



GYLA RESPONDS TO THE LETTER OF THE GEORGIAN NATIONAL COMMUNICATIONS COMMISSION SENT TO BROADCASTERS ON THE REMOVAL OF POLITICAL ADVERTISING

On September 25, 2018 broadcasters received a letter from the Georgian National Communications Commission indicating that the 3 advertising video clips, placed as political advertising, contradict the acting legislation and if the broadcaster has already posted the noted video clips, they should be immediately removed from the broadcast grid.

We believe that the letter of the commission chairperson is not a legal act of the commission, it is not mandatory for broadcasters to fulfill, it contains threats for freedom of expression and contradicts the legislation of Georgia on account of the following circumstances:

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~~The document (letter) mentioned is not the legal act of the commission and therefore it is not obligatory for broadcasters to fulfill the late.~~

According to the Article 8 of the Law of Georgia on Broadcasting, „the legal acts of the commission are commission`s decree, commission`s decision and an order of the commission chairperson.”

It is worth to be noted that the letter is signed by the chairperson of the commission. „The chairperson issues orders in specific cases that concern internal organizational issues of the commission and the commission office and do not contain general rules of conduct. □□ Since the document mentioned holds general rules of conduct, it cannot be the order of the commission chairperson.

Correspondingly, the issue had to be discussed by the commission. According to the Article 8 of the Law of Georgia on Broadcasting, „the legal acts of the commission are taken (issued) at the commission session, □□ however, the commission did not discuss the matter on the session.

~~Besides, we believe that the letter of the commissions contradicts the acting Georgian legislation.~~

„Broadcaster is not responsible for the content of pre-election and social advertisements. According to the Georgian legislation, responsibility for the content of pre-election and social advertisements, lies with the relevant advertising customer. □□ Advertising customer is not a subject of commission regulation. In case if the advertising clip violates the rights of a particular person, they can act in accordance with the rules established by the Georgian legislation, not against the broadcaster, but against the client. Therefore, it is absolutely uncertain, why the commission refers to the content of the pre-election advertising, while the political subjects are not in the field of its regulation.

In addition, the commission does not have an authority to examine the issue, regarding the violation prescribed by the paragraph 4 of Article 56 of the Law of Georgia on Broadcasting. If the norm is violated, a person has the right to apply to a self-regulatory body or court.

We call upon the Georgian National Communications Commission to respect the freedom of expression, act according to the procedure established by the legislation

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and do not exceed its authority.