

**DATE**

17 October 2018

Ms M. Garbaciauskaite-Budriene  
Director General  
Lithuanian Radio & Television

**BY EMAIL**

**REFERENCE**

PSM independence in Lithuania

Dear Ms Garbaciauskaite-Budriene,

Thank you for your letter and for sharing your concerns about the proposed changes to the Law on LRT, which has the potential to threaten its independence.

The EBU reiterates its position as expressed in a letter to Mr Viktoras Pranckietis dated 13 March 2018 that, while acknowledging parliament's authority to be duly informed about LRT's financial, managerial and business operations, an appraisal of these operations is usually carried out by competent, specialized professional bodies such as the supervisory council, internal and external audit units, and the state audit unit.

Moreover, we understand that the establishment of the ad hoc investigative commission on the management, financial and economic activities of LRT has been contested in the Constitutional Court and that this case is pending.

To avoid any interference in the institutional and editorial independence of Lithuania's national public broadcaster, any changes to its governance structure and governing bodies should be subject to a broad public debate involving all stakeholders, including LRT management and supervisory bodies, which have the most expertise and the best knowledge on the governance of public service media.

We share your concerns about potential changes to the appointment process and governance arrangements for LRT. Good governance arrangements are crucial for the functioning of public service media. According to CoE Recommendation CM/Rec (2012) 1 of the Committee of Ministers to member states on public service media governance – "Public service media need to operate and evolve within a sustainable governance framework which secures both the necessary editorial independence and public accountability (...)." Further, the guidelines emphasize that appointments "cannot be used to exert political or other influence over the operation of the public service media".

Experience in Europe has shown that the frequent renewal of the composition of supervisory bodies and linking their mandates to the terms of office of the appointing authorities can lead to greater political interference.

Accountability and control over the activities of LRT are important for the credibility and mission of public service in serving the country's citizens. However, the law should provide for a clear separation of supervisory and managerial powers and distinctly define the remit of the supervisory bodies – see the Guidelines attached to the 1996 Recommendations No. R (96)

10 of the Committee of Ministers to member states on the guarantee of the independence of public service broadcasting, which state the following: "The legal framework governing public service broadcasting organizations should clearly stipulate their editorial independence and institutional autonomy ... The provisions relating to the responsibility and supervision of public service broadcasting organizations and their statutory organs should be clearly defined in the governing legal framework".

It is important for LRT to be involved in the deliberations concerning its governance arrangements in order to draw on the public broadcaster's experience and avoid the creation of too many oversight bodies with overlapping remits in supervision or auditing activities – potentially leading to conflicts, delays and unnecessary bureaucracy. Best practice in Europe is that there is one supervisory body in charge of guaranteeing the editorial independence of public service media, overseeing the fulfilment of the public service remit and all specific requirements and for holding management to account.

Once a broad public debate about possible changes to the governance of LRT is launched, the EBU is available to exchange information and best practices as well as provide official comments on any suggestions made. As a professional organization of 120 media organizations from 56 countries, the EBU can provide examples of best practice for system-wide governance, including existing safeguards for independence and self-regulatory mechanisms.

Yours sincerely,  
Noel Curran