



Strasbourg, 5th July 2022

Dear Madam Commissioner Jourova,

I am writing to convey to you my concern about the **worrying signs indicating that Slovenian media landscape is being systematically taken over by political players lead by the newly elected Slovenian Government and its PM Robert Golob** along with his Freedom Party, which was sworn into office on 1 June 2022.

Specifically, I would like to talk to you **about a proposed law introduced by the new Government which would radically alter the structure of the Programme Council of the Slovenian public broadcaster RTV Slovenija**, effectively allowing the ruling party and its proxies to have free ideological reign over the public broadcaster and its programming.

In order for you to understand the real impact of proposed changes, I should explain how RTV Slovenija and its supervisory bodies are structured.

RTV has two supervisory bodies—the Programme Council and the Supervisory Board.

When it comes to the function of the Supervisory Board, a parallel can be drawn with supervisory boards of private corporations. This body carries out financial supervision and oversight of RTV's financial affairs. The Programme Council, on the other hand, adopts programming standards, concepts and programme production plans that are harmonized with the financial resources of RTV Slovenija. In a nutshell, it is a supervisory body with the power to decide on all aspects of programming and scheduling, on the basis of proposals made by the Director-General.

**In 2005, a new and modernised act (Zakon o Radioteliviziji Slovenija—ZRTVS-1 – RTV Slovenia Act) relating to the national broadcaster entered into force and has remained in force ever since.** This Act gives voters the right to indirectly influence the composition of the Programme Council through their representatives in the National Assembly who appoint 21 out of 29 members of the Council. The Act has been rigorously scrutinized in public by leftist politicians and representatives of academia. **A referendum was held and people expressed their overwhelming support for the Act.** Since then, it has been left unchanged and none of the four left-wing governments that followed in the next 15 years ever tried to amend it in any way. It never even entered the sphere of public discussion. Until now.

Now, suddenly, **the new Government wants to radically alter the composition of RTV Slovenija's supervisory bodies.** It wants to merge the Programme Council and the Supervisory Board in order to form a single entity with 17 members. The National Assembly, which currently appoints a total of 21 members of the Programme Council, would from now

on be able to appoint only two members, and the majority of seats in the new body would be held by representatives of the so called civil society. The new coalition cynically calls this "depoliticisation", while in reality their depoliticisation is analogous to Russian "denazification" of Ukraine.

Their vision is to enable representatives of the civil society to appoint most of the members of the Programme Council. These members would come from NGOs and public institutions that are politically exclusively aligned with left-wing parties. This would allow them to decapitate the current leadership of RTV Slovenija, including the acting Director-General Andrej Grah Whatmough, and take perpetual control over RTV, as well as dictate programming and scheduling.

**The motivation behind this move is clear.** According to the current legislation, the members of the Programme Board as well as the current leadership have only been appointed this year for a term of four years. The new coalition finds this unacceptable, of course, since this is the first Programme Council in 17 years since the adoption of ZRTVS-1 that was not appointed by a left-wing government. The political left has been in power in Slovenia for the most part of the last 2 decades, with the exception of a short right-leaning stint from 2012 to 2013, and no objections would have been raised by the current Government if the Left had remained in power throughout the last couple of years. It is precisely the change in the political power structure during the last few years that has provided the impetus for the political left to raise objections to the Act adopted in 2005, and to the structure of the Programme Council.

**The current constellation of leadership is a rare moment in the history of RTV Slovenija because left-wing political parties do not have a majority in the Programme Council,** which is exactly how the ZRTVS-1 Act is supposed to be implemented in practice: the lawmakers originally envisioned that different governments would appoint their own members of the Programme Council, and as they alternate, the membership structure would intrinsically become pluralistic and politically multifaceted. As already mentioned, this has never really manifested until 2022, since most governments from 2008 onwards were ideologically left wing, and they appointed individuals that fit their agenda.

The right-leaning government followed the law as intended, appointing its own representatives to the Programme Council and thus making it at least slightly more politically pluralist. This has provoked howls of outrage on the left side of the political aisle. The left-wing victors of April's elections (Robert Golob's Freedom Party together with Social Democrats and the radical leftist party Levica) are now enormously motivated to completely dismantle RTV, decapitate its leadership and install its own ad hoc puppet supervisory body constituted of faithful ideological partners from the civil society. It is in fact an attempt to take over the public broadcaster permanently and rule by proxy.

**If this goes ahead as planned, the new Government will effectively reinstate the status quo of yesteryear, when all RTV's supervisory bodies were run by the political left** (during the 1991-2005 era). The motivation behind implementation of RTV Slovenija Act in 2005 was in fact a quest for pluralization. Until 2004, left-wing political parties ruled with merciless hegemony and viewed RTV Slovenija as nothing more than their own public relations office. The long-time president of the Programme Board in those days (1998-2006) was Janez Kocijančič, a communist era career politician. From 1993 to 1997, Kocijančič was the president of United List of Social Democrats (formerly known as the League of Communists of Slovenia), and he was also one of the co-founders of the left-wing political lobbyist

association Forum 21, together with Milan Kučan, the former President of Slovenia and the last president of the Central Committee of the League of Slovenian Communists.

**With the RTV Slovenija Act from 2005, the Slovenian people were given the power, through their representatives in the National Assembly, to make a difference for the first time.** Their elected officials had a say about the composition of RTV's Programme Council. This Act insured members of the Programme Council would alternate in specific time frames, thus enabling many governments with different political leanings to influence the composition of the Programme Council, and, with this concept, ensure its plurality. As already mentioned, the voters showed support for this concept in a referendum.

The current left-wing government lead by Robert Golob and his Freedom Party is trying to overturn this legislative advancement and through clever use of proxies return RTV Slovenija back to the era of permanent domination by left-wing interest spheres. This would negatively affect not only the public broadcaster, but also rob viewers of wholesome, pluralist and varied take on current events. It is a dangerous precedent, which must be discussed in the European institutions and beyond. Media freedoms as well as the broader freedom of expression and rights to reliable information are under siege in Slovenia.

For any additional information, I remain at your disposal.

Kind regards,

A handwritten signature in dark ink, appearing to read 'Romana Tomc', with a long horizontal flourish extending to the left.

Romana Tomc, MEP