



## RADIO AND TELEVISION COMMISSION OF LITHUANIA

### DECISION

#### ON SUSPENSION OF FREE RECEPTION IN THE REPUBLIC OF LITHUANIA OF TELEVISION PROGRAMMES PLANET RTR, RUSSIA 24, FIRST BALTIC CHANNEL LITHUANIA (PBK) AND TV CENTRE INTERNATIONAL (TVCI) BROADCASTED OR DISTRIBUTED ON THE INTERNET

No. KS-30 of 25 February 2022

Vilnius

In accordance with art. (3), art. (4) and art. 48(1)(17) of the Law on Provision of Information to the Public of the Republic of Lithuania (hereinafter – “the Law”) and with due consideration of the Letter of the Ministry of National Defence of the Republic of Lithuania of 25 February *on the Application of the Measures Provided for in art. (3) of the Law on Public Information of the Republic of Lithuania* and the Letter of the Ministry of Foreign Affairs of the Republic of Lithuania of 25 February 2022, the Radio and Television Commission of Lithuania (hereinafter – “the Commission”) decided:

1. To establish that the Commission is an independent institution under the jurisdiction of the Republic of Lithuania, which is accountable to the Seimas (Parliament) and discharging the functions of regulation and supervision of the activities of radio and/or television broadcasters, on-demand audiovisual media service providers and video-sharing platform service providers and the functions of supervision of re-broadcasters operating in the territory of the Republic of Lithuania and other entities providing television programmes and/or individual programmes on the internet to the consumers of the Republic of Lithuania. (Art. 47(1) of the Law). Art. 34<sup>1</sup>(2) of the Law provides for that radio and/or television programmes and/or individual programmes prepared abroad may be broadcasted and re-broadcasted, distributed on the internet or stored in catalogues in the Republic of Lithuania provided that they do not violate the provisions of this and other laws.

1.2. Television programmes Planet RTR, Russia 24, First Baltic Channel Lithuania (PBK) and TV Center International (TVCI) are re-broadcasted or distributed on the internet in the territory of the Republic of Lithuania.

1.3. When monitoring re-broadcasted television programmes, the Commission identified:

1.3.1. That, on 22 February 2022, 19:16 to 19:21, the Planet RTR ‘News’ programme broadcasted a report on the events. Having assessed the public information broadcasted in the report of Planet RTR ‘News’ program on 22 February 2022, 19:16, as a whole and given that the report gave the false impression that Ukraine is an aggressor in the war with the Russian Federation and justified the illegal invasion in the Ukrainian territory by the soldiers of the Russian Federation, the conclusion should be made that the programme disseminated information that manifestly, seriously and gravely violates art. 19(1)(1) of the Law, which means the dissemination of war propaganda and incitement to wage a war in Ukraine (the violation was set out in Commission Administration Monitoring Report No. ST-22 of 22 February 2022);

1.3.2. that the public information broadcasted in reports from Donetsk and Luhansk in Rossija 24 ‘News’ programme on 23 February 2022, 19:00, 19:03:57 to 19:08:08 and 19:10:07 to

19:12:17, as a whole and given that the report gave the false impression that Ukraine is an aggressor in the war with the Russian Federation and justified the illegal invasion in the Ukrainian territory by the soldiers of the Russian Federation, the conclusion should be made that the programme disseminated information that manifestly, seriously and gravely violates art. 19(1)(1) of the Law, which means the dissemination of war propaganda and incitement to wage a war in Ukraine (the violation was set out in Commission Administration Monitoring Report No. ST-23 of 22 February 2023);

1.3.3. that the first report of TVCi (TV Centre International) 'Events' programme of 22 February 2022, 22:00, informed of current events regarding the recognition of the independence of Donetsk and Luhansk by Russia and the approval of the use of military force abroad by the Council of the Russian Federation. Having assessed the public information disseminated in the first report of the TVCi 'Events' programme on 22 February 2022, 22:00, as a whole and given that the report gave the false impression that Ukraine is an aggressor in the war with the Russian Federation and justified the illegal invasion in the Ukrainian territory by the soldiers of the Russian Federation, the conclusion should be made that the programme disseminated information manifestly and seriously violating art. 19(1)(1) of the Law, which means the dissemination of war propaganda and incitement to wage a war (the violation was set out in Commission Administration Monitoring Report No. ST-24 of 22 February 2022);

1.3.4. That the report about women in the Russian Military Forces was broadcasted in the First Baltic Channel (PBK) 'Good Morning' programme on 23 February 2022, 07:00 to 07:05. The information of the report was disseminated one day before the start of the invasion in the Ukrainian territory by the army of the Russian Federation, which is on 23 February 2022. Service in the army of the Russian Federation was romanticized by showing gorgeous girls, their families (and the opportunity to start a family with them) to show an attractive and modern image of the army. The message disseminated was not so obvious, it used subtle techniques, in this case, the propaganda was conducted in an entertaining form to cause a sensation of the spirit and morality of the soldiers and citizens of their country during the war. Therefore the said information is to be classified as war propaganda. It should be underlined that the report was broadcasted on the Defender's Day celebrated in the Russian Federation, and in this way it created a narrative of the defence of the Russian Federation's army rather than an attack before starting a war in Ukraine. Having assessed the public information disseminated in the report broadcasted in the First Baltic Channel Lithuania (PBK) 'Good Morning' programme on 23 February 2022, 07:05, as a whole, the conclusion should be made that the programme disseminated information that manifestly and seriously violated art. 19(1)(1) of the Law (the violation was set out in Commission Administration Monitoring Report No. ST-26 of 24 February 2022).

1.4. Art. 34<sup>1</sup>(3)(2) of the Law sets forth that free reception (retransmission and other distribution or dissemination) of audiovisual media services provided by the Member States of the European Union or of the European Economic Area, television programmes broadcasted, retransmitted or distributed on the internet, or individual programmes included in the catalogues of on-demand audiovisual media services shall be suspended in the Republic of Lithuania if these programmes manifestly, seriously and gravely infringe the requirements of art. 19(1)(1) or (2) of this Law provided that all of the following conditions are identified: a) such a violation is repeated within 12 latest months; b) the Commission informs the audiovisual media service provider, the competent authority under the jurisdiction of a Member State of the European Union or of a State of the European Economic Area and the European Commission of the alleged infringement and of the measures it intends to take should such an infringement recur; c) the Commission gives to the audiovisual media service provider the right to submit explanations and to be heard

on the alleged infringement and on the measures it intends to take should such an infringement recur; d) the Commission receives information from the national security or other competent authority and, after assessing this information, identifies that the alleged infringement undermines or poses serious and big danger to public security, including the safeguarding of national security and defence.

1.5. Art 34<sup>1</sup>(4) of the Law provides for that in case of urgency, not later than within one month from the date of the alleged violation, the Commission may apply the measures referred to in paragraph 3 of this Article, namely, suspend the free reception of programmes in the Republic of Lithuania even without complying with the conditions set out in paragraph 3(2)(a), (b) and (c) of this Article. In such a case, the Commission shall inform of these applicable measures the European Commission and the competent authority of the Member State of the European Union or of the European Economic Area under the jurisdiction of which is the audiovisual media service provider as soon as possible as well as indicate the reasons for which the Commission considers this to be urgent. The requirements of this paragraph shall apply only to the actions brought against an audiovisual media service provider under the jurisdiction of a Member State of the European Union or a State of the European Economic Area.

1.6. On 25 February 2022, the Commission received from the Ministry of National Defence of the Republic of Lithuania the Letter *on the Application of Measures Specified in Art. 34<sup>1</sup>(3) of the Law on Provision of Information to the Public of the Republic of Lithuania*, which states that the dissemination of false information and propaganda is a part of hybrid measures by which the Russian Federation pursues its political goals that run counter to the national security of the Republic of Lithuania and thus the Euro-Atlantic community. The channels controlled by the Russian Federation are amongst the most important instruments of false information used by it. Therefore rebroadcasting of these channels in the Republic of Lithuania poses a danger to national security.

1.6.1. On 25 February 2022, the Commission received from the Ministry of Foreign Affairs of the Republic of Lithuania a letter setting forth that the content broadcasted by RT and other channels of the Russian Federation is harmful and poses a serious danger to public security, including national security and defence, because it seeks to pre-empt the spirit of society and readiness to resist Russian aggression.

2. Based on the information received from the Ministry of National Defence of the Republic of Lithuania and the Ministry of Foreign Affairs of the Republic of Lithuania, it should be concluded that the retransmission of the television programmes Planet RTR, Russia 24, First Baltic Channel Lithuania (PBK) and TV Centre International (TVCI) and the infringements identified in them undermine or constitute a serious and grave danger to public security, including the safeguarding of national security and defence and there are grounds for the application of the urgency procedure laid down in art. 34<sup>1</sup>(4) of the Law, as well as for the non-compliance with the conditions set out in art. 34<sup>1</sup>(3)(2)(a), (b), and (c).

2.1. In the light of the above, the conclusion should be made that the rebroadcasting of the television programmes Planet RTR, Russia 24, First Baltic Channel Lithuania (PBK) and TV Centre International (TVCI) and the infringements identified in those programmes make harm and constitute a serious and grave danger to public security, including the safeguarding of national security and defence, and that there are grounds for the suspension of those television programmes in accordance with art. 34<sup>1</sup>(4) of the Law. The television programmes Planet RTR, Russia 24, First Baltic Channel Lithuania (PBK) and TV Centre International (TVCI) are under the jurisdiction of a Member State of the European Union or a State of the European Economic Area.

3. To suspend the free reception of the television programmes Planet RTR and Russia 24, which are rebroadcasted or distributed on the internet in the Republic of Lithuania, for a period of five years from the date of entry into force of the decision.

3.1. To suspend the free reception in the Republic of Lithuania of the television programmes First Baltic Channel Lithuania (PBK) and TV Centre International (TVCI) rebroadcasted or distributed on the internet for a period of three years from the date of entry into force of the decision.

4. To oblige:

4.1. Re-broadcasters operating in the territory of the Republic of Lithuania, as well as other entities providing the internet distribution services of television programmes and/or individual programmes to consumers of the Republic of Lithuania, who are distributing television programmes Planet RTR, Russia 24, First Baltic Channel Lithuania (PBK) and TV Center International (TVCI), to suspend the retransmission (distribution) of TV programmes Planet RTR, Russia 24, First Baltic Channel Lithuania (PBK) and TV Center International (TVCI) in the territory of the Republic of Lithuania.

4.2. The administration of the Commission to send this decision to re-broadcasters operating in the territory of the Republic of Lithuania and other entities providing services of distribution of television programmes and/or individual programmes on the internet to consumers of the Republic of Lithuania.

5. To establish that an appeal against this decision shall not have suspensory effect for this decision.

6. To clarify that this decision may be appealed to the Vilnius Regional Administrative Court within 30 days from the date of its entry into force.

Chairman

Rimantas Bagdzevičius