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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

OF THE COUNCIL OF EUROPE

(VENICE COMMISSION)

GEORGIA

OPINION

ON THE LAW ON THE REGISTRATION OF FOREIGN AGENTS, THE AMENDMENTS TO THE LAW ON GRANTS AND OTHER LAWS RELATING TO "FOREIGN INFLUENCE"

Adopted by the Venice Commission
at its 144th Plenary Session
(Venice, 9-10 October 2025)

On the basis of comments by

Ms Veronika BÍLKOVÁ (Member, Czechia)
Ms Herdis KJERULF THORGEIRSDOTTIR (Member, Iceland)
Mr Zlatko KNEŽEVIĆ (Member, Bosnia and Herzegovina)

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I. Introduction

1. By letter of 10 April 2025, Ms Zanda Kalniņa-Lukaševica, Chairperson of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, requested an opinion of the Venice Commission of the Council of Europe on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to "foreign influence" (CDL-REF(2025)027).

2. Ms Veronika Bílková, Ms Herdís Kjerulf Thorgeirsdottir, and Mr Zlatko Knežević acted as rapporteurs for this Opinion.

3. On 30 July 2025, the rapporteurs assisted by Taras Pashuk from the Secretariat of the Venice Commission held a series of online meetings with the representatives from the international community, the Ombuds office, the National Communications Commission, the non-parliamentary political groups, and civil society organisations. The political party "Georgian Dream", the Anti-Corruption Bureau, and the State Grant Management Agency declined the delegation's invitation to meet. The Commission is grateful to the Council of Europe Office in Georgia for the excellent organisation of the meetings.

4. This Opinion was prepared in reliance on the English translation of the legislative acts. The translation may not accurately reflect the original version on all points.

5. This Opinion was drafted on the basis of comments by the rapporteurs and the results of the online meetings on 30 July 2025. The draft Opinion was examined at the joint meeting of the Sub-Commissions on fundamental rights and democratic institutions on 9 October 2025. It was adopted by the Venice Commission at its 144th Plenary Session (Venice, 9-10 October 2025).

II. Background

A. Relevant legislative developments in 2023-2025

1. Adoption of the Law on Transparency of Foreign Influence

6. The Georgian authorities have considered legislative measures on foreign influence for some time. In March 2023, the Parliament tabled two draft laws, one on Transparency of Foreign Influence and another on Foreign Agents Registration, which were subsequently withdrawn following public protests. However, on 28 May 2024, the Parliament adopted the Law on Transparency of Foreign Influence (the "TFI Law") after overriding the veto of the President. The TFI Law introduced a new category of "organisation pursuing the interests of a foreign power," requiring non-commercial entities, broadcasters, print and online media receiving over 20% of their annual income from foreign sources to register with the Ministry of Justice. The TFI Law mandates public disclosure of registration, founding documents, and annual financial statements, allowing the Ministry to conduct biannual monitoring and collect personal data. Failure to comply, including to register or submit reports, leads to significant administrative fines, with the Ministry empowered to register entities unilaterally and enforce penalties within a six-year limitation period.

7. The text of the TFI Law was subject to the assessment of the Venice Commission in an Urgent Opinion issued in May 2024.[1] The Commission concluded that the TFI Law was incompatible with international and European standards protecting freedom of expression, association, and privacy. It considered that the TFI Law imposed burdensome registration, reporting, and disclosure requirements that stigmatised and threatened the effective functioning and credibility

[1] Venice Commission, CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence.

of civil society organisations and independent media. These restrictions created a chilling effect on dissent and risk silencing critical voices, undermining pluralism and democratic debate. The Commission also criticised the rushed and non-inclusive legislative process. Consequently, the Commission strongly recommended repealing the law in its current form.

8. These conclusions have been shared by other institutions which have assessed the TFI Law. The TFI Law has been criticised by the OSCE-ODIHR,[2] PACE,[3] the UN[4] and the EU.[5]

9. The implementation of the TFI Law was contested in Georgia: many affected organisations refused to comply and announced that they would not register under the TFI Law.[6]

10. On 15 July 2024, the President of Georgia appealed to the Constitutional Court to challenge the constitutionality of the TFI Law.[7] Two more complaints against the TFI Law were submitted by NGOs and by the opposition MPs.[8] In October 2024, the Constitutional Court declined to suspend the application of the TFI Law pending the Court's final decision.[9]

11. On 17 October 2024, 120 NGOs, 16 media organisations and 4 individuals lodged an application with the European Court of Human Rights (ECtHR), challenging the TFI Law.[10] On 24 March 2025, the case was communicated to the Government.[11] The Venice Commission has been granted leave to intervene as a third party in those proceedings.

12. The TFI Law was implemented in parallel with the preparations for the parliamentary elections that were held on 26 October 2024. The elections resulted in an absolute majority for the "Georgian Dream" political party, but allegations of irregularities led to opposition boycotts and widespread protests.

2. Adoption of further legislation relating to foreign influence

13. Between April and June 2025, the Parliament took further legislative measures regulating foreign influence.

- *Law on Foreign Agents Registration (GEOFARA)*

14. On 24 February 2025, the draft Law on Foreign Agents Registration (Law no. 399, "GEOFARA") was tabled in parliament; it was adopted in first reading on 4 March, in second reading on 18 March and in third reading on 1 April 2025. The law entered into force on 31 May 2025. The Explanatory Report to the draft law provides that the bill was proposed because the TFI Law had failed to properly ensure the objective of transparency of foreign influence: the majority of NGOs that received large amounts of funding from foreign powers had refused to register. The Report stressed that the proposed draft law was an exact analogue of the Foreign

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[2] OSCE-ODIHR, Opinion-Nr. NGO-GEO/506/2024, *Urgent Opinion on the Law of Georgia "On Transparency of Foreign Influence",* 30 May 2024.
[3] PACE, Resolution 2561 (2024), *Challenges to democracy in Georgia,* 27 June 2024.
[4] UN Human Rights Office of the High Commissioner, Georgia: UN experts condemn adoption of Law on Transparency of Foreign Influence*,* 15 May 2024.
[5] EU, European External Action Service, Georgia: Statement by the High Representative with the European Commission on the final adoption of the law on transparency of foreign influence, 28 May 2024.
[6] Aljazeera, Hundreds of Georgian NGOs pledge to defy 'foreign influence' law, 29 May 2024; EuroNews, Majority of NGOs in Georgia refuse to register as 'foreign agents' under new law, 10 September 2024.
[7] FRE/RL, Georgia's President Challenges 'Foreign Agent' Law At Constitutional Court*,* 15 July 2024.
[8] Civil.ge, 121 CSOs, Media Take Foreign Agents Law to the Constitutional Court, 17 July 2024.
[9] Constitutional Court of Georgia, Minutes N3/3/1828,1829,1834,1837 of 4 October 2024. See also, Georgia Today, Constitutional Court rejects petition to suspend 'Law on Transparency of Foreign Influence', 9 October 2024.
[10] The Georgian Young Lawyers' Association (GYLA), Statement of 27 March 2025.
[11] ECtHR, Communication in the case of *the Georgian Young Lawyers' Association and Others v. Georgia* (application no. 31069/24).

Agents Registration Act in force in the USA (US FARA). The Report explained that, as the United States is the country of high democratic standards, the model under US FARA would be the best example to follow in combating external interference.[12]

15. GEOFARA provides that any natural or legal person who acts under the order, request, direction, or control of a foreign principal is required to register as an "agent of a foreign principal". Such agents acquire new obligations, including registration in a designated register, reporting and disclosure of funding and activities, labelling of materials, and detailed recordkeeping. Criminal penalties are foreseen for violations of this Law. GEOFARA provides an implementation mechanism through the Anti-Corruption Bureau.

16. After the adoption of GEOFARA, the TFI Law was not repealed, with the result that both Laws operate in parallel. Several civil society and media organisations challenged GEOFARA before the Constitutional Court.[13] The proceedings are pending.

- *Amendment to the Criminal Code*

17. An amendment to the Criminal Code (Law No. 400) was examined and adopted together with GEOFARA, and also entered into force on 31 May 2025. It introduced a criminal offence in new Article 355², entitled *"Violation of the Law of Georgia "On the Registration of Foreign Agents"*. The provision criminalises failure to comply with specific requirements of GEOFARA as well as the general failure to fulfil or improper fulfilment of obligations under GEOFARA. The sanctions include fines and imprisonment up to five years.

- *Amendments to the Law on Grants*

18. Two sets of amendments (Laws No. 496 and 663) to the Law on Grants were tabled in parliament on 7 April and 27 May 2025 respectively, were voted in first reading on 15 April and 10 June respectively, in second reading on 16 April and 11 June respectively, and were adopted on 16 April and 12 June 2025 respectively, and entered into force upon publication. They ban the issuance of foreign grants in Georgia without governmental approval. Any provider of the grants, including international organisations, wishing to support Georgian NGOs must first obtain official authorisation from the state. Accepting a grant without such authorisation is prohibited and constitutes an administrative offence punishable by a fine. The amendments were challenged before the Constitutional Court.[14]

- *Amendments to the Law on Broadcasting*

19. Law No. 407, tabled on 17 February 2025, voted in first reading on 4 March, in second reading on 19 March and adopted on 1 April 2025, amended the Law on Broadcasting, prohibiting foreign funding for broadcasters. The amendments entered into force upon publication.

- *Amendments to the Law on Political Associations of Citizens*

20. Amendments to the Organic Law on Political Association of Citizens (Law No. 495) were tabled on 7 April 2025, and adopted on 15 April in first reading and on 16 April in second and third reading. They entered into force upon their publication. The amendments enlarge the restrictions on financing political parties. In particular, they exclude the possibility for political parties and electoral candidates to receive any donations in the form of in-kind support (like

[12] Explanatory Report on the draft law of Georgia "Foreign Agents Registration Act"
[13] Civil.ge, GYLA Challenges FARA in Constitutional Court, 22 May 2025. The case material can be consulted at https://www.constcourt.ge/ka/judicial-acts?legal=17979
[14] Civil.ge, GYLA urges the Constitutional Court to examine in a timely manner the constitutional lawsuits filed regarding the "Law on Grants" and to suspend the operation of the disputed norms, 1 October 2025.

organising lectures or seminars free of charge) from legal entities and associations of persons registered in Georgia or abroad.

B. International legal framework

21. Georgia is State Party to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR). The two instruments both grant the right to freedom of expression (Article 19 of the ICCPR, Article 10 of the ECHR), the right to freedom of association (Article 22 of the ICCPR, Article 11 of the ECHR), the right to private and family life (Article 17 of the ICCPR, Article 8 of the ECHR) and the prohibition of discrimination (Article 26 of the ICCPR, Article 14 of the ECHR, Protocol 12 to the ECHR). The ECHR also grants the right to property (Article 1 of Protocol 1). By means of Article 4(5) of the Constitution of Georgia, *"an international treaty of Georgia shall take precedence over domestic normative acts unless it comes into conflict with the Constitution or the Constitutional Agreement of Georgia".*

22. Over the years, the Venice Commission has issued numerous country-specific opinions on different aspects of foreign influence.[15] In these opinions, the Commission has consistently stressed that restrictions targeting civil society must be narrowly framed, clearly defined, and accompanied by effective safeguards against abuse. They must not be used to stigmatise or marginalise organisations based on their funding sources or perceived political positions.

23. The Venice Commission has also issued general reports related to this topic, such as the 2014 Joint Guidelines on Freedom of Association,[16] the 2019 Report on funding of associations[17], the 2020 Joint Guidelines on Political Party Regulation[18]. Other organisations have issued specific studies related to the topic as well, such as the 2022 Report on Access to Resources by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.[19]

24. At the same time, in its Resolution 2593 (2025), PACE has drawn attention to the ongoing threat of foreign interference to democratic security in Europe, highlighting intentional and covert actions by foreign powers that undermine democratic institutions, electoral processes, and public trust. In its Resolution 2593 (2025), PACE urges European States to address this threat by strengthening legal frameworks, protecting elections and infrastructure, promoting media literacy, supporting independent media, enhancing agency coordination, and fostering international cooperation, all while safeguarding democratic rights and freedoms. Specifically, PACE calls the member States to: (i) integrate foreign interference into national security frameworks that

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[15] Venice Commission, CDL-AD(2013)023, Interim Opinion on the Draft Law on Civic Work Organisations of Egypt; CDL-AD(2013)030, Joint Interim Opinion on the Draft Law amending the Law on Non-commercial Organisations and other Legislative Acts of the Kyrgyz Republic; CDL-AD(2014)043, Opinion on the Law on non-governmental Organisations (Public Associations and Funds) as amended of the Republic of Azerbaijan; CDL-AD(2014)025, Opinion on Federal Law n. 121-fz on non-commercial organisations ("law on foreign agents"), on Federal Laws n. 18-fz and n. 147-fz and on Federal Law n. 190-fz on making amendments to the criminal code ("law on treason") of the Russian Federation; CDL-AD(2016)020, Russian Federation - Opinion on federal law no. 129-fz on amending certain legislative acts (Federal law on undesirable activities of foreign and international non-governmental organisations); CDL-AD(2017)015, Hungary - Opinion on the Draft Law on the Transparency of Organisations receiving support from abroad; CDL-AD(2021)027, Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting "foreign agents"; CDL-AD(2023)016, Joint Opinion on the draft law of Republika Srpska on the Special Registry and Publicity of the Work of Nonprofit Organizations; CDL-AD(2024)001, Hungary - Opinion on Act LXXXVIII of 2023 on the Protection of National Sovereignty; CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence; CDL-AD(2024)033, Kyrgyzstan - Opinion on Law No. 72 of 2 April 2024 amending the Law "On Nonprofit Organisations".

[16] Venice Commission and OSCE/ODIHR, CDL-AD(2014)046, Joint Guidelines on Freedom of Association.

[17] Venice Commission, CDL-AD(2019)002, Report on Funding of Associations.

[18] Venice Commission and OSCE/ODIHR, CDL-AD(2020)032, Joint Guidelines on Political Party Regulation.

[19] UN Doc. A/HRC/50/23, *Access to Resources. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule,* 10 May 2022.

recognise the interconnected nature of hostile cyber, economic, political and information activities; (ii) secure democratic institutions, critical infrastructure and electoral systems against cyber threats; (iii) enhance co-ordination between security agencies, both nationally and internationally, to detect and counter foreign interference activities; (iv) consider updating laws and regulations to include specific foreign interference offences covering covert conduct aimed at having a manipulative effect carried out on behalf of foreign actors.[20]

25. In 2023, Georgia was granted candidate status with the European Union and it committed to various democratic reforms. Two of the priorities identified by the EU relate to *"efforts to guarantee a free, professional, pluralistic and independent media environment"* (Priority 7) and to *"ensuring the involvement of civil society in decision-making processes at all levels"* (Priority 10).[21] However, on 28 November 2024 the Georgian authorities announced that they paused the efforts to start the accession negotiations with the EU.[22]

III. Analysis

26. In its analysis of the legislative acts introduced by the Parliament of Georgia (as outlined in Section II.A.2 above), the Venice Commission will focus only on the most pertinent changes in relation to the issue of "foreign influence", as notably arising from discussions with the stakeholders. The absence of comments on certain provisions of the legislative acts at issue should not be interpreted as tacit approval of those provisions. While certain state authorities participated in the meetings, the refusal of other authorities to do so limited the possibility of fully considering their perspective in this analysis.

A. Legislative process and public consultation

27. The standards and best practices of due law-making process are contained in the Venice Commission's Rule of Law Checklist,[23] and its Parameters on the relationship between the parliamentary majority and the opposition in a democracy: a checklist.[24] Under the Rule of Law Checklist,[25] the process for making law must be transparent, accountable, inclusive, and democratic. To satisfy this requirement, the public should have access to draft legislation and should have a meaningful opportunity to provide input.[26]

28. The Commission observes that the Georgian Parliament adopted all of the legislative acts in question amidst political crisis and continued protests in the country, in a very short period of time. The first reading of GEOFARA and the amendments to the criminal code took place on 4 March 2025, followed by the second on 18 March, and the third on 1 April 2025.[27] The first set of amendments to the Law on Grants, constituting the most substantive changes, was tabled and adopted over a period of less than 10 days, the amendments to the Law on Broadcasting were passed in one and half months. The amendments to the Law on Political Associations of Citizens were adopted in less than 10 days. The adoption of these legislative acts took place in the absence of opposition MPs who had refused to take their seats or boycotted the new parliament following the October 2024 elections. Given this context, the opposition was not involved in the drafting of this legislation. Moreover, civil society organisations informed the Commission that

[20] PACE, Resolution 2593 (2025), Foreign interference: a threat to democratic security in Europe, 8 April 2025, para. 16.
[21] Commission Staff Working Document, SWD(2023) 697 final, Georgia 2023 Report Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels, 8 November 2023.
[22] Politico, Georgia hits brakes on EU accession bid, 28 November 2024.
[23] Venice Commission, CDL-AD(2016)007rev, Rule of Law Checklist, 18 March 2016.
[24] Venice Commission, CDL-AD(2019)015, Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a Checklist.
[25] Venice Commission, CDL-AD(2016)007rev, Rule of Law Checklist, Benchmarks A.5.
[26] Venice Commission, CDL-AD(2016)007rev, Rule of Law Checklist, Benchmarks A.5.iv.
[27] The chronology of the readings is available at the Parliament's website: www.parliament.ge.

they had not been duly consulted. The Georgian authorities have not provided any information in this respect.

29. The Venice Commission is concerned that the legislation in question was adopted within a very short timeframe and without offering time for the necessary consultations with civil society and other relevant stakeholders. This is problematic from a democratic perspective as these procedural deficiencies raise the question of the legitimacy and acceptability of the new legislation. The effectiveness of legislative measures, irrespectively of their "coercive power", depends *inter alia* on whether or not they are in conformity with justice and fairness in the eyes of the community whose behaviour such legislation is designed to determine.[28] Furthermore, the Venice Commission has not been made aware of any impact assessments.

30. In conclusion, the Venice Commission is of the view that process of adoption of the legislation in question was seriously deficient, lacking an appropriate inclusive approach which would have allowed a proper assessment of the necessity and proportionality of the measures introduced.

B. Systemic approach

31. In recent years, the Venice Commission has assessed a number of legislative acts which addressed the issue of transparency of foreign funding primarily through the regulation of the activities and funding of civil society organisations. The Commission noted that such laws often overlapped with existing legislation, imposing similar requirements of registration and financial reporting, and recommended that, should the existing legal framework prove to be insufficient, the authorities should amend it and improve it, rather than enacting additional legislation.

32. In respect of Georgia, the Commission made such a recommendation in its Opinion on the TFI Law: "[w]hile the existing Georgian legislation already contains provisions requiring organisations concerned by the Law to register and report, including on their sources of funding, no convincing explanation has been given on why the existing obligations would be insufficient for the purpose of ensuring transparency. In case the existing provisions proved insufficient, the Georgian authorities should consider amending the existing laws in compliance with European and international standards."[29] It is notable that the Georgian authorities have acknowledged themselves that the TFI law failed to achieve its purpose and, without repealing it, introduced yet another legal regime under GEOFARA.

33. The Commission considers that all legislation which is addressing the same concern (transparency of foreign influence) in respect of the same subjects (individuals or legal entities) should be examined through a systemic approach, in order to avoid that the test of necessity and proportionality misses to address the combined effect of simultaneously applicable laws on the same subject.

C. Framework of analysis of the legislative acts under consideration

34. The obligations resulting from the application of legislative acts under consideration interfere with the enjoyment of several human rights, including the right to freedom of association (Article 11 ECHR, Article 22 ICCPR), the right to freedom of expression (Article 10 ECHR, Article 19 ICCPR) and the right to respect for private life (Article 8 ECHR, Article 17 ICCPR), as well as the right to be free from discrimination (Article 14 of the ECHR and Protocol 12 to the ECHR, Article 26 of the ICCPR).

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[28] Venice Commission, CDL-AD(2025)001, Georgia - Urgent Opinion on amendments to the Code of administrative offences and the Law on assemblies and demonstrations, para. 25.
[29] Venice Commission, CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, para. 99.

35. The rights to freedom of association and expression may be restricted only under the conditions set out in international human rights instruments and in the Constitution of the Republic of Georgia. These conditions are threefold and encompass the conditions of legality, legitimacy and necessity/proportionality. The condition of legality is met, when the restriction is prescribed by law, i.e., it has a legal basis and this legal basis is precise, certain and foreseeable, making it possible for natural and legal persons to understand which acts are expected or prohibited to them.[30] Under the condition of legitimacy, restrictions need to pursue one of the legitimate aims indicated in the relevant instruments. Under the condition of necessity/proportionality, restrictions must be necessary in a democratic society to achieve the legitimate aim and they also have to be proportionate to that aim. [31] All the three conditions need to be met cumulatively. At the same time, restrictive measures must not be discriminatory in nature or effect.

36. The Venice Commission will assess the legislative acts under consideration in accordance with these criteria.

D. Law on Foreign Agents Registration (GEOFARA)

1. As to the textual similarity of GEOFARA and US FARA

37. While the TFI Law was presented in Parliament with reference to US legislation as a source of inspiration,[32] GEOFARA was introduced in Parliament as a verbatim analogue of the US FARA.[33] Indeed, most of GEOFARA, including the main concepts and definitions, is replicated from the US FARA.

38. As the Venice Commission has previously explained[34], the US FARA was originally enacted in 1938 with a view to registering individuals or entities acting at the direction and control of a foreign government; its scope was broadened in 2016 to focus on countering foreign interference in elections. The US FARA does not oblige a person to register simply because such person receives funds from a foreign source. Rather one must be an *agent* of a foreign principal, meaning that one acts at the specific direction and control, and on the behalf, of a foreign principal. While many US NGOs and media organisations receive foreign grants and support, they are not generally required to register as foreign agents under FARA. Reportedly, only a small proportion, around 5%, of those registered under FARA are non-profit organisations, primarily branches of foreign political parties.[35] US FARA contains several exemptions from the duty to register. These include, *inter alia*, diplomatic and certain foreign officials, *bona fide* commercial and humanitarian activities, religious, academic, artistic and scientific pursuits, legal representation of disclosed foreign principals, activities relating to the defence of allied foreign governments, and lobbying already registered under the Lobbying Disclosure Act.[36] Universities, think tanks and similar institutions often may rely on the academic exemption to avoid registration. The enforcement of US FARA is entrusted to the FARA Unit which is part of the National Security Division of the Department of Justice. The FARA Unit provides support, guidance, and assistance to registrants

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30 ECtHR, *Hasan and Chausch v. Bulgaria*, Application No. 30985/96, Judgement (GC), 26 October 2000, para 84; *Aliyev and others v. Azerbaijan,* Application No. 28736/05, Judgement, 18 December 2008, para 35.

31 "To meet the condition of necessity, authorities must demonstrate that the measure can truly be effective in pursuing the legitimate aim and be the least intrusive means among those which might achieve the desired objective." UN Doc. A/HRC/50/23, Access to Resources. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, 10 May 2022, para 14.

[32] Venice Commission, CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, para. 39.

[33] Explanatory Report on the draft law of Georgia "Foreign Agents Registration Act".

[34] Venice Commission, CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, para. 40.

[35] Ibid., with further references.

[36] See 22 U.S.C. § 613; 28 C.F.R. §§ 5.300-5.307.

and potential registrants and processes registration filings and informational materials to make those materials available to the public.[37]

39. According to the Explanatory Report, the Georgian authorities considered that transposing the text of the US statute would ensure compliance of the Georgian model with democratic standards.

40. The Venice Commission wishes to stress in this respect that the mere replication of the language of a foreign statute cannot evidently, in itself, secure compliance with international standards, particularly in a substantively different domestic context. What matters is not only the statutory text, but also the underlying legal principles, the relevant case-law, the institutional framework within which the statute operates. For this reason, the Commission notes that the authorities' reliance on the US FARA as an "exact analogue" cannot in itself support the compatibility of GEOFARA with international standards. The US FARA, which the Venice Commission has never assessed, has functioned within a constitutional and institutional framework which is specific to the USA and cannot be compared to the Georgian framework.

41. It is a fundamental premise of modern comparative law that, while certain constitutional principles and basic legislative acts obviously exist in every state, each state has adjusted them to its own context and traditions, which has resulted in a unique and specific national constitutional and legislative framework; the Commission has consistently respected such diversity and has abstained from advising to replicate constitutional or legislative provisions existing in other countries. As a consequence, in this opinion the Venice Commission will exclusively assess GEOFARA.

2. Content of the law

42. GEOFARA establishes a special legal regime for individuals and organisations, introducing the designation "agents of a foreign principal" for them.

- *Definition of "foreign principal"*

43. A foreign principal is defined as any foreign government or foreign political party, any person located outside Georgia unless they are an individual who is a Georgian citizen domiciled in Georgia, or an entity organised under Georgian law with its principal place of business in Georgia. It also includes any legal entity (such as a partnership, association, corporation, or other organisation) that is organised under foreign law or primarily operates in a foreign country (Article 1(b)).

- *Definition of "agents of a foreign principal"*

44. GEOFARA introduces yet another legal category, that of "*agents of a foreign principal*". Those are defined as natural or legal persons or other entities who act under the order, request, direction, or control of a foreign principal or if they work for someone who is themselves under the direct or indirect control or financing of a foreign principal (Article 1(c)). To fall under the law, the person must engage in at least one of four categories of activities:
- engage in political activities;
- serve in a professional capacity as a public relations counsel, publicity agent, information-service employee, or political consultant on behalf of a foreign principal;
- solicit, collect, disburse, or dispense contributions, loans, money, or other things of value in the interest of a foreign principal;
- represent a foreign principal before any agency or official of the Georgian government.

[37] U.S. Department of Justice, What is the FARA Registration Unit?

45. The Law exempts Georgian-owned media outlets engaged in genuine journalism from being classified as foreign agents, provided at least 80% of their ownership and control remains with Georgian citizens and they are not directed or financed by a foreign principal (Article 1(d)).

- *Definition of "political activities"*

46. The definition of "agent of a foreign principal" is linked to the exercise of certain activities, such as "political activities," which is described as *"any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of Georgia or any section of the public within Georgia with reference to formulating, adopting, or changing the domestic or foreign policies of Georgia or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party"* (Article 1(m)).

- *Exemptions*

47. Article 3 of GEOFARA contains exemptions from registration. These include, *inter alia*, duly accredited diplomats, consular staff and certain foreign officials recognised by Georgian law, as well as their accredited employees; persons engaged exclusively in private and non-political activities, *bona fide* commercial transactions or humanitarian fundraising; activities of a religious, academic, scholastic, scientific or artistic nature; activities in support of the defence of foreign governments deemed vital to Georgia's security, subject to conditions and oversight by the Ministry of Foreign Affairs and the Anti-Corruption Bureau; legal representation of disclosed foreign principals in judicial or administrative proceedings; and lobbying activities already registered under the Georgian Law on Lobbying.

48. However, these exemptions do not substantially narrow the broad scope of GEOFARA, and it remains uncertain to what extent they will be applied in practice, including under which procedural requirements and oversight mechanisms.

- *Initial registration and updated statements*

49. Under Article 2 (1) of GEOFARA, any person who becomes an "agent of a foreign principal" must, within ten days from that moment, file a registration statement with the Anti-Corruption Bureau. This statement must disclose detailed information about the registrant's identity, organisational structure, complete list of registrant's employees, contracts, funding sources, and activities, including any political activities carried out on behalf of the foreign principal. Registrants must also provide copies of all relevant agreements and supporting documents. The registrants must submit, in addition to a wide-ranging list of documents and information, *"such further statements and such further copies of documents as are necessary to corroborate the statements made in the registration statement and supplements thereto, and the copies of documents furnished therewith" and may be requested to provide "other statements, information, or documents pertinent to the purposes of this law as the Anti-Corruption Bureau, having due regard for the national security and the public interest, may from time to time require"* (Article 2(1)(j)). Exemptions are decided by the Head of Bureau *"having due regard for national security and the public interest"* (Article 2(5)). Moreover, Article 2 (2) provides that the registrants are required to submit supplemented statements every six months, or more frequently if the Bureau so demands, and must notify the Bureau within ten days of any changes. All records are subject to public disclosure, including their availability in the online database (Article 6), and potential enforcement actions.

- *Labelling material*

50. Article 4 of GEOFARA further imposes obligations on agents of foreign principals to file copies of any informational materials they distribute in Georgia within 48 hours of transmittal and to label

such materials clearly to show they are disseminated on behalf of a foreign principal, with the content available for public inspection. Any communications or requests to government officials or testimony before Parliament must be accompanied by a declaration that the person is a registered agent of a foreign principal.

- *Maintaining detailed books and records*

51. Article 5 of GEOFARA requires every registrant to maintain detailed books and records of all activities and financial transactions connected to their role, to preserve these records for at least three years after their agent status ends, and to keep them available for inspection by authorities, while making it unlawful and criminal to conceal, destroy, or falsify such records.

- *Enforcement procedures*

52. GEOFARA provides that if the Head of Bureau believes that any person is violating or is about to violate the law, or is failing to comply with its requirements, s/he may petition a court to issue orders to stop the conduct or enforce compliance. Courts may grant injunctions or restraining orders "or such other order which it may deem proper" (Article 8(5)).

53. Under Article 9 of GEOFARA, the Head of Bureau has authority to issue or amend regulations implementing the Law. On 31 May 2025, the Head of Bureau approved Rules for the Administration and Enforcement of the Law on Foreign Agents Registration.

54. If a registration statement is found deficient, the Head of Bureau must notify the registrant in writing. After ten days, it becomes unlawful to continue acting as an agent, even if a corrected statement is later filed (Article 8(6)).

- *Sanctions*

55. GEOFARA provides that directors, officers, and similar responsible persons within any organisation acting as an agent of a foreign principal are personally obliged to ensure compliance with registration, reporting and disclosure requirements and remain legally liable even if the organisation dissolves, exposing them to prosecution for violations (Article 7).

56. GEOFARA sets out strict penalties for violations. Any person who wilfully files false or misleading information or omits material facts in required documents or breaches any of the provisions of GEOFARA can be fined up to 10,000 GEL or imprisoned for up to five years, or both, while lesser violations carry penalties of up to 5,000 GEL or six months' imprisonment, or both (Article 8(1)). These provisions are reflected in the new Article 355² of the Criminal Code of Georgia which establishes the offence entitled "*Violation of the Law of Georgia "On the Registration of Foreign Agents"*. According to GEOFARA, failure to register and provide updates is treated as a continuing offence with no limitation period (Article 8(4)). Foreign nationals convicted under the law are subject to deportation pursuant to Georgian legislation (Article 8(3)).

3. Assessment of legality, legitimacy and necessity/proportionality

- *Legality*

57. The legality standard pertains not only to the existence of a law but to the quality of the law itself: it requires that any law be sufficient clear, precise and foreseeable in order to guide the subjects to be regulated (the organisations in this case) and limit the discretion of the state to impose arbitrary rules. The ECtHR has consistently held that any restriction on non-absolute human rights must be "foreseeable," meaning the law must be formulated with sufficient precision

to enable individuals to regulate their conduct.[38] The Venice Commission in its Opinions on Russia's Foreign Agents Law[39] and Georgia's TFI Law [40] emphasised that the notions used in those laws are too vague and indeterminate and, as such, they open the door to arbitrary interpretation.

58. As concerns GEOFARA, the Commission observes that the concept of "agent of a foreign principal" differs from the concept of "organisations pursuing the interests of a foreign power" under the TFI Law, in that it applies to any persons (natural, legal) and is based solely on their activities and relationships with foreign principals, regardless of funding levels. GEOFARA thus moves from a purely financial test to a more expansive activity- and control-based approach, capturing an even wider range of actors. Even if a person simply agrees or purports to act in one of the capacities defined by Article 1(c), whether or not they have formal contracts, they may be considered an agent under the law.

59. Moreover, the international organisations operating on the basis of an international agreement, including those which Georgia wishes to accede to, are potentially covered by this definition. However, the Venice Commission has stressed that a distinction should be made between the foreign States and international organisations. By deciding to join an international organisation, a State proclaims to share its values and objectives and participates in the definition of the strategies and actions, including possibly through financing of eligible NGOs. Allocations of funds by an international organisation to domestic actors cannot therefore be seen, in this context, as pursuing foreign interests.[41]

60. The concept of "foreign principal" in GEOFARA broadly covers various stakeholders. Similarly to the concept of "foreign power" under the TFI Law, it applies not only to official foreign institutions but also private foundations, NGOs, think tanks, companies, and individual foreign nationals, as long as their activities have any connection to Georgia, irrespective of any intent to interfere in the country's internal affairs. GEOFARA does not draw any distinctions among the broad categories of actors who can qualify as "foreign principals".

61. The expansive definition of "political activities" goes far beyond traditional lobbying or formal political advocacy to cover an additional wide range of activities, i.e., public relations, media communications, consulting, and grassroots mobilisation. It covers virtually any activity aimed at shaping domestic or foreign policy or political attitudes. Because the definition of "agent" focuses on the intent to influence rather than the nature or scale of the activity, it dramatically widens the scope of the definition and of actors falling under it. It effectively blurs any meaningful distinction between legitimate international cooperation and covert foreign interference. By classifying as an agent not only those who act under the direct order or control of a foreign principal, but also anyone who merely agrees or purports to act in one of several vaguely defined capacities, it captures a vast range of ordinary civic, journalistic, charitable, or educational work.

62. Under GEOFARA, the registrants must submit, in addition to a wide-ranging list of documents and information, "such further statements and such further copies of documents as are necessary to corroborate the statements made in the registration statement and supplements thereto, and the copies of documents furnished therewith" (Article 2(1)(k)) and may be requested to provide "other statements, information, or documents pertinent to the purposes of this law as the Anti-Corruption Bureau, having due regard for the national security and the public interest, may from

[38] ECtHR, *Maestri v. Italy* [GC], No. 39748/98, 17 February 2004, para 30; *Karácsony and Others v. Hungary* [GC], No. 42461/13, 17 May 2016, para 124.
[39] Venice Commission, CDL-AD(2014)025, Opinion on Federal Law N. 121-FZ on non-commercial organisations ("Law on Foreign Agents"), on Federal Laws N. 18-FZ and N. 147-FZ and on Federal Law N. 190-FZ on making amendments to the Criminal Code ("Law on Treason") of the Russian Federation, paras 73-82.
[40] Venice Commission, CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, para. 53.
[41] Venice Commission, CDL-AD(2019)002, Report on Funding of Associations, para 98.

time to time require" (Article 2(1)(j)). These provisions are vague and unpredictable. Similarly, it is not possible for registrants to know in advance whether they qualify for an exemption because this is decided by the Head of Bureau in each case "having due regard for national security and the public interest" (Article 2(5)). Even the frequency of the obligation to provide additional information depends on the discretion of Bureau, "having due regard for the national security and the public interest" (Article 2(2)).

63. GEOFARA provisions define conduct which gives rise to criminal liability: any wilful making of a false statement or wilful omission of any material required for registration and any other wilful violation of GEOFARA. These provisions are extremely broad in scope, criminalising any deviation, however minor or trivial, from perfect compliance with GEOFARA. Even a purely technical failure, such as failure to submit an updated disclosure, may lead directly to criminal charges under these provisions. These sweeping formulations make it impossible for individuals to foresee which specific violations in reality will trigger criminal sanctions. Under Article 7 of the ECHR, laws imposing criminal responsibility must be precise and foreseeable. The ECtHR has underscored that this requirement is satisfied where the individuals can understand from the wording of the relevant provision what acts and omissions will make them criminally liable.[42] Apparently, these provisions fail to meet this standard, because they leave too much discretion to enforcement authorities and create a risk of arbitrary or discriminatory application.

64. In the light of the foregoing, the Commission is of the opinion that GEOFARA does not provide clear, concrete and objective criteria in the definitions of "foreign principal", "agent of foreign principal" and "political activity"; GEOFARA does not provide a sufficiently clear indication of what material and information need to be submitted upon registration. The Bureau and its Head are granted excessively broad discretion to determine the exact content and scope of the obligations to provide "further information". The grounds for criminal liability under FARA are extremely broad in their scope.

65. This results in vast categories of individuals and organisations not being in the position to reasonably predict whether their ordinary civic or professional activities will expose them to unpredictable but undoubtedly onerous additional obligations and sanctions in case of non-compliance. In the Commission's view, therefore, the relevant provisions fail to meet the requirements of foreseeability and legal certainty.

- *Legitimacy*

66. According to the Explanatory Report, GEOFARA was adopted to advance the objective of ensuring transparency of foreign influence, as this had not been properly achieved under the TFI Law. In its opinion on the TFI Law, the Venice Commission noted that transparency of foreign influence, taken in isolation, does not constitute a legitimate aim for restricting fundamental rights such as freedom of association. Transparency may only be invoked in pursuit of broader aims, such as national security, public order, or prevention of disorder[43] and even then these must be interpreted narrowly.[44] The TFI Law, however, pursued an approach that effectively undermined democratic pluralism and free speech, which could not meet the legitimacy requirement.[45]

67. Similar concerns arise in relation to GEOFARA: while it is formally justified with reference to transparency, this objective does not in itself constitute a legitimate aim. To qualify as such, it

[42] ECtHR, *Del Río Prada v. Spain* [GC], no. 42750/09, 21 October 2013, para. 79.
[43] ECtHR, *Ecodefence and Others v. Russia*, no. 9988/13, 14 June 2022, para. 122.
[44] See in this regard Venice Commission, CDL-AD(2023)016, Bosnia and Herzegovina - Joint Opinion on the draft law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organizations, para. 25; CDL-AD(2017)015, Hungary - Opinion on the Draft Law on the Transparency of Organisations receiving support from abroad, para. 39.
[45] Venice Commission, CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, paras. 59-65.

would need to be clearly linked to specific public interests and interpreted narrowly. Moreover, a number of interlocutors observed that, in practice, GEOFARA appears to target broad categories of legitimate civic actors for ulterior purpose of discouraging civil society activity. The Commission considers that the Explanatory Report fails to substantiate the legitimate aim underpinning GEOFARA. In the absence of such justification, the Commission is not persuaded that the Act satisfies the requirement of legitimacy.

- *Necessity and proportionality*

68. The ECtHR has stressed that interference with freedom of expression and freedom of association must respond to a "pressing social need" and be proportionate to the legitimate aim pursued.[46] The Venice Commission has found that legally targeting all entities receiving foreign support or engaging in vaguely defined political activities is disproportionate.[47] GEOFARA raises similar concerns.

69. The denigrating and stigmatising nature of the "agent of foreign principal" label is problematic and is likely to have the chilling effect on the operation of persons who have been assigned this label. The ECtHR has recognised that labelling NGOs as acting in the interests of foreign powers or "foreign agents" conveys a pejorative connotation, implying disloyalty or subversive intent.[48] The Venice Commission has repeatedly stressed that the use of the term "agent" has an inherently negative meaning in both public perception and historical experience.[49] Such automatic branding risks stigmatising and delegitimising civil society actors, media, and individuals, undermining trust and deterring participation in democratic life, as well as access to financial resources. Given the wide-ranging provisions determining the scope of applicability of GEOFARA, the labelling requirement amounts to a disproportionate measure.

70. Equally problematic is the obligation to mark the registrants' materials with designation that such material is distributed by the agent on behalf of the foreign principal. This labelling risks damaging reputation and credibility. Even though GEOFARA allows for exemptions in limited cases, the overall system compels civic actors to accept this labelling duty which is likely to stigmatise them as instruments of foreign influence, regardless of their actual objectives or the public benefit of their work.

71. The proportionality of the obligations under GEOFARA is also highly questionable. The Venice Commission recalls that such a radical measure, as "public disclosure obligation" (i.e. making public the source of funding and the identity of the donors) may only be justified in cases of political parties and entities formally engaging in remunerated lobbying activities".[50] It also recalls that associations should not be under a general obligation to disclose the names and addresses of their members, since this would be incompatible with both their right to freedom of association and the right to respect for private life.[51] However, contrary to this approach, GEOFARA establishes a general duty for all the registrants to disclose "a complete list of registrant's employees" (Article 2(1)(c)). Moreover, it requires disclosing considerable amount of other sensitive information including funding, contracts, and routine operational activity which

[46] ECtHR, *Ecodefence and Others v. Russia*, no. 9988/13, 14 June 2022, para.123; *Kobaliya and Others v. Russia*, no. 39446/16, 22 October 2024, para. 68.
[47] Venice Commission, CDL-AD(2014)025, Opinion on Federal Law N. 121-FZ on non-commercial organisations ("Law on Foreign Agents"), on Federal Laws N. 18-FZ and N. 147-FZ and on Federal Law N. 190-FZ on making amendments to the Criminal Code ("Law on Treason") of the Russian Federation, para 126; CDL-AD(2024)020, Urgent Opinion on the Law of Georgia on Transparency of Foreign Influence, para. 73.
[48] ECtHR, *Ecodefence and Others v. Russia*, no. 9988/13, 14 June 2022, para.132; *Kobaliya and Others v. Russia*, no. 39446/16, 22 October 2024, para. 71-78.
[49] Venice Commission, CDL-AD(2014)025, Opinion on Federal Law N. 121-FZ on non-commercial organisations ("Law on Foreign Agents"), on Federal Laws N. 18-FZ and N. 147-FZ and on Federal Law N. 190-FZ on making amendments to the Criminal Code ("Law on Treason") of the Russian Federation, para 61.
[50] Venice Commission, CDL-AD(2014)046, Joint Guidelines on Freedom of Association, para 106.
[51] Venice Commission, CDL-AD(2019)002, Report on Funding of Associations, para 13.

makes the fulfilment of these obligations particularly burdensome. Furthermore, as registration under GEOFARA entails the disclosure of a vast amount of information, it may enable profiling and using this material for ulterior purposes to the detriment of registrants, including potential charges relating to state security, public order, or espionage[52].

72. By imposing continuous reporting and disclosure obligations (every six months or earlier on demand), mandatory record-keeping of all communications and financial transactions, and labelling of informational outputs, GEOFARA establishes a regime of pervasive administrative control that is comparable in intrusiveness to the Russian "foreign agent" laws criticised by the Venice Commission[53] and the ECtHR.[54] Unlike narrowly targeted transparency rules applicable only to lobbying or financing of political parties, the breadth and intensity of obligations under GEOFARA indiscriminately and excessively burdens a wide array of legitimate civic and political activities. This burden is disproportionate to any legitimate public interest and is likely to deter participation in civil society and public debate. These measures are neither necessary nor proportionate in a democratic society.

73. As concerns the enforcement procedures, the Commission is of the view that empowering the Head of Bureau to seek any appropriate court orders and injunctions against "agents of foreign principals" should be accompanied by clear procedural framework and adequate safeguards ensuring timely and fair adjudication, otherwise it risks arbitrary enforcement.

74. The Head's broad power to issue regulations without explicit checks raises concerns about potential regulatory overreach. While it is positive that the Rules for the Administration and Enforcement of the Law on Foreign Agents Registration have introduced a procedure for advisory opinions, which is absent from GEOFARA itself, these regulations also elaborate and expand the Bureau's oversight, monitoring, and enforcement powers. For instance, they allow the Bureau to request courts to order seizures or other security measures, and to conduct inspections for the purpose of collecting materials that may then be transmitted to investigative bodies. The Commission finds that in carrying out its functions under GEOFARA, the Bureau should not substitute for traditional investigative authorities, which must operate under procedural safeguards for evidence-gathering. These concerns are particularly relevant given the lack of guarantees for the Bureau's independence and political neutrality, as observed by the Venice Commission[55] and GRECO[56].

75. Furthermore, it is unclear why the central anti-corruption body, already tasked with significant responsibilities in the field of anti-corruption, has been given an additional role in overseeing compliance with legislation on foreign influence. Beyond this unusual combination of mandates, questions arise as to whether its human, administrative, and technical resources will suffice. The addition of extensive new responsibilities places a heavy administrative burden on the Bureau. Given its already broad mandate in the anti-corruption field, it is doubtful that all of these tasks

[52] See also, Venice Commission, CDL-AD(2014)025, Opinion on Federal Law n. 121-fz on non-commercial organisations ("law on foreign agents"), on Federal Laws n. 18-fz and n. 147-fz and on Federal Law n. 190-fz on making amendments to the criminal code ("law on treason") of the Russian Federation, para. 64.
[53] Venice Commission, CDL-AD(2014)025, Russian Federation - Opinion on Federal Law N. 121-FZ on non-commercial organisations ("Law on Foreign Agents"), on Federal Laws N. 18-FZ and N. 147-FZ and on Federal Law N. 190-FZ on making amendments to the Criminal Code ("Law on Treason") of the Russian Federation.
[54] ECtHR, *Ecodefence and Others v. Russia,* No. 9988/13, 14 June 2022; *Kobaliya and Others v. Russia,* Nos. 39446/16 and 106 others, 22 October 2024.
[55] Venice Commission, CDL-AD(2023)046, Georgia - Opinion on the provisions of the Law on the fight against Corruption concerning the Anti-Corruption Bureau, para. 41.
[56] GRECO: Georgia, Fifth Evaluation Round, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, adopted on 22 March 2024 paras. 68-69.

can be managed effectively and impartially. This raises a serious risk that enforcement may become selective, targeting some individuals or organisations.[57]

76. The automatic unlawfulness of the continued operation of an agent, triggered ten days after notification of a deficient registration statement regardless of corrective action thereafter (Article 8(6)), appears unduly harsh and may penalise registrants prematurely without adequate opportunity to remedy errors.

77. As concerns the sanctions, the ECtHR consistently maintained that criminal sanctions must be used only as a measure of last resort (*ultima ratio*), when other, less intrusive enforcement tools (civil, administrative) are not available or would not be adequate.[58] It is unclear whether the authorities have considered the use of less intrusive measures, such as administrative fines, warnings, or temporary suspensions, to address various cases of non-compliance with more lenient measures. Overall, the absence of any system of gradual enforcement contradicts the principle of subsidiarity of criminal law. By treating all breaches of GEOFARA as criminal conduct, the provisions also fail to satisfy the conditions of necessity and proportionality.

78. The severity of the sanctions further demonstrates the disproportionality of the measures. Individuals may be fined up to 10,000 GEL or imprisoned for up to five years, or both, merely for submitting inaccurate or incomplete information, regardless of whether any actual harm or malicious intent is proven. Other minor breaches carry penalties of up to 5,000 GEL of fine or up to six months' imprisonment, or both. In the case law related to foreign agents legislation, the ECtHR has stressed that States need to adjust the severity of the sanction to the gravity of the offence especially where such offences are dealing with violations of regulatory nature and disclose no significant damage;[59] in case of broadly defined offences, guidelines should be available how sanctions should be calibrated.[60] The sanctions prescribed for the violations of GEOFARA are harsh and they are more severe than those for other similar regulatory offences, such as failure to submit a property declaration or the entry of incomplete or incorrect information (Article 355 of the Criminal Code). Accordingly, the harsh penalties are not calibrated to the seriousness of the offence and their application risks to be disproportionate. Such legal framework is hardly compatible with international standards.

4. Conclusion on GEOFARA

79. GEOFARA introduces vague and broad definitions, enabling indiscriminate application and stigmatising labels that chill free expression and association. Extensive and open-ended obligations and harsh sanctions are imposed on "agents of a foreign principal," creating legal uncertainty and disproportionate burden. Oversight is entrusted to the Anti-Corruption Bureau, but it lacks guarantees of independence. Together, these issues risk arbitrary enforcement and threaten rule of law and democracy. It is therefore recommended that GEOFARA be repealed.

80. In any future development of legislation similar to GEOFARA, it is essential to ensure full compliance with the principles of legal certainty and proportionality, accompanied by effective safeguards.

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[57] See in this regard Statement of Council of Europe Commissioner for Human Rights of 1 July 2025 regarding enforcement of GEOFARA, the Law on Grants and other legislation by the Anti-Corruption Bureau in respect of eight NGOs working in the field of human rights and democracy.

[58] ECtHR, *Vona v. Hungary*, No. 35943/10, 9 July 2013, para 42; *Beizaras and Levickas v. Lithuania,* No. 41288/15, 14 January 2020, para 111.

[59] ECtHR, *Kobaliya and Others v. Russia*, no. 39446/16, 22 October 2024, para. 96.

[60] ECtHR, *Ecodefence and Others v. Russia*, no. 9988/13, 14 June 2022, para.184.

E. Amendments to the Law on Grants

81. The amendments to the Law on Grants substantively revise the legal framework on the provision of grants by foreign donors to recipients in Georgia. The amendments broaden the scope of a "grant" and "grant agreement", require preliminary governmental approval of foreign grants, and introduce financial sanctions for the receipt of unauthorised grants or the submission of false or misleading information under the Law. The Anti-Corruption Bureau is vested with new monitoring and enforcement powers, including powers of asset seizure, collection of information, and questioning of individuals.

1. Content of the amendments

82. Article 2(1) of the amended Law defines a grant as "*a targeted amount of money or in kind awarded free of charge by a grantor (donor) to a grantee, which is used for the implementation of specific humanitarian, educational, scientific-research, health care, defence and security, cultural, sports, ecological, agricultural development and social projects, as well as programs of state or public importance*". Certain narrow exceptions remain, but a new paragraph 1^3 in the same Article significantly broadens the concept by providing that technical assistance, including the transfer of technology, specialised knowledge or expertise, and other similar forms of support for the above purposes, shall also be treated as a grant.

83. The amended Article 5(1) stipulates that the legal basis for awarding a grant is a grant agreement between the grantor (donor) and the grantee which can be presented in a single document or in several, interconnected documents, and regardless of its specific name, as well as a written decision of a foreign donor.

84. Governmental consent (approval) must be obtained before any foreign grant may be received; the acceptance of a grant without such approval is prohibited (Article 5^1(1)).

85. The Anti-Corruption Bureau is entrusted with overseeing compliance. Its powers include requesting financial reports, interviewing persons, obtaining information from various entities, initiating investigations where reasonable suspicion arises. The administrative proceedings related to these matters are limited to three months, with a possible extension of another three months granted by the Bureau's Head (Article 6^1).

86. When a grant is received without governmental approval, the Bureau initiates administrative proceedings by drafting a protocol and submitting it to the district court for adjudication. The district court must determine the matter within fifteen days; an appeal may be brought within ten days to the court of appeal, which must reach its final decision within fifteen days. Special expedited timelines are prescribed for the electoral period: the court must adjudicate within five calendar days, with appeal to the appellate court within 72 hours, after which a final decision must be rendered within five days (Article 6^2(1), (3), (4)).

87. During proceedings, the Bureau may order an immediate seizure of the property of alleged offender, including bank accounts, subject to *ex post* confirmation by the court. The court must determine the validity of such seizure within 48 hours; either party may appeal within a further 48 hours, but such appeal does not have suspensive effect (Article 6^2(2), (5)).

88. Receiving a grant without governmental approval results in an administrative fine equal to twice the grant amount. Providing false statements during an interview at the Bureau or questioning before the magistrate judge results in a penalty of GEL 2,000. Repeated violation causes a double penalty. The statute of limitation for the liability is 6 years after committing the violation (Article 6^4(1) – (4)).

2. Assessment of legality, legitimacy and necessity/proportionality

89. The requirement of prior governmental consent for foreign grants gives rise to significant concerns. The Venice Commission has stressed that freedom to seek, receive and use resources, including resources from foreign and international sources, belongs among the 11 guiding principles in the area of the right to freedom of association.[61] It has therefore criticised the system of requiring prior authorisation to receive foreign funding.[62] While Sates may regulate foreign funding to protect public interests, the measures must be foreseeable, necessary, proportionate, and accompanied by safeguards to prevent undue interference in civil society.

90. In terms of foreseeability, the amendments do not set out clear and objective criteria by which the government is to assess grant applications. Nor does it distinguish between categories of donors or recipients, sectors, or the quantum of the grant. Coupled with the widened scope of the Law, this omission gives rise to the risk of arbitrary or selective application and unjustified refusals.

91. As to legitimacy and necessity, the Explanatory Report merely asserts, in general terms, that the provisions serve the protection of State sovereignty, implicitly advancing an argument based on national security. However, no substantiating impact assessment is provided. It is true that stricter regulation of foreign involvement in sensitive domains, such as electoral processes or political party funding, may be justified to ensure transparency when receiving substantial foreign funding. The present blanket rule, however, far exceeds what is typically warranted for these legitimate needs, and there is no evidential basis for the existence of any "pressing need" for such a sweeping restriction.

92. Furthermore, the restriction on foreign funding is not counterbalanced by the availability of sufficient domestic funding alternatives. Although the State Grant Management Agency has been established, the sufficiency and accessibility of domestic funding remains unclear; no objective criteria or impartial guarantees for its allocation have been proven to exist. Moreover, regardless of whether domestic funding is available, civil society actors must be free to receive sources from outside, based on their free choice. The ECtHR has held that a forced choice between accepting foreign funding and soliciting domestic State funding represents a false alternative. In order to ensure that NGOs are able to perform their role as the "watchdogs of society", they should be free to solicit and receive funding from a variety of sources. The diversity of these sources may enhance the independence of the recipients of such funding in a democratic society.[63] Foreign donors have reportedly played a prominent role in supporting vital sectors in Georgia, including human rights, democracy, legal reform, social protection, healthcare, and cultural development.

93. In conclusion, the requirement of prior governmental consent for the receipt of foreign grants lacks foreseeability in its application, it is neither necessary, nor proportionate.

94. While the *procedural framework* incorporates certain safeguards regarding the adjudication procedure and judicial review, it raises concerns as to compatibility with European standards.

95. First, the broad investigating powers of Bureau, coupled with the possibility of repeated questioning, could exert coercive pressure in practice, blurring the distinction between voluntary cooperation and *de facto* compulsion. The Bureau is empowered to question individuals simply

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[61] Venice Commission, CDL-AD(2014)046, *Joint Guidelines on Freedom of Association,* para 32. In addition, the Committee of Ministers of the Council of Europe, in its Recommendation Rec(2007)14 on the legal status of non-governmental organisations in Europe, stated that NGOs should be free to solicit and receive funding […] not only from public bodies in their own state but also from institutional or individual donors, another state or multilateral agencies, subject only to the laws generally applicable to customs, foreign exchange and money laundering and those on the funding of elections and political parties (para. 50).

[62] CDL-AD(2013)023, Interim Opinion on the Draft Law on Civic Work Organisations of Egypt, para. 48.

[63] ECtHR, *Ecodefence and Others v. Russia*, no. 9988/13, 14 June 2022, para. 169.

on the grounds that these individuals *"may have information necessary for [Bureau] to monitor the acceptance of a grant"* (Article $6^2(1)$). The formulation is vague and leaves almost unlimited discretion to the Bureau. To ensure compliance with international standards, additional safeguards (clearer limits on repeated questioning, and more robust oversight of investigative measures) should be available to ensure protection against abuse.

96. Secondly, while strict time-limits in court proceedings are intended to secure the requirement of reasonable time, they must be balanced with the rights of the defence. In particular, the short deadlines for adjudication and appeal may unduly restrict the ability to present arguments and evidence, especially where such evidence must be obtained from the foreign grantor.

97. Thirdly, the procedure for seizure of assets raises a serious risk of disproportionate interference. The seizure order is enforceable immediately prior to judicial confirmation, the time allowed for appeal is short, and the appeal itself has no suspensive effect. Under such conditions, effective judicial oversight is doubtful. According to the Recommendation of the Committee of Ministers on the legal status of non-governmental organisations in Europe, while allowing for reporting obligations, the NGOs should not be subject to search and seizure without objective grounds for taking such measures and without appropriate judicial authorisation.[64] In light of the above, the provisions should be revised to ensure that seizure takes effect only upon a court order, that adequate time is afforded for appeal, and that such appeal has suspensive effect.

98. Fourthly, the financial sanctions for the receipt of unauthorised grants are not subject to any threshold, meaning that where the grant is substantial the resulting penalty may be exceptionally high, creating a financial burden that could even result in termination of the organisation. Such sanctions are imposed for a regulatory violation where no actual damage is established and thus appear excessive and uncalibrated to the nature of the offence. Particularly problematic is the automatic doubling of sanctions in the event of repetition, without consideration of proportionality. The absence of graduated scales further undermines compliance with the principle of proportionality. Taken together, these provisions are excessive and risk producing a serious chilling effect on civil freedoms.

3. Conclusion on the Law on Grants

99. The amendments to the Law on Grants require prior governmental approval for foreign grants but lack sufficient justification, clear refusal criteria, and effective safeguards, creating potential for arbitrary enforcement. The Bureau's wide investigatory powers, including the power of immediate seizure, combined with tight procedural timelines and harsh sanctions, threaten fairness and due process.

100. It is therefore recommended that the amendments be repealed, or thoroughly revised to ensure necessity, proportionality, and proper safeguards.

F. Amendments to the Law on Broadcasting

1. Content of the amendments

101. The Law on Broadcasting has introduced new restrictions on how broadcasters can be funded. Broadcasters are now expressly prohibited from accepting any direct or indirect funding from "foreign powers"; the foreign powers are prohibited from financing or co-financing broadcasters for the production or transmission of programmes, or from procuring services from broadcasters. There are limited exceptions to this ban: commercial advertising, sponsorships, teleshopping, or product placement (Article 66^1 (11)). A "foreign power" is defined as: a) a

[64] Committee of Ministers of the Council of Europe, Recommendation Rec(2007)14 on the legal status of non-governmental organisations in Europe, paras. 68-69.

constituent entity of the government system of a foreign state; b) a natural person who is not a citizen of Georgia; c) a legal entity not established on the basis of the legislation of Georgia; d) an organisational formation (including a foundation, association, corporation, union, or other type of organisation) or another type of association of persons that is established on the basis of the law of a foreign state and/or international law (Article 66[1] (12)). The definition of foreign power is taken from the TFI Law.

102. If a broadcaster violated these restrictions before 1 June 2025, the National Communication Commission can impose sanctions, but those sanctions will not be enforced. Any violations occurring after 1 June 2025 will result in sanctions that must be enforced according to the established legal procedures.

2. Assessment

103. The amendments to the Law on Broadcasting are a manifestation of the same phenomenon reflected in TFI Law, GEOFARA, and in the amended Law on Grants: an increasingly restrictive approach to foreign financial support for media and civil society actors, considered as actors serving foreign powers. These measures are interlinked and, taken together, form a comprehensive framework that severely limits access to legitimate external resources. While the Law on Grants makes foreign funding subject to governmental approval, the Law on Broadcasting excludes entirely the possibility of such funding.

104. According to the Committee of Ministers' Recommendation on media pluralism and transparency of media ownership, any restrictions on the extent of foreign ownership of media should be implemented in a non-arbitrary manner and should take full account of States' obligations under international law and, in particular, the positive obligation to guarantee media pluralism.[65] A complete ban on foreign funding of broadcasters runs counter to these obligations.

105. The wide definition of "foreign power," going beyond foreign governments to include all foreign individuals and organisations, risks indiscriminately capturing ordinary commercial and philanthropic relationships essential for the viability of independent media. Moreover, the prohibition does not distinguish between funding that genuinely threatens democratic integrity and funding that supports legitimate journalistic and civic activities, nor does it consider less intrusive measures to achieve any purported legitimate aim. Thus, the blanket prohibition does not meet the requirements of necessity and proportionality and should be repealed.

G. Amendments to the Organic Law on Political Associations

1. Content of the amendments

106. The amendments to the Organic Law on Political Association of Citizens concern, in particular, Article 26(1) describing the circumstances in which a political party may not accept donations. Previously, subparagraph (b) prohibited donations from a legal person and/or another type of association of persons registered in Georgia or abroad, *"except for free organisation of a lecture, workshop or another similar public event"*. In the amended version, this exception has been removed.

2. Assessment

107. In effect, political parties can no longer receive in-kind support, such as the organisation of lectures or seminars, from legal entities or associations registered in Georgia or abroad.

[65] Council of Europe, Recommendation CM/Rec(2018)1 of the Committee of Ministers to member states on media pluralism and transparency of media ownership, item 3.7 of the Appendix "Guidelines on media pluralism and transparency of media ownership".

According to the Explanatory Report, the purpose of the amendments is to close loopholes in regulation of political financing by entirely prohibiting parties and electoral candidates from accepting any such donations or support, including free public events; the amendments therefore prevent circumvention of existing restrictions and ensures greater transparency and integrity in political funding.

108. These amendments form part of the same legislative campaign aimed at limiting access to foreign funding that could be seen as eternal influencing domestic political processes. However, European standards on the funding of political parties differ from those applicable to civil society organisations and the media. The Venice Commission has observed that restrictions or prohibitions on foreign funding of political parties may be justified, given their central role in governance and policy-making, where foreign interference can directly affect national sovereignty.[66] The amendments in question therefore fall within the permissible margin of discretion of the national authorities.

IV. Cumulative effect of the legislative measures on civil society

109. The wide-ranging provisions of GEOFARA on registration, reporting, disclosure, record-keeping, and labelling, applicable to a broad spectrum of civil society actors and media, are backed by monitoring and enforcement mechanisms, with non-compliance subject to severe criminal sanctions. This regime operates in parallel with that established under the TFI Law, which imposes similar obligations but secured by administrative sanctions. In addition, the Law on Grants requires prior governmental approval for any foreign grant, while the Law on Broadcasting prohibits broadcasters from receiving foreign funding altogether.

110. Responsibility for monitoring and enforcement of GEOFARA and the Law on Grants lies with the Anti-Corruption Bureau which lacks sufficient safeguards for independence and political neutrality. However, the Bureau has been vested with wide discretion in applying both Laws and has extensive investigative powers, including the collection of information, questioning, and the seizure of assets.

111. Individually, and even more so when taken together, these measures impose extensive and overlapping obligations combined with harsh liability provisions that disproportionately burden and subject to control those engaged in democratic oversight and rights advocacy. Overall, the legal framework created by GEOFARA and the related Laws cannot be regarded as compatible with the principles of legal certainty and proportionality in a democratic society. Their cumulative effect is coercive, stigmatising, and ultimately inconsistent with democratic pluralism.

V. Conclusions

112. The Monitoring Committee of the Parliamentary Assembly of the Council of Europe requested an Opinion of the Venice Commission of the Council of Europe on the Law on the Registration of Foreign Agents, the amendments to the Law on Grants and other Laws relating to “foreign influence”.

113. Following the adoption of the Law on Transparency of Foreign Influence (the TFI Law), the authorities introduced a broader legislative package on the regulation of foreign influence. This package includes the Law on Foreign Agents Registration (GEOFARA), amendments to the Law on Grants, the Law on Broadcasting, and the Organic Law on Political Associations. The Venice Commission has analysed them through a systemic approach, as they are all stated to aim at preventing undue foreign influence.

[66] *Report on Funding of Associations,* CDL-AD(2019)002, para 41.

114. As regards GEOFARA, it provides sweeping and imprecise definitions of key terms, most notably “foreign principal”, “agent of a foreign principal”, and “political activities”. The lack of clarity and precision undermines foreseeability and legal certainty. The far-reaching scope of the Law enables its indiscriminate application to an extensive range of persons and organisations, irrespective of the existence of any actual agency relationship with a foreign actor, in a manner that appears neither necessary nor proportionate. The label “agents of foreign principals” is inherently stigmatising, producing a chilling effect on freedom of expression and association.

115. The obligations imposed on “agents of a foreign principal” include detailed registration, frequent reporting and disclosure duties, record-keeping, and labelling of materials. Such obligations contain wide and open-ended formulations, and constitute an intrusive and disproportionate burden, further discouraging civic engagement. Enforcement powers are vested in the Anti-Corruption Bureau, which is entrusted with excessive discretion, despite lacking sufficient guarantees of independence and political neutrality.

116. Violations of GEOFARA give rise to criminal liability; however, the broadly framed provisions describing the offence permit loose interpretation and lack the requisite foreseeability and justification, while the severe sanctions fail to meet the standard of proportionality. The combination of vague provisions, sweeping powers, and insufficient safeguards creates risks of arbitrariness, selective justice, and political misuse.

117. Overall, the legal regime established by GEOFARA risks undermining the rule of law, civic space, and democratic freedoms. Adopted in parallel with the TFI Law, it generates further confusion and uncertainty. In line with the Venice Commission’s earlier recommendations on the TFI Law, it is recommended that GEOFARA be repealed.

118. As regards the Law on Grants, its amendments introduce a general requirement of prior governmental approval for foreign grants, yet it lacks a demonstrated justification in terms of necessity and proportionality. Furthermore, the amendments provide no clear and objective criteria for refusal and contain insufficient safeguards, thereby leaving wide scope for arbitrary or discriminatory application. The extensive investigatory and enforcement powers of the Bureau, including the power to order immediate seizure, combined with constrained procedural timelines and disproportionate sanctions, further undermine fairness and due process.

119. In view of these deficiencies, it is recommended that the amendments be repealed. At the very least, the amendments would need to be thoroughly revised to ensure that any restrictions are necessary, proportionate, and clearly defined, and that they are accompanied by robust procedural and judicial safeguards.

120. As regards the Law on Broadcasting, the amendments introduce a blanket ban on foreign funding for broadcasters, using an overly broad definition of "foreign power." The prohibition fails to distinguish between funding that genuinely threatens democratic integrity and funding that supports legitimate journalistic and civic activities, and does not consider less intrusive alternatives. This undermines media pluralism and fails the standards of necessity and proportionality. It is therefore recommended that the prohibition be repealed.

121. As regards the Organic Law on Political Association of Citizens, its amendments fully prohibit political parties from receiving in-kind support, such as free lectures or seminars, from legal entities or associations in Georgia or abroad. Aimed at closing loopholes, these changes are part of broader restrictions on foreign funding. As political parties play a central role in governance, such measures fall within the permissible national margin of discretion.

122. In any further elaboration of legislation in this field, it is important to take into account the following recommendations:

(1) Adopt a systemic approach refraining from introducing multiple legislative acts which apply in parallel and cumulatively;
(2) Narrow the scope of application by providing precise definitions of key terms and limiting the discretion of enforcement authorities, ensuring that the law applies only where there is a demonstrable and specific risk to national security;
(3) Avoid the use of the stigmatising term “agent of a foreign principal” or any equivalent, and remove any requirement for individuals or organisations to display or declare such a label in their materials;
(4) Limit the obligations imposed on designated entities to those strictly necessary and proportionate to achieve legitimate aims, avoiding excessive administrative burdens and disproportionate sanctions;
(5) Ensure that sanctions are clearly defined, necessary and proportionate, with safeguards to prevent arbitrary enforcement and to uphold the principles of legal certainty and foreseeability;
(6) Introduce robust procedural safeguards, including independent enforcement bodies, clear notification requirements, and effective remedies to challenge any designation, measure, or sanction.

123. The Venice Commission further recommends that in the future the process of adoption of legislation in Georgia take an appropriately inclusive approach so as to ensure its legitimacy and broad acceptability.

124. Finally, the Commission regrets that the Georgian authorities have not wished to engage with it in the preparation of this opinion and remains at their disposal for pursuing their concerns in a manner which is in line with international standards.

125. The Venice Commission also remains at the disposal of the Parliamentary Assembly for further assistance in this matter.