

## **A free press: time for the EU to act**

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## **A Free Press: Time for the EU to Act**

*Even the communists treated Bulgarian journalists better than today, warns a researcher into international media*

In September 2012, following an urgent request by the Bulgarian chapter of the Association of European Journalists (AEJ), the EU Commissioner for Digital Agenda with responsibility for EU media freedom, Neelie Kroes, visited Sofia. The official purpose of her visit was to participate in a conference and to hold official meetings. However, she had also made a commitment to hear Bulgarian journalists' concerns about the state of media freedom in the country, more than six years after the former communist country had become a member of the EU. These concerns included: continued assaults on media freedom in Bulgaria through undue political and economic pressure on media outlets, interference by political and business actors in the work of individual journalists; siphoning of EU funds by governments toward media outlets deemed sympathetic and the amalgamation of politics, business and media. In other words, since accession to the EU, media and journalists have seen their freedom of opinion and expression deteriorate, while Bulgaria continues to slide down the annual Freedom of the Press index compiled by Reporters Without Borders (RWB). From 51st place in 2007, Bulgaria came 100th in 2014, cementing its status as the lowest-ranked country in the EU.

The problems noted by RWB are numerous: violent attacks by police on journalists covering anti-government demonstrations in July 2013; continued harassment of investigative reporters (two of whom have had arson attacks on their cars); open attempts by a far-right party to interfere politically with the public broadcaster; and concerns about the methods used by the national security agency to silence journalists, such as spying, threats, blackmail and coercion to reveal sources. A recent example illustrates that the climate of intimidation observed by Bulgarian journalists and foreign experts is unlikely to change unless the EU takes urgent action. In early January 2014, a team from the Franco-German television network ARTE were working on a special feature from Sofia titled "Bulgaria: lonely fight against corruption". The journalists were looking for reasons why Bulgaria, a former communist country and full EU member since 2007, is also the most corrupt country in the union. The reporters attempted to take footage of the private property of one of the most contentious politicians in the country – Delyan Peevski, an MP and oligarch with notorious reputation and vast fortune. He has been embroiled in a series of controversies and corruption

scandals, including an unsuccessful bid to become head of the national security agency (DANS) in June 2013. His appointment by the Socialist party government sparked wide protests in Sofia, which continued even after his swift resignation from the post.

### *Police asked to prevent filming*

Upon encountering the reporters from ARTE, Peevski asked his bodyguards and the police to prevent them filming. Local newspapers reported that not only were the journalists subjected to unnecessary identity checks, but within minutes the Bulgarian video operator, who was hired by ARTE, received a phone call from his boss at the local TV channel instructing him to delete the footage. The feature did ultimately air and some Bulgarian TV stations showed clips of the team being stopped by police and private security guards.

What makes the case stand out from otherwise routine threats to media workers is that pressure is not brought to bear only on those in Bulgaria, but also on others based in EU countries. As AEJ-Bulgaria claimed in an open letter to Kroes: “Our concerns are not just a problem of the Bulgarian society, but of the entire European Union.”

In Bulgaria, just as in other former communist bloc countries, there is a strong concentration of media ownership in the hands of powerful local media barons such as Peevski. Their apparent goal is to gain more influence as international corporations withdraw from markets in eastern Europe. Similar trends in changing ownership are noted in Hungary, Slovakia and Poland. In 2010, the biggest foreign owner of media outlets in Bulgaria, the German conglomerate Westdeutsche Allgemeine Zeitung (WAZ), sold all its leading titles and retreated from Bulgaria’s media market. Its director, Bodo Hombach, gave two reasons for the exit of the company: “widespread abuse of power” and “the close intertwining of oligarchs and political power, which is poisoning the market”.

Four years after WAZ left Bulgaria, the amalgamation of state, political, business, media and criminal structures is stronger than ever and the political agenda is dominated by a handful of groups and individuals. The largest media company in Bulgaria, the New Bulgarian Media Group (NBMG), has officially just been sold to the Irish company Media Maker, but many believe there is continuing close involvement behind the scenes from the media tycoon Irena Krusteva, the former chief of the Bulgarian state lottery and the mother of Peevski. Despite often denying any involvement in the management and editorial decisions of the media

group, Peevski has referred to the media outlets in the group as “my media”. Doubts and speculations about its financing have not stopped NBMG from expanding since 2007 to become the owner of a large network of newspapers and TV channels across the country, including the biggest printing house IPK Rodina and several distribution companies. According to the former minister of culture, Vezdi Rashidov, cited by Bulgarian newspapers in 2013, 90 per cent of the media in the country are concentrated in the hands of one person – Peevski. As the European media network EurActiv noted: “Officially, Peevski has no property, but it is widely assumed that he controls vast economic interests, and a powerful media group, which is waging a dirty war against his political opponents.” Among local Bulgarian journalists the media in NBMG are often referred to as “baseball bats”. The analogy comes from the early years of the Bulgarian transition, when newly formed criminal groups were marking territory often literally with the help of a baseball bat.

By all accounts it is clear that local oligarchs, epitomised by Peevski and his mother’s media empire, see the outlets they own behind the scenes as a convenient and relatively cheap tool (or bat) to hit, and put pressure on, politicians and rivals through smear campaigns (*kompromat*) and blackmail. The effect on independent investigative news journalism in Bulgaria is catastrophic. Academics and journalists have argued that the media in Bulgaria were the engine that drove the democratic changes in the country. Now, a quarter of a century after the collapse of communism and seven years into EU membership, their crisis is striking. The incident with the journalists from ARTE exemplifies not only the critical problems in the media environment in Bulgaria, but also the widespread abuse of political power and the use of state security services, which are instructed to intervene in journalists’ work.

Last year, the German and the French ambassadors in Sofia issued a joint statement stating that the oligarchic model of governance in Bulgaria was incompatible with its EU membership. They expressed strong concern about the lack of media pluralism and emphasised the need to deal with rampant corruption in public administration. Following the unprecedented criticism the French ambassador, who was due to leave, was denied the highest state honour traditionally awarded to foreign ambassadors at the end of their mandate. This sent a clear message to other diplomats in Bulgaria: do not criticise. As *The Economist* noted: “At the moment, some EU members are deeply worried about Bulgaria.”

*What can the EU do?*

However, those worries have not translated into concrete actions to protect freedom of expression through legal frameworks such as the EU Charter of Fundamental Rights. If EU funds can be frozen quickly for corrupt schemes, as was the case in 2010 until the government took notice and started legal proceedings against individuals and companies accused of serious fraud with EU funds, questions arise as to why the EU is not applying the same strategy and actively policing actions of governments that threaten fragile democracy, free media and journalism. It may be argued that the same method and external pressure should be applied by freezing European taxpayers' money earmarked for government "communication strategies". In reality, the funds from communication strategies have been handed out by all governments since 2007 only to media outlets willing to provide favourable coverage. In February 2014, a Bulgarian editor-in-chief told a gathering of international journalists and academics in Vienna University: "There is a cruel irony in EU membership. Not only did it not bring pluralism and media freedom as we had hoped, but on the contrary, it has stifled media freedom. The funds Bulgaria receives from the EU are de-facto helping to entrench corrupt practices and further erode the fragile democratic standards, which the country struggles to uphold under its EU membership commitments."

It is clear that the EU must devise an effective system to monitor and control exactly how the funds for communication strategies are distributed. It must recognise and punish irregularities by withholding funding.

Last year Ryan Heat, spokesman for Kroes, was quoted by the Bulgarian media as saying "the EU will not interfere in solving the media problems in Bulgaria despite understanding their urgency". Kroes, as well as the Commissioner for Justice, Viviane Reding, have called for a debate between society, media and the government, which, in their opinion, would lead to improvement in the situation with the media. This may be presumed to mean that the EU would, for the time being, continue with its "soft" approach. However, this appears in direct contradiction with one of the main recommendations made by the High-level Group on Media Freedom and Pluralism in its final report of January 2013: "The EU should be considered competent to act to protect media freedom and pluralism at state level in order to guarantee the substance of the rights granted by the treaties to EU citizens." The evidence suggests that it is unlikely the constraints to freedom of expression in Bulgaria will be overcome simply by debate. The dominant model of governance in Bulgaria is based on interdependency and power struggles, corruption and patronage, combined with effective impunity and a disregard

of the law by those close to power. This model breeds nothing but disillusion, apathy and cynicism toward the state, erodes trust in institutions and crushes faith in the ongoing process of building a democratic civil society. Without the help of the EU, Bulgaria is unlikely to achieve a different way of governing, which would also include an autonomous media and independent journalism as an essential element of democracy. As Kroes puts it, “Journalism is connected with democracy as without journalism there is no democracy” and “when we talk about media freedom, it is about protecting key values. Not all EU countries enjoy such freedom and we should fight for it.”

Instead of its soft approach, the EU could develop stronger legal mechanisms to enforce its Charter of Fundamental Rights, especially Article 11, in countries such as Bulgaria, where evidence suggests that it is completely disregarded by those in power. It could also ensure that all EU members follow its latest resolution on media freedom, recently adopted by the European parliament. Surely it is time for the EU to match its talk about the vital importance of free media and journalism for democracy with the necessary actions to protect it: Europe must live up to its own rhetoric.