



The statement of GYLA and the Broadcasting Company “Hereti” about the broadcasting license of Energy Group LLC and TV3

On January 15, 2014 the Georgian National Communications’ Commission (GNCC) invalidated the license granted to Energy Group LLC by the August 26, 2013 decision and issued by the November 1, 2013 decision. The reason of invalidating the licence was Kakha Baindurashvili’s position who simultaneously is the director of the Energy Group LLC and owner of its 20% shares and the President of the Georgian Chamber of Commerce, which according to the Law of Georgia on Broadcasting is incompatible with the broadcasting license. It should be noted that the Public Defender of Georgia, Legal Committee of the Georgian Parliament, the Journalists’ International Federation and the Media Advocacy Coalition are on the same position.

On August 26, 2013 GNCC announced Energy Group LLC as the winner in the competition announced for granting the general broadcasting license. Broadcasting Company Hereti also participated in the competition. In September 2013, it lodged a lawsuit to the court and demanded invalidation of the GNCC decision on granting broadcasting license to Energy Group LLC. GYLA’s Media Legal Defense Center has been protecting interests of the Broadcasting Company “Hereti” in the case.

Information is released, as though GYLA and Broadcasting Company Hereti would demand invalidation of the broadcasting license to TV3 (Kakha Baindurashvili is also director and owner of 9% shares of TV3 LLC).

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



We would like to clarify that the lawsuit of the Broadcasting Company “Hereti” relates to lawfulness of granting broadcasting license to Energy Group LLC only. Moreover, as far as we are informed, neither GNCC nor the court is examining lawfulness of the broadcasting license of TV3.

According to the Law on Broadcasting, if the commission initiates to examine lawfulness of broadcasting license of TV3 and it identifies that TV3 does not meet requirements of law, the commission will be obliged to warn it in a written form and to set reasonable term for correction of the gap. Moreover, prior to correction of the deficiency, the commission is authorized to review the issue of termination of the license. If within the established term the broadcasting company fails to correct the gap, the commission should impose penalty upon the broadcaster. As for invalidation of the license, the law directly prescribes conditions for it and provides that the license shall be annulled only if the broadcaster received advance warning and it failed to eliminate the gap within the prescribed timeframe.