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**Georgian National Communications Commission
Resolution No 3**

**March 16, 2007
Tbilisi**

On the Approval of the Georgian National Communications Commission Charter

Pursuant to Article 10 of the Law of Georgia on Electronic Communications and paragraph 2, Article 8 of the Law of Georgia on Broadcasting, the Commission **resolved**:

1. To approve the Charter of the Georgian National Communications Commission as attached;
2. To instruct the Legal Department (K. Qurashvili) of the Georgian National Communications Commission to register the Resolution in Georgia's state register of normative acts in accordance with the rule established under the Georgian legislation;
3. To enforce the Resolution upon its publication.

Chairman of the Commission

D. Kitoshvili

Charter of the Georgian National Communications Commission

Article 1. Legal status and rule of establishment of the Commission

1. This Charter defines the legal status of Georgian National Communications Commission (hereinafter referred to as "Commission"), the rule and aim of its establishment, functions and scope of activity, the competence of a person authorized to represent it, the structure and budget of the Commission as well as the rule and terms for the liquidation.
2. The legal basis of this Resolution is Article 10 of the Law of Georgia on Electronic Communications and paragraph 2, Article 8 of the Law of Georgia on Broadcasting.
3. The Georgian National Communications Commission (hereinafter referred to as "Commission") is a legal entity of public law, a permanent, independent regulatory authority that does not subordinate to any state authority.
4. The legal status of the Commission is defined in the Georgian Laws On Independent National Regulatory Bodies, On Broadcasting and On Electronic Communications.
5. The rule of the establishment of the Commission is specified in the Law of Georgia On Broadcasting.

6. The Commission has the staff to carry out the functions assigned under the Georgian legislation.
7. The Commission has the seal bearing the state emblem of Georgia and the name of the Commission.
8. The legal address of the Commission is 50/18, Ketevan Tsamebuli Avenue/Bochorma Street, Tbilisi.

Article 2. Aims, functions and scope of activity.

1. The Commission performs its activity following the Georgian Laws On Electronic Communications, On Broadcasting and On Independent National Regulatory Bodies, other legal acts and this Charter.
2. The functions and the scope of activity of the Commission in the sphere of electronic communications are defined in the Georgian Laws On Electronic Communications and On Independent National Regulatory Bodies.
3. The functions and scope of activity of the Commission in the sphere of broadcasting is defined by the Georgian Laws On Broadcasting and On Independent National Regulatory Bodies. To carry out the functions defined in Article 4 and subparagraph a), paragraph 3, article 5 of the Georgian Law On Broadcasting – to determine priorities in the broadcasting sector on the basis of broadcasting market research and public opinion – the Commission introduces the telemetric system.
4. Legal acts of the Commission are defined in Article 8 of the Law of Georgia on Broadcasting.
5. The Commission is authorized, upon its decision, to set up advisory bodies. Session of advisory bodies are convened and chaired by one of the members of the Commission. Advisory bodies of the Commission are consultative bodies comprising experts of the broadcasting sphere, representatives of civil sector, international organizations, broadcasting entities.

Article 3. Organizational structure of the Commission

1. The Commission consists of the following structural units:
 - a) Administrative Department;
 - b) Strategic Development and Competition Department;
 - c) Legal Department;
 - d) Broadcasting Regulation Department;
 - e) Monitoring Department;
 - f) Radio Frequency Management, Monitoring and Coordination Department;
 - g) Financial Department;
 - h) Logistics Department.
2. Main functions of the Administrative Department are:
 - a) to carry out routine paperwork of the Commission; implement measures and constant monitoring to ensure the compliance with the terms for administrative handling of correspondence delivered to the Commission; ensure the circulation of business documents

within the Commission; ensure filing and unimpeded availability of documented information, record keeping of confidential documentations of the Commission;

b) To monitor the performance of tasks assigned to departments by the decisions of the Commission, the compliance with the schedule specified in the decrees of the Chairman of the Commission, protocol assignments of the Commission and agreements concluded with the involvement of the Commission; to ensure the application of strict record forms and record keeping and accountability.

c) To organize sessions of the Commission and working meetings of the staff; to draw up draft agendas of sessions and post them on the internet web page of the Commission; to keep protocols and archive material of the Commission.

d) To ensure the publicity of resolutions and decisions taken by the Commission; to organize a timely issuance of public information and the preparation of annual reports, to be submitted to President of Georgia and Parliament of Georgia, on the release of public information.

e) To manage human resources; to keep personal files of the Commission's staff and monitor the implementation of internal regulation of the Commission.

f) To organize auctions for the acquisition of the right on the use of radio frequency spectrum and scarce numbering resources and ensure the administrative proceedings of the issuance, modification, extension as well as revocation (except in cases when license is revoked as a penalty) of licenses; to keep license register of the Commission.

g) To ensure the authorization of activity of persons in the electronic communications sphere and to keep register of authorized persons;

h) To ensure informational-technological sustainability of the Commission (the management of informational-programming systems and intra-global networks and the administration of computer base).

3. Main functions of the Strategic Development and Competition Department are:

a) To draw up strategic plans and projects of the Commission; to draw up a draft annual report of the Commission.

b) To research development trends of the electronic communications market and analyze statistical data (to manage common accountability database of the Commission), prepare periodic reviews, work out proposals on strategic directions of the development and to plan projects taking into account the functions of relevant Commission departments.

c) To study the competitiveness of separate segments of the electronic communications market, to identify persons with significant market power and define specific obligations and terms to be imposed on them; to study and analyze mergers and acquisitions;

d) To analyze the effect of Commission's decisions on the electronic communications and broadcasting market segments; to conduct an economic analysis of draft legal acts of the Commission drawn up by other Commission departments in view of broadcasting market development trends, objectives set out in strategic action plans and projects developed by the Commission.

e) To provide consultation to Commissioners, the Commission's staff, authorized and licensed persons engaged in the spheres of broadcasting and electronic communications as well as any interested person (upon a relevant application) on the fulfillment of economic and technical requirements of legislative acts in the field of broadcasting and communications.

f) To coordinate the activity of the Commission with international organizations.

4. Main functions of the Legal Department are:

a) To draw up draft legislative acts in the field of electronic communications and broadcasting and submit to persons that have power of legislative initiative; to conduct a legal expertise and prepare a corresponding draft opinion on legislative and other normative acts sent for approval by other entities to the Commission.

b) To prepare and ensure appropriate administrative handling of draft resolutions and decisions of the Commission as well as draft decrees of Chairman of the Commission or/and conduct legal expertise of draft legal acts drawn up by other Commission departments.

c) To represent the Commission in courts and other state entities, on the basis of an appropriate power of attorney of the Commission.

d) To provide consultation to Commissioners, the Commission's personnel, authorized and licensed persons engaged in the spheres of broadcasting and electronic communications as well as any interested person (upon a relevant application) on the requirements of legislative acts in the field of broadcasting and communications.

e) To prepare and conduct in accordance with the formal administrative proceedings rule the hearing of complaints on the basis of an application from the public defender of consumers rights, also, to ensure administrative proceedings of disputes arising between authorized and licensed persons and consumers.

f) To ensure administrative proceedings of the hearing of disputes between authorized and/or licensed persons;

g) On the basis of performance notification or opinion, inspection act or act on administrative violation of law, drawn up by a relevant service of the Commission, to ensure administrative proceedings (executive proceedings) for the imposition of sanctions envisaged in the laws of Georgia On Electronic Communications, On Broadcasting and the Code on Administrative Violation of Law, on an authorized person or/and license holder or any other person responsible for violation.

h) To draw up draft contracts to be concluded on behalf of the Commission and handle other legal issues related to the activity of the Commission.

5. Main functions of the Broadcasting Regulation Department are:

a) To develop broadcasting priorities through studying and considering public opinion ; to study the conformity of broadcasting concept submitted by a license-seeker with the established broadcasting priorities;

b) To prepare a report on the progress of the implementation of priorities in the field of broadcasting.

c) To ensure administrative handling for the purpose of organizing a tender for issuing broadcast license; to ensure administrative handling of the extension, modification, revocation (except in cases when license is revoked as a penalty) of licenses.

d) To monitor and inspect the implementation by broadcast licensees of the requirements provided in international agreements and treaties of Georgia, also in the legislation in the sphere of broadcasting – the laws of Georgia on Broadcasting, Copyright, Protection of Minors from Harmful Influence, on Advertising – as well as in Code of Conduct for broadcasters, resolutions and decisions of the Commission, and to draw up acts on inspection.

e) To ensure the relationship between the Commission and mass media and prepare monthly press releases on the activity of the Commission; to promulgate decisions of the Commission through mass media, also, to prepare reports about the Commission's activity in mass media.

f) To ensure the relationship between the Commission and the society.

6. Main functions of the Monitoring Department are:

a) To monitor and inspect the implementation of the requirements of the legislation in the sphere of electronic communications, including requirements of resolutions and decisions of the Commission, by physical and legal persons, authorized persons and licensees of scarce resource application; to draw up inspection acts and acts on administrative violation of law.

b) To monitor and inspect the implementation of license terms defined in the decisions of the Commission; to draw up inspection acts and acts on administrative violation of law.

c) To monitor compliance of networks and means (equipment) used by licensees of scarce resource application with established standards and regulations.

d) To control the implementation of obligations imposed on persons with significant market power, to identify violations and draw up inspection acts.

e) To control the transfer of license fees, license payments, the payment for the use of scarce resources and regulation fees onto corresponding accounts and to draw up relevant inspection acts and in case of violation, forward inspection acts to the Legal Department.

7. Main functions of Radio Frequency Management, Monitoring and Coordination Department are:

a) To modify national plan on radio frequencies, to ensure the planning and allocation of radio frequency spectrum, electromagnetic compatibility and international coordination, technical sustainability and management of radio monitoring system.

b) To carry out uninterrupted and systematic monitoring on the use of radio frequency spectrum, to react to identified interferences - to draw up inspection acts and acts on administrative violations of law.

c) In cases envisaged under the Laws of Georgia On Electronic Communications and On Broadcasting, to ensure the administrative proceedings of the assignment of call signs, identification signs and radio frequencies in accordance with the established rule.

d) To define rules for establishing amateur radio communication and the use of amateur radio stations and to modify these rules in accordance with the practice and recommendations of the International Amateur Radio Union. To regulate the rules for establishing amateur radio communication and coordinate the use of amateur radio stations.

8. Main functions of Financial Department are:

a) To conduct bookkeeping of Commission's activity;

b) To draw up a draft annual budget of the Commission in coordination with Strategic Development and Competition Department and to perform the expenditure side of the Commission's annual budget.

c) To analyze, on a monthly basis, the records of the transfer of license fees, license payments, the payment for the use of scarce resources and regulation fees onto corresponding accounts and to submit the results to the Monitoring Department.

9. Main functions of the Logistic Department are:

a) To ensure material-technical conditions for the Commission's activity.

b) To ensure public procurement and management of the property of the Commission.

Article 4. Public defender of consumer rights

Main functions of the service of public defender of consumer rights at the Commission, which operates independent of the Commission's staff, are:

a) To protect the rights and legitimate interests of consumers of electronic communications and broadcasting, to consider applications and complaints from consumers and ensure administrative proceedings in regards to complaints.

b) To analyze and foresee the influence of Commission's regulatory decisions on electronic communications and broadcasting consumers; to participate in the drawing up of normative acts by the Commission, which may affect the consumers' interests.

c) To represent and protect consumer interests in disputes with authorized or licensed service providers, the Commission, and in courts.

Article 5. Person authorized for representation and his/her competence

1. The power to represent the Commission is granted to Chairman of Commission.

2. Chairman of Commission:

a) Chairs sessions of the Commission;

b) Appoints and dismisses employees of the Commission, enters into employment contracts with them.

c) Performs an administrative management of the Commission personnel and coordination of structural units of the Commission; assigns tasks to structural units; to motivate the staff, implements encouragement measures and disciplinary sanctions.

d) Approves performance standards and internal regulation for the staff.

e) Issues decrees on intra-organizational issues.

f) Performs other functions provided that they do not run counter to this Charter and are related to the implementation of Commission's powers.

Article 6. Accountability of the Commission

The rule and terms for the accountability of the Commission are defined in accordance with the Article 13 of the Law of Georgia On Electrical Communications and Article 13 of the Law of Georgia On Broadcasting.

Article 7. Budget of the Commission

The budget of the Commission is defined in accordance with the Article 12 of the Law of Georgia on Electrical Communications and Article 12 of the Law of Georgia On Broadcasting.

Article 8. Reorganization and liquidation rule

The reorganization or liquidation of the Commission is carried out on the basis of the law.

Article 9. Rule for amendments and addenda to the Charter

Amendments and addenda to the Charter can be implemented by the resolution of the Commission.