

თბილისის სააპელაციო  
სასამართლომ  
საზოგადოებრივი  
მაუწყებლის მიერ საჯარო  
ინფორმაციის  
გაცემასთან  
დაკავშირებით  
მნიშვნელოვანი  
გამარტება გააკეთა

პირველი პარტი

## Tbilisi Court of Appeals has made a significant clarification on the provision of public information by the Public Broadcaster

The Tbilisi Court of Appeals partially upheld GYLA's appeal and ordered the Public Broadcaster to hand over a contract with 10 non-residents (indicating the amount for each) within the framework of the state procurement.

The Tbilisi Court of Appeals clarified that the laws on Public Procurement and Broadcasting precluding the extend of public procurement legislation on procurement of TV-, radio-, as well as websites and/or social networking services by the Public Broadcaster, but this doesn't imply that the publicity is excluded from the procurement contracts carried out under the state funding and that an obligation to provide public information still exists.

The Court of Appeals also clarified that for the purposes of providing public information, only the agreement of the parties on the confidentiality of the contract

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could not make it a commercial secret. In addition, it is necessary for the Public Broadcaster to make a decision on the suitability of considering the contract to be a commercial secret. In this case, the Public Broadcaster did not conduct a consideration and did not make the appropriate decision, which is why this information cannot be considered a commercial secret.

It should be noted that this dispute has been going on in court for more than a year, and during this time the Public Broadcaster has not released this information to the stakeholders.

The Tbilisi Court of Appeals Judgment has not entered into force yet and it may be appealed to the Supreme Court of Georgia in accordance with the rules established by law.