



Twinning Fiche

Project title: Strengthening Audio-Visual Media Regulation in Georgia in accordance with the Directive 2018/1808

Beneficiary administration: Georgian National Communications Commission

Twinning Reference: GE 18 ENI TE 01 21

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EU funded project

TWINNING TOOL

List of Abbreviations:

| Glossary: | Abbreviation Meaning |
|------------------|--|
| AA | EU-Georgia Association Agreement |
| BA | Beneficiary Administration |
| BC | Beneficiary Country |
| BI | Beneficiary Institution |
| CE | Council of Europe |
| CEPT | The European Conference of Postal and Telecommunications Administrations |
| DEA | Data Exchange Agency |
| DTTV | Digital Terrestrial Television |
| EaP | Eastern Partnership |
| EBRD | European Bank for Reconstruction and Development |
| EC | European Commission |
| EEC | European Economic Community |
| ENP (AP) | European Neighbourhood Plan (Action Plan) |
| ENPI | European Neighbourhood Plan Instrument |
| ETSI | European Telecommunications Standards Institute |
| EU | European Union |
| EUR | The European Union Currency 'Euro' |
| GAC | Governments Advisory Committee |
| GEL | Currency of Georgia 'Lari' |
| ComCom | Georgian National Communications Commission |
| GoG | Government of Georgia |
| ICANN | Internet Corporation for Assigned Names and Numbers |
| IP | Internet Protocol |
| IG | Internet Governance |
| MS | Member State |
| MSA | Member State Administration |
| MESD | Ministry of Economy and Sustainable Development |
| NGA | Next Generation Access |
| NGN | Next Generation Network |
| NRA | National Regulatory Authorities |
| NIP | National Indicative Programme |
| OPS | Operations (EU standard) |
| PAO | Programme Administration Office |
| PCA | Partnership and Cooperation Agreement |
| PL | Project Leader |
| PSC | Project Steering Committee |
| RF | Regulatory Framework |
| RTA | Resident Twinning Adviser |
| SMP | Significant Market Power |
| STE | Short Term Expert |
| TA | Technical Assistance |

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| ToT | Training of Trainers |
| TAIEX | Technical Assistance Information Exchange |
| USAID | United States Agency for International Development |
| VAT | Value Added Tax |

1. Basic Information

1.1 **Programme:** EU support for the Implementation of the EU-Georgia Association Agreement, ENI/2018/041-415 Direct Management.

For UK applicants: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement¹ on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014² and Annex IV of the ACP-EU Partnership Agreement³, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom⁴. Those persons and goods are therefore eligible under this call.

1.2 **Twinning Sector:** Telecommunications (TE).

1.3 **EU funded budget:** EUR 800,000.00

1.4 **Sustainable Development Goals (SDGs):** Goal 16: Peace, Justice and Strong Institutions

2. Objectives

2.1 Overall Objective(s):

The overall objective of the project is to ensure a free and competitive media environment in Georgia in the field of audio-visual media in compliance with the relevant European standards and the Union acquis.

2.2 Specific objectives:

The specific objectives of the project are to:

- support approximation of Georgia's legal and institutional framework with the EU's Audio-visual Media Services Directive (AVMSD);
- reinforce the effectiveness of ComCom as the Media regulator in order to fully comply with the obligations of EU-Georgia Association Agreement (Annex XXXIII) and to be in line with the EU best practices.

2.3 The elements targeted in strategic documents i.e. National Development Plan/Cooperation agreement/Association Agreement/Sector reform strategy and related Action Plans

¹ Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community

² Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

³ Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

⁴ Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

The Twinning project is fully in line with the requirements of the **EU - Georgia Association Agreement (AA)** and aims to support further effective implementation and fulfilment of the objectives set out in the AA. Furthermore, in accordance with AA Annex XXXIII, Georgia undertook to gradually approximate its legislation to EU legislation and international instruments within the stipulated timeframes, among them - with the Directive 2010/13/EU of the European Parliament and Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audio-Visual Media Services Directive).

Moreover, in light of cooperation in Audio-Visual and Media field, the **EU-Georgia Association Agenda 2017-2020** envisages working towards reinforcement of independence and professionalism of the media in compliance with relevant European standards and approximation of the audio-visual legislation with the Union *acquis* as stipulated in the Association Agreement, inter alia by exchanging of views on audio-visual policy, relevant international standards including cooperation in the fight against racism and xenophobia. The exchange of best practices and regarding freedom of the media, media pluralism, decriminalization of defamation, protection of journalist sources and cultural diversity aspects of media through regular dialogue as well as strengthening the capacity and independence of regulatory authorities/bodies for media are envisaged as medium-term priorities of the EU-Georgia Association Agenda 2017-2020. The Association Agenda for the period 2021-2027 is currently being finalised with the Georgian authorities. Cooperation in the audio-visual and media field will also feature prominently in the revised version of the Association Agenda.

As to the “Eastern Partnership” (EaP) cooperation, within the **“Eastern Partnership beyond 2020: Reinforcing Resilience-an Eastern Partnership that delivers for all”** cross-cutting deliverables include assistance in the full implementation of Association Agreements, strengthening the interconnections, as well as promoting a well-functioning media environment and independent journalists.

At the national level, the **Government Program for 2021-2024**⁵ clearly sets access to information, continuous implementation of digital and modern technologies and support of innovative and high-tech investment projects, as well as the development of digital economy and information society through information and communication technologies as an utmost priority for the coming years. The program also considers the establishment of Georgia as a regional hub for communications, technology and other sectors. As part of ICT development and in order to maintain and increase the pace of development of the digital economy and information society in the country, the Government of Georgia will pursue an active policy to continue the state program for the development of broadband infrastructure within the framework of a project branded as Log In Georgia, while community internet promotion activities will be pursued in order to provide internet access to the mountainous regions of the country. Furthermore, the Government of Georgia plans to take measures in order to maximize the transit potential using the broadband telecommunication infrastructure and to establish a digital transit hub connecting Europe and Asia via Georgia as well as to integrate Georgia’s digital market with the EU’s digital market, including harmonization of the legal framework with EU directives as envisaged by the Association Agreement,

The proposed Twinning Project aims at supporting the implementation of the above-mentioned goals through the approximation of Georgia’s regulatory framework with Union *acquis* in the field of audio-visual media.

⁵http://gov.ge/files/41_79014_435561_govprogram.PDF

3. Description

3.1 Background and justification:

Georgian National Communications Commission (ComCom) was established in 2000 as an independent regulatory body (a legal entity of public law) to license and oversee the telecommunications and broadcasting sector operations within the Georgian territory. The priorities of the ComCom are defined in accordance with the government policies and action plan and are fully in line with the EU-Georgia Association Agreement agenda. In the field of broadcasting, ComCom is responsible for ensuring fair competition, issuing licenses/authorizations, managing scarce resources, supervising the performance of legislation in the field of broadcasting and imposing appropriate sanctions in case of violations of these provisions, supervising the performance of legislative acts on copyright and related rights, on the protection of minors from harmful influence and on advertising, as well as resolving within its powers, disputes between broadcasters, and between broadcasters and their consumers.

As part of the strategy for the upcoming years, ComCom plans to implement forward-looking regulatory measures and to cooperate closely with international institutions. Such measures include the implementation of the latest updates envisaged by the Audio-Visual Directive in Georgian legislation and the introduction of modern regulatory approaches; optimization of pre-election media monitoring; establishment of a strategy for issuing radio broadcasting licenses; protection of copyright online, which in turn, will allow the establishment of a sustainably free media landscape as well as a fair and competitive media environment in general.

In light of the rapid development of technologies and since the regulations introduced by the revised Audio-visual Directive entail completely new norms for Georgia as well as for Europe, in order for ComCom to be able to take appropriate measures for their introduction at national level and their execution latterly, it is vitally important to consider EU countries' approach for the fair regulation of the market and protection of consumers' rights with the objective to stimulate the overall audio-visual market development. The process encompasses a number of stages, including the proper assessment and analysis of the practical experience EU has lately acquired and the identification of the suitable methods for actually transposing obtained knowledge into Georgian regulatory framework with the utmost involvement of all relevant stakeholders at every stage of the project implementation.

Additionally, in accordance with the obligation of Georgia to gradually approximate its legislation with EU legislation and international instruments stipulated in Annex XXXIII of the Association Agreement, ComCom has finalised the legislative proposal aimed at introducing a new Law on Audio-visual Media Services and Radio that will replace the existing Law on Broadcasting. The proposal has already been submitted to the Parliament of Georgia. However, the draft law envisaged approximation with the previous audio-visual directive (2010/13/EU), which has been modified by the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audio-Visual Media Services Directive) in view of changing market realities. Therefore, in order to guarantee gradual approximation, it is necessary to ensure the approximation with the said directive 2010/13, as amended in 2018 (hereinafter AVMSD), in order to reflect all the relevant requirements established by the AVMSD. Thus, the main

objective of this twinning project that will be launched after the adoption of the new Law on Audio-visual Media Services and Radio will be to ensure full compliance with AVMSD and to support the establishment of an innovative regulatory environment and increase the effectiveness of ComCom while ensuring freedom of speech and media in general by conveying best European practice and experience and to provide all necessary trainings for all stakeholders to meet the priorities and obligations envisaged by the Association Agreement and the Association Agenda as mentioned above.

Moreover, the Strategy 2021-2025 of the Georgian National Communications Commission-the internal strategy document for 2021-2025, which is currently in the approval phase, sets a strategic objective in order to foster the development of the broadcasting and audio-visual media services market and the introduction of high media standards. The objective includes the implementation of European standards and directives for the regulation of audio-visual media services. Further, Commission aims at strengthening the self-regulation practices inter alia through strengthening the appeal system in the country. In this context, it is worth mentioning that the new draft law on Audio-visual Media Services and Radio submitted to the Parliament that will replace the existing Law on Broadcasting envisage the possibility to appeal the decisions of a self-regulatory body to the Commission or the Court.

Specific attention will be paid to ensure that legal approximation process supported under this Twinning project will be according to the national framework on policy development and to the better regulation approach supported also at the EU level.⁶ A better regulation approach requires that policies and legislation are prepared on the basis of the best available evidence (impact assessments) and according to an inclusive approach involving both internal and external stakeholders.

Furthermore, building on the lessons learnt and the Better Regulation agenda promoted at the EU level⁷, this Twinning project will contribute to the overall public administration reform in Georgia by ensuring the introduction of an inclusive and evidence-based approach to policy-making and legal drafting in the respective sector. It will also pay specific attention to accountability and reporting lines between concerned institutions. ComCom will ensure participation of the representatives of stakeholders in the actions to be undertaken through the project implementation period.

3.2 Ongoing reforms:

ComCom continuously cooperates with all relevant stakeholders and has also worked closely with the Parliament of Georgia as well as all the civil society representatives interested in media related issues.

In accordance with the obligation of EU-Georgia Association Agreement, ComCom has finalised the legislative proposal aimed at introducing a new Law on Audio-visual Media Services and Radio that will replace the existing Law on Broadcasting. The proposal has been submitted to the Parliament of Georgia in 2018 and is currently under review.

Further, great emphasis is placed by ComCom on overall media development. In light of the Media Literacy function conferred upon Georgian National Communications Commission through legislative changes adopted by the Parliament of Georgia in 2017, ComCom founded Media Literacy Department

⁶ http://ec.europa.eu/info/strategy/better-regulation-why-and-how_en

⁷ http://ec.europa.eu/info/files/better-regulation-better-results-eu-agenda-0_en

and Media Academy in 2018. Media Academy consists of three main directions. These are: Media School, Media Critics and Media Lab. The Media Literacy Department in collaboration with the Ministry of Education of Georgia has already implemented 5 projects throughout 2019 aimed to boost the level of media literacy across the Georgian society.

Further, ComCom is actively involved in the implementation of the Log-in Georgia project funded by the World Bank. The project aims to increase access to affordable broadband internet, and to promote its use by individuals and enterprises, in targeted rural settlements. In addition to increasing rural high-speed internet coverage, 2nd component of the project – Digital Adoption Programme, that will be implemented by ComCom aims to facilitate the use of digital services and to promote digital inclusion. The Program will promote use-cases of the improved connectivity such as e-learning, e-health, and digital financial services, as well as e-commerce and e-government services in the project areas.

General Policy and Legislative Process

The National Policy Planning System Reform Strategy, adopted by the Government of Georgia in August 2015 recognises the current weak link between the policy planning process and legislation drafting, the absence of practice of legislative impact assessment and the weak institutional capacity of ministries in legal drafting. The OECD/SIGMA 2018 assessment in the policy development and coordination area highlights a number of weaknesses in the current (policy-making) and legislative process. The assessment will also feed into the new action plan for the implementation of the Public Administration Reform (PAR) roadmap. The document specifically notes the reoccurring problem with implementation of laws, which can be attributed to the low quality of laws due to weaknesses in the law-making process. There is a pressure to complete numerous legal reforms in the shortest possible time. Improvement of the legislative drafting process and quality of legislation is now a priority area of action for the Administration of Government under the Prime Minister (steering the policy-making process) and all line ministries. This primarily involves the Administration of Government, Ministry of Justice, and Ministry of Economy and Sustainable Development. In order to meet the targets and obligations in law making process the Government introduced changes in Law on Normative acts (amended on June 13, 2018) and Regulation of the Government (amended on August 24, 2018). These amendments put more emphasis on concordance with EU acquis and Regulatory Impact Assessment (RIA.)

In line with the 2018 OECD/SIGMA recommendations, a new Government decree was adopted end 2019 and with its supporting Handbook on Public Policy Making, now lays the regulatory and procedural foundation for good evidence-based policy development. It has quickly become the primary guidance document for Ministries. Nevertheless, its implementation requires comprehensive training and support, to ensure better integration between policy and budget planning, and building the right capacities, structures and processes in the relevant ministries. Some key issues in the area are inter- and intra-institutions coordination, capacities in data analysis, policy budgeting, gender responsive budgeting. The introduction of a mandatory Regulatory Impact Assessment for specific legislation since January 2020 is also an important milestone, but also requires extensive training for proper implementation.

For increasing coordination and strengthening effectiveness of the legal approximation process in the country, on January 30, 2020 Government of Georgia adopted Legal Approximation Guidelines⁸ that will provide additional guidance to all the line Ministries involved in the legal approximation process under

⁸ <https://matsne.gov.ge/document/view/4786582?publication=0>

the AA. The Guidelines prepared by the Ministry of Justice provide key principles and techniques of approximation that will assist and orient legal drafters throughout the approximation process. The Guidelines should be used consistently, not only by MoJ, but also by all line ministries, and institutions tasked with the approximation exercise. Such proceedings will help to ensure the achievement of a steady and sustainable approximation path.

3.3 Linked activities:

In the recent years, a number of projects financed by different donors have been contributing for development and strengthening of the Georgian National Communications Commission in different directions. Below is a summary of the main interventions:

EU4 Digital initiative – ongoing project, funded by the European Union, supporting the activities of EaPeReg; The overall objective of the “telecom rules” stream of the initiative is to contribute to the social and economic development of partner countries by supporting the development of their electronic communications markets through a strengthened long-term cooperation between the European Union and the EaP countries in this area. Presently the project includes: 1) Signing of Regional Roaming Agreement among Partners by the end of 2020, thus ensuring reduction of roaming tariffs among partner countries (2017- 2020); the second step of this pillar is the study on the possibility of reduction of roaming tariffs between EaP and EU (2020-2021); 2) Strengthen of NRA independence (2019-2021); 3) Broadband development and Infrastructure mapping (2019-2023); 4) Signing of Regional Spectrum Agreement among Partners by the end of 2020 thus ensuring spectrum coordination and harmonization (2020-2021).

Log-in Georgia Project – ongoing project (2020-2025) funded by the World Bank - The proposed Project development objective is to increase access to affordable broadband internet, and to promote its use by individuals and enterprises, in targeted rural settlements. The Project consists of the following key components: Component 1: Increasing access to broadband – this Component will help expand access to broadband internet in rural settlements across Georgia and improve the enabling environment for digital development. Component 2: Promoting the use of broadband-enabled digital services – this Component will support the development of Georgia’s digital economy through a strengthened enabling environment, promoting digital use-cases of broadband, and addressing barriers to the participation of individuals in the digital economy. Component 3: Project implementation support – this component will support the management and implementation of the Project and associated activities. The Project will be implemented over a five-year period by the Open Net NNLE as the Project Implementing Entity, with the oversight and implementation of the Ministry of Economy and Sustainable Development of Georgia and the Communications Commission.

Georgia – Communications Policy and Regulatory Development - EBRD funded project - technical assistance project to the Ministry of Economic and Sustainable Development and the Georgian National Communications Commission; implemented in 2011-2013. The program had a two-fold set of objectives - firstly, to assist the Ministry of Economy and Sustainable Development (MESD) to develop the electronic communications sector policy that will support the Government’s e-Society objectives (Component I) and, secondly, to assist the ComCom to develop and implement regulatory actions aimed at improving market competitiveness and promoting investment in more universally available modern services, especially broadband (Component II). Component II covered the following topics: 1. Spectrum Re-farming / Reallocation; 2. Analogue to digital Broadcasting Switchover; 3. Access and

Interconnection Regulations; 4. Certification and EMC testing laboratories. The relevant recommendations for each topic were prepared by the EBRD according to the RFP. Provided two workshops: Spectrum auction design workshop and conference/workshop on Sector Policy Investment and Legislation Draft.

Georgia – Communications Policy and Regulatory Development - EBRD funded project – extension – implemented in 2013-2014. Component I – Preparing the technical specifications defining the main design parameters for national digital broadcasting network in Georgia - done; Component II – Assisting in the design of a competitive contest process for the selection of suitable digital multiplex platform provider(s) – done; Component III – Assisting in the running of the contest to select the operator(s)/ providers who will provide the initial multiplex platforms for digital broadcasting switchover, including assistance in the promotion of the contest to a national and international audience of potential bidders; Component IV – Assistance in the monitoring of the network planning stages of the winning operator(s) to ensure compliance with the implementation requirements of their networks.

Project between Electronic Communications Office of the Republic of Poland (UKE) and the Georgian National Communications Commission (ComCom), within the framework of Polish Aid Program implemented in 2011-2012. Project title - “Using the experience of UKE in the field of telecommunications market regulation according to the EU directives requirements”; The Project was financed by UKE and co-financed by the Polish development cooperation program 2011 of the Ministry of Foreign Affairs of the Republic of Poland. The project was an introductory type of project with main aim of presenting the development path of UKE.1. EMC testing laboratory; 2. Market research and analysis, definition of SMPs (Significant Market Power), setting up the specific obligations for SMPs and monitoring of these obligations; 3. Tariff regulation; 4. Regulatory accounting and accounting separation; 5. Division of competencies between the antimonopoly office and the regulatory body and cooperation between them; 6. Universal Service and Universal Service Obligation; 7. Analogue to digital broadcasting switchover Frequency spectrum optimization; 8. Monitoring of quality of service; Radio monitoring system;

It’s worth mentioning that the cooperation between ComCom and UKE was based on MoU and covered only information sharing practices. The topics of cooperation and relevant activities were planned around on-going specific necessities of the commission and its departments, however the relationship did not include any legal assistance or gap-analysis for any given topic, and no reports were produced.

Nowadays, when Georgia has entered into Association Agreement and has specific obligations and time line to implement relevant legislative changes there is a need to implement full scale projects in order to have more systemic approach and to comply with entrusted responsibilities. Therefore, approximation of regulatory framework and its practical implementation is targeted by this Twinning Project.

Second Project between Electronic Communications Office of the Republic of Poland (UKE) and the Georgian National Communications Commission (ComCom), within the framework of Polish Aid Program implemented in 2016. Project Title – UKE Support for Georgian NRA in Reorganisation in Order to Prepare for Functioning According to the EU Standards. The project was implemented within the „Polish Aid” programme, coordinated by the Ministry of Foreign Affairs. Beneficiary: National Communications Commission of Georgia; project promoter - Office of Electronic Communications of the Republic of Poland – UKE. Overall objective: Preparing the Georgian NRA for functioning according to the EU standards and to increase its efficiency. Immediate objective: sharing UKE experience with ComCom in the area of optimal organisation structure and regulatory methods according to the EU

standards. Indicators: Information from the Beneficiary about using the knowledge obtained during the project realisation. Results: adjusting the ComCom organisation structure to the new regulatory challenges; raising of the ComCom employees' knowledge and qualifications in different areas of telecommunications market regulation on the basis of the EU standards, especially in the scope of market analysis, competition support, providing the access to telecommunications services to disabled people, market surveillance, quality of service and frequency management. Indicators: 23 ComCom employees trained and prepared for practice use of knowledge and experience gained within the project realisation.

Twinning Project „Supporting the Georgian National Communication Commission (GNCC) in developing of its electronic communications regulatory framework and operational capacities in line with EU regulatory framework“ in the field of electronic communications implemented in 2017-2019. The project aimed to analyse and enhance the legislative and institutional communications regulatory framework in Georgia. Key developments under the project included amendments in secondary legislation (on Public consultation procedures, Users rights protection, General authorisation for engagement in electronic communications activities and Terms and conditions for General permit to use radio frequencies), Universal Service general regulatory framework, fixed-line and wireless Broadband development, market analysis process and the relevant secondary legislation amendments, spectrum awards methodologies and the relevant legislative proposals, the definition of possible role of ComCom in the field of Internet Governance, as well as the analysis of Roaming regulatory framework and elaboration of proposals for its enhancement. The total budget of the project was 1,300,000.00 €.

Related Programmes and Projects

The reform of Public Administration (PAR) is of utmost importance for the country and the process is supported through donor community. The EU total contribution to the “Support to the Public Administration Reform in Georgia” 2016-2019, is EUR 30 000 000 Euro. Out of which EUR 20 000 000 is budget support share and EUR 10 000 000 for complementary support. The objective of the programme is to improve the efficiency, accountability and transparency of the public administration of Georgia, in line with the key Principles of Public Administration that have been developed by OECD/SIGMA in close cooperation with the European Commission. It will have a particular focus on the improvement of the policy planning and coordination capacities and processes in the central public administration. The professionalization of the civil service (including the reform of the civil service training system) will also be supported through the programme.

“Support to the Public Administration in Georgia”- EU funded; Duration: 2019-2021; Description: The objective of the project is to improve the efficiency, accessibility, accountability and transparency of the Georgian Public Administration in accordance with European principles of Public administration and best practices. More specifically, the project is mainly focused on improving the results-based approach in policy planning, development, coordination, monitoring and evaluation, increasing the awareness of the Civil servants and streamlining the implementation of the civil service reform in public institutions, improving the intra and inter-ministerial business processes related to policy making and service delivery enhancing thus the efficiency of the administration and the quality of service delivery, strengthening policy development and implementation of the Anti-Corruption and transparency national policies, thus increasing the accessibility, accountability and transparency of the executive branch and combating

corruption, raising public awareness and increasing visibility of the Government's public administration reform agenda.

“Facility for the implementation of the Association Agreement in Georgia “- EU funded; Duration: 2015-2018; Description: The project provided policy advice and capacity building support to the Georgian Government in coordinating the implementation of the Association, strengthening the institutional capacities of the line ministries and other public institutions to carry out the required reforms, including on policy development and legal approximation processes. The project provided assistance to ComCom through expert mission to support in approximation of Georgia's Legislation to the EU Directive on Audio-visual Media Services specifically to provide an analysis based on relevant assessment and the needs of the beneficiary institution in regards to the AVMSD Directive; as well as provide recommendations for creation a package of legislative amendments required for legal approximation. Since February 2019, phase II of the aforementioned project has been launched. Duration: 2019-2021.

3.4 List of applicable *Union acquis*/standards/norms:

It is expected that this Twinning project will cover all priorities stipulated in the AA, in particular the following *Union acquis*:

Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audio-Visual Media Services Directive), as amended by Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018, in view of changing market realities.

In accordance with the operational conclusions of the meeting of EU-Georgia Association Agreement Economic and Sectoral Sub-Committee cluster covering Science and Technology, Information Society, Audio-visual Policy, Education, Training and Youth, Culture, Sport and physical activity of 4 April 2019, 2022 has been agreed as new deadline for approximation with the provision of Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018.

As mentioned above, the draft Law on Audio-visual Media Services and Radio replacing the existing Law on Broadcasting currently being considered by the Parliament of Georgia envisaged approximation with the previous audio-visual directive (2010/13/EU) prior to the 2018 amendments. Hence, its adoption will ensure partial approximation with the AVMSD, while the Twinning Project will complete this process to guarantee Georgia's full approximation with the AVMSD.

3.5 Components and results per component

Mandatory Result 1/Component 1 – Georgian national audio-visual regulatory and policy framework enhanced in accordance with the Directive 2018/1808

Supporting ComCom in deepening the knowledge on bringing the national legislation in line with the EU legislative framework, including the secondary legislation will allow the establishment of a sustainable audio-visual regulatory architecture, which in turn will provide a solid foundation for smooth approximation with the Directive 2018/1808 as well as a milestone for audio-visual media services development in the country. Under Component 1, the proper definition of the institutional-organizational model for the approximation with the Directive 2018/1808 will be crucial taking into account existing regulatory framework and regulatory tools. As a result, the relevant amendments in primary and secondary legislation should be designed, agreed among stakeholders and promoted for approval by the relevant authorities, ensuring an inclusive approach and protection of the freedom of speech at all stages

of implementation of this component. Further, deepening of the knowledge related to specific processes and procedures of the innovative regulatory framework and the efficient application of the regulatory instruments is required. Thus, sharing the field specific European practice implemented in Member State(s) will be crucial.

Sub-result 1.1. Availability of relevant legal tools to implement the obligations of the Directive 2018/1808 ensured

It is expected that the process of delivering this sub-result will focus on identification of clear role and tasks of ComCom in the new regulatory framework with active participation of all relevant stakeholders, inter alia field specific civil society organizations. As a result, an innovative and inclusive regulatory environment should be established by creating specific legal instruments to be implemented in day-to-day activity of ComCom.

Sub-result 1.2. Regulatory Policy defined

This sub-result is expected to focus on clear definition of the regulatory intervention policy, including but not limited to: (a) proper identification of the need for regulatory intervention; (b) intervention level to be applied in different types of cases; (c) appropriate application of remedies; (d) measures in place for the protection of the stakeholders' rights.

Sub-result 1.3: Capacity of ComCom staff in audio-visual media services regulation enhanced

The delivering of this sub-result is expected to focus on taking appropriate steps, including capacity building, overview of the best practices and experience sharing, in order to allow the development of a comprehensible, innovative regulatory and legislative framework fully in line with EU norms and standards. At the same time the actions should aim at ensuring the correct interpretation of legal tools by all parties involved, building a solid basis for the proper execution of the developed framework, ensuring accurate regulatory intervention level and suitable application of remedies, together with a clear separation of the regulator's rights and responsibilities in every aspect of the regulatory approach. More specifically, amendments designed for primary legislation and the relevant execution tools to be introduced into the secondary legislation should be explained in detail and discussed with ComCom staff to guarantee its operation according to EU best practice.

Sub-result 1.4: Knowledge of stakeholders' regarding the innovative audio-visual regulatory approach raised

This sub-result should focus on raising awareness of all parties regarding proposed regulatory framework and the specific regulatory intervention methodology. The active involvement of the stakeholders inter alia field-specific civil society organizations through the relevant processes, such as dissemination of draft amendments, organization of meetings with experts' involvement to discuss proposals of CSOs will ensure their readiness for the introduced changes. Therefore, the delivering of this sub-result is expected to incorporate an awareness raising campaign to be conducted for all relevant stakeholders. At the same time, support of EU MS to ComCom in its efforts to present the novel tools which will be elaborated within the Twinning project to all interested players in the audio-visual media sector will be of utmost importance. Further, pertinent support in consultation process as part of the preparation phase for the practical implementation of the relevant tools as well as during the actual implementation process is expected. The sub-result will facilitate the dialogue between all involved parties.

Mandatory Result 2/Component 2 – Regulatory framework and instruments related to Video Sharing Platforms, established

This sub-result should focus on development of various instruments for the regulation of Video Sharing Platforms. This could entail the development of a whole system of rules and procedures aimed to fill the existing gaps in the current regulatory approach. Further, deepening of the knowledge related to specific processes and procedures regarding Video Sharing Platforms is required. Thus, sharing the field specific European practice implemented in Member State(s) will be crucial. The component is also expected to envisage sharing of above experience and knowledge with all interested parties in order to ensure an inclusive approach.

Sub-result 2.1: Availability of relevant legal and practical tools related to Video Sharing Platforms, including definition of their territorial scope and jurisdiction ensured

Under this sub-result development of various instruments for the regulation of Video Sharing Platforms and the definition of their territorial scope and jurisdiction is desirable. Establishing jurisdiction requires an assessment of factual situations against the criteria laid down in the AVMSD. The assessment of such factual situations might lead to conflicting results. Therefore, development and deep understanding of the specific legal and practical tools will be crucial in ensuring the effective implementation of the innovative regulatory approach.

Sub-result 2.2: Capacity of ComCom staff related to Video Sharing Platforms enhanced

The delivering of this sub-result is expected to focus on taking appropriate steps, including capacity building, overview of the best practices and experience sharing related to Video Sharing Platforms. More specifically, legal and practical tools developed, including rules and procedures for the definition of Video Sharing Platforms' territorial scope and jurisdiction should be explained in detail and discussed with ComCom staff to guarantee its operation according to EU best practice.

Sub-result 2.3: Knowledge of stakeholders' regarding the innovative Video Sharing Platforms Regulation enhanced

This sub-result should focus on raising awareness of all parties regarding proposed Video Sharing Platforms Regulation and the specific regulatory intervention methodology. The active involvement of the stakeholders inter alia field-specific civil society organizations through the relevant processes, such as dissemination of draft amendments, organization of meetings with experts' involvement to discuss proposals of CSOs will ensure their readiness for the introduced changes. Therefore, the delivering of this sub-result is expected to incorporate an awareness raising campaign to be conducted for all relevant stakeholders, inter alia for field specific civil society organizations. At the same time, support of EU MS to ComCom in its efforts to present the novel tools which will be elaborated within the Twinning project to all interested players will be of utmost importance. Further, pertinent support in consultation process as part of the preparation phase for the practical implementation of the relevant tools as well as during the actual implementation process is expected. The sub-result will facilitate the dialogue between all involved parties.

3.6 Means/input from the EU Member State Partner Administration(s)*:

The project will be implemented in the form of a Twinning grant contract between the Beneficiary Country and EU Member State(s). The implementation of the project requires one Project Leader (PL)

with responsibility for the overall coordination of project activities and one Resident Twinning Adviser (RTA) to manage implementation of project activities, Component Leaders (CL) and pool of short-term experts within the limits of the budget. It is essential that the team has sufficiently broad expertise to cover all areas included in the project description.

Proposals submitted by Member State shall be concise and focused on the strategy and methodology and an indicative timetable underpinning this, the administrative model suggested, the quality of the expertise to be mobilised and clearly show the administrative structure and capacity of the Member State entities. Proposals shall be detailed enough to respond adequately to the Twinning Fiche, but are not expected to contain a fully elaborated project. They shall contain enough detail about the strategy and methodology and indicate the sequencing and mention key activities during the implementation of the project to ensure the achievement of overall and specific objectives and mandatory results/outputs.

The interested Member State(s) shall include in their proposal the CVs of the designated Project Leader (PL) and the Resident Twinning Advisor (RTA), as well as the CVs of the potentially designated Component Leaders-(CLs).

The Twinning project will be implemented by close co-operation between the partners aiming to achieve the mandatory results in sustainable manner.

The set of proposed activities will be further developed with the Twinning partners when drafting the initial work plan and successive rolling work plan every three months, keeping in mind that the final list of activities will be decided in cooperation with the Twinning partner. The components are closely inter-linked and need to be sequenced accordingly.

3.6.1 Profile and tasks of the PL:

Profile:

- A high ranking official or assimilated agent of a Member State administration in relevant field with a sufficient rank to ensure an operational dialogue at political level;
- At least 3 years of professional experience in the field of Audio-Visual Media Services or other related areas;
- University level education in a relevant discipline (e.g. law, international law, management), or in its absence, equivalent professional experience in a related field of 8 years;
- Relevant managerial position in policy development/implementation/coordination of Audio-visual Services Regulation or other relevant field;
- Excellent command of spoken and written English;
- Good communication, presentation and interpersonal skills;
- Good leadership and managerial skills;
- Excellent Computer literacy.

Tasks:

- Overall direction, supervision, guidance, monitoring and reporting of the project;
- Mobilization of the necessary expertise in support of the efficient implementation of the project;
- Lead an operational dialogue, advocate, thrust and back up the project at political level;
- In cooperation with the PL counterpart signs and submits the interim quarterly and final project reports prepared with the support of the RTA to the concerned authorities;

- Formal signing of project work plan(s) and/or their updates;
- Ensuring timely achievement of the project results;
- Provision of legal and technical advice whenever needed;
- Co-chairing of project steering committees.

3.6.2 Profile and tasks of the RTA:

Profile:

- University level education in a relevant discipline (e.g, law, international law, management, Media Management) or in its absence, equivalent professional experience in a related field of 8 years;
- Proven contractual relation to a Member State administration or mandated body;
- At least 3 years of professional experience in the field of Audio-Visual Media Services Regulation or other related areas;
- Good knowledge of legal approximation process, relevant EU legislation and institutional requirements related to various components of this project;
- Sound knowledge of Audio-Visual Services, management, quality control and supervision;
- Collaboration experience with relevant EU/international organizations would be an asset;
- Good team-working, communication, presentation and interpersonal skills;
- Good organizational and project management skills;
- Strong analytical and report writing skills;
- Excellent command of spoken and written English;
- Good Computer literacy;
- Previous experience in project management would be an asset.

Tasks:

- Overall coordination of project implementation and of all activities;
- Develop the initial and subsequent work plans, and project progress reports together with PL to be submitted to the Steering Committees;
- Coordinate activities of the team members in line with the agreed work plan to monitor quality of their outputs and enable timely completion of project outputs;
- Liaise with PL counterparts and daily contacts with RTA counterpart;
- Liaise with EUD Project Manager and Programme Administration Office (PAO);
- Liaise with key stakeholders, other relevant projects and relevant Georgian institutions;
- Contribute to the work of the sector development process set up in the Beneficiary Country.

3.6.3 Profile and tasks of Component Leaders:

Mandatory Results 1/Component 1: Georgian national audio-visual regulatory and policy framework enhanced

Profile:

- University level education in a relevant discipline (e.g, law, international law, management, Media Management) or in its absence, equivalent professional experience in a related field of 8 years;
- At least 3 years of professional experience in the field of Audio-Visual Media Services or other related areas;

- Sound knowledge of Audio-Visual Media Services related governance/regulation models and controlling/supervisory institutional structures;
- Good knowledge of strategy and policy issues, legal approximation process, relevant EU legislation, operational procedures for its enforcement and institutional requirements related to this component;
- Sound knowledge and experience in drafting legal documents;
- Strong analytical and report writing skills;
- Good team-working, communication, presentation and advisory skills;
- Fluency in written and spoken English;
- Computer literacy.

Tasks:

- Component coordination, guidance and monitoring;
- Conducting analysis of the area relevant to the component;
- Drafting thematic/technical contributions and documents relevant for the results of the component, in close collaboration with BC counterparts and relevant project experts, and Georgian institutions;
- Preparing timely proposals for any corrective measures;
- Contribution in report writing relevant to this component;
- Liaise with PL, RTA and their counterparts.

Mandatory Result 2/Component 2: – Regulatory framework and instruments related to Video Sharing Platforms established

Profile:

- University level education in a relevant discipline (e.g, law, international law, management, Media Management) or in its absence, equivalent professional experience in a related field of 8 years;
- At least 3 years of professional experience in the field of Audio-Visual Media Services or other related areas;
- Good knowledge of strategy and policy issues, legal approximation process, relevant EU legislation, operational procedures and institutional requirements related to this component;
- Sound knowledge of EU practice and general approach for the regulation of Video Sharing Platforms and the definition of their territorial scope and jurisdiction;
- Experience in conducting trainings, seminars and workshops;
- Sound coaching and advocacy skills;
- Strong analytical and report writing skills;
- Good team-working, communication, presentation and advisory skills;
- Fluency in written and spoken English;
- Computer literacy.

Tasks:

- Component coordination, guidance and monitoring;
- Conducting analysis of the area relevant to the component;
- Drafting thematic/technical contributions and documents relevant for the results of the component, in close collaboration with BC counterparts and relevant project experts, and Georgian institutions;

- Preparing and conducting training programs, information and dissemination seminars with various stakeholders;
- Preparing timely proposals for any corrective measures;
- Contribution in report writing relevant to this component;
- Liaise with PL, RTA and their counterparts.

3.6.4 Profile and tasks of other short-term experts:

Profile:

- University level education in a relevant discipline (e.g. law, international law, management) or in its absence, equivalent professional experience in a related field of 8 years;
- At least 3 years of professional experience in the relevant field related to this contract;
- Specific knowledge and working experience on legal approximation issues;
- Specific knowledge of organizational structure, statutory models and institutional capacities of regulatory ecosystem;
- Sound knowledge and particular skills in strategy and policy development;
- Experience in awareness raising, information campaigns and knowledge of different communication tools;
- Coaching, training and facilitator skills;
- Experience in developing of training modules and materials, good record in training delivery;
- Good team-working, communication, presentation and interpersonal skills;
- Fluency in written and spoken English;
- Good computer literacy.

Tasks:

- Supporting Component leaders in their tasks by providing specific expertise;
- Contributing in drafting project related legal documents in accordance with the national rules for legislative development in their respective fields;
- Contributing in preparation of strategy documents, guidelines, operational procedures and manuals/instruction handbooks related to their field of expertise;
- Assistance with the preparation of trainings, conferences, workshops, seminars etc.;
- Contributing to the sustainability of the project by ensuring that aspects of the project related to their field of expertise are implemented timely and properly;
- Provision of legal and/or technical advice and consultations whenever needed in their respective fields;
- Preparing timely proposals for any corrective measures;
- Communicate with stakeholders and media;
- Liaise with RTA, Component leaders and BA counterparts.

Proposals shall include only the CVs of the proposed PL, of the RTA and of the Component Leaders (STEs CV should not be included in the MS proposal).

The Project Leader/RTA are free to propose additional STEs as they see fit, based upon the needs of the project and in agreement with the beneficiary.

4. Budget

The budget for this grant is EUR 800,000.00

5. Implementation Arrangements

5.1

The EU Delegation to Georgia will be responsible for the tendering, contracting, payments and financial reporting and will work in close cooperation with the Beneficiary Administration. The person in charge of this project within the EU Delegation to Georgia is:

Ms. Nino Samvelidze
Programme Officer,
Delegation of the European Union to Georgia
64b Chavchavadze Avenue
0179 Tbilisi, Georgia
Tel.: +995-32-2 364 364.
E-mail: Nino.SAMVELIDZE@eeas.europa.eu

5.2 Institutional framework

The main Beneficiary Institution (BI) of the project is the Georgian National Communication Commission (please see annex 2). Georgian National Communications Commission (ComCom) was established in year 2000 as an independent regulatory body to license and oversee the telecommunications and broadcasting sector operations within the Georgian territory. Georgian National Communications Commission is a legal entity of public law and a constant independent state authority. The Commission is obliged to submit its annual activity report to the President, the Prime minister and the Parliament of Georgia. The Commission is not subordinated to any of the state authorities. ComCom has five Commissioners including the Chairman. Members are appointed by the Parliament of Georgia. As mentioned above the Commission is an independent body, fully financed by the regulation fees paid by the regulated entities in the field of electronic communications and broadcasting.

The relevant departments of ComCom (mainly Audio-Visual Media Services Regulation and Legal Departments) will be actively involved in the working process, while the International Relations and Project Management Unit will ensure the proper coordination and implementation of the project. At the same time, the Human Resources Management Office will ensure the management of all necessary activities related to the testing of capacity building element outcomes.

Furthermore, all relevant stakeholders like public agencies, relevant CSOs and TV broadcasters, will be involved in the implementation of the project activities, inter alia through participation in awareness raising activities, seminars, workshops, discussions on draft legal amendments prepared within the Twinning projects and in bilateral meetings (upon necessity).

5.3 Counterparts in the Beneficiary administration:

5.3.1 Contact person:

Tamar Popiashvili

Chief specialist, International Relations and Project Management Office
Georgian National Communications Commission

5.3.2 PL counterpart

Project Leader Counterpart:
Vakhtang Abashidze
Commissioner
Georgian National Communications Commission

5.3.3 RTA counterpart

Nino Grdzelishvili
Head of International Relations and Project Management Office
Georgian National Communications Commission

6. Duration of the project

The duration of the project execution period 21 months. [The execution period will end 3 months after the implementation period of the Action (work plan) which will take 18 months].

7. Management and reporting⁹

7.1 Language

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

7.2 Project Steering Committee

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements *via-à-vis* the mandatory results/outputs chain (from mandatory results/outputs per component to impact) (, ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual. To ensure wider stakeholder participation, PSCs will be split in two sessions and Georgian civil society representatives experienced in the field will participate in the PSC meetings as observers on rotational basis.

7.3 Reporting

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of

⁹ Sections 7.1-7.3 are to be kept without changes in all Twinning fiches.

Twining: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements *via-à-vis* the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

8. Sustainability

ComCom will ensure full coordination of the project and its departments as well as the sustainability of the project results in terms of coordinating the process of implementing the relevant legislative amendments, representing the project results, in the primary and secondary legislation of Georgia, thus ensuring full approximation with the AVMSD. Additionally, the mandatory results and outcomes of the project are in full compliance with the national strategic priorities in the field of Audio-Visual Media Services Regulation. Sustainability will be ensured by enacted legal framework and institutional background, redistributed and clearly defined authorities that unambiguously split rights and responsibilities among key actors; After completion of the project, Georgian legislation will be fully compliant with the relevant EU legal framework which, of course, will positively influence EU-Georgia association process and will ensure sustainable long-term cooperation between beneficiary administration and respective twinning partners and their agencies.

The outputs produced by this project (in areas such as legal and regulatory, documents, standards, training materials, etc.) will be either published for public access or spread among the relevant stakeholders.

Beneficiary administration will ensure that necessary financial resources are annually allocated for the capacity building/upgrade of its staff. Human resources development in the field of Audio-Visual Media Services Regulation will be the key policy and strategic component for the beneficiary administration. Staff benefiting from trainings/study visits shall transfer knowledge through subsequent training to their colleagues at all levels. The BA participants in project activities should be asked to provide feedback, in the form of short evaluation sheets (or questionnaires), to establish how they consider the value of the activity.

Last but not least, the institutional sustainability of the project achievements will be embedded in the routine functions and works of ComCom and other stakeholders.

9. Crosscutting issues (*equal opportunity, environment, climate etc...*)

The principles and practice of equal opportunity will be guaranteed so as to ensure equitable gender participation in the project. The principle of equal opportunity shall apply both to the ComCom staff involved in the project and project members participating from contracting authority/ies. Every effort will be made to ensure broad gender representation among all participants. Additionally, the principles of equal opportunities will be reflected in all documents developed during the project.

Minority and vulnerable groups' concerns will be reflected in all activities of the project. Participation in the project activities will be guaranteed on the basis of equal access regardless of racial or ethnic origin, religion or belief, disability, sex or sexual orientation.

10. Conditionality and sequencing

ComCom has finalised the legislative proposal aimed at introducing a new Law on Audio-visual Media Services and Radio that will replace the existing Law on Broadcasting. The proposal has already been submitted to the Parliament of Georgia and should be adopted prior to the launch of this Twining project

to pave the way for its effective implementation. The project specific activities will be defined and prioritized in close coordination between the MS and BC partners based to the Logical Framework. The most important tasks will be to timely conduct training needs analysis, gap analysis in relevant components, make action plans for components including detailed timeframes, actions for achievement etc. The capacity building activities will be gradually introduced to comply with all the requirements and changes introduces.

Beneficiary acknowledges that success of the project greatly depends on the readiness of its administration to handle the intensive workload of the project and absorb project resources in most efficient manner. ComCom will ensure full coordination and organization of the relevant workload and logistics.

ComCom commits itself to provide the contributions stated in the Fiche. They include the following:

- Strong commitment and support of the ComCom management to the Project implementation;
- Strong involvement and commitment of the ComCom staff at all levels;
- Assigning dedicated staff to activities connected with the Project;
- Ensuring coordination between departments and institutions connected with the Project;
- Ensuring access to indispensable information and documents;
- Supply of office room for the RTA for the entire duration of the Project, including access to computer, telephone, internet, printer, photocopier;
- Adequate conditions for the STEs to perform their work while on mission to the BI;
- Providing suitable venues and equipment for the training sessions and meetings that will be held under the Project;
- Designating a ComCom counterpart for each MS expert.

11. Indicators for performance measurement

Mandatory Result 1/Component 1: Georgian national audio-visual regulatory and policy framework enhanced in accordance with the Directive 2018/1808

Indicators of performance:

- Status of amendments to the Georgian legislation (primary and secondary) in compliance with the Directive 2018/1808.
- Status of a clearly defined regulatory policy including regulatory intervention concept and the relevant remedies.

Sub-result 1.1: Availability of relevant legal tools to implement the obligations of the Directive 2018/1808 ensured

Indicators of performance:

- Status of action plan for implementation of the new regulatory tools into practice;
- Status of relevant documents entailing rules and procedures for the implementation of regulatory tools with clear definition of ComCom's functions and responsibilities.

Sub-result 1.2: Regulatory Policy defined

Indicators of performance:

- Status of policy recommendations document.

Sub-result 1.3: Capacity of ComCom staff in audio-visual media services regulation enhanced

Indicators of performance:

- Status of needs assessment report and action plan;
- Share of ComCom's relevant staff that took part in capacity building activities on the Directive 2018/1808;
- Number of capacity building activities performed.

Sub-result 1.4: Knowledge of stakeholders' regarding the innovative audio-visual regulatory approach raised

Indicators of performance:

- Number of thematic events conducted on the innovative regulatory framework in the field of audio-visual media;
- Availability of full set of informational materials for different stakeholders and interested parties.
- Number of regular meetings with relevant CSOs to discuss specific draft laws
- Number of recommendations and proposals presented by relevant CSOs and analyzed by ComCom

Mandatory Result 2/Component 2 – Regulatory framework and instruments related to Video Sharing Platforms, established

Indicators of performance:

- Status of guidelines for the regulation of Video Sharing Platforms;
- Status of rules and procedures for the definition of Video Sharing Platforms territorial scope and the relevant jurisdiction.

Sub-result 2.1: Availability of relevant legal and practical tools related to Video Sharing Platforms, including definition of their territorial scope and jurisdiction ensured

Indicators of performance:

-Availability of a full set of legal and practical tools developed on the basis of actual EU experience in the field of Video Sharing Platforms regulation and the relevant rules in force.

Sub-result 2.2: Capacity of ComCom staff related to Video Sharing Platforms enhanced

Indicators of performance:

- Status of needs assessment report and action plan;
- Share of ComCom's relevant staff that took part in capacity building activities on Video Sharing Platforms regulation;
- Number of capacity building activities on Video Sharing Platforms regulation performed.

Sub-result 2.3: Knowledge of stakeholders' regarding the innovative Video Sharing Platforms Regulation enhanced

Indicators of performance:

- Number of thematic events conducted on the introduction of Video Sharing Platforms regulation and the relevant methodologies;
- Status of materials for different stakeholders and interested parties related to Video Sharing Platforms regulation.

12. Facilities available

The Beneficiary commits itself to deliver the following facilities:

- Adequately equipped office space for the RTA and the RTA assistant(s) for the entire duration of their secondment;
- Supply of office room including access to computer, telephone, internet, printer, photocopier;
- Adequate conditions for the STEs to perform their work while on mission;
- Provide suitable venues for the training sessions and meetings that will be held under the Project;
- Security related issues will be assured according to the standards and practices applicable for all Georgian public institutions.

ANNEXES TO PROJECT FICHE

Annex 1: Simplified Logical Framework matrix;

Annex 2: Organizational Chart of ComCom;

Annex 3: Georgian Law on broadcasting.

Annex 1: Simplified Logical Framework matrix

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| Project Title: Strengthening Audio-Visual Media Regulation in Georgia in Accordance with the Directive 2018/1808 | | | Programme name and number: EU support for the Implementation of the EU-Georgia Association Agreement, ENI/2018/041-415, Direct Management | | |
| Beneficiary Institution: National Communications Commission (ComCom) | | | Total budget: 800,000 EUR. | | EU ENI financing (100 %) |
| | Description | Indicators (with relevant baseline and target data) | Sources of verification | Risks | Assumptions (external to project) |
| Overall Objective | Ensure a free and competitive media environment in Georgia in the field of audio-visual media in compliance with the relevant European standards and the Union <i>acquis</i> . | Level of compliance of Georgian legal and policy framework with Audio-visual Media Services Directive (AVMSD) Baseline: 2020- limited (to be assessed) ¹⁰ Target: 2023 - 80% | AA implementation reports of the European Commission | ? Unstable political environment; | ? Government commitment on adoption of Union <i>acquis</i> continues; |
| Specific (Project) Objective(s) | -Support approximation of Georgia’s legal and institutional framework with the EU’s Audio-visual Media Services Directive (AVMSD); -reinforce the effectiveness of ComCom as the Media regulator in order to fully comply with the obligations of EU-Georgia Association Agreement (Annex XXXIII) and to be in line with the | Availability of relevant legal framework to effectively ensure compliance with obligations of EU’s AVMSD Baseline: 2020 non-existent Target: 2023 legal framework and practical | Amendments to the law(s); Legislative Herald of Georgia www.matsne.gov.ge Project reports; | Unstable political environment; Difficulties and delays related to the adoption of the new Law on Audio-visual Media Services and Radio Lack of sufficient | Government commitment on adoption of Union <i>acquis</i> continues; ComCom commitment on further implementation of regulations/policies and recommendations provided within the framework of Twinning and in line with |

¹⁰ New draft Law ensuring approximation with the Directive 2010/13/EU has already been submitted to the Parliament of Georgia and should be approved before the start of the project.

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| | EU best practices. | <p>instruments available</p> <p>Availability of relevant practical instruments necessary for ComCom to effectively ensure compliance with obligations of AVMSD</p> <p>Baseline: 2020 non-existent Target: 2023- practical instruments available</p> | <p>AA implementation reports of the European Commission</p> <p>EU assessment reports.</p> <p>Decisions of ComCom</p> | <p>capacity in ComCom;</p> <p>Lack of commitment from different authorities;</p> <p>Delays in adoption of amended regulations.</p> | <p>relevant EC regulations;</p> <p>Availability of local staff and their commitment;</p> <p>Proactive cooperation of Twinning partner(s) ensured.</p> |
| Mandatory results/ outputs by components | <u>Mandatory Result 1/Component 1: Georgian national audio-visual regulatory and policy framework enhanced in accordance with the Directive 2018/1808</u> | <p>-Status of amendments to the Georgian legislation (primary and secondary) in compliance with the Directive 2018/1808.</p> <p>Baseline: 2020 non-existent Target: 2022 Amendments drafted, agreed among relevant stakeholders and submitted for enactment to the Parliament of Georgia / for approval to GoG.</p> <p>-Status of a clearly defined regulatory policy including regulatory intervention</p> | <p>Legal amendments;</p> <p>Table of concordance;</p> <p>Regulatory policy.</p> | <p>Delays in project implementation process;</p> <p>Inefficient exchange of information;</p> <p>Limited human resources;</p> <p>Insufficient experience of employees in drafting specific legal amendments, regulatory and supervisory documents.</p> | <p>ComCom commitment on further reforms;</p> <p>Appropriate involvement of the ComCom staff in project's activities;</p> <p>Good cooperation between project partners;</p> <p>Continuous interaction between the Com Com and stakeholders;</p> <p>Availability of relevant information/materials/ documentation.</p> |

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| | | <p>concept and the relevant remedies.</p> <p>Baseline: 2020 non-existent</p> <p>Target: 2022 Innovative regulatory policy clearly defined and approved by ComCom.</p> | | | |
| | <p>Mandatory Result 2/Component 2 – Regulatory framework and instruments related to Video Sharing Platforms, established</p> | <p>-Status of guidelines for the regulation of Video Sharing Platforms;</p> <p>Baseline: 2020 non-existent</p> <p>Target: 2022 prepared and agreed among relevant actors.</p> <p>Status of rules and procedures for the definition of Video Sharing Platforms territorial scope and the relevant jurisdiction.</p> <p>Baseline: 2020 non-existent</p> <p>Target: 2022 prepared and agreed among relevant actors.</p> | <p>Guidelines;</p> <p>Rules and procedures.</p> | <p>Delays in project implementation process;</p> <p>Inefficient exchange of information;</p> <p>Limited human resources;</p> <p>Insufficient experience of employees in drafting specific legal amendments, regulatory and supervisory documents.</p> | <p>ComCom commitment on further reforms;</p> <p>Appropriate involvement of the ComCom staff in project’s activities;</p> <p>Good cooperation between project partners;</p> <p>Continuous interaction between the Com Com and stakeholders;</p> <p>Availability of relevant information/materials/documentation.</p> |

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| <p>Sub-results per component (optional and indicative)</p> | <p>Sub-result 1.1: Availability of relevant legal tools to implement the obligations of the Directive 2018/1808 ensured</p> | <p>-Status of action plan for implementation of the new regulatory tools into practice;</p> <p>Baseline: 2020 non-existent.</p> <p>Target: action plan detailing the implementation procedures of the regulatory tools prepared and agreed among relevant actors¹¹,</p> <p>- Status of relevant documents entailing rules and procedures for the implementation of regulatory tools with clear definition of ComCom's functions and responsibilities.</p> <p>Baseline: 2020 non-existent.Target: full set of documents entailing complete information related to the introduction of the developed regulatory tools prepared and</p> | <p>Action plan;</p> <p>Rules and procedures.</p> | <p>Turnover in the BA and stakeholder institutions;</p> <p>Delays during the project implementation;</p> <p>Lack of understanding among relevant stakeholders;</p> <p>ComCom staff 's reluctance in introducing/ implementing new initiatives;</p> <p>Delays in project implementation process;</p> <p>Inefficient exchange of information;</p> <p>Limited human</p> | <p>Strong support from the senior management of ComCom;</p> <p>Full commitment of the parties involved;</p> <p>Agreed policy objectives;</p> <p>Good and continuous interaction between the stakeholders;</p> <p>All relevant documentation/information available.</p> <p>ComCom commitment on further reforms;</p> <p>Appropriate involvement of the ComCom staff in project's activities;</p> <p>; Continuous interaction between the ComCom and stakeholders.</p> |
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¹¹ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan.

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| | | agreed among relevant actors ¹² . | | resources. | |
| | Sub-result 1.2: Regulatory Policy defined | -Status of policy recommendations document. Baseline: 2020 non-existent. Target: prepared and agreed among relevant actors ¹³ . | Policy recommendations document. | Delays in project implementation process; Inefficient exchange of information; Limited human resources; Insufficient experience of employees in drafting specific legal amendments, regulatory and supervisory documents. | ComCom commitment on further reforms; Appropriate involvement of the ComCom staff in project's activities; Good cooperation between project partners; Continuous interaction between the Com Com and stakeholders; Availability of relevant information/materials/documentation. |
| | Sub-result 1.3: Capacity of ComCom staff in audio-visual media services regulation enhanced | -Status of needs assessment report and action plan; Baseline: 2020 non-existent | Needs assessment report and action plan; Project documentation: | Delays in project implementation process; Inefficient exchange of information; | ComCom commitment on further reforms; Appropriate involvement of the ComCom staff in project's activities; |

¹² Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan.

¹³ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

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| | | <p>Target: prepared and agreed among relevant actors¹⁴</p> <p>-Share of ComCom's relevant staff that took part in capacity building activities on the AVMSD;</p> <p>Baseline: 2020 – 0% non-existent Target: at least 90% of the relevant staff¹⁵.</p> <p>-Number of capacity building activities¹⁶ performed.</p> <p>Baseline: 2020 – 0 Target: at least 5.</p> | workshop seminar agendas and materials, test results. | Limited human resources. | <p>Good cooperation between project partners;</p> <p>Continuous interaction between the ComCom and stakeholders;</p> <p>Availability of relevant information/materials/documentation.</p> |
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¹⁴ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

¹⁵ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

¹⁶ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

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| | <p>Sub-Result 1.4: Knowledge of stakeholders' regarding the innovative audio-visual regulatory approach raised</p> | <p>-Number of thematic events conducted on the innovative regulatory framework in the field of audio-visual media;</p> <p>Baseline: 2020-0. Target: at least 5</p> <p>- Availability of full set of informational materials for different stakeholders and interested parties.</p> <p>Baseline: 2020 non-existent Target: Full set of information materials (e.g. presentations, guidelines explanatory papers) prepared and agreed with ComCom17.</p> <p>Number of regular meetings with relevant CSOs to discuss specific draft laws</p> <p>Baseline: 2020 – 0 .</p> | <p>Project documentation: recommendations, lists of workshop/meeting/training participants;</p> <p>Information/promotional materials.</p> | <p>Delays during the project implementation;</p> <p>Lack of understanding among relevant stakeholders;</p> <p>Reluctance of the staff of ComCom in introducing/implementing new initiatives.</p> | <p>Full commitment of the parties involved;</p> <p>Good and continuous interaction between the stakeholders;</p> <p>All relevant documentation/information available.</p> |
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¹⁷ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

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| | | <p>Target: at least 4</p> <p>- Number of recommendations and proposals presented by the CSOs and analyzed by ComCom</p> <p>Baseline: 0</p> <p>Target: at least 5</p> | | | |
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| | <p>Sub-result 2.1: Availability of relevant legal and practical tools related to Video Sharing Platforms, including definition of their territorial scope and jurisdiction ensured</p> | <p>-Availability of a full set of legal and practical tools developed on the basis of actual EU experience in the field of Video Sharing Platforms regulation and the relevant rules in force.</p> <p>Baseline: 2020 non-existent</p> <p>Target: rules and procedures prepared and agreed among relevant actors¹⁸</p> | <p>Rules and Procedure documents</p> | <p>Turnover in the BA and stakeholder institutions;</p> <p>Delays during the project implementation;</p> <p>Lack of understanding among relevant stakeholders;</p> <p>Reluctance of the staff of ComCom in introducing/ implementing new initiatives.</p> | <p>Full commitment of the parties involved;</p> <p>Agreed policy objectives;</p> <p>Good and continuous interaction between the stakeholders;</p> <p>All relevant documentation/information available.</p> |
| | <p>Sub-result 2.2: Capacity of ComCom staff related to Video Sharing Platforms enhanced</p> | <p>-Status of needs assessment report and action plan;</p> <p>Baseline: 2020 non-existent.</p> <p>Target: prepared and agreed among relevant actors¹⁹</p> <p>-Share of ComCom's relevant staff that took part in capacity building activities on Video Sharing Platforms</p> | <p>Needs assessment report and action plan;</p> <p>Project documentation: recommendations, lists of workshop/meeting/training participants;</p> <p>Training materials;</p> <p>Evaluation forms;</p> | <p>Turnover in the BA and stakeholder institutions;</p> <p>Delays during the project implementation;</p> <p>Lack of understanding among relevant stakeholders;</p> <p>Reluctance of the staff</p> | <p>ComCom commitment on further reforms;</p> <p>Appropriate involvement of the ComCom staff in project's activities;</p> <p>Good cooperation between project partners;</p> <p>Continuous interaction between the Com Com and stakeholders;</p> <p>Availability of relevant</p> |

¹⁸ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

¹⁹ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

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| | | <p>regulation;</p> <p>Baseline: 2020 – 0 t. Target: at least 90% of the relevant staff²⁰</p> <p>-Number of capacity building activities²¹ on Video Sharing Platforms regulation performed</p> <p>Baseline: 2020- 0.. Target: at least 5.</p> | <p>Assessment results;</p> <p>Information / promotional materials.</p> | <p>of ComCom in introducing/ implementing new initiatives.</p> | <p>information/materials/ documentation.</p> |
| | <p>Sub-result 2.3: Knowledge of stakeholders’ regarding the innovative Video Sharing Platforms Regulation enhanced</p> | <p>-Number of thematic events conducted on the introduction of Video Sharing Platforms regulation and the relevant methodologies;</p> <p>Baseline: 2020 – 0 . Target: at least 5 thematic workshops ²².</p> <p>- Status of materials for different stakeholders</p> | <p>Project documentation: recommendations, lists of workshop/meeting/training participants, STE mission reports, project quarterly and final reports;</p> <p>Training materials;</p> <p>Evaluation forms;</p> | <p>Delays during the project implementation;</p> <p>Lack of understanding among relevant stakeholders;</p> <p>Reluctance of the staff of ComCom in introducing/ implementing new initiatives.</p> | <p>Strong support from the senior management of ComCom;</p> <p>Full commitment of the parties involved;</p> <p>Agreed policy objectives;</p> <p>Good and continuous interaction between the stakeholders;</p> <p>All relevant</p> |

²⁰ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

²¹ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

²² Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

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| | | <p>and interested parties related to Video Sharing Platforms regulation.</p> <p>Baseline: 2020 non-existent.</p> <p>Target: full set of information materials prepared and agreed with ComCom²³.</p> | <p>Assessment results; Information / promotional materials.</p> | | <p>documentation/information available.</p> |
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Annex 2: Organizational Chart of ComCom

²³ Timing to be agreed with project partners during the elaboration of the 1st rolling Workplan

