



VIEŠOJI ĮSTAIGA LIETUVOS NACIONALINIS RADIJAS IR TELEVIZIJA
LITHUANIAN RADIO AND TELEVISION

Vilnius, 3 January 2019 *Nr. 4RA-2-(A1)*

Dear Sir / Madam,

Over the last year, Lithuanian National Radio and Television (LRT) has been experiencing a significant pressure from the ruling Party of Lithuania which aims to make substantial changes in the Law on LRT. The latest developments that are now taking place may have a direct impact on LRT's independence and at the same time pose serious threats for freedom of speech and democracy on the whole.

In January 2018, the Lithuanian Parliament (Seimas) formed an *ad hoc* Investigation Commission to carry out a scrutiny of LRT's financial and economic activities. In October 2018, the Commission announced the Conclusions of its investigation proposing changes to LRT management structure with the aim of making it more similar to that of State-owned enterprises. Moreover, the Conclusions are doubtful as to their quality and substantiation. A number of Lithuanian media experts and international institutions have also expressed their concerns on this matter.

On 20th December 2018, the Lithuanian Parliament rejected the Conclusions after 55 MPs voted in favour, 57 voted against and 5 abstained. Notably, it is without precedent that the Seimas overrules the conclusions of the Seimas Commission by its vote.

It is possible that such vote resulted from the fact that more and more conclusions by the *ad hoc* Commission failed to be confirmed, which has been evidenced by the official letters that LRT received in recent months from various governmental institutions.

In its Conclusions, the *ad hoc* Commission accuses the LRT Administrative Commission (an advisory body within the managerial structure of LRT) of failing to draw conclusions on the procurement exceeding the amount of EUR 29,000. However, the Ministry of Economy in its letter to LRT states that such conclusions should be submitted not on separate procurements, but with regard to the entire procurement plan, which has been a common practice.

The statement by the *ad hoc* Commission accusing LRT of the alleged infringements of the Law on Public Procurement while purchasing an outside broadcasting TV van was denied by the Public Procurement Office in its official letter.

The Special Investigation Service, by order of the *ad hoc* Commission, investigated the tariffs and discounts that apply to information announcements as broadcast by LRT and also confirmed having not identified any direct risk factors for corruption.

Also, a week ago, the Financial Crime Investigation Service made a public announcement that it is not launching an investigation into the LRT TV programme "Children of the Millennium". This production has also received the attention of the *ad hoc* Commission, which in its conclusions identified authors of the above programme as setting limits for the competitive requirements.

Despite the fact that the Seimas did not approve the conclusions of the *ad hoc* Commission, the ruling majority included debates on the new Draft Law on LRT in the agenda of the ongoing extended Seimas session.

This draft project as submitted by the Chair of the Seimas Committee on Culture and leader of the Seimas ruling majority Ramūnas Karbauskis, as well as the conclusions of the *ad hoc* Commission, include proposal of changes to the LRT governance, except that some principles differ. And what is important, the new Draft Law has already received nearly 60 remarks from the Seimas Legal Department. Both the *ad hoc* Commission's conclusions and the Draft Law provide for shortening the term of office of the LRT Council members, changing the principles of the Council formation, establishing the LRT Board. Under this bill, the LRT Council's rights would be narrowed by giving more power to the Board, which should be composed of the LRT Director General, his/her two Deputy Directors and four "independent" members.

This Draft Law as well provides for a new position – the LRT Ombudsman. The LRT management lately has also considered establishing the Ombudsman's position within its organizational structure. However, the Ombudsman as proposed in the Draft Law on LRT would have the exclusive right of control over the principles and requirements that apply to LRT activities, content and programs. Moreover, the legal status of the LRT Ombudsman is not clear from the nature of the

regulations provided, and it is not clear on what grounds he would carry out his activities. Such legal uncertainty seems to be faulty from the point of view of the principle of legal clarity.

We are of the opinion that the new law, if needed, should become a matter of a broad public debate involving national and international media and management experts. Though Seimas ruling majority makes public declarations about the necessity of broad discussions involving a wide range of social groups, the reality is that only LRT itself comes up with the initiatives of arranging debates on the governance of the Lithuanian Public Broadcaster – such meetings-debates with the public were held in several largest Lithuanian cities – Vilnius, Kaunas and Panevezys.

The Draft Law on LRT as submitted by the Seimas ruling majority is to be debated at the Seimas, by way of short order, on 11th January 2019. The fact that the ruling party is escalating the adoption of the Draft Law prior to the ruling of the Constitutional Court on the legitimacy of the *ad hoc* Commission is a sound proof of hastiness to exert political influence on the Public Broadcaster.

Once again, we appeal to you and count on your support in this matter of prime importance. We would highly appreciate your involvement by speaking out on the situation and, possibly, sharing your expertise in ensuring a public debate is started where your experts would be more than welcome. We are ready to provide you any relevant legal information that you may need.

Sincerely Yours,

Monika Garbačiauskaitė-Budrienė
LRT Director General

