



COMMON PRINCIPLES ON PSM GOVERNANCE/SUPERVISION IN THE WESTERN BALKANS

Acknowledging the importance of PSM for democratic societies, pluralism, freedom of expression, public dialogue and free and fair elections;

Underlining the importance of independent Public Service Media free to serve as a *watchdog* in society and scrutinize without pressure and intimidation;

Recognizing the importance of PSM governance/supervisory systems which represent society in its wholeness and diversity;

Acknowledging the importance of having autonomous PSM governance/supervision at arm's length from those in power;

Recognizing the importance and the need for de-politicization of nomination procedures and the setting of clear conflict-of-interest rules for members of PSM governing/supervisory bodies;

Acknowledging the importance of professional and responsible governance/supervision for PSM, working in the interest of the society and not taking instructions from third parties;

Acknowledging the importance of transparent and open processes for electing governing bodies, based on a broad consensus;

Acknowledging the importance of a clear separation of powers between supervisory and managerial bodies;

Recognizing the importance, as a guarantee of institutional independence, for PSM to be able to appoint and dismiss staff, manage, scrutinize their operations, operate their own budget, and dispose of their assets and resources as these organizations see fit;

Recognizing the importance of operating an independent editorial policy in order to produce, edit, commission, acquire, promote and broadcast content that is in the public interest;

Underlining the importance of accountability to society regarding the performance of the PSM remit and the use of public money;

Acknowledging the importance of developing Public Service Media as a core democratic institution that must be able to innovate in line with technological and digital developments and remain relevant to individuals and society;

Representatives of the parliaments, regulatory authorities, civil **societies** and PSM in Albania, Bosnia-Herzegovina, Kosovo*, North Macedonia, Montenegro and Serbia recommend the following common principles on PSM governance in the Western Balkans:

PSM governance/supervision should:

1. Represent and serve the public interest
2. Be independent from political and economic powers
3. Be depoliticised and respect conflict-of-interest rules, which should be clearly defined
4. Follow an open, transparent process for elections
5. Be professional

6. Be transparent
7. Be accountable and responsible
8. Ensure a clear separation of powers between supervisory and managerial bodies
9. Avoid interference with PSM management
10. Respect and defend the PSM mission and its legal and financial framework
11. Promote understanding of the PSM role and remit in society

Serving all segments of society

1. Members of PSM governing/supervisory bodies should represent different segments of society
2. Members of PSM governing/supervisory bodies should work in the interest of society
3. Bodies representing civil society should be active and credible, with a proven track record, stretching back several years, showing that they are independent from political powers

Independence

1. Members of PSM governing/supervisory bodies should be independent in their work and not take instructions from outside parties, including those who have nominated them
2. Legal frameworks should provide sufficient safeguards for the independence of supervisory bodies
3. Legal provisions dealing with PSM governing/supervisory bodies should be comprehensive and take precedence over the provisions of other laws incompatible with the institutional independence of PSM
4. PSM programme-related matters should be excluded from general public-procurement rules
5. Laws governing PSM should be properly implemented while PSM by-laws and internal rules should respect and advance the purposes of these laws
6. Legal changes to PSM governance/supervision should only be enacted after thorough analysis and a broad public debate, and should not be used for politically motivated dismissals or to force the political alignment of PSM governing/supervisory bodies
7. Continuity of the current work of PSM governing/supervisory bodies should be ensured until new ones have been constituted
8. Mandates of PSM governing/supervisory bodies should not be terminated whenever changes in parliaments and governments occur
9. The PSM remit and its funding should not be determined in contracts with the government so as to avoid undue political influence
10. PSM employees should be exempted from the general framework governing civil servants, especially in countries where they have a similar status
11. Governing/supervisory bodies should not become involved in editorial activities

De-politicization and clear rules on avoiding conflicts of interest

1. Members of PSM governing/supervisory bodies should not hold any political functions and must not have held such functions for a specified period prior to their appointment
2. Members of PSM governing/supervisory bodies should not be engaged with businesses or any areas that would constitute a conflict of interest in regard to their work with PSM



3. Conflict-of-interest rules should also address family ties in a proper way

Open, transparent processes for elections, based on a broad consensus

1. Members of PSM governing/supervisory bodies should be elected through an open, transparent process
2. Appointments and dismissals of PSM governing/supervisory bodies should be based on a broad political consensus, which could be achieved for example by introducing the requirement of two thirds majority in cases where members are elected by parliament
3. Appointment and dismissal decisions should be published with justification, and be open for judicial review

Professionalism

1. The criteria for PSM governing/supervisory bodies' members should ensure the nomination of high-quality professionals with several years of experience in PSM-relevant areas
2. PSM governing/supervisory bodies should act in the interest of society and may, where needed, rely on external expertise or establish advisory bodies
3. If established, such advisory bodies should have clear mandates, duties and responsibilities that should not infringe on the competences of managerial and/or supervisory bodies

Transparency

1. PSM governing/supervisory bodies should be transparent in their work and decision-making
2. Meetings of PSM governing/supervisory bodies should be open to the public, as a rule, unless decided otherwise for examining special matters
3. The agenda and reports of PSM governing-body meetings should be published and easily findable on the PSM website
4. PSM governing/supervisory bodies should ensure that PSM operate transparently and are presented transparently online

Accountability

1. PSM governing/supervisory bodies should perform a duty of care and be held accountable especially whenever they make important decisions on the appointments/dismissals of PSM management, and on financial and strategic matters
2. PSM governing/supervisory bodies are responsible for adopting or approving strategies, plans, and reports, which are important for the functioning of PSM. In case of rejection, PSM governing/supervisory bodies should provide clear justifications and explanations, which should be used by management to improve the written proposals so that they can then be adopted.
3. Governing/supervisory bodies should ensure participation of top management in their meetings
4. If members of governing/supervisory bodies do not perform their duties, they should be held liable for the resulting loss or harm.

Clear separation of powers between supervisory and managerial bodies

1. PSM governing/supervisory bodies should approve strategic priorities, control how the remit is fulfilled and elect senior management

2. Senior management should be in charge of day-to-day operations and have ultimate responsibility for programming and operational activities
3. PSM management should periodically report to the supervisory body but the latter should not interfere in management's day-to-day work
4. PSM governing/supervisory bodies should not be undermined by parallel or overlapping accountability mechanisms

Defend PSM mission and its legal and financial framework

1. Governing/supervisory bodies' primary task should be to defend and ensure PSM independence
2. PSM governing/supervisory bodies should drive broad engagement with the audience, organize debates about the mission, role and funding of PSM, and promote the concept of PSM

Note: The above common principles on PSM governance in the Western Balkans were agreed upon and adopted by key stakeholders representing the six Western Balkan countries at the regional meeting of "PSM Governance" held in Belgrade on 28-29 January 2020. The participants also expressed their will to promote and follow up the implementations of the above-mentioned principles.

* "This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo declaration of independence."

