

# Georgian Law on Broadcasting

## Chapter I General Provisions

### **Article 1. Aim of the Law and Scope of Regulation** (22.05.2012 N 6256)

1. This Law defines the rule of broadcasting in accordance with the principle of freedom of speech and opinion and free enterprise; defines the rule of establishing a national regulatory authority in the broadcasting sector and functions thereof; determines the conditions for the regulation of activity in this sphere as well the rule and procedures of obtaining the right to carry out broadcasting. (20.11.2013 N 1592)

2. This Law aims at establishing an independent public broadcaster, free from state intervention; regulating activity in the broadcasting sector in accordance with principles of transparency, fairness and impartiality, by means of the national regulatory authority; stimulating freedom of speech and opinion and a competitive environment among broadcasters; ensuring equality and independence of broadcasters and efficient use of frequencies. (20.11.2013 N 1592)

### **Article 2. Definitions**

Terms used in this Law have the following meanings:

a) Local broadcasting – broadcasting implemented in accordance with the procedure established by this Law, available for at least 90 per cent of population of a service zone defined by a license.

b) Administrative authority – an entity defined by Article 2, Section 1, Para (a) of the Georgian General Administrative Code.

c) Opinion – any value judgment, viewpoint, comment as well as any opinion, howsoever expressed, that reflects the attitude to any person, event or object and does not contain any confirmable or disprovable fact.

c<sup>1</sup>) Beneficial owner – a person who, on the basis of law or a deal, receives or may receive monetary or other benefit from broadcaster's activity and has no obligation to transfer this benefit to another person, while if a beneficial owner is a legal entity created to further ideal goals, or if a legal entity owner does not have a person who owns a substantial share, beneficial owner is a member of its governing body; (8.04.2011. N4525)

c<sup>2</sup>) Legal entity created to further ideal goals – non-profit (non-commercial) legal entity the property of which, including profits, cannot be distributed among its members; (8.04.2011. N4525)

c<sup>3</sup>) Offshore – a state or territory in a state where information on property, activity and partners/shareholders of a legal person is kept confidential; (8.04.2011. N4525)

d) Publishing – providing access to information according to the procedure established in Article 56 of the General Administrative Code of Georgia;

e) Interested party – a natural person or legal entity whose legitimate interest is influenced by the activity of a Broadcaster; (22.05.2012 N 6256)

f) Independent program – any program, between the copyright holder and broadcaster of which there is no interdependence; (22.05.2012 N 6256)

g) European production – a program produced in European countries where the European Convention on Transfrontier Television is valid, or in Georgia, or when a legal or physical entity that holds the author's rights of production is a resident of Georgia or these European countries;

h) National broadcasting – broadcasting accessible for at least 90% of the population of Georgia, in accordance with rule established by this Law.

i) Satellite broadcasting – broadcasting by using above-ground and orbital stations of TV and radio broadcasting satellite systems; (22.05.2012 N 6256)

j) Official – a person permanently or temporarily elected or appointed, acting with or without salary, performing duties related to executive, organizational, managerial, administrative or other similar functions, including particular tasks and assignments in GNCC or in public broadcasting;

k) Private broadcasting – broadcasting that is neither public nor community broadcasting and is carried out by a commercial or non-commercial entity of private law in accordance with rule established by this Law;

l) Qualified election subject – an election subject defined by the organic law of Georgia - Election Code of Georgia;

m) Commercial advertisement – an advertisement that promotes formation and keeping up interest of an entrepreneur, goods, service, work, commercial idea and initiative, or aids the trade of goods, service, work, commercial idea and initiative in exchange for remuneration or any other economic profit;

n) GNCC – the Georgian National Communications Commission;

o) Scope of Regulation of GNCC – electronic communications and broadcasting sphere, within which provision of services or activity is subject to licensing and/or authorization in accordance with the Law of Georgia on Electronic Communications and this Law, and within which GNCC executes authority determined by the Georgian legislation; (27.06.2008 N 66)

p) Commissioner – Member of the Georgian National Communications Commission;

q) License – the right under this Law and the Law of Georgia on Licenses and Permits to carry out broadcasting which is granted to a person by GNCC on the basis of the person having satisfied conditions defined in the same law; (22.05.2012 N 6256)

r) Modification of license – making amendments or/and addenda to the license in accordance with the amendments or/and addenda made to the Georgian legislation or the priorities of the broadcasting sector or/and based on a reasonable request of GNCC or a broadcast license holder; (22.05.2012 N 6256)

s) Broadcaster – Public Broadcaster, Ajara TV and Radio of the Public Broadcaster, a physical person or legal entity holding a license or having obtained authorization, which upon its personal editorial responsibility broadcasts production envisaged by its broadcast programming so that it is simultaneously available for viewers/listeners at the time as scheduled in the broadcast programming; (12.07.2013. N833)

t) Withdrawn (27.06.2008 N 66)

u) Withdrawn (28.12.2005 N 2565)

v) Trustee – member of the Board of Trustees of the Public Broadcaster;

v<sup>1</sup>) Advisor – a member of Council of Advisors to Ajara TV and Radio of the Public Broadcaster; (12.07.2013. N833)

w) Significant event – a political, social, cultural, religious or other event of significant interest (inside or outside country) to society, as defined by the GNCC based on public opinion;

x) Family member – a person identified in Paragraph “f,” Article 3 of the Law of Georgia on National Regulatory Bodies; (20.11.2013 N 1592)

y) Person – a natural person or legal entity, in accordance with the Georgian Civil Code;

z) Launch of practical activity – launch of broadcasting; (22.05.2012 N 6256)

aa) Program – a television or radio production broadcast live or as a recorded program;

bb) Regulation – enacting (issuing) legal acts, monitoring, control and coordination undertaken by the GNCC, within the scope of its competence determined by this Law;

cc) Advertisement – a commercial, social or pre-election advertisement, except any declaration made by a broadcaster regarding his own or independent program, being information diffused by any means or form on a natural person or legal entity, goods, service, work, idea and initiative, which targets an indefinite set of people and is aimed at forming and keeping up interest in a natural person or legal entity, goods, service, work, idea and initiative and encouraging trade of goods, service, work, idea and initiative;

dd) Election campaign – election campaign procedure determined by the organic law of Georgia - Election Code of Georgia;

ee) Broadcasting - broadcasting through the use of frequencies;

ff) General broadcasting – broadcasting of programs with at least two themes, including news and social-political themes;

gg) Public broadcasting – broadcasting performed by a legal entity of public law established on the basis of the state property in accordance with Georgian legislation for publicly financed television and radio broadcasting, independent of the state and accountable to the public, which is not subordinate to any state bodies (hereinafter referred to as the Public Broadcaster). The Public Broadcaster aims at delivering diverse and high-quality programs compliant with public interest and free from political and commercial influence.

hh) Community broadcasting - broadcasting carried out by a legal entity of public or private law having no commercial purposes, which ensures participation in broadcasting of the community it serves and which does not aim at gaining profit, according to the rule established by this Law;

ii) Cable broadcasting - broadcasting through a cable network;

jj) Broadcasting net – a document elaborated by a broadcaster that includes the titles of programs, a brief summary and broadcasting time;

kk) Broadcasting concept - a document elaborated by a license seeker or a license holder that reflects the proposed broadcasting model, containing the titles and brief summaries of programs; (22.05.2012 N 6256)

ll) Prime time - the time period from 19:00 to 24:00, when a broadcaster's programs can be viewed or heard by a peak audience of the broadcaster's coverage area; (22.05.2012 N 6256)

mm) Public institution – an institution determined by Article 27 of the General Administrative Code of Georgia;

nn) Social advertisement – an advertisement that promotes public good and charitable aim, that is neither commercial or election advertisement nor advertisement

of a legal entity of private law or a governmental organization, as well as advertisement of the services provided by them;

oo) Specialized broadcasting – broadcasting of programs of particular topic except for the news and social-political programs;

pp) Sponsorship – direct or indirect financing or co-financing of preparing or broadcasting program by a person, in order to promote his name, trademark, image, production or activity;

qq) Teleshopping – a program containing a direct offer of any rights, obligations, goods, services or works in return for payment;

rr) Interdependence – relationship when one person directly or indirectly owns stocks or shares in the charter capital of the second person, or is an official of this person, or performs remunerated services for it or for its shareholder, partner or official, or one broadcaster provides broadcasting via another broadcaster;

ss) Obscenity – action that is beyond the scope of ethical norms of society and has no social-political, cultural, educational or scientific value;

tt) Code of Conduct – a normative act passed by GNCC based on this Law, which defines the rules for broadcasters to deliver their service; (22.05.2012 N 6256)

uu) Election advertisement – an advertisement that aims at supporting election of the President of Georgia, Parliament of Georgia and local self-governance representative authorities – City Council, Head of Local Administration and Mayor;

vv) Subtitling – inserting written translation in a language different from the original language of film production in the lower part of the frame; (31.07.2009 N 1555)

ww) Authorization – registration of activity in the broadcasting sector (except on-air broadcasting and broadcasting by using above-ground and orbital stations of satellite systems) by GNCC in accordance with the general procedure established by this Law. (22.05.2012 N 6256)

### **Article 3. Legislation in the Broadcasting Sector**

1. Legislation applicable in the sphere of broadcasting comprises the Constitution of Georgia, international treaties of Georgia, Organic Law of Georgia on Election Code of Georgia, this Law, Laws of Georgia on National Regulatory Bodies and on Copyright and Related Rights, other legal acts and bylaws. (20.11.2013 N 1592)

2. Interpretation of legislation in the broadcasting sector shall be done in accordance with the European Convention on Human rights and Fundamental Freedoms, the judicial practice of the European Court of Human Rights and other international legal acts that have a legal effect for Georgia.

3. Citizens and legal entities of other countries, as well as persons without citizenship of Georgia enjoy the rights and obligations determined in this Law for Georgian citizens and entrepreneurial subjects, unless otherwise specified in the legislation.

### **Article 4. Broadcasting Frequency Plan and Priorities in the Broadcasting Sector**

In accordance with the International Regulation of the Radio Union, the GNCC shall once in two years define and publish a frequency plan for license seekers, as well as the priorities of television-radio broadcasting defined by public opinion survey.

## **Chapter II. Regulation of Activities in Broadcasting Sector**

### **Article 5. GNCC**

1. Activities in the broadcasting sector are regulated by GNCC;
2. GNCC is a legal entity of public law, a permanent independent regulatory body that is not subordinate to any state entity. GNCC is not a legal entity of public law (institution) or corporation of public law established on the basis of state property. The legal status of GNCC is defined by the Law of Georgia on Electronic Communications and this Law. *(20.11.2013 N 1592)*
3. The functions of GNCC in the broadcasting sector are to: *(12.07.2013. N833)*
  - a) develop proposals regarding main trends of state policy in the broadcasting sector, taking into consideration broadcasting market research as well as public opinion;
  - b) supervise and control the implementation of proposals stipulated in sub-Paragraph "a" of this Paragraph;
  - c) define license conditions; issue, modify, suspend, renew and revoke licenses; supervise and control the implementation of license conditions; in case of breach of the license conditions, impose appropriate sanctions on the license holders;
  - d) determine and allocate the frequency spectrum according to the law;
  - e) allocate frequencies;
  - f) supervise and control implementation of requirement of legislation in the sphere of broadcasting; impose appropriate sanctions in case of breach of these requirements;
  - g) support the creation and development of a competitive environment within the scope of its competence, supervise and control implementation of the requirements of the Code of Product Safety and Free Movement of Goods;
  - h) set the license fee and the regulation fee and define payment procedures;
  - i) supervise the implementation of legislative acts on Copyright and Neighbouring Rights, Defending Minors from Unwholesome Influence and Advertisement;
  - j) consider complaints and disputes raised between broadcasters, as well as between broadcasters and their consumers, within the scope of its competence;
  - k) enact legal acts as well as the Code of Conduct;
  - l) authorize activities in the sphere of broadcasting;
  - m) establish by relevant legal act forms of property declarations to be submitted by natural persons and legal entities;
  - n) undertake other powers determined by the law.

### **Article 6. Independence and Immunity**

1. GNCC, its officials and employees of its office are independent in exercising authority and amenable only to the law. Inconsistent influence and illegal intervention

in their activity shall be considered illegal; consequently a decision made under inconsistent influence and illegal intervention shall be declared void.

2. Interested person has the right to apply to court for avoiding and preventing any kind of influence or intervention, also nullifying the results of such intervention and influence.

3. Only GNCC is authorized to nominate, appoint and dismiss employees of its office according to Georgian legislation.

4. Any action of an employee of GNCC office may be appealed before GNCC within 30 days, or before court within the term determined in the legislation. The decision of GNCC may only be appealed before court within the term determined in legislation.

5. Arrest or search of a Commissioner may be conducted only with the consent of Parliament of Georgia, except the cases when the Commissioner is taken in flagrante delicto. Parliament shall be informed instantly about such cases. If Parliament refuses its consent, the Commissioner shall be immediately released from custody. Parliament takes decisions according to the rules determined by regulations.

#### **Article 7. Session of GNCC and Confidentiality of Information**

1. The session of GNCC is public. All resolutions, decisions, orders, records and other documents of GNCC shall be available for public discussion, except cases defined in the General Administrative Code of Georgia.

2. GNCC shall ensure transparency and participation of all interested parties in the decision-making process of GNCC in accordance with General Administrative Code of Georgia.

3. GNCC is authorized to hold closed sessions to maintain the confidentiality of information. Resolutions and decisions made during closed sessions shall be published after the removal of any secret information, according to the General Administrative Code of Georgia.

4. The session of GNCC shall be called at least twice per month. An extraordinary session may be convened by the Chairperson on his/her own initiative or upon the request of two Commissioners.

5. GNCC shall publish information on the time, place and agenda of the nearest session 3 days prior to the session, and in case of relevant decision - on closing the session.

6. In emergency cases GNCC is entitled to hold a session without observing the rules determined in this Article, Paragraph 5. In such cases GNCC shall immediately publish information about the time and place of the session, as well as an agenda, or information on closing the session, if a relevant decision is taken.

7. GNCC is authorized to make a decision if a majority of listed Commissioners attends the session. GNCC takes a decision on the majority of votes of the Commissioners.

8. Each Commissioner has one vote during decision-making process. In case of a draw, the vote of the Chairperson shall be decisive.

9. To ensure publicity, GNCC shall create its own web site and regularly update information published therein; decisions of GNCC, including decisions on the approval of a budget of GNCC and a report on budget performance, shall be published on the web site within three working days of taking a relevant decision, whilst declarations of compliance, specified in this Law, shall be published within three working days after they have been submitted to GNCC. *(8.04.2011. N4525)*

### **Article 8. Legal Acts of GNCC**

1. According to the rule determined by legislation, GNCC, within the scope of its competence, enacts (issues) legal acts, such as resolutions and decisions of GNCC and orders of the Chairperson.

2. A resolution of GNCC is a regulatory legal act adopted on the basis of this Law, laws of Georgia on National Regulatory Bodies and on Electronic Communications and other legislative acts as prescribed by the Law of Georgia on Normative Acts. *(20.11.2013 N 1592)*

3. The decision of GNCC is an individual legal act of. It shall be issued within the scope of the GNCC competence determined by legislation.

4. GNCC takes decisions on non-normative issues to exercise its authority as determined by legislation, as well as on intra-organizational issues of GNCC and/or its staff that contain general behaviour rule for a defined number of people.

5. The Chairperson of GNCC issues orders on intra-organizational issues of GNCC and its staff in specific cases. Such orders do not contain the general behaviour rule.

6. All legal acts of GNCC shall be enacted (issued) at the GNCC session.

7. Legal acts of GNCC may be appealed to court under the rule determined in legislation.

### **Article 9. Composition of GNCC** *(27.09.2013. N1362, to be enacted upon swearing in of a new president of Georgia elected as a result of presidential elections due in October 2013)*

1. GNCC consists of five Commissioners.

2. The tenure of a Commissioner shall be six years.

3. A Commissioner shall not be appointed for more than two consecutive terms.

4. A candidates for a Commissioner shall be elected by an open competition.

5. 100 days prior to the expiry or within 10 days after the termination of the tenure of a Commissioner, the President of Georgia issues a decree about holding a competition.

6. A candidate shall be a person having public recognition and confidence. He/she shall have a master's degree or equivalent thereof in economics, public administration, business administration, law, electronic communications or journalism and at least 10 years of work experience, including three years on a managerial position.

7. Everyone is entitled to nominate a candidate within 30 days of a competition being announced.

8. If at least three candidates are not nominated for one vacancy within the term defined by law, the new competition shall be announced and held in manner provided by this Article.

9. Within 10 days after the expiration of the term of nomination, a list of candidates and documents submitted by them for the competition shall be published on the official web site of the President of Georgia.

10. Within 10 days after the publication of the list of candidates, the President of Georgia, in consideration of the eligibility criteria identified by this Law, agrees with the government of Georgia the list of candidates to be selected for their submission to Parliament. The President of Georgia and the government of Georgia select at least three candidates for each vacant position.

11. The list of nominees candidates upon between the President of Georgia and the government of Georgia shall be countersigned by the Prime Minister of Georgia within three days of such agreement, and thereafter, the President of Georgia submits the nominees to Parliament.

12. Within two weeks of the list of nominees being submitted by the President of Georgia, Parliament elects members of GNCC. In case the period of considering the nominees fully or partially coincides with a parliamentary holidays, the process of electing members of GNCC shall start or continue, respectively, upon the resumption of regular sessions or at an extraordinary session which can be called upon a decision of the Chairman of Parliament.

13. A candidate nominated for a vacant position of a Commissioner shall be deemed elected if such candidate receives more votes than others but at least half of votes of payroll Members of Parliament. In the event of a draw, Parliament shall re-vote.

14. If none of the candidates receives the vote of more than half of payroll Members of Parliament, the process of electing a candidate for the position of a Commissioner, set forth in this Article, shall start anew and the President of Georgia shall, within 50 days, nominate to Parliament a new list of candidates who shall be selected in a manner provided by this Article. A candidate nominated for a vacant position of a Commissioner shall be deemed elected if he/she receives the majority of votes of the



Members of Parliament attending the plenary session, but no at least one third of payroll Members of Parliament.

15. The Chairperson of GNCC shall be elected by GNCC from amongst its members for the term of three years, not earlier than 30 and not later than 15 calendar days before the tenure of the incumbent chairperson expires, whereas in case of early termination of the incumbent chairperson's tenure – within 15 calendar days of the termination of the tenure. The Chairperson cannot be elected for another term.

16. The tenure of a newly elected Chairperson of GNCC starts on the next day of the expiration of previous chairperson's tenure whereas in case of early termination of the previous chairperson's tenure, 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 began.

17. The Chairperson has the right to resign, but can remain as a Commissioner for the rest of his/her tenure.

18. The Chairperson of GNCC presides over the sessions of GNCC, is responsible for the observance of procedures in making decisions and resolutions and publication of the decisions and resolutions passed as well as the management of the staff of GNCC.

19. In the event the Chairperson of GNCC resigns or is absent or is not able to perform his/her duties, the oldest member of GNCC shall act as the Chairperson.

20. GNCC is entitled to dismiss the Chairperson of GNCC before the expiry of his/her tenure with the majority of votes of all members of GNCC. The issue of early dismissal of the Chairperson of GNCC can be raised on the basis of a joint written request of at least two Commissioners. Within 10 calendar days after the submission of the request of Commissioners, GNCC shall consider the issue of early dismissal of the Chairperson of GNCC and put it to vote. If GNCC does not dismiss the Chairperson of GNCC, the issue of early dismissal of the Chairperson of GNCC shall not be raised over the period of following three months.

**Article 10. Dismissal of a Commissioner** (27.09.2013. N1362, to be enacted upon swearing in of a new president of Georgia elected as a result of presidential elections due in October 2013)

1. If a court delivers against a Commissioner a verdict of guilty that prescribes as punishment the restriction of freedom or imprisonment for a definite or indefinite term, or if a court finds a Commissioner incapable or lost without trace, or if a Commissioner resigns or passes away, Parliament of Georgia, within a month of the occurrence of any of the above listed event, shall take a decision on a removal of such a Commissioner from his/her office.

2. Procedures established for the early termination of the office of Member of Parliament, which are specified in Article 9 of the regulation of Parliament of Georgia, are applied in case of the occurrence of an event specified in Paragraph 1 of this Article. A Commissioner shall be deemed removed from his/her office, if this

decision is voted for by more than half of the Members of Parliament attending the plenary session.

3. At least one third of the payroll Members of Parliament can initiate the procedure to for removal of a Commissioner, if:

- a) the conflict of interest as determined in this Law arises;
- b) he/she fails to fulfill the duties of Commissioner during 15 consecutive days or for more than two months in a year without reasonable excuse.

4. Members of Parliament initiating the dismissal procedure shall provide documentary evidence of a specific ground of the dismissal of the Commissioner.

5. Within 30 days after gathering signatures, Parliament shall put, by payroll majority, the matter of removal of the Commissioner on the agenda of the plenary session of Parliament.

6. Within 30 days after putting the issue of removal of a Commissioner on the agenda of the plenary session, Parliament shall put the issue to voting. Approval of a Commissioner's dismissal requires the votes of more than three-fifths of payroll Members of Parliament.

7. If the number of votes is not enough or if Parliament does not hold voting within the term indicated in Paragraph 6 of this Article, the procedure for dismissal of a Commissioner shall be terminated.

8. The matter of removing a Commissioner on the basis of one fact cannot be put to voting again.

9. A decision on a Commissioner's removal may be appealed in court.

#### **Article 11. Conflict of Interest of a Commissioner and his/her staff employee**

1. Conflict of interest may arise if a Commissioner simultaneously:

- a) is an official of another administrative authority;
- b) is a member of any political party;
- c) carries out any remunerated work for an entity whose activity is subject to regulation by GNCC;
- d) holds shares or part of the fixed capital of an enterprise whose activity is subject to regulation by GNCC;
- e) is an official, representative or consultant of a person whose activity is subject to regulation by GNCC;
- f) has any other direct or indirect economic interest towards a person whose activity is subject to regulation by GNCC.

2. A person with a conflict of interest as envisaged in this Article, Paragraph 1, shall not be a Commissioner.

3. A person, whose family member has a conflict of interest as envisaged in this Article, Paragraph 1, sub-Paragraphs c and f, shall not be a Commissioner.

4. A person with a conflict of interest as envisaged in this Article shall not be a staff employee of GNCC, with the exception of technical personnel.

5. A person, whose family member has a conflict of interest as envisaged in this Article, Paragraph 1, sub-Paragraphs c and f, shall not be head of the structural unit of GNCC office.

6. A Commissioner, as well as any other official indicated in Paragraph 5 of this Article shall announce in writing if he/she or his/her family member, within last 5 years, has had conflicts of interests as determined in this Article, Paragraph 1.

#### **Article 12. The Budget of GNCC; License Fee; Annual Regulation Fee**

1. GNCC shall, before the deadline of 1 December, draw up its budget for the following year, including all expenses and revenues of GNCC. GNCC shall publish its budget.

2. The sources of GNCC budget are the regulation fee and other financial sources determined in this present law, the Georgian laws On Electronic Communications and On Legal Entities of Public Law. (28.12.2005 N 2565)

3. License fee is the sum paid by the broadcasting license seeker for temporary use of the radio-frequency spectrum, the amount and order of payment of which are defined by GNCC in accordance with the Georgian legislation, under the Regulation on Holding Auctions for Obtaining the Right of Use of Radio-Frequency Spectrum and/or Numbering Resource. The license fee is fully transferred to the State Budget of Georgia. (27.06.2008 N 66)

4. Regulation fee is one of the main sources of GNCC budget. It is related to carrying out GNCC powers defined in Georgian legislation and is not considered to be an income obtained through economic activity. The regulation fee is meant to cover current expenses of GNCC as defined in the budget. (28.12.2005 N 2565)

5. The regulation fee shall be paid by broadcasters. The amount of regulation fee shall be 0.5 percent of the total cost of regulated delivery of goods (services) or/and total value of works performed (VAT excluded) by broadcaster. The regulation fee is calculated as the increased total from the broadcaster's revenues during a calendar year, in view of the revenues actually earned monthly from the beginning of the year. Broadcasters shall transfer regulation fees to the account of GNCC, submitting information to GNCC in the form specified by GNCC on a monthly basis, by no later than the 20th day of each next month. (22.05.2012 N 6256)

6. GNCC shall pass a normative act on annual regulation fee.

#### **Article 13. GNCC Report** (02.06.2005 N 1516)

1. GNCC shall, under established regulations, prepare an annual report and conduct financial audit of its expenses and accounting reports. Parliament of Georgia is empowered to make a decision on the provision of the financial audit of the budget

approved by GNCC no more than once a year. In such case Parliament, through bidding, shall select an internationally recognized audit company. Members of the bid commission shall be nominated by the Committee of Economic Policy and the Committee of Branch Economy of Parliament of Georgia and appointed by Parliament of Georgia. The fee of auditing shall be borne by GNCC.

2. The part of the report concerning the broadcasting sector shall include the following information:

- a) on the progress of implementation of priorities in the broadcasting sphere;
- b) the current situation on the broadcasting market and further perspectives;
- c) a frequency plan and available frequencies;
- d) the number of licenses issued;
- e) the number and content of complaints already considered;
- f) the number and content of applied sanctions;
- g) the results of public opinion and broadcasting market research;
- h) the following year's budget of GNCC;
- i) execution of the GNCC budget;
- j) the audit report;
- k) on authorized broadcasters. (22.05.2012 N 6256)

3. GNCC submits a performance report and financial audit of the previous year to Parliament and the government of Georgia and publishes these documents by no later than 1 June of each year. (27.09.2013. N1362 to be enacted upon swearing in of a new president of Georgia elected as a result of presidential elections due in October 2013)

#### **Article 14. Complaints**

1. A broadcaster shall establish, on the basis of the Code of Conduct, an effective mechanism of self-regulation for internal review of and timely and justified response to complaints. (29.12.2006 N4319)

2. In case of the breach by a broadcaster (22.05.2012 N 6256) of the requirements of Georgian legislation, except the norms stipulated by Articles 52, 54, 56 and 59 of this Law, as well as the license conditions, Interested Party is entitled to appeal to GNCC or court. (29.12.2006 N4319)

*(The phrase in Paragraph 2, Article 14 "other than those of Articles 52, 56 and 59 of this Law" be declared unconstitutional in that part where it refers to the phrase in Paragraph 4, Article 56 "broadcast... of any program or advertising containing obscenity and encroaching upon the dignity and fundamental rights of a human being or citizen" as being conflicting with Paragraph 1, Article 42 of the Constitution of Georgia (10.10.2009 by the decision N 1/3/421,422 of the Constitutional Court))*

3. GNCC shall, within 7 days after receiving a complaint, take a justified decision on acceptance or refusal of the complaint and immediately inform the plaintiff about the decision.

4. Consumers' written and verbal complaints shall be considered by GNCC means of hearings under administrative proceedings, except the exclusions defined in the General Administrative Code of Georgia and/or cases, when disputes may be settled without administrative proceedings. Consumers' complaints concerning issues of

wide public interest shall be considered by GNCC under administrative proceedings only.

5. If a violation is confirmed, GNCC shall make a decision of declaration. A broadcaster shall within 5 days broadcast, on its own air, at the prime time, the declaration of its violation of the provisions of Georgian legislation or the license conditions. *(19.04.2011. N4547)*

6. Consideration the gravity of the violation, GNCC is entitled to consider the application of an adequate sanction against the broadcaster. *(19.04.2011. N4546)*

### **Chapter III. Public Broadcasting**

#### **Article 15. Legal Status of a Public Broadcaster**

For the purposes of broadcasting of diverse programs free from political and commercial influence and corresponding to public interests, a Public Broadcaster shall be established on the bases of this Law. The Public Broadcaster is a legal entity of public law, independent of the state and accountable to the public, established under Georgian legislation, on the basis of state property and public financing, for television or radio broadcasting. The Public Broadcaster is not subordinated to any state authority.

#### **Article 16. Content Obligations**

The Public Broadcaster shall:

- a) ensure editorial independence, the fairness and impartiality of programs and guarantee that the latter are free from state, political, religious or commercial influence;
- b) ensure impartiality of the news, social-political, educational-analytical and cultural-sport programs according to public interest;
- c) ensure timely and comprehensive provision of information to the audience concerning important events taking place in Georgia, its regions and worldwide;
- d) broadcast news, social-political programs and electoral debates (during electoral campaigns) at prime time;
- e) not make evident the opinion of the Public Broadcaster in programs;
- f) cover the pluralism of opinions existing in the public;
- g) allocate at least 25% of the air time to programs produced by legal entities of private law to be procured as prescribed by the Law of Georgia on State Procurements and this Law; *(27.03.2009 N 1130)*
- h) reflect ethnic, cultural, linguistic, religious, age and gender diversity in programs;
- i) broadcast a proportional number of programs for children corresponding to the interests of children and teenagers;
- j) take into consideration the interests of persons with disabilities;
- k) support the development of state originality, values and cultural diversity;
- l) broadcast a relevant proportion of programs prepared by minority groups, in their language.

- m) promote main directions of Georgia's foreign policy, including the integration into the North Atlantic Treaty Organization (hereinafter - the NATO) and the European Union; *(26.12.2012 N 156)*
- n) provide the audience with timely and comprehensive information about the events related to occupied territories of Georgia. *(26.12.2012 N 156)*

#### **Article 17. Frequencies of the Public Broadcaster**

1. GNCC shall, based on submitted application, assign to the Public Broadcaster the frequencies used by it at the moment of entry into force of this Law. The terms and conditions for the use of a frequency are determined by GNCC decision.
2. Public broadcasting using frequencies is implemented through 3 television channels and 3 radio channels. *(25.12.2009 N 2471)*
3. The Legal Entity of Public Law, Ajara TV and Radio of Public Broadcaster, broadcasts on one television channel and on one radio channel through frequencies for radio broadcasting which it used by 1 July 2013. *(12.07.2013. N833)*

#### **Article 18. Independence and Immunity**

1. The Public Broadcaster, its officials and staff are independent in their activities and amenable only to the law. Any influence and intervention in their activities are illegal and results of such influence and intervention will be nullified.
2. Any kind of influence or intervention in the editorial, managerial or financial independence of the Public Broadcaster, on behalf of administrative authorities, is prohibited.
3. Any Interested Party can apply to court to avoid and prevent any kind of influence or intervention and also to nullify decision taken 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 court within 30 days. A decision of the Board of Trustees may be appealed to GNCC within 30 days or to court within the term established by the Georgian legislation. *(25.12.2009 N 2471)*

#### **Article 19. Archive of Programs with Historical Value**

The Public Broadcaster shall establish the archive and maintain its programs with historical value.

#### **Article 20. Program Priorities**

1. The Board of Trustees identifies program priorities in consideration of main directions of domestic and foreign policy of Georgia, including integration into NATO and the European Union, events related to the occupied territories of Georgia, public opinion, as well as trends and priorities of state policy in the broadcasting sector. *(26.12.2012 N 156)*

2. Decision on program priorities of the Public Broadcaster is taken by the Board of Trustees under public administrative procedure.

3. The programs of the Public Broadcaster are protected by the Georgian law On Copyright and Neighbouring Rights and shall not be subject to Chapter III of the General Administrative Code of Georgia.

**Article 20<sup>1</sup>. Procurement by the Public Broadcaster of television and radio production and/or related services, as well as procurement of services related to transmission and/or reception of television and radio production by satellite**  
*(25.12.2009 N 2471)*

Procurement of the television and radio production (programs, shows, films, reports, cultural events) and/or related services by the Public Broadcaster shall be effected under the Law of Georgia on State Procurements, except for cases when the procurement of television and radio production (programs, shows, films, reports, cultural events) and/or related services, as well as services connected with transmission and/or reception of television and radio production (programs, shows, films, reports, cultural events) by satellite is made from a non-resident person.

**Article 21. Publicity of the Activities of the Public Broadcaster**

The Public Broadcaster shall ensure the publicity of its activities, regularly hold public meetings and consider proposals arising from citizens, in order to better reflect public interest in its work.

**Article 22. Structure of the Public Broadcaster**

1. The managerial authorities of the Public Broadcaster are:

- a) Board of Trustees
- b) 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 the Trustee, Director General and Staff of the Public Broadcaster**

1. Conflict of interest may arise if a Trustee simultaneously:

a) is an official of another administrative authority;

b) is a member of any political party;

c) performs any remunerated work for another broadcaster; *(22.05.2012 N 6256)*

d) holds stocks or share in another broadcaster or an enterprise that produces or/and delivers TV products; (22.05.2012 N 6256)

e) is an official, representative, trustee or consultant of another broadcaster or an enterprise that produces or/and delivers TV products; (22.05.2012 N 6256)

f) has any other direct or indirect economic interest in another broadcaster or an enterprise that produces or/and delivers TV products. (22.05.2012 N 6256)

2. A person with a conflict of interest as envisaged in Paragraph 1 of this Article may not be a Trustee.

3. A person whose family member has a conflict of interest as envisaged in Sub-Paragraphs c - f of Paragraph 1 of this Article, may not be a Trustee.

4. A person with a conflict of interest as envisaged in this Article may not be the Director General.

5. A person whose family member has a conflict of interest as envisaged in Sub-Paragraphs c - f of Paragraph 1 of this Article, may not be the Director General.

6. An employee of the Public Broadcaster shall not be an official of or perform any remunerated work for another broadcaster.

7. A Trustee and the Director General shall announce in writing if they or their family members, within the last 5 years, have had conflict of interest as envisaged in Paragraph 1 of this Article.

**Article 24. Composition of the Board of Trustees** (12.07.2013. N833 to be enacted from 25 November 2013) (20.11.2013 N 1628)

1. The Board of Trustees consists of nine members - Trustees.

2. Parliament of Georgia, by the majority of vote of payroll Members of Parliament, elects two Trustees nominated by the Public Defender, three Trustees nominated by the Parliamentary majority (or if such a majority does not exist, nominated 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 Autonomous Republic of Ajara.

3. A candidate for Trustee must be a citizen of Georgia, having public recognition and confidence. He/she must have a master's degree or equivalent thereof and at least 10 years of work experience including at least five years in journalistic, human rights, finances, electronic communications, arts, writing or/and scientific-pedagogic spheres.

4. Tenure of a Trustee is six years which starts on the next day of the expiry of the tenure of previous Trustee.



5. In case of early termination of Trustee's tenure, a new Trustee shall be elected as a replacement for the rest of the tenure of the previous Trustee. If less than one year is left before the expiry of Trustee's tenure, the position of Trustee, in case of early termination, remains vacant until the expiration of his/her term in office.

6. One third of Trustees shall be rotated once every two years.

7. A person shall not be elected as a Trustee for another term.

8. Trustee shall receive an honorarium for performing his/her activities. All costs incurred for the performance of functions determined in this Law shall be reimbursed.

9. The amount of honorarium of a Trustee and the costs required for the performance of functions prescribed by this Law shall be determined by the Board of Trustees within 1.5% of the budget of the Public Broadcaster, out of which the amount allocated for the honorarium shall not exceed 1%.

**Article 25. Selection of the Candidate for the Trustee by Parliament Competition Commission** *(12.07.2013. N833 to be enacted from 25 November 2013) (20.11.2013 N 1628)*

1. Candidates for Trustee shall be selected by an open competition.

2. 30 calendar days prior to the expiry or within 10 calendar days after the termination of a Trustee's tenure, the Chairman of Parliament shall issue a decree for holding an open competition, which shall specify the term of up to 15 calendar days for applications to be submitted by candidates.

3. Within not later than 10 days of the announcement of competition, a competition commission comprising nine members shall be set up under the decision of Parliament. Chairperson of Parliament, together with the Parliamentary majority, the rest of Parliament, the Supreme Council of Autonomous Republic of Ajara and the Public Defender of Georgia, shall submit the list of candidates for the members of competition commission to Parliament for approval. The competition commission shall include representatives of civil society and academic sphere. The competition commission shall be chaired by the chairman elected by the commission. The competition commission shall draw up a regulation which shall be approved by the bureau of Parliament of Georgia and shall define the criteria for evaluating candidates and development concepts of Public Broadcaster submitted by these candidates.

4. Parliament of Georgia shall approve the members of competition commission by the majority of votes of payroll members of Parliament.

5. Anyone is entitled to nominate the candidates for Trustees. The list of candidates shall be published on the official web site of Parliament on the next day of the expiry of the term for submitting applications.

6. Within 10 calendar days after the expiry of the term of nominating the candidates, the competition commission shall select candidates for Trustees in two stages. On the first stage of the selection process, the commission shall select those candidates who

meet the criteria specified in this Law. Additional selection criteria for candidates shall be defined in the regulation of the competition commission. On the next stage, the competition commission shall shortlist the candidates as a result of considering concepts for the development of Public Broadcaster submitted by candidates and interviewing them. After this selection process is completed, the competition commission shall submit the list of at least three times as many candidates to be elected to the Parliamentary majority (in case of the absence of such majority, to parliamentary factions), the members of Parliament not belonging to the Parliamentary majority, the Public Defender of Georgia and the Supreme Council of Autonomous Republic of Ajara.

7. The competition commission shall ensure that concepts for the development of Public Broadcaster submitted by candidates are discussed at a public meeting. A candidate shall submit a concept for the development of Public Broadcaster to the competition commission, which shall be published, and also participate in public debates to be conducted prior to the election of nominees by Parliament and aired on the Public Broadcaster.

**Article 26. Appointment of a Trustee** (12.07.2013. N833 to be enacted from 25 November 2013) (20.11.2013 N 1628)

1. Out of candidates selected by the competition commission, the Public Defender shall put forward two nominees, the Parliamentary majority (in case of the absence of such majority, the parliamentary factions) shall put forward three, at least one fourth of the members of Parliament not belonging to the Parliamentary majority - three and the Supreme Council of Autonomous Republic of Ajara shall put forward one nominee to Parliament of Georgia for election. These subjects shall select and put forward candidates in the following sequence: the Public Defender of Georgia, the Supreme Council of Autonomous Republic of Ajara, the members of Parliament not belonging to the Parliamentary majority, and finally, the Parliamentary majority (in case of the absence of such majority, the parliamentary factions). A decision on putting forward the nominees selected by the Public Defender shall be signed by the Public Defender of Georgia. A decision on putting forward the nominees selected by the Parliamentary majority shall be signed by the chairmen of parliamentary factions belonging to the parliamentary majority. A decision on putting forward the nominees selected by the members of Parliament not belonging to the Parliamentary majority shall be signed by the members of Parliament who expressed their consent on putting them forward. One Member of Parliament shall be entitled to sign a decision on putting forward only one nominee. A decision on putting forward the nominees selected by the Supreme Council of Autonomous Republic of Ajara shall be signed by the Chairman of Supreme Council of Autonomous Republic of Ajara.

2. If Parliament lacks the majority, the right to nominate candidates for Trustees shall be meted out among parliamentary factions in proportion to the number of members of parliamentary factions. The parliamentary faction with the least number of members shall put forward nominees first, followed by other parliamentary factions in ascending order of the number of their members.

3. If the tenure of a Trustee, nominated by the Parliamentary majority (in case of the absence of such majority, the parliamentary factions), is terminated and at the time of

announcing the vacancy Parliament lacks the majority, a subject entitled to put forward a new Trustee shall be determined by the number of votes cast in favor of the Trustee whose tenure has been terminated. In this case, the rule specified in Paragraph 1 of this Article shall apply.

4. The subjects specified in Paragraph 1 of this Article shall put forward their nominees to Parliament of Georgia within three calendar days of candidates for Trustees being selected by the competition commission.

5. Within not later than 10 working days after the competition commission has selected candidates for Trustees, Parliament, by the majority vote of payroll Members of Parliament, shall elect, one by one, the nominees put forward by the Public Defender of Georgia, the Supreme Council of Autonomous Republic of Ajara, the Parliamentary majority (in case of the absence of such majority, the parliamentary factions), and at least one fourth of the members of Parliament not belonging to the Parliamentary majority. If there is more than one vacancy to be filled by the quotas of the Public Defender of Georgia, the Supreme Council of Autonomous Republic of Ajara, the Parliamentary majority and the rest of Parliament, the election of candidates shall be conducted in the following sequence: the Public Defender of Georgia, the Supreme Council of Autonomous Republic of Ajara, the Members of Parliament not belonging to the Parliamentary majority and the Parliamentary majority.

6. In case a candidate for Trustee fails to receive sufficient votes for the appointment, the Public Defender of Georgia, the Supreme Council of Autonomous Republic of Ajara, the Parliamentary majority (in case of the absence of such majority, the parliamentary factions), and at least one fourth of the members of Parliament not belonging to the Parliamentary majority shall, within 10 calendar days, put forward new nominees to Parliament.

7. Subjects authorized to put forward nominees for Trustees may put forward to Parliament three candidates out of the candidates selected by the competition commission. The same candidate can be put forward twice.

8. If none of candidates receive votes sufficient for the appointment, a candidate having received the most votes, but at least one third of votes of payroll Members of Parliament, shall be deemed appointed. Candidate having received the most votes shall be appointed by the quotas of the Public Defender of Georgia, the Supreme Council of Autonomous Republic of Ajara, the Parliamentary majority (in case of the absence of such majority, the parliamentary factions), and at least one fourth of the members of Parliament not belonging to the Parliamentary majority.

9. If none of candidates receives at least one third of votes of payroll Members of Parliament and the Board of Trustees of the Public Broadcaster is not manned with nine members, a new competition shall be conducted for the remaining vacant seats.

**Article 27. Early Termination of Trustee's Tenure** (12.07.2013. N833)

1. Tenure of a Trustee shall be terminated if:

- a) a court delivers against a Trustee a verdict of guilty that prescribes as punishment the restriction of freedom or imprisonment for a definite or indefinite term, or if a court finds a Trustee incapable or lost without trace, or in the event of death of such trustee – from the day on which the court decision enters into force;
- b) a conflict of interest as determined in this Law arises;
- c) he/she fails to fulfill the duties of Trustee for two consecutive months without reasonable excuse;
- d) he/she does not or cannot fulfill the duties of Trustee for more than three months in one calendar year;
- e) he/she tenders resignation on his/her own will – from the day on which the resignation letter is officially submitted to Parliament of Georgia;
- f) passes away – from the day on which he/she dies.

2. In cases specified in Sub-Paragraph “a”, Paragraph 1 of this Article, Trustee’s tenure shall be terminated by a decision of Parliament whilst in cases specified in Sub-Paragraphs “e” and “f” of the same Paragraph, the information about the resignation and death of a Trustee shall be taken note of.

3. In cases specified in Sub-Paragraphs “b” - “d”, Paragraph 1 of this Article Trustee’s tenure shall be terminated by a decision of Parliament taken at the plenary session by the majority vote of attending members, but at least one third of the vote of payroll Members of Parliament.

4. The issue of early termination of Trustee’s tenure in cases specified in Sub-Paragraphs “b” - “d”, Paragraph 1 of this Article, can be raised by at least one fifth of payroll Members of Parliament.

5. Within 30 calendar days of the request for early termination of Trustee’s tenure being submitted, or if this term coincides with a parliamentary holidays, within 10 calendar days of the resumption of regular session, Parliament of Georgia shall consider and put to vote the issue of early termination of Trustee’s tenure.

6. The issue of early termination of Trustee’s tenure on the basis of the same fact cannot be put to voting again.

7. Parliament of Georgia is authorized to express no confidence to the Board of Trustees of the Public Broadcaster, if:

- a) program priorities identified by the Board of Trustees on the basis of this Law and in consideration of its requirements were not fulfilled and the Board failed to undertake effective measures to have them fulfilled;
- b) the budget adopted on the basis of this Law was not performed and the Board failed to undertake effective measures to have it performed.

8. At least one third of payroll Members of Parliament may initiate the procedure of expressing no confidence to the Board of Trustees of the Public Broadcaster. A decision on expressing no confidence shall be deemed taken if it is supported by at least three fifth of payroll Members of Parliament. Should the support of three fifth of payroll Members of Parliament is not obtained, the issue of no confidence shall not be raised within the next one year.

**Article 28. Meeting of the Board of Trustees** (12.07.2013. N833)

1. The Board of Trustees makes decisions at its meetings. The Board is authorized to make decisions if the majority of all Trustees attend the meeting. The Board makes decisions by majority of votes of attending Trustees unless otherwise specified for decision-making on a certain issue in this Law.

2. Meeting of the Board of Trustees shall be held at least once a month. The Chairperson of the Board may call a extraordinary meeting on his/her own initiative, by request of at least one third of the Trustees, the Director General or Auditor of the Public Broadcaster, within five calendar days of submitting such request.

3. A Trustee shall be notified of the date and agenda of a meeting at least 3 days prior to the meeting.

4. Each Trustee has only one vote during decision-making process at a Board of Trustees' meeting. In case of a draw, the vote of the Chairperson shall be decisive.

5. The Director General, the Public Broadcaster's Auditor and an independent auditor have the right to attend a Board of Trustees' meeting. The Board shall listen to and discuss the issues raised by them.

6. Board of Trustees and its Chairperson are entitled to invite any employee of the Public Broadcaster, the Public Broadcaster's Auditor and an independent auditor to the Board meeting. They shall attend a session and answer the questions regarding their activities in the Public Broadcaster.

7. Any interested persons can attend and express their opinion at an open session of the Board of Trustees.

**Article 29. Chairperson and Deputy Chairperson of the Board of Trustees** (12.07.2013. N833)

1. The Board of Trustees shall elect the Chairperson and the Deputy Chairperson of the Board of Trustees by the majority of vote of all Trustees, for the term of three years, not earlier that 30 calendar days and not later than 15 calendar days prior to the expiry of the tenure of Chairperson and Deputy Chairperson, while in the event of early termination of the tenure - within 15 calendar days of termination of the tenure.

2. A person cannot be elected Chairman for more than two consecutive terms.

3. The term of office of a newly elected Chairperson/Deputy Chairperson shall commence on the following day of the date when the tenure of preceding

Chairperson/Deputy Chairperson expires, whilst in case of the election due to early termination of the tenure of Chairperson/Deputy Chairperson, upon his/her election. The term of office of a Chairperson/Deputy Chairperson expires on the third anniversary of his/her election, a day before the date of the month when this term began.

4. The Chairperson or, in case of his/her absence, the Deputy Chairperson represents the Board of Trustees, calls and conducts Board meetings, signs decisions.

5. The Board of Trustees is authorized to early removal of Chairperson/Deputy Chairperson of the Board of Trustees by the majority of vote of all Trustees. The issue of early removal can be raised upon a joint written request of at least three members of Board of Trustees. Within 10 calendar days of the request being submitted, the Board of Trustees shall consider the issue of early removal and put it to vote. If the Board of Trustees does not remove the Chairperson/Deputy Chairperson, the issue of removal shall not be raised over the period of following three months.

**Article 30. Functions of the Board of Trustees and Duties and Responsibilities of a Trustee** (12.07.2013. N833)

1. Board of Trustees:

a) identifies the program priorities of the Public Broadcaster;

b) by at least two third of the vote of all Trustees, approves the Statute of the Public Broadcaster upon the submission by the Director General, which shall ensure the editorial independence of relevant structural units; is entitled, upon its own initiative or proposal of the Director General, to make amendments to the Statute;

c) approves the budget of the Public Broadcaster and the report on the fulfillment of such budget upon the submission by the Director General; is entitled, upon its own initiative or proposal of the Director General, to make amendments to the budget;

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

e) gives its consent to the Director General for conducting a transaction with the total value not exceeding 1% of the Public Broadcaster's budget;

f) determines terms and size of remuneration of the Director General;

g) approves staffing lists and salary rates for employees, gross payroll, including the bonus fund and size of bonuses of the Public Broadcaster upon the submission by the Director General;

h) defines basic employment contract terms of Public Broadcaster, including terms for early termination of employment contract, taking into account that the duration of employment contract shall be at least one years, except for contracts of engineering-technical staff, which shall be for the term of at least five years (with the exception of

such contracts that are related to the fulfillment of programs with the duration of less than one year;

i) applies to Supreme Council of Autonomous Republic of Ajara with the request to raise the issue of no confidence to Council of Advisors of Ajara TV and Radio of the Public Broadcaster.

2. Trustee:

a) shall conscientiously perform the duties of Trustee;

b) is entitled to demand that a concrete issue be put on the agenda of the Board of Trustees;

c) is entitled to demand and receive any information pertaining to the activity of the Public Broadcaster.

### **Article 30<sup>1</sup>. Ensuring Activity of Board of Trustees** (31.05.2013. N674)

In order to ensure the activity of the Board of Trustees, an organizational unit shall be set up at the Board of Trustees; the Board of Trustees shall determine the powers of this unit.

### **Article 31. Public Councils**

1. In order to represent public interests in public broadcasting activity and to ensure the fulfillment of obligations determined by Article 16 of this Law, Public Councils may be created. Public Councils are entitled, with the direct participation of the public, to elaborate recommendations for the Public Broadcaster.

2. The quantity, rules of formation, activities and functions of the Public Councils shall be determined by the Statute of the Public Broadcaster.

### **Article 32. Director General** (12.07.2013. N833)

1. The Board of Trustees shall, by means of open competition, appoint a Director General for the term of six years which term commences on the following day of the expiry of preceding Director General's tenure while if he/she is appointed due to early termination of the tenure of preceding Director General, upon his/her appointment. The term of office of a Director General expires on the sixth anniversary of his/her appointment, a day before the date of the month when this term commenced.

2. No later than 90 calendar days prior to the expiration of Director General's tenure, whereas in case of early termination of the tenure, within 10 calendar days of this termination, the Board of Trustees shall announce an open competition for the position of Director General.

3. Application for a vacancy of Director General shall be submitted within 30 calendar days of the announcement of the competition. Anyone who meets requirements specified in this Law has the right to participate in the competition.
4. A candidate for the post of Director General must be a citizen of Georgia, having public recognition and confidence. He/she must have a master's degree or equivalent thereof and at least 10 years of work experience including at least three years of working on a managerial position and at least five years of working in journalistic, human rights, or/and scientific-pedagogic spheres.
5. Within three calendar days of the expiry of term of submitting applications for the position of Director General, the Board of Trustees shall publish the list of candidates for General Director on the official web site of the Georgian Public Broadcaster and within the next seven days appoint the Director General.
6. The Board of Trustees shall sign a 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.

**Article 32<sup>1</sup>. Rule and Conditions for Early Dismissal of Director General**  
(12.07.2013. N833)

1. Tenure of Director General shall be terminated if:
  - a) a court delivers against him/her a verdict of guilty, or finds him/her incapable or lost without trace, or in the event of death – from the day on which the court decision enters into force;
  - b) a conflict of interest as determined in this Law arises;
  - c) he/she fails to fulfill the duties of Director General for two consecutive months without a valid excuse;
  - d) he/she will not or cannot fulfill the duties of Director General for more than three months in one calendar year;
  - e) the Board of Trustees expresses no confidence to him/her – from the day on which the no confidence is expressed;
  - f) he/she tenders resignation by his/her own will – from the day on which the resignation is officially submitted to the Board of Trustees;
  - g) Passes away – from the day on which he/she dies.
2. In cases specified in Sub-Paragraphs “a” - “e”, Paragraph 1 of this Article, Director General's tenure shall be terminated by a decision of Board of Trustees whilst in cases



specified in Sub-Paragraphs “f” and “g” of the same Paragraph, the information about the resignation and death of a Trustee shall be taken note of.

3. The Board of Trustees is authorized to express no confidence to Director General by the majority of its all members, if this is demanded in writing by at least two third of Trustees.

4. The Board of Trustees shall consider the proposal on the early termination of the Director General’s tenure and put it to vote within 10 calendar days of such proposal being submitted. The Director General has the right to attend the consideration of the issue and submit his opinion.

5. If the Board of Trustees does not express no confidence to the Director General, the issue of no confidence shall not be raised within the next six months.

### **Article 33. Budget of the Public Broadcaster and Public Broadcasting Fee**

1. The Board of Trustees shall approve the budget of the following year on the basis of comparing draft budgets submitted by General Director and the Council of Advisors to the Ajara TV and Radio of the Public Broadcaster. The budget shall provide costs of TV broadcasting, broadcast channels, radio broadcasting and administrative cost separately. *(12.07.2013. N833)*

1<sup>1</sup>. Public Broadcaster shall generate annually one or more regular program products in no less than 4 languages, including Abkhazian and Ossetian languages. *(25.12.2009 N 2471)*

2. The budget of the Public Broadcaster shall be formed from the public broadcasting fee and other sources defined in and/or allowed by the 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 Public Broadcaster’s account.

5. Until the enactment of Paragraphs 2 through 4 of Article 33 of this Law, the main source of financing public broadcasting shall be the state budget of Georgia. The amount of financing public broadcasting shall account for at least 0.14% of the previous year’s gross domestic product of Georgia. *(12.07.2013. N833)*

6. The Public Broadcaster is authorized to use revenues specified by Georgian legislation, including allocations from the state budget, to cover payables and carried forward payments having arisen at the end of the year. *(19.04.2011. N4546)*

### **Article 34. Audit**

1. An internationally recognized independent auditor appointed by the Board of Trustees through open competition shall conduct an external audit of the Public Broadcaster once a year. *(12.07.2013. N833)*

2. General Director shall appoint the auditor of the Public Broadcaster through competition and such auditor shall regularly conduct internal audit of the Public Broadcaster. The auditor of the Public Broadcaster shall be accountable before the General Director. *(12.07.2013. N833)*

3. The Chairperson of the Board of Trustees, Director General and one third of listed members of the Board of Trustees are authorized to order an auditor of the Public Broadcaster to conduct an additional audit.

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

1. By no later than May 1 each year, the Board of Trustees shall submit to Parliament of Georgia and GNCC and publish the Public Broadcaster's business report for the past year. *(12.07.2013. N833)*

2. The report shall include information on:

- a) the broadcasting policy of the Public Broadcaster;
- b) current and future program priorities;
- c) current and future program schedules;
- d) independent programs and their producers;
- e) public opinion and the results of broadcasting market research;
- f) the number and content of complaints handled;
- g) the contents of public hearings and the proposals of citizens;
- h) enterprises that are interdependent with the Public Broadcaster;
- i) the Public Broadcaster's budget for the following year;
- j) execution of the budget of the Public Broadcaster;
- k) internal and external audit results.

3. Parliament of Georgia shall ensure public hearings of the Public Broadcaster's report. Results of the hearings shall be reflected in the Public Broadcaster's program priorities.

4. Any Member of Parliament is empowered to request and receive information from the Public Broadcaster about its activities.

### **Chapter III<sup>1</sup>. Ajara TV and Radio of Public Broadcaster** *(12.07.2013. N833)*

#### **Article 35<sup>1</sup>. Status of Ajara TV and Radio of Public Broadcaster** *(12.07.2013. N833)*

1. Legal entity of public law, Ajara TV and Radio of Public Broadcaster, shall be established on the basis of Sub-Paragraph "a," Paragraph 2, Article 5 of the Law of Georgia on Legal Entity of Public Law.

2. Obligations set forth in Article 16 of this Law shall apply to Ajara TV and Radio of Public Broadcaster.

**Article 35<sup>2</sup>. Channels and Frequencies of Ajara TV and Radio of Public Broadcaster** (12.07.2013. N833)

Until the switchover to digital terrestrial broadcasting, GNCC shall grant Ajara TV and Radio of Public Broadcaster, upon the application of the latter, the frequencies used by it by 1 July 2013. The rule and terms of the use of frequencies shall be determined by GNCC.

**Article 35<sup>3</sup>. Structure of Ajara TV and Radio of Public Broadcaster** (12.07.2013. N833)

1. Administrative bodies of Ajara TV and Radio of Public Broadcaster are:
  - a) Council of Advisors;
  - b) Director.
2. Structure of Ajara TV and Radio of Public Broadcaster shall be determined by the charter approved by the Board of Trustees of Public Broadcaster in accordance with this Law.

**Article 35<sup>4</sup>. Composition and remuneration of the Council of Advisors to Ajara TV and Radio of Public Broadcaster** (12.07.2013. N833)

1. The Council of Advisors comprises five members - Advisors.
2. Tenure of an Advisor is six years.
3. The amount of honorarium of an Advisor shall be within the range of 1.5% of the budget of Ajara TV and Radio. The amount allocated for the honorarium shall not exceed 1%.

**Article 35<sup>5</sup>. Selection of Candidates for Advisors and Appointment of Advisors** (12.07.2013. N833)

1. Candidates for Advisors shall be selected by means of open competition.
2. Anyone is entitled to nominate candidates for Advisors during 30 calendar days of the competition being announced. If within this term, at least three times as many candidates to be elected are not submitted for the vacancy, the term of submission of candidates will be extended for additional 15 calendar days, which shall be publicly announced by the Chairman of Supreme Council of Autonomous Republic of Ajara upon the expiry of the initial term.
3. A candidate for Advisor shall be a citizen of Georgia, having public recognition and confidence. He/she must have a master's degree or equivalent thereof and at least 10 years of work experience including at least five years of working in journalistic, human rights, finances, electronic communications, arts, writing or/and scientific-pedagogic spheres.

4. Within five calendar days of the expiry of submission of candidates for Advisors, a competition commission of five members shall be set up by the decision of the Chairman of Supreme Council of Autonomous Republic of Ajara. The competition commission shall include representatives of civil society. Within the same period of time, the Chairman of Supreme Council of Autonomous Republic of Ajara shall publish the list of candidates for Advisors on the official web site of the Supreme Council. A candidate shall submit to the Supreme Council of Autonomous Republic of Ajara the concept of the development of Ajara TV and Radio of Public Broadcaster, which must be published; also, a candidate shall participate in debates to be conducted prior to the elections of Advisors by the Supreme Council of Autonomous Republic of Ajara.

5. Within 15 calendar days of the list of candidates for Advisors being published, the competition commission shall select candidates meeting the criteria specified in this Law and submit the list of at least three times as many candidates to be elected to the Supreme Council of Autonomous Republic of Ajara. The decision of competition commission on the submission of candidates shall be deemed taken if it is supported by at least three members of the competition commission

6. Out from the candidates shortlisted by the competition commission, three candidates shall be nominated by the factions of the Supreme Council of Autonomous Republic of Ajara, proportionally to the number of members therein, while two candidates shall be nominated by at least one fourth of the rest of Supreme Council to the Supreme Council of Autonomous Republic of Ajara for their further election. Decisions on nominating candidates selected by factions shall be signed by chairmen of factions, while decisions on nominating candidates selected by the rest of the Supreme Council shall be signed by those members of the Supreme Council who expressed their consent on their nomination. One member of the Supreme Council of Autonomous Republic of Ajara can sign a decision on the nomination of only one candidate.

7. The right to nominate five candidates for Advisors shall be meted out among factions of the Supreme Council of Autonomous Republic of Ajara in proportion to the number of members of factions. The faction with the highest number of members shall submit a candidate first, followed by nominations by other factions in descending order of the number of their members.

8. Within 15 calendar days of putting forward candidates, the Supreme Council of Autonomous Republic of Ajara, by the majority vote of payroll members, shall elect candidates, one by one, nominated by the factions of the Supreme Council of Autonomous Republic of Ajara and by at least one fourth of the rest of Supreme Council. If there is more than one vacancy which must be filled by the quotas of the factions of the Supreme Council and the rest of Supreme Council, a candidate shall be first nominated by quotas of those members who do not belong to factions.

9. In case a candidate for Advisor fails to receive enough votes for the appointment, the factions of the Supreme Council of Autonomous Republic of Ajara and at least one fourth of the rest of the Supreme Council, shall, within 10 calendar days, put forward new candidates to the Supreme Council.

10. Subjects authorized to nominate candidates for Advisors may nominate three candidates out from the candidates selected by the competition commission to the Supreme Council of Autonomous Republic of Ajara. The same candidate can be nominated twice.

11. If none of candidates receives enough votes for the appointment, a candidate having received the most votes, but at least one third of votes of payroll members of the Supreme Council of Autonomous Republic of Ajara, shall be deemed appointed. Candidate having received the most votes shall be appointed by quotas of the factions of the Supreme Council of Autonomous Republic of Ajara and at least one fourth of the rest of Supreme Council.

12. If none of candidates receives at least one third of the vote of payroll members of the Supreme Council of Autonomous Republic of Ajara and the Council of Advisors to Ajara TV and Radio of the Public Broadcaster is not manned with five members, a new competition shall be conducted for the remaining vacant seats.

**Article 35<sup>6</sup>. Early Termination of an Advisor's Tenure** (12.07.2013. N833)

1. Tenure of an Advisor shall be terminated if:

a) a court delivers against an Advisor a verdict of guilty that prescribes as punishment the restriction of freedom or imprisonment for a definite or indefinite term, or if a court finds an Advisor incapable or lost without trace, or in the event of death of such Advisor – from the day on which the court decision enters into force;

b) a conflict of interest as determined in this Law arises;

c) he/she fails to fulfill the duties of Advisor for two consecutive months without reasonable excuse;

d) he/she will not or cannot fulfill the duties of Advisor for more than three months in one calendar year;

e) he/she tenders the resignation by his/her own will – from the day on which the resignation letter is officially submitted to the Supreme Council of Autonomous Republic of Ajara;

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

2. In cases specified in Sub-Paragraph “a”, Paragraph 1 of this Article, an Advisor's tenure shall be terminated by a decision of the Supreme Council of Autonomous Republic of Ajara whilst in cases specified in Sub-Paragraphs “e” and “f” of the same Paragraph, the information about the resignation and death of Advisor shall be taken note of.

3. In cases specified in Sub-Paragraphs “b” - “d”, Paragraph 1 of this Article an Advisor's tenure shall be terminated by a decision of the Supreme Council of Autonomous Republic of Ajara taken by at least three fifth of voted of payroll members of the Supreme Council of Autonomous Republic of Ajara.

4. The issue of early termination of an Advisor's tenure in cases specified in Sub-Paragraphs "b" - "d", Paragraph 1 of this Article, can be raised by at least one fifth of payroll members of the Supreme Council of Autonomous Republic of Ajara.

5. Initiator of the procedure shall provide documentary evidence of a specific ground of early termination of an Advisor's tenure.

6. Within 30 calendar days of the request for early termination of an Advisor's tenure being submitted, or if this term coincides with a period between the sessions, within 10 calendar days of the resumption of next session, the Supreme Council of Autonomous Republic of Ajara shall, at a plenary session, consider and put to vote the issue of early termination of an Advisor's tenure.

7. The issue of early termination of an Advisor's tenure on the basis of the same fact shall not be raised again.

8. the Supreme Council of Autonomous Republic of Ajara is authorized to express no confidence to the Council of Advisors to Ajara TV and Radio of the Public Broadcaster, if:

a) program priorities identified by the Council of Advisors on the basis of this Law and in consideration of its requirements were not fulfilled and the Council failed to undertake effective measures to have them fulfilled;

b) the budget adopted on the basis of Sub-Paragraph "d," Paragraph 1, Article 35<sup>9</sup> of this Law was not fulfilled and the Council failed to undertake effective measures to have it fulfilled.

9. If the requirements of Sub-Paragraph "d," Paragraph 1, Article 35<sup>9</sup> of this Law are not fulfilled, the Board of Trustees of Public Broadcaster shall propose to the Supreme Council that the issue of no confidence to the Council of Advisors be raised.

10. At least one third of payroll members of the Supreme Council of Autonomous Republic of Ajara may initiate the procedure of no confidence to the Council of Advisors. A decision on expressing no confidence shall be deemed taken if it is supported by at least three fifth of payroll members of the Supreme Council of Autonomous Republic of Ajara. If the support of three fifth of listed members of the Supreme Council of Autonomous Republic of Ajara is not obtained, the issue of no confidence shall not be raised within the next one year.

**Article 35<sup>7</sup>. Meeting of Council of Advisors to Ajara TV and Radio of the Public Broadcaster** (12.07.2013. N833)

1. The Council of Advisors shall make decisions during its meetings. The Council of Advisors is entitled to make decisions if the majority of all Advisors attend the session. The Council makes decisions by majority of vote of attending Advisors unless otherwise stipulated by this Law.

2. Meeting of the Council of Advisors shall be held at least once a month. The Chairperson of the Council of Advisors may call an extraordinary meeting on his/her own initiative, upon the request of at least one third of Advisors, the Director or Auditor of the Public Broadcaster, within five calendar days of submitting such request.
3. Advisors shall be notified of the date and agenda of a meeting of the Council of Advisors at least 3 working days prior to the meeting.
4. Each Advisor has only one vote during the decision-making process at a Council of Advisors' meeting. In case of a draw, the vote of the Chairperson shall be decisive.
5. The Director, the Public Broadcaster's Auditor and an independent auditor have the right to attend a Council of Advisors' meeting. The Council of Advisors shall listen to and discuss the issues raised by them.
6. Council of Advisors and its Chairperson are entitled to invite any employee of the Ajara TV and Radio of Public Broadcaster, the auditor of the Ajara TV and Radio of Public Broadcaster and an independent auditor to the Council meeting. They shall attend a meeting and answer the questions regarding their activities in the Ajara TV and Radio of Public Broadcaster.
7. Any interested persons can attend and express their opinions at an open meeting of the Council of Advisors.

**Article 35<sup>8</sup>. Chairperson and Deputy Chairperson of Council of Advisors to Ajara TV and Radio of the Public Broadcaster** *(12.07.2013. N833)*

1. The Council of Advisors shall elect the Chairperson and the Deputy Chairperson of Council of Advisors to Ajara TV and Radio of Public Broadcaster by the majority of vote of all Advisors, for the term of three years, not earlier than 30 calendar days and not later than 15 calendar days prior to the expiration of the tenure of Chairperson and Deputy Chairperson, while in case of early termination of the tenure - within 15 calendar days of termination of the tenure.
2. A person shall not be appointed Chairperson for more than two consecutive terms.
3. The term of office of a newly elected Chairperson/Deputy Chairperson of the Council of Advisors commences on the following day of the date when the term of preceding Chairperson/Deputy Chairperson expires, whilst in the event of his/her election due to early termination of the tenure of Chairperson/Deputy Chairperson, upon his/her election. The term of office of a Chairperson/Deputy Chairperson expires on the sixth anniversary of his/her election, a day before the date of the month when this term commenced.
4. The Chairperson the Council of Advisors or, in case of his/her absence, the Deputy Chairperson represents the Council of Advisors, calls and conducts Council meetings, signs decisions of the Council of Advisors.

5. The Council of Advisors is authorized to early removal of Chairperson/Deputy Chairperson of the Council of Advisors by the majority of vote of payroll Advisors. The issue of early dismissal can be raised upon a joint written request of at least three members of Council of Advisors (or two members if the Council comprises of three members). Within 10 calendar days of the request being submitted, the Council of Advisors shall consider the issue of early dismissal and put it to vote. If the Council of Advisors does not remove the Chairperson/Deputy Chairperson the issue of removal shall not be raised over the period of following three months.

**Article 35<sup>9</sup>. Functions of the Council of Advisors and Duties and Responsibilities of an Advisor** (12.07.2013. N833)

1. Council of Advisors:

a) defines the program priorities of Ajara TV and Radio of Public Broadcaster Public in accordance with main directions and priorities of the state policy in broadcast sector, taking into account interests of the Autonomous Republic of Ajara;

b) by at least two third of the vote of all Advisors, approves the Charter of Ajara TV and Radio of Public Broadcaster upon the submission by the Director, which shall ensure the editorial independence of relevant structural units; it is entitled, upon its own initiative or proposal of the Director, to make amendments to the Charter;

c) upon the submission by the Director, considers the budget of Ajara TV and Radio of Public Broadcaster and pursuant to Paragraph 1, Article 33 of this Law, submits the budget for approval to the Board of Trustees of Public Broadcaster;

d) reviews a report on the fulfillment of the budget of Ajara TV and Radio of Public Broadcaster and submits it for approval to the Board of Trustees of Public Broadcaster. It is entitled, upon its own initiative or proposal of the Director, to draw up a draft amendment to the budget and submit it for the approval to the Board of Trustees of Public Broadcaster;

e) reviews a quarterly activity report of Director, including financial report, within 15 days of the end of quarter;

f) gives its consent to the Director for conducting a transaction with the total value not exceeding 1% of Ajara TV and Radio of the Public Broadcaster's budget;

g) determines terms and size of remuneration of the Director;

h) approves staffing lists and salary rates for employees, gross payroll, including the bonus fund and sizes of bonuses of Ajara TV and Radio of the Public Broadcaster upon the submission by the Director;

i) defines basic employment contract terms of Ajara TV and Radio of the Public Broadcaster, including terms for early termination of employment contract, taking into account that the duration of employment contract shall be at least one years, except for contracts of engineering-technical staff, which shall not for the term of at



least five years (with the exception of such contracts that are related to the fulfillment of programs with the duration of less than one year);

j) draws up the program priorities of Ajara TV and Radio of the Public Broadcaster and agrees with the Board of Trustees of Public Broadcaster.

2. Advisor:

a) shall conscientiously perform the duties of an Advisor;

b) is entitled to demand that a concrete issue be put on the agenda of the Council of Advisors;

c) is entitled to demand and receive any information pertaining to the activity of Ajara TV and Radio of the Public Broadcaster.

**Article 35<sup>10</sup>. Director of Ajara TV and Radio of the Public Broadcaster**  
(12.07.2013. N833)

1. The Council of Advisors shall appoint a Director through open competition for the term of three years which commences on the following day of the expiry of preceding Director's tenure while in the event of his/her appointment because of early termination of the tenure of preceding Director, upon his/her appointment. The term of office of a Director expires on the third anniversary of his/her appointment, a day before the date of the month when this term commenced.

2. Not later than 90 calendar days prior to the expiration of Director's tenure, whereas in case of early termination of the tenure, within 10 calendar days of this termination, the Council of Advisors announces an open competition for the position of Director.

3. Application for a vacancy of Director shall be submitted within 30 calendar days of the competition being announced. Anyone who meets requirements specified in this Law has the right to participate in the competition.

4. A candidate for the post of Director shall be a citizen of Georgia, having public recognition and confidence. He/she must have a master's degree or equivalent thereof and at least 10 years of work experience including at least three years of working on a managerial position and at least five years of working in journalistic, human rights, or/and scientific-pedagogic spheres.

5. Within three calendar days of the expiry of the term of applications for the position of Director, the Council of Advisors publishes the list of candidates for Director on the official website of Ajara TV and Radio of the Public Broadcaster and within the next seven days appoints the Director.

6. Council of Advisors shall sign a contract with the Director.

7. The Director shall be guided by this Law, the Charter of Ajara TV and Radio of the Public Broadcaster and the employment contract signed between the Director and the

Council of Advisors; he/she leads the activities of Ajara TV and Radio of the Public Broadcaster and represents it in relationship with third parties.

**Article 35<sup>11</sup>. Rule and Conditions for Early Dismissal of Director of Ajara TV and Radio of the Public Broadcaster** (12.07.2013. N833)

1. Tenure of Director shall be terminated if:

a) a court delivers a verdict of guilty against him/her or finds him/her incapable or lost without trace, or in the event of his/her death – from the day on which the court decision enters into force;

b) a conflict of interest as determined in this Law arises;

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

d) he/she will not or cannot fulfill the duties of Director for more than three months in one calendar year;

e) the Council of Advisors expresses no confidence towards him/her – from the day on which no confidence is expressed;

f) he/she tenders resignation by his own will – from the day on which the resignation is officially submitted to the Council of Advisors;

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

2. In cases specified in Sub-Paragraphs “a” - “e”, Paragraph 1 of this Article, Director’s tenure shall be terminated by a decision of Council of Advisors whilst in cases specified in Sub-Paragraphs “f” and “g” of the same Paragraph, the information about the resignation and death of a Trustee shall be taken note of.

3. The Council of Advisors is authorized to declare vote of no confidence to Director by the majority vote of its all members, if this is demanded in writing by at least two third of Council of Advisors.

4. The Council of Advisors shall consider the proposal of no confidence to the Director and put it to vote within 10 calendar days of such proposal being submitted. The Director has the right to attend the consideration of the issue and submit his opinion.

5. If the Council of Advisors does not express no confidence to the Director, the issue of no confidence shall not be raised within the next two months.

**Article 35<sup>12</sup>. Financing of Ajara TV and Radio of the Public Broadcaster** (12.07.2013. N833)

1. Ajara TV and Radio of the Public Broadcaster shall be financed from the budget of Public Broadcaster by at least 15% of this budget. The allocated amount shall be

transferred onto the account of Ajara TV and Radio of the Public Broadcaster after the budget has been approved.

2. The Council of Advisors to Ajara TV and Radio of the Public Broadcaster shall submit a draft budget of 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 shall approve the budget of the following year on the basis of comparing draft budgets submitted by General Director and the Council of Advisors to the Ajara TV and Radio of the Public Broadcaster.

**Article 35<sup>13</sup>. Report of the Council of Advisors to Ajara TV and Radio of the Public Broadcaster** (12.07.2013. N833)

1. By no later than April 1, the Council of Advisors shall submit to the Supreme Council of Autonomous Republic of Ajara and the Board of Trustees of the Public Broadcaster and publish the business report for the past year.

2. The report shall contain the information specified in Paragraph 2, Article 35 of this Law.

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

4. The Supreme Council of Autonomous Republic of Ajara and the Board of Trustees of the Public Broadcaster are entitled to demand any information about the activity of Ajara TV and Radio of the Public Broadcaster.

**Chapter IV**

**Licensing and Authorization in the Broadcasting Sector** (caption 22.05.2012 N 6256)

**Article 36. Basis of Activity in Broadcast Sector** (22.05.2012 N 6256)

1. Activity in Broadcast Sector is carried out by Public Broadcaster and Ajara TV and Radio of the Public Broadcaster which are established on the basis of this Law, also on the basis of licensing or/and authorization of this activity. (12.07.2013. N833)

2. A broadcasting license shall be issued if the broadcasting is performed through broadcast transmitters by using radio frequency range (terrestrial broadcasting) or the above-ground and orbital stations of satellite systems.

3. Broadcasting shall be subject to authorization, except for the broadcasting carried out by the Public Broadcaster, Ajara TV and Radio of the Public Broadcaster and in cases envisaged in Paragraph 2 of this Article. (12.07.2013. N833)

**Article 36<sup>1</sup>. Licensing** (22.05.2012 N 6256)

1. GNCC is the entity issuing licenses in broadcasting sector. Observing the principle of publicity, GNCC:

a) issues licenses for the activities defined in this Law and maintains a license register;

b) controls the compliance with license conditions;

c) modifies, suspends, renews or revokes licenses in accordance with the procedure specified in this Law;

d) fulfills other responsibilities in the sphere of licensing, granted by the legislation.

2. Decisions taken by GNCC on issuing licenses in the broadcast sector shall be in conformity with the requirements set forth in Articles 52 and 53 of General Administrative Code of Georgia.

3. Activity within the broadcasting sector that is related to necessary technical regulation and the use of scarce resources shall only be undertaken under the relevant license, except for public broadcasting and that broadcasting which is subject to authorization under this Law.

**Article 36<sup>2</sup>. Authorization** (22.05.2012 N 6256)

The authorization of activity in broadcasting sector is carried out by GNCC. In accordance with the rule established by this Law, GNCC:

a) carries out authorization of persons conducting the activity defined in this Law and maintains register of authorized persons;

b) controls the compliance of authorized persons with the legislation in the broadcasting sector, including with resolutions and decisions of GNCC;

c) suspends and revokes authorization in accordance with the procedure specified in this Law;

d) fulfills other responsibilities in the sphere of authorization, granted by the legislation.

**Article 37. License Holder/Authorized Person in the Broadcasting Sector**  
(22.05.2012 N 6256)

1. A license holder/authorized person may be a citizen of Georgia or a resident physical or legal person of Georgia.

2. A broadcasting license holder/ authorized person shall not be:

a) an administrative authority;

b) officials or other employees of an administrative authority;

c) a legal entity interdependent with an administrative authority;

- d) a political party or its officials;
- e) a legal entity registered offshore;
- f) a legal person with a share or stocks in it directly or indirectly owned by a legal entity registered offshore.

**Article 37<sup>1</sup>. Declaration of Compliance** (22.05.2012 N 6256)

1. A seeker of license/authorization shall enclose an application with the declaration of compliance which must show:

- a) identification data of a seeker of license/authorization;
- b) data on high officials and bodies of a seeker of license/authorization;
- c) a confirmation that a seeker of license/authorization or its beneficial owner are not the persons specified in Paragraph 2, Article 37 of this Law;
- d) identification data of beneficial owners of a seeker of license/authorization and information about the shares owned by them.

2. A seeker of license/authorization shall submit the declaration of compliance to GNCC in cases specified in this Law.

**Article 38. Types and Varieties of Broadcasting Licenses** (caption 22.05.2012 N 6256)

- 1. GNCC issues community and private broadcasting licenses.
- 2. Private broadcasting licenses are issued for general and specialized broadcasting.
- 3. General and specialized broadcasting is provided by the terrestrial and orbital stations of television and radio broadcasting satellite systems (*the words "cable networks" are withdrawn, Constitutional Court decision No. 1/1, 468 11.04.2012*) or broadcasts using the frequency spectrum. Transit of broadcasting through the frequency spectrum is prohibited, except for the unaltered broadcasting of television and radio programs legally received from a licensed broadcaster under Georgian legislation. (28.12.2005 N 2565)
- 4. Issuance, modification, extension of term of validity, suspension and revocation of licenses shall be carried out in accordance with the procedure of public administrative proceedings. (22.05.2012 N 6256)
- 5. Withdrawn (22.05.2012 N 6256)

**Article 39. The Validity of Broadcasting Licenses**

A license is issued for a 10-year term. On expiration, a license may be prolonged automatically once for the same term, unless the sanctions determined by Article 72, Paragraph 2 of this Law have been applied to the license holder. In this instance, a license holder pays a license levy and an initial license fee in cases determined by legislation. In other cases six months prior to the expiration of a license, the license

holder shall submit an application to GNCC for the announcement of an open competition. GNCC shall conduct the competition before the license expires.

#### **Article 40. Terrestrial License Service Area**

1. According to the decision of GNCC, the territory of Georgia is divided into terrestrial broadcasting service areas.

2. A terrestrial broadcasting license holder shall ensure the accessibility of quality reception of radio or television signals for at least 90% of the population in the proposed service area.

3. National and/or local broadcasting licenses stipulated in Article 38, Paragraph 2 of this Law, shall be issued on the basis of separate competitions.

#### **Article 40<sup>1</sup>. Transit of Broadcast by Authorized Persons** *(12.07.2013. N833)*

1. The Public Broadcaster, a community broadcaster that broadcasts within the zone of service delivered by person authorized to transit broadcasting (for the purposes of this Article, the broadcasting zone for a satellite broadcasting license is the entire territory of the country), also a general broadcast license holder whose service is available to at least 20% of the population, have the right to demand from a person authorized for broadcast transit that their TV channels be included in all packages (“must carry”). In such a case, a person authorized for broadcast transit shall not charge a broadcaster for the transit of broadcaster’s signal.

2. A broadcaster may demand a must carry from a person authorized for broadcast transit by means of sending registered letter to its legal address. A copy of this letter shall be submitted to GNCC.

3. A broadcaster shall, at its own expense, ensure one-off provision of a person authorized for broadcast transit with technical means necessary for retransmitting a broadcaster’s signal through network and ensure the delivery of a broadcaster’s signal to the satellite. The obligation of one-off provision of technical means does not apply to those broadcasters whose broadcast had already been retransmitted by the time this Article entered into force. Other mutual obligations concerning technical issues are determined in contracts on transit. Each party to a transit contract shall publish a transit contract or any other legal ground of transit on its web site and upon a written request, provide a copy of such contract to any person.

4. Technical data of technical means is determined by GNCC. Within 14 days of the delivery of technical means, a person authorized for broadcast transit shall fulfill the demand for must carry in accordance with the technical data transit by GNCC.

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

6. A person authorized for broadcast transit is entitled to carry out transit of a broadcaster specified in Paragraph 1 of this Article, for free and without the consent of a relevant broadcaster, if the broadcaster violates the requirement to act in good

faith as stipulated in Paragraph 8 of this Article or terminates the transit contract with a person authorized for broadcast transit in violation of contractual terms.

7. If a broadcaster specified in Paragraph 1 of this Article demands from a person authorized for broadcast transit the payment for broadcasting its signal, a paid transit contract shall be entered by and between such a broadcaster and a person authorized for broadcast transit. Each party to a paid transit contract shall publish the paid transit contract on its web site and upon a written request, immediately provide a copy of such contract to any person.

8. In case of a paid transit, a broadcaster indicated in Paragraph 1 of this Article and a person authorized for broadcast transit shall conduct negotiations in good faith for the execution of a paid transit contract. The requirement of acting in good faith will not be deemed fulfilled if any of the parties:

a) refuses, without a valid reason, to participate in negotiations on a paid transit contract;

b) clearly procrastinates the negotiations on paid transit;

c) demands inadequately high or low fee for transit as compared to fees the same broadcaster demands from other authorized persons. Inadequacy shall exist when the difference between the transit fee and a fee demanded by other broadcasters exceeds 10 percent;

d) demands such other terms for paid transit that places another party in a clearly discriminatory conditions compared to other subjects in broadcasting or paid transit market;

e) demands from another party that it does not enter into transaction with other subjects in broadcasting or paid transit market;

f) refuses, without a valid reason, to consider offers of another party about terms of paid transit;

g) enters into such deals with third persons, which contains an obligation preventing it to conclude paid transit contracts with other persons.

9. In case of mandatory or paid transit, a person authorized for broadcast transit shall carry out broadcast transit without alteration.

10. A broadcaster, whose broadcast is carried out on the basis of mandatory or paid transit, may demand that copyright be observed in accordance with the Law on Copyright and Related Rights and the rule established by the Civil Procedures Code of Georgia.

11. In case a party violated Paragraphs 1, 3, 6, 7 or/and 8 of this Article, another party may file a complaint with GNCC.

12. The parties may appeal a decision taken by GNCC to a court and demand both the fulfillment of obligations and compensation of inflicted damages.

#### **Article 41. Broadcasting License Issuance Procedure**

1. Withdrawn. (22.05.2012 N 6256)

1<sup>1</sup>. Withdrawn (22.05.2012 N 6256)

2. The license seeker shall, for acquiring a broadcasting license, submit to GNCC an application consisting of the following:

- a) for an individual – first name and last name, date and place of birth, registration data, address and citizenship;
- b) for a legal entity – corporate name, legal status, registered address (location), information on registration with the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities, name and last name of authorized representative, information about partners, and the shareholders owning more than 5% of shares; (3.11.2009 No. 1969 shall come into effect from 1 January, 2010)
- c) the type and variety of broadcasting license which is sought by a license seeker; (22.05.2012 N 6256)
- d) proposed geographical area for broadcasting coverage;
- e) proposed duration of broadcasting within a 24-hour period;

3. The following shall be attached to the application:

- a) **Withdrawn** (28.12.2005 N 2565)
- b) excerpt from the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities; in case of a physical person - a copy of his/her identity document; (22.05.2012 N 6256)
- c) the document confirming payment of the license levy;
- d) a declaration of compliance; (8.04.2011. N4525)
- d<sup>1</sup>) for physical persons – declaration of property of this person and his/her family members; (12.07.2013. N833)
- d<sup>2</sup>) for legal entities – a certificate on its declared chartered capital and cashed part thereof, a certificate on its assets and liabilities, the information about the chartered capital and its origin, declarations of property of its partners/shareholders owning substantial shares; (12.07.2013. N833)
- e) the date of commencement of practical activity. (19.04.2011. N4546)



4. The terrestrial broadcasting license seeker shall attach the following to the documents indicated in Paragraph 3 of this Article:

- a) a plan of financing the activity to be performed and the information about sources of financing; *(8.04.2011. N4525)*
- b) documents on the technical means to be used for broadcasting;
- c) broadcasting concept to be implemented, which shall comply with TV and radio broadcasting priorities and the program requirements specified in this Law; *(19.04.2011. N4546)*
- d) confirmation of payment of 10% of the license fee. This amount shall be transferred to the account of GNCC. If the applicant does not obtain a license, this amount, excluding the bank fee, shall be returned to the applicant within 10 working days of a written application being submitted to GNCC. A successful applicant shall pay the remainder of the license fee according to the rule determined by GNCC.

5. Broadcasting licenses are issued only by GNCC. It is prohibited to impose and request any other licenses and permits (one stop principle). *(27.06.2008 N 66)*

**6. Withdrawn** *(02.06.2005 N 1516)*

7. A plan of financing the activity to be performed and broadcasting concept to be implemented, submitted by a license seeker in accordance with Sub-Paragraphs “a” and “s” of Paragraph 4 of this Article shall be determined as terms of license in case of granting the broadcasting license to the seeker. *(8.04.2011. N4525)*

**Article 42. The Basis for Application Refusal**

GNCC shall not accept an application if:

- a) documents determined in this Law are not fully submitted;
- b) an application for a license is submitted by a person identified in Paragraph 2 of the Article 37 of this Law; *(27.06.2008 N 66)*
- c) a new application for license is submitted by a license holder within 1 year after the decision has been made by GNCC about imposing sanctions against him/her/it for a violation specified by this Law. *(27.06.2008 N 66)*

**Article 43. Terrestrial Broadcasting License Issuance Procedure**

1. Terrestrial broadcasting (using frequency spectrum) license shall be issued through competition. The decision of GNCC on the announcement of competition shall include: *(22.05.2012 N 6256)*

- a) the name and type of the license to be issued;
- b) minimal duration of broadcasting and geographical area to be covered;

- c) minimal requirements for programming which shall be complied with by a broadcasting concept submitted by a license seeker;
  - d) technical parameters which shall be complied with by a project submitted by a license seeker;
  - e) the amount of the license fee and payment procedure;
  - f) dates of conducting a preparatory session, hearing and competition.
2. GNCC shall make sure the information on the announcement of competition is published and the license applications are accepted within one month of the publication. (22.05.2012 N 6256)
3. Within three working days after the end of the acceptance of applications, GNCC shall hold a preparatory meeting to discuss applications for participation in competition and open enclosed sealed documentation in the presence of license seekers. In case the documentation is incomplete, GNCC shall give license seekers additional five working days for bringing the documentation in line with the requirements. Applications for participation in the competition and enclosed documentation shall not be sent to GNCC by mail. (22.05.2012 N 6256)
4. Within the following 20 days, the application for participation in the competition and enclosed documentation shall be available for public consultation.(22.05.2012 N 6256)
5. After 20 days of publishing a note about making the documentation available for public discussion, GNCC shall hold an oral hearing. In the event the documentation is incomplete, also minimal requirements of programming and investment obligations are not fulfilled, GNCC takes a decision on rejection of an application and denying a license seeker to participate in the competition. (22.05.2012 N 6256)
6. GNCC holds the competition during a public session.
7. GNCC shall evaluate documents according to programming aspect.
8. When determining the winner based on the programming aspect, the following shall be taken into consideration:
- a) the proposed program's diversity and conformity with audience interest;
  - b) the availability of other broadcasters' programs within the same service area and target audience.
9. In case the license seekers participating in the competition are evaluated equally based on the programming aspect, the license seeker who undertook broadcasting on the basis of a previously issued license, with the use of frequencies under the competition, shall be declared the winner.
10. GNCC shall adopt and publish a justified decision on determination of a winner.
11. If only one seeker participates in an open competition, he/she/it shall be declared a winner on confirmation of the license fee payment.

11<sup>1</sup>. If the use of frequency spectrum for carrying out broadcasting by the competition winner requires the permission of other authorities, in order to receive this permission using the one-stop-shop principle, the winner is entitled to submit the relevant documentation required by Georgian legislation to GNCC and GNCC shall ensure obtaining of corresponding permission from the relevant entities. In such cases, GNCC shall, within 5 working days of the documentation being submitted, send the documentation submitted by the winner of competition to the relevant entities. If within 20 working days a relevant entity refuses to issue a permit, it shall indicate in the refusal nonconformity with Georgian legislation and the ways to correct such nonconformity. An additional time period shall be given to the winner of the competition to correct such nonconformity. (02.06.2005 N 1516)

12. If a winner fails to pay 20% of the license fee within the term defined in the GNCC decision, GNCC shall take a decision to refuse the issuance of a license. In such cases, the license seeker is restricted from participating in competition for a 2-year period.

#### **Article 44. Refusal to Issue a License**

1. GNCC shall refuse to issue a license if the seeker does not win a competition. Refusal to issue a license shall be documented by resolution of GNCC on determining the winner of the competition.

2. GNCC's refusal to issue a license may be appealed to court.

#### **Article 45. License Modification**

1. The basis for license modification may be due to:

- a) introducing amendments to the legislation in force and/or changes in strategic trends and priorities in the broadcasting sector;
- b) a reasonable request of GNCC and/or a license holder on introducing changes and/or amendments in the license.

2. GNCC shall decide on license modification under the procedure determined in this Law, within the terms defined in the General Administrative Code of Georgia.

3. A terrestrial broadcasting license shall not be modified if modification causes a basic change in the license, or the size of activity area. In such cases a new license shall be issued according to the procedures determined in the law.

#### **Article 45<sup>1</sup>. Common Procedure for Broadcast Authorization** (22.05.2012 N 6256)

1. A person seeking to carry out general or specialized broadcasting shall submit an application to GNCC; the form of application is approved by GNCC.

2. The application shall include the following information:

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

b) for a legal entity – corporate name, legal status, registered address (location), data on registration with the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities, name and last name of authorized representatives, data about partners, and also about the shareholders who own at least 5 percent of shares;

c) the variety of broadcasting (general or specialized) which a person seeks to authorize;

d) brief description of activity;

e) proposed duration of broadcasting within 24 hours.

3. An application shall be enclosed with:

a) excerpt from the Registry of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities; for a physical person– a copy of relevant identification document;

b) a declaration of compliance.

4. Within 10 working days of the submission of application, GNCC shall carry out the authorization of broadcasting by registering authorized persons in its register. The data of a declaration of compliance shall be entered into the register of authorized persons and the declaration shall be available for any person.

5. In case an application for authorization and documentation enclosed thereto are incomplete, GNCC gives a seeker of authorization an additional five working days for submitting complete documentation. If within this term, the documentation is not submitted, the authorization shall not take place. The failure to carry out authorization shall not deprive a person of the right to apply to GNCC for authorization again. If within 10 working days of the application for authorization, GNCC does not define an additional term for the submission of complete documentation to a seeker of authorization, the seeker will be deemed being authorized.

6. Within three working days, the authorized person shall be issued an excerpt from the register of authorized persons.

7. If an authorized person stops broadcasting or it intends to modify the authorized activity, including the variety of broadcasting, it shall give a seven day notice to GNCC. The information about stopping the authorized activity, also the data on modifying the authorized activity, including the variety of broadcasting, shall be entered into the register of authorized persons.

8. The authorization of broadcasting is carried out for an indefinite term.

9. A person has the right to commence broadcasting on the date of being registered in the register of authorized persons.

10. An authorized person shall:

- a) comply with the legislation in the broadcasting sector, including resolutions and decisions of GNCC; in the event amendments are made to the legislation in the broadcasting sector, it shall make sure that the authorized activity comply with them;
- b) comply with all those terms of authorization which are reflected in its authorization application;
- c) protect rights, freedoms and legal interests of persons in its activity, provide customers with information about possible changes in service terms in advance;
- d) publish and furnish GNCC on a weekly basis with the schedule of programs for the next week, indicating titles and brief summaries of programs;
- e) bring used technical means and quality of provided service in line with the norms and standards effective in the territory of Georgia; have a certificate of conformity; observe rules of exploitation of technical means;
- f) submit to GNCC the documentation certifying the authority of transmitting TV and radio programs in the process of broadcasting; 10 days prior to commencing the activity defined by authorization, shall furnish GNCC with the documentation certifying the authority to transmit TV and radio programs in the process of broadcasting.

11. GNCC is entitled to suspend authorization:

- a) on the basis of a request of authorized person during the period of time indicated by the person;
- b) on its own initiative provided that, for more than one year, the authorized person:
  - b.a) has not conducted the authorized activity; and
  - b.b) has not furnished GNCC with calculations of the regulation fee or furnished with a zero calculation; and
  - b.c) has not paid the regulation fee.

12. If the authorization is suspended, an authorized person shall not carry out broadcasting without sending a notice about the resumption of the activity to GNCC.

13. Authorization shall not be revoked unless an authorized person requests the revocation of it. In such a case, the authorized person shall have all legal liabilities performed towards GNCC.

14. The revocation of authorization does not impede a person from undertaking again a procedure of authorization as established by the law.

## **Chapter V Community Broadcasting**

### **Article 46. Community Broadcasting License Holder**

1. A community broadcasting license holder shall:
  - a) serve community interests;
  - b) ensure participation in the broadcasting of representatives of the community it serves;
  - c) ensure covering the opinions of minorities living within the area it serves.
2. A frequency spectrum for community broadcasting is allocated by GNCC.

### **Article 47. Community Broadcasting License Issuance Procedure**

1. To acquire a community terrestrial broadcasting license, a competition shall be held in accordance with Article 43 of this Law.
2. GNCC shall, when issuing a community broadcasting license, consider whether the proposed service conforms to:
  - a) the current and future interests of the community as well as a license seeker's capacities;
  - b) nature and diversity of the community;
  - c) types of services provided by other broadcasters to the license seeker within the license area.

## **Chapter VI**

### **License/Authorization Conditions and Content Requirements** (caption 22.05.2012 N 6256)

#### **Article 48. License/Authorization Conditions** (22.05.2012 N 6256)

License/authorization conditions are defined by the Georgian legislation and the obligations assumed under application for authorization and/or license.

#### **Article 48<sup>1</sup>. Transfer of License** (22.05.2012 N 6256)

The license can be transferred to any other person only by a prior consent of GNCC.

#### **Article 49. Archive** (22.05.2012 N 6256)

A broadcaster shall maintain a program archive and keep programs for at least one month. In the event of any dispute, programs related to the dispute shall be retained pending the resolution of such dispute.

## **Article 50. Code of Conduct**

GNCC shall, on the basis of consultations with license holders and public representatives, under public administrative proceedings, pass as law the Code of Conduct.

## **Article 51. Programming** *(22.05.2012 N 6256)*

A broadcaster shall, where possible, reserve a part of television time (except the time allocated for news, sports events and games, advertisement, teletext and teleshopping) for European programs. Such time allocated for European programs shall be used progressively, on the basis of relevant criteria and taking into account the informational, educational, entertainment and cultural obligations of the license holder towards its audience.

## **Article 51<sup>1</sup>. Broadcasting Films by the Public Broadcaster** *(31.07.2009 N 1555 shall come into effect from 1 September, 2009)*

1. Films produced in non-state languages shall be broadcasted through Public Broadcaster's air only voiced over on state language of Georgia, except for cases indicated in Paragraph 2 of this Article.

2. GNCC may issue a resolution determining the obligation of general and specialized broadcaster to allocate in their weekly broadcasting networks a film produced in a non-national language (other than a soap opera) in the language(s) of its original production, without dubbing into the national language of Georgia, with subtitling in the national language of Georgia. The resolution of GNCC shall also define the procedure for the general and specialized broadcasting license holders to fulfill the obligations contemplated by this Article. *(22.05.2012 N 6256)*

## **Article 52. Due Accuracy, Correction and Retraction**

1. Broadcasters shall take all reasonable measures to ensure due accuracy of the facts cited and correct mistakes in a timely manner. *(22.05.2012 N 6256)*

2. Within 10 days of an initial statement being made by an Interested Party, the latter is entitled to request publication of retraction or correction of the facts using the same means and format, including duration, as the initial statement.

3. Correction and retraction shall not be claimed if:

- a) the relevant request for publication is not made within the period of 10 days;
- b) the initial statement refers to an indefinite group of people or does not allow direct identification of the plaintiff;
- c) a correction or retraction is not directly related to the initial statement or length, content or mode of the reply exceeds what is necessary to correct or retract in equal means and mode the facts stated in the initial statement, or the reply contains correction or retraction of an opinion and not the facts stated in the initial statement;

- d) a correction or retraction contains defamation or advocacy prohibited by Paragraph 4 of Article 24 and Paragraph 3 of Article 26 of the Constitution of Georgia;
- e) a correction or retraction adversely affects a third party;
- f) a plaintiff cannot demonstrate the existence of a legitimate interest.

4. Refusal of a Broadcaster to correct or retract factual errors with equal means and format may be appealed to court.

#### **Article 53. Schedule and Classification**

1. Broadcasters shall publish the next week's program schedule with reference to the titles and brief summaries of television and radio programs, classifying programs and films by defining their ratings and assigning them corresponding marks; (22.05.2012 N 6256)

2. The criteria for classification of films that may have a harmful influence on minors are defined by the Code of Conduct.

#### **Article 54. Fairness and Impartiality** (22.05.2012 N 6256)

1. Broadcasters shall ensure accurate and fair coverage of facts, distinguish a fact from opinion and identify of the author of an opinion.

2. Broadcasters shall ensure that all important different opinions related to facts and events are duly covered in news programs, without discrimination against any group or opinion.

#### **Article 55. Pre-Election Debates** (22.05.2012 N 6256)

1. A general broadcaster shall broadcast pre-election debates during election campaigns within its service area.

2. General broadcaster, during election campaigns within its service area, as well as the Public Broadcaster shall ensure the equal participation in electoral debates of qualified electoral subjects, without any discrimination.

#### **Article 55.<sup>1</sup> Political debates aired by the Public Broadcaster and Ajara TV and Radio of the Public Broadcaster** (12.07.2013. N833)

In the period between the elections the Public Broadcaster and Ajara TV and Radio of the Public Broadcaster shall air programs on a weekly basis, which aim at holding political discussions on the most important developments in the country, and ensure representation, in a non-discriminatory way, of political forces functioning within Parliament (fractions), as well as of the political unions receiving funding from the State Budget of Georgia.



## **Article 56. Prohibitions regarding Programs**

1. Any type of war propaganda is prohibited.
2. Broadcasting programs containing the apparent and direct hazard of inciting racial, ethnic, religious or other hatred in any form and encouraging discrimination or violence toward any group, is prohibited.
3. Broadcasting programs directed to offending or discriminating any person or group on the basis of disability, ethnic origination, religion, opinion, gender, sexual orientation or any other feature or status, or highlighting this feature or status, is prohibited, except the cases when this is necessary within the context of a program and aims at illustrating existing hatred.
4. Television programs or advertisement including pornography, as well as obscenity and infringing a citizen's dignity and his/her fundamental rights, are prohibited.
5. Broadcasting programs having a harmful influence on the physical, intellectual and moral development of children and adolescents at times when they are likely to be tuned in, is prohibited.
6. An authorized person carrying out broadcast by using the cable network may air the program or advertising indicated in Paragraph 4 of this Article at any time, in an encrypted form, on the basis of individual contracts with customers. (22.05.2012 N 6256)

## **Article 57. Prohibition of Subliminal Broadcasting** (22.05.2012 N 6256)

Broadcasters shall not broadcast programs that, by means of technical audio and visual editing in a very short period of time or in another way, may transmit information or influence the opinion of listeners or viewers by affecting their sub-consciousness, so that they are not fully or partially aware of the influence.

## **Article 58. Significant Events** (22.05.2012 N 6256)

1. GNCC shall, on the basis of public opinion survey, under administrative proceedings, determine a list of significant events and publish it once every 3 years.
2. Exclusive right to broadcast significant events on the state language (languages) of Georgia have broadcasters licensed/authorized in accordance with this Law only.
3. Exclusive broadcasting of significant events is not permitted, except the cases when the exclusive broadcasting of significant events is carried out by a broadcaster licensed in accordance with this Law, whose broadcasting net is accessible for at least 90% of the population of Georgia free of charge.

## **Article 59. News and Social-Political Programs**

General terrestrial broadcasting license holders, as well as the Public Broadcaster shall broadcast in prime time news and social-political programs and ensure that

timely information is delivered to the audience regarding current events within state and worldwide within their service area.

**Article 59<sup>1</sup>. Responding to Violations** (29.12.2006 N4319)

1. Responding to violations of the norms stipulated in Articles 52, 54, 56 and 59 of this Law, as well as ethical norms and professional standards set forth by the Code of Conduct is permitted only within the self-regulation mechanism defined by Paragraph 1 of Article 14 of this Law.

2. Issues related to interpretation of the norms stipulated in Articles 52, 54, 56 and 59 of this Law, as well as ethical norms and professional standards set forth by the Code of Conduct, as well as decisions made within the self-regulation mechanism defined by Paragraph 1 of Article 14 of this Law shall not be appealed to a court, GNCC or any other administrative body.

*(The words in Paragraphs 1 and 2, Article 59<sup>1</sup> “of the norms stipulated in Articles 52, 54, 56 and 59 of this Law” be declared unconstitutional in that part where they refer to the words in Paragraph 4, Article 56 “broadcast... of any program or advertising containing obscenity and encroaching upon the dignity and fundamental rights of a human being or citizen” as being conflicting with Paragraph 1, Article 42 of the Constitution of Georgia (10.10.2009 by the decision No. 1/3/421,422 of the Constitutional Court))*

**Chapter VII  
Ownership of the Broadcaster**

**Article 60. Prohibition of Broadcaster Ownership Concentration**

A person may possess independently or with an interdependent person no more than one terrestrial broadcasting license for television and one for radio in any one service area.

**Article 61. Transparency of Broadcaster’s Property** (22.05.2012 N 6256)

1. A broadcaster shall annually disclose and furnish GNCC with the following information:

- a) declaration of compliance
- b) on holding other licenses in broadcasting sphere or authorization of broadcasting;
- c) on holding a share or stocks in any other broadcaster;
- d) on possessing a periodical printed publication;
- e) on holding a share or stocks in a periodical printed publication;
- f) on possessing a news agency;
- g) on holding a share or stocks in a news agency;

- h) on holding a share or at least 5% of stocks in any other company.
2. A broadcaster shall submit the information specified in Paragraph 1 of this Article to GNCC no later than 1 February of the following year.
3. A broadcaster shall also disclose and furnish GNCC with the information if the holder of a share or stocks in its capital, a founder, other member, director, donor or their family member concurrently holds:
- a) share or stocks in other license holders or person having broadcasting authorization;
  - b) a share or stocks in a periodical printed publication;
  - c) a share or stocks in a news agency.
4. A broadcaster publishes declaration of compliance on its web site.

#### **Article 62. Change in Ownership of a Broadcaster**

1. A broadcaster shall furnish GNCC with a declaration of compliance in case of a change in owners and stockholders of its share, members of governing bodies and officials within 10 days of the occurrence of such change. A broadcaster shall publish this information on its web site too. *(22.05.2012 N 6256)*
2. GNCC takes all measures concerning encouraging the opinion pluralism in mass media as envisaged in Georgian legislation, as well as in international legal norms having legal effect in Georgia, to avoid prohibited broadcaster ownership concentration arising as a result of changes.

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

#### **Article 63. General Provisions**

1. The Georgian Law on Advertisement is applicable to advertising unless otherwise defined in this Law.
2. Running of undue, unprincipled, unreliable, unethical and clearly deceitful advertisements or teleshopping is prohibited.
3. A broadcaster shall not be responsible for the content of pre-election and social advertising. The responsibility for the content of pre-election and social advertising shall rest with the one ordering such advertising in accordance with the established procedure. *(22.05.2012 N 6256)*
4. Advertisement and teleshopping shall be clearly identified and distinguished from programs.

5. Anchors or journalists of news, public and political and election debate programs shall in no way participate in advertisement or teleshopping.

6. Advertisements targeting children, or in which children are performing, shall not affect their interests.

7. Teleshopping shall not exert pressure on minors.

8. Commercial and telemarketing shall not be aired on the channels of the Public Broadcaster and Ajara TV and Radio of Public Broadcaster except in cases envisaged in Paragraph 9 of this Article and Paragraph 1, Article 64 of this Law. *(12.07.2013. N833)*

9. Restriction on airing commercial and telemarketing, envisaged by this Law, shall not apply to the broadcasting of that channel of the Public Broadcaster and Ajara TV and Radio of Public Broadcaster which is carried out by only satellite or/and Internet. *(12.07.2013. N833)*

#### **Article 64. Commercial Advertisement and Teleshopping**

1. The channel of the Public Broadcaster and Ajara TV and Radio of Public Broadcaster may air commercial or telemarketing only within the framework of sport programs, international festivals and competitions at the time of beginning, natural interval or end of a competition program. *(12.07.2013. N833)*

2. In cases specified in Paragraph 1 of this Article, channels of the Public Broadcaster and Ajara TV and Radio of Public Broadcaster shall give maximum 15 minutes per day to telemarketing and maximum 30 minutes to commercials. The total volume of commercials and telemarketing per hour shall not exceed 10% (six minutes). A sport program on the channels of the Public Broadcaster and Ajara TV and Radio of Public Broadcaster may air commercial only at the time of beginning, natural interval or end of the program. *(12.07.2013. N833)*

3. A general or specialized as well as community broadcasting channel may air advertising or telemarketing between programs. Advertising or telemarketing may also be aired, in a manner provided by this Law, within a program but so as to maintain the value of the program. *(22.05.2012 N 6256)*

4. The airing of the events and programs mentioned below shall not be interrupted with advertising or telemarketing: *(19.04.2011. N4546)*

a) Speech of the President of Georgia, the plenary session of Parliament of Georgia, an official state event, an official speech of the top government official;

b) Religious ceremony;

c) Any program, including news, social-political, religious, pre-election debates program or a documentary, with the duration of up to 15 minutes;

- d) Any news, social-political, religious, pre-election debate program or documentary, with the duration of up to 30 minutes;
- e) A feature film or TV film or film series (other than a soap opera and a documentary), with the duration of up to 45 minutes.
5. The program, with the duration exceeding 30 minutes, may be interrupted with advertising or telemarketing maximum three times. *(19.04.2011. N4546)*
6. Duration of the breaks assigned for advertisement or teleshopping shall be no less than 15 minutes, except for programs consisting of autonomous parts. The same applies to sports and feature programs consisting of natural intervals and programs structured in the same way.
7. Advertisements and teleshopping in programs consisting of autonomous parts, as well as in sports and feature programs consisting of natural intervals and programs structured in the same way, may be placed only during their natural breaks.
8. An educational-informative, children's or religious program, with the duration exceeding 30 minutes, may be interrupted with advertising or telemarketing maximum once every 30 minutes. *(19.04.2011. N4546)*
9. A news, social-political or pre-election debate program may be interrupted with advertising or telemarketing maximum once every 15 minutes and for maximum 300 seconds. *(19.04.2011. N4546)*
10. A feature film or TV film or film series (other than a soap opera and a documentary), with the duration exceeding 30 minutes, may be interrupted with advertising or telemarketing maximum once every 30 minutes. *(19.04.2011. N4547)*
11. A per-day volume of advertising or telemarketing on TV and radio channels other than a special advertising or telemarketing channel shall not exceed 20% of the total duration of broadcasting. Telemarketing other than on a special telemarketing channel may be aired uninterruptedly for maximum 15 minutes. The total duration of telemarketing per day shall not exceed 3 hours. *(19.04.2011. N4546)*
12. The limits set by this Article shall not apply to covered advertising (including by using a running line). The size of covering shall not exceed 7% of the screened image.

#### **Article 65. Social Advertisement**

1. A broadcaster shall allocate to social advertising, submitted for airing, at least 90 seconds every 3 hours for free and without discrimination; the Public Service Broadcaster shall allocate at least 10 seconds of those 90 seconds to social advertising concerning Georgia's integration into NATO and the European Union, provided that a corresponding advertising has been submitted. *(26.12.2012 N 156)*
2. The Public Broadcaster, Ajara TV and Radio of Public Broadcaster as well as the community broadcasting license holder shall allocate to the social advertising submitted for airing at least 60 seconds per hour for free and without discrimination

and, during the election campaign taking place within their coverage zone, deliver to the public as social advertising the information on the electoral subjects and significant election procedures. The information shall be accurate and contain the following data: *(12.07.2013. N833)*

- a) addresses of polling stations;
- b) date of elections;
- c) procedural rights and obligations of voters.

#### **Article 66. Pre-Election Advertisement**

1. A general broadcaster as well other broadcasters airing pre-election advertising through their channels shall broadcast pre-election advertising submitted by all qualified electoral subjects at least 90 seconds every three hours free of charge and without discrimination during the election campaign taking place within their coverage zone. *(22.05.2012 N 6256)*

2. The Public Broadcaster, Ajara TV and Radio of Public Broadcaster as well as the community broadcasting license holder airing pre-election advertising through their channels shall give the pre-election advertising submitted for airing by all qualified electoral subjects at least 60 seconds per hour free of charge and without discrimination during the election campaign taking place within their coverage zone. *(12.07.2013. N833)*

#### **Article 66<sup>1</sup>. No Financing** *(12.07.2013. N833)*

1. An administrative authority, a political party, an official and a public servant shall not finance a broadcaster, also shall not purchase its service and finance or co-finance, directly or indirectly, the production of broadcaster's programs or/and airing thereof except in cases envisaged in Paragraphs 2 and 3 of this Article.

2. An administrative authority may purchase a broadcaster's service only for airing social advertising and reporting information important for society provided that such purchase is envisaged in a separate clause of its budget. In such a case, if an administrative authority is a procuring entity as specified in the Law of Georgia on State Procurements, the purchase shall be carried out in accordance with the procedure defined by the Law of Georgia on State Procurements. *(20.09.2013. N1254)*

3. Electoral administration is entitled to purchase a broadcaster's service only for the production or/and airing of the information envisaged by the electoral legislation.

#### **Article 67. Prohibition of Sponsorship**

1. An administrative authority, a member of a collegial administrative authority or a public servant, a political party, a leader or an official of a political party, a coalition or a bloc of political parties or any other electoral entity shall not be a sponsor of a program. *(12.07.2013. N833)*

2. Programs shall not be sponsored by legal entities or natural persons, whose core activity is the production or sale of products or provision of services the advertisement of which is prohibited by the Georgian Law on Advertisement.

#### **Article 68. Identification of Sponsored Programs**

Identification of the sponsor in programs financed partially or in full by sponsors shall be displayed clearly at the beginning and/or the end of the program.

#### **Article 69. Prohibition of Influence of a Sponsor and Provider of Advertising on Program Content and Length**

1. A sponsor or a provider of advertising shall be prohibited to influence the content and duration of a program financed by him/her or to interfere with the editorial independence of a broadcaster. *(22.05.2012 N 6256)*

2. The following programs are prohibited to be sponsored:

- a) news programs (with the exception of sports round-ups and weather forecasts if they are broadcast as separate programs);
- b) broadcasts on social and political topics;
- c) programs on consumer rights, electoral programs or programs directly related to pre-election campaigns.

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

#### **Article 70. Accountability** *(22.05.2012 N 6256)*

1. A broadcaster shall ensure the conformity of broadcast programs, advertisements and information about sponsors with the legislation of Georgia and conditions of license/authorization.

2. Only GNCC can supervise and control the conformity of the activities of a broadcaster with legislation of Georgia, except supervision and control carried out by tax and law enforcement agencies within the scope of their competence.

2<sup>1</sup>. A national broadcaster shall maintain accounting in accordance with the standards adopted by the International Accounting Standards Committee and introduced by a resolution of the Accounting Standards Commission at Parliament of Georgia. *(12.07.2013. N833)*

3. By no later than May 1 each year, a broadcaster shall submit to GNCC and publish on its official web site a report on the fulfillment of requirements of Georgian legislation, license conditions and Code of Conduct and sources of financing in the previous year. The report shall be enclosed with an auditor's opinion. *(12.07.2013. N833)*

3<sup>1</sup>. By no later than May 1 each year, a broadcaster shall submit to GNCC the information about its assets and liabilities as well implemented investments (indicating the amount of investments and the investors) in the previous year. *(12.07.2013. N833)*

4. GNCC shall determine electronic forms of reporting. Reporting forms shall, among other information specified in this Law, contain the information about sources of financing including a breakdown of revenues received from advertising, sponsorship, telemarketing and contributions of a broadcaster owner or any other person. Reporting forms shall also envisage the information about services rendered to a broadcaster, including paid or free service provided by a broadcaster owner or any other person. A broadcaster shall furnish GNCC with reporting forms within 15 days of the end of a quarter. *(12.07.2013. N833)*

4<sup>1</sup>. Within seven days of receiving reporting forms completed by broadcasters, GNCC shall publish the reporting forms specified in Paragraph 4 of this Article. *(12.07.2013. N833)*

4<sup>2</sup>. GNCC shall make public the identity of that person who, over the period of three months, provided advertising and teleshopping, sponsorship or service to a broadcaster or made contribution to it in the amount exceeding GEL 7,000 *(12.07.2013. N833)*

5. GNCC is authorized to request and a broadcaster is obliged to deliver to GNCC in full and within required term any information about fulfillment of assignments and functions defined in this Law and normative acts of GNCC, including fulfillment of requirements of legislation of Georgia, license/authorization conditions and/or Code of Conduct, as well as documentation on fulfillment of requirements of Georgian legislation on Copyright and Related Rights. Submission of incorrect or incomplete information by a broadcaster shall be considered to be the non-submission of information. A broadcaster shall submit the requested information to GNCC within 15 days after the request is made, unless GNCC defines other term. In case of non-fulfillment by a broadcaster of requirements of Georgian legislation and license/authorization conditions, GNCC is authorized to apply sanctions as determined by legislation of Georgia.

## **Article 71. Sanctions**

1. If a broadcaster violates Georgian legislation or fails to fulfill a decision of GNCC, also, if a license holder violates the license conditions, GNCC shall give it a written warning and specify a reasonable term for eliminating the violation or fulfilling a decision of GNCC, respectively. *(12.07.2013. N833)*

2. GNCC shall impose a fine upon a broadcaster if the latter fails to eliminate the violation indicated in the warning or to fulfill the decision of GNCC within the specified term, also if it commits any new violation within one year after receiving the above mentioned warning. *(12.07.2013. N833)*

3. Only GNCC is authorized to suspend and/or revoke a license. GNCC shall enact a resolution on the suspension and/or revocation of a license.

4. A decision of GNCC on issuing a warning, imposing a fine, suspending or revoking a license may be appealed in a court in accordance with the procedure stipulated in the Code of Administrative Procedure of Georgia. A license holder is entitled to



demand the compensation of damages sustained due to unlawful suspension or revocation of license. The size of compensation shall be determined by a court. (12.07.2013. N833)

**Article 72. Amount of a Fine and Payment Procedure** (22.05.2012 N 6256)

1. In case envisaged in Article 71 of this Law, GNCC is authorized to impose a fine on a broadcaster in the amount not exceeding 0.5% of a broadcaster's annual income, but not less than GEL 2,500.

2. In the event a broadcaster continues to repeatedly breach and/or commits any new violation within one year after being fined, GNCC is entitled to impose upon it the fine of 1% of its annual income but at least GEL 5,000 or initiate a public administrative proceeding for suspension of the license.

3. In the event a broadcaster continues to repeatedly breach after being fined for the second time or/and in the event a broadcaster commits any new one-off violation within one year after being fined for the second time, GNCC is authorized to impose upon it the fine of up to 3% of its annual income but at least GEL 10,000 or initiate a public administrative proceeding for suspension of the license.

4. The decision on the imposition of fine indicating motivation and basis for making such decision shall be notified to a broadcaster within 7 days after making the decision.

5. A fine shall be paid within 1 month after the delivery of relevant decision to a broadcaster.

6. In case of non-fulfillment by a broadcaster of the decision about penalty sanctions, enforcement of the decision shall be ensured by the legal entity of public law under the management of the Ministry of Justice of Georgia – National Bureau of Enforcements. The amount of fine shall be transferred to the State Budget of Georgia.

**Article 73. Suspension of a License**

1. Suspension of a license means the prohibition of licensed activity until renewal of the license.

2. GNCC shall consider the matter of suspension of a license, if a license holder is in breach of requirements of legislation of Georgia or license conditions and a written warning or fine has been already used as a sanction against that license holder. (29.12.2006 N4319)

3. A license is suspended before eradication of violation specified in Paragraph 2 of this Article, but not later than within three months after making a decision on suspension of the license.

4. The decision to suspend a license, including the motivation and basis for suspension, shall be sent to the license holder in writing within 7 days of the decision being made.

5. The license shall, based on the license holder's application, be renewed based on the decision of GNCC, after eradication of the violation for which it has been suspended.

#### **Article 74. Revocation of a License**

1. The basis for revocation of a license may be:

- a) request of a license holder;
- b) death (liquidation) of a license holder;
- c) suspension of licensed activity by a license holder for more than 3 months or 120 days intermittently within one calendar year;
- d) expiration of the license suspension period in case the license holder fails to eradicate the violation pointed out by GNCC;
- e) failing to commence licensed activity within the period determined in the decision of GNCC.

2. Only GNCC is authorized to take a decision on revocation of a license.

3. In case the period of effectiveness of a license expires, the license is considered to be revoked.

4. A license holder shall be notified about a decision on revocation of a license within 7 working days.

### **Chapter X**

#### **The Use of Radio Frequencies** *((28.12.2005 N 2565)*

#### **Article 75. The Use of Radio Frequencies**

1. Broadcasting frequencies (channels) shall be defined for private and/or community broadcasting license holders carrying out terrestrial broadcasting on the basis of private and/or community broadcasting licenses.

2. GNCC shall grant the Public Broadcaster, Ajara TV and Radio of Public Broadcaster as well a private or/and community license holder performing on-air broadcasting radio frequencies for application as ancillary technology to ensure the fulfillment of the license conditions. If the license is suspended and renewed, the application of radio frequencies granted by GNCC for the effective term of the license shall also be suspended and renewed accordingly. *(12.07.2013. N833)*

3. A broadcaster (except Public Broadcaster and Ajara TV and Radio of Public Broadcaster) shall where necessary obtain the right to use radio frequencies as ancillary technology through the auction specified in the Law of Georgia on Telecommunications, based on the license. *(12.07.2013. N833)*

4. The use of radio frequency spectrum without a license or granting is prohibited and punishable under the Code of Administrative Offences of Georgia.

## **Chapter XI**

### **Transitional and Conclusive Provisions**

#### **Article 76. Transitional and Conclusive Provisions**

1. The Commissioners appointed by the time of entry into force of this Law, shall maintain their tenure for the term for which they are appointed. Other Commissioners shall be appointed according to this Law immediately after this Law comes into force.
2. GNCC shall adopt the Code of Conduct before 1 January, 2009. *(27.06.2008 N 66)*
3. Withdrawn. *(29.12.2006 N4319)*
4. GNCC shall, within 2 years of entry into force of this Law, bring its normative acts into conformity with this Law.
5. The legal entity of public law Television and Radio Broadcaster of Georgia shall, after entry into force of this Law and until the Board of Trustees of the Public Broadcaster is appointed, be re-organized as a Public Broadcaster. The government of Georgia shall ensure the transfer of state assets in the use of the legal entity of public law Television and Radio Broadcaster of Georgia to the Public Broadcaster of Georgia within 1 month of entry into force of this Law.
6. The Government of Georgia shall, within 1 month of entry into force of this Law, ensure the transfer into the ownership of the Public Broadcaster of the technical means being on the balance of Teleradiocentre of Georgia Ltd. that ensure broadcasting of television and radio programs of the legal entity of public law Television and Radio Broadcaster of Georgia only.
7. Teleradiocentre of Georgia Ltd. shall ensure that all broadcasting license holders and the Public Broadcaster have non-discriminatory, equal, direct access to every free element of technical means and services with cost-oriented and non-discriminatory tariffs. Disputes arising due to the non-fulfilment of the above conditions shall be considered by GNCC.
8. The candidates for the Board of Trustees shall be selected initially according to the procedures determined by this Law. The open competition shall be announced within 3 months after entry into force of this Law, on the basis of a presidential decree;
9. According to Paragraph 10, Article 9, and Paragraph 7, Article 25 of this Law, in 2005, the President of Georgia shall nominate no less than 2 candidates for every vacancy of Commissioner and no less then 2 candidates for every vacancy of Trustee to Parliament of Georgia.
- 9<sup>1</sup>. The requirements set forth in Paragraph 13, Article 9, and Paragraph 3, Article 26 shall not be applied to the procedures for selecting candidates for membership of GNCC or the Board of Trustees in 2005. If in accordance with Articles 9, 25 and 26 and Paragraph 8, Article 76 of this Law it is not possible to fill every vacant position in GNCC or the Board of Trustees, the President of Georgia is authorized, within 50 days, to nominate candidates to Parliament of Georgia from the list of candidates who

had been nominated and who had submitted applications for participating in the competition announced according to Paragraphs 1 and 8 of this Article. Furthermore, any candidate may be nominated, except for a person who had more opponents than supporters during the ballot of the first nomination to Parliament. In case of nomination under this Paragraph, if a candidate receives more votes than another, but no less than one third of the votes of full composition of Parliament, the appointment of this candidate shall be deemed accepted. *(20.05.2005 N 1475)*

10. Voting shall be conducted between the members of the Board of Trustees appointed after entry into force of this Law and on the basis of such voting the tenure of the Trustees shall be determined in the following manner: one third of the Trustees shall be appointed for a 2-year term, one third for a 4-year term and one third for a 6-year term.

11. GNCC shall issue a relevant decree on the zone divisions of local broadcasting before 1 July, 2006. *(28.12.2005 N 2565)*

12. GNCC shall, within one year after entry into force of this Law, modify the licenses already issued in order to bring the licenses, including obligations of broadcasters, into conformity with legislation in force.

13. GNCC shall, within 2 years after entry into force of this Law, modify the licenses with service areas less than defined in the GNCC resolution on the zone divisions of local broadcasting.

14. Prohibition of any kind of modification of a license that causes changes in the size of activity zone stipulated in Article 45, Paragraph 3 of this Law, shall come into force after the fulfillment of obligations set forth in Article 76, Paragraph 11.

15. Obligations of private broadcasters and community broadcasting license holders related to broadcasting time and duration of advertisement and teleshopping set forth in Article 64, Paragraphs 4, Sub-Paragraphs "d" and "e", Paragraphs 8, 9 and 10, Article 65, Paragraph 1, and Article 66, Paragraph 1 of this Law, shall come into force within 5 years after entry into force of this Law. In case of controversy between this Law and the Law of Georgia on Advertisement, the provisions of this Law shall be applied to the Public Broadcaster.

16. Parliament of Georgia shall, within 1 year of entry into force of this Law, ensure the conformity of the Law of Georgia on Advertisement with this Law.

17. Before 1 January, 2011, the Government of Georgia shall effect privatization of state share in legal entities of private law that hold licenses in the sphere of broadcasting and have been established by state participation, or liquidate relevant legal entities as prescribed by the Georgian legislation. *(26.12.2008 N 889)*

18. Within 6 months of entry into force of this Law, the legal entities of public law providing television and radio broadcasting (except for the legal entity of public law Television and Radio Broadcaster of Georgia and state television of the Autonomous Republic of Ajara) shall be transformed to legal entities of private law and during the

following 6 months the state-owned shares in equity capital shall be privatized under Georgian legislation.

19. The Government of Georgia shall, not later than 1 November, 2011, elaborate proposals for the re-organization of state television of the Autonomous Republic of Ajara. (8.04.2011. N4525)

20. After entry into force of this Law up until 1 January, 2006, financing of the public broadcasting will be implemented according to the law of Georgia On the State Budget of Georgia of 2005.

21. Withdrawn. (25.12.2009 N 2471)

22. Within 5 years after entry into force of this Law, instead of limitation of 90% population coverage established by Article 2, Sub-Paragraphs "a" and "h", Article 40, Paragraph 2, and Article 58, Paragraph 2, limitation of no less than 70% of population coverage shall be in force.

23. Withdrawn. (29.12.2006 N4319)

24. If this Law establishes rules of issuing licenses in the broadcasting sector as well as inspecting the implementation of license conditions which are different from rules defined by the law of Georgia On Licenses and Permissions, as well as different form and/or volume of responsibility, this Law shall be applied. (28.12.2005 N 2565)

25. Withdrawn. (22.05.2012 N 6256)

26. Change of radio frequency assigned on the basis of a license and/or granted under GNCC decision within the period of license validity and/or the period defined by GNCC decision is possible in agreement with the license holder. In case the damage has been inflicted to a person as a result of changing the radio frequency, the amount of compensation of the damage shall be defined by GNCC on the basis of an independent audit's report and the payment conditions and payment form – on the basis of mutual agreement. (28.12.2005 N 2565)

27. Broadcasters shall ensure fulfillment of the requirements specified in Paragraph 1 of Article 14 of this Law before 1 July 2007. (29.12.2006 N4319)

28. GNCC shall adopt the resolution specified by Article 51<sup>1</sup> of this Law before 1 September, 2009. (31.07.2009 N 1555)

29. A broadcasting license holder shall, not later than 1 January, 2012, ensure the fulfillment of requirements stipulated by this Law and submission of declaration of compliance to GNCC, as well as publishing the declaration of compliance on its web site. (8.04.2011. N4525)

**Article 77. Entry into Force of the Law**

1. This Law, except Paragraphs 2-4, Article 33, and Article 71, shall enter into force upon its publication.
2. Paragraphs 2-4, Article 33 of this Law shall enter into force upon the enforcement of legislative act determining the fee rate of the Public Broadcaster and the procedure of its payment.
3. Article 71 of this Law shall enter into force on the 15<sup>th</sup> day after its publication.

President of Georgia

**Mikheil Saakashvili**

Tbilisi,  
23 December, 2004  
No. 780 - 65