

LAW OF GEORGIA
ON SHARING TELECOMMUNICATION INFRASTRUCTURE AND PHYSICAL INFRASTRUCTURE APPLICABLE
FOR TELECOMMUNICATION PURPOSES

Article 1. Purpose of the Law

1. The purpose of this Law is to promote the development of infrastructure of a high-speed and wideband network in the territory of Georgia by allowing access to telecommunication infrastructure and physical infrastructure applicable for telecommunication purposes.
2. This Law is based on principles of competition, openness, availability, equality, non-discrimination, efficiency, transparency and technological neutrality.

Article 2. Scope of the Law

1. This Law shall apply to the following, as determined herein:
 - a) physical infrastructure in the possession of an infrastructure operator;
 - b) public construction works;
 - c) the internal physical infrastructure of a building.
2. This Law shall not apply to:
 - a) electronic communication departmental networks and special electronic communication networks, nor physical infrastructure in the possession of state agencies, institutions and/or legal entities under public law operating under their governance and performing defence, state, public and/or civil security functions and objectives, nor the internal physical infrastructure of buildings, except where relevant agencies, institutions and/or legal entities under public law operating under their governance give authorised persons the right to access the said infrastructure;
 - b) military buildings nor other buildings used for state, public and civil security purposes;
 - c) the coordination of construction works and/or reconstruction works of physical infrastructure nor buildings provided for by sub-paragraphs (a) and (b) of this paragraph.
3. The Government of Georgia shall compile a list of physical infrastructure, public construction works and the internal physical infrastructure of buildings provided for by paragraph 2 of this article not falling within the scope of this Law.

Article 3. Definition of terms

1. For the purposes of this Law, the terms used herein shall have the following meanings:
 - a) authorised person – an authorised person as defined by the Law of Georgia on Electronic Communications;
 - b) new building – a multifunction building and/or an apartment building the permit application of which was submitted after this Law had entered into force;
 - c) infrastructure operator – an authorised person as well as a person in possession of physical infrastructure through which this person carries out or intends to carry out:
 - c.a) the transportation or distribution of natural gas;
 - c.b) the production, transmission or distribution of electricity;
 - c.c) external lighting services;
 - c.d) heat supply;
 - c.e) water supply, water disposal, the management and operation of storm water sewage and drainage systems;
 - c.f) transport services, including railway, road, port and airport services;
 - d) physical infrastructure – any element of an infrastructure operator network (including an electronic communication network) that is not the active element of the network and is intended for installing other elements of the network. Elements of physical infrastructure are: pipes, masts, channels, inspection manholes, maintenance holes, booths, buildings and entrances to buildings, including interface points, antenna assemblies, towers and poles. For the purposes of this Law, cables, including lightless optical cables, as well as the elements of physical infrastructure used to supply water, are not physical infrastructure;
 - e) public construction works – construction works covering one or more elements of telecommunication infrastructure or physical infrastructure applicable for telecommunication purposes;
 - f) public institution – an institution established with funds from the state budget, the budget of an autonomous republic, or a municipal budget, and financed from the respective budget, as well as an organisation accountable or subordinate to it;
 - g) internal physical infrastructure of a building – physical infrastructure or installations up to the final users, including jointly owned elements intended for installing wired access networks and/or wireless access networks, and where possible to provide electronic communication services and connection of the building access point to the network termination point through these networks;



- h) building access point – a physical point located inside or outside a building and accessible for an authorised person and where the connection with the internal physical infrastructure of the building may be provided;
 - i) administrator of a unified informational platform – the Legal Entity under Public Law called the National Communications Commission of Georgia;
 - j) the Commission – the Legal Entity under Public Law called the National Communications Commission of Georgia.
2. Other terms used in this Law shall have meanings as defined by the Law of Georgia on Electronic Communications, unless otherwise determined herein.

Article 4. Access to physical infrastructure

1. An infrastructure operator shall have the right to allow an authorised person to access its physical infrastructure to install electronic communication networks.
2. An authorised person shall have the right to offer access to physical infrastructure to another authorised person.
3. An infrastructure operator is obliged to satisfy a reasonable written request from an authorised person to allow access to its physical infrastructure to install electronic communication networks in accordance with non-discriminatory, fair, and reasonable terms and price. This request shall specify the elements of the relevant project, including the physical infrastructure access which is requested as well as the terms of access, time limits, and price, unless otherwise agreed between the parties.
4. An authorised person is obliged to pay the price for using telecommunication infrastructure and/or physical infrastructure applicable for telecommunication purposes to an operator of other infrastructure.
5. The procedures and terms for allowing an authorised person to access electronic communication infrastructure shall be determined by the Commission.
6. The procedures and terms for allowing an authorised person to access the physical infrastructure applicable for telecommunication purposes shall be determined by the Commission on the basis of a written consultation with the regulatory body of the area concerned and/or the respective administrative body.
7. An infrastructure operator shall be entitled to reasonably deny an authorised person access to the physical infrastructure requested in accordance with paragraph 3 of this article only on the basis of the following objective, transparent and proportionate criteria:
 - a) non-compliance with technical parameters (standards) of physical infrastructure to which access is requested to install any element of an electronic communication network;
 - b) an insufficiency of space necessary for installing any element of an electronic communication network, including the use of this space for the needs of the infrastructure operator, which shall be well-grounded;
 - c) the protection of public security and human health against harmful impacts;
 - d) the integrity and security of a network;
 - e) the risk that the planned provision of electronic communication services will significantly impede the provision of other services to the specified physical infrastructure;
 - f) the availability of actual alternative means of access to the wholesale physical network infrastructure that is provided by the infrastructure operator and can be used for the provision of electronic communication networks provided that such access is offered on fair and reasonable terms.
8. An infrastructure operator is obliged to conclude a written agreement with an authorised person on granting the right to access physical infrastructure or to notify in writing the reason for a refusal to allow access within two months after receiving a complete written request from the authorised person on allowing access to physical infrastructure.
9. The written agreement on granting the right to access physical infrastructure shall determine the procedures and terms of access to specific electronic communication infrastructure and/or physical infrastructure applicable for the appropriate purposes.
10. In the case of denying access to physical infrastructure or disagreeing on specific terms and provisions, including the price of access, the parties shall have the right to apply to the Commission with a request for dispute resolution.
11. For the parties (persons) determined by paragraph 10 of this article, when setting the price of access, the expenses of an infrastructure operator, the possible impact on business, and a reasonable return on investment shall be taken into account, unless the parties agree otherwise.
12. In the case provided for by paragraph 11 of this article, when setting the price of access, the Commission shall apply a methodology developed on the basis of a written consultation with a regulatory body of the respective area and/or respective administrative body.
13. The Commission shall, in accordance with this Law, with due regard to the principle of equality, make a decision on the disputed matter as soon as possible, but not later than 4 months from the date of the receipt of the relevant request. The decision of the Commission may be appealed to the common courts of Georgia in accordance with the procedure established by the legislation of Georgia.
14. The requirements established by this article shall not affect the property rights of an owner of physical infrastructure or of a third party.

Article 5. Delivery of information on physical infrastructure



1. An authorised person shall have the right of access to the physical infrastructure, and an infrastructure operator shall, in the event of a request from the authorised person, provide the authorised person with at least the following information about the physical infrastructure owned:
 - a) the location and appropriate routes of the physical infrastructure;
 - b) the type and current purpose of the physical infrastructure;
 - c) procedures for accessing the physical infrastructure;
 - d) technical instructions (if any);
 - e) a contact person.
2. An infrastructure operator shall have the right to reasonably refuse to provide an authorised person with the information provided for by paragraph 1 of this article or to provide an authorised person with incomplete information:
 - a) to ensure the integrity and security of networks;
 - b) to ensure state and public security and the protection of human health;
 - c) to ensure the protection of state or commercial secrets;
 - d) about physical infrastructure where it is not technically feasible to deploy high-speed and broadband network elements.
3. The unified informational platform is obliged to ensure access, in electronic form, to information delivered to the platform in accordance with equal, non-discriminatory, and transparent terms. The infrastructure operator shall be responsible for the accuracy of this information.
4. If the information provided by paragraph 1 of this article is not available on the unified informational platform, an infrastructure operator is obliged to ensure the availability of this information based on a relevant written request from an authorised person. This request shall specify the location where elements of the electronic communication network are to be installed. This information shall become available not later than two months after the receipt of the relevant written request from an authorised person, in accordance with fair, non-discriminatory and transparent terms and observing the limitations determined by paragraph 2 of this article.
5. An infrastructure operator shall be obliged to grant requests related to the on-site inspection of elements of physical infrastructure on the basis of a written request from an authorised person. This request shall refer to the elements of the physical infrastructure to which the authorised person is requesting access. The right to conduct an on-site inspection of these elements shall be granted within one month after the receipt of the written request by the authorised person, in accordance with fair, non-discriminatory, and transparent terms and subject to the limitations set out in paragraph 2 of this article.
6. If a dispute arises between the parties regarding the rights and obligations provided for by this article, either party shall have the right to apply to the Commission.
7. In accordance with this Law, the Commission is obliged to make a decision on a disputed issue, respecting the principles of equality, non-discrimination, and transparency as soon as possible, but not later than two months. The decision of the Commission may be appealed in accordance with the procedure established by the legislation of Georgia.

Article 6. Coordination of public construction works

1. A person carrying out public construction works financed in whole or in part with funds allocated from the state budget, the budget of an autonomous republic and/or a municipal budget, shall be obliged to satisfy any reasonable request from an authorised person in order to ensure transparent and non-discriminatory coordination in the installation of high-speed and broadband network elements for an authorised person, provided that:
 - a) this does not entail additional costs, nor does it interfere with planned public construction works;
 - b) the coordination of the performance of public construction works is not impeded;
 - c) before the submission of a project, within the shortest period but not later than one month, the authorised person shall submit to a person determined by paragraph 1 of this article a request on the coordination of the performance of public construction works to obtain a construction permit.
2. In the case of the failure of the coordination provided for by paragraph 1 of this article, the parties shall have the right to apply to the Commission.
3. In accordance with this Law, the Commission is obliged to decide on a disputed issue, respecting the principles of equality and non-discrimination, as soon as possible, but not later than two months. The decision of the Commission may be appealed in accordance with the procedure established by the legislation of Georgia.

Article 7. Delivery of information for the purpose of coordinating public construction works

1. The person determined by paragraph 1 of Article 6 of this Law (except for the cases provided for by paragraphs 6 and 7 of this article) shall deliver information to an authorised person, through the unified informational platform, on the intention to carry out construction or reconstruction works for which the construction or expansion of infrastructure to ensure the installation of electronic communications networks is possible.
2. An authorised person shall be given the opportunity, one month prior to submitting a relevant project, to be involved in the process of planning design works as well as in the process of obtaining a construction permit to perform construction or reconstruction works. Authorised persons may be involved in planned works individually or jointly for



the purpose of constructing or expanding relevant infrastructure to ensure the installation of electronic communication networks.

3. To reach an agreement on the coordination of the performance of public construction works as provided for by Article 6 of this Law, an infrastructure operator is obliged to ensure the delivery of information to an authorised person on the basis of a written request therefor. This information on current or planned public construction works related to physical infrastructure for which a construction permit has already been issued, or where the procedure for issuing this permit has not yet been completed or the documentation necessary to obtain this permit will be submitted to a respective public institution within the next six months for the first time, shall contain:

- a) information on the location and type of construction works;
- b) information on the elements of the physical infrastructure in question;
- c) information on the possible commencement date and the duration of the construction works;
- d) contact details.

4. An authorised person shall specify in the written request provided for in this article the location for the intended installation of the elements of electronic communication networks.

5. An infrastructure operator shall provide an authorised person with the requested information within 10 working days of receiving the request, respecting principles of equality, non-discrimination, and transparency, except for the cases provided for by this Law.

6. An infrastructure operator shall be entitled not to deliver complete information to an authorised person only when the infrastructure operator must ensure:

- a) the integrity and security of networks;
- b) the protection of state or public security and human health;
- c) the protection of state or commercial secrets.

7. An infrastructure operator shall be entitled to refuse an authorised person delivery of the requested information only in one of the following cases:

- a) if the infrastructure operator ensures universal access to this information in electronic form;
- b) if access to this information is ensured through the unified informational platform.

Article 8. The internal physical infrastructure of a building

1. A new building shall be equipped with the internal physical infrastructure of the building, including the termination points of the electronic communication network of the end user and the access point of the building.

2. The technical specifications of the internal physical infrastructure of a building and access to the building shall be determined by an ordinance of the Government of Georgia.

Article 9. Access to the internal physical infrastructure of a building

1. An authorised person is entitled to install its network up to the access point of the building at its own expense.

2. An authorised person shall be entitled to install an electronic communication network on any internal physical infrastructure of a building, unless otherwise provided for by the legislation of Georgia.

3. The owner of an access point to a building and the building's internal physical infrastructure shall grant an authorised person's reasonable request for access to the building's internal physical infrastructure on fair and non-discriminatory terms.

4. When, in the case provided for by this article, the parties fail to agree on access to the internal physical infrastructure of a building within one month after the receipt of a written request, each party shall be entitled to apply to the Commission to determine compliance with the requirement provided for by paragraph 1 of this article. The Commission is obliged to decide on the resolution of the dispute as soon as possible, but not later than two months, and to resolve the dispute respecting the principle of equality. A decision of the Commission may be appealed to a court in accordance with the procedure established by the legislation of Georgia.

5. In the case of the absence of internal physical infrastructure of a building, an authorised person shall be entitled to install its network for a subscriber and to set the place of residence of the subscriber as the termination point of the network based on an agreement with the subscriber, provided that any impact on the private property of a third party is minimised.

Article 10. Prohibition of exclusive use (exclusive occupation) of physical infrastructure

1. The exclusive occupation of physical infrastructure shall be prohibited. It shall be prohibited to conclude an agreement and/or to define a provision or term that allows persons determined by this Law to exclusively occupy physical infrastructure individually or jointly. Any such agreement, provision or term shall be invalid.

2. The prohibition determined by paragraph 1 of this article shall not restrict defined persons from occupying space in physical infrastructure for their private use, based on appropriate substantiation, in the case of current and planned construction.

Article 11. Protection of confidential information



1. An authorised person to whom an infrastructure operator or an owner of the access point of a building and the internal physical infrastructure of a building has delivered confidential information in accordance with this Law, is obliged:
 - a) to use this information only for the intended purpose, and not to restrict access to this information for persons needing this information to reach a specified goal and to protect the confidentiality of this information;
 - b) not to disclose this information to another person or allow the use of this information by another person (except an authorised person).
2. None of the terms of this article shall affect any other rights of a person who may be granted this right to protect confidential information in accordance with the legislation of Georgia.

Article 12. Review of a dispute by an authorised body (the Commission)

1. A dispute arising between an authorised person and an infrastructure operator shall be reviewed by the Commission. In addition, when the infrastructure operator is not an authorised person, the Commission shall review the dispute based on a written consultation with a regulatory body of a respective area and/or a respective administrative body.
2. To hold the consultation provided for by paragraph 1 of this article, the Commission shall send materials related to the dispute to a regulatory body of the respective area and/or the respective administrative body, which shall submit its opinion to the Commission within one month after receiving the relevant materials.
3. If more time is required to establish the essential circumstances of the case than is determined by paragraph 2 of this Article, the regulatory authority of the relevant area and/or the relevant administrative body shall notify the Commission accordingly. In the case provided for by this paragraph, the total period for submitting an opinion by the said body shall not exceed three months.
4. The period determined by this Law for the review of disputes by the Commission shall be suspended until the regulatory body of the respective area and/or the respective administrative body submits its opinion in accordance with paragraphs 2 and 3 of this article.
5. If the party to the dispute is an infrastructure operator operating in a regulated area of the economy, where free pricing and competition are limited and/or which is subject to tariff regulation under the legislation of Georgia, the decision of the Commission shall not entail an increase in the service fee or the tariff set or intended to be set by the regulatory body of the relevant area or other administrative body with relevant powers.
6. In the case of a dispute as provided for by this article, the requirements established by the legislation of Georgia on the conflict of interests shall apply.
7. A decision of the Commission may be appealed to a court in accordance with the procedure established by the legislation of Georgia.

Article 13. Administrative liability

1. If an infrastructure operator fails to fulfil the obligations determined by this Law, the Commission shall make a decision on imposing administrative liability.
2. A decision to impose administrative liability on an infrastructure operator shall be made in accordance with a simple procedure for administrative proceedings.
3. The Commission shall be authorised to warn a violator in writing and to determine a reasonable period for correcting the violation.
4. If a violator fails to comply with the decision of the Commission, or continues committing the violation, or commits a similar new violation during one calendar year, the violator shall be subject to a fine in the amount of 0.2% of its respective annual turnover for the previous financial year, but not less than GEL 3000 and not more than GEL 30 000.
5. In the case of continued violation and/or for each new violation within one calendar year after the imposition of administrative penalty, the violator shall be subject to double the amount of the fine imposed.
6. The fine must be paid within 30 working days after the decision on imposing the fine has been delivered to a violator. The fine shall be paid to the state budget of Georgia.
7. If a violator fails to pay the fine, the decision on imposing the fine shall be enforced immediately in accordance with the procedures established by the legislation of Georgia.
8. The imposition of a fine as provided for by this article shall not release a violator from the obligation to correct the violation in question.

Article 14. Unified informational platform

1. The Commission carries out the administration of the unified informational platform.
2. The unified informational platform shall be based on principles of sharing and exchanging information and shall be available for persons determined by this Law to ensure the fulfilment of the obligation to publish information on the unified informational platform and to use this information as intended, in accordance with the procedure established by the legislation of Georgia.
3. The placement of information on the unified informational platform and the administration thereof shall be determined by the Commission.
4. The unified informational platform should provide information on the rules and procedures to obtain a construction



permit. In addition, the platform shall make it possible to apply for a construction permit. The legislation of Georgia shall determine the rules for issuing a construction permit.

Article 15. Transitional provisions

1. By 1 July 2024, the Commission shall ensure:

- a) the establishment of the unified informational platform and the determination of administration procedures therefor;
- b) the adoption of a normative act on determining the rules and terms for allowing an authorised person to access electronic communication infrastructure;
- c) the adoption of a normative act on determining the rules and terms for allowing an authorised person to access physical infrastructure applicable for telecommunication purposes;
- d) the adoption of a normative act on the approval of the methodology for calculating the price of access to physical infrastructure owned by an infrastructure operator when a dispute arises between the infrastructure operator and an authorised person.

2. By 1 July 2024, on the recommendation of the Ministry for Economy and Sustainable Development of Georgia, the Government of Georgia shall ensure:

- a) the adoption of an ordinance on determining the physical infrastructure, public construction works and internal physical infrastructure of buildings to which this Law shall not apply;
- b) the adoption of an ordinance on determining the technical specifications of the internal physical infrastructure of a building and access to a building.

3. A person authorised to allow the access of an authorised person to physical infrastructure as determined by this Law on the basis of the Law or a contractual relationship is obliged to ensure the access of the authorised person to physical infrastructure in accordance with non-discriminatory, fair, and reasonable terms and price even when this physical infrastructure and/or the right of its use are exclusively granted on the basis of a contract or agreement concluded before the entry of this Law into force.

Article 16. Entry into force of the Law

1. This Law shall enter into force upon its promulgation, except for Articles 2, 4 to 9 and 11-14 thereof.

2. Articles 2, 4 to 9 and 11 to 14 of this Law shall enter into force from 1 July 2024.

President of Georgia

Salome Zourabichvili

Tbilisi,

31 May 2023

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