



Brussels, 20th February 2023

Dear Chair of the CULT Committee Sabine Verheyen,

I am writing to you to draw your attention to developments in relation to the Act governing the national television broadcaster RTV Slovenia and the pressure for a political takeover of this Slovenian public institution of special cultural and national importance at the hands of the ruling coalition, which is made up of left-wing parties Movement for Freedom, SD and the Left. As this is a worrying practice that should have no place in the European Union, I believe that the situation regarding RTV Slovenia should also be discussed at a future Committee meeting, where we should discuss, in particular, the role of national media in modern democratic societies.

The Slovenian media situation is somewhat particular compared to other EU countries. Slovenia is a country that emerged in the 1990s from the shackles of totalitarianism, specifically communism, where journalists were recognised as socio-political workers who acted largely at the behest of the ruling communist authorities. The processes of democratisation in Slovenia are proceeding slowly, but it is an inescapable fact that certain influences of the past regime can still be detected in several sub-systems of society. Despite its public advocacy of freedom and its emphasis on the depoliticization of the media, the ruling coalition of Robert Golob is in fact through a variety of crude but also subtle ways doing its utmost to completely subjugate the Slovenian media space, which is already 80% oriented to the left. With a complete political takeover of the national broadcaster RTV, we are facing the prospect of an imposition of left-wing propaganda in the national media, which should be responsible for the balanced, democratic, transparent and, above all, informative presentation of content to the audience.

The current ruling coalition, led by Prime Minister Robert Golob, amended the RTV Slovenija Act last year through an urgent procedure. The urgent procedure is intended for the adoption of a law in the interests of national security or defence, or to remedy the consequences of natural disasters or to prevent major consequences on the functioning of the State. Civil society and all the institutions that normally have the opportunity to present their views on a respective act have been completely excluded from the procedure precisely because of the urgency of the adoption. It is quite clear that in this particular case the legislative procedure has been abused to achieve the political objectives of the ruling coalition, which, together with some trade unions, has long been planning a political takeover of the public institution RTV Slovenia.

The RTV Act legalized early termination of the mandates of the current members of the Programme Board and the Supervisory Board of RTV Slovenia, which is completely contrary to democratic decision-making procedures in any country. The law also reduces the size of the Programme and Supervisory Boards. The ruling coalition has also completely changed the legal provisions on the nominators for the Programme and Supervisory Boards, making it clear that the ruling coalition is setting up the supervisory bodies in a way that will enable their political control. Changes to the Act will give a great deal of decision-making power at RTV to pro-government NGOs that have nothing to do with RTV, while the changes also abolish the possibility of representatives of listeners and viewers, who are also the ones who fund RTV through the levy, to become part of RTV's bodies.

The amended Radio Television Slovenia Act also introduces a new management body and decapitates the current RTV leadership in a completely undemocratic manner.

Considering all the envisaged changes to the law, it is clear that the sole purpose and objective of the law is the immediate takeover of the management bodies of RTV Slovenia and thus the subordination of the public institution RTV Slovenia to the ruling politicians.



RTV Slovenia should provide a public service in the field of radio and television activities with the aim of fulfilling the democratic, social and cultural needs of the citizens of the Republic of Slovenia, Slovenians around the world, members of the Slovenian national minorities in Italy, Austria and Hungary, and the Italian and Hungarian national communities in the Republic of Slovenia. With the amendments to the law, RTV is set to become a mere government propaganda mouthpiece.

Dear Chair of the CULT Committee Sabine Verheyen,

The Constitutional Court is currently considering a petition for a review of the constitutionality of the amendment to the Radio Television Slovenia Act. The first signatory to the request is the President of the Programme Board of RTV Slovenia, Peter Gregorčič, and signatories include the Acting Director General of RTV Slovenia, Andrej Grah Whatmough, and the Acting Director of Television, Uroš Urbanija. The petitioners are challenging the provisions according to which the mandates of the members of the Programme and Supervisory Boards, the Director General and the Directors of Television and Radio expired with the entry into force of the RTV Act last December. This, they point out, was done without ascertaining the conditions otherwise required for the termination of these mandates. According to the petitioners, the provisions of the above-mentioned draft law violate established case-law of the Constitutional Court as well as the case-law of the EU Court of Justice and the European Court of Human Rights. The petitioners believe that the implementation of the amendment and the suspension of the mandates will lead to irreversible consequences, and have therefore proposed that the amendment be considered as an absolute priority and suspended.

The Constitutional Court judges have considered the proposal to suspend the amendment several times and for different reasons. The Constitutional Court's rapporteur, Rok Čeferin, has since been excluded from the proceedings. **At its meeting on February 16, 2023, the Constitutional Court temporarily suspended the implementation of the transitional provisions of the Act on Amendments and Supplements to the Act on Radio and Television Slovenia, which regulate the final constitution of the Council and, consequently, the new bodies of RTV Slovenia, until the final decision of the Constitutional Court to protect the "institutional independence of RTV Slovenia"**. Although the decision on temporary suspension does not prejudice the final decision of the Constitutional Court, it indicates, among other things, that "the political subjugation of the public media is all the more dangerous precisely when it takes place under the guise of civil society, when a politician who secretly recruits through civil society does not answer for his subjugation of the public media even in the elections" as one of the constitutional judges wrote in his affirmative separate opinion.

Dear Chair of the CULT Committee Sabine Verheyen,

As you are aware, in November 2020, the European Parliament adopted a resolution on strengthening media freedom, which, among other things, called on the Commission to consider actions by Member State governments which seek to undermine media freedom and pluralism as a serious and systematic abuse of power and as contrary to the fundamental values of the EU, as set out in Article 2 TEU. Amendments to the law of the kind I have referred to are certainly completely contrary to the abovementioned resolution.

I believe that the situation in Slovenia, with regard to both the above-mentioned Resolution and the importance of the media in democratic societies, should be discussed at a future meeting of the CULT Committee.

Sincerely,
Dr. Milan Zver