



## ნოდია, ურუმაშვილი და პარტნიორები NODIA, URUMASHVILI & PARTNERS

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## **1. Amendments have been made to the Law of Georgia "on Broadcasting"**

On April 1, 2025, a number of amendments were adopted to the law of Georgia „on Broadcasting”. The above-mentioned amendments comprised of the following topics: determining an additional type of broadcasting, regulations regarding its financial aspect and new rules and regulations stipulated relating to the right to privacy and family life.

To begin with, it has to be mentioned that cultural-innovative broadcasting was introduced as a new variety of broadcasting. Cultural-innovative broadcasting is included in a specialized category of broadcasting forms. The eligible authority to engage in the aforementioned endeavor is an organization of culture, (thereinafter referred to as “organization”) that can be the entity of private law and as well as of public law. The main objectives of the organization include provision of society with information and novation regarding the abovementioned field. Most importantly, execution of cultural-innovative broadcasting needs to undergo the licensing process. Additionally, the list of the relevant documentation for the licensing procedure has also been updated. Stemming from the above-stated amendments to the law of Georgia “on Broadcasting”, the pertinent adjustments have been made to the law of Georgia „on Licenses and Permits”, particularly, the license to engage in the endeavor of cultural-innovative broadcasting is now deemed to be a new form

of licensing. The amendments discussed will come into effect on November 1, 2025.

The subsequent topic under discussion is related to restrictions regarding the provision of financial support to broadcasting. According to the amendments carried out on April 1, 2025, the broadcaster is not allowed to receive any economic assistance whether directly or indirectly from foreign force, except for commercial advertising, teleshopping, sponsorship and product (goods and/or services) placement in the program. Foreign force shall be defined as comprising the following entities: natural persons who are not citizens of Georgia; legal entities not established under the laws of Georgia; entities that form part of the governmental structure of a foreign state; and any organizational formation or association of persons established pursuant to the legislation of a foreign state and/or under international law. It is essential that, in the event of a violation of funding-related requirements and following a review and confirmation of such a violation, the broadcaster shall be subject to appropriate sanctions. The enforcement of the sanctions’ regime shall commence on June 1, 2025. The aforementioned amendments entered into force on April 2, 2025.

With respect to right to privacy and family life within the framework of the law of Georgia „on Broadcasting”, deriving from the amendments incorporated on April 1, 2025, the law additionally involves provisions aimed to

ensure the highest possible protection of both, individuals' private lives and the confidentiality of the activities of legal entities in the course of a broadcaster's operations. Particular attention is given to the forms and purposes of information gathering and dissemination by the broadcaster through covert methods. The use of such methods is deemed permissible only when justified by a legitimate purpose, which must be grounded in an elevated public interest. In addition to the aforementioned provisions, the law also regulates the protection of minors' privacy, as well as the rules governing the broadcast of armed conflicts, accidents, and other emergency situations. It is pivotal noting that, in the event of a violation of the aforementioned requirements, and following the examination and confirmation of the violation, the broadcaster shall be subject to sanctions. The enforcement of these sanctions will commence on June 1, 2025. The aforementioned amendments entered into force on April 2, 2025.

## ***2. Amendments have been made to the Law of Georgia "on Grants"***

On February 20 and April 16, 2025, amendments were introduced to the Law of Georgia "On Grants." The amendment adopted on February 20 entered into force on February 21, 2025, while the amendment of April 16 became effective on the date of its adoption.

Pursuant to the February 20 amendment, the definition of a "grant giver (donor)" was expanded to include a legal entity under public law designated by the Government of Georgia, provided that its charter or regulations establish the issuance of grants to support public organizations as one of its objectives.

The same amendment vested the head of such a legal entity under public law, as designated by the Government of Georgia, with the authority to adopt normative acts and/or individual administrative-legal acts, as necessary, in connection with the issuance of grants to support public organizations.

Under the April 16 amendment, the prerequisites for the issuance of grants were revised. A grant may now be used exclusively for the purposes defined in the relevant agreement. Any use of the grant for other purposes is permitted only with the prior consent of the grantor (donor) and the Government of Georgia, or an authorized person or body designated by the Government.

Additionally, the April 16 amendment introduced a provision regulating the issuance of grants by foreign grantors (donors). According to the new rule, the issuance of a grant by a foreign grantor to a recipient as defined under this law requires the prior consent of the Government of Georgia or an authorized person/body designated thereby. The issuance of a grant without such consent shall also be deemed a deviation from the purposes specified in the grant agreement.

To obtain the required consent, the grantor (donor) shall submit a draft of the grant agreement, as prescribed by law, to the Government of Georgia or an authorized person/body designated thereby. The Government or its designated authority is entitled to request additional documentation from the grantor (donor) in order to make a decision regarding the issuance of the grant.

The new procedure for issuing grants by foreign donors does not apply to grants issued by international sports associations, federations, or committees, nor to individual financial assistance allocated for general or higher education and scientific research conducted outside Georgia.

Furthermore, the provisions regarding monitoring the issuance and receipt of grants without consent and questioning individuals in connection with such grants also extend to funds transferred free of charge, whether in cash or in kind, which, by their nature, constitute grants but are disguised as fictitious or sham transactions that circumvent the statutory legal framework for the issuance of grants.

The April 16 amendment also introduced regulations on (1) monitoring the issuance and receipt of grants without consent; (2) questioning individuals regarding the receipt of grants without consent; (3) imposing liability for the receipt of grants without consent; and (4) determining the applicable sanctions for such violations.

#### • **Monitoring of Grant Issuance and Receipt Without Consent**

The monitoring of the issuance and receipt of grants without consent shall be carried out by a legal entity under public law — the Anti-Corruption Bureau. Where necessary, the Bureau shall be authorized to establish procedures for such monitoring, as provided by law.

For the purposes of monitoring the issuance and receipt of grants without consent, the Anti-Corruption Bureau shall be authorized to:

- request financial reports from any person where there is a reasonable suspicion of non-compliance or violation of the obligations set forth in the rules governing the issuance of grants by foreign grantors (donors);
  - question a natural person in accordance with the procedure established by this Law;
  - question a natural person before a magistrate judge in accordance with the Administrative Procedure Code of Georgia;
  - request necessary information — including special categories of personal data, other personal data, and information containing secrets (excluding state secrets as defined under Georgian legislation) — from public institutions, individuals, legal entities (including payment service providers), or other entities;
  - exercise any other powers granted to it by law.
- In the presence of reasonable suspicion, state authorities are obliged to submit to the Anti-Corruption Bureau any information relating to violations of the legal requirements.

The Anti-Corruption Bureau may request non-public information — including personal data and information classified as secret (except state secrets) — from public institutions, individuals, or legal entities (including payment service providers) based on a court decision.

When applying to the court, the application shall be submitted to the court corresponding to the legal entity's registration address or, in the case of a natural person, to the court of their place of residence. The court shall issue a decision on the matter within 48 hours.

Applications submitted to the Bureau must be substantiated and must include the legal basis, purpose, duration, and scope of the requested information. The court's decision shall likewise include this information and specify the deadline by which the information must be submitted. The entity in possession of the requested information is obliged to provide it to the Bureau.

The Bureau shall conduct administrative proceedings within a period of three months. If necessary, the Head of the Bureau may extend this period by an additional three months.

- **Questioning of a Natural Person Regarding the Acceptance of a Grant Without Consent**

A natural person who may possess information necessary for the Anti-Corruption Bureau may be questioned by the Bureau on a voluntary basis. Under applicable law, coercion for the purpose of obtaining testimony or information is prohibited. In such cases, the person has the

right to legal representation at their own expense and the right not to provide information against themselves or their close relatives.

The law prescribes specific obligations for the Anti-Corruption Bureau regarding the conduct of interrogations. Prior to commencing the interrogation, the identity of the individual and other necessary information must be established and recorded in the interrogation protocol.

The Bureau must inform the individual that the interrogation is voluntary, and this must also be documented in the protocol. The person being questioned is required to provide accurate information. The Bureau must also provide a written warning about the legal liability for providing false information and note this warning in the protocol.

The person must be informed that they may also be questioned before a magistrate judge. During the interrogation, audio and/or video recording devices may be used, of which the person must be notified in advance. The interrogation may also be conducted remotely, through electronic means.

- **Rules on Imposing Liability for Receiving a Grant Without Consent**

In the event of an administrative offense, an authorized representative of the Anti-Corruption Bureau shall draw up an offense protocol, which shall be immediately submitted to the relevant district (city) court.

If there is a risk that the enforcement of the penalty may be obstructed, the Anti-Corruption Bureau may, simultaneously with drawing up the protocol, impose a proportional seizure on the offender's property, including funds in bank accounts. Such seizure shall take immediate effect and must be submitted to the court for confirmation.

The timeframes for court review and decision-making on the offense protocol are defined by law and, in general, shall not exceed five (5) days. The court's decision may be appealed once, within ten (10) days of its delivery, to the Court of Appeal, which shall issue a final and non-appealable decision within fifteen (15) days.

During the pre-election period, the district (city) court shall review the offense protocol within five (5) days, and any appeal must be submitted to the Court of Appeal within seventy-two (72) hours. The Court of Appeal shall then issue a final and non-appealable decision within five (5) days, and such decision must be delivered to the party concerned no later than 12:00 noon on the day following its issuance.

As for the seizure of property, the court shall decide on the matter within forty-eight (48) hours. Such a decision may be appealed once to the Court of Appeal within forty-eight (48) hours; however, the appeal shall not suspend the effect of the seizure. The Court of Appeal shall also render its final decision within forty-eight (48) hours. The decision and related materials

must be delivered to the party no later than 12:00 noon on the day following their receipt.

- **Liability for Accepting a Grant Without Consent**

A grantee who accepts a grant without the required consent shall be fined in an amount equal to double the value of the grant received.

A natural person who provides false information during an interrogation conducted by the Anti-Corruption Bureau — or during an interrogation before a magistrate judge upon the Bureau's request — shall be fined 2,000 GEL. In the event of a repeated offense, the person shall be fined double the original amount. Liability for such violations may be imposed within six (6) years from the date the relevant action was committed.

### ***3. Amendments have been made to the Law of Georgia "on Entrepreneurs"***

On March 18 and April 2, 2025, amendments were introduced to the Law of Georgia on Entrepreneurs. The amendment adopted on March 18 entered into force on March 19, while the amendment of April 2 entered into force on April 4.

Pursuant to the March 18 amendment, the deadline for enterprises to bring their constituent documents into compliance with the applicable legislation was extended until April 1, 2026. Accordingly, under the same amendment, in the event of failure to comply with this obligation, the registering authority

shall, starting from January 1, 2027, issue a decision identifying a deficiency in the registration of the non-compliant entrepreneur and shall grant a three-month period for rectification of such deficiency.

The April 2 amendment revised the rules regarding the use of company names. Specifically, it introduced a prohibition on the use, in an entrepreneur's business name, of any word or expression that incites hatred on the grounds of race, skin color, language, gender, religion, political or other opinion, national, ethnic or social origin, property status, class, profession, place of birth, place of residence, marital status, sexual orientation, health condition, disability, or any other similar grounds. Furthermore, the use of any wording that is contrary to public order or to generally accepted standards of morality is also prohibited.

#### ***4. Foreign Agents Registration Act has been adopted***

On April 1, 2025, the Law of Georgia on the Registration of Foreign Agents was adopted. The law enters into force on May 31, 2025. Under this law, any person who becomes an agent of a foreign principal is required to submit a registration application to the Anti-Corruption Bureau within 10 calendar days of acquiring such status.

According to the law, any individual or organization that, in accordance with the statutory criteria, acts as a representative of the

interests of a foreign entity is obliged to register as a foreign agent.

The law defines the term “foreign principal” broadly to include entities on whose behalf or in whose interests a person may act and thereby qualify as a foreign agent. This definition is determined based on the place of incorporation, jurisdiction, location, or principal place of activity of the entity. Specifically, the following are considered foreign principals:

- A foreign government or a foreign political party;
- A person located outside the territory of Georgia, unless such person is a Georgian citizen with permanent residence in Georgia, or, in the case of a legal entity, is incorporated and operating under Georgian law with its principal place of activity within Georgia;
- Any partnership, association, corporation, organization, or other group of persons whose activities are governed by foreign law or whose principal place of activity is in a foreign country;
- An agent of a foreign principal.

The law also defines the concept of “agent of a foreign principal” expansively, encompassing not only those engaged on the basis of employment, representation, control, or financing, but also individuals who self-identify as acting on behalf of a foreign principal. Specifically, an agent of a foreign principal includes any person who, directly or indirectly, acts on behalf of, under the influence of, or with financial support from a foreign principal, and in particular:



- Participates, directly or through another person, in political activities in Georgia for the benefit or interest of a foreign principal;
- Acts, directly or through another person, as a public relations consultant, advertising agent, information service provider, or political consultant in Georgia on behalf of or in the interest of a foreign principal;
- Seeks, collects, distributes, or provides donations, loans, funds, or other material assets in Georgia for the benefit or interest of a foreign principal;
- Represents the interests of a foreign principal before any state institution or official in Georgia;
- Agrees, consents, or permits, whether under a contractual relationship or otherwise, to act as an agent of a foreign principal as defined in subparagraph “g.a” of the law, or presents oneself as such.

Accordingly, the determination of a person’s status as an agent is not contingent on the existence of a formal legal relationship; it is sufficient that the person acts in the interests of or in support of a foreign principal.

The law expressly excludes from the scope of the definition of “agent of a foreign principal” those mass media outlets and means of information dissemination that meet specific formal and substantive criteria. Pursuant to this exception, the following shall not be considered agents of a foreign principal:

- a means of mass dissemination of news, an association of persons disseminating news on a mass basis, a printed medium of mass

information, an association of persons disseminating mass information on a printed medium, which was established/created on the basis of the legislation of Georgia.

- a newspaper, a magazine, a periodical, a publication published in Georgia for the bona fide dissemination of news or the bona fide exercise of journalistic activity, including through the offering or solicitation of advertising, the offering of a subscription to a product or service, or other remuneration. This entry applies to entities that are at least 80% beneficially owned and whose directors and officers (if any) are citizens of Georgia, that are not owned, supervised, managed, controlled, financed, subsidized, or have no policy dictated by a foreign principal or an agent of a foreign principal who must be registered under this law;

Terms used in the law such as “bona fide dissemination”, or “bona fide journalistic activity” are not defined. This is a matter of interpretation.

The law also provides for specific categories that are not subject to the registration obligation, and such persons are:

- Diplomatic and consular officials (officials) - persons accredited in accordance with the relevant procedure, representing the government of a foreign country, performing diplomatic or consular activities, who are recognized in accordance with the procedure established by the legislation of Georgia;
- Official of a government of a foreign country if this government is recognized by Georgia and the



- said official is not at the same time a public relations advisor, advertising agent, employee of an information center or a citizen of Georgia;
- Staff of diplomatic or consular officials (officials)
    - a member of the staff or other natural person employed in a duly accredited diplomatic or consular service of a foreign government and at the same time carrying out an exclusive activity recognized by the Ministry of Foreign Affairs of Georgia, which is included in the functions of an official, with the exception of a public relations advisor, advertising agent or employee of an information service;
  - In relation to religious, educational or scientific activities - any person who agrees to carry out or who carries out only such bona fide activities as religious, charitable, academic, scientific or artistic activities;
  - In relation to the protection of a foreign government important to the defense of Georgia:
    - a person practicing law - who represents a foreign principal before the courts of Georgia or any state institution, provided that for the purposes of this Law, legal representation does not include influencing a Georgian state institution or persuading its personnel or officials;
    - An agent of a foreign principal - who (1) is located outside the territory of Georgia, except for the case when this person is a citizen of Georgia and his permanent place of residence is in the territory of Georgia, or when this person is not a natural person, but is established and organized in accordance with the legislation of Georgia and his main place of business is in the

territory of Georgia; (2) A group of partners, association, corporation, organization or other association of natural persons, the activities of which are regulated by the law of a foreign country or the main place of business is in the territory of a foreign country - if he is engaged in lobbying activities and is registered as a lobbyist in accordance with the Law of Georgia "On Lobbying Activities".

The mere fact that a person receives foreign funding does not automatically give rise to the obligation to register. The following circumstances are decisive:

- The extent of the connection between the foreign funding and the company's activities;
- Whether the company directly or indirectly participates in political activities or in the formation of public opinion;
- Whether the activities serve the interests of the foreign principal or are aimed at influencing state decisions.

The function of monitoring and controlling the fulfillment of obligations stipulated by the law is vested in the Head of the Anti-Corruption Bureau. The law also provides for sanctions against individuals who fail to register or otherwise do not comply with the requirements set forth therein.

Registration is carried out through the FARA eFile portal available on the website of the Anti-Corruption Bureau. The application must include the applicant's identification data, citizenship, addresses, description of activities,

list of employees, detailed information on income and expenses, written and oral agreements, the basis for qualifying as an agent, information on representatives, and any other documents the Anti-Corruption Bureau may require to verify the accuracy of the submitted data.

With regard to the implementation of the law and the mechanisms for ensuring compliance, the primary executive authority responsible is the Anti-Corruption Bureau. The law assigns to it the core function of identifying and determining those entities that are required to register as agents of foreign principals. The Bureau receives registration applications, assesses their content, and, where necessary, imposes fines or applies to the court to ensure the compulsory enforcement of legal obligations.

The second state institution that is essentially related to the law is the court. If a person who, by decision of the Head of the Anti-Corruption Bureau, is deemed to be an agent of foreign influence fails to register in accordance with the procedure established by law, the Bureau may apply to the court to ensure compulsory registration. The court shall determine whether to impose a fine on the person for evading the

submission of a registration application or for providing false or inaccurate information.

When a violation of the law extends beyond the administrative scope and involves such offenses as document forgery, obstruction of investigation, evasion of registration, or other criminal acts provided by law, the legislation also establishes corresponding criminal liability mechanisms.

As for the scope and extent of liability, in accordance with the law, intentional violation of the statutory provisions constitutes a criminal offense and is punishable by a fine of up to 10,000 GEL and/or imprisonment for a term of up to 5 years. In cases involving offenses related to the classification or categorization of political propaganda, a fine of up to 5,000 GEL and/or imprisonment for a term of up to 6 months may be imposed.

The law also establishes civil enforcement mechanisms. In particular, the court, upon the petition of the Anti-Corruption Bureau, may order a person to cease unlawful conduct, refrain from acting as an agent of a foreign principal, or comply with any other legal obligation set forth by law.

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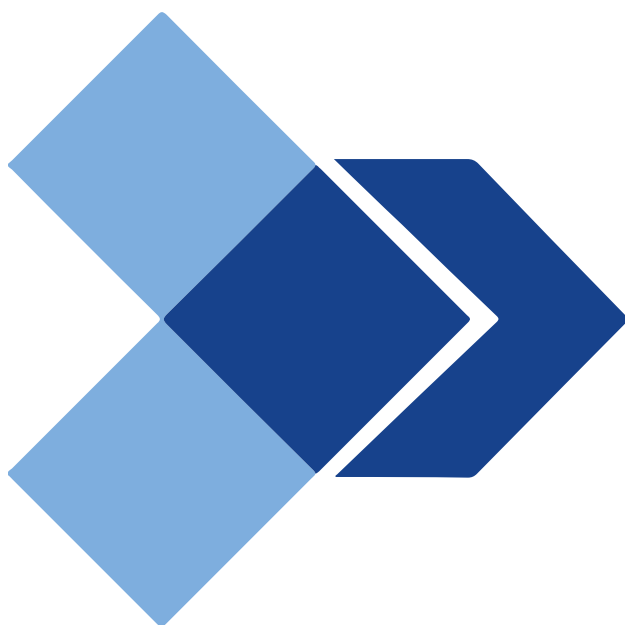
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