



## Georgian National Communications Commission was not entitled to grant authorization to "NTV Plus"

According to the Departmental Registry of Georgian National Communications Commission, "NTV Plus" has been the entity authorized to provide satellite transit broadcasting services since 2016. As NTV Plus announced, entering Georgia is not just a business project, but also a "social mission".

As for the authorization of the company, the National Communications Commission declared that  to the practice and procedures implemented in the Commission, any interested person used to fill out a declaration through a simple authentication, including foreign companies, and if a company was able to produce all documents required by law, it would receive an authorization automatically. The

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Commission has changed this approach and now a foreign company cannot start operations on the basis of authorization only and if a company intends to enter the Georgian market, it shall be registered in the Entrepreneurial Registry and submit a certificate confirming the registration to the Georgian National Communications Commission. "

According to Article 16 of the Law of Georgia [11] Electronic Communications A[ ] a legal entity interested to obtain an authorization shall provide in the application the information about the registration in the Registry of Entrepreneurial and Non-Entrepreneurial (non-commercial) Legal Entities and also attach an extract from such Registry.

According to Article 4 of the Law of Georgia [11] Entrepreneurs A[ ] a person engaged in entrepreneurial activities in Georgia, including a subsidiary of a foreign company, shall register in the Registry of Entrepreneurial and Non-Entrepreneurial (Non-Commercial) Legal Entities according to the legislation of Georgia. Thus, a person who wants to obtain an authorization in the field of electronic communications should be registered in Georgia. Consequently, the Commission was not entitled to allow "NTV Plus" to authorization.

It is also incorrect that the Commission has changed the practice regarding the issue and today, it is required to submit an extract from the Registry of Entrepreneurial and Non-Entrepreneurial (Non-Commercial) Legal Entities. In 2016 and even today the law requires registration of legal entities in accordance with the Georgian legislation. And the Commission is not entitled to change the requirements of the law in its practice.

Furthermore, it has been reported that the Commission has addressed the "NTV Plus" with the letter to add an extract from the Registry of Entrepreneurial and Non-Entrepreneurial Legal Entities of Georgia to the declaration submitted to the Commission, and in case of non-fulfillment thereof, it may result in the suspension of the authorization.

As of today, giving an instruction to submit further information - namely, registration in the registry of Entrepreneurial and Non-Entrepreneurial (Non-Commercial) Legal Entities and a subsequent extract to the Commission, cannot eradicate the legal problem as the registration in the registry creates a new entity, which today cannot

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be NTV Plus, the entity authorized for satellite transit broadcasting services.

GYLA believes that the Georgian National Communications Commission should examine the issue comprehensively, terminate the authorization of "NTV Plus" for the satellite-transit broadcasting services in Georgia, and in case of reapplication, review the issue of authorization of a new entity registered in Georgia.