[GE] Sweeping Amendments to Broadcasting Law Adopted

IRIS 2023-6:1/28

Andrei Richter
Comenius University (Bratislava)

On 22 December 2022, the national Parliament of Georgia adopted a draft law "On amendments to the law on broadcasting". The 2004 law has been amended several times (see IRIS 2005-7/24, IRIS 2011-10:1/22, IRIS 2013-8:1/23); this time the amendments were aimed at achieving compliance of the Georgian legislation with the EU Audiovisual Media Services Directive (AVMSD).

Most of the amendments relate to the definitions of the key notions of the law, including the activity of the audiovisual (AV) media regulatory authority, the "authorisation" procedures for activities in the sphere of AV media services (for non-linear services), the regulation of on-demand AV media services, the availability of transfrontier AV media services, the activity of video-sharing platforms, content regulation (accuracy of facts, right of reply, a ban on hate speech based on a wide spectrum of criteria, a ban on incitement to terrorism), transparency of ownership, and regulation of European works.

For example, a right of reply clause was also added, allowing citizens who believe that a particular AV media outlet has spread false and defamatory information about them to file a complaint directly with the National Communications Commission (the AV media regulatory authority). Previously, in such cases, citizens petitioned the Charter of Journalistic Ethics or the court. Furthermore, regardless of whether the regulator's decisions are appealed in court, they will take immediate effect.

A legal review of the amendments to the law on broadcasting written by Council of Europe experts and published on 21 February 2023 tabled 64 major recommendations to be considered in order to align the law with European standards, including the AVMSD. The Legal Opinion suggested, among other things, improvements in the following spheres: guarantees for the independence of the AV media regulatory authority; the right of appeal and the effectiveness of the decisions of the media regulatory authority; complaints handling systems, sanctions and accountability related to video-sharing platforms; licensing and authorisation, including the suspension and reinstatement of AV media services; the right of reply; provisions related to hate speech and incitement to terrorism; and sanctions for violations of the rules for the protection of minors.

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https://matsne.gov.ge/ka/document/view/5649707?publication=0

Law of the Republic of Georgia, N 242 of 22 December 2022, officially published on 30 December 2022

Legal Opinion on the Law of Georgia on Broadcasting proposes its revision in line with the European standards, prepared by the Council of Europe Directorate General of Human Rights and Rule of Law, Information Society Department, 21 February 2023

https://rm.coe.int/eng-georgia-legal-opinion-law-on-broadcasting-feb2023-2777-8422-2983-1/1680aac48e

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