[GE] Statute on Broadcasting Adopted

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On 23 December 2004 the Statute of the Republic of Georgia “On Broadcasting” was passed. The Statute has 11 chapters and consists of 77 articles.

The Statute regulates relations in the sphere of the organisation of public, commercial and communal broadcasting, formation, as well as functions of the independent regulatory body, licensing rules and procedures, and liability of broadcasters. It also includes provisions concerning ownership and transparency of mass media entities, as well as advertising.

Chapter 2 of the Statute deals with the principles of formation, financing, competence and status of the independent regulatory body - the National Telecommunications Commission of Georgia. Members of the Commission shall be appointed by the Parliament of Georgia. It shall be funded by licensees - broadcasters hand over 1 per cent of their annual income to the regulatory body. The Commission shall have the following powers: to approve the priorities in the sphere of broadcasting, to stipulate broadcasting license conditions, to issue, modify, suspend and withdraw licenses, to decide on complaints concerning the activities of broadcasters, to oversee compliance with the mass media, advertising, copyright, protection of minors' and consumers' rights legislation of licensees and the public broadcaster.

Chapter 3 of the Statute is devoted to public broadcasting in Georgia. According to its provisions such broadcasting shall be provided by the integrated independent public broadcasting company established on the basis of a state body, financed by and accountable to society. The public broadcaster shall be obliged to provide complete, objective and timely information, to respect political and ideological diversity, and to grant access to minorities (including political and ethnic ones) in its programming. At least 25 per cent of air time shall be devoted to broadcasting by independent programmers (Article 16). According to Article 17 public broadcasting shall be transmitted on two television and three radio channels. Article 36 stipulates that the public broadcaster shall not obtain a broadcasting license. The main source of funding of public broadcasting according to Article 33 shall be the license fee. The said provision shall enter into legal force as soon as special acts establishing the amount of the fee are adopted. Until that time public broadcasting shall be financed from the state budget. The public broadcaster is allowed to raise money by virtue of advertising placement.

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Rules regarding advertising can be found in Chapter 8. Advertising shall be prohibited in the public broadcaster's programmes on week-ends and holidays, the amount of advertising on weekdays shall be limited to 30 minutes per day and 10 per cent (six minutes) per hour. The amount of advertising by commercial broadcasters shall be regulated in detail too. The Statute establishes some additional requirements regarding the content of television commercials. For instance, journalists of news and public affairs programmes shall not be allowed to participate in commercials (Article 63). The Statute establishes its prevalence over the Statute “On Advertising.

Statute of the Republic of Georgia “On Broadcasting”, officially published in Georgian on 18 January 2005 in Sakartvelos sakanonmdeblo matsne (Legal Herald of Georgia)

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