



GYLA's Media Legal Defense Center voices its position on the ongoing proceeding in the Georgian National Communications' Commission (GNCC) in terms of annulment of radio broadcasting license granted to "Energy Group" LCC (radio Zeniti)

In the framework of the competition announced for issuing license on application of the radio frequency, on August 26, 2013 the Georgian National Communications' Commission announced "Energy Group" LCC a winner and granted the license on radio broadcasting. "Broadcasting Company Hereti" LCC also participated in the competition. The company challenged August 26, 2013 decision of the Commission, as adopted with violation of law and claimed transfer of the license to "the Broadcasting Company Hereti" LCC.

On November 20, 2013 Media Advocacy Coalition uniting eighteen NGOs released a public statement on Kakha Baindurashvili's (the president of the Chamber of Commerce and Industry) conflict of interest in terms of ownership of shares in TV3 and Energy Group. The Coalition highlighted violation of the requirements of the Law on Broadcasting. In particular, according to the Law, the high official of the administrative organ is prohibited to hold shares or to have any other interest in the broadcasting company. The Coalition called on the GNCC to carry out the measures envisaged by law, for elimination of the mentioned gap.

On December 13, 2013 the International Organization "the Journalists' International Federation" (with up to 600 000 members in more than 100 countries) released an [official statement](#) where it expressed concern in terms of GNCC issuing broadcasting licenses in violation of justice principles to the organizations that have close ties with political persons. The statement also focuses on granting the license to "the Energy Group" LCC in violation of law.

The Public Defender of Georgia also investigates lawfulness of granting radio broadcasting license to "Energy Group" LCC.

On December 6, 2013 GNCC started examination of the conflict of interest of the share holder of "Energy Group". As a result, the Commission launched public administrative proceeding. In the framework of the administrative proceeding, "Hereti" applied to the GNCC with an application claiming engagement in the administrative proceeding as an interested party as per Para 2 and 3 of Article 95 of the General Administrative Code.

According to the verbal clarification of the Commission representatives, "Hereti" shouldn't be given the opportunity of getting involved as an interested party in the administrative proceeding, which is violation of law. In case of involvement in the administrative proceeding in the capacity of the interested person the "Broadcasting Company Hereti" will have opportunity to examine all the documents and take advantage of every right of a party; otherwise it will be confined during the consideration of the case to just stating its viewpoint. According to the legislation, the Commission is obliged to engage Hereti as an interested party in the administrative case proceeding, as the decision made by the Commission with respect to the issue will definitely affect radio Hereti and may possibly impairs its condition. Furthermore,

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



decision of the Commission will also influence the ongoing court dispute between the GNCC and “Hereti.” In view of above, “Hereti” should be given chance to participate comprehensively in examination of the issue in the Commission.

As far as fairness of the process and its compliance with the law has already been questioned several times from the local as well as international organizations, we call on the GNCC to ensure maximal transparency of the process and to take decision that will enable the Broadcasting Company “Hereti” to exercise its rights granted by the law and to be engaged in examination of the issue as a party.