

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Statement of the Media Advocacy Coalition about Amendments to the Law on Electronic Communication

On February 18, draft of amendments to the Law of Georgia on Electronic Communications was published on the website of the parliament of Georgia. The parliament approved first reading of the draft with 75-0 votes on February 18. We believe that the pending amendments need to be further improved considering that they do not cover all legal relations that they aim to regulate.

The approval of the draft of amendments in expedited manner, without public

discussion falls short of principles of transparency and citizen involvement.

Furthermore, pursuant to Article 2 of the draft of amendments submitted to the parliament, frequency resources will be transferred into the ownership of TV and Radio Center for free for the construction of its own terrestrial broadcasting network. It will also receive frequencies for internal technological purposes. 100% of shares of the TV and Radio Center of Georgia LLC is held and controlled by the state. The technical solution proposed by the draft falls short of the principles of the Law of Georgia on Broadcasting stipulating that a public broadcaster should be free from political and commercial influences.

According to the proposed model, the network will be owned by the TV and Radio Center of Georgia LLC, while the multiplex platform of terrestrial digital television network will be managed by the TV and Radio Center of Georgia LLC as opposed to the public broadcaster itself. The Center is controlled by the government holding 100% of the shares, which poses the risk of restricting freedom of public media. The idea of a public broadcaster rules out any control by the state and first and foremost envisages distancing the model of content distribution away from the state as much as possible. Therefore, the frequency should be transferred into the ownership of the public broadcaster itself in order for the latter to administer the multiplex platform itself, based on the passive network of the TV and Radio Center of Georgia LLC.

To our belief, proposed model of distribution of public broadcaster's programming is in conflict with Articles 107-109 of the Treaty on the Functioning of the European Union (latest edition). Article 107 of the treaty establishes the so-called test for state aid while para.1 of Article 107 outlines basic conditions in which state aid is not compatible with principles of internal market of the country (the so-called incompatible aid).

Further, unlike the existing regulations for licensing a broadcaster, a TV network can be owned by a company registered in off-shore zone, which also poses a certain risk.

Members of the Coalition

- Georgian Young Lawyers' Association

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- Association of Regional Broadcasters of Georgia
- Association of Regional Media of Georgia
- Network of Regional Televisions
- Media Club
- Charter of Journalistic Ethic of Georgia
- Institute for the Development of Freedom of Information
- Open Society – Georgia Foundation
- Civil Development Institute
- Non-governmental organization for Civil Society
- Levan Mikeladze Foundation