

Statement of Media Advocacy Coalition, non-governmental and media organizations on legal amendments on public service announcement

On October 31, 2014, draft law of Georgia on amendments to the law on Broadcasting and subsequent amendments to the laws on advertising and the state procurement was passed by the Parliament of Georgia with the third hearing.

These amendments were adopted without considering arguments of non-governmental and media organizations against the draft or providing any counter-arguments. Despite the request of stakeholders, neither drafters of the law nor the Parliament of Georgia engage in a constructive dialogue and discussion about sensitive issues contained by the draft.

Hereby, we would like to highlight once more the key vulnerabilities of the draft law adopted with the third hearing:

1.The draft law is aimed at simplifying regulations for TV and radio placement of free public service announcement (PSA) and purchasing of TV and radio airtime for paid PSA. Consequently, it is the aim of the draft law to promote placement of free and paid PSA by administrative agencies in particular, as opposed to all stakeholders (including public and charity organizations) in general.

2.The existing law envisages the obligation of PSA placement. Even though preceding

regulations did not provide for any direct powers of the Georgian National Communications Commission (GNCC) to compel a broadcaster to allocate airtime for this particular type of advertising, the GNCC in practice was authorized to make such decisions. This does not amount to a progressive interpretation of the law, in line with the standards of freedom of media.

3.The obligation of broadcasters to allocate airtime for PSA is practiced in other countries as well; however, it is not subject to comprehensive legal regulation. Instead, broadcasters independently decide on ways to realize their social functions. Such practice protects media from compelled speech, which constitutes gross interference with media activities and freedom of expression of media; any such interference is subject to higher standards than compulsion of a broadcaster to impart any specific information (content based regulation). Placement of PSA is not regulated by international acts.

4.Definition of PSA will also be amended and broadened to potentially include information about future activities of an administrative agency. This poses the risk of abuse, especially during election periods, which can prove damaging for equal access of political subjects to media.

5.The draft law adopted with the third hearing does not take into account the new opportunities that will be created in the broadcasting field after digital transition.

Even though the necessity of rigid regulations for PSA placement has not been subject to sufficient public discussions, the foregoing draft law was adopted with the third hearing. Since the Ministry that elaborated the draft law, its initiators or relevant parliamentary committees did not engage in a constructive dialogue, hereby we petition to the President of Georgia to veto the draft law that deteriorates the existing regulations and return it to the Parliament with his objections.

Members of the Media Advocacy Coalition and other NGOs:

- Georgian Young Lawyers' Association (GYLA);
- Georgian Association of Regional Broadcasters (GARB);
- Journalistic Charter of Ethics of Georgia;

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- Institute for the Development of Freedom of Information (IDFI);
- Open Society Georgia Foundation;
- Network of Regional Broadcasters;
- Association of Regional Media;
- Media Club;
- NGO for Civil Society;
- Levan Mikeladze Foundation;
- Institute for Civil Development;
- Network of Regional Radio Stations of Georgia.

Local Broadcasters

- TV 25 (Batumi)
- Channel 9 (Poti)
- Odishi (Zugdidi)
- Jikha (Tsalenjikha)
- Kolkheti 89 (Chkhorotsku)
- Zari (Samtredia)
- Rioni (Kutaisi)
- Imervizia (Chiatura)
- Borjomi TV (Borjomi)
- Akhaltsikhe TV Company Channel 9
- TV 12 (Akhalkalaki)
- Parvana (Ninotsminda)
- Dia (Gori)
- Gurjaani TV (Gurjaani)
- Tanamgzavri (Telavi)
- Kvemo Kartli TV (Rustavi)
- Marneuli TV (Marneuli)
- Bolneli (Bolnisi)
- Hereti Broadcasting Company (Kakheti)
- Television Company Mega TV (Khoni)
- LTV Broadcasting Company (Lagodekhi)
- Egrisi TV Company (Senaki)
- Trialeti TV and Radio Company (Gori)

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