services provided in line with the norms and standards effective in the territory of Georgia; have a certificate of compliance; and observe the rules of operation of technical means applied;

f) submit to the Commission documentation certifying the authority of transmitting TV and radio programmes in the process of broadcasting; 10 days before commencing the activity defined by an authorisation, provide the Commission with the documentation certifying the authority to transmit TV and radio programmes in the process of broadcasting.

11. The Commission may suspend authorisation:

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

b) on its own initiative, provided that the authorised person, for the period of more than one year:

b.a) has not carried out the authorised activity;

b.b) has not submitted to the Commission calculations of the regulation fee or has submitted a zero calculation;

b.c) has not paid the regulation fee;

c) on its own initiative, provided that the authorised person has violated the provisions of the legislation of Georgia and if a sanction has already been imposed on him/her/it for this violation in the form of a written warning and a fine.

11<sup>1</sup>. The suspension of authorisation means prohibition of the authorised activity until it is renewed.

11<sup>2</sup>. Authorisation shall be suspended:

a) for the term indicated by an authorised person;

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

c) until the violation is eradicated.

11<sup>3</sup>. If authorisation is suspended in the cases defined in paragraph 11(b) and (c) of this article, the broadcaster shall be notified about the decision on the suspension of authorisation within seven days after such decision is made.

11<sup>4</sup>. If an authorisation is suspended in the cases defined in paragraphs 11(a) and (b) of this article, the authorisation shall be resumed from the moment that the Commission records the broadcaster in the corporate register of authorised persons. In the case provided for by this paragraph, the Commission shall record the broadcaster in the corporate register of authorised persons within three working days after receiving notification on resuming authorisation.

11<sup>5</sup>. If authorisation is suspended in the case defined in paragraph 11(c) of this article, the authorisation shall be resumed from the moment that the Commission records the broadcaster in the corporate register of authorised persons within seven days after the broadcaster confirms the eradication of violations.

12. If authorisation is suspended in the cases defined in paragraph 11(a), (b) and (c) of this article, the authorised person shall resume broadcasting after sending a notification thereof to the Commission following the registration in the corporate register of authorised persons and after the Commission issues an administrative act within three working days from the date of receiving such notification.

13. An authorisation shall be revoked:

a) on the basis of an application of an authorised person. In this case, the authorised person shall have fulfilled all legal liabilities to the Commission.

b) if an authorised person dies or is liquidated.

14. The revocation of authorisation does not impede a person from undergoing the process of re-authorisation in the manner provided for by law.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

*Law of Georgia No 5020 of 27 April 2016 – website, 13.5.2016*



**Article 46 -Purpose of community broadcasting**

1. Community broadcasting shall:
  - a) serve the community interests;
  - b) ensure participation of representatives of the community it serves in the broadcasting process;
  - c) ensure covering the opinions of minorities living within the respective service area.
2. The radio frequency spectrum for community broadcasting is allotted by the Commission.

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

**Article 47 – (Deleted)**

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

**Chapter VI – Licence and/or Authorisation Provisions and their Content Requirements**

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

**Article 48 – Licence and/or authorisation provisions**

The licence and/or authorisation provisions are defined by the legislation of Georgia and by the obligations undertaken under a licence and/or an authorisation application.

*Law of Georgia No 1130 of 27 March 2009 – LHG I, No 9, 13.4.2009, Art. 30*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

**Article 48<sup>1</sup> – Transfer of a licence**

The licence may be transferred to any other person only with the prior consent of the Commission.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

**Article 49 – Archive**

A broadcaster shall create an archive of programmes and keep the programmes for at least one month. In the case of any dispute, programmes related to the dispute shall be kept until the dispute is settled.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

**Article 50 – Code of conduct**

The Commission shall adopt a Code of Conduct through public administrative procedures on the basis of consultations with licence holders and public representatives.

**Article 51 – Software**

A broadcaster shall, where possible, allot a part of television time (except for the time allotted for news, sports events and games, advertisement, teletext and teleshopping) for European products. This part of time allotted for European products shall be used



progressively, on the basis of relevant criteria by taking into account the informational, educational, entertainment and cultural obligations of the broadcaster towards its audience.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 51<sup>1</sup> – Broadcasting of films by the broadcaster**

1. Films produced in an unofficial language shall be broadcast only duplicated in the official language of Georgia by the broadcaster, except as defined by paragraph 2 of this article.

2. The Commission may determine the obligations for general and specialised broadcasters, on the basis of a resolution, to broadcast a film produced in an unofficial language (except for TV serials) in the language(s) of their original production in their weekly broadcasting network, without their duplication in the official language of Georgia, and with subtitling in the official language of Georgia. The resolution of the Commission shall also determine the procedure for the performance of commitments under this article by general and specialised broadcasters.

*Law of Georgia No 1555 of 31 July 2009 – LHG I, No 24, 13.8.2009, Art. 135*

*Law of Georgia No 2672 of 26 February 2010 – LHG I, No 8, 10.3.2010, Art. 30*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 52 – Due accuracy, corrections and rebuttals**

1. Broadcasters are committed to taking all necessary measures to achieve due accuracy of facts stated in programmes and to correct mistakes in a timely manner.

2. A person concerned, within 10 days after making an initial statement, including after giving facts, may request the respective broadcaster to correct or rebut untrue facts given in the initial statement using the same means and format, which shall be of the same duration as the initial statement and shall be made nearly at the same time as the initial statement was made.

3. The right to correction and rebuttal shall not exist if:

a) the request for correction or rebuttal is not submitted within 10 days after the initial statement has been made;

b) the initial statement concerns a group of unidentified people or it does not allow direct identification of the complainant;

c) correction or rebuttal is not directly related to the initial statement or the length, format and content of correction or rebuttal exceeds the limits that are necessary to correct or rebut the facts given in the initial statement through equal means and format, or the opinion, rather than the facts expressed in the initial statement, is corrected or rebutted;

d) correction or rebuttal involves defamation or appeal prohibited by Article 24(4) or Article 26(3) of the Constitution of Georgia;

e) correction or rebuttal unreasonably concerns a third party;

f) the complainant fails to justify his/her/its legal interest.

4. The refusal of a broadcaster to correct or rebut untrue facts given in an initial statement through equal means and format may be appealed to the Commission or to a court.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 53 – Schedule and classification**

1. Broadcasters shall weekly publish the next week's programme schedule with indication of titles and brief summaries of programmes, and shall classify programmes, including films, by assigning categories and corresponding marks to them;

2. The criteria to be assigned to the film categories having harmful influence on minors are defined by the Code of Conduct.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*





## **Article 54 – Fairness and impartiality**

1. Broadcasters are committed to ensuring accurate and fair coverage of facts, to clearly distinguishing a fact from an opinion and to identifying the author of an opinion.
2. Broadcasters are committed to ensuring due coverage of all significant and different opinions in news programmes related to the facts and events, without discriminating against any group or opinion.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

## **Article 55 – Pre-election debates**

1. A general broadcaster shall broadcast pre-election debates during electoral campaigns taking place within its service area.
2. A general broadcaster, during electoral campaigns taking place within its service area, as well as the Public Broadcaster, shall ensure equal participation of all qualified candidates for election in election debates, without any discrimination.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

## **Article 55<sup>1</sup> – Political discussions broadcast on the air of the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster**

In the period between elections, the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster shall weekly broadcast programmes intended to hold political discussions on the most important developments in the country; the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster shall also ensure representation of political forces functioning within the Parliament of Georgia (factions) in a non-discriminatory manner, as well as representation of the political unions that are financed from the State Budget of Georgia.

*Law of Georgia No 437 of 31 October 2008 – LHG I, No 31, 12.11.2008, Art. 207*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

## **Article 56 – Programme restrictions**

1. Any type of war propaganda is prohibited.
2. Broadcasting of programmes containing the apparent and direct threat of inciting racial, ethnic, religious or other hatred in any form and the threat of encouraging discrimination or violence toward any group, is prohibited.
3. Broadcasting of programmes intended to abuse or discriminate against any person or group on the basis of disability, ethnic origin, religion, opinion, gender, sexual orientation or on the basis of any other feature or status, or which are intended to highlight this feature or status, are prohibited, except when this is necessary due to the content of a programme and when it is targeted to illustrate existing hatred.
4. Broadcasting of pornography and programmes or advertisements abusing a citizen's and a person's dignity and his/her fundamental rights and that contain obscenity, are prohibited.
5. Broadcasting of programmes having harmful influence on the physical, intellectual and moral development of children and adolescents at times when they are most likely to be viewed or listened to, are prohibited.
6. Programmes or advertisements under paragraph 4 of this article (except for programmes or advertisement abusing fundamental human rights and freedoms) may be broadcast only in an encrypted form, on the basis of individual contracts with customers.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

## **Article 57 – Inadmissibility of subliminal influence**

Broadcasters are not allowed to broadcast programmes that transmit information or influence the opinions of listeners or viewers



by affecting their sub-consciousness using technical audio and visual editing, in the shortest period of time or in any other way, so that they are not fully or partially aware of such influence.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 58 – Major events**

1. The Commission shall determine a list of major events on the basis of a public opinion poll and through public administrative procedures and shall publish it once every three years.
2. Only broadcasters licenced and/or authorised in accordance with this Law may broadcast major events in the official language (languages) of Georgia on an exclusive basis.
3. Exclusive broadcasting of major events shall be inadmissible, except for broadcasting of sports events, international festivals and contests. In these cases, exclusive broadcasting of major events is carried out by over-the-air broadcaster, the broadcasting network of which is available to at least 90% of the population of Georgia free of charge.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Article 59 – News and social and political programmes**

The Public Broadcaster, the Ajara TV and Radio of the Public Broadcaster, and a general broadcaster are committed to broadcasting news and social and political programmes at prime time and to ensuring that the audience within their service areas is informed in a timely manner on current events in Georgia and worldwide.

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

### **Article 59<sup>1</sup> – Violation response measures**

1. Response measures for the violation of the provisions under Articles 52, 54, 56 and 59 of this Law, and of the ethical norms and professional standards determined by the Code of Conduct, may be carried out only within the self-regulation mechanism defined by Article 14(1) of this Law.

*(Has been invalidated in the part concerning the following words of Article 56(4): ‘advertisements abusing a citizen’s and a person’s dignity and his/her fundamental rights and that contain obscenity, are prohibited’) – Decision No 1/3/421,422 of the Constitutional Court of Georgia of 10 November 2009 – LHG IV, No 82, 17.11.2009, p.1*

2. Issues related to the interpretation of the provisions under Articles 52, 54, 56 and 59 of this Law, and the ethical norms and professional standards determined by the Code of Conduct, as well as decisions made within the self-regulation mechanism defined by Article 14(1) of this Law may not be appealed to a court, the Commission or to any other administrative authority.

*(Has been invalidated in the part concerning the following words of Article 56(4): “advertisements abusing a citizen’s and a person’s dignity and his/her fundamental rights and that contain obscenity, are prohibited”) – Decision No 1/3/421,422 of the Constitutional Court of Georgia of 10 November 2009 – LHG IV, No 82, 17.11.2009, p.1*

*Law of Georgia No 4319 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 37*

*Decision No 1/3/421,422 of the Constitutional Court of Georgia of 10 November 2009 – LHG IV, No 82, 17.11.2009, p.1*

## **Chapter VII – Property of a Broadcaster**

### **Article 60 – Prohibition of the concentration of a broadcaster's property**

1. A person may possess, independently or together with an interdependent person, not more than one general over-the-air television channel and one general over-the-air radio channel per service area.
2. A holder of a licence for the use of the radio frequency spectrum to provide the digital terrestrial television network under the Law of Georgia on Electronic Communications, may transit not more than five television broadcasters owned by one person or by a person interdependent with that person.



#### **Article 61 – Transparency of a broadcaster’s property**

1. A broadcaster shall annually publish and provide the Commission with the following information:

- a) the declaration of compliance;
- b) on holding other licences in the field of broadcasting or authorisation of broadcasting;
- c) on holding a share or stocks in any other broadcaster;
- d) on possessing a periodical print publication;
- e) on holding a share or stocks in a periodical print publication;
- f) on possessing a news agency;
- g) on holding a share or stocks in a news agency;
- h) on holding any other enterprise or shares or 5% of stock or more in any other enterprise.

2. A broadcaster shall submit information under paragraph 1 of this article to the Commission not later than 1 February of the following year.

3. A broadcaster shall also publish and submit to the Commission information if the holder of a share or stock in its capital, a founder, other member, director, donor or their family member concurrently holds:

- a) shares or stock in another licence holder or a person authorised to broadcast;
- b) shares or stock in a periodical print publication;
- c) shares or stock in a news agency.

4. A broadcaster shall publish the declaration of compliance on its website.

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

#### **Article 62 – Changes in a broadcaster’s property**

1. A broadcaster shall submit to the Commission a declaration of compliance in the case of changing owners of its shares and stockholders, members of management authorities and officials, within 10 days after the respective change is made. A broadcaster is also committed to publishing this information on its website.

2. The Commission shall take all measures to encourage pluralism of opinions in mass media as provided for by the legislation of Georgia and by international legal norms having legal effect in Georgia, to avoid prohibited concentration of a broadcaster's property arising as a result of changes.

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

### **Chapter VIII – Advertisement, Teleshopping and Sponsorship**

#### **Article 63 – General provisions**

1. The procedures determined by the Law of Georgia on Advertising shall apply to advertising, unless otherwise provided for by this Law.



2. The placement of improper, unfair, unreliable, unethical and clearly false advertisements or teleshopping is prohibited.

2<sup>1</sup>. Advertisement of a tobacco product, tobacco accessory and/or a device designated for tobacco consumption shall be prohibited.

3. A broadcaster shall not be responsible for the content of pre-election and social advertisements. The responsibility for the content of pre-election and social advertisements shall rest with the person ordering such advertisement as determined by the legislation of Georgia.

4. Advertisement and teleshopping shall be clearly identifiable and clearly distinguished from programmes.

5. Hosts or journalists of news, public and political and pre-election debate programmes may not participate in advertisements or teleshopping in any way.

6. Advertisements targeted to children, or in which children are participating, shall not abuse their interests.

7. Teleshopping shall not be intended for minors.

8. Teleshopping may not be broadcast on channels of the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster whereas sponsorship and commercial advertisement may be broadcast only in exceptional cases as defined by Article 64 of this Law.

9. (Deleted – 19.02.2015, No 3088).

10. Advertisement or teleshopping may be broadcast on a broadcaster's channel between programmes, except on specialised advertising and teleshopping channels. Advertisement may also be placed within a programme as determined by this Law, so as to preserve the value of the programme.

11. Transmission of the following events and programmes may not be interrupted with advertisements and teleshopping:

a) official state events, official statements of highest political and public officials;

b) religious ceremonies;

c) programmes, including public and political, religious, and pre-election debate programmes, or documentaries that last less than 15 minutes.

12. In sports or artistic representations with natural breaks and in programmes dedicated to events conducted analogically, advertisements or teleshopping may be placed during natural breaks only.

13. A news programme may be interrupted with advertisement or teleshopping not more than once every 30 minutes.

14. Children's programmes that last less than 30 minutes may not be interrupted with advertisement or teleshopping, whereas children's programmes that last more than 30 minutes may be interrupted with advertisement once every 30 minutes.

15. A feature film or television film or a series of a film (except for TV serials and documentaries) that last more than 30 minutes may be interrupted with advertisement or teleshopping not more than once every 30 minutes.

16. During overlay advertising (including by using roller captions), restrictions regarding the time defined in this article shall not apply. The size of overlay shall not exceed 10% of the image area.

17. A broadcaster may not advertise any product or service in news programmes.

*Law of Georgia No 4546 of 19 April 2011 – website, 5.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015*

*Law of Georgia No 863 of 17 May 2017 – website, 30.5.2017*

## **Article 64 – Peculiarities of placing commercial advertisements and teleshopping**

1. A commercial advertisement may not be placed on the channels of the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster on holidays, and during the best air time – on other days, except within the framework of sports programmes,



international festivals and contests, at the beginning, during a natural break and at the end of a competition programme. In the case of placing a commercial advertisement within the framework of sports programmes, international festivals and contests, at the beginning of, during a natural break and at the end of a competition programme, the duration of a commercial advertisement must not exceed 60 minutes within a 24-hour period, and 12 minutes (20%) per hour, and in other remaining cases, the duration of a commercial advertisement must not exceed 3 minutes per hour (5%).

<sup>1</sup>. Only sports programmes, international festivals/competitions, entertainment programmes and serials may be sponsored on the channels of the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster.

2. On a broadcaster's channel, except for specialised advertising channels and/or teleshopping channels, commercial advertisements and/or teleshopping spots shall be placed in the advertisement breaks so that their volume during the broadcasting hour does not exceed 20%. This restriction does not apply to statements of the broadcaster that are made with regard to its own and/or independent programmes, to products resulting from such programme or directly related thereto, or to sponsorship announcements and placement of a product (goods/service) in the programme.

3. On a broadcaster's channel, except for specialised advertising channels and/or teleshopping channels, at least 15 continuous minutes shall be allotted to a teleshopping window, which is transmitted in the form of a broadcasting programme. Teleshopping window shall be clearly identifiable and distinguished from other programmes.

4. (Deleted – 19.02.2015, No 3088).

5. (Deleted – 19.02.2015, No 3088).

6. (Deleted – 19.02.2015, No 3088).

7. (Deleted – 19.02.2015, No 3088).

8. (Deleted – 19.02.2015, No 3088).

9. (Deleted – 19.02.2015, No 3088).

10. (Deleted – 19.02.2015, No 3088).

11. (Deleted – 19.02.2015, No 3088).

12. (Deleted – 19.02.2015, No 3088).

*Law of Georgia No 4416 of 2 March 2007 – LHG I, No 7, 2.3.2007, Art. 70*

*Law of Georgia No 4546 of 19 April 2011 – website, 5.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

## **Article 65 – Social advertisement**

1. A broadcaster shall allot at least 90 seconds every three hours to a social advertisement submitted for placement free of charge and without discrimination.

2. The Public Broadcaster, the Ajara TV and Radio of the Public Broadcaster, and a community broadcaster shall allot at least 90 seconds in total per three hours for free and without discrimination to a social advertisement submitted for placement, at least 10 seconds of which the Public Broadcaster shall allot to a social advertisement related to the integration of Georgia into NATO and the European Union, provided that an appropriate advertisement video has been submitted. The Public Broadcaster, the Ajara TV and Radio of the Public Broadcaster, and a community broadcaster shall deliver information on electoral subjects and significant election procedures to the public as a social advertisement during the electoral campaign taking place within their service areas. Information shall be accurate and contain the following data:

a) addresses of electoral precincts;

b) date of elections;



c) electoral procedural rights and obligations.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 156 of 26 December 2012 – website, 30.12.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 2759 of 31 October 2014 – website, 18.11.2014*

*Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

*Law of Georgia No 1966 of 21 February 2018 – website, 5.3.2018*

## **Article 66 – Pre-election advertisement**

1. The Public Broadcaster, the Ajara TV and Radio of the Public Broadcaster, and a community broadcaster shall broadcast a pre-election advertisement submitted by each qualified electoral subject for not more than 60 seconds per hour free of charge and without discrimination during the electoral campaign taking place within their service areas. The Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster shall allot time for the placement of pre-election advertisements of all other parties and electoral blocs, in addition to pre-election advertisements of qualified electoral subjects, and the pre-election advertisement time shall be equally distributed between these subjects. The time unused by the subjects may not be added to another time further allotted for these subjects.

2. The national broadcaster carrying out general broadcasting shall broadcast on its air a pre-election advertisement submitted by each qualified electoral subject for at least 90 seconds every three hours free of charge and without discrimination during the electoral campaign held at the time of general elections. The time unused by the electoral subjects may not be added to another time further allotted for these subjects.

3. Broadcasters, except for those referred to in paragraphs 1 and 2 of this article, are committed to placing a pre-election advertisement free of charge for the last 30 days before an election day if, during the electoral campaign taking place within their service areas, the broadcasters place a paid pre-election advertisement of electoral subjects under Article 30(12) of the Organic Law of Georgia on Political Unions of Citizens. In such case, to place a pre-election advertisement free of charge, the broadcaster shall allot at least three times the total time of the above paid pre-election advertisement time disseminated by him/her/it and place within that time the pre-election advertisements submitted by electoral subjects without discrimination and as determined by Article 51 of the Organic Law of Georgia – the Election Code of Georgia. The free advertising time unused by the subjects may not be added to another time further allotted for these subjects.

4. If parties, after joining an election bloc, have already used free airtime before their integration into the election bloc, the free advertising time used by them (except for the duration of free advertising time of the party No 1 of the bloc) shall be deducted from free airtime to be allotted to the bloc, as to an electoral subject, after the establishment of the bloc.

5. The obligation to allot free advertising time under this article shall apply only to local broadcasters during the midterm elections.

6. The political and/or pre-election advertisement shall be accompanied with sign language interpretation, which is to be provided by the person placing the advertisement.

7. For the purposes of this article, a qualified electoral subject is a qualified electoral subject defined by Article 51 of the Organic Law of Georgia – the Election Code of Georgia.

*Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 2094 of 7 March 2014 – website, 14.3.2014*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

## **Article 66<sup>1</sup> – Inadmissibility to finance broadcasters**



1. Administrative bodies, political parties, officials and public servants may not finance broadcasters, and may not procure their services and finance or co-finance, directly or indirectly, the production of and broadcasting of broadcasters' programmes, except as provided for by paragraphs 2 and 3 of this article.

2. Administrative bodies may procure a broadcaster's service only for placing a social advertisement beyond the minimum time limit defined by Article 65 of this Law to disseminate important information to the public and only provided that this is included in a separate clause in their budgets. In such case, if an administrative body is a contracting authority in accordance with the Law of Georgia on Public Procurement, the procurement shall be carried out as determined by the Law of Georgia on Public Procurement.

2<sup>1</sup>. If an administrative body and a broadcaster fail to reach an agreement about whether the material provided to the broadcaster by the administrative body is a social advertisement and/or whether it contains information which is important for the public, the Commission shall settle the dispute within 10 days after one of the parties files an application with the Commission as determined by the General Administrative Code of Georgia.

3. Electoral administration may procure a broadcaster's service only for the preparation and/or broadcasting of information provided for by electoral legislation.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 1254 of 20 September 2013 – website, 2.10.2013*

*Law of Georgia No 2759 of 31 October 2014 – website, 18.11.2014*

#### **Article 67 – Inadmissibility of sponsorship**

1. Administrative bodies, members of collegial administrative bodies or public servants, political parties, leaders or officials of political parties, coalitions or blocs of political parties or any other electoral subjects may not be sponsors of programmes.

2. Programmes may not be sponsored by natural or legal persons, whose main activity is the production of products or provision of services, the advertising of which is prohibited by the Law of Georgia on Advertising.

3. In the case of sponsorship, it shall be inadmissible to directly appeal to the acquisition, supply and consumption of goods/services by a specific reference to those goods and/or services.

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015*

#### **Article 68 – Identification of sponsored programmes**

Sponsors are clearly indicated in programmes partially or fully financed by sponsors by using their names, trade or identification marks at the beginning, in the middle and/or at the end of the programme.

*Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015*

#### **Article 69 – Prohibition of influence of a sponsor and provider of advertisement on the content and length of the programme**

1. A sponsor or a provider of advertisement may not influence the content and duration of a programme financed by him/her or to interfere in the editorial independence of a broadcaster.

2. The following programmes may not be sponsored:

a) news programmes (except for sports round-ups and weather forecasts if they are broadcast as separate parts of programmes);

b) programmes on political topics;

c) programmes on consumer rights, electoral programmes or programmes directly related to electoral campaigns.

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*



## **Article 69<sup>1</sup> – Placement of products (goods/services) in programmes**

1. Products (goods/services) may not be placed in programmes, except in:

- a) feature films, television films, serials, series of a film (except for a documentary), sports and entertainment programmes (except for children's programmes);
- b) lotteries, and gambling and profitable games, when the goods/services are provided as a prize, without consideration or other economic benefit in return.

2. Products (goods/services) shall be placed in a programme so that they do not:

- a) influence the content of the programme, including the editorial independence of the broadcaster;
- b) contain a direct appeal to purchase the product;
- c) exaggerate the importance of the product.

3. The placement of products (goods/services) in a programme shall be clearly identifiable. The placement of products (goods/services) shall be clearly indicated at the beginning and the end of the programme, and after each advertisement break or other breaks, in which products (goods/services) are placed. This requirement does not apply to independent programmes hosted by a broadcaster within a broadcasting network.

4. Medicines and medical products that are dispensed on prescription may not be placed in programmes.

5. Products, the advertising of which is prohibited by the Law of Georgia on Advertising, may not be placed in programmes.

Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015

## **Chapter IX – Accountability and Sanctions**

### **Article 70 – Accountability**

1. A broadcaster shall ensure the compliance of broadcast programmes, advertisements and information about sponsors with the legislation of Georgia and licence and/or authorisation provisions.

2. Only the Commission shall supervise and control the compliance of the activities of a broadcaster with the legislation of Georgia, except for supervision and control exercised by tax and law enforcement authorities within their powers.

3<sup>1</sup>. A national broadcaster shall maintain accounting records in accordance with the standards approved by the International Accounting Standards Committee and the guiding standards introduced by a resolution of the Accounting Standards Commission of the Parliament of Georgia.

3. Before 1 May of each year, a broadcaster shall submit to the Commission and publish on its official website a report of the previous year on the fulfilment of requirements of the legislation of Georgia, licence and/or authorisation provisions and the Code of Conduct, and on the sources of financing. An auditor's opinion shall be attached to the report.

3<sup>1</sup>. Before 1 May of each year, a national broadcaster shall submit to the Commission information about its assets and liabilities of the previous year and about investments (indicating the amount of investments and the investors) implemented in the previous year.

4. The Commission determines electronic forms for reporting. Reporting forms shall, in addition to other information defined by this Law, contain information about the sources of financing of the broadcaster, including information on revenues received from advertising, sponsorship, and teleshopping and from contributions of the owner of a broadcaster or any other person. Reporting forms shall also include information about services rendered to a broadcaster, including information on paid or free services provided by the owner of a broadcaster or any other person. A broadcaster shall submit the reporting forms to the Commission within 15 days after the end of each quarter.

4<sup>1</sup>. Within seven days after receiving the reporting forms the Commission shall publish the reporting forms required by paragraph 4 of this article completed by broadcasters.





4<sup>2</sup>. The Commission shall make public the identity of the person who, over the period of last three months, has been providing advertising and teleshopping, sponsorship or service to a broadcaster or has contributed in an amount exceeding GEL 7 000.

5. The Commission may request and a broadcaster shall provide the Commission in full, and within the required period of time, with any information about the fulfilment of tasks and functions defined in this Law and normative acts of the Commission, including about the fulfilment of requirements of the legislation of Georgia, licence and/or authorisation provision and/or the Code of Conduct, and with documentation certifying the fulfilment of requirements of the legislation of Georgia on copyright and related rights. The submission of incorrect or incomplete information by a broadcaster to the Commission shall be considered as failure to submit information. A broadcaster shall submit the requested information to the Commission within 15 days after the request is made, unless the Commission defines another deadline. In the case of non-fulfilment of requirements of the legislation of Georgia and licence and/or authorisation provisions by a broadcaster, the Commission may apply sanctions determined by the legislation of Georgia against a broadcaster.

*Law of Georgia No 4319 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 37*

*Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

## **Article 71 – Sanctions**

1. If a broadcaster violates the legislation of Georgia or fails to fulfil a decision of the Commission or violates the licence and/or authorisation provisions, the Commission shall review the appropriate matter. In the case the fact of violation is confirmed the Commission shall give the broadcaster a written warning thereof. The purpose of imposing a sanction by the Commission on the broadcaster shall be the elimination or the prevention of the violation. The Commission shall define a reasonable period of time for the broadcaster to carry out measures for the elimination or prevention of the violation.

2. The Commission shall impose a fine on a broadcaster if the latter fails to eliminate the violation referred to in the warning under paragraph 1 of this article or if it fails to fulfil the decision of the Commission within the period of time specified in the warning, also if it commits violations anew within one year after receiving the above warning.

3. Only the Commission may suspend a licence and/or an authorisation or revoke a licence and/or an authorisation.

4. A decision of the Commission on issuing a warning, imposing a fine, suspending a licence and/or an authorisation or revoking a licence and/or an authorisation may be appealed to a court as determined by the Administrative Procedure Code of Georgia. A licence holder and/or authorised person may claim compensation for damages caused due to unlawful suspension of a licence and/or authorisation or unlawful revocation of a licence and/or authorisation. The amount of compensation shall be determined by a court.

*Law of Georgia No 1516 of 2 June 2005 – LHG I, No 26, 6.6.2005, Art. 176*

*Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*

*Law of Georgia No 4319 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 37*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

*Law of Georgia No 5020 of 27 April 2016 – website, 13.5.2016*

## **Article 72 – Amount of a fine and its payment procedure**

1. In the case provided for by Article 71 of this Law, the Commission may impose a fine on a broadcaster in an amount not exceeding 0.5% of the broadcaster's annual income, but not less than GEL 2 500.

2. If after imposing a fine a broadcaster continues to repeatedly commit violations and/or if it commits any new one-off violation



within one year after being fined, the Commission may impose a fine of 1% of its annual income but not less than GEL 5 000 on the broadcaster or initiate public administrative proceedings for suspension of the licence and/or authorisation.

3. If a broadcaster continues to repeatedly commit violations after being fined for a second time and/or if a broadcaster commits any new one-off violation within one year after being fined for the second time, the Commission may impose a fine of 3% of its annual income but not less than GEL 10 000 on the broadcaster or initiate public administrative proceedings for suspension of the licence and/or authorisation.

4. A broadcaster shall be notified of a decision on the imposition of a fine, indicating motives and grounds for making such decision, within seven days after the decision is made.

5. A fine shall be paid within one month after delivery of the decision on the imposition of a fine to a broadcaster.

6. If a broadcaster fails to comply with the decision on the imposition of a fine, the decision shall be enforced by the Legal Entity under Public Law – the National Bureau of Enforcement within the governance of the Ministry of Justice of Georgia. The amount of a fine shall be transferred to the State Budget of Georgia.

*Law of Georgia No 215 of 15 July 2008 – LHG I, No 17, 28.7.2008, Art. 131*

*Law of Georgia No 4546 of 19 April 2011 – website, 5.5.2011*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

### **Article 73 – Suspension of a licence**

1. The suspension of a licence means the prohibition of licensed activity until the licence is renewed.

2. The Commission shall consider the issue of suspending a licence if a licence holder violates the requirements of the legislation of Georgia or licence provisions and a written warning or fine has been already applied as a sanction against that licence holder.

3. A licence is suspended until the violation under paragraph 2 of this article is eliminated, but not later than within three months after a decision on the suspension of the licence is made.

4. A license holder shall be notified in writing of a decision to suspend a licence, indicating the motive and grounds for the suspension, within seven days after the decision is made.

5. The licence shall, on the basis of an application of the licence holder, be renewed based on a decision of the Commission, after the violation for which it has been suspended is eliminated.

*Law of Georgia No 4319 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 37*

### **Article 74 – Revocation of a licence**

1. The grounds for revocation of a licence shall be:

a) a request of a licence holder;

b) the death (liquidation) of a licence holder;

c) the termination of licensed activity by a licence holder for more than three consecutive months or for 120 days within one year;

d) the expiration of the period of suspension of a licence, provided that the licence holder fails to eliminate the violation specified by the Commission;

e) failure to commence licensed activity within the period determined by a decision of the Commission.

2. Only the Commission may revoke licences.

3. If the period of validity of a licence expires, the licence shall be considered to be revoked.

4. A licence holder shall be notified of a decision to revoke a licence within seven working days.



## Chapter X – Using Radio Frequencies

*Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*

### Article 75 – Using radio frequencies

1. Broadcasting frequencies (channels) shall be specified for private and/or community broadcasting licence holders carrying out over the-air broadcasting on the basis of private and/or community broadcasting licences.
2. The Commission shall grant radio frequencies to a broadcaster for using them as ancillary technology during the broadcasting period. A broadcaster (except for the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster) shall pay a fee for using a radio frequency spectrum in order to obtain the right of using the radio frequency spectrum for using it as ancillary technology. When a licence is suspended/an authorisation is suspended and renewed, the application of radio frequencies granted by the Commission shall also be suspended and renewed.
3. (Deleted – 23.12.2017, No 1928).
4. Using the radio frequency spectrum without a licence or without being assigned a radio frequency spectrum is prohibited and punishable in accordance with the Administrative Offences Code of Georgia.

*Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*

*Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*

*Law of Georgia No 833 of 12 July 2013 – website, 25.7.2013*

*Law of Georgia No 3691 of 12 June 2015 – website, 15.6.2015*

*Law of Georgia No 1928 of 23 December 2017 – website, 11.1.2018*

## Chapter XI – Transitional and Final Provisions

### Article 76 – Transitional and final provisions

1. The members of the Commission appointed by the time of the entry of this Law into force shall retain their office for the term for which they have been appointed. Other members of the Commission shall be appointed as determined by this Law, immediately after this Law enters into force.
2. The Commission shall adopt a Code of Conduct by 1 January 2009.
3. (Deleted).
4. The Commission shall, within two years after the entry of this Law into force, bring its normative acts into compliance with this Law.
5. The Legal Entity under Public Law – the Georgian Television and Radio Broadcasting shall, after the entry into force of this Law and until the Board of Trustees of the Public Broadcaster is appointed, be re-organised as the Public Broadcaster. The Government of Georgia shall ensure the transfer of state property in the use of the Legal Entity under Public Law – the Georgian Television and Radio Broadcasting to the Public Broadcaster within one month after the entry of this Law into force.
6. The Government of Georgia shall ensure the transfer of those technical means available on the balance sheet of the Georgian TeleRadioCentre Ltd into the ownership of the Public Broadcaster, by which broadcasting of television and radio programmes of the Legal Entity under Public Law – the Georgian Television and Radio Broadcasting of Georgia only is ensured.
7. The Georgian TeleRadioCentre Ltd shall ensure that the Public Broadcaster and all broadcasting licence holders have non-discriminatory, equal, and direct access to every free element of technical means and services with cost-oriented and non-discriminatory tariffs. The Commission shall consider disputes arising due to the non-performance of the above conditions.
8. Initial selection of candidates for membership on the Board of Trustees shall be carried out in compliance with the procedures determined by this Law. The competition shall be announced within three months after the entry of this Law into force, on the basis of a decree of the President of Georgia.



9. In accordance with Article 9(10) and Article 25(7) of this Law, in 2005, the President of Georgia shall nominate not less than two candidates for each vacant position of a member of the Commission and not less than two candidates for each vacant position of a member of the Board of Trustees to the Parliament of Georgia.

9<sup>1</sup>. The provisions of Article 9(13) and Article 26(3) shall not apply to the procedures for selecting candidates for membership of the Commission and of the Board of Trustees in 2005. If all vacant positions of members of the Commission and the Board of Trustees cannot be filled in accordance with Articles 9, 25 and 26 and Article 76(8) of this Law, the President of Georgia may, within 50 days, nominate candidates to the Parliament of Georgia from the list of candidates who have been nominated and who have submitted applications for participating in the competition announced in accordance with paragraphs 1 and 8 of this article. Furthermore, any candidate may be nominated, except for a person who had more opponents than supporters when put to a vote during the first nomination to the Parliament of Georgia. In the case of a nomination in accordance with this paragraph, if a candidate receives more votes than other candidates, but not less than one third of the votes of the members of the Parliament of Georgia on the current nominal list, the appointment of this candidate shall be deemed approved.

10. Lots shall be cast among the appointed members of the Board of Trustees after the entry of this Law into force, on the basis of which terms of office of the trustees shall be determined in the following manner: one third of the trustees shall be appointed for a term of two years, one third for a term of four years and one third of the trustees shall be appointed for a term of six years.

11. The Commission shall adopt a resolution on local broadcasting area distribution before 1 July 2006.

12. The Commission shall modify the issued licences in order to bring them into compliance with legislation within one year after the entry of this Law into force, including with regard to the obligations of broadcasters.

13. Within two years after the entry of this Law into force the Commission shall modify those licences, the coverage areas of which are less than those defined by the resolution of the Commission on local broadcasting area distribution.

14. Any kind of prohibition under Article 45(3) of this Law regarding the modification of licences that causes changes in the size of a coverage area, shall enter into force after the fulfilment of obligations under Article 76(11).

15. Obligations of private broadcasting and community broadcasting licence holders related to the placement and duration of advertisements and teleshopping under Article 64(4)(d) and (e), Article 64(8-10), Article 65(1) and Article 66(1) of this Law shall come into force within five years after the entry of this Law into force. In the case of contradictions between this Law and the Law of Georgia on Advertising, the provisions of this Law shall apply to the Public Broadcaster.

16. The Parliament of Georgia shall ensure conformity of the Law of Georgia on Advertising with this Law within one year after the entry of this Law into force.

17. Before 1 January 2011, the Government of Georgia shall privatise the state-owned share in legal entities under private law that hold licences in the field of broadcasting and that have been established by the participation of the State, or shall liquidate relevant legal persons as determined by the legislation of Georgia.

18. Within six months after the entry of this Law into force, the legal entities under public law carrying out television and radio broadcasting (except for the Legal Entity under Public Law – the Georgian Television and Radio Broadcasting and the state television of the Autonomous Republic of Ajara) shall be re-organised into legal entities under private law, and during the following six months the state-owned share in authorised capital shall be privatised as determined by the legislation of Georgia.

19. The Government of Georgia shall prepare proposals for the re-organisation of the state television of the Autonomous Republic of Ajara not later than 1 November 2011.

20. From the entry of this Law into force until 1 January 2006, financing of public broadcasting shall be implemented in accordance with the law of Georgia on the State Budget of Georgia for 2005.

21. (Deleted).

22. Within five years after the entry of this Law into force, instead of limitation of broadcasting for not less than 90% of population established by Article 2(a) and (h), Article 40(2) and Article 58(2) of this Law, limitation of broadcasting for not less than 70% of population shall apply.

23. (Deleted).

24. If this Law establishes a procedure for issuing licences in the field of broadcasting and for inspecting the performance of licence provisions, which is different from the procedure defined by the Law of Georgia on Licences and Permits, and if a different form and/or extent of liability is established, this Law shall be applicable.

25. (Deleted – 22.5.2012, No 6256).



26. A radio frequency granted on the basis of a licence and/or assigned under a decision of the Commission may be changed within the period of validity of the licence and/or the period defined by a decision of the Commission in agreement with the licence holder. If damage has been caused to a person as a result of changing the radio frequency, the amount of compensation of the damage shall be defined by the Commission on the basis of an independent audit's report and the payment conditions and payment form shall be defined on the basis of mutual agreement.
27. Broadcasters shall ensure the fulfilment of requirements under Article 14(1) of this Law before 1 July 2007.
28. The Commission shall adopt the resolution under Article 51<sup>1</sup> of this Law before 1 September 2009.
29. Licence holders in the field of broadcasting shall ensure the performance of requirements defined in this Law not later than 1 January 2012 and submit declarations of compliance to the Commission, and publish the declarations of compliance on their websites.
30. For broadcasters whose licences for over-the-air television broadcasting expire before 17 June 2015, the period of validity of these licences shall be extended by a decision of the Commission, through simple administrative proceedings until 17 June 2015, the date when Georgia shifts to digital terrestrial television broadcasting. In this case, the broadcaster shall pay a licence duty and the initial amount of the licence fee established for the moment of extending a licence, which is directly proportional to the period of validity of the licence.
31. Indication to a sponsor in a programme partially or fully financed by the sponsor and in the broadcaster's statement regarding its own and/or independent programmes shall be concise and shall not exceed four minutes within a broadcasting hour.
32. A news programme under Article 63(13) of this Law may be interrupted with advertisement and teleshopping not more than once every 15 minutes.
33. Before 15 January 2016 the Commission shall establish guidelines on indicating sponsors in accordance with the Directive 2010/13/EU (Audio visual Media Services Directive) of the European Parliament and the Council of 10 March 2010 on the coordination of certain provisions provided for by laws, regulations or administrative actions of the Member States concerning the provision of audio visual media services, and taking into account the practices existing in the Member States of the European Union.
- Law of Georgia No 1475 of 20 May 2005 – LHG I, No 23, 25.5.2005, Art. 160*
- Law of Georgia No 2565 of 28 December 2005 – LHG I, No 4, 18.1.2006, Art. 35*
- Law of Georgia No 4319 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 37*
- Law of Georgia No 4611 of 11 April 2007 – LHG I, No 14, 18.6.2007, Art. 113*
- Law of Georgia No 6011 of 21 March 2008 – LHG I, No 9, 4.4.2008, Art. 76*
- Law of Georgia No 66 of 27 June 2008 – LHG I, No 12, 14.7.2008, Art. 88*
- Law of Georgia No 889 of 26 December 2008 – LHG I, No 40, 29.12.2008, Art. 293*
- Law of Georgia No 1555 of 31 July 2009 – LHG I, No 24, 13.8.2009, Art. 135*
- Law of Georgia No 2471 of 25 December 2009 – LHG I, No 50, 31.12.2009, Art. 397*
- Law of Georgia No 4525 of 8 April 2011 – website, 2.5.2011*
- Law of Georgia No 6256 of 22 May 2012 – website, 6.6.2012*
- Law of Georgia No 2092 of 7 March 2014 – website, 12.3.2014*
- Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015*

## **Article 77 – Entry of the Law into force**

1. This Law, except for Article 33(2-4) and Article 71, shall enter into force upon its promulgation.
2. Article 33(2-4) of this Law shall enter into force upon the entry into force of a legislative act determining the fee rate of the Public Broadcaster and the procedure for its payment.
3. Article 71 of this Law shall enter into force on the 15<sup>th</sup> day after its promulgation.



4. Article 76(31) of this Law shall be applicable until 15 January 2016.

5. Article 76(32) of this Law shall be applicable until 15 January 2017.

*Law of Georgia No 3088 of 19 February 2015 – website, 12.3.2015*

**President of Georgia M. Saakashvili**

**Tbilisi**

**23 December 2004**

**No 780-66**

