

MediaVoice

COMPARATIVE ANALYSIS OF THE EUROPEAN MEDIA FREEDOM ACT AND GEORGIA'S MEDIA LEGISLATION



CONTENTS

Introduction	4
Key Findings	5
1. What Should We Know About the European Media Freedom Act?	9
2. Legal Aspects: The Georgian Context	10
3. Comparative Analysis	14
3.1. Editorial Independence vs. Content Regulation	14
3.2. Media Ownership and Pluralism	18
3.3. Competences and Independence of Regulatory Authorities	20
3.4. Status and Protection of Public Broadcasters	24
3.5. Protection of Journalists and Freedom of Expression	26
3.6. Technological and Major Online Platform Regulation	28
4. Recommendations for Alignment with the EMFA	30
References	33

Comparative Analysis of the European Media Freedom Act and Georgia's Media Legislation

Authors:

Mariam Gersamia, Chairwoman of Media Voice, Professor at Tbilisi State University

Marika Gersamia, Lawyer at Media Voice

Gvantsa Gurgenidze, Fellow at Media Voice

© Media and Communication Educational and Research Center [Media Voice](#), 2025.



The document was prepared with the support of the Friedrich Naumann Foundation for Freedom South Caucasus and the German Federal Foreign Office. The content of this text is the sole responsibility of the Center and the views expressed may not reflect the position of the donor organization. It is prohibited to copy, reproduce, or distribute the material for commercial purposes without written permission from the Media and Communication Educational and Research Center Media Voice.



**FRIEDRICH NAUMANN
FOUNDATION** For Freedom.
South Caucasus



Auswärtiges Amt

Citation format for the document: Gersamia, M., Gersamia, M., & Gurgenidze, G. *Comparative Analysis of the European Media Freedom Act and Georgian Media Legislation*. Media and Communication Educational and Research Center Media Voice, 2025.

INTRODUCTION

Between 2021 and 2025, the media landscape in Georgia has significantly deteriorated ([Media Voice](#), 2025; [RSF](#), 2025). Against the backdrop of an increasingly kleptocratic regime, legislative initiatives targeting the media began as early as 2017, followed by changes and the instrumentalization of repressive laws against critical media ([Gersamia & Sajaia](#), 2024).

Improving Georgia's information ecosystem is largely dependent on European integration, which represents a declared aspiration of the Georgian people ([Article 78 of the Constitution](#)). On this path, it is essential to harmonize legislation—including media laws—with European standards. However, due to the policies [pursued](#) by the ruling party, this alignment has come into question. Both the media laws themselves and the manner in which they are implemented have increasingly diverged from European standards.

The aim of this analysis is to clearly outline the requirements and standards set by the European Union's regulatory framework—specifically, the [European Media Freedom Act \(EMFA\)](#)—and to compare them with the existing legislation and practices in Georgia. Beyond legal norms, it is equally important to consider how Georgian media laws function in practice.

The document includes specific recommendations on how Georgian media legislation can be brought into alignment with European standards, in preparation for a period when rapid implementation of reforms will become feasible on the path toward European integration.

The document is intended for media professionals, lawmakers, politicians, representatives of civil society, and the broader audience interested in issues of media freedom and democracy.

KEY FINDINGS

Several legislative changes introduced in Georgia's media laws during 2024–2025 are unconstitutional, anti-European in nature, and risk becoming a major obstacle to the country's European integration path. These amendments fundamentally contradict the principles and spirit of the Georgian Constitution and are incompatible with the concept of human rights, freedoms, and freedom of association in a democratic and rule-of-law-based state. The changes fail to meet constitutional requirements for legal fairness and foreseeability, containing vague and discriminatory provisions that undermine both legal certainty and equal treatment under the law.

Recent legislative amendments restricting media freedom are not only unconstitutional but also contradict Georgia's obligations under the [EU-Georgia Association Agreement](#). These changes threaten to derail the country's alignment with European democratic standards and undermine commitments to uphold fundamental freedoms.

Georgia's current media legislation suffers from systemic implementation problems, including severe constraints on editorial independence, political bias within the regulatory authority, compromised independence of the public broadcaster, and widespread threats to journalists' safety and security.

The objectives of Georgia's Law on Broadcasting remain largely declarative and are not effectively implemented in practice. The 2024–2025 amendments introduced repressive mechanisms that significantly undermine media freedom, restricting the space for independent journalism and democratic discourse.

Vague regulatory provisions create significant risks of censorship, self-censorship, and editorial interference. For instance, new amendments require broadcasters to maintain an editorial balance within every individual program and prohibit journalists from expressing professional opinions. These measures go beyond the principles of proportionality and necessity, thus violating the core of freedom of expression.

Content oversight by the Georgian National Communications Commission (GNCC) exhibits characteristics of censorship, which is explicitly prohibited by the Georgian Constitution. The absence of timely and effective judicial oversight mechanisms endangers journalists' ability to promptly protect their rights. As a result, these legislative changes systematically restrict media pluralism and freedom of expression, directly contradicting the principles of a democratic state.

Legislative changes and practices that restrict the media create systemic tools of censorship concentrated in the hands of the ruling party. These developments fundamentally contradict the rights enshrined in the Georgian Constitution, deviate from European standards, and pose a significant obstacle to Georgia's path toward European integration.

In the process of European integration, the protection of media freedom and pluralism is one of the key priorities the European Union emphasizes in its relations with candidate countries. Harmonizing media legislation with European standards—specifically, the requirements of the European Media Freedom Act (EMFA)—is not merely a formal obligation or procedural step. Ensuring that media regulation aligns with European norms is a critical milestone on the path to joining the European family. For Georgia, which has constitutionally committed to European integration (Article 78), this alignment is an essential condition for strengthening democratic institutions and demonstrating trust in and commitment to European democratic values.

Georgian legislation and practice significantly diverge from the standards set by the European Media Freedom Act (EMFA).

- EMFA explicitly protects the independence of editors and journalists from interference by both the state and media owners. In contrast, Georgian law lacks clear legal guarantees safeguarding editorial independence, leaving journalists vulnerable to pressure from political and commercial interests.
- EMFA explicitly prohibits excessive content regulation and censorship, emphasizing that states should not interfere with editorial policies. In Georgia, however, the law imposes mandatory requirements of “impartiality” and “balance” for every individual broadcast. This rigid standard can be misused as a punitive tool against critical media outlets, undermining freedom of expression and fostering self-censorship.
- EMFA obliges Member States to ensure transparency of media ownership and to systematically monitor market concentration in order to safeguard editorial independence and pluralism. In Georgia, while formal ownership structures are publicly known, editorial lines are often influenced behind the scenes by owners or politically connected actors. There are no clearly defined legal mechanisms in place to protect internal editorial independence from such pressures, leaving journalists vulnerable to undue interference.
- EMFA requires that regulatory authorities operate independently, free from political influence, and with full accountability and transparency. In Georgia, however, the Communications Commission (GNCC) is widely perceived as aligned with the ruling party’s interests and has been granted powers to regulate media content on politically sensitive grounds. The mechanisms for appealing GNCC’s decisions are limited, and the absence of an independent and effective system of judicial oversight raises serious concerns about due process and media freedom.
- EMFA provides explicit guarantees for the editorial and functional independence of public service media, ensuring they serve the public interest free from political or economic influence. In Georgia, however, the Georgian Public Broadcaster (GPB) is widely seen as politically controlled, with editorial decisions and management structures aligned with the ruling party. This undermines the public’s right to access reliable and impartial information and violates both EMFA standards and democratic principles of media pluralism.

- EMFA explicitly prohibits surveillance of journalists, the forced disclosure or identification of sources, and the imposition of sanctions aimed at restricting journalistic work. In Georgia, the secret surveillance of journalists remains a serious issue, exemplified by the 2021 leaked files scandal, which revealed systematic eavesdropping by security services. Furthermore, physical attacks against journalists are often met with delayed or ineffective investigations, fostering a climate of impunity and fear that threatens press freedom and violates both EMFA principles and international human rights standards.
- EMFA combats the abuse of legal proceedings, known as SLAPPs (Strategic Lawsuits Against Public Participation), which aim to intimidate or silence journalists through costly and time-consuming litigation. In Georgia, there is no dedicated anti-SLAPP legislation, leaving journalists vulnerable to groundless lawsuits initiated by powerful actors. The absence of procedural safeguards to dismiss such claims early increases the risk of judicial harassment, thereby undermining press freedom and deterring investigative reporting.
- EMFA obliges Very Large Online Platforms (VLOPs) to engage with media service providers in a transparent, fair, and accountable manner, especially when restricting or removing media content. In Georgia, no such regulation exists. As a result, media outlets have no legal protection against arbitrary content removal or discriminatory algorithmic treatment by global tech platforms. This regulatory gap leaves Georgian media vulnerable to shadow bans, unjustified content takedowns, and a lack of recourse or procedural fairness, undermining media visibility and pluralism in the digital space.
- EMFA does not prohibit foreign funding for media outlets and only requires transparency regarding financial sources. In contrast, Georgia's recent legislative initiatives to ban foreign funding for broadcasters contradict core EU internal market principles, such as the free movement of capital and non-discrimination. Such a blanket prohibition threatens the viability of independent and critical media, undermines pluralism, and does not serve any legitimate public interest. Instead, it imposes a disproportionate and unjustified restriction, incompatible with European democratic standards.
- EMFA explicitly recognizes and supports the role of self-regulatory mechanisms in upholding media standards and ensuring editorial independence. In Georgia, however, recent legislative changes have undermined the effectiveness of existing self-regulatory bodies by transferring key oversight functions to the politically influenced Communications Commission (GNCC). This shift weakens the autonomy of the media sector and contradicts EMFA's emphasis on empowering independent, non-state bodies to oversee ethical and professional standards.

The shortcomings identified in the comparative analysis are presented in Table N1.

TABLE N1: COMPARISON OF EMFA AND GEORGIAN LEGISLATION

Direction	EMFA Standard	Georgian Legislation
Editorial Independence	Protected and requires non-interference from the state and owners	Not guaranteed by law, interference is common in practice
Media Ownership and Pluralism	Transparency and concentration monitoring are mandatory	Ownership is formally transparent, but hidden influences exist
Regulatory Authority Independence	Political neutrality ensured, oversight by society and the EU	GNCC is practically under the influence of the ruling party; systemic censorship risks exist
Public Broadcaster	Should be independent and neutral	Effectively subordinated to the ruling party
Journalist Protection and Surveillance	Surveillance, source disclosure, and interference are prohibited	Illegal surveillance is common; accountability is lacking
Large Online Platforms	Obligated to treat media fairly	No legal or institutional safeguards for media against content deletion, restriction, or shadow banning by platforms like Facebook, YouTube

As we can see, the main precondition for implementing reforms is political will and the strengthening of democratic institutions. Compliance with the EMFA is not only a prerequisite for accession to the European Union but also a foundation for free, transparent, and accountable governance. To eliminate the legal and institutional discrepancies with the EMFA, Georgia requires not superficial, but deep and comprehensive reforms, which include both legislative changes and the demonstration of genuine political commitment.

1. WHAT SHOULD WE KNOW ABOUT THE EUROPEAN MEDIA FREEDOM ACT?

In 2024, the European Union adopted the [European Media Freedom Act \(EMFA\)](#), which will enter into full force on August 8, 2025. The aim of the document is to ensure across the entire EU:

- The protection of editorial independence in the media;
- The protection of journalistic sources, including from surveillance and spyware technologies;
- The independent operation of media serving the public interest;
- Increased transparency in media ownership;
- Protection of media content from unjustified removal by large online platforms;
- The right to customize media content on devices and interfaces;
- Transparency in state advertising—both for media service providers and online platforms;
- Obligations for Member States to assess the impact of significant market concentrations on media pluralism and editorial independence;
- Enhanced transparency in media audience measurement—both for media providers and advertisers.

The fragmentation of media market regulations and approaches across the European Union has had a negative impact on the economic viability of the media sector—particularly the press, whose regulation and self-regulation mechanisms vary significantly among EU Member States. The Act establishes common rules to ensure the proper functioning of the internal market for media services in the EU. It creates a Board and safeguards media independence and pluralism. Harmonization of Member States' regulations, strengthened cooperation among regulatory authorities, and the preservation of independent media's competitiveness have become especially important in the context of the rapid development of the digital information ecosystem.

This regulation does not restrict freedom of expression or access to information. The European Media Freedom Act (EMFA) takes into account several judgments of the European Court of Human Rights (e.g., [NIT S.R.L. v. Moldova](#), Application no. [28470/12](#); [Centro Europa 7 S.R.L. and Di Stefano v. Italy](#), Application no. [38433/09](#)), which emphasize that in sensitive areas such as audiovisual media, the State not only has a duty to refrain from interference, but also holds a **positive obligation** to establish the appropriate legal and administrative framework in order to guarantee media diversity and pluralism.

The objectives of the European Media Freedom Act (EMFA)—such as safeguarding editorial independence, ensuring journalist safety, promoting media transparency and regulatory independence, and protecting the autonomy of public service media—strengthen a trustworthy and free information ecosystem, which is essential for the consolidation of democracy.

2. LEGAL ASPECTS: THE GEORGIAN CONTEXT

In Georgia, media activities are regulated by the Constitution of Georgia, the country's international treaties and agreements, the Law of Georgia on Broadcasting, and the Law of Georgia on Freedom of Speech and Expression, as well as other relevant normative acts and regulations.

Under Article 17¹ of the Constitution of Georgia, the rights to freedom of opinion, information, and mass media are protected. According to the Constitutional Court of Georgia, freedom of expression is the foundation for the existence of a democratic society and the viability of a democratic constitutional and legal order:

“...In an environment of informational vacuum and restricted expression, the existence of a democratic society and the viability of a democratic constitutional legal order become inconceivable.”

The analysis of Georgia's media environment (Gersamia et al., 2025), shows that there are serious systemic challenges in the practical implementation of existing laws. The problems include the editorial independence of television broadcasters, the impartiality of the regulatory authority, the independence of the public broadcaster, the safety of journalists, and others.

This document analyzes the recent amendments made to the [Law of Georgia on Broadcasting](#) and other legislative acts regulating the media sector. In evaluating these amendments, **the document assesses their inconsistency with constitutionally protected rights, international human rights standards, and the core principles of the European Media Freedom Act (EMFA).**

From a formal legal perspective, the stated objectives of the Law of Georgia on Broadcasting include the establishment of a public broadcaster that is independent from state interference; the regulation of broadcasting activities in accordance with the principles of transparency, fairness, and impartiality through the national regulatory authority; the protection of freedom of expression and opinion; the promotion of a competitive environment among broadcasters; the assurance of equality and independence of broadcasters; and the efficient use of frequencies. **However, in practice, these objectives remain largely declarative and are not implemented. Recent amendments to the law have introduced repressive mechanisms that significantly undermine the freedom of media outlets.**

According to Article 17, Paragraph 3 of the Constitution of Georgia, mass media is free and censorship is prohibited. The state and individuals are not entitled to monopolize mass media or its distribution channels. **Nevertheless, for Georgian media, obtaining information and providing it to the public is becoming increasingly difficult, as is maintaining independence of mass media from state influence.**

¹ Article 17. Rights to Freedom of Opinion, Information, Mass Media, and the Internet

The recent [amendments](#) to the Law of Georgia on Broadcasting (2024–2025) are fundamentally inconsistent with the fundamental rights enshrined in international human rights law and the Constitution of Georgia. These changes introduce extremely problematic regulations and are aimed against the freedoms of the media, association, speech, and expression. There are no constitutional or legal grounds that could justify interference in these protected areas.

The amendments to the Law of Georgia on Broadcasting are, in our view, unconstitutional in relation to the Constitution of Georgia. The normative content of the adopted changes reveals a clear inconsistency with constitutional standards. The amendments include vague provisions lacking the necessary legal precision. These disputed norms, either directly or indirectly, harm and infringe upon the rights and freedoms guaranteed by the Constitution to media organizations and Georgian citizens, posing a threat to broadcasters with independent editorial policies.

According to the repressive legislative amendments introduced to the Law of Georgia on Broadcasting (Document No. 407-Ilms-XImp, adopted on 01/04/2025), television and radio broadcasters are prohibited from receiving direct or indirect funding from a foreign power, including monetary resources or other forms of material benefit of property value. It is also prohibited for a foreign power to purchase services from broadcasters (except for commercial advertising and product placement), as well as to directly or indirectly finance or co-finance the production and/or broadcasting of programs.

The amendments to the Law of Georgia on Grants were reviewed by the ruling Georgian Dream Party under an expedited procedure and passed in three readings within two days during the plenary session. According to the amendments (No. 496-1100-X183, dated April 16 of the current year), the issuance of a grant to a recipient now requires the prior approval of the Government of Georgia or an authorized person/body designated by the Government of Georgia.

As a result of the amendments, receiving a grant without prior approval is prohibited. The monitoring of grant issuance and receipt without such approval is conducted by the Anti-Corruption Bureau, which lacks political neutrality. The fact that the head of the Bureau is appointed by the Prime Minister prevents this institution from being genuinely independent. As a result of the amendments:

- If a grant recipient receives a grant without prior approval, they will be fined an amount equal to double the value of the grant.
- In the case of a repeated violation, the fine will be doubled again.

Liability may be imposed within six years from the date the respective action was committed.

It is evident that there is interference in a constitutionally protected legal sphere. The ban on receiving foreign funding for media broadcasters constitutes a violation of the constitutionally guaranteed rights to freedom of association and freedom of expression, according to international human rights law.

This prohibition does not serve any legitimate public interest of value. Such purposeless legislative changes directly contradict and undermine the constitutional principles of a democratic state, as well as the fundamental rights and freedoms recognized in Chapter Two of the Constitution.

The new provisions introduced into the Law of Georgia on Broadcasting, which prohibit journalists from expressing editorial subjectivity and oblige them to maintain balance within every individual program, constitute an interference with constitutional rights. These measures may lead to the unjustified restriction of independent journalism and, in practice, reinforce self-censorship.

Freedom of opinion and its expression is protected by the Constitution of Georgia. Article 10 of the European Convention on Human Rights safeguards freedom of expression and stipulates that any state interference with media freedom must be justified strictly in accordance with the requirements of Article 10(2) of the Convention. Arbitrary and disproportionate amendments adopted against broadcasters are self-serving in nature and undermine the constitutional legal guarantees of freedom of mass media. These changes deprive the media of the foundation necessary to freely perform their professional duties.

The following normative acts are also considered problematic: a) The provision of the Rules of Procedure of the Parliament of Georgia that allows for the suspension of a journalist's accreditation; b) The Rules on the Accreditation of Media Representatives in the Parliament of Georgia, approved by the Order #1/31/23 of the Chairperson of the Parliament of Georgia on 6 February 2023, which is deemed unconstitutional in relation to Article 17 of the Constitution of Georgia. Particularly concerning is the amendment that removes the terms "gender", "gender identity", and "gender diversity" from the law.

A number of provisions in the Law of Georgia on Broadcasting, as well as other related regulations, do not comply with the standards of the European Union and the Council of Europe. Several articles contradict the rights guaranteed by the Constitution of Georgia and the European Convention on Human Rights.

According to Article 9, paragraph 1 of the Constitution of Georgia, human dignity is inviolable and protected by the state. Any direct interference by the state in media content or the introduction of censorship mechanisms is contrary to this fundamental principle.

Article 17 of the Constitution of Georgia (Freedom of Opinion, Information, Mass Media, and the Internet) establishes the fundamental conditions for the freedom of mass media. According to the Constitution and the interpretation provided by the Constitutional Court of Georgia, the state is obligated to ensure an environment in which media outlets are protected from arbitrary restrictions on the free dissemination of information and are able to fully exercise the rights guaranteed under Article 17.

The current practice, however, reveals an alarming reality. Legislative changes and practices that restrict the media have created systemic censorship mechanisms concentrated in the hands of the ruling party. These developments fundamentally contradict the rights enshrined in the Georgian Constitution, diverge from European standards, and threaten Georgia's path toward European integration.

Moreover, under the EU-Georgia Association Agreement (AA, 2014), Georgia has committed to aligning its national legislation with EU standards. Restrictions on foreign funding for the media, violations of the confidentiality of journalistic sources, surveillance and searches targeting journalists, political influence over regulatory authority, and the erosion of editorial independence directly contradict the obligations undertaken by Georgia through the Association Agreement.

3. COMPARATIVE ANALYSIS

The comparative analysis covers six key areas: editorial independence, media ownership and pluralism, independence of the regulatory authority, protection of public service broadcasters, journalists' safety, and the regulation of technology and large online platforms.

3.1. EDITORIAL INDEPENDENCE VS. CONTENT REGULATION

Editorial independence is one of the fundamental standards protected by the European Media Freedom Act (EMFA), while Georgia's legislation and existing media environment point to the opposite direction. Interference in editorial decisions by media owners and the ruling party represents a harmful legacy from the Soviet era, which undermines the democratic development of the media landscape. As of 1 June 2025, new legislative amendments are set to come into effect that risk entrenching this harmful practice further, making it imperative that they be reviewed.

On 24 February 2025, the ruling party, Georgian Dream, initiated several draft laws proposing amendments to the Law of Georgia on Broadcasting. These amendments introduced content-related restrictions and regulations that were previously governed within the framework of self-regulation. Under the proposed changes, responsibility for responding to violations of broadcasting standards was transferred to a state authority, the Georgian National Communications Commission (GNCC).

The amendments initiated and adopted by the ruling party are of an unconstitutional nature and pose a threat to the freedom of the media and expression, which are guaranteed by the Constitution.

According to the latest amendments to the Law of Georgia on Broadcasting, a broadcaster is now required to clearly distinguish between facts and opinions in news programs. In the case of an author-driven program, the audience must be informed in advance that the program is editorial and should be presented with a broad spectrum of opinions. The host of such a program is prohibited from using their platform to express personal opinions in a way that could "undermine the impartiality of the program". It is also prohibited for broadcasters to cover political or other types of conflict-related information, or current public policy issues, based on the broadcaster's personal views or opinions. Likewise, expressing supportive or oppositional stances toward any political party or interest group within news or public-political programs is not allowed.

Based on the grounds of protecting the inviolability of private life", video or audio recording on the premises of public or private institutions is restricted. To prepare a report, it is mandatory to obtain consent from an authorized representative of the respective institution—including police departments—except in cases where "unauthorized recording is justified by public interest". Broadcasting material recorded secretly by the broadcaster is permitted only if such action is deemed "justified". It is also noteworthy that the Law of Georgia on Broadcasting does not define what constitutes public interest,

which gives the Communications Commission broad discretion to subjectively determine what qualifies as such in a given case. Furthermore, the law provides an ambiguous definition of the separation between facts and opinions, allowing the Commission wide latitude in interpretation.

The current legislation in Georgia **lacks a direct, explicit, and robust provision protecting editorial independence**, which is especially problematic in the context of alignment with the European Media Freedom Act (EMFA). Specifically:

- The Law on Broadcasting does not contain any provision that prohibits interference in editorial decisions by owners, management, or external actors (e.g., the government). Guarantees for editorial autonomy are not clearly defined. For instance, journalists or editors do not have a legally protected right to express their professional views independently of pressure from the owner or administration. The Law on Broadcasting is primarily focused on technical and administrative matters (such as licenses, airtime, and content-related requirements) and almost entirely neglects the issue of editorial freedom.
- The Law of Georgia on Freedom of Speech and Expression protects freedom of expression (Articles 1, 3, and 4), including for journalists; however, it does not define editorial independence as a separate institutional right. The law addresses access to information, the prohibition of censorship, the right to protect sources, and so forth, but it does not establish obligations for owners, directors, or the state to refrain from interfering in editorial matters. Table N2 below presents a comparison between Georgian legislation and the European Media Freedom Act (EMFA) in the context of editorial independence and content regulation.

TABLE N2: REGULATION OF EDITORIAL INDEPENDENCE

EDITORIAL INDEPENDENCE VS. CONTENT REGULATION	
EMFA	Georgian Legislation
<p>Focus on Procedures, Not on Content:</p> <p>Great importance is placed on editorial independence and freedom, without emphasis on regulating specific content.</p> <p>Member States and their national regulatory authorities must not interfere in or attempt to influence the editorial policies and editorial decisions of media service providers².</p> <p>Member States must not require media outlets or editorial staff to disclose information that relates to or could lead to the identification of journalistic sources or confidential communications³.</p> <p>Detention, sanctions, searches, or surveillance of editorial personnel for the purpose of identifying journalistic sources or confidential communications is prohibited.⁴</p> <p>Any measures that affect editorial independence and media pluralism must be duly justified, proportionate, transparent, objective, and non-discriminatory.⁵</p> <p>It is necessary to monitor media market concentrations in order to preserve editorial independence.⁶</p> <p>Media service providers should adopt internal rules that safeguard the independence of editors in decision-making regarding specific content.⁷ These measures must ensure the full autonomy of the editorial process and promote the credibility of journalistic content.</p>	<p>Focused on content rather than procedures:</p> <p>The law imposes content-related restrictions on broadcasters: specifically, it requires the obligation to ensure factual accuracy, impartiality, and balance within each political program.</p> <p>The law does not provide guarantees for editorial independence.</p> <p>The Georgian Law on the Transparency of Foreign Influence introduces an obligation to disclose confidential information, which directly threatens the protection of the confidentiality of journalistic sources.</p>

² EMFA, Article 4, Paragraph 2

³ EMFA, Article 4, Paragraph 3

⁴ EMFA, Article 4, Paragraph 3

⁵ EMFA, Article 21, Paragraph 1

⁶ EMFA, Article 22, Paragraph 1

⁷ EMFA, Article 6, Paragraph 3

Potential Legal Conflict

In order to harmonize Georgian legislation with EU law, provisions containing elements of **content-based censorship** must be revised. The EMFA explicitly obliges Member States to ensure adequate conditions for the protection of editorial independence.

The Georgian Law on Broadcasting lacks an explicit provision prohibiting owners from interfering in editorial processes or guaranteeing journalists the right to work independently from political pressure. The absence of such safeguards means that **editorial independence is insufficiently protected**, which contradicts the requirements of the EMFA. Moreover, Georgian legislation takes the opposite approach by **excessively regulating the content and conduct of journalists, creating risks** of infringing on constitutionally protected freedom of expression and violating EU standards.

As we can see, the EU's legal framework takes a **procedural approach** to media regulation rather than imposing detailed content-related requirements. It focuses on procedures rather than content—this is the gold standard that Member States are expected to uphold.⁸ For instance, the EMFA does not allow governments to impose a mandatory balance **within every broadcast program**. On the contrary, the Act requires states to establish conditions that enable the media to ensure editorial independence and uphold high professional standards free from political interference. To achieve these objectives, the EMFA obliges Member States to introduce **protection mechanisms** that safeguard the freedom of editorial offices and prevent unlawful interference—whether by the state or media owners—**in day-to-day editorial decisions**.

The absence of such protection mechanisms in Georgia is particularly problematic in contexts involving changes in media ownership, political influence, or the use of financial leverage. Amendments made to the Georgian Law on Broadcasting between 2023 and 2025 introduced additional **content-based restrictions** for broadcasters, which in practice may significantly limit media freedom and serve as a tool to suppress critical opinion. For example, under the revised law, **journalists are prohibited from expressing personal views on political and public matters in their programs**, while each program is required to strictly present “both sides”. This requirement significantly exceeds European standards. As illustrated by the Social Justice Center, the UK Broadcasting Code—often referenced by Georgian authorities—applies the **principle of due impartiality** contextually and **does not require absolute balance within each individual program**.

According to the EMFA, journalists and editors are the primary actors in producing trustworthy media content. Information sources serve as the raw material for journalists, especially in covering news and current events. It is essential to protect journalists' ability to collect, verify, and analyze information, including that which is provided to them confidentially. Journalists' (including freelancers') confidential communications and

⁸ Interview | EU Media Freedom Act: New Approach to Media Regulations?, civil.ge, 26.09.2022, available at: <https://civil.ge/archives/509135#:~:text=Whereas%2C%20EMFA%20shies%20away%20from,be%20followed%20by%20other%20countries> (last seen: 19.04.2025)

sources must be protected, including from surveillance through technological means. Without such protection, the free flow of sources would be hindered, which would harm both the media's ability to operate freely and the public's right to be informed. This protection also extends to individuals who, due to personal or professional relationships with media service providers or editorial staff, may possess information about sources. This may include people living in the same household or those professionally involved in media production.

Protection should also extend to technical personnel, such as cybersecurity specialists who assist journalists in safeguarding information and may, as a result, have access to confidential data. Maintaining the confidentiality of sources is a fundamental condition for journalists' professional work. Any legislation that obliges journalists to disclose their sources or share confidential information contradicts both Georgian legislation (specifically the Law on Freedom of Speech and Expression) and international standards, including the European Convention on Human Rights and the European Media Freedom Act (EMFA).

The obligation to disclose confidential information, as introduced in **Georgia's Law on Transparency of Foreign Influence**, not only harms the professional activities of journalists but also reinforces self-censorship and restricts the free flow of information.

3.2. MEDIA OWNERSHIP AND PLURALISM

In Georgia, the media landscape is formally pluralistic but heavily polarized. **The government often favors pro-government media outlets by channeling state resources to strengthen them.** Major broadcasters are influenced by political groups, creating an imbalance in power distribution within the media sector and increasing the risk of monopolization. One of the core objectives of the **European Media Freedom Act (EMFA)** is to require EU member states to systematically monitor media ownership transparency and assess whether one or several entities hold a dominant position in the media market. This dominance is evaluated based on its impact on media diversity, journalists' independence, and the overall quality of democracy. Such assessments are intended to help governments respond promptly and implement measures—such as appropriate antitrust regulations—to preserve media pluralism and editorial independence. The comparison of EMFA and Georgian legislation in this regard is presented in Table N3: Media Ownership and Pluralism.

TABLE N3: MEDIA OWNERSHIP AND PLURALISM

Media Ownership and Pluralism	
EMFA	Georgian legislation
<p>EMFA obliges Member States to establish clear rules to ensure that media ownership is publicly disclosed.⁹ This enhances public trust in the media and prevents covert control of media outlets.</p> <p>In cases of media market concentration (e.g., when business owners control multiple media outlets), the state must assess the impact on pluralism and editorial independence.¹⁰ This implies the existence of specific review mechanisms during media mergers and acquisitions, to prevent monopolies and ensure the presence of diverse opinions in the media space.</p> <p>The free movement of capital and the non-discrimination of foreign investments are core principles of the EU legal framework, as outlined in Article 63¹¹ of the Treaty on the Functioning of the European Union (TFEU).</p> <p>EMFA establishes clear criteria for regulating disinformation campaigns that pose a threat to public security and are disseminated by media service providers funded by non-EU countries.¹²</p> <p>The allocation of state advertising and funding must be done transparently¹³ to prevent governments from using financial leverage to influence the media.</p>	<p>Broadcasting company owners in Georgia are formally known. However, despite this apparent transparency, the issue of hidden influence persists: media owners are often major business figures or individuals closely affiliated with politicians, which contributes to political polarization in the media landscape.</p> <p>The legislation does not protect journalists and editorial teams from pressure that may arise due to changes in media ownership.</p> <p>Under a legislative initiative introduced in 2025, any form of foreign funding for television and radio broadcasters is prohibited (with the exception of commercial advertising, sponsorship, and product placement). The term “organization acting in the interests of a foreign power” carries a stigmatizing connotation and effect, harming reputations.</p> <p>If Georgia maintains this prohibition, it will have to repeal it in the process of aligning with the European Union, as it is incompatible for a country operating within the EU framework to ban funding from other member states or partner international organizations.</p> <p>Such regulation, instead of ensuring oversight, drives international donors out of the media sector and leaves critical media outlets even more financially vulnerable.</p>

⁹ EMFA, Article 6, Paragraph 1

¹⁰ EMFA, Article 22, Paragraph 1

¹¹ The Treaty on the Functioning of the European Union, 26.10.2012, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT> (last seen: 22.04.2025)

¹² EMFA, Article 17

¹³ EMFA, Article 25, Paragraph 1

Potential Legal Conflict

The Law of Georgia on Broadcasting does not include sufficient mechanisms **to protect internal editorial independence from owners' influence**. It is essential to introduce additional safeguards—for example, **a specific article on editorial independence could be added to the Broadcasting Law**, which would oblige the governing bodies of media organizations to respect the autonomy of editorial decision-making.

Currently, Georgian legislation lacks a **dedicated supervisory mechanism for media concentration**—oversight of media mergers is conducted solely under the Law of Georgia on Competition, which does not explicitly consider the criterion of media pluralism. In light of the EMFA, it may become necessary in the future to introduce a legal provision that incorporates the media **pluralism criterion** when reviewing large-scale media mergers.

EMFA requires the assurance of **financial transparency**, meaning that broadcasters must disclose their sources of funding, including foreign ones; however, it does **not require or allow restrictions on such funding**.

To ensure transparency of state advertising, Georgian legislation could require each government agency to publicly disclose detailed information about advertising expenditures. This would help eliminate the existing practice in which state funding is often, or predominantly, **allocated to media outlets loyal to the government**.

EMFA aims to protect media freedom, pluralism, and editorial independence by ensuring a free and non-discriminatory environment for media service providers within the EU internal market. In this context, any regulation that restricts the ability of media organizations to receive foreign investment or funding may be considered a restriction on the free movement of capital, which contradicts Article 63 of the Treaty on the Functioning of the European Union (TFEU).

Furthermore, EMFA emphasizes the importance of enabling media service providers to operate freely within the internal market, including the protection of editorial independence and freedom from state interference. These principles are designed to ensure that media organizations can freely obtain funding, including from foreign sources, and operate independently from political pressure. These principles form part of the EU's legal framework and have a direct impact on media regulation policies.

3.3. COMPETENCES AND INDEPENDENCE OF REGULATORY AUTHORITIES

According to Article 17 of the Constitution of Georgia, in order to protect media pluralism, ensure the freedom of expression in mass media, and prevent the monopolization of mass information or its means of dissemination, as well as to protect the rights of consumers and entrepreneurs in the fields of broadcasting and electronic communications, the institutional and financial independence of the national regulatory authority is guaranteed by law.

The impartiality of the regulatory authority has been repeatedly questioned, including during the pre-election period ([Media Voice](#), 2025, pp. 35–36). On 12 February 2025, the European Parliament adopted the [resolution](#) On the Further Deterioration of the Political Situation in Georgia which included recommendations for sanctions against individuals in the close circle of oligarch Bidzina Ivanishvili who facilitate repression and participate in propaganda efforts. Among them are the Chairman of the Communications Commission, Kakha Bekauri, and the Chairman of the Board of Trustees of the Public Broadcaster, Vasil Maghlaperidze.

According to the amendments to the Law of Georgia on Broadcasting (Document No. 394-Ilms-XImp, adopted on 01/04/2025), substantive restrictions and regulations are imposed on the activities of broadcasters. While previously the broadcasting standards of television and radio were regulated by codes of conduct approved by the Georgian National Communications Commission, under the new amendments, in addition to self-regulation mechanisms, the authority to respond to violations of broadcasting standards has been granted to a state institution—the Georgian National Communications Commission. Under specific provisions of this law, the Commission is authorized to impose sanctions on broadcasters for violations, in accordance with Articles 71 and 74 of the Law on Broadcasting. These sanctions include warnings, fines, and in certain cases, suspension, or revocation of the offender’s broadcasting license.

According to the amendments introduced to the law, in case of a potential violation, an interested party may submit a complaint directly to the Communications Commission. Within the framework of the Commission’s increased authority, its independence becomes particularly critical. The Commission’s prior conduct has demonstrated a tendency toward bias. The law explains the selection process for Commission members: the Government of Georgia issues a decree announcing the competition; a selection committee is formed by the order of the Prime Minister; and ultimately, the candidate for the vacant position is approved by the Parliament of Georgia. In practice, this means that all members of the Commission are nominated and subsequently appointed by the ruling party, which understandably raises concerns about the Commission’s independence from political influence.

The amendments to the Law of Georgia on Broadcasting expand the powers of the regulatory commission. The extension of authority over content control, oversight, and the imposition of sanctions on broadcasters creates significant risks of interference with the freedom of critical media outlets and opens the door to punitive actions against them. This poses a serious threat to the editorial independence of broadcasters.

In contrast, the European Media Freedom Act (EMFA) clearly defines the limits of regulatory authority:

- Member States, including their national regulatory authorities or bodies, shall not interfere in or seek to influence the editorial policies and editorial decisions of media service providers (Article 4).
- The European Board for Media Services is established (Article 8), and in performing its tasks or exercising its powers, the Board shall neither seek nor take instructions from any government, institution, person, or body, whether national, supranational, or international (Article 9).

- Legislative, regulatory, or administrative measures adopted by Member States that may affect media pluralism or the editorial independence of media service providers operating in the internal market must be duly justified and proportionate. Such measures must also be transparent, objective, and non-discriminatory (Article 21). Comparative data on this topic is presented in Table N4.

TABLE N4: COMPETENCES AND INDEPENDENCE OF REGULATORY AUTHORITIES

Competences and Independence of Regulatory Authorities	
EMFA	Georgian legislation
<p>The role of independent national regulatory authorities or bodies is essential for the implementation of the law.</p> <p>Established in 2024, the European Board for Media Services¹⁴ is a consultative body which acts as an independent entity.¹⁵ It is composed of representatives from the national regulatory authorities of the Member States, who oversee the implementation of the rules.¹⁶ The Board is independent of political and economic influence and does not receive instructions from any government, institution, private individual, or other body.¹⁷</p> <p>Member States, including their national regulatory authorities or bodies, are not to interfere in or seek to influence the editorial policies or editorial decisions of media service providers.¹⁸</p>	<p>Georgia’s broadcasting sector is overseen by the Georgian National Communications Commission (GNCC/ ComCom). Formally, the law defines the GNCC as an independent body. However, the procedure for appointing its members and its sanctioning practices—particularly during election periods—raise concerns about its political impartiality.</p> <p>In 2025, a resolution of the European Parliament recommended GNCC Chair Kakhaber Bekauri among other individuals for sanctions due to alleged involvement in human rights violations. Furthermore, Lithuania has already imposed sanctions against him.</p> <p>The GNCC has the authority to fine broadcasters or even suspend their licenses for content-related violations—including the use of so-called hate speech or obscenities. In the absence of true independence, this power may serve as a repressive mechanism against critical media outlets.</p>

¹⁴ EMFA, Article 8, Paragraph 1

¹⁵ EMFA, Article 9

¹⁶ EMFA, Article 10, Paragraph 1

¹⁷ EMFA, Article 9

¹⁸ EMFA, Article 4, Paragraph 2

Potential Legal Conflict

To become a member of the European Media Services Board under the EMFA framework, Georgia must address several legal and institutional shortcomings related to its regulatory authority:

- **Reform of the Appointment Procedure:** The selection of GNCC members must ensure political neutrality. For instance, members should be elected not by a simple majority in Parliament, but through qualified majority voting, requiring a broader political consensus, including support from opposition parties. Alternatively, candidates should be nominated by various independent institutions or public groups, not solely by the government.
- **Strengthening Conflict of Interest Provisions:** Legislation should prohibit individuals with close ties to political parties or recent partisan activists from being appointed as members of the regulatory body. This would help maintain the Commission's impartiality and credibility.
- **Ensure Effective Judicial Oversight:** There must be accessible and prompt judicial remedies for appealing the Commission's decisions. This is essential to prevent politically motivated or unconstitutional sanctions from immediately disrupting media operations during election periods or other sensitive political times.

The European Media Freedom Act (EMFA) effectively supports the **strengthening of co-regulatory approaches**, where oversight of certain ethical standards is conducted by the media sector itself through bodies like press councils or journalism ethics charters. Under EMFA, the state plays a supporting role, establishing the legal framework but intervening only in exceptional cases.

In Georgia, media self-regulation mechanisms exist, but their influence is limited. A notable example is the **Charter of Journalistic Ethics**, an independent body that unites hundreds of journalists and issues evaluations on breaches of ethical norms. However, **recent initiatives by the ruling party have stripped such self-regulatory bodies of essential functions, further weakening their authority and undermining the principle of independent media oversight.**

The government often justifies its actions under the pretext of **European harmonization**, yet it ignores the EU's requirement for regulatory independence. One cannot exist successfully without the other. In many cases, Georgia's legislative initiatives **go beyond** EU standards in ways that undermine core democratic principles. For instance, the ruling party claimed that the AVMSD (Audiovisual Media Services Directive) requires the regulation of hate speech and thus **asserted the necessity of granting such powers to GNCC** (Georgian National Communications Commission). However, they also regulated "obscenity", which was not mandated by EU law. Moreover, the **European Commission continued to stress the need to strengthen the independence of the GNCC**, emphasizing that merely transposing EU directives into national law is not sufficient if the regulatory body remains de facto politically biased.

The use of **political and economic pressure mechanisms against the media** is particularly alarming. As previously noted, **finances imposed by the GNCC on critical broadcasters** are often perceived as **acts of political retaliation**.

To address these issues, **Georgia must implement institutional reforms**, including **strengthening parliamentary oversight** and **civil society control** over the Communications Commission (GNCC) and **reforming the nomination and appointment procedures** for Commission members to ensure **greater political neutrality**.

3.4. STATUS AND PROTECTION OF PUBLIC BROADCASTERS

According to Article 17 of the Constitution of Georgia, the independence of public broadcasters from state institutions and their freedom from political and significant commercial influence is guaranteed. However, in practice, the Georgian Public Broadcaster (GPB) faces numerous challenges, including partisan bias, editorial interference, and dismissals of journalists based on political views.

On 12 February 2025, the European Parliament adopted a [resolution](#) on the further deterioration of the political situation in Georgia ([2025/2522\(RSP\)](#)) recommending sanctions against Vasil Maghlaperidze, Chair of the Supervisory Board of the GPB, for his alleged role in undermining democratic standards and participating in state-led propaganda efforts. A comparative overview of these issues is presented in Table N5: Status and Protection of the Georgian Public Broadcaster (GPB).

TABLE N5: STATUS AND PROTECTION OF THE GEORGIAN PUBLIC BROADCASTER (GPB)

Table N5: Status and Protection of the Georgian Public Broadcaster (GPB)	
EMFA	Georgian legislation
<p>State-funded media (Public Service Media) must be independent, politically neutral, and serve the public's interest.¹⁹ Their leadership should be appointed transparently and must not be dismissed arbitrarily for reasons unrelated to their official duties²⁰—such as due to political motivation.</p> <p>Member States must ensure legal safeguards preventing government control over the editorial policy of public broadcasters or their use for propaganda purposes.²¹</p> <p>Funding must be adequate to ensure that publicly funded media can fulfill their duties and maintain editorial independence²²—enabling them to conduct their role free from financial pressure.</p>	<p>The editorial line of the Georgian Public Broadcaster (GPB) is determined by the ruling party. Journalists critical of the ruling authorities are either dismissed or leave the broadcaster in protest.</p> <p>The autonomy of the Adjara Public Broadcaster is also limited. Specifically, its independent board was dissolved and placed under the authority of Tbilisi. The power to appoint the director of the Adjara broadcaster and to oversee its budget has been transferred to the GPB Board, which is dominated by individuals closely affiliated with the ruling party.</p>
Possible Legal Conflict	
<p>According to European standards, no regional or national public broadcaster should be governed based on partisan interests.</p> <p>It is essential to reform the procedure for appointing members of the Public Broadcaster's Board. Currently, members are selected by Parliament, and although the law formally stipulates nominations through quotas from various organizations, in practice, the Board functions under the influence of the ruling party. Diversification of quotas within the governing board may be a necessary step. Additionally, the criteria for the dismissal of public broadcaster executives and managers should be tightened to prevent the government from arbitrarily replacing directors or managers before the expiration of their term in office.</p>	

As we can see, the EMFA obliges Member States **to ensure the protection of both regulatory bodies and public service broadcasters from political influence**—a commitment to be monitored by the European Commission. Georgia must **strengthen public trust in its public broadcaster**. For example, in line with EMFA's requirements, it should evaluate GPB's editorial policy and governance structure with the involvement of local and international experts.

¹⁹ EMFA, Article 5, Paragraph 1

²⁰ EMFA, Article 5, Paragraph 2

²¹ EMFA, Article 5, Paragraph 4

²² EMFA, Article 5, Paragraph 3

3.5. PROTECTION OF JOURNALISTS AND FREEDOM OF EXPRESSION

One of the main challenges facing the media in Georgia is the safety of journalists—including their physical, digital, and psychological security. Specifically, following the initiation and adoption of the “foreign agents” or “Russian” law, violence against the media and journalists has become normalized. Moreover, targets of violence have included not only journalists themselves but also their close relatives, family members, and even underage children. State-encouraged physical assaults on journalists by the ruling party have reached unprecedented levels and scale. Brutal beatings of media employees were broadcast live, contributing to the normalization of such crimes (Media Voice, 2025, p. 15).

Obstruction of journalistic activities has become an entrenched practice in Georgia, turning the daily routine of media professionals into a constant struggle with high security risks. Journalists face serious challenges in protecting their sources and ensuring confidentiality. Self-censorship is increasingly becoming a forced form of professional self-defense in a hostile environment. Another critical issue is the growing use of SLAPPs (Strategic Lawsuits Against Public Participation), which are designed to silence journalists and discourage critical reporting through lengthy and costly legal proceedings.

EMFA obliges Member States to ensure the protection of media workers and their sources, the development of anti-SLAPP legislation, and related safeguards. In Georgia, the existing system for protecting media freedom significantly diverges from the standards defined by EMFA, particularly in the areas of source confidentiality and the prohibition of surveillance mechanisms.

These discrepancies highlight the lack of legal and institutional guarantees necessary to uphold journalists’ rights and ensure their ability to operate without fear of retribution or undue interference. The comparisons are presented in Table N6.

TABLE N6: SAFETY OF JOURNALISTS AND THEIR SOURCES

Protection of Journalists and Freedom of Expression	
EMFA	Georgian Legislation
<p>The regulation clearly stipulates the protection of journalistic source confidentiality and the prohibition of the use of surveillance technologies against journalists.²³</p> <p>The EMFA prohibits authorities from using spyware against journalists.²⁴ For instance, the use of spyware such as Pegasus to monitor journalists' phones or communications constitutes a legal violation—except in exceptional cases where court authorization has been obtained.</p> <p>EU Member States must respect journalistic professional secrecy: no journalist can be forced to reveal their sources. The EMFA prohibits the detention, sanctioning, surveillance, and search and seizure of journalists for this purpose.²⁵</p> <p>It also introduces an initiative for the development of anti-SLAPP legislation²⁶.</p> <p>The EMFA obliges Member States to ensure effective legal protection for journalists through the judiciary.²⁷</p>	<p>Despite the formal recognition of source protection in Georgian law, the 2021 scandal involving the leak of thousands of files revealed that the security services systematically wiretapped journalists, opposition figures, and even clergy. However, no thorough investigation into this case has taken place. From the EMFA's perspective, such practices are entirely unacceptable, and Georgia must adopt appropriate legal norms to prohibit or strictly control the surveillance of journalists (e.g., requiring special judicial authorization and oversight by an independent inspector).</p> <p>Regarding physical safety, the situation for journalists in Georgia is alarming. The lack of investigation, inadequate or delayed responses to violence, and ongoing cycles of online and offline threats—combined with impunity—foster self-censorship and even lead some journalists to abandon the profession altogether.</p>

²³ EMFA, Article 4, Paragraph 3

²⁴ EMFA, Article 4, Paragraph 3

²⁵ EMFA, Article 4, Paragraph 3

²⁶ EMFA, Article 21

²⁷ EMFA, Article 4, Paragraph 8

Possible Legal Conflict

In 2024–2025, the adoption of repressive laws in Georgia has restricted both media freedom and freedom of expression.

In Georgia, there are neither clearly defined legal limits on the use of surveillance technologies nor an established mechanism for independent oversight, which creates risks of systemic violence and control over the media.

Although a civil society–led anti-SLAPP coalition exists in Georgia, there is no dedicated legal framework in this area. As a result, journalists are often targeted with unfounded legal actions, which serve as an additional pressure tactic against them.

The rise of SLAPPs in Georgia is alarming, particularly as these cases predominantly target media outlets with critical editorial policies.

Defamation lawsuits against journalists and media organizations are increasingly used by the authorities as a tool to suppress dissenting voices through the judicial system. In Georgia, such lawsuits are typically initiated by government officials or individuals closely linked to them. In many SLAPP cases, courts deviate from the legal standards, unjustifiably uphold the claims, issue legally unsubstantiated rulings, and contradict existing laws. These practices set dangerous precedents and pose a serious threat to media freedom, as well as to the rights to freedom of speech and expression.

3.6. TECHNOLOGICAL AND MAJOR ONLINE PLATFORM REGULATION

The European Media Freedom Act (EMFA) develops modern, digitally adapted regulations that require transparency and fair cooperation between online platforms and media outlets.

EMFA aims to ensure that relationships between **Very Large Online Platforms (VLOPs)**²⁸ and media service providers are transparent, fair, and accountable—especially when it comes to limiting the visibility or removing media content from platforms. According to Article 18, VLOPs must notify media providers in advance if they intend to restrict or remove their content, explain the reasons, provide time for response, handle complaints promptly and fairly, engage in good-faith dialogue, and, if needed, pursue mediation or out-of-court dispute resolution. Additionally, EMFA requires VLOPs to give users the ability to manage media content²⁹ in a way that prevents platforms from unilaterally increasing or decreasing the visibility of specific media services or content.

Media service providers that operate pages on VLOPs are required to publicly disclose the following information on those platforms:³⁰

28 This refers to Meta, YouTube, and X, each of which has more than 25 million users in the European Union.

29 EMFA, Article 20

30 EMFA, Article 18, Paragraph 1

- That they are media service providers;
- That they adhere to standards of editorial independence;
- That they are independent from Member States, political parties, or third-country influences;
- That they are subject to regulatory requirements or co-/self-regulatory mechanisms, including contact information;
- That they do not publish AI-generated content without human editorial oversight.

In Georgia, there is a legal and practical vacuum in this area. There are no specific legal regulations governing the status of media outlets on online platforms, the obligation to declare editorial independence, or the public labeling of AI-generated content.

Media organizations lack institutional protection when giant platforms (such as Facebook or YouTube) remove their content or apply algorithmic shadow bans.

4. RECOMMENDATIONS FOR ALIGNMENT WITH THE EMFA

Georgian legislation significantly deviates from the requirements of the European Media Freedom Act (EMFA) at legal, institutional, and practical levels. For effective implementation of the EMFA, Georgia must undertake not merely cosmetic adjustments, but deep, structural reforms. The following recommendations are proposed:

- **Amend the content requirements established by the Broadcasting Law:** repeal or revise provisions that obligate broadcasters to “**maintain balance within each program**” and **prohibit journalists from expressing their own opinions**. Instead, a general principle of **due impartiality** should be introduced, based on the European model, which implies the coverage of diverse viewpoints in overall programming, taking context into account, rather than mechanically allocating time in every broadcast. This change would truly balance journalistic work, preserve its degree of freedom, and meet the public’s demand to be well-informed.
- **Guarantees for editorial independence: A separate article should be added to the Law on Broadcasting** to regulate mechanisms for the protection of editorial freedom. Provisions on **editorial independence** should obligate both private and public media owners and/or managers not to interfere in specific editorial decisions or in the appointment/dismissal of editors. For example, media managers could be required to develop an editorial code of conduct.
- **Transparency of Media Ownership and Funding:** All broadcasters should regularly publish information about their ultimate beneficial owners and the intermediary ownership chain. The **complete ban on foreign funding** should be **replaced with a requirement for transparency**—broadcasters should simply be obligated to declare in official disclosures the amount of grants or donations received from abroad, rather than prohibiting such support altogether. This model would promote both media freedom (by preserving funding sources) and accountability.
- **Reform of the Regulatory Commission (GNCC/ComCom):** At the legislative level, the procedure for appointing GNCC members should be revised. It is recommended that members be appointed by a **qualified majority in Parliament**, or that a **selection board be established** with the participation of civil society and academic representatives. This would reduce the risk of full composition being determined by a single political party. Additionally, qualification criteria should be defined for Commission members (e.g., experience in the media field, apolitical status). The Commission’s decisions must become more **transparent and substantiated**—the law may require that, in each case of sanctioning, the Commission provides a detailed explanation of why specific content was considered a violation and how this aligns with European practices. To dispel ongoing doubts about the Commission’s independence, the creation of a **Public Media Ombudsman** could be considered, who would oversee the Commission’s work and present an annual report to Parliament on the state of media freedom.

- **Depoliticization of the Public Broadcaster (GPB):** The procedure for forming GPB's Board of Trustees should be amended to eliminate the possibility of one-party control. For example, additional quotas could be introduced for nominating board members from opposition parties, non-governmental organizations, journalist associations, and academic representatives. It should also be stipulated that the chairperson of the board cannot be a former high-ranking political official (e.g., requiring a cooling-off period during which they have not held a leadership position). Board decisions—such as appointing or dismissing the GPB director—should require a **broad consensus** and not be made by a simple majority. Such changes would strengthen the independence of GPB. Additionally, a rule should be introduced stipulating that the editor-in-chief of GPB's news service must be appointed through an open competition and cannot be dismissed for political reasons—the replacement should be approved only with a two-thirds majority of board members. These protective mechanisms would help ensure that even during changes in government or political tension, the public broadcaster remains impartial and does not become a mouthpiece for those in power.
- **Mechanisms for protecting the safety of journalists:** The Prosecutor's Office should be legally obligated to investigate crimes committed against the media swiftly, and courts should prioritize the adjudication of such cases. It is advisable to **establish a specialized police unit or appoint a designated contact person for media relations**, so that journalists can effectively respond in cases of violence or threats. On a governmental level, **a change in political rhetoric is essential**—high-ranking officials must publicly speak out against violence targeting the media and refrain from portraying journalists as enemies.
- **SLAPP Lawsuit Prevention:** Although defamation has been decriminalized in Georgia, there remains a risk that the government or private entities may threaten journalists with unfounded civil lawsuits. It is crucial to enhance media protection against SLAPP actions, which aim to silence critical voices. Anti-SLAPP legislation should be developed—possibly through amendments to the Civil Code—that empowers courts to **identify claims** intended solely to intimidate journalists. In such cases, plaintiffs could be subject to reasonable penalties to deter abusive litigation practices. This issue must be integrated into the broader reform of media legislation to reflect the spirit of EMFA, **which seeks to prevent any interference of journalists' ability to operate freely.**
- **Supporting media self-regulation:** In practice, to enhance media quality and ensure compliance with legal standards, it is crucial **to strengthen support for media self-regulatory institutions.** The state should promote the effective functioning of bodies like the Charter of Journalistic Ethics and/or press councils. If these institutions are empowered, many issues—such as violations of broadcasting ethics—can be **resolved at a non-governmental level.** EMFA recognizes the role of self-regulation, and thus, Georgia could reclaim its leadership in the region. One possible step would be to introduce a legal provision stating that the GNCC cannot impose sanctions on certain categories of cases (e.g., ethical breaches) unless the relevant self-regulatory body has first reviewed the matter—prioritizing non-state resolution mechanisms and aligning with EMFA's vision.

- Georgian legislation should align with the European standard for regulating digital platforms, which requires transparent communication with platforms, recognition of media outlets' status, and the inclusion of content removal procedures within a clearly defined legal framework.

The desired outcome can only be achieved through this comprehensive approach. Not only will it fulfill the requirements of the European Media Freedom Act (EMFA), but it will also fully meet the public's demand for a free and trustworthy media environment.

A critical aspect of the issue is that implementing reforms requires political will and the strengthening of institutional independence. Georgia stands at a crossroads: one path leads to tighter control over the media and isolationism, which contradicts the course of European Union integration; the other path offers the prospect of media freedom and membership in the European democratic family. This comparative analysis clearly indicates that the latter is the only viable choice for Georgia's progress.

REFERENCES

ASSOCIATION AGREEMENT, between the European Union and the European Atomic Energy Community and their Member States, on the one part, and Georgia, on the other part, 2014, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014A0830%2802%29-20230306> (last seen: 22.04.2025)

Constitution of Georgia, available at: <https://matsne.gov.ge/en/document/view/30346?publication=36> (last seen: 17.04.2025)

European Court of Human Rights. *NIT S.R.L. v. Moldova*, Application no. 28470/12, Judgment of 5 April 2022. Strasbourg: ECHR. available at: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%5B%5C%22001-216872%22%5D%7D> (last seen: 18.04.2025)

European Court of Human Rights. *CASE OF CENTRO EUROPA 7 S.R.L. AND DI STEFANO v. ITALY*, Application no. 38433/09, Judgment of 7 June 2012. Strasbourg: ECHR. available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%5C%22001-138433%22%5D%7D> (last seen: 18.04.2025)

European Media Freedom Act (EMFA), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1083> (last seen: 15.04.2025)

European Parliament resolution on the further deterioration of the political situation in Georgia, Paragraph 8, 12.2.2025, available at:

https://www.europarl.europa.eu/doceo/document/RC-10-2025-0106_EN.html (last seen: 16.04.2025)

GDAbortsEUAccession, civil.ge, 28.11.2024, available at: <https://civil.ge/archives/638801> (last seen: 18.04.2025)

Gersamia, M., Gigauri E., Gurgendidze, G., (2025), Media Environment 2024: The Fight for Trust and Freedom in Media, Media, and Communication Educational and Research Center "Media Voice". Available at: https://www.mediavoice.ge/_files/ugd/67508dc4a31941cdad4d42b2d774ebc5d6341a.pdf (last seen: 15.04.2025)

Gersamia, M., Sajaia, L. (2024). Instrumentalization of the law for media capture (Case of Georgia), in *Journalists under attack: Global perspectives on threats, violence and impunity*. The Daily Universe, the journalism lab of the School of Communications at Brigham Young University, Provo, Utah. Retrieved from <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=8145&context=facpub#page=60> (Accessed December 25, 2024).

Initiated Amendments to Law on Broadcasting Threaten Freedom of Media and expression, SJC Warns, Civil.ge, 13.03.2025, available at: <https://civil.ge/archives/668823#:~:text=Georgian%20Dream%20has%20cited%20the,journalists%20from%20expressing%20personal%20opinions> (last seen: 17.04.2025).

Law of Georgia on Transparency of Foreign Influence, available at: <https://matsne.gov.ge/en/document/view/6171895?publication=0> (last seen: 17.04.2025)

Reporters Without Borders, Country Report, Georgia, available at: <https://rsf.org/en/country/georgia> (last seen: 19.05.2025)

THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION, 26.10.2012, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT> (last seen: 22.04.2025)

Proposed amendments to the Law on Broadcasting undermine freedoms of media and expression, Social Justice center, march 12, 2025, available at: <https://socialjustice.org.ge/en/products/mautsqeblobis-shesakheb-kanonshi-initsirebuli-tsvlilebebi-dzirs-utkhris-mediis-da-gamokhatvis-tavisuflebebs> (last seen: 28.04.2025)

In Georgian:

Law of Georgia on Grants, available at: <https://www.matsne.gov.ge/ka/document/view/31510> (last seen: 17.04.2025)

Law of Georgia on Broadcasting, available at: <https://matsne.gov.ge/ka/document/view/32866?publication=80> (last seen: 17.04.2025)

Law of Georgia on Competition, available at: <https://matsne.gov.ge/ka/document/view/1659450> (last seen: 17.04.2025)

Law of Georgia on Freedom of Speech and Expression, available at: <https://matsne.gov.ge/ka/document/view/33208> (last seen: 17.04.2025)

Media and Communication Educational and Research Center “media Voice” was founded in 2015. The Center aims to support the enhancement of a media and mass-communication field in the manner of creation of new knowledge and through educational-research activities, raise awareness in media literacy and support introduction and strengthening democratic values in a civil society. The center aims at advising in the fields of media psychology, public relations, media and mass-communication, media law, and support to transfer interdisciplinary knowledge. Center aims to conduct research on local and international platforms. Center collaborates with higher educational institutions, local and international organizations, companies, educational and research centers. Media Voice is a member of the local and international coalitions: Media Freedom Coalition Consultative Network (MFC-CN), Global Forum for Media Development (GFMD), Anti-SLAPP Coalition.

Website: <https://www.mediavoice.ge/>

Email: info@mcerc.ge

Facebook: <https://www.facebook.com/mediavoice.ge>

Instagram: https://www.instagram.com/mediavoice_georgia

LinkedIn: <https://www.linkedin.com/company/media-voice-georgia/>

Twitter/X: [@MediaVoice_Geo](https://twitter.com/MediaVoice_Geo)



**FRIEDRICH NAUMANN
FOUNDATION** For Freedom.

South Caucasus

Based on the principles of liberalism, the Friedrich Naumann Foundation for Freedom offers civic education in Germany and more than 60 countries worldwide. In the South Caucasus region, we closely work with partners from civic society, academia, media, and politics. Together, we promote Democracy and fight against disinformation and hybrid warfare. We stand for Human Rights and Rule of Law. We encourage innovative solutions based on the principles of the Social Market Economy. And we foster dialogue by creating a network among Liberals in the South Caucasus.

Scanning the QR code provided in this publication will direct you to the Friedrich Naumann Foundation South Caucasus Webpage page. This page is not affiliated with the author or publisher of this book, and the content of the page is not endorsed or verified by them. The information on the FNF South Caucasus page is provided as a convenience to our readers who may be interested in additional information related to the Friedrich Naumann Foundation for Freedom South Caucasus.

