**TRANSPARENCY OF MEDIA OWNERSHIP – THE LEGAL FRAMEWORK**

**GEORGIA**

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| 1. **Media-Specific Disclosure Requirements I : *Disclosure to a Media Authority or other Public Body***
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| **QUESTIONS** |  | **YES/ NO** | **COMMENTS** |
| 1.1 Who is required to disclose information, when and to whom? | 1. Are media organisations which disseminate information or those who have interests in such media organisations specifically required to report ownership information to a media authority or other public body or bodies?
 | Y |  |
|  | 1. If YES, what is the legal basis of this requirement?
 |  | The Law on Broadcasting (23 December 2004, Law no. 780). |
|  | 1. Who exactly is covered by this requirement,
 |  | **Broadcast media**The Law on Broadcasting covers broadcasting licence holders and applicants for a broadcasting licence.Article 2(t) of the law defines a “broadcaster” as a natural person or a legal entity that holds a broadcasting licence and broadcasts its TV or radio programs by means of terrestrial transmission, or cable or satellite networks, through landlines or airing with or without encryption. Article 37, paragraph 1, of the Law on Broadcasting provides that a broadcasting licence may be held by a citizen of Georgia or a natural person or legal entity resident in Georgia. Article 37, paragraph 2, gives a list of individuals and entities that may not hold a broadcasting licence: (a) administrative agencies; (b) administrative and other public officers; (c) legal entities “associated” with administrative agencies; (d) political parties and their officers; (e) legal entities registered in “offshore zones”; and (f) legal entities whose shares are directly or indirectly owned by legal entities registered in “offshore zones”. |
|  | 1. To whom must the information be reported?
 |  | The information should be reported to the Georgian National Communications Commission (GNCC). Pursuant to Article 2(o) and Article 5, paragraphs 1 and 2, of the Law on Broadcasting, the GNCC is a regulatory body of the electronic communications sector, a public law legal entity, which is independent from all government agencies. The scope of its competence covers both telecoms and broadcasting media. Pursuant to Article 5, paragraph 3, of the Law on Broadcasting, in the broadcasting sector, the GNCC’s responsibilities include (but are not limited to): (a) defining licensing terms, issuing, modifying, extending, suspending and cancelling broadcasting licences; and (b) supervising licence holders and ensuring their compliance with the licence terms and also imposing sanctions on those who fail to comply; etc. |
|  | 1. Who must report the information?
 |  | An applicant for or a holder of a broadcasting licence – ie the media organisation. |
|  | 1. Where notification is by those with an interest, is this dependent on the size or scale of the interest, e.g. only where a shareholding exceeds a certain size or percentage?

If YES, what is the required threshold? | n/a |  |
|  | 1. Are foreign as well as domestic media organisations covered by these requirements?

If YES, do these requirements apply to EU as well as non-EU foreign organisations? | N | Article 37, paragraph 1, of the Law on Broadcasting provides that a broadcasting licence may be held by a citizen of Georgia or a natural person or legal entity resident in Georgia. Therefore, foreign media organisations are not eligible to apply for a broadcasting licence. |
|  | h) When is information to be notified?  |  | Information on ownership is to be notified in the following instances:* when applying for a licence under Art 37(1) of the Law on Broadcasting via the declaration of eligibility (see below);
* annually, when updated information must be submitted by 1 February of each year under Article 61, paragraphs 1 and 1(i), of the Law on Broadcasting.
* Article 61, paragraph 2, of the Law on Broadcasting requires licence holders to submit to the GNCC information about any shares or interest in any other licence holder, print media outlet or news agency held by the same licence holder’s shareholders, interest holders, founders, members, management officers, contributors or family members of any of the foregoing.
* Article 62, paragraph 1 requires a licence holder to present a declaration of eligibility (see below) to the GNCC within 10 days following any change of its shareholders, interest holders, management bodies or officers.

For reference throughout this section, the **“declaration of eligibility**” consists of (a) the applicant’s ID information; (b) information about the applicant’s managing officers and bodies; (c) representation of the fact that the neither the applicant nor its “beneficial owners” (see paragraph below) are individuals or entities that are prohibited from holding a broadcasting licence under Article 37(2); (d) information about ID data of and interests/shares held by “beneficial owners”.Article 2(c1) of the Law on Broadcasting defines **“beneficial owner”** as “a person who receives or may receive a monetary or any other benefit from a broadcaster’s activities under any statutory or contractual basis and who has no obligation to pass such a benefit to any other person; or, if a beneficial owner is an entity established for idealistic objectives [i.e. a non-for-profit agency], or if an owner is not owned by a person holding a significant interest in it, then a member of its management body”. |
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| 1.2 What information is to be provided? | 1. Name and contact details of media organisation?
 | Y |  |
|  | 1. Name and contact details of owner?
 | Y |  |
|  | 1. Country of domicile of company with an interest?
 | Y |  |
|  | 1. Citizenship/residence status of individual with an interest?
 | Y |  |
|  | 1. Size of shareholding?

If YES, please provide details | Y | It covers all shares and all percentages of the holding without any limitation.  |
|  | 1. If shares are held on behalf of another, e.g. through brokerage, must the name of the beneficial owner be disclosed?
 | Y |  |
|  | 1. Details of companies or individuals with an indirect controlling or significant interest?

If YES, please explain. | Y | Pursuant to Article 371, paragraph 1, subparagraph (c), of the Law on Broadcasting, an applicant for the licence should enclose with the application a “declaration of eligibility” which should include, inter alia, representation of the fact that the neither the applicant nor its “beneficial owners” are the individuals or entities that are prohibited from holding a broadcasting licence under Article 37(2), as well as information about the ID data of and interests/shares held by “beneficial owners”. |
|  | 1. Political, religious or other affiliations of shareholder / owner?
 | N |  |
|  | 1. Interests by owners in other media organisations?

If YES, please explain. | Y | Under Article 61, paragraphs 1 and 11 of the Law on Broadcasting, the annual submission to the GNCC comprises: (a) declaration of eligibility; (b) information about any other licence held by the same licence holder; (c) information about any shares or interest held by the same licence holder in any other licence holder; (d) information about any print media outlet owned by the same licence holder; (e) information about any shares or interest owned by the same licence holder in any print media outlet; (f) information about any news agency owned by the same licence holder; (g) information about any shares or interest owned by the same licence holder in any news agency. |
|  | 1. Interests by owners in non-media businesses?

If YES, please explain. | Y | Under Article 61, para 1(i) of the Law on Broadcasting, information about shareholdings or interest of 5% or more held by the same licence holder in any other company must be submitted with the annual report to the GNCC.  |
|  | 1. Interests in the media organisation by individuals (e.g. family members or organisations) affiliated to the owner?

If YES, how is ‘affiliation’ defined in the relevant instruments and what details are to be disclosed? | Y | Article 61, paragraph 2, of the Law on Broadcasters requires the licence holders to publicise and present to the GNCC information about any shares or interest in any other licence holder, print media outlet or news agency held by the same licence holder’s shareholders, interest holders, founders, members, management officers, contributors or family members of any of the foregoing. |
|  | 1. Management details: for example, directors (if a company), key executive officers, managing editor?
 | Y | Via the declaration of eligibility, which is submitted to the GNCC when an application is made (Article 41, paragraph 2), for the annual update and when there are changes in shareholders, interest holders, management bodies or officers, includes information on management. |
|  | 1. Subsequent changes in ownership (resulting from a merger or acquisition by other entities, etc.)?
 | Y |  |
|  | 1. Sources of media revenue?

If YES, please explain. | Y | Article 70, paragraph 3, requires a licence holder to present to the GNCC, on an annual basis, not later than the 1st of May of each year, an operations report, which, inter alia, should contain information about sources of funding. An audit report should be attached to such a report.Under Article 70, para 4, the GNCC should develop the required content and structure of such reports which, inter alia, should contain sections about incomes from various sources of funding, such as advertising, sponsors, teleshopping and contributions.However, this information is limited to some summary conclusions consisting of a few paragraphs. Prior to the 2011 amendments to the law, there were proposals from civil society to include in the Law on Broadcasting the requirement that the broadcasters prepare their financial accounts and audit reports in accordance with the International Accounting Standards (IAS). Although there is a general rule for all companies to do so, nobody complies with or enforces this. The Georgian Parliament refused to enact this amendment. |
|  | 1. Other.
 |  |  |
|  | 1. Are these obligations sufficient to establish who the legal or natural persons are who effectively own and ultimately control the media organisations?
 |  Unclear | All the above transparency provisions were added to the Law on Broadcasting by means of amendments enacted as recently as 8 April 2011. Many of those provisions were based on a proposal of amendments drafted, presented to the Parliament and advocated by a group of lawyers, including the authors of this questionnaire. Because of how recent some of these amendments are, it is too early to say whether what was passed by the Parliament is enough to effectively ensure transparency of ownership in broadcasting media. *(Note: this research was completed in Spring 2012 and doesn’t take into account developments since then).*The amendment proposals contained some other important provisions which were rejected by the Parliament. See also 1.2(n) above. |
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| 1.3 Effectiveness of the disclosure regime | 1. Are there any sanctions for non-reporting?
 | Y | Pursuant to Article 71, paragraph 1, of the Law on Broadcasting, if a licence holder fails to comply with any provision of law or any decision of the GNCC, it may be warned in writing by the GNCC. Pursuant to paragraph 2 of the same Article 71, the GNCC may fine the licence holder if the latter either fails to address the issue it was warned about within a period indicated in the warning, or if it defies again the law or the GNCC decision within the period of one year following the first failure. Furthermore, Article 73, paragraph 2, provides that the GNCC may suspend a licence if the licence holder continues defying the law or the GNCC decision and it has already been subjected to warning and fine. Finally, pursuant to Article 74, subparagraph 1(d), the licence holder may have the licence revoked if it fails to improve the shortcomings within the period of suspension.For a first-time violation, Article 72(1) of the Law on Broadcasting provides for fines of up to 0.5% of the broadcaster’s total annual income, but not less than GEL 2,500 (c.€1200). Under Article 72(2), if the broadcaster commits another violation during a year thereafter, it will be fined up to 3% of its total annual income, but not less than GEL 5,000 (c. €2,400).  |
|  | 1. If YES, have they have been applied in practice?
2. If NO, why not?
 |  - | Since the transparency provisions were passed as recently as 8 April 2011. We do not know yet how effectively the GNCC is going to enforce it. |
|  | 1. Can the public obtain access to this information?

If YES, how? | Y | Articles 61(3), 62(1) and 76(29 require that applicants for a licence and the holders of a licence must upload to their websites all information they may have presented to the GNCC, including the so-called "declarations of eligibility". Under Article 61, paragraphs 1 and 11, of the Law on Broadcasting, a licence holder should submit to the GNCC (and publicise) annually, but not later than the 1st of February of every following year the following information: (a) declaration of eligibility; (c) information about any other licence held by the same licence holder; (d) information about any shares or interest held by the same licence holder in any other licence holder; (e) information about any print media outlet owned by the same licence holder; (f) information about any shares or interest owned by the same licence holder in any print media outlet; (g) information about any news agency owned by the same licence holder; (h) information about any shares or interest owned by the same licence holder in any news agency; and (i) information about any shareholdings or interest of 5% or more held by the same licence holder in any other company. Chapter 3 - Freedom of Information - of the General Administrative Code (GAC) has established a freedom of information regime in Georgia which, at Article 28, provides for access to information held by a public agency, subject to the exceptions set out below. |
|  | 1. Is this information required to be made available to any other body, for instance, parliament?

If YES, please specify. | N |  |
|  | 1. Can certain information be withheld, for instance on grounds of commercial sensitivity?

If YES, please specify | Y | Pursuant to Article 28 of the GAC, information can be withheld on grounds of (a) any other law that says certain kinds of information are not open; or (b) being classified as a: (i) state secret; (ii) commercial secret); or (iii) personal secret. The concepts of personal, commercial and state secrets are defined in Articles 271,272 and274 respectively. Article 273 also allows information to be held on the grounds of a “professional secret”. |
|  | 1. Are there any bureaucratic or other constraints, for instance charges, on public access?

If YES, please specify | N |  |
|  | 1. Would a reasonable, nontechnical individual be able to ascertain who effectively owns and ultimately controls the media organisation concerned from the information available?

If NO, please explain. | N | As stated above, it is too early to say whether what the new provisions passed by the Parliament are enough to effectively ensure transparency of ownership in broadcasting media. *(Note: this research was completed in Spring 2012 and doesn’t take into account developments since then).*However, the broadcasters, especially national ones controlled by the Government, are reluctant to provide information in a complete and comprehensible manner, particularly financial information so it seems unlikely that there will be full compliance.  |
|  | 1. Has the public made use of this facility in practice?
 | Y |  |
|  | 1. If YES, is it common practice? Do the media pick up the information?
2. If NO, why not?
 | Y | It is not a common practice; the media apply for public information more often than the public. Many people are not aware of their right of access to public information. Some are reluctant to apply due to their low levels of confidence in the administrative and judicial institutions. |

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| 1. **Media-Specific Disclosure Requirements II: *Disclosure Directly to the Public***
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| **QUESTIONS** |  | **YES/NO** | **COMMENTS** |
| 2.1 Who has to disclose information and when? | 1. Are media organisations and/or their owners specifically required to disclose ownership details directly to the public?
 | Y |  |
|  | 1. If YES, please specify the legal basis for this requirement
 |  | Law on Broadcasting, 23 December 2004, Law no. 780 |
|  | 1. Who exactly is covered by this requirement?
 |  | **Broadcast media**The Law on Broadcasting covers broadcasting licence holders and applicants for a broadcasting licence.Article 2(t)of the law defines a “broadcaster” as a natural person or a legal entity that holds a broadcasting licence and broadcasts its TV or radio programs by means of terrestrial transmission, or cable or satellite networks, through landlines or airing, in encrypted or unencrypted ways.Article 37, paragraph 2, gives a list of individuals and entities that may not hold a broadcasting licence: (a) administrative agencies; (b) administrative and other public officers; (c) legal entities “associated” with administrative agencies; (d) political parties and their officers; (e) legal entities registered in “offshore zones”; and (f) legal entities whose shares are directly or indirectly owned by legal entities registered in “offshore zones”. |
|  | 1. Does the duty apply to foreign as well as domestic media organisations?
 | N | Article 37, paragraph 1, of the Law on Broadcasting provides that a broadcasting licence may be held by a citizen of Georgia or a natural person or legal entity resident in Georgia. Therefore, foreign media organisations are not eligible to apply for a broadcasting licence. |
|  | 1. Are there are any differences in the requirements that apply to European and non-European organisations.
 | n/a |  |
|  | 1. Where exactly is the information to be disclosed?
 |  | Article 61, para 3 requires that applicants for a licence and the holders of a licence must upload all information they may have presented to the GNCC, including the so-called "declarations of eligibility", to their webpages. The **declaration of eligibility** consists of (a) the applicant’s ID information; (b) information about the applicant’s managing officers and bodies; (c) representation of the fact that the neither the applicant nor its “beneficial owners” are the individuals or entities that are prohibited from holding a broadcasting licence under Article 37(2); (d) information about ID data of and interests/shares held by “beneficial owners”.Article 2(c1) of the Law on Broadcasting defines **“beneficial owner”** as “a person who receives or may receive a monetary or any other benefit from a broadcaster’s activities under any statutory or contractual basis and who has no obligation to pass such a benefit to any other person; or, if a beneficial owner is an entity established for idealistic objectives [i.e. a non-for-profit agency], or if an owner is not owned by a person holding a significant interest in it, then a member of its management body”. |
|  | 1. When is information to be made available to the public?
 |  | Article 61(3) provides for a general requirement to broadcasting licence holders to put their eligibility declarations on their websites. This means that when a broadcaster receives a licence it should create a website and upload to that site its eligibility declaration.Article 62, paragraph 1 requires a licence holder to present a revised declaration of eligibility to the GNCC within 10 days following any change of its shareholders, interest holders, management bodies or officers. Such information should be displayed in the licence holder’s web page. The law does not indicate when exactly the information should put on the websites. However, one may assume that this should be done simultaneously with presenting the information to the GNCC |
|  |  |  |  |
| 2.2 What information must be disclosed? | 1. Name of owner?
 | Y |  |
|  | 1. Country of domicile if a company? / Citizenship/residence status if an individual?
 | Y |  |
|  | 1. Size of shareholding?

If YES, please provide details | Y | It covers all shareholdings, irrespective of percentage held, without any limitation |
|  | 1. If shares are held on behalf of another, e.g. through brokerage, must the name of the beneficial owner be disclosed?
 | Y |  |
|  | 1. Details of companies or individuals with an indirect controlling or significant interest?

If YES, explain. | Y | Articles 61(3), 62(1) and 76(29) require the declaration of eligibility to be uploaded on to the website. This includes, inter alia, representation of the fact that the neither the applicant nor its “beneficial owners” (see 1.1(f) above for a definition) are individuals or entities that are prohibited from holding a broadcasting licence under Article 37(2), as well as information about ID data of and interests/shares held by “beneficial owners”.In addition, Article 61, paragraph 2, of the Law on Broadcasters requires the licence holders to publicize and present to the GNCC information about any shares or interest in any other licence holder, print media outlet or news agency held by the same licence holder’s shareholders, interest holders, founders, members, management officers, contributors or family members of any of the foregoing. |
|  | 1. Political, religious or other affiliations of shareholder / owner?
 | N |  |
|  | 1. Interests by owners in other media organisations?

If YES, explain.  | Y | Under Article 61, paragraphs 1 and 11, of the Law on Broadcasting, a licence holder should publicise (and present to the GNCC) annually, but not later than the 1st of February of every following year the following information: (a) declaration of eligibility; (c) information about any other licence held by the same licence holder; (d) information about any shares or interest held by the same licence holder in any other licence holder; (e) information about any print media outlet owned by the same licence holder; (f) information about any shares or interest owned by the same licence holder in any print media outlet; (g) information about any news agency owned by the same licence holder; (h) information about any shares or interest owned by the same licence holder in any news agency; and (i) information about any shareholdings or interest of 5% or more held by the same licence holder in any other company. (see Section 2.1(f) above) |
|  | 1. Management details: for example, directors (if a company), key executive officers, managing editor?
 | Y | The declaration of eligibility should include the management details as well (see the answer to question Section 2.1(f) above). |
|  | 1. Sources of media revenue?
 | N |  |
|  | 1. Other.
 |  |  |
|  | 1. Are these obligations sufficient to establish who the legal or natural persons are who effectively own and ultimately control the media organisations?
 | Unclear | All the above transparency provisions were added to the Law on Broadcasting by means of amendments enacted as recently as on 08 April 2011. It is too soon to assess whether what was passed by the Parliament is enough to effectively ensure transparency of ownership in broadcasting media. *(Note: this research was completed in Spring 2012 and doesn’t take into account developments since then).* |
|  |  |  |  |
| 2.3 Effectiveness of the disclosure regime | 1. Are there any sanctions for non-reporting?

If YES, what is the range of potential sanctions and who has power to impose them? | Y | Pursuant to Article 71, paragraph 1, of the Law on Broadcasting, if a licence holder fails to comply with any provision of law or any decision of the GNCC, it may be warned in writing by the GNCC. Pursuant to paragraph 2 of the same Article 71, the GNCC may fine the licence holder if the latter either fails to improve the shortcomings which it was warned of within a set period, or if it breaks the law again or defies the GNCC decision within the period of one year following the first failure. Furthermore, Article 73, paragraph 2, provides that the GNCC may suspend a licence if the licence holder continues defying the law or the GNCC decision and it has already been subjected to warning and fine. Finally, pursuant to Article 74, subparagraph 1(d), the licence holder has the licence revoked if it fails to improve the shortcomings within the period of suspension. For the first-time violation, Article 72(1) of the Law on Broadcasting prescribes fines up to 0.5% of the broadcaster’s total annual income, but not less than GEL 2,500 (c. €1,200). Under Article 72(2), if the broadcaster commits another violation during a year thereafter, it will be fined up to 3% of its total annual income, but not less than GEL 5,000 (€2,400). |
|  | 1. Are sanctions, if available, applied in practice?

If NO, why not? | Unclear | The provision requiring the broadcasters to upload the above information to their websites was passed as recently as 8 April 2011. We do not know yet how effectively the GNCC is going to enforce it. *(Note: this research was completed in Spring 2012 and doesn’t take into account developments since then).* |
|  | 1. Can certain information be withheld, for instance on grounds of commercial sensitivity?

If YES, please specify | Y | Pursuant to Article 28 of the GAC, information can be withheld on grounds of (a) any other law that says certain kinds of information are not open; or (b) it has been classified as: (i) state secret; (ii) commercial secret); or (iii) personal secret. Article 271 also allows information to be withheld on the grounds of a “professional secret”.  |
|  | 1. Are there any bureaucratic or other constraints, for instance charges, on public access?

If YES, please specify | N |  |
|  | 1. Would a reasonable, nontechnical individual be able to ascertain who effectively owns and ultimately controls the media organisation concerned from the information available?

If NO, please explain. | N | As stated above, it is too early to say whether what the new provisions passed by the Parliament are enough to effectively ensure transparency of ownership in broadcasting media.However, the broadcasters, especially national ones controlled by the Government, are reluctant to provide information in a complete and comprehensible manner, particularly financial information so it is unlikely that there will be full compliance.*(Note: this research was completed in Spring 2012 and doesn’t take into account developments since then).* |
|  | 1. Has the public made use of this facility in practice?

 If NO, why not? | Y | Many people are not aware of their right of access to public information. Some are reluctant to apply due to low confidence in the administrative and judicial institutions. |

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| **3A**. **Non Media-Specific Transparency Requirements (ie laws applying to companies)** |
| **QUESTIONS** |  | **YES/NO** | **COMMENTS** |
| 3A.1 Who is required to disclose what, to whom and when? | 1. Are there non media-specific transparency requirements that require media organisations to disclose ownership information?
 | Y |  |
|  | 1. What is the relevant legal basis for disclosure?
 |  | Law on Entrepreneurs, No. 557, 28 October 1994, as amended.  |
|  | 1. To whom do the disclosure requirements apply (e.g., companies) and, In particular, where companies are required to provide ownership details, which types of companies are covered?
 |  | **For-profit print and commercial broadcast media**The above requirement of registration is applicable to all domestic business entities as well as individuals involved in business activities. Foreign companies are not required to register. Just about all broadcast media are companies and therefore covered by this law; nearly all print media (with one or two exceptions) are also companies and therefore covered by this law.Article 1(1) of the Law on Entrepreneurs provides that this law is applicable to individuals and entities involved in business activities. Article 1(2) defines “business activity” as lawful and consistent activities, conducted independently and in an organised way, aimed at generating profits. Article 2(1) provides a list of business entities, which includes: individual entrepreneurs, solidarity liability companies, limited partnership companies, limited liability companies, joint-stock companies (corporations), and cooperatives. |
|  | 1. To whom is the information to be disclosed?
 |  | Pursuant to Article 4(2) of the Law on Entrepreneurs, the National Public Registry Agency (NPRA) is a public authority which is responsible for registering business and non-for-profit entities. The NPRA is public law legal entity that reports to and operates under the Ministry of Justice. The NPRA has its own local offices across the country to which any entity seeking registration should apply. |
|  | 1. When is the information to be notified?
 |  | Under Article 4, paragraph 1, of the Law in Entrepreneurs, all business entities in Georgia are required to be registered in the State Registry for Business and Non-entrepreneurial (Non-commercial) Legal Entities. Under paragraph 3 of the same Article 4, any legal entity shall be deemed established from the moment of its registration. The information must be submitting with the application for registration.In addition to original registration, there is a duty to register amendments to information already reported under the both above-referenced statutes. In particular, such a duty is provided in Article 51 of the Law on Entrepreneurs. |
|  | 1. What information must be disclosed?
 |  | Pursuant to Article 5(1)(e) of the Law on Entrepreneurs, the application for registration, should include information on, inter alia, the business entity’s management body, the rules of passing decisions, and as far as limited liability companies or limited partnership companies are concerned, the percentage of interest held by each partner.Pursuant to Article 5(1)(h) of the Law on Entrepreneurs, in the application for registration should contain, inter alia, the name(s), address(es) and personal ID number(s), as well as term(s) of tenure(s) of a person(s) responsible for the company management and representation. |
|  | 1. Do these obligations enable the public to obtain sufficient information to establish which legal or natural persons effectively own or ultimately control media organisations?

 If NO, please explain.  | N | There are no rules in Georgia which would require companies to give details of beneficial owners or companies or individuals with an indirect controlling or significant interest and/or to disclose information which would indicate any interests in the media organisation by individuals (such as family members) or organisations affiliated to the owner. While with respect to companies involved in other spheres this might not be a problem, with respect to media it could be in view of the role of media in shaping public opinion. |
|  |  |  |  |
| 3A.2 Effectiveness  | 1. Where is the information recorded?
 |  | In the NPRA offices. |
|  | 1. Are there any sanctions for non-reporting?

If YES, what form do they take and who applies them? | Y | Under Article 21, subparagraphs 1(a) and 1(b), of the Law on Public Registry, if the NPRA finds that the information and/or documents presented for registration are not attached or not presented in the required format, the NPRA will put the registration process on hold and request the applicant to present the required information / documents in the required format. Under Article 21, subparagraph 2(b), of the same law, the application process can be put on hold for 30 days. Furthermore, under Article 22 of the same law, if the applicant fails to present the required information / document in the required format within the above period, the NPRA will decide to terminate the registration process, which means that the applicant’s request for registration will be turned down.If amendments are not reported, they will be deemed invalid. The NPRA does not pro-actively check whether amendments have been submitted or not but if a broadcaster makes amendments to its registration information and fails to present that information to the NPRA and then any interested party discloses that to the GNCC or a court of law, the amendments will be deemed to have no binding force. |
|  | 1. Are any applicable sanctions for violations applied in practice?

 If NO, why not?  | Y |  |
|  | 1. Can the public obtain access to this information?

If YES, how? | Y | Pursuant to Article 7(1) of the Law on Entrepreneurs, all records kept in the State Registry for Business and Non-entrepreneurial (Non-commercial) Legal Entities are open to the public. Any person may have access to those records and may obtain an extract from the public registry.A similar rule is provided in Article 6(1) of the Law on Public Registry. |
|  | 1. Are there any practical conditions or charges that could serve to restrict public access?

If YES, please specify, | Y | Under Article 31(2)(f1), anyone seeking an access to the public registry records should pay GEL 10 (€5.5). |
|  | 1. Would a reasonable, nontechnical individual be able to understand who effectively owns and ultimately controls the media organisations using the information indicated in this section?

If NO, why not? | N | If the registered owner is not the one who ultimately controls the business entity in question but instead is a frontman for some beneficial owner, the applicant for the public information will not be able to ascertain whether there is a beneficial owner and who he/she actually is. |
|  | 1. Have the public made use of this facility to establish media ownership information in practice?

If NO, or limited, use has been made, why not?  | Y |  |

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| **3B. Non Media-Specific Transparency Requirements (ie laws applying to companies)** |
| **QUESTIONS** |  | **YES/NO** | **COMMENTS** |
| 3B.1 Who is required to disclose what, to whom and when? | 1. Are there non media-specific transparency requirements that require media organisations to disclose ownership information?
 | Y |  |
|  | 1. What is the relevant legal basis for disclosure?
 |  | Civil Code of Georgia, No. 786, 26 June 1997, as amended |
|  | 1. To whom do the disclosure requirements apply (e.g., companies) and, In particular, where companies are required to provide ownership details, which types of companies are covered?
 |  | **Not for profit & non-commercial print and broadcast media**While the Law on Entrepreneurs is applicable to business entities, not-for-profit or non-commercial entities are covered by the Civil Code of Georgia. Like business entities, non-for-profit organisations are also subject to registration in the same State Registry for Business and Non-entrepreneurial (Non-commercial) Legal Entities. This requirement is provided in Articles 24 and 25 of the Civil Code |
|  | 1. To whom is the information to be disclosed?
 |  | Under Article 28(1) of the Civil Code of Georgia, the National Public Registry Agency (NPRA) is a public authority which is responsible for registering business and non-for-profit entities. The NPRA is public law legal entity that reports to and operates under the Ministry of Justice. The NPRA has its own local offices across the country to which any entity seeking registration should apply. |
|  | 1. When is the information to be notified?
 |  | Upon the submission of an application for the registration of a not-for-profit organisation and when amendments to already registered information under the both above-referenced statutes take place (Article 31 of the Civil Code). |
|  | 1. What information must be disclosed?
 |  | Under Article 5(1)(h) of the Law on Entrepreneurs, the application for registration should contain, inter alia, the name(s), address(es) and personal ID number(s), as well as term(s) of tenure(s) of a person(s) responsible for the company management and representation.The same requirement is applicable to not-for-profit organisations under Article 29(1) of the Civil Code. |
|  | 1. Do these obligations enable the public to obtain sufficient information to establish which legal or natural persons effectively own or ultimately control media organisations?

 If NO, please explain.  | N | There are no rules in Georgia which would require companies to give details of beneficial owners or companies or individuals with an indirect controlling or significant interest and/or to disclose information which would indicate any interests in the media organisation by individuals (such as family members) or organisations affiliated to the owner. While with respect to companies involved in other spheres this might not be a problem, with respect to media it could be in view of the role of media in shaping public opinion. |
|  |  |  |  |
| 3B.2 Effectiveness  | 1. Where is the information recorded?
 |  | In the NPRA offices. |
|  | 1. Are there any sanctions for non-reporting?

If YES, what form do they take and who applies them? |  | Under Article 21, subparagraphs 1(a) and 1(b), of the Law on Public Registry,if the NPRA finds that the information and/or documents presented for registration are not attached or are not presented in the required format, the NPRA will put the registration process on hold and request the applicant to present the required information/documents in the required format. Under Article 21, subparagraph 2(b), of the same law, the application can be put on hold for up to 30 days. Furthermore, pursuant to Article 22 of the same law, if the applicant fails to present the requisite information/document in the required format within the above period, the NPRA will decide to terminate the registration process, which means that the applicant’s request of registration will be turned down. |
|  | 1. Are any applicable sanctions for violations applied in practice?

 If NO, why not?  | Y |  |
|  | 1. Can the public obtain access to this information?

If YES, how? | Y | Under Article 6(1) of the Law on Public Registry, all records kept in the State Registry for Business and Non-entrepreneurial (Non-commercial) Legal Entities are open to the public. Any person may have access to those records and may obtain an extract from the public registry. |
|  | 1. Are there any practical conditions or charges that could serve to restrict public access?

If YES, please specify, | Y | Under Article 31(2)(f1), anyone seeking an access to the public registry records should pay GEL 10 (€5.5). |
|  | 1. Would a reasonable, nontechnical individual be able to understand who effectively owns and ultimately controls the media organisations using the information indicated in this section?

If NO, why not? | N | One cannot ascertain from the public register records who may have interest in a non-for-profit organisation apart from the registered founders/members and the members of the management board.  |
|  | 1. Have the public made use of this facility to establish media ownership information in practice?

If NO, or limited, use has been made, why not?  | Y |  |