



The Georgian Young Lawyers' Association and Transparency International Georgia comment on the amendments to the Law on Broadcasting

The Parliament of Georgia discusses amendments to the Law on Broadcasting in an accelerated procedural manner. The joint proposal by Georgian Young Lawyers' Association and Transparency International Georgia on the amendments to the Law on Broadcasting was partially considered by the Parliament, for which we would like to express our gratitude. We suggested establishing higher qualification criteria for candidates applying for the membership of Georgian National Communications Commission (GNCC). In case the draft law is enforced, the GNCC commissioners will be elected based on their professionalism and relevant work experience.

It is also noteworthy that the draft law also considers changes to the Article 9 of the Law on Broadcasting, which sets the rules for selection of the GNCC commissioners and states that no less than three candidates should be named by the Parliamentary majority on one vacant position, and, also, no less than three candidates should be named on another vacant position by those Parliamentary factions which are not part of Parliamentary majority, and/or independent members of Parliament. Proposed legislative changes abolish this rule, which means if the new rule is adopted, all five commissioners will be selected via open competition. In this case, Parliamentary factions which are not part of Parliamentary majority, and/or independent members of Parliament will have no possibility to pass their candidates to the Parliament.

The explanatory note of the draft law states that the primary goal of the amendments is to bring the Law on Broadcasting in compliance with the Georgian Constitution. We believe that the change, according to which Parliamentary majority and factions which

are not part of the Parliamentary majority, and/or independent MPs will no longer be able to name the candidates, is not driven by the need to bring the Law on Broadcasting in compliance with the constitution. **The proposed amendment will fundamentally change the selection rules of GNCC commissioners.**

Article 73, paragraph 1, sub-paragraph “e” of the Georgian Constitution, which will enter into force after the new president takes a vow in October 2013, says that the Georgian president in agreement with the government shall submit candidates for the members of national regulatory bodies to the Parliament. This clause only defines the general rule, while the detailed instructions about the rules and procedures, or the criteria for selection of the candidates are encompassed in the Law on Broadcasting.

According to the existing law, Parliamentary majority, as well as those parliamentary factions that are not part of the Parliamentary majority and/or independent members of the Parliament propose to president no less than three candidates for one vacant position of a commissioner. President selects candidates from individuals submitted by the Parliamentary majority and factions that are not the part of the Parliamentary majority and/or independent members of Parliament and nominates them to the Parliament. **We think this rule does not contradict with article 73, paragraph 1, subparagraph “e” of the Georgian Constitution.**

We believe such fundamental legislative changes, which are not driven by the need to bring the Law on Broadcasting in compliance with the constitution, should not be adopted in a rush. Instead, a broad public debate should take place on this issue. **We think that the GNCC should contain a member proposed by the Parliamentary factions, that are not part of Parliamentary majority, and/or independent members of Parliament. It would ensure that interests of the Parliamentary minority are represented in the Commission, which is an important aspect in the process of ruling on issues that are in competence of national regulatory bodies.**