

Draft

On making Amendments and Additions to the Law of Georgia on Broadcasting

Article 1 – The following amendments and additions to be made to the Law of Georgia on Broadcasting (Legislative Herald of Georgia, No 5, 18.1.2005, Art. 19):

1) Article 1 (1) to be formulated as follows:

“1. This law determines the procedure for carrying out broadcasting in accordance with the principles of freedom of speech and expression and the principles of free enterprise and in respect to the sovereignty and territorial integrity of Georgia, the procedure for setting up the national regulatory body in the field of broadcasting and for determining its functions, the provisions for the regulation of activities in this field, and the rules and procedures for acquiring the right to broadcast.

2) Article 2 (5) to be formulated as follows:

“5. Interested person – natural or legal person, which is directly affected by the activities of the broadcaster, and in case of Article 56 (2¹) – any citizen of Georgia.

3) Article 63(2¹) should be added following Article 63(2) and formulated as follows:

4) “2¹. The pre-electoral advertisements should not include propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation. Before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation the agitation, including pre-electoral advertisements, which include the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimization of occupation, shall be prohibited.

Article 2 – Entry into force of the Law

This Law shall enter into force upon its promulgation.

The President of Georgia

Giorgi Margvelashvili

Explanatory Note

On the Draft Law on Making Amendments and Additions to the Law of Georgia on Broadcasting

a) General information on the draft law

a.a) The reason for adopting the draft law

Under the Law of Georgia on the Occupied Territories, the territories of the Autonomous Republic of Abkhazia and Tskhinvali Region are recognized as the territories occupied by the military aggression of Russian Federation.

According to the National Security Concept of Georgia, “the Russian Federation aims to turn Georgia into a failed state, to hinder the realization of Georgia’s European and Euro-Atlantic choice, and to forcibly return Georgia to the Russian political orbit. The presence of Russian military forces in the occupied territories of Georgia, and the construction and strengthening of military bases there, create a staging-ground for provocations and possible renewed military aggression.”

In order to achieve its goals the Russian Federation seeks for the support in the political spectrum. By using the methods of direct and indirect influence, including by means of media, Russia tries to change the western course of the development of the state and to influence the political environment in Georgia.

In view of the factual annexation of almost 20% of the territory of Georgia by the Russian Federation, in condition of permanent attempts of the gross interference of Russia in the domestic and foreign political processes of the country, the agitation of Russian propaganda containing direct or indirect threat of legitimization of the occupation is dangerous for the development of the country.

The agitation of Russian propaganda through broadcasting bears especially high risks. According to the research carried out by the National Democratic Institute (NDI) in April of 2015, for 87% of the population of Georgia (which is 94% according to the secondary data source) main source of obtaining information is the television.

Taking into consideration the appropriate legal and factual condition, it is not only desirable but rather necessary to determine by legislation the restrictions regarding the propaganda of the aggressive policy of Russia by mass media.

The Law of Georgia on Broadcasting does not consider a special rule, according to which the advertisements, containing direct or indirect threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimation of occupation, shall not be broadcasted.

a.b) Purpose of the draft law

The purpose of the draft law is to establish restrictions on propaganda of Russian aggressive policy before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation. The broadcasting of the advertisements, which include the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimation of occupation, shall be prohibited. The purpose of this rule is to neutralize direct and indirect influence methods, used by Russia, by which Russia tries to change the Western course of the development of the country and influence the political environment in Georgia.

When discussing Russian propaganda, it is interesting to mention the European Parliament resolution of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties. The Resolution named the Russian Federation and Islamic terrorism groups as the main source of propaganda. The Resolution also discussed the propaganda aimed at the EU and calls upon the EU institutions to take due actions against it.

a.c) Subject matter of the draft law

According to the draft law

- 1) The pre-electoral advertisements should not include propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation. Before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation the agitation, including pre-electoral advertisements, which include the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimation of occupation, shall be prohibited. The

Broadcaster is not responsible for the content of political and pre-electoral advertisements. It is within the competence of the court to dwell on the content.

b) Financial substantiation of the draft law

b.a) Source of financing necessary costs related to the adoption of the draft law

The state budget.

b.b) The impact of the draft law on the income section of the budget

The adoption of the draft law shall not impact the income section of the budget.

b.c) The impact of the draft law on the expenditure section of the budget

The adoption of the draft law shall not impact the expenditure section of the budget.

b.d) New financial commitments of the country:

The adoption of the draft law does not require undertaking of new financial commitments by the state.

b.e) Expected financial impact of the draft law on the persons to whom the draft law applies

The draft law shall not have any financial impact on the persons to whom the draft law applies.

b.f) The amount of and the principle of determining the amount of the fee, duty or other charges established by the draft law

The draft law does not establish any fees or duties.

c) Relation of the draft law with the international legal standards

c.a) Relation of the draft law with the EU directives:

The adoption of the draft law does not contradict the EU directives.

c.b) Relation of the draft law with the commitments associated with the membership of Georgia of the international organisations:

The draft law does not contradict the commitments associated with the membership of Georgia of the international organisations.

c.c) Relation of the draft law with the bilateral and multilateral agreements of Georgia

The draft law does not contradict the bilateral and multilateral agreements of Georgia.

d) Consultations during the process of preparation of the draft law

d.a) Governmental, non-governmental and/or international organisations/institutions, experts, if any, that took part in drawing up the draft law:

d.b) Evaluation of the draft law, if any, by an organisation (institution) and/or expert participating in drawing up the draft law:

The draft law is supported by the Coalition for Euro-Atlantic Georgia.

e) The author of the draft law:

Transparency International Georgia.

f) Initiator of the draft law:

**Articles of the Law of Georgia on Broadcasting currently in force,
which shall be amended under the proposed draft law**

Article 1. Aim and scope of the Law

1. This law determines the procedure for carrying out broadcasting in accordance with the principles of freedom of speech and expression and the principles of free enterprise, the procedure for setting up the national regulatory body in the field of broadcasting and for determining its functions, the provisions for the regulation of activities in his field, and the rules and procedures for acquiring the right to broadcast.

2. This Law is intended to establish public broadcasting free from government intervention; to regulate activities in the field of broadcasting through the national regulatory body in accordance with the principles of transparency, fairness and impartiality; to ensure the freedom of speech and expression, the stimulation of a competitive environment among broadcasters, the equality and independence of broadcasters, and the efficient use of frequencies

Article 2 - Definition of terms

a) local broadcasting - broadcasting carried out as determined by this Law that is accessible to at least 90% of the population within a service area defined in the licence and/or authorisation;

b) administrative body -
a body provided for by Article 2(1)(a) of the General Administrative Code of Georgia.

c) opinion - a value judgment, point-of-view, comment, and the expression of views in any form that reflects an attitude to any person, event or object and does not contain any confirmable or rebuttable fact;

c¹) beneficial owner - a person who, on the basis of law or a transaction, receives or may receive monetary or other benefit from the activities of a broadcaster and who has no obligation to transfer this benefit to another person, whereas if a beneficial owner is an

entity established for ideal purposes,
or if a corporate owner does not have a person owning a substantial share, a beneficial owner shall be a member of its governing body;

c²) legal entity established for ideal purposes - a non-profit (non-commercial) legal entity, the property of which, including the profits, cannot be distributed among its members;

c³) offshore - a state or the territory of a state where information on property, activities and partners and/or shareholders of a legal entity is kept confidential;

d) publishing – providing access to information as determined by Article 56 of the General Administrative Code of Georgia;

e) person concerned - a natural person or legal entity, whose legitimate interest, or legitimate interest of which is directly or indirectly influenced by the activities of a broadcaster;

f) independent programme -
a programme in relation to which there is no interdependence between the copyright holder and a broadcaster;

g) European product - a product made in a European country, where the European Convention on Transfrontier Television is in force, or a product made in Georgia, or a product the copyright holder of which is a natural person or a legal entity that is a resident of this country or of Georgia;

h) national broadcasting -
broadcasting carried out as determined by this Law that is accessible to at least 90% of the population of Georgia;

i) satellite broadcasting -
broadcasting by using ground and orbital stations of TV and radio broadcasting satellite systems;

j) official - a person who, permanently or temporarily, in return for payment or without it, on the basis of his/her election and appointment, and in accordance with particular assignments, performs regulatory, organisational, administrative or other similar functions in the Commission or public broadcasting;

k) private broadcasting - broadcasting which is neither public nor community broadcasting and which is carried out by a commercial or noncommercial entity under private law as determined by this Law;

l) qualified electoral subject - an electoral subject defined by the Organic Law of Georgia - the Election Code of Georgia;

m) commercial advertisement - information about a natural person and/or legal entity, goods, services, works, ideas and/or undertakings that is disseminated by any means and in any form in return for payment or for other economic profit, and that is intended for the general public and is used to form and maintain interest with respect to a natural person and/or legal entity, goods, services, works, ideas and/or undertakings, and which facilitates the sale of goods, an idea and/or undertaking;

n) Commission - the Georgian National Communications Commission;

o) scope of regulation of the Commission - an area of electronic communications and broadcasting, where provision of services or performance of activities is subject to licencing and/or authorisation in accordance with the Law of Georgia on Electronic Communications and this Law, and where the Commission exercises special powers granted to it under the legislation of Georgia;

p) member of the Commission -
a member of the Georgian National Communications Commission;

q) licence - the right granted to a person by the Commission in accordance with this Law and the Law of Georgia on Licences and Permits, on the basis of complying with the provisions defined in the same Law to carry out broadcasting by observing specific provisions;

r) modification of a licence - making changes and/or additions to licences in accordance with amendments and/or addenda to the legislation of Georgia

or to the priorities in the field of broadcasting and/or on the basis of a reasonable request of the Commission or a broadcaster holding a licence;

s) broadcaster - a Public Broadcaster, Ajara TV and Radio of a Public Broadcaster, a person holding a licence or an authorised person, who carries out TV and/or radio broadcasting on the basis of this law;

s¹) radio broadcaster - a Public Broadcaster, Ajara TV and Radio of a Public Broadcaster, a person holding a licence and/or an authorised person, who transmits, under the sole editorial responsibility, audio products through the personal broadcasting grid, so that at specified times allowed by the broadcasting grid, they are simultaneously available to listeners;

s²) TV broadcaster - a Public Broadcaster, Ajara TV and Radio of a Public Broadcaster, an authorised person who transmits, under sole editorial responsibility, audio and visual products provided for by the personal broadcasting grid, so that at specified times allowed by the broadcasting grid, they are simultaneously available to viewers;

t) (deleted);

u) (deleted);

v) trustee - a member of the Board of Trustees of a Public Broadcaster;

v¹) advisor -

a member of the Council of Advisors of the Ajara TV and Radio of a Public Broadcaster;

w) main event - an event of increased public interest, defined by the Commission on the basis of a public opinion poll, taking place in Georgia and worldwide in political, social, cultural, religious and other areas;

x) family member -

a person under Article 3(f) of the Law of Georgia on National Regulatory Bodies;

y) person - a natural or legal person in accordance with the Civil Code of Georgia;

z) commencement of practical activities - commencement of broadcasting;

z¹) programme - a TV or radio product transmitted live or recorded;

z²) regulation - adopting (issuing) legal acts by the Commission within the powers determined by this Law, and carrying out monitoring, supervision, control and coordination;

z³) advertisement - a commercial, social or pre-election advertisement, except for an announcement made by a broadcaster regarding its own or an independent programme, representing information disseminated by any means and in any form about a natural or legal person, goods, services, work, idea and undertaking, which is targeted for the general public and is intended to form and maintain interest in a natural or legal person, goods, services, work, ideas and undertakings, and to facilitate the sale of goods, services, work, ideas and undertakings;

z⁴) election campaign -
a procedure for conducting an election campaign defined by the Organic Law of Georgia - the Election Code of Georgia;

z⁵) over-the-air broadcasting -
broadcasting using frequencies by a licensed and/or authorised broadcaster in Georgia;

z⁶) general broadcasting -
broadcasting of programmes involving at least two topics, including news and social and political topics;

z⁷) public broadcasting - broadcasting carried out by a legal entity under public law established on the basis of state property in accordance with the legislation of Georgia for publicly financed TV and radio broadcasting, independent from the state authority and accountable to the public, which is not subject to any state agency ('the Public Broadcaster') and which is intended to provide the public with diverse programmes that are free from political and commercial influence and reflect the interests of the public;

z ⁸) community broadcasting - broadcasting carried out by a non-commercial legal entity under private law or a legal entity under public law that ensures involvement of a part of the public in broadcasting that it serves, and which is not oriented to generating a profit;

z ⁹) (deleted - 12.6.2015, No 3691);

z ¹⁰) broadcasting network -
a document prepared by a broadcaster that includes titles and brief description of programmes, and broadcasting time;

z ¹¹) broadcasting concept - a document prepared by a licence and/or authorisation applicant that reflects a broadcasting model and contains brief description of programme areas;

z ¹²) prime time - the time from 19:00 to 24:00, when a broadcaster's programmes may be viewed or heard by a peak number of the audience within the broadcaster's service area;

z ¹³) public institution -
an institution under Article 27 of the General Administrative Code of Georgia;

z ¹⁴) social advertisement - an advertisement intended to promote public good, achieve a charitable purpose, raise public awareness regarding important social issues and/or facilitate positive change in public behaviour, which is neither commercial nor pre-election advertisement, and which does not contain an advertisement of the services provided by state or local self-government bodies, or by legal entities under private or public law;

z ¹⁵) specialised broadcasting -
broadcasting of programmes typically of one topic (except for news and social and political topics);

z ¹⁶) sponsorship - direct or indirect financing or co-financing of the process of preparing or broadcasting a programme by a person in order to promote his/her name, trademark, image, or activities;

z ¹⁷) teleshopping - a direct offer of any rights, obligations, goods, services or work in return for payment. Teleshopping may be placed as a broadcasting programme (Teleshopping Window) for at least 15 minutes, or may be integrated into a commercial break as a broadcast advertising (Teleshopping Spot);

z ¹⁸) interdependence - relationship when one person directly or indirectly owns stocks or a share in the authorised capital of other person, or is an official of this person, or performs services for him/her/it or for his/her/its shareholder, partner or official in return for payment; or relationship when one broadcaster carries out broadcasting through another broadcaster;

z ¹⁹) obscenity - an action which is in conflict with ethical norms established in society and which has no social and political, cultural, educational or scientific value;

z ²⁰) code of conduct -
a normative act adopted by the Commission based on this Law that defines the rules of providing services by the broadcasters;

z ²¹) pre-election advertisement - an advertisement that is intended to facilitate the election of the President of Georgia, the Parliament of Georgia or local self-government representative bodies: the local assembly (the Sakrebulo), the head of local administration (the Gamgebeli) and the Mayor;

z ²²) subtitling -
placing a written translation of a film product in a language different from the original language in the lower part of the frame;

z ²³) authorisation - registration of activities in the field of broadcasting (except for over-the-air radio broadcasting) by the Commission in accordance with the unified procedure established by this Law;

z ²⁴) product (goods and/or services) placement in the programme (Product Placement) - dissemination of information about a product in any form in return for payment or for similar consideration, resulting in the integration of a product into the programme, and the indication to a product and/or to a service and trademark;

z ²⁵⁾ broadcasting hour - a broadcast schedule used for the placement of advertisement spots, 60 minutes following each second.

Article 63 – General Provisions

1. The procedures determined by the Law of Georgia on Advertising shall apply to advertising, unless otherwise provided for by this Law.
2. The placement of improper, unfair, unreliable, unethical and clearly false advertisements or teleshopping is prohibited.
3. A broadcaster shall not be responsible for the content of pre-election and social advertisements. The responsibility for the content of pre-election and social advertisements shall rest with the person ordering such advertisement as determined by the legislation of Georgia.
4. Advertisement and teleshopping shall be clearly identifiable and clearly distinguished from programmes.
5. Hosts or journalists of news, public and political and pre-election debate programmes may not participate in advertisements or teleshopping in any way.
6. Advertisements targeted to children, or in which children are participating, shall not abuse their interests.
7. Teleshopping shall not be intended for minors.
8. Teleshopping may not be broadcast on channels of the Public Broadcaster and the Ajara TV and Radio of the Public Broadcaster, whereas sponsorship and commercial advertisement may be broadcast only in exceptional cases as defined by Article 64 of this Law.
9. (Deleted - 19.02.2015, No 3088).
10. Advertisement or teleshopping may be broadcast on a broadcaster's channel between programmes, except on specialised advertising and teleshopping channels. Advertisement may also be placed within a programme as determined by this Law, so as to preserve the value of the programme.

11. Transmission of the following events and programmes may not be interrupted with advertisements and teleshopping:

- a) official state events, official statements of highest political and public officials;
- b) religious ceremonies;
- c) programmes, including public and political, religious, and pre-election debate programmes, or documentaries that last less than 15 minutes.

12. In sports or artistic representations with natural breaks and in programmes dedicated to events conducted analogically, advertisements or teleshopping may be placed during natural breaks only.

[13. A news programme may be interrupted with advertisement or teleshopping not more than once every 30 minutes. (Shall enter into force as of 17 January 2017)]

14. Children's programmes that last less than 30 minutes may not be interrupted with advertisement or teleshopping, whereas children's programmes that last more than 30 minutes may be interrupted with advertisement once every 30 minutes.

15. A feature film or television film or a series of a film (except for TV serials and documentaries) that last more than 30 minutes may be interrupted with advertisement or teleshopping not more than once every 30 minutes.

16. During overlay advertising (including by using roller captions), restrictions regarding the time defined in this article shall not apply. The size of overlay shall not exceed 10% of the image area.

17. A broadcaster may not advertise any product or service in news programmes.

Draft

**Organic Law of Georgia
Election Code of Georgia
On Making Changes and Additions**

Article 1 – The following changes and additions to be made to the Organic Law of Georgia Election Code of Georgia (Legislative Herald of Georgia (www.matsne.gov.ge), 10.01.2012, registration code: 010190020.04.001.016032):

1) Paragraph 3 of Article 45 to be formulated as follows:

„3. Political parties, electoral candidates/subjects and their supporters have the right to publically present with political programs, plans for future political activity and pre-electoral campaign. The pre-electoral campaign should not include propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation.

2) The following paragraph 3¹ to be added after paragraph 3 of Article 45:

„3¹. Before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation the agitation, including pre-electoral advertisements, which include the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimization of occupation, shall be prohibited.”

3) The following paragraph 25 to be added after paragraph 24 of Article 78:

“25. In case of violation of Article 3 and 3¹ of Article 45, a citizen of Georgian and a registered legal person in Georgia may file a case in the court.

4) The following Article 79¹ to be added after Article 79:

„79¹. The violation of the requirements of content required by law related to the pre-electoral campaign (agitation), including pre-electoral advertisements, will result in a 2000 GEL fine. An electoral subject, which directly or through any natural or legal person that acted in its interests carried out the illegal activities, will have its registration terminated by the decision of the court.

Article 2 – Entry into force of the Law

This Law shall enter into force upon promulgation.

The President of Georgia

Giorgi Margvelashvili

Explanatory Note On Making Changes and Additions to the Draft Organic Law of Georgia Election Code of Georgia

a) General information on the draft law

a.a) Reason for adopting the draft law

In order to legitimise the outcomes of the military aggression, by violation of the principles of international law and by neglecting the Ceasefire Agreement of 12 August 2008 between Russia and Georgia, the Government of the Russian Federation declared the occupied territories as independent states and deployed there additional military divisions and infrastructure. In addition, the Russian Federation called the International Community for recognising the independence of Abkhazia and Tskhinvali Regions.

The Russian Federation violates the fundamental rules of the international law, violates the Ceasefire Agreement of 12 August 2008 between Russia and Georgia and does not undertake the commitment on nonaggression on Georgia.

According to the National Security Concept of Georgia: “the Russian Federation aims to turn Georgia into a failed state, to hinder the realization of Georgia’s European and Euro-Atlantic choice, and to forcibly return Georgia to the Russian political orbit. The presence of Russian military forces in the occupied territories of Georgia, and the construction and strengthening of military bases there, create a staging-ground for provocations and possible renewed military aggression.”

In order to achieve its goals the Russian Federation seeks for the support in the political spectrum. By using the methods of direct and indirect influence Russia tries to change the western course of the development of the state and to influence the political environment in Georgia. In addition to the use of aggression, the Government of the Russian Federation often uses different forms of economic and ideological influence. An important challenge for Georgia is also the attempt of the Russian Federation to artificially and unlawfully change the demographic balance on the occupied territories by settling the citizens of Russian Federation there and by creating special conditions for them.

In view of the factual annexation of almost 20% of the territory of Georgia by the Russian Federation, in condition of permanent attempts of the gross interference of Russia in the domestic and foreign political processes of the country, the agitation of Russian propaganda by political forces, containing direct or indirect threat of legitimation of the occupation, is dangerous for the stability and development of the country.

Taking into consideration the appropriate legal and factual condition, it is not only desirable but rather necessary to determine by legislation the restrictions regarding the propaganda of the aggressive policy of Russia by political forces.

Under the Election Code of Georgia (Article 45(3)), the election programme shall not contain propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation.

The current regulation is not enough for preventing direct and indirect threats related to the attempt of pursuing the interests of Russia in Georgia and legitimation of occupation by political forces. It is advisable to apply a special rule, based on the threats facing the state, before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation.

It is also recommended that political parties, electoral subjects/candidates and their supporters be prohibited from conducting pre-electoral campaign that includes propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation.

a.b) Purpose of the draft law

The purpose of the draft law is to establish a temporary regulation before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation.

The agitation (appeal to voters in favour of an electoral subject/candidate, participation in organisation/conduct of pre-electoral events, preservation or dissemination of election materials, work on the list of supporters, etc.) containing the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimization of occupation, must be prohibited.

The purpose of this rule is to neutralize direct and indirect influence methods, used by Russia, by which Russia tries to change the Western course of the development of the country and influence the political environment in Georgia.

According to the draft law, political parties, electoral subjects/candidates and their supporters will be prohibited from conducting pre-electoral campaign that includes propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation.

a.c) Subject matter of the draft law

According to the draft law a special rule shall apply before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation. The agitation, containing the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimization of occupation, shall be prohibited.

Political parties, electoral subjects/candidates and their supporters be prohibited from conducting pre-electoral campaign that includes propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation. The violation of the requirements of content required by law related to the pre-electoral campaign (agitation), including pre-electoral advertisements, will result in a 2000 GEL fine. An electoral subject, which directly or through any natural or legal person that acted in its interests carried out the illegal activities, will have its registration terminated by the decision of the court. In case of violation of these norms, a citizen of Georgia or a legal person registered in Georgia may file a case in court.

b) Financial substantiation of the draft law

b.a) Source of financing necessary costs related to the adoption of the draft law

The state budget.

b.b) The impact of the draft law on the income section of the budget

The adoption of the draft law shall not impact the income section of the budget.

b.c) The impact of the draft law on the expenditure section of the budget

The adoption of the draft law shall not impact the expenditure section of the budget.

b.d) New financial commitments of the country:

The adoption of the draft law does not require undertaking of new financial commitments by the state.

b.e) Expected financial impact of the draft law on the persons to whom the draft law applies

The draft law shall not have any financial impact on the persons to whom the draft law applies.

b.f) The amount of and the principle of determining the amount of the fee, duty or other charges established by the draft law

The draft law does not establish any fees or duties.

c) Relation of the draft law with the international legal standards

c.a) Relation of the draft law with the EU directives:

The adoption of the draft law does not contradict the EU directives.

c.b) Relation of the draft law with the commitments associated with the membership of Georgia of the international organisations:

The draft law does not contradict the commitments associated with the membership of Georgia of the international organisations.

c.c) Relation of the draft law with the bilateral and multilateral agreements of Georgia

The draft law does not contradict the bilateral and multilateral agreements of Georgia.

d) Consultations during the process of preparation of the draft law

d.a) Governmental, non-governmental and/or international organisations/institutions, experts, if any, that took part in drawing up the draft law:

d.b) Evaluation of the draft law, if any, by an organisation (institution) and/or expert participating in drawing up the draft law:

The draft law is supported by the Coalition for Euro-Atlantic Georgia.

e) The author of the draft law:

Transparency International Georgia.

f) Initiator of the draft law:

**Articles of the Organic Law of Georgia Election Code of Georgia currently in force,
which shall be amended under the proposed draft law**

Article 45 - Election campaign (canvassing)

1. Election campaign (canvassing) shall begin as soon as a legal act calling elections is issued and published. Political parties and candidates for electoral subject shall enjoy equal rights and have equal obligations as defined in this Law.
2. During the election campaign (canvassing) period a political party, a candidate for electoral subject, or an electoral subject may produce pre-election slogans, statements, inscriptions, papers, photo materials, etc. It is prohibited to prevent their dissemination and seizure, as well as to seize vehicles and other means equipped with special devices used for campaigning purposes, or to prevent their application for election campaigning purposes.
3. Political parties, candidates for electoral subject, electoral subjects, and their supporters may present a program for further activity. The election program shall not contain propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation.
4. Any individual may conduct and participate in election campaigning, except for:
 - a) election commission members;
 - b) judges;
 - c) public officers of the Prosecutor's Office of Georgia, the Ministries of Internal Affairs and Defence, of the State Security Service of Georgia, the Georgian Intelligence Service, and the Special State Protection Service of Georgia;
 - d) the Auditor General;
 - e) the Public Defender of Georgia;
 - f) aliens and foreign organisations;
 - g) charitable and religious organisations;

- h) public officers of state authorities and local self-government bodies during normal business hours and/or when they are directly performing their duties;
 - i) members of the Georgian National Communications Commission (GNCC) and the Georgian National Energy and Water Supply Regulatory Commission (GNEWSRC).
5. It is prohibited to conduct election campaign (canvassing) in the premises of the following institutions:
- a) executive agencies of Georgia
 - b) courts
 - c) military units.
6. Local self-government bodies shall be obliged to support political parties/electoral subjects to organise and hold meetings and gatherings with voters, public debates and discussions, assemblies and manifestations, and to ensure the safety of those events.
7. It is prohibited to carry on election campaigning at any event/presentation funded from the State Budget of Georgia/the budget of local self-governing unit. That action shall be regarded as the use of administrative resources.
8. In order to conduct mass electoral events, the premises administered by state authorities or local self-government bodies shall be available free of charge for the election commissions.
9. Local self-government bodies shall draw up, within five days after the commencement of election campaign, a list of premises where election campaign (canvassing) is likely to be conducted and shall submit it to the DEC. The DEC shall make public the list of premises allocated by the local self-government bodies within two days after the receipt thereof, shall ensure equal availability of the premises for all political parties and electoral subjects, and shall draw up a schedule, in agreement with political parties and electoral subjects, for the electoral events (if the events of different electoral subjects coincide and the electoral subjects fail to come to agreement, the sequence of events shall be determined by casting lots). The list of premises allocated by local self-government bodies shall be also posted on the CEC website.
10. A DEC shall give a well-grounded written response to any respective application filed by an electoral subject for the use of premises within 24 hours from filing the application. Any failure to give a response within the above time frame shall be regarded as the consent to the application.
11. It is prohibited to conduct election campaign at the polling station on polling day.

Article 78. Electoral Disputes and Group of Claimants

1. The Organic Law of Georgia on the Constitutional Court of Georgia and the Law of Georgia on Constitutional Legal Proceedings shall define the standards regulating elections and the time frames and procedures for lodging a constitutional claim with the Constitutional Court of Georgia concerning the constitutionality of elections held or to be held based on the above standards.

. A representative of any registered (for election purposes) party/electoral block/initiative group of voters to a respective election commission, an organisation with observer status, a member of the respective DEC or PEC, or a citizen whose application for being entered into the list of voters _____ has _____ not been satisfied by the election commission, shall have the right to file a complaint with the court concerning the lists of voters.

3. A representative of any registered (for election purposes) party/electoral block to the CEC, an organisation with observer status, or a member of the CEC shall have the right to file a complaint with the court concerning the establishment of electoral districts within the time frame defined by this Law.

4. A representative of any registered (for election purposes) party/electoral block to a respective DEC, an organisation with observer status, or a member of the respective DEC shall have the right to file a complaint with the court concerning the establishment of electoral districts within the time frame defined by this Law.

5. An individual determined by the legislation of Georgia shall have the right to file a complaint with the court concerning the appointment/election of a member of the CEC/DEC within the time frame defined by this Law.

6. A representative of any registered (for election purposes) party/electoral block/initiative group of voters to a respective DEC, an organisation with observer status, or a member of a respective DEC or PEC shall have the right to file a complaint with the court concerning the appointment/election of a PEC member within the time frame defined by this Law.

7. A registered (for election purposes) party/electoral bloc, an organisation with observer status, or a member of a respective or higher election commission, whose term of office terminates early, shall have the right to file a complaint with the court concerning the decree of an election commission and its chairperson for pre-term termination of the term of office of an election commission member or an election commission head officer, as well as concerning the failure to adopt a decision about pre-term termination of the term of office (if there is the basis referred to in Article 29 of this Law), within the time frame defined by this Law.

8. A member of the CEC, a representative of any registered (for election purposes) party/electoral bloc to the CEC, an organisation with observer status, or more than half of the commission members, whose term of office terminated early under a decree, shall have the right to file a complaint with the court concerning the CEC decree for pre-term termination of the

term of office of a lower election commission, as well as concerning the failure to adopt a decision about pre-term termination of the term of office.

9. The CEC shall have the right to file a complaint with the court concerning the failure to deposit funds allocated for elections from the State Budget of Georgia, within the time frame defined by this Law, to the CEC account. The claim shall be lodged within 10 calendar days after the expiration of the above time frame.

10. The following entities shall have the right to file a complaint with the court concerning the electoral registration of a party, electoral bloc, initiative group of voters, and their representatives:

a) a party, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia), if the CEC chairperson did not register the party, the electoral bloc, the initiative group of voters or their representatives, or cancelled their registration;

b) a party, an electoral bloc, a representative of an initiative group of voters to the respective DEC (during elections for a local self-government representative body Sakrebulo and the Parliament of Georgia through the majoritarian electoral system), provided the DEC chairperson failed to register the initiative group of voters, or their representatives, or provided the CEC cancelled their registration;

c) a party, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia), at least 2 persons with observer status (appointed as observers to the CEC), if they believe that the party, the electoral bloc, or the initiative group of voters have been registered in violation of the requirements of the electoral legislation of Georgia;

d) a party, an electoral bloc, a representative of an initiative group of voters to the respective DEC (during elections for the Parliament of Georgia and for a Sakrebulo held under the majoritarian electoral system), at least 2 persons with observer status (appointed as observers in the respective electoral district), if they believe that the initiative group of voters has been registered in violation of the requirements of the electoral legislation of Georgia.

11. The following entities may file a complaint with the court concerning a decree of an election commission chairperson on the registration of a candidate for President of Georgia, of a party list submitted by a party/an electoral bloc running independently in the elections, of individual candidates entered into the list, of a candidate nominated in a single-seat electoral district, and of a Mayoral/Gamgebeli candidate:

a) a party/an electoral bloc running independently in elections, a majoritarian candidate, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia), a representative of an initiative group of voters to the respective DEC (during elections for the Parliament of Georgia and for a Sakrebulo held under the majoritarian electoral system), if the CEC Chairperson did not register the candidate for President of Georgia, the candidate for Mayor of Tbilisi, the party list presented by the party/the electoral bloc, individual candidates entered into the list, and if the DEC chairperson did not register the candidates nominated by a party/an electoral bloc, or by an initiative group of voters during elections for the Parliament of Georgia, or did not register a party list presented by a party/an electoral bloc, or individual candidates entered into the list, or the candidates nominated by a party/an electoral bloc/an initiative group of voters during Sakrebulo elections, or the Mayoral/Gamgebeli candidates nominated by a party/an electoral bloc during elections for Mayor/Gamgebeli of a self-governing city (other than Tbilisi)/community, and/or if the chairpersons of the above commissions cancelled their registration;

b) a party registered for elections and independently running in the elections, a registered electoral bloc, a representative of a registered initiative group of voters to the CEC (during elections for the President of Georgia), or at least 2 persons with observer status (appointed as observers to the CEC), if they believe that the CEC Chairperson registered a party/electoral bloc list, individual candidates entered into a party/electoral bloc list, a candidate for President of Georgia, or a candidate for Mayor of Tbilisi in violation of the requirements of the electoral legislation of Georgia, and also if individual candidates entered into the party/electoral bloc list fail to meet the requirements referred to in the Constitution of Georgia and other legislative acts of Georgia or those requirements have been fulfilled in violation of the procedure defined by the legislation of Georgia;

c) a party registered for elections and independently running in the elections, a registered electoral bloc, a representative of an initiative group of voters to the respective DEC (during elections for the Parliament of Georgia and for a Sakrebulo held under the majoritarian electoral system), or at least 2 persons with observer status (appointed as observers to the DEC), if they believe that the DEC chairperson registered a party/electoral bloc list, individual candidates nominated under the majoritarian system or entered into the party/electoral bloc list, or Mayoral/Gamgebeli candidates of a selfgoverning city (other than Tbilisi)/community in violation of the requirements defined in the electoral legislation of Georgia, and also if individual candidates nominated through the majoritarian system or entered into the party/electoral bloc list fail to meet the requirements of the Constitution of Georgia and other legislative acts of Georgia or those requirements have been met in violation of the procedure defined by the legislation of Georgia;

12. The following entities shall have the right to file a complaint with the court concerning the CEC decree for registration of domestic and international observer organisations: the domestic or the international observer organisation if the CEC has not registered the organisation, a party/electoral bloc having gone through electoral registration, a representative of a registered

initiative group of voters to the CEC, a registered organisation with observer status, provided the entities admit that the observer organisation was registered in violation of the electoral legislation of Georgia.

13. The following entities shall have the right to file a complaint with the court concerning a DEC decree for registration of a domestic observer organisation: the domestic observer organisation if the CEC failed to register the organisation, a party/electoral bloc having gone through the electoral registration, a representative of a registered initiative group of voters to the DEC, a registered organisation with observer status, provided the entities admit that the observer organisation was registered in violation of the electoral legislation of Georgia.

14. The following entities shall have the right to file a complaint with the court concerning the CEC/DEC secretary decree for accreditation of representatives of the press and other media: the representatives of the press and other media, whose applications for accreditation have not been satisfied by the election commission, a party/electoral bloc having gone through electoral registration, a representative of an initiative group of voters to the respective election commission, or an organisation with observer status.

15. The following entities may file a complaint with the court concerning the actions referred to in Article 47(1) of this Law:

a) a party, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia), an organisation with an observer status, an election commission, if the complaint concerns the violation of the above procedure by a party, an electoral bloc, a candidate for President of Georgia or by a candidate for Mayor of Tbilisi;

b) a party, an electoral bloc, a representative of an initiative group of voters to the respective DEC (during elections for a Sakrebulo, and the Parliament of Georgia held under the majoritarian electoral system), a majoritarian candidate, a Mayoral/Gamgebeli candidate, an organisation with observer status, an election commission, if the complaint concerns the violation of the above procedures by the candidate nominated in the electoral district.

16. A person determined by the legislation of Georgia shall have the right to file a complaint concerning the violation of the provisions of Article 46(3) and Article 50(1-4) of this Law by the press and other media.

16¹. Persons determined by Article 51(17) of this Law shall have the right to file a complaint with the court concerning a decision of the GNCC or failure by the GNCC to adopt a decision referred to in Article 51(19) of this Law.

17. If the provisions of Articles 48 and 118 of this Law are violated, the following entities may file a complaint with the court concerning a decree of an election commission chairperson: a party,

an electoral bloc or an initiative group of voters nominating a candidate, the candidate in relation to whom the decree has been issued, a representative to the CEC of any other party, electoral bloc or initiative group of voters registered for elections (during elections for the President of Georgia), an organisation with observer status, a representative of an initiative group of voters to the DEC (in the case of a majoritarian candidate), unless the commission confirms the above violation.

18. (Deleted - 25.7.2013, No 864).

19. A complaint concerning the issues referred to in the seventeenth paragraph of this article shall be filed with the respective district/city court not later than the day following polling day. The court shall deliver its decision not later than the following day after filing of the complaint. The court decision of the district/city court may be appealed to the Court of Appeals not later than the following day after delivering the decision and the Court of Appeals shall deliver its decision not later than the following day after filing of the complaint.

20. In the case of appealing a PEC summary protocol, the following persons shall have the right to file a complaint with the court concerning the respective decree of higher DEC: a representative of any registered (for election purposes) party, electoral bloc, initiative group of voters to the respective DEC, an organisation with observer status.

. The following persons may file a complaint with the court concerning a DEC decree on declaring voting results valid or invalid in an electoral precinct: a representative of a party, of an electoral bloc, of an initiative group of voters, a majoritarian candidate, a Mayoral/Gamgebeli candidate of a self-governing city/community, or an observer from an organisation with observer status in the DEC concerned.

22. The following persons may file a complaint with the court concerning a CEC decree on declaring elections valid or invalid: a party independently running in the elections, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of Georgia), a representative of an initiative group of voters to the DEC (in the case of an electoral district), a majoritarian candidate, a Mayoral/Gamgebeli candidate of a self-governing city/community, or an organisation with observer status.

23. If a DEC summary protocol is appealed, the following entities may file a complaint with the court concerning the CEC decree on the appeal: a party independently running in the elections, an electoral bloc, a representative of an initiative group of voters to the DEC, a majoritarian candidate, a Mayoral/Gamgebeli candidate of a self-governing city/community, or an organisation with observer status.

24. The following entities may file a complaint with the court concerning a CEC summary protocol of election results: a party independently running in the elections, an electoral bloc, a representative of an initiative group of voters to the CEC (during elections for the President of

Georgia), a candidate for Mayor of Tbilisi, a majoritarian candidate (during elections for the Parliament of Georgia and the Sakrebulo of Tbilisi), or an organisation with observer status

Article 79. Participation in election campaigning in violation of law

Participation in election campaigning in violation of the requirements of this Law shall be subject to a penalty in the amount of GEL 2 000

Draft

Organic Law of Georgia On Making Changes and Additions to the Organic Law of Georgia on Political Associations of Citizens

Article 1 – The following changes and additions to be made to the Organic Law of Georgia on Political Associations of Citizens (the Gazette of the Parliament of Georgia, No 45, 21.11.1997, p. 76):

1) The following paragraph 2¹ to be added after paragraph 2 of Article 5:

“2¹. Before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation, the establishment of the party or the activity, which include the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimization of occupation, shall be prohibited.”

2) Article 36 shall be amended as follows:

“36. The Constitutional Court of Georgia may:

- a) ban a party that aims to overthrow or forcibly change the constitutional order of Georgia, or to infringe on the independence and territorial integrity of the country, or to propagandise war or violence, or stir up national, ethnic, religious, or social strife or that is forming or has formed an armed group;
- b) ban a party, the activities of which include the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimization of occupation, before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of

Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation.”

Article 2 – Entry into force of the Law

This Law shall enter into force upon promulgation.

The President of Georgia

Giorgi Margvelashvili

Explanatory Note

On the Draft Organic Law of Georgia on Making Changes and Additions to the Organic Law of Georgia on Political Associations of Citizens

a) General information on the draft law

a.a) Reason for adopting the draft law

In order to legitimise the outcomes of the military aggression, by violation of the principles of international law and by neglecting the Ceasefire Agreement of 12 August 2008 between Russia and Georgia, the Government of the Russian Federation declared the occupied territories as independent states and deployed there additional military divisions and infrastructure. In addition, the Russian Federation called the International Community for recognising the independence of Abkhazia and Tskhinvali Regions. For this purpose Russia carried out and currently carries out political and economic pressure on certain states.

The Russian Federation violates the fundamental rules of the international law, violates the Ceasefire Agreement of 12 August 2008 between Russia and Georgia and does not undertake the commitment on nonaggression on Georgia.

According to the National Security Concept of Georgia: “the Russian Federation aims to turn Georgia into a failed state, to hinder the realization of Georgia’s European and Euro-Atlantic choice, and to forcibly return Georgia to the Russian political orbit. The presence of Russian military forces in the occupied territories of Georgia, and the construction and strengthening of military bases there, create a staging-ground for provocations and possible renewed military aggression.”

In order to achieve its goals the Russian Federation seeks for the support in the political spectrum. By using the methods of direct and indirect influence Russia tries to change the western course of the development of the state and to influence the political environment in Georgia.

In view of the factual annexation of almost 20% of the territory of Georgia by the Russian Federation, in condition of permanent attempts of the gross interference of Russia in the domestic and foreign political processes of the country, the activities of the political forces, aiming at or containing direct or indirect threat of legitimation of occupation, are dangerous for the stability and development of the country.

Taking into consideration the appropriate legal and factual condition, it is not only desirable but rather necessary to determine by legislation the restrictions regarding the activities of the political forces, which try to pursue Russia's aggressive policy in Georgia and legitimise the occupation.

a.b) Purpose of the draft law

The purpose of the draft law is to establish a temporary regulation before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation.

The establishment of a party and the activity, containing the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimation of occupation, must be prohibited.

The purpose of this rule is to neutralize direct and indirect influence methods, used by Russia, by which Russia tries to change the Western course of the development of the country and influence the political environment in Georgia.

a.c) Subject matter of the draft law

According to the draft law:

1. Before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation, the establishment of the party or the activity, which include the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimation of occupation, shall be prohibited.

2. The Constitutional Court of Georgia may ban a party, the activities of which include the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimization of occupation, before the complete restoration of the jurisdiction of Georgia over the territories occupied by the military aggression of Russian Federation and before the recognition of the territorial integrity of Georgia within the internationally recognized borders by the Russian Federation.

b) Financial substantiation of the draft law

b.a) Source of financing necessary costs related to the adoption of the draft law

The state budget.

b.b) The impact of the draft law on the income section of the budget

The adoption of the draft law shall not impact the income section of the budget.

b.c) The impact of the draft law on the expenditure section of the budget

The adoption of the draft law shall not impact the expenditure section of the budget.

b.d) New financial commitments of the country:

The adoption of the draft law does not require undertaking of new financial commitments by the state.

b.e) Expected financial impact of the draft law on the persons to whom the draft law applies

The draft law shall not have any financial impact on the persons to whom the draft law applies.

b.f) The amount of and the principle of determining the amount of the fee, duty or other charges established by the draft law

The draft law does not establish any fees or duties.

c) Relation of the draft law with the international legal standards

c.a) Relation of the draft law with the EU directives:

The adoption of the draft law does not contradict the EU directives.

c.b) Relation of the draft law with the commitments associated with the membership of Georgia of the international organisations:

The draft law does not contradict the commitments associated with the membership of Georgia of the international organisations.

c.c) Relation of the draft law with the bilateral and multilateral agreements of Georgia

The draft law does not contradict the bilateral and multilateral agreements of Georgia.

d) Consultations during the process of preparation of the draft law

d.a) Governmental, non-governmental and/or international organisations/institutions, experts, if any, that took part in drawing up the draft law:

d.b) Evaluation of the draft law, if any, by an organisation (institution) and/or expert participating in drawing up the draft law:

The draft law is supported by the Coalition for Euro-Atlantic Georgia.

e) The author of the draft law:

Transparency International Georgia.

f) Initiator of the draft law:

**Articles of the Organic Law of Georgia on Political Associations of Citizens
currently in force, which shall be amended
under the proposed draft law**

Article 5

1. Any citizen of Georgia shall have the constitutional right to create a party and to participate in its activities in accordance with the Constitution of Georgia.
2. It shall be impermissible to establish and operate a party whose aim is to overthrow or forcibly change the constitutional order of Georgia, or to infringe on the independence and territorial integrity of the country, or to conduct or propagandise war or violence, or to stir up national, ethnic, religious, or social strife.

Article 36

The Constitutional Court of Georgia may ban a party that aims to overthrow or forcibly change the constitutional order of Georgia, or to infringe on the independence and territorial integrity of the country, or to propagandise war or violence, or stir up national, ethnic, religious, or social strife or that is forming or has formed an armed group.

Draft

**Organic Law of Georgia
On Making Changes and Additions to the
Organic Law of Georgia on the Constitutional Court of Georgia**

Article 1. The following changes and additions to be made to the Organic Law of Georgia on Constitutional Court of Georgi (the Gazette of the Parliament of Georgia, No 001, 27.02.1996, p. 8):

1) Article 35(1) to be formulated as following:

“1. 1. The right to lodge a claim with the Constitutional Court concerning the constitutionality of formation of political parties and their activity shall rest with the President of Georgia, at least one fifth of the members of Parliament of Georgia, the higher representative bodies of the Autonomous Republics of Abkhazia and Ajara, and a citizen of Georgia.

Article 2 – Entry into force of the Law

This Law shall enter into force upon promulgation.

The President of Georgia

Giorgi Margvelashvili

Explanatory Note

Organic Law of Georgia On Making Changes and Additions to the Organic Law of Georgia on the Constitutional Court of Georgia

c) General information on the draft law

a.a) Reason for adopting the draft law

In order to legitimise the outcomes of the military aggression, by violation of the principles of international law and by neglecting the Ceasefire Agreement of 12 August 2008 between Russia and Georgia, the Government of the Russian Federation declared the occupied territories as independent states and deployed there additional military divisions and infrastructure. In addition, the Russian Federation called the International Community for recognising the independence of Abkhazia and Tskhinvali Regions. For this purpose Russia carried out and currently carries out political and economic pressure on certain states.

The Russian Federation violates the fundamental rules of the international law, violates the Ceasefire Agreement of 12 August 2008 between Russia and Georgia and does not undertake the commitment on nonaggression on Georgia.

According to the National Security Concept of Georgia: “the Russian Federation aims to turn Georgia into a failed state, to hinder the realization of Georgia’s European and Euro-Atlantic choice, and to forcibly return Georgia to the Russian political orbit. The presence of Russian military forces in the occupied territories of Georgia, and the construction and strengthening of military bases there, create a staging-ground for provocations and possible renewed military aggression.”

In order to achieve its goals the Russian Federation seeks for the support in the political spectrum. By using the methods of direct and indirect influence Russia tries to change the

western course of the development of the state and to influence the political environment in Georgia.

In view of the factual annexation of almost 20% of the territory of Georgia by the Russian Federation, in condition of permanent attempts of the gross interference of Russia in the domestic and foreign political processes of the country, the activities of the political forces, aiming at or containing direct or indirect threat of legitimization of occupation, are dangerous for the stability and development of the country.

Taking into consideration the appropriate legal and factual condition, it is not only desirable but rather necessary to determine by legislation the restrictions regarding the activities of the political forces, which try to pursue Russia's aggressive policy in Georgia and legitimise the occupation.

a.b) Purpose of the draft law

The purpose of the law is to prohibit the establishment of a party and the activity, containing the threat of violation of the territorial integrity and constitutional order of Georgia, the independence and sovereignty of the country and/or the legitimization of occupation, must be prohibited.

The purpose of this rule is to neutralize direct and indirect influence methods, used by Russia, by which Russia tries to change the Western course of the development of the country and influence the political environment in Georgia. The upholding of the sovereignty and independence of Georgia is the legitimate interest of all citizens, therefore it is logical for any citizen to be able to lodge a claim in court in this regard.

a.c) Subject matter of the draft law

According to the draft law:

The right to lodge a claim with the Constitutional Court concerning the constitutionality of formation of political parties and their activity currently rests with the President of Georgia, at least one fifth of the members of Parliament of Georgia, and the higher representative bodies of the Autonomous Republics of Abkhazia and Ajara. The draft law adds the citizen of Georgia to the list.

d) Financial substantiation of the draft law

b.a) Source of financing necessary costs related to the adoption of the draft law

The state budget.

b.b) The impact of the draft law on the income section of the budget

The adoption of the draft law shall not impact the income section of the budget.

b.c) The impact of the draft law on the expenditure section of the budget

The adoption of the draft law shall not impact the expenditure section of the budget.

b.d) New financial commitments of the country:

The adoption of the draft law does not require undertaking of new financial commitments by the state.

b.e) Expected financial impact of the draft law on the persons to whom the draft law applies

The draft law shall not have any financial impact on the persons to whom the draft law applies.

b.f) The amount of and the principle of determining the amount of the fee, duty or other charges established by the draft law

The draft law does not establish any fees or duties.

c) Relation of the draft law with the international legal standards

c.a) Relation of the draft law with the EU directives:

The adoption of the draft law does not contradict the EU directives.

c.b) Relation of the draft law with the commitments associated with the membership of Georgia of the international organisations:

The draft law does not contradict the commitments associated with the membership of Georgia of the international organisations.

c.c) Relation of the draft law with the bilateral and multilateral agreements of Georgia

The draft law does not contradict the bilateral and multilateral agreements of Georgia.

d) Consultations during the process of preparation of the draft law

d.a) Governmental, non-governmental and/or international organisations/institutions, experts, if any, that took part in drawing up the draft law:

d.b) Evaluation of the draft law, if any, by an organisation (institution) and/or expert participating in drawing up the draft law:

The draft law is supported by the Coalition for Euro-Atlantic Georgia.

e) The author of the draft law:
Transparency International Georgia.

f) Initiator of the draft law:

**Articles of the Organic Law of Georgia on Constitutional Court of Georgia
currently in force, which shall be amended
under the proposed draft law**

Article 35

1. The right to lodge a claim with the Constitutional Court concerning the constitutionality of formation of political parties and their activity shall rest with the President of Georgia, at least one fifth of the members of Parliament of Georgia, and the higher representative bodies of the Autonomous Republics of Abkhazia and Ajara.
2. In cases under the first paragraph of this article, a political party and its registering body shall be the defendant.