



4.4. Georgia (GE)¹³¹ (Country report A¹³²)

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In addition, the analyses presented in this report cannot in any way be considered as representing the point of view of the members of the European Audiovisual Observatory or of the Council of Europe.

KEY FINDINGS

- Amendments to the Law on Broadcasting of Georgia were adopted on 22 December 2022, with the aim of aligning the Georgian media legislation with the 2010 AVMS Directive, as amended by Directive (EU) 2018/18. Following this, two packages of amendments were adopted by the Parliament on 19 October and 17 November 2023 regarding the protection of minors and the independence of the regulator respectively.
- Regarding the alignment, there are several areas where the updated law is still in need of further amendment – for example – regarding European Works, and some rules on audiovisual commercial communications, and certain provisions on video-sharing platforms.
- General principles and key values such as non-discrimination, and the prohibition of incitement to hatred and violence are addressed in the Constitution and relevant media laws. The amendments to the law appear to have resolved the issue where the majority of potential violations were only addressed under a self-regulatory regime.

¹³¹ The country report on Georgia incorporates the feedback received from Ivane Makharadze, Commissioner at the Georgian National Communications Commission, and Nino Grdzlishvili, Head of the International Relations Office, during the checking round with the national regulatory authorities.

¹³² Country report A outlines the findings of Questionnaire A in relation to Group II, which includes Georgia.



- With regard to freedom of expression, there are concerns regarding intimidation and physical and verbal attacks on media professionals, and also the increasing level of SLAPP lawsuits against media organisations.
- Amendments to the Law on Broadcasting with regard to the public service broadcaster were adopted at the end of May 2023 without any public consultation. These amendments are considered by experts to have the aim of increasing control over the PSB in advance of the 2024 elections.
- The provisions of the independence of the NRA (the ComCom) have been assessed in a recent Opinion of the Council of Europe outlining some concerns regarding the procedures for appointing and dismissing the Council.
- The list¹³³ of countries participating in the Creative Europe Programme 2021 – 2027 was recently amended, in February 2024.

4.4.1. Introduction

In the context of this research, Georgia is one of the European neighbourhood countries participating in Creative Europe 2014-2020 Programme and is partially included in the Programme's MEDIA strand (Group II countries). Partial participation in the MEDIA and CROSS strands could be pursued only if there was compliance with general principles; full participation in clusters 2 and 3 was possible if tangible progress was made towards transposing the Audiovisual Media Services Directive 2010/13/EU, as amended by Directive (EU) 2018/1808 (hereinafter the AVMS Directive or AVMSD) i.e. rules on linear services are aligned and there is progress regarding the alignment of rules on on-demand services; or full participation in all actions in the MEDIA and CROSS strands was possible if there was full alignment with the AVMS Directive.

On 9 April 1991, the Supreme Council of Georgia declared independence after a referendum held on 31 March. The Supreme Council was succeeded by the Parliament of Georgia elected in October 1992.¹³⁴ Relations between the European Union and Georgia are based on the EU-Georgia Association Agreement including a Deep and Comprehensive Free Trade Area.¹³⁵ On 23 June 2022, the European Council announced that it was ready to grant

¹³³ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/list-3rd-country-participation_crea_en.pdf

¹³⁴ See here: https://www.wikizero.com/www/Supreme_Council_of_the_Republic_of_Georgia.

¹³⁵ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part: [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\)](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02)).



the status of candidate country to Georgia once the priorities specified in the Commission’s opinion on Georgia’s membership application had been addressed.¹³⁶

4.4.1.1. Relevant framework: current status and developments

The table below outlines the relevant national legal framework related to the audiovisual sector, including mainly those acts of most relevance to the issues addressed in this country report. It is important to note that this country report does not outline the national rules related to the entire AVMS Directive, but focuses rather on a selection of issues: definitions, jurisdiction, freedom of reception and retransmission, and a range of general principles and key values including freedom of expression, independence of the national regulatory authority (NRA), the protection of minors, the promotion of the rights of people with disabilities to access audiovisual content, the transparency of media ownership, and also provisions regarding European works, audiovisual commercial communications (ACCs) and video-sharing platforms (VSPs).

All relevant links appear in this first table.

Table 59. Legal framework

Title	Status	Relevance	Link
The Constitution of Georgia (1995) საქართველოს კონსტიტუცია (Georgian)	In force	Fundamental rights and freedoms	In Georgian: https://matsne.gov.ge/ka/document/view/30346?publication=36 In English: https://matsne.gov.ge/en/document/view/30346?publication=36
Law on Broadcasting (2004) as amended 2023 „მაუწყებლობის შესახებ“ საქართველოს კანონი (Georgian)	Adopted	Main law regulating the field of broadcasting	In Georgian: https://matsne.gov.ge/ka/document/view/32866?publication=73 In English (version includes amendments to October 2023 only): https://matsne.gov.ge/en/document/view/32866?publication=70
Law on Electronic Communications (2005)	In force	Regulation of electronic communications and telecommunications	In Georgian:

¹³⁶ European Commission (23 June 2022): European Council conclusions on Ukraine, the membership applications of Ukraine, the Republic of Moldova and Georgia, Western Balkans and external relations, 23 June 2022: https://ec.europa.eu/neighbourhood-enlargement/news/european-council-conclusions-ukraine-membership-applications-ukraine-republic-moldova-and-georgia-2022-06-24_en.



<p>ელექტრონული კომუნიკაციების შესახებ საქართველოს კანონი (Georgian)</p>			<p>https://www.matsne.gov.ge/ka/document/view/29620?publication=43</p> <p>In English:</p> <p>https://www.matsne.gov.ge/en/document/view/29620?publication=40</p>
<p>Law on national regulatory bodies (2002)</p> <p>(Amended in 2003, 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2015, 2016, 2017, 2018, 2019, 2020)</p> <p>ეროვნული მარეგულირებელი ორგანოების შესახებ (Georgian)</p>	In force	Legal framework on national regulatory bodies	<p>In Georgian:</p> <p>https://matsne.gov.ge/document/view/14062?publication=25</p> <p>In English (version includes amendments to 2016 only):</p> <p>https://matsne.gov.ge/ka/document/view/14062?impose=translateEn&publication=18</p>
<p>Law on Advertising (1998), as amended</p> <p>რეკლამის შესახებ (Georgian)</p>			<p>In Georgian:</p> <p>https://matsne.gov.ge/ka/document/view/31840?publication=31</p> <p>In English:</p> <p>https://matsne.gov.ge/ka/document/view/31840?impose=translateEn&publication=24</p>
<p>Code of Conduct of the Broadcasters (adopted by National Communication Commission (ComCom) resolution No. 2, 12 March 2009).</p> <p>საქართველოს კომუნიკაციების ეროვნული კომისიის 2009 წლის 12 მარტის №2 დადგენილებით დამტკიცებული „მაუწყებელთა ქცევის კოდექსი“ (Georgian)</p>		Self-regulatory code of broadcasters. Covers issues such as non-discrimination, hate speech and right to reply	<p>In Georgian:</p> <p>https://matsne.gov.ge/ka/document/view/82792?publication=1</p>
<p>Criminal Code of Georgia (1999), as amended</p> <p>საქართველოს სისხლის სამართლის კოდექსი (Georgian)</p>	In force	Criminal offences	<p>In Georgian:</p> <p>https://matsne.gov.ge/ka/document/view/16426?publication=242</p> <p>In English version to 2016:</p>



			https://matsne.gov.ge/en/document/download/16426/157/en/pdf
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Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

In 2018, the NRA, the Georgian National Communication Commission (ComCom), prepared the Proposal for a Draft Law on Audiovisual Media Services (also referred to as the Draft Law amending the Law on Broadcasting) with the intention that this would replace the existing Law on Broadcasting (2004). However, this proposal did not move forward. ComCom and other relevant authorities were then engaged in the drafting of new amendments, and a series of consultations with stakeholders.¹³⁷ A new Draft Law (amendments to the "Law on Broadcasting" of Georgia) was submitted to the Parliament of Georgia as of 7 September 2022, and the amendments were adopted on 22 December 2022.

Regarding regulation, certain elements of the law are dealt with by broadcasters in a self-regulatory approach. For other issues, the ComCom is competent. Previously, there were a range of issues under the self-regulatory regime of the broadcasters such as protection of minors and also hate speech. This issue was partly addressed in 2009, when the Constitutional Court issued a decision that ensured Article 56 (4) was removed from the self-regulatory regime. The Article stated that: 'Broadcasting of pornography and programmes or advertisements abusing a citizen's and a person's dignity and his/her fundamental rights and that contain obscenity, are prohibited'.¹³⁸

The 2022 amendments to the Law had more or less resolved this issue. Several deletions were made in the amendments under Article 56, and a new Article 55² was introduced, which appeared to have removed prohibitions on hate speech and incitement to violence from the self-regulatory system. Two packages of amendments were consequently adopted by the Parliament on 19 October and 17 November 2023 regarding the protection of minors and the independence of the regulator respectively. Article 56(4) was deleted and reintroduced under Article 56¹ (3). The protection of minors, which is dealt with in Article 56¹, also remains under the ComCom's remit under Article 59¹ (3). The remaining issues at the self-regulatory level include journalism ethics, but also the right to reply.

4.4.1.2. Definitions and alignment with the AVMS Directive

Below is an overview of the alignment of relevant current definitions with the AVMS Directive. The amendments to the Law on Broadcasting (2004) aligned the national legislative framework with most of those in the AVMS Directive.

¹³⁷ This process was supported by (among others) EU TAIX workshops.



Table 60. Definitions

Definitions (Article 1 AVMSD)	In line with AVMSD	References
Audiovisual media service	Yes – aligned with the 2018 AVMSD.	Law on Broadcasting (2004), as amended in 2023, Article 2 (r ²)
Video-sharing platform service (VSP)	Yes – the aligned with the 2018 AVMSD.	As above, Article 2 (r ⁴)
Programme	Yes – the aligned with the 2018 AVMSD.	As above, Article 2 (z ₁)
User-generated video	Yes – the aligned with the 2018 AVMSD.	As above, Article 2 (r ⁵)
Editorial decision	Yes – the aligned with the 2018 AVMSD.	As above, Article 2 (r ⁵)
Editorial responsibility	Yes – the closely aligned with the 2018 AVMSD. It does not include the phrase “Editorial responsibility does not necessarily imply any legal liability under national law for the content or the services provided”	As above, Article 2 (s ⁴)
Media service provider	Yes – the aligned with the 2018 AVMSD. The definition is for “audiovisual media service provider”	Law on Broadcasting (2004), as amended in 2023, Article 2 (r ³)
VSP provider	Yes – the aligned with the 2018 AVMSD.	As above, Article 2 (r ⁶)
Television broadcasting or television broadcast	Yes – aligned with the 2018 AVMSD. There are definitions for TV Broadcaster and for Broadcaster, which incorporate the terms of the Directive	As above, Article 2 (S) and Article 2 (s ²)
Broadcaster	Yes – aligned with the 2018 AVMSD. (see above)	As above, Article 2, S
On-demand audiovisual media service	Yes – aligned with the 2018 AVMSD.	As above, Article 2 (z ₂₉)
Audiovisual commercial communication (ACC)	Yes – aligned with the 2018 AVMSD. The actual definition is longer but incorporates the definition in the Directive	As above, Article 2 (z ₂ ¹)
Television advertising	Yes – the current law is closely aligned with the 2018 AVMSD.	As above, Article 2 (z ₂ ¹) Article 2 (m)



Definitions (Article 1 AVMSD)	In line with AVMSD	References
	The law has a definition for advertising, which in the previous law was more closely aligned with the Directive. The same definition exists in the Law on Advertising. The phrase “in return for payment or for similar consideration” seems to have been removed.	Law on Advertising (1998), amended 2023 Article 3 (15)
Surreptitious ACC	Yes – aligned with the 2018 AVMSD.	As above, Article 2 (z ₃₀)
Sponsorship	Yes – aligned with the 2018 AVMSD.	As above, Article 2 (z ₁₆)
Teleshopping	Yes – aligned with the 2018 AVMSD.	As above, Article 2 (z ¹⁷)
Product placement	Yes – aligned with the 2018 AVMSD.	As above, Article 2 (z ₂₄)
European works	Yes – aligned with the 2018 AVMSD.	As above, Article 2 (g)
Independent producer	Yes – partly aligned with the 2018 AVMSD. There is no definition of independent producer, but a definition of “independent programme”: “programme – a programme in relation to which there is no interdependence between the copyright holder and a broadcaster”	As above, Article 2 (f)
Definition of harmful content (or equivalent such as violation of integrity, or violation of dignity)	Yes – aligned with the 2018 AVMSD. Harmful content is defined in relation to the protection of minors.	As above, Article 56 ¹ (2)
Definition of incitement to hatred (or equivalent)	Yes – aligned with the 2018 AVMSD. The law prohibits discrimination and violence or contempt towards individuals and groups (defined by specific characteristics).	As above, Article 55 ²

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

In terms of definitions, the Law on Broadcasting (2004), following the amendments at the end of 2022, aligns with most of the definitions in the 2018 AVMSD. For example, there is a definition for independent programme rather than independent producer. Hate speech is defined and prohibited in the Law and the details on the regulation of this are outlined below (see under the section covering general principles and key values).



4.4.1.3. Jurisdiction, and the principle of freedom of reception and retransmission

The national legislative framework with regard to jurisdiction, and to the principle of freedom of reception and retransmission is outlined in the tables below.

Table 61. Jurisdiction

Provisions related to jurisdiction	In line with AVMSD	References
Article 2 of the AVMSD regarding jurisdiction of AVMS providers	Yes – aligned with the 2018 AVMSD as regards the establishment of jurisdiction.	Law on Broadcasting (2004), as amended 2023, Article 1 (3-5)
Article 2 (5a). Requirement that AVMS providers inform the competent national regulatory authorities or bodies about any changes that may affect the determination of jurisdiction	Yes – in line with the 2018 AVMSD.	As above, Article 70 (10)
Article 2 (5b). Requirement to maintain up-to-date list of the AVMS providers under national jurisdiction	Yes – in line with the 2018 AVMSD.	As above, Article 70 (10)
Article 28a (paragraphs 1-5) regarding establishment of the jurisdiction of VSPs	Yes – aligned with the 2018 AVMSD.	Law on Broadcasting (2004), as amended 2023, Article 1 (7-9)
Article 28a (paragraph 6). Requirement to maintain an up-to-date list of the VSP providers established or deemed to be established on their territory	Yes – in line with the 2018 AVMSD.	As above, Article 70 (10)
Article 28a (7) regarding the role of the European Regulators Group for Audiovisual Media Services (ERGA) in providing an opinion on jurisdiction	Not mentioned.	

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

The legislative framework with regard to jurisdiction is aligned with the 2018 AVMS Directive following the adoption of the amendments. It now includes VSPs and the provisions of the 2018 AVMS Directive under Article 2 (5a and 5b regarding the requirement that AVMS providers inform the competent national regulatory authorities or bodies about any changes that may affect the determination of jurisdiction, and the requirement to maintain an up-to-date list of the audiovisual media service providers under national jurisdiction).



The principle of freedom of reception and retransmission for audiovisual media services is examined below.

Table 62. Freedom of reception and retransmission – and derogations

AVMSD and the freedom of reception and retransmission	In line with AVMSD and European standards	References
Article 3 (1) – ensuring freedom of reception and retransmission	Yes – aligned with 2018 AVMSD as it establishes free reception and unrestricted retransmission of the media services authorised/licensed in other states on Georgian territory.	Law on Broadcasting (2004), as amended in 2023, Article 45 ³ (1)
Article 3(2) – derogations from the principle of freedom of reception and retransmission	Yes -closely aligned with the 2018 AVMSD The Law specifies the types of infringements regarding content that can justify derogations from the freedom of reception and retransmission in line with the Directive. Derogation is made by a ComCom decision, and procedures include communicating with the relevant regulatory authority who has jurisdiction over the service, and allowing the media service provider the opportunity to express its views on the alleged violation.	As above, Article 45 ³ (2-4)

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

The principle of freedom of reception and retransmission was introduced to the Law on Broadcasting (2004) following the adoption of amendments at the end of 2022. The amendments also introduced provisions on derogations from the principle that are closely aligned with the 2018 AVMS Directive.

4.4.2. General principles and key values promoted by the AVMS Directive

This section looks at a range of general principles relevant to the media sector, and key values promoted by the AVMS Directive. The table below provides an overview of some of the general principles that are not dealt with in more detail in later sections.



Table 63. General principles and key values

General principle/ key value	Relevant provision/provisions	References
Principle of non-discrimination	<p>The Constitution under Article 11 enshrines the right to equality. It prohibits any discrimination on the grounds of race, colour, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds (Article 11 (1)).</p> <p>Citizens of Georgia, regardless of their ethnic and religious affiliation or language, shall have the right to maintain and develop their culture, and use their mother tongue in private and in public, without any discrimination. (Article 11 (2)).</p> <p>Article 11 (3) guarantees equality between men and women. Article 11 (4) addresses the rights of persons with disabilities.</p> <p>***</p> <p>The Criminal Code prohibits discrimination – specifically racial discrimination.</p>	<p>Constitution of Georgia (1995), Article 11</p> <p>***</p> <p>Criminal Code (1999), Article 142 (1)¹</p>
Principle of non-discrimination	<p>Broadcasters are committed to ensuring due coverage of all significant and different opinions in news programmes related to the facts and events, without discriminating against any group or opinion. (54 (2))</p> <p>The issue of discrimination is addressed only in relation to advertising: Article 63 2⁵ prohibits the placement of advertisements containing or inciting discrimination on the basis of sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.</p> <p>The amendments to the law introduced the same prohibitions for VSPs (Article 45⁴ b)</p>	<p>Law on Broadcasting (2004) as amended 2023, Article 54 (2), Article 63 2⁵.</p> <p>and Article 45⁴ b</p>
Prohibition of incitement to hatred and incitement to violence	<p>The Constitution (under Article 23 (3)) prohibits the establishment of political parties that aim to overthrow or forcibly change the constitutional order of Georgia, infringe on the independence or violate the territorial integrity of the country, or that propagate war or violence or incite national, ethnic, provincial, religious or social strife.</p> <p>***</p> <p>Any type of war propaganda is prohibited (Article 56 (1)).</p> <p>The new Article 55² prohibits programmes that incite violence or hatred, and prohibits</p>	<p>Constitution of Georgia (1995), Article 23</p> <p>***</p> <p>Law on Broadcasting (2004) as amended 2023, Articles 56 (paragraphs 1)</p> <p>This above is regulated via a self-regulation mechanism of broadcasters: Code of Conduct of the Broadcasters</p>



	<p>programmes that contain incitement to terrorism.</p> <p>The broadcasting of programmes containing the apparent and direct threat of inciting racial, ethnic, religious or other hatred in any form and the threat of encouraging discrimination or violence toward any group, is prohibited.</p> <p>The broadcasting of programmes intended to abuse or discriminate against any person or group, or which are intended to highlight differences, are prohibited, except when this is necessary due to the content of a programme and when the aim is to illustrate existing hatred.</p> <p>***</p> <p>The Criminal Code prohibits acts committed to incite national or racial rivalry or discord.</p>	<p>New Article 55² – Prohibition of advertisements and programmes containing hate speech and incitement to terrorism</p> <p>***</p> <p>Criminal Code, Article 142¹</p>
<p>Prohibition of criminal content: provocation to commit a terrorist offence; child pornography; racism and xenophobia, incitement to terrorism</p>	<p>The Criminal Code prohibits acts committed to incite national or racial rivalry or discord. It also prohibits child pornography, and incitement to terrorism.</p> <p>***</p> <p>The broadcasting of pornography and programmes or advertisements abusing a citizen's or a person's dignity and his/her fundamental rights and that contain obscenity, are prohibited (Article 56¹ (3)).</p> <p>Programmes or advertisements under paragraph 3 of this article (except for programmes or advertisements abusing fundamental human rights and freedoms) may be broadcast only in an encrypted form, on the basis of individual contracts with customers (Article 56¹ (3)).</p> <p>Article 55² prohibits incitement to hatred and provocation to commit a terrorist offence</p> <p>It is not clear that this provision covers VSPs, as this is not mentioned in the obligations for VSPs under Article 45⁴ The fact that the definition of programmes includes video-clips may imply that content on VSPs is included here but it is not explicitly stated.</p>	<p>Criminal Code of Georgia (1999), as amended</p> <p>Article 330 -1 – Open support of terrorist activities and/or a terrorist organisation or public incitement to terrorism</p> <p>Article 255 – Illegal making or sale of a pornographic work or other items</p> <p>Criminal Code, Article 142¹</p> <p>***</p> <p>Law on Broadcasting (2004) as amended 2023, Article 56¹ (3)</p> <p>Article 55² – Prohibition of advertisements and programmes containing hate speech and incitement to terrorism</p>

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

In summary, all of the above principles: non-discrimination, prohibition of incitement to hatred and violence and, to some extent, the prohibition of criminal content are dealt with in the legal framework.



The Constitution, the Criminal Code and the Law on Broadcasting (2004) all address the principle of non-discrimination and incitement to hatred. The Law on Broadcasting (2004, as amended in 2022) also prohibits incitement to hatred and provocation to commit a terrorist offence under a new Article 55².

These provisions were previously under Article 56 (4 and 6), which have now been deleted. The previous provision on prohibiting the broadcasting of programmes intended to abuse or discriminate against any person or group (previously part of Article 56 (2) which has been deleted) appears to have been lost in the deletions of old, and introductions of new articles.

It is not clear that this provision covers VSPs, as this is not mentioned in the obligations for VSPs under Article 45⁴. The fact that the definition of programmes includes video-clips may imply that content on VSPs is included here but it is not explicitly stated. Instead there is a broad reference to crime under the Criminal Code under Article 45.⁴

4.4.2.1. Freedom of expression, freedom of the media and prohibition of censorship

The table below indicates the relevant legal framework in Georgia for the protection of freedom of expression. In addition to the Constitution, there is a specific Law on Freedom of Speech and Expression.

Table 64. Freedom of expression

General principle/key value	Relevant provision/provisions	References
Freedom of expression/ freedom of the media / prevention of censorship/ right to information	The Constitution guarantees the rights to freedom of opinion, information, mass media and the internet. The mass media shall be free and censorship shall be inadmissible. Neither the State nor individuals shall have the right to monopolise mass media or the means of dissemination of information. Everyone has the right to access and freely use the internet.	Constitution of Georgia (1995), Article 17
Freedom of expression/ freedom of the media/ prohibition of censorship	Article 2 states that the Law shall be interpreted according to the Constitution of Georgia, international legal obligations undertaken by Georgia, including the European Convention on Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights. Article 3 guarantees freedom of speech and expression as eternal and supreme human values.	Law of Georgia on Freedom of Speech and Expression (2004), Articles 2 and 3
Freedom of expression	The Law (among others) is intended to ensure the freedom of speech and expression	Law on Broadcasting (2004), as amended in 2023, Article 1 (2)

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey



Freedom of expression is guaranteed in both the Constitution and in the Law on Freedom of Speech and Expression (2004). The latter also addresses restrictions on freedom of speech, and defamation. The Law on Broadcasting (2004, as amended in 2022) also aims to ensure freedom of speech and expression. Although media freedom in Georgia is guaranteed by law, and there is a high standard of freedom of expression, there are still problems in relation to the implementation of this legislation. There have been many attacks on media professionals in recent years, most of which have not been investigated.

The May 2023 report of the Georgian Democracy Initiative (GDI) outlined a significant increase in recent years in SLAPP (Strategic Litigation Against Public Participation) lawsuits against media organisations.¹³⁹ In addition, the report's findings state that the judicial proceedings do not follow accepted international practice in this area with regard to burden of proof, balancing of rights and protection of freedom of expression. The report also states that the Courts award disproportionately high amounts for moral damages to defendants in cases initiated by influential individuals.

In its opinion on the Application of Georgia for EU Membership, the European Commission noted that while the media environment is largely pluralistic, intimidation and physical and verbal attacks on media professionals have increasingly taken place, especially in the context of demonstrations and election rallies. Investigations into these violations are not sufficient. The opinion also stressed that court proceedings and investigations against opposition media owners have become frequent. Recent verdicts have had a chilling effect on critical media reporting. It concluded that further alignment of the legislation on the media regulator ComCom with European standards is needed.¹⁴⁰

At the end of May 2023, the Government also introduced amendments to the Law on Broadcasting in relation to the public broadcaster (GPB) via a fast procedure where no prior consultation was held with either government or non-governmental bodies or expert groups. According to the civil society, the amendments, among others, extend the Board Chairman's tenure from 3 to 6 years and chairmanship requirements would be upgraded.¹⁴¹ There is concern among experts and civil society that these amendments by the Parliament aim to prolong the tenure of the current Board Chairman to presumably have a stronger influence over GPB ahead of the 2024 elections.

4.4.2.2. The independence of national regulatory authorities in the media sector

The NRA is the Communications Commission (ComCom, or "the Commission"). The functions of the Commission include the following: developing policy; supervising and controlling authorised services; allocating frequency spectrum; monitoring adherence to legislation in the field of broadcasting; imposing appropriate sanctions; supervising and controlling issues related to copyright and related rights, the protection of minors, and advertising;

¹³⁹ Georgian Democracy Initiative (GDI)- Special Report - Regarding SLAPP Cases in Georgia. May 2023.

¹⁴⁰ EC (2022): COM (2022) 405 final: Communication from the Commission to the European Parliament, the European Council and the Council – Commission Opinion on Georgia's application for membership of the European Union: <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/Georgia%20opinion%20and%20Annex.pdf>.

¹⁴¹ <http://mediacoalition.ge/en/a/0de59cca>.



resolving disputes; adopting legal acts, including codes of conduct; and facilitating the improvement of media literacy within the society.

Table 65. Independence of the national regulatory authority (NRA)

AVMSD and the independence of NRAs (Article 30)	In line with AVMSD	References
NRAs should be legally distinct from, and functionally independent of government	<p>Yes – aligned with the 2018 AVMSD.</p> <p>The Commission is a legal entity under public law, a permanent national regulatory body that is not subject to any state agency.</p> <p>***</p> <p>1. In the ordinary course of its activities, a National Regulatory Body shall be guided by the principles of independence, publicity and responsibility.</p> <p>2. Any type of interference in the ordinary course of activities of a National Regulatory Body, or interference in its control, or request for a report regarding its activities, shall not be permitted unless otherwise provided for by law.</p>	<p>Law on Broadcasting (2004), as amended 2023, Article 5 (2)</p> <p>***</p> <p>Law of Georgia on National Regulatory Bodies (2002), as amended</p> <p>Article 4 (1) and (2)</p>
NRAs should exercise their powers impartially and transparently	<p>Yes – aligned with the 2018 AVMSD.</p> <p>The Commission, members of the Commission and employees of the staff of the Commission are independent in exercising their powers and abide only by the law. Unlawful influence on and intervention in their activities are inadmissible, and a decision made as a result of such influence and intervention is deemed void (Article 6 (1)).</p> <p>Any concerned person may apply to a court for the purpose of avoiding and preventing unlawful influence or intervention, and to nullify decisions made as a result of such intervention and influence (Article 6 (2)).</p>	<p>Law on Broadcasting (2004), as amended 2023, Article 6 (paragraphs 1 and 2)</p>
Clear definition of the competences and powers of the NRAs outlined in the law	<p>Yes – aligned with the 2018 AVMSD.</p> <p>The functions of the Commission in the field of broadcasting outlined in detail under Article 5.</p>	<p>As above, Article 5</p>
NRAs should have adequate financial and human resources and enforcement powers to carry out their functions, and have their own budgets	<p>Yes – aligned with the 2018 AVMSD.</p> <p>The budget of the Commission is funded by a regulation fee and other funding sources provided for by this Law, the Law on Electronic Communications and the Law on Legal Entities under Public Law.</p> <p>***</p> <p>The Law on National Regulatory Bodies guarantees under Article 4 (3g) the right of the national regulatory body to make independent decisions from any political body, and the right to a separate annual budget.</p>	<p>As above, Article 12 (2)</p> <p>***</p> <p>Law of Georgia on National Regulatory Bodies (2002) as amended</p> <p>Article 4 (3g)</p> <p>Article 7 (3) and (4)</p>



AVMSD and the independence of NRAs (Article 30)	In line with AVMSD	References
	The budget is based on fees paid by the regulated services (Article 7 (3)), and unused funds are made available to the NRA the following year (Article 7 (4)).	
Clear conditions and (transparent and non-discriminatory) procedures for the appointment and dismissal of the heads of NRAs/members of governing bodies laid out in the law	<p>Yes – closely aligned with the 2018 AVMSD in the law.</p> <p>The Commission is composed of five members, with a six-year term of office. The law provides for an open competition for the election of members in compliance with the principles of legality, transparency, equality of the candidates, independence and impartiality. It describes the requirements for candidates both professional and regarding personal integrity. Anyone may nominate a candidate for membership of the Commission within 30 days after the competition is announced. The list of candidates and documents submitted by them for the competition shall be published on the official website of the Government of Georgia. A Competition Commission, composed of impartial and competent persons, shall be established by the Order of the Prime Minister of Georgia to select the candidates. At least 3 candidates must be found to satisfy qualification requirements of education and professional experience, at the risk of launching a new competition. Otherwise, the Commission shall conduct interviews with the candidates and submit to the Government of Georgia a recommendation regarding the candidates to be nominated. The Government of Georgia shall submit a list to the President of Georgia that will be presented to the parliament. After the president signs off on the list, it is sent to parliament for agreement (Articles 9 (1) – 9 (13)).</p> <p>Article 10 (1) stipulates that a member of the Commission shall be dismissed under the procedure established by the regulations of the Parliament of Georgia. Article 10 (2): A decision on the dismissal of a member of the Commission may be appealed to a court. Article 11 deals with conflict of interest.</p> <p>***</p> <p>Rules of Procedure of the Parliament of Georgia:</p> <p>Under Article 185 a range of grounds for dismissal of a member of the National Communications Commission is provided including: criminal conviction by a court, illness, or death.</p>	<p>Law on Broadcasting (2004), as amended 2022,</p> <p>Article 9 (1) – 9 (13) Articles 10 and 11</p> <p>***</p> <p>Rules of Procedure of the Parliament of Georgia</p> <p>Article 185 – Dismissal of a member of the Georgian National Communications Commission</p>
Existence of effective and independent appeal mechanisms	<p>Yes – aligned with the 2018 AVMSD.</p> <p>Legal acts of the Commission may be appealed to a court as determined by legislation.</p>	As above, Article 8.7



AVMSD and the independence of NRAs (Article 30)	In line with AVMSD	References
Provisions in the law that support cooperation between NRAs	Yes – aligned with the 2018 AVMSD. Article 6 (4) – A National Regulatory Body may enrol, or cooperate with, or consult with, or develop any other kind of relations with international organisations (associations), foundations or non-profit (non-commercial) legal entities with scopes of authority which are the same as or similar to that of the National Regulatory Body.	Law of Georgia on National Regulatory Bodies (2002), as amended Article 6 (4)

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

The table above indicates that the provisions regarding the independence of the NRA are covered in the national legislation, and that this aligns closely with the 2018 AVMSD. Of note is the fact that a specific Law of Georgia on National Regulatory Bodies regulates this area with an emphasis on independence, independent decision-making and the right of regulatory bodies to have and manage their own annual budgets.

Since its establishment in 2000, the Georgian National Communications Commission (now ComCom) has been functioning as an independent regulatory authority for electronic communications and broadcasting in Georgia. The independence of ComCom was assessed in 2020 in a report elaborated within the EU4Digital Initiative.¹⁴² The report stated that the Georgian regulatory system is well aligned with the EU regulatory framework and that legal guarantees of the independence of the NRA have been established in the Constitution of Georgia since 2017 with further technical changes introduced in 2018.

A recent review of the updated Law on Broadcasting (in its entirety) examined the procedures for selection and dismissal of the members of the Commission.¹⁴³ They noted that Commission members are appointed for six years and are allowed a second mandate, and commented that this was an unusual example of a very long term of office. The review did, however, also note that there are other jurisdictions where mandates of five or six years can be renewed.

With regard to the election of candidates, the Opinion noted that the Government selected a list of candidates to be voted on by Parliament on the basis of an open competition but did not detail how the final list was selected and by whom. This allowed for political influence on who is included in the final list. The Opinion emphasised the usual

¹⁴² EU4Digital: supporting digital economy and society in the Eastern Partnership: Gap assessment of Georgia regulatory system in the field of electronic communications: <https://eufordigital.eu/wp-content/uploads/2021/04/Gap-assessment-of-Georgia-regulatory-system-in-the-field-of-electronic-communications.pdf>.

¹⁴³ Council of Europe (2023): Opinion of the Directorate General Human Rights and Rule of Law Information Society and Action against Crime Directorate Information Society Department – on The Law of Georgia on Broadcasting. Prepared on the basis of the expertise by Council of Europe experts: Eve Salomon and Sally Broughton Micova.



practice in Europe involving of the role of a “cross-party parliamentary committee” in vetting the candidates.

However, amendments to the Law on Broadcasting adopted in November 2023 further specified the election procedure. In particular, it specified that candidates would be selected through an open competition in accordance with the principles of legality, transparency, equality of candidates, independence and impartiality. In addition, a Competition Commission composed of impartial and competent persons is to be established by Order of the Prime Minister of Georgia to select the candidates. At least three candidates must be found to satisfy the qualification requirements in terms of education and professional experience. Failing this, a new competition will be launched. The Commission must interview the candidates and make a recommendation to the Government of Georgia on the candidates to be nominated.

In many other jurisdictions, civil society and NGOs are engaged in nominating candidates for such position, which is another model to that could be used to ensure representativeness and limit political influence.¹⁴⁴

The Opinion also noted that the final vote on the list in Parliament is by simple majority and implies that the list chosen by the Government will be elected by the ruling parties. The Opinion recommends using a 2/3 or 3/4 majority in line with best European practice.

Procedures for the dismissal of members of the Commission in the Law on Broadcasting make direct reference to the Rules of Procedure of the Parliament of Georgia. The Council of Europe Opinion emphasised that such procedures should be outlined in the Law. The Opinion also examined these Rules of Procedure and noted that the dismissal of members of the Board, regardless of the condition leading to dismissal (including even imprisonment), has to be agreed upon by the Parliament via a vote. This represented a further issue with regard to the lack of political independence of the Commission. The amendments to the Law on Broadcasting adopted in November 2023 specify that the Parliament shall hold a vote on dismissal of the member of the Commission within 30 days after the issue is added to the agenda of the plenary. The Communications Commission of Georgia and the member of the Commission whose dismissal is being discussed, has a right to present his/her position, either in an oral or written form, to the Parliament at the plenary session. In addition, Article 6 (5) covers independence and immunity, whereby “A member of the Commission may be detained or imprisoned, or searched only with the consent of the Parliament of Georgia.”

Feedback from the NRA emphasised that, in practice, this does not lead to any interference in judicial proceedings. These additional safeguards were introduced as there had been several instances in the past of “framing” and intimidation of Commission Board members for political or other goals.

The Opinion also suggested other areas where the provisions on the NRA could be improved including: enhancing the professional criteria for selection of candidates for the

¹⁴⁴ For example, there are procedures where civil society nominates candidates in Albania, Denmark, Lithuania, Montenegro, North Macedonia, Serbia, or where civil society is consulted regarding candidates in Latvia.



Commission; ensuring the quorum for decision-making is a majority of the full membership; clarifying that conflicts of interest are absolute; ensuring that the ComCom rather than Parliament should organise its own independent audits.

4.4.2.3. The protection of minors

In this section, the legislative framework for the protection of minors and the extent to which it aligns with the AVMS Directive is examined in relation to obligations on AVMS providers to protect minors from harmful content; with regard to protecting minors from harm in the context of ACCs; and in relation to prohibited/restricted advertising.

Table 66. The protection of minors

AVMSD and the protection of minors	In line with AVMSD	References
Obligations to protect minors from harmful content, via watershed/scheduling, age verification tools or other technical measures	<p>Yes – aligned with the 2018 AVMSD.</p> <p>Broadcasters shall not, without labelling appropriate age signs and without determining airtime, broadcast programmes or place material in the programme that may harm the physical, psychological, intellectual and spiritual development of minors, or their mental or physical health or socialization.</p> <p>Broadcasting of a programme or an advertisement containing pornography, and placement of such a programme or an advertisement encroaching on dignity and fundamental rights and freedoms of a human/citizen that contains obscenity, shall be prohibited. A programme or an advertisement provided for by this paragraph (except for a programme or advertisement encroaching on the fundamental rights and freedoms of a human) may only be place in an encrypted form, on the basis of an individual contract with a customer.</p>	<p>Law on Broadcasting (2004), as amended 2023,</p> <p>Article 56</p>
Prohibition of commercial use of personal data of minors collected when implementing these measures	<p>Yes – aligned with the 2018 AVMSD.</p>	<p>As above,</p> <p>Article 56³</p>
Informing viewers about potentially harmful content (content rating systems, visual or acoustic signals)	<p>Yes – aligned with the 2018 AVMSD.</p> <p>Broadcasters should provide a proper and clear warning that a programme contains certain age-inappropriate material. The warning is represented by a special visual marking, which is continuously present during the whole</p>	<p>As above, Article 56¹ (6)</p>



AVMSD and the protection of minors	In line with AVMSD	References
	broadcast. There should also be pre-broadcast written and verbal warnings.	
Bans or prohibitions (or limitations) regarding certain products: cigarettes, tobacco products and electronic cigarettes, alcoholic beverages, etc. and provisions to effectively reduce the exposure of minors to ACCs for alcoholic beverages	<p>Yes – aligned with the 2018 AVMSD.</p> <p>The advertisement of a tobacco product, tobacco accessory and/or a device designated for tobacco consumption shall be prohibited.</p> <p>For minors under 18, programmes (announcements) consisting of the following elements are deemed inappropriate:</p> <p>F) Justification of approval of the usage of tobacco or alcohol (Article 56² (F)).</p>	<p>As above,</p> <p>Article 63 (2¹)</p> <p>Article 56² (F)</p>
Requirement that ACCs shall not cause physical, mental or moral detriment to minors	<p>Yes - aligned with the 2018 AVMSD in the Law on Advertising.</p> <p>***</p> <p>This provision has been included in the section related to VSPs.</p>	<p>Law on Advertising (1998), as amended</p> <p>Article 14</p> <p>***</p> <p>Law on Broadcasting (2004), as amended 2023,</p> <p>Article 45⁵ – Obligations of video-sharing platform providers relating to audiovisual commercial communications</p>
Effectively reduce the exposure of children to ACCs for such foods and beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS)	<p>Not mentioned in the law.</p> <p>Specific obligations are not included in the law. However, this will constitute part of the self- and co-regulation, where these issues will be covered within the Code of Conduct of Georgian Broadcasters.</p> <p>According to the paragraph 37, article 76 of the Law on Broadcasting, Georgian National Communications Commission is obliged to adopt codes of conduct for on-demand audiovisual media service providers and video sharing platform providers.</p>	<p>Law on Broadcasting (2004), as amended 2023,</p> <p>Article 76 (para 37)</p>
Prohibiting of product placement in children's programmes	Yes – aligned with the 2018 AVMSD.	Law on Broadcasting (2004), as amended 2023, Article 69 ¹

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

The national legislative framework is closely aligned with the 2018 AVMS Directive as regards the protection of minors in audiovisual media services. Amendments to the Law on



Broadcasting (2004) were adopted on 22 December 2022 and later again on 19 October 2023. Certain provisions on audiovisual commercial communications are covered in the Law on Advertising.

No specific mention is made in the law of the obligation to reduce the exposure of children to ACCs for such foods and beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS). However, according to feedback from the NRA this will constitute part of the self- and co-regulation, where these issues will be covered within the Code of Conduct of Georgian Broadcasters, to be elaborated by the ComCom.

The former approach of using a self-regulatory mechanism for the protection of minors raised questions regarding the effectiveness of such a system.¹⁴⁵ However, the 2022 amendments to the Law appear to have resolved this issue with protection of minors under the regulatory remit of the ComCom.

The Commission set up a media literacy educational research centre with the organisational and legal form of a non-entrepreneurial (non-commercial) legal entity.¹⁴⁶ The Media Academy aims to facilitate media literacy development, to evaluate the status of media literacy within the society, identify challenges and conduct studies for the facilitation of media literacy development. The centre holds special training courses and implements programmes for various age groups in the society and other groups (children and their parents, teachers, media representatives, etc.). The Commission has also established a new Media Literacy Department.

4.4.2.4. The promotion of the rights of people with disabilities to access audiovisual content

The 2018 AVMS Directive strengthens the obligations for AVMS providers to provide accessible audiovisual media content. EU member states are now expected to ensure “without undue delay” that audiovisual media services are made “continuously and progressively more accessible”. The current obligations in Georgia appear to be limited. According to the current law, the Public Broadcaster shall take into account the interests of persons with disabilities and provide sign language interpretation in their programmes related to elections and/or referenda and/or plebiscites, which are broadcast during electoral campaigns and referenda and/or plebiscites. Also, the Public Broadcaster should raise public awareness to ensure the promotion of the potential of persons with disabilities and their contribution to public life, as well as to periodically inform the public about the rights of persons with disabilities.

¹⁴⁵ Technical Paper on Professional Media Regulation: European Standards, Practice and Perspectives for Georgia: Contribution and Inputs from Experts’ Participation in the Seminar on “Freedom of Expression Standards and Media Content regulation: CoE and EU practices”, 14-15 July 2022; and the Online Roundtable on “Professional media regulation: European standards, practice and perspectives for Georgia”, 18 July 2022.

¹⁴⁶ <https://mediaacademy.ge>.

**Table 67. Accessibility**

AVMSD and accessibility of audiovisual media services	In line with AVMSD	References
Ensuring – without undue delay – that services provided by AVMS providers are made continuously and progressively more accessible	Yes – aligned with the 2018 AVMSD in the Law. The Public Service Broadcaster also has further obligations in this area: to take into account the interests of persons with disabilities and provide them with access to general public information, including the provision of sign language interpretation in programmes related to elections and/or referenda and/or plebiscites, which are broadcast during electoral campaigns and referenda and/or plebiscites (Article 16 (j))	Law on Broadcasting (2004) as amended 2023, Article 51 ² (1) Article 16 (j)
AVMS providers should report on this to the NRAs. AVMS providers are encouraged to develop action plans in this area and should share these with the NRA	Yes – aligned with the 2018 AVMSD in the Law.	As above, Article 51 ² (2 and 3)
States should provide a public online point of contact for providing information and receiving complaints	Yes – aligned with the 2018 AVMSD in the Law, which creates an online point of contact at the office of public defender of communications (independent body within Communications Commission).	As above, Article 51 ² (4)
Emergency information should be in accessible formats	Yes – aligned with the 2018 AVMSD in the Law.	As above, Article 51 ² (5)

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

As can be seen in the table above, following the adoption of amendments to the Law on Broadcasting (2004) in December 2022, the legislation now includes all the obligations regarding accessibility of audiovisual media services as outlined in the 2018 AVMS Directive.

4.4.2.5. Transparency of media ownership and the promotion of media pluralism

The 2018 AVMS Directive emphasises (recital 15) that “Transparency of media ownership is directly linked to the freedom of expression, a cornerstone of democratic systems”. The AVMS Directive requires a minimum of public information about services (Article 5), and national lists of audiovisual media services (Article 2). The table below looks at the legislative framework in Georgia regarding these provisions.



Table 68. Transparency of media ownership

AVMSD and transparency of media ownership	In line with AVMSD	References
Requirement for AVMS provider to provide publicly accessible information on the following: its name; the address at which it is established; its email address or website; the state having jurisdiction over it and the competent NRA	<p>Not aligned with the 2018 AVMSD</p> <p>Media service providers are obliged to include this information when applying for licences/ authorisation etc. But there is no obligation in the Law for them to make this information public accessible.</p>	<p>Law on Broadcasting (2004), as amended 2023</p>
Possible to also require AVMS providers to make accessible information on their ownership structures	<p>Yes – aligned with the 2018 AVMSD.</p> <p>Broadcasters are required, annually, to publish and to provide the NRA with details on their licences, ownership structure, and shares in other broadcasters, and/or other media outlets. They also provide information on the shareholders in the broadcaster and their other shareholding interests in media outlets.</p>	<p>Law on Broadcasting (2004), as amended 2023, Article 61</p>
Requirement for states to establish and maintain up-to-date lists of the national AVMS providers	<p>Yes – aligned with the 2018 AVMSD.</p> <p>Under Article 70 (10) the Commission is required to keep a corporate register of licences and authorisations.</p> <p>Article 45¹ (4) – Within 10 working days after receiving an application, the Commission shall carry out the authorisation of broadcasting by registering authorised persons in its corporate register. The data on declarations of compliance shall also be entered into the corporate register of authorised persons and the declarations shall be available to any person.</p> <p>***</p> <p>Under the Rules governing the activities of the Georgian National Communications Commission, Article 32 (5), this register must be accessible to the public.</p> <p>The Register is published on the official webpage of ComCom: https://registry.comcom.ge/.</p>	<p>Law on Broadcasting (2004), as amended 2023</p> <p>Article 70 (10)</p> <p>Article 45¹ (4)</p> <p>***</p> <p>Rules governing the activities of the Georgian National Communications Commission,</p> <p>Article 32 (5)</p>

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

There is no obligation in the Law regarding an impressum. Media service providers are obliged to include this information when applying for licences / authorisation etc. But there is no obligation in the Law for them to make public this information.

However, there are obligations regarding transparency of ownership, including publication. According to the national expert, no major obstacles have been reported as to



the implementation of these obligations. The Law on Broadcasting (2004), under Article 37, also provides restrictions on the type of persons who may not hold a licence for broadcasting including: an administrative body, except for a higher educational institution; an official of an administrative body or other officer; a legal person interdependent with an administrative body; a political party or its official; a legal person registered offshore, etc.

In addition, following the 2013 amendments to the Law on Broadcasting, the Communications Commission, with the involvement of NGOs and civil society adopted electronic forms of reporting for Georgian broadcasters. These forms contain information about sources of financing including a breakdown of revenues received from advertising, sponsorship, teleshopping and contributions of a broadcaster owner or any other person. The revenues should be disclosed to the last individuals/legal entities.

4.4.3. Promotion of European works

One of the key aims of the AVMS Directive is the promotion of European works. The table below outlines the national framework and assesses alignment with the 2018 AVMS Directive.

Table 69. Promotion of European works on linear services

AVMSD and the promotion of European works (linear services) (Articles 16 and 17)	In line with AVMSD	References
The use of majority quota obligations (for example more than 50% of content) to promote European works	Partly aligned with the 2010 AVMSD and the 2018 AVMSD. According to the law regarding the promotion of European works, broadcasters shall, where possible, reserve a part of its television time for European works. This part of time allotted for European works shall be used progressively, on the basis of relevant criteria by taking into account the informational, educational, entertainment and cultural obligations of the broadcaster towards its audience. (see also discussion under the main text)	Law on Broadcasting, (2004) as amended 2023, Article 51 (1)
Exceptions to this rule	Except for the time allotted for news, sports events and games, advertisements, teletext and teleshopping.	As above, Article 51 (2)
Rules where a minimum percentage of content (for example 10%) of content broadcast (or of programme budgets)	Yes – aligned with the 2018 AVMSD in the Law.	Law (changes to the "Law on Broadcasting" of Georgia) (2023), Article 21



AVMSD and the promotion of European works (linear services) (Articles 16 and 17)	In line with AVMSD	References
should be European works created by producers who are independent of broadcasters		

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

As can be seen above, the Law does not contain majority quota obligations (for example more than 50% of content) to promote European works. Instead, the wording states that broadcasters shall, where possible, allot a part of television time for European works.

According to feedback from the NRA, this is actually related to a technical error in the law whereby the word “majority” is absent. It is intended that the Parliament will address this problem as there was a political agreement that have majority quota obligations (50%+) for TV Broadcasters to promote European works and 30%+ quota obligations for On-demand audiovisual media service providers.

The Law aligns with the 2018 AVMS Directive regarding requirements for quotas for content produced by independent broadcasters. However, there is no definition of independent producer, but rather “independent programme”.

The 2018 AVMS Directive also increased the obligations of non-linear on-demand audiovisual services regarding the promotion of European works (Article 13).

Table 70. Promotion of European works on on-demand audiovisual services

AVMSD and the promotion of European works (on-demand) (Article 13)	In line with AVMSD	References
Requirement that AVMS providers of on-demand AVMS secure at least a 30% share of European works in their catalogues and ensure prominence of those works	Yes – aligned with the 2018 AVMSD	Law on Broadcasting, (2004) as amended 2023, Article 45 ² (3)
Exemptions for AVMS providers with a low turnover or a low audience?	Yes – aligned with the 2018 AVMSD.	As above, Article 45 ² (4)
Reference to European Commission guidelines regarding a) the calculation of the share of European works, and b) definitions of low audience and low turnover of services?	Yes – low turnover and low audience will be calculated following the guidelines of ComCom in compliance with EC guidelines.	As above, Article 45 ² (4)



Inclusion of any financial contribution obligations for services targeting the country?	Not regulated.	
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Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

In contrast to the approach regarding linear services, the Law now includes the provisions relevant to on-demand audiovisual media services and hence aligns the national framework with the 2018 AVMS Directive in this field.

4.4.4. Rules on audiovisual commercial communications

This section looks at the rules on ACCs and their alignment with the AVMS Directive in terms of identification, content, placement, volume, etc. It also addresses rules regarding prohibited ACC in relation to certain goods and services.

Table 71. Audiovisual commercial communications (ACCs)

AVMSD and ACCs (Articles 9,10,11 and 23)	In line with AVMSD	References
ACC should be recognisable. Surreptitious ACC shall be prohibited and ACC shall not use subliminal techniques	Yes – aligned with the 2018 AVMSD.	Law on Broadcasting, (2004) as amended 2023, Article 63 (2 ³)
ACC shall not prejudice respect for human dignity; promote discrimination; encourage behaviour prejudicial to health or safety; or encourage behaviour grossly prejudicial to the protection of the environment	Yes – closely aligned with the 2018 AVMSD in the Law on Advertising No reference is made to behaviour grossly prejudicial to the protection of the environment *** These provisions were introduced in the law in the section regarding the obligations for VSPs.	Law on Advertising (1998), as amended Article 4 (11) *** Law on Broadcasting, (2004) as amended 2023, Article 45 ⁵
ACC for the prescription of medicinal products and medical treatment shall be prohibited	Yes – partly aligned with the 2018 AVMSD. In relation to product placement under Article 69 ¹ (4). Added to the law in the amendments but only under the section regarding the obligations for VSPs.	As above, Article 69 ¹ (4) Article 45 ⁵
Rules on sponsorship – types of programmes where prohibited – and types of goods and services that cannot sponsor	Yes – aligned with the 2018 AVMSD. It forbids sponsorship by companies involved in the production of products or provision of services, the advertising of	As above, Article 69



AVMSD and ACCs (Articles 9,10,11 and 23)	In line with AVMSD	References
	which is prohibited by the Law of Georgia on Advertising.	
No product placement (PP) in news, current affairs, consumer affairs, religious, children's programmes	Yes – aligned with the 2018 AVMS.	As above, Article 69 ¹ (2)
PP should not affect the responsibility and editorial independence of the audiovisual media service provider; directly encourage purchase or rental of the product; give undue prominence to the product	Yes – aligned with the 2018 AVMSD.	As above, Article 69 ¹ (3)
Viewers shall be clearly informed of the existence of PP in a programme	Yes – aligned with the 2018 AVMSD.	As above, Article 69 ¹ (4)
Limits on the proportion of television advertising spots and teleshopping spots: throughout the day; or during particular time periods?	<p>Yes – aligned with the 2018 AVMSD.</p> <p>It includes the restriction of 20% in the time periods 6:00 to 18:00 and 18:00 to 24:00.</p> <p>Limits are placed that forbid the insertion of advertising in a news programme or children's programme more than once every 30 minutes (Article 63, paragraphs 13 and 14).</p>	<p>As above, Article 64 (2)</p> <p>Article 63 (13 and 14)</p>
Are there exceptions to these rules, for example for self-promotion, sponsorship, product placement?	<p>Yes – aligned with the 2018 AVMSD.</p> <p>This restriction does not apply to announcements made by the broadcaster in connection with its own and/or independent programmes, to products derived from those programmes or directly related thereto, to sponsorship announcements and product (goods/service) placements, in connection with the programmes and audiovisual media services, and to neutral frames between programmes and advertising or teleshopping spots, and between individual advertising spots.</p>	As above, Article 64 (2)

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

The 2022 amendments to the Law on Broadcasting (2004) further aligned the rules on ACCs with the 2018 AVMSD. The rules on product placement are supplemented by ComCom's Guidance on Product Placement.¹⁴⁷ Some of the relevant provisions can be found in the Law

¹⁴⁷ <https://www.comcom.ge/ge/regulation/broadcasting/broadcasting-sakonsultacio-dokumentebi-da-sxva-masalebi/programashi-produqtis-saqonlismomsaxurebis-gantavsebis-product-placement-saxelmdzgvanelo-rekomendaciebi1.page>.



on Advertising. However, the former amended Article 63 (para 2³) regarding surreptitious advertising is no longer present in the final adopted amendments. Although it can be found under the obligations for VSPs.

There is a similar issue regarding the prohibition of ACCs for medicinal products and treatments available only on prescription. The Law forbids these products under product placement. A broader prohibition was introduced by the amendments, but only in the section regarding the obligations for VSPs – and not within the general rules covering audiovisual media services.

4.4.5. Provisions applicable to video-sharing platforms – VSPs

An important novelty of the 2018 AVMS Directive was expanding the scope to include VSPs. The relevant definitions in this area were addressed in section 4.4.1.2 above. Provisions regarding VSPs were included in the 2022 amendments to the Law on Broadcasting.

Table 72. Obligations on video-sharing platforms regarding content

AVMSD and provisions on VSPs (Article 28b)	In line with AVMSD	References
Protecting minors from harmful content in programmes, user-generated videos and ACCs; and protecting the general public from programmes, user-generated videos and ACCs containing incitement to violence or hatred; and from criminal content – provocation to commit a terrorist offence; child pornography; racism and xenophobia	Yes – partly aligned with the 2018 AVMSD. See discussion in the main text.	Law on Broadcasting, (2004) as amended 2023, Article 45 ⁴
VSP providers need to comply with the obligations (Article 9(1)) for ACCs they control (market, sell or arrange), and those controlled and uploaded by others	Yes – aligned with the 2018 AVMSD.	As above, Article 45 ⁵ (1 and 2)
VSPs should clearly inform users where programmes and user-generated videos contain ACC	Yes – closely aligned with the 2018 AVMSD in the Law. The Law states here that audiovisual commercial communications shall be readily recognisable as such. But does not oblige VSPs to clearly inform users.	As above, Article 1 (19)
VSPs should reduce the exposure of children to ACCs for foods and beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS)	Not mentioned, although likely to be introduced via secondary act/code of conduct.	As above, Article 1 (19)

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey



The obligations to protect minors are included in the updated law. However, there is no reference to incitement to violence against a group of persons or member of a group of persons. In addition, the provisions do not directly refer to provocation to commit a terrorist offence, offences concerning child pornography, or offences concerning racism and xenophobia. There is a broad reference to content that “contains elements of a crime under the Criminal Code of Georgia”. The specific crimes listed in the Directive are included in the Criminal Code.

There is no clear obligation that VSPs should inform users where programmes and user-generated videos contain ACC. Obligations to reduce the exposure of children to ACCs for foods and beverages containing fat, trans-fatty acids, salt or sodium and sugars (HFSS) are also not mentioned.

Regarding measures to be taken by VSPs and the role of the NRA, these are addressed below.

Table 73. Obligations on video-sharing platforms – measures and supervision

AVMSD and provisions on VSPs (Article 28b)	In line with AVMSD	References
Measures introduced by national rules?		
Adapting Terms and Conditions for users of VSPs to include obligations relevant to content and/or ACCs	Yes – aligned with the 2018 AVMSD.	Law on Broadcasting, (2004) as amended 2023, Article 45 ⁶ (a)
Possibility to declare the presence of ACCs in user-generated video	Yes – aligned with the 2018 AVMSD.	As above, Article 45 ⁶ (b)
Reporting or flagging systems to report harmful content to the VSP provider	Yes – aligned with the 2018 AVMSD.	Article 45 ⁶ (c) and (d)
Age verification systems for users	Yes – aligned with the 2018 AVMSD.	As above, Article 45 ⁶ (e)
Content rating systems for users	Not mentioned	
Parental control systems	Yes – aligned with the 2018 AVMSD.	As above, Article 45 ⁶ (e)
Procedures for complaints to the VSP	Yes – aligned with the 2018 AVMSD.	As above, Article 45 ⁶ (f)
Providing media literacy measures and tools and raising users' awareness of those measures and tools	Yes – aligned with the 2018 AVMSD.	As above, Article 45 ⁶ (g)
Implementation and supervision		
Protection of the personal data of minors	Yes – aligned with the 2018 AVMSD.	As above,



		Article 56 ³
NRA tasked with assessing the appropriateness of the measures taken by VSPs?	Yes – partly aligned with the 2018 AVMSD in the Law. The Law states that “the Commission shall supervise the fulfilment of obligations provided for by law by video-sharing platform providers” rather than “assess the appropriateness of the measures”	As above, Article 45 ⁸
Are there out-of-court redress mechanisms available for the settlement of disputes between users and VSPs, and can users assert their rights before a court in relation to VSPs?	Not mentioned	
Encourage the exchange of best practice between VSPs regarding co-regulatory codes	Not mentioned	

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

With regard to the implementation of the obligations, the majority of appropriate measures in the Directive have been included in the law (with the exception of establishing a rating system).

The role of the ComCom states that the Commission shall “supervise the fulfilment of obligations provided for by law by video-sharing platform providers” rather than the role foreseen in the Directive, which is to “assess the appropriateness of the measures”.

Regarding the availability of out-of-court redress mechanisms available for the settlement of disputes between users and VSPs, and the possibility for users to assert their rights before a court in relation to VSPs, while these elements appeared to be included in earlier draft amendments, the final set of amendments shared with the European Audiovisual Observatory did not include these references.

4.4.6. Concluding remarks and summary of findings

In 2022, the Georgian Government published a Draft Law (changes to the “Law on Broadcasting” of Georgia). This Draft Law aimed to ensure alignment with the 2018 AVMS Directive. The amendments were adopted by Parliament on 22 December 2022.

Most of the general principles and key values, such as non-discrimination and the prohibition of incitement to hatred and violence, are covered in Georgian legislation via the Constitution and relevant media laws.

In the previous version of the law, this was not fully aligned with the AVMS Directive or with best European practices several issues were fully left to the self-regulatory mechanisms of broadcasters (Code of Conduct for Broadcasters), without the possibility to complain to the NRA or go to court. The amendments to the law appear to have resolved



the issue regarding self-regulation where now issues such as hate speech and the protection of minors are clearly under the regulatory remit of the ComCom.

The obligations on audiovisual media services to effectively reduce exposure of minors to ACCs for HFSS foods and for alcohol are not included in the updated version of the Law on Broadcasting. However, it is anticipated that the updated Code of Conduct for Broadcasters will deal with these requirements in the future.

The adopted amendments include the obligations regarding the accessibility of audiovisual media service providers, as outlined in the Directive.

Regarding audiovisual commercial communications, most of the content rules are aligned in the Law on Broadcasting or in the Law on Advertising.

Provisions in the current legislative framework regarding the independence of the NRA align closely with the 2018 AVMSD, and are also addressed in a specific Law of Georgia on Regulatory Bodies. However, there remain concerns regarding the procedures for election and dismissal of the members of the Commission of the NRA. These were addressed in detail in a Council of Europe Opinion (2023) that highlighted the problem that the Government selects a list of candidates to be voted on by Parliament on the basis of an open competition, but does not detail how the final list is selected and by whom. In addition, the final vote on the list in Parliament is by simple majority and implies that the list chosen by the government will be elected by the ruling parties.

Regarding, the dismissal of members of the Commission, the Council of Europe noted (among other issues) that the dismissal of members of the Board, regardless of the condition leading to dismissal (including even imprisonment), has to be agreed upon by the Parliament via a vote. This represented a further challenge to the political independence of the Commission. Feedback from the ComCom emphasised that in practice these are additional safeguards to protect Commission members from intimidation (as has happened in the past) and the votes do not interfere with the normal course of judicial or criminal proceedings.

The Law does not introduce a specific quota system regarding obligations for broadcasters in broadcasting European works, but it does align with the Directive regarding the obligations for on-demand audiovisual media services. This has been identified as an oversight to be addressed by the Parliament in the near future (requiring the addition of the word “majority” in relation to European works and obligations of broadcasters).

Regarding the obligations for video-sharing platforms, there is no reference to incitement to violence against a group of persons or member of a group of persons. In addition, the provisions do not directly refer to provocation to commit a terrorist offence, offences concerning child pornography, or offences concerning racism and xenophobia. There is a broad reference to content that “contains elements of a crime under the Criminal Code of Georgia”.

With regard to the implementation of the obligations, the majority of appropriate measures in the Directive have been included in the law (with the exception of establishing a rating system).



The role of the ComCom states that the Commission shall “supervise the fulfilment of obligations provided for by law by video-sharing platform providers” rather than the role foreseen in the Directive, which is to “assess the appropriateness of the measures”

Regarding the availability of out-of-court redress mechanisms available for the settlement of disputes between users and VSPs, and the possibility for users to assert their rights before a court in relation to VSPs, while these elements appeared to be included in earlier draft amendments, the final set of amendments shared with the European Audiovisual Observatory did not include these references.

In the feedback from the survey circulated by the European Audiovisual Observatory to a national expert with regard to the issue of freedom of expression, it was noted that there are concerns regarding the safety of journalists, with attacks being common. There is also a lack of proper investigation into attacks on journalists, which was highlighted in a recent Opinion of the European Commission¹⁴⁸ noting that intimidation and physical and verbal attacks on media professionals have increasingly taken place, especially in the context of demonstrations and election rallies. The same opinion noted that court proceedings and investigations against opposition media owners have become frequent. In particular, SLAPP lawsuits have significantly increased since 2021 and expert analysis suggests that the judicial proceedings do not follow accepted international practice in this area with regard to burden of proof, balancing of rights and protection of freedom of expression, etc.

Finally, several amendments to the Law on Broadcasting with regard to the public service broadcaster were adopted at the end of May 2023 without any public consultation. These amendments are considered by experts to have the aim of increasing control over the PSB in advance of the 2024 elections.

¹⁴⁸ EC (2022): COM(2022) 405 final Communication from the Commission to the European Parliament, the European Council and the Council - “Commission Opinion on Georgia’s application for membership of the European Union”: <https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-06/Georgia%20opinion%20and%20Annex.pdf>.



4.4.7. The list¹⁴⁹ of countries participating in the Creative Europe Programme 2021 – 2027 was recently amended, in February 2024. List of relevant documents, reports, opinions, etc.

Table 74. Relevant documents, reports, opinions

Title	Main topics/ themes	Link if available
Georgian Democracy Initiative (GDI)- Special Report Regarding SLAPP Cases in Georgia. May 2023. By Ekaterine Subeliani and Vasil Zhizhiashvili. With the support of the USAID Rule of Law Program funded by the United States Agency for International Development (USAID) through the East-West Management Institute (EWMI).	Freedom of the Media and journalism and SLAPP cases.	
Council of Europe (2023): Opinion of the Directorate General Human Rights and Rule of Law Information Society and Action against Crime Directorate Information Society Department – on the Law of Georgia on Broadcasting. Prepared on the basis of the expertise by Council of Europe experts: Eve Salomon and Sally Broughton Micova.	Review of the Law on Broadcasting as amended in 2022	
Council of Europe (2022): Technical Paper on Professional Media Regulation: European Standards, Practice and Perspectives for Georgia: Contribution and Inputs from Experts' Participation in the Seminar on "Freedom of Expression Standards and Media Content regulation: CoE and EU practices", 14-15 July 2022; and the Online Roundtable on "Professional media regulation: European standards, practice and perspectives for Georgia", 18 July 2022. Prepared by Toby Mendel and Eve Salomon	Media regulation in Georgia	
EC (2022): COM (2022) 405 final Communication from the Commission to the European Parliament, the European Council and the Council – Commission Opinion on Georgia's application for membership of the European Union	Georgia's application for EU membership, including, <i>inter alia</i> , issues related to freedom of expression	In English: https://ec.europa.eu/neighbourhood-enlargement/system/files/2022-06/Georgia%20opinion%20and%20Annex.pdf
EU4Digital (2020) supporting digital economy and society in the Eastern Partnership:	Assessment of regulatory structures	https://eufordigital.eu/wp-content/uploads/2021/0

¹⁴⁹ https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/crea/guidance/list-3rd-country-participation_crea_en.pdf



Title	Main topics/ themes	Link if available
Gap assessment of Georgia regulatory system in the field of electronic communications		4/Gap-assessment-of-Georgia-regulatory-system-in-the-field-of-electronic-communications.pdf
US Department of State (2020): 2020 Country Reports on Human Rights Practices: Georgia	Human rights including media freedom	https://www.state.gov/rereports/2020-country-reports-on-human-rights-practices/georgia/
Media Advocacy Coalition (2020): Media Environment in Georgia 2020	Media freedom, regulation, media literacy, safety of journalists	https://osgf.ge/wp-json/wi/validate/v1/file?wifile=wp-content/uploads/2021/01/Media-environment_English.pdf

Source: Response of national expert of Georgia to European Audiovisual Observatory standardised survey

4.4.8. Data compilation

This country report is based on information and materials supplied by the national expert Mariam Gogosashvili, Executive Director of the Georgian Charter of Journalistic Ethics.