

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **D**  
BUDGETARY AFFAIRS

DETERRENCE OF FRAUD WITH EU FUNDS THROUGH INVESTIGATIVE JOURNALISM



Budgets

Budgetary Control

# Deterrence of fraud with EU funds through investigative journalism in EU-27

STUDY





**DIRECTORATE GENERAL FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT D: BUDGETARY AFFAIRS**

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## **STUDY**

### **Abstract:**

The study depicts the state of investigative journalism in the 27 EU member states, with a focus on Denmark, Hungary, Italy, Romania, Spain, UK and a special focus on the interaction between European institutions and investigative journalists. It illustrates conditions promoting or impeding good investigative journalism in general, and in particular for reporting on fraud with EU funds and revenues.

It recommends: a swift implementation of workable freedom of information laws across the EU, comprehensiveness of data provided by EU bodies and member states on their spending, targeted training for journalists, promotion of investigative centres and more cooperation between journalists and officials at EU and national levels, this in view of advanced transparency and helping citizens to understand the added value of EU spending.

This document was requested by the European Parliament's Committee on Budgetary Control. It designated Bart STAES, MEP, to follow the study.

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## INTRODUCTION

In the fall of 2011, the European Parliament Committee on Budgetary Control called for a study on deterrence of fraud with EU funds through investigative journalism in the European Union member states. Could investigative journalism be instrumental in the detection of and fight against corruption and fraud with EU funds, and if so, how? Analysing best practices of and impediments to investigative reporting into EU funds should lead to recommendations to the EU institutions. This report, though recognising the sensitivity of journalists towards 'outsiders' advising them on how to do their job, also aims at providing recommendations to the professionals in journalism themselves.

In **Chapter 1**, a theoretical background is presented, on which mapping exercises are based (results in **Annex 1**, **Annex 2** and **Annex 11**). These annexes show that investigative reporting on fraud, waste and (mis)appropriation of EU money does not hold high priority on the agenda of journalists within (most of) the member states. As the analysis of investigative journalism *in* and *on* the EU will show (**Chapter 2** and **Chapter 3**), this has a multi-layered explanation not easily condensed into one sweeping conclusion. Some arguments are pertaining to (investigative) journalism in general; others take on the topic of Europe and its intricate workings; still others focus on specific circumstances within member states.

In **Chapter 4**, analysis of six 'focus' countries and the EU institutions will zoom in on specific circumstances influencing practice, output and content of stories, thus showing the manifold face of investigative journalism within EU Member States on EU funds. **Chapter 5** will list and dissect arguments raised for the lack of journalistic research into the topic of this report, highlight conditions promoting good investigative journalism, and give practical recommendations applicable to improving the role of investigative journalism in deterrence of fraud with EU funds within the EU-27. **Chapter 6** will draw conclusions.

At the core of the explanation why in some countries one can find scores of stories on how EU funds are spent and received and in others there are virtually none, and how the role of investigative journalism in doing these stories can be enlarged, the overriding terms are *prioritisation*, *determination* and *co-operation*. First, with Europe and its spending being perceived as remote and abstract to readers and viewers, and misappropriation and fraud as victimless crimes, it is easy to dismiss fraud as incidents within a group of greedy politicians or sloppy Brussels' bureaucrats not warranting systematic scrutiny by the media. But as the World Bank Institute in 2000 stated,

*'civil society and the media are crucial to creating and maintaining an atmosphere in public life that discourages fraud and corruption. Indeed, they are arguably the two most important factors in eliminating systemic corruption in public institutions.'*<sup>1</sup>

In the midst of a European financial crisis, it should be less and less hard to convince newsmakers of the importance of the topic. These are stories going to the heart of 'project Europe' and to the core business of journalists in providing context and understanding, and should get a much higher

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<sup>1</sup> Staphenurst, R., *The media's role in curbing corruption*, (World Bank Institute, 2000), p. 2. Available digitally <http://www.uoit.ca/sas/governeanceAndCorr/media.pdf>.

priority on the journalism agenda. On the other side, those at European institutions dealing with journalists asking questions about EU spending should prioritise answering those to the best of their ability. Dodging questions and deflecting requests for information will only lead to guesswork, inaccuracy and speculation where straightforwardness is needed. A critical journalist is not automatically a Eurosceptic, nor is a Brussels diplomat a Europhile by default.

Second, when stories are done, it is either through sheer resolve by individual journalists having the necessary skills to dig deeper, or a set mind on drawing out the data, documents and oral sources by teams of reporters each with different skills and relying on almost un-journalistically strong co-operation. Journalists have to learn to co-operate, also across borders, in order to be able to tackle these vast projects in times of scarce resources. But so have the institutions. If, for example, uniformity in reporting data and documents could be achieved by the member states, this would save tremendous time and irritation. Sloppiness, by journalists, member states or EU institutions alike, nor (political) obstruction from those involved should be tolerated by the ultimate beneficiaries of 'project Europe': the citizens.

In the end, recommendations on how to improve the reach of investigative journalism in deterrence of fraud will not come in a 'one size fits all' list of steps to take. However, one recommendation can be made to all protagonists of this report. Work towards a relationship of mutual trust and respect between journalists and the institutions they investigate, without dodging the questions or up-front bias to the answers provided.

Margo Smit  
June 12, 2012

## LIST OF ABBREVIATIONS

<b>BIJ</b>	Bureau of Investigative Journalism (United Kingdom)
<b>BIJC</b>	Bulgarian Investigative Journalism Center
<b>CAP</b>	Common agricultural policy
<b>CAR</b>	computer assisted reporting
<b>CIMA</b>	Center for Independent Media Assistance (USA)
<b>CoE</b>	Council of Europe
<b>CPI</b>	Center for Public Integrity (USA)
<b>CRJI</b>	Centrul Roman pentru Jurnalism de Investigatie (Romania)
<b>CSV file</b>	comma separated values file
<b>DG</b>	Directorate General
<b>EC</b>	European Commission
<b>ECHR</b>	European Convention of Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>ECJ</b>	European Court of Justice
<b>EFJ</b>	European Federation of Journalists
<b>EP</b>	European Parliament
<b>EPP</b>	European People's Party
<b>EU</b>	European Union
<b>FGJ</b>	Föreningen Grävande Journalister, Swedish association of investigative journalists
<b>FOI</b>	freedom of information
<b>FOIA</b>	freedom of information act
<b>FTS</b>	Financial Transparency System
<b>FUJ</b>	Foreningen for Undersøgende Journalistik, Danish association for investigative journalism
<b>ICIJ</b>	International Consortium of Investigative Journalists (USA)
<b>IFJ</b>	International Federation of Journalists
<b>IMS</b>	Irregularities Management System
<b>IPI</b>	International Press Institute
<b>IRE</b>	Investigative Reporters and Editors, American association of investigative reporters and editors

<b>JURI</b>	French acronym for the European Parliament's Committee on Legal Affairs
<b>MEP</b>	Member of European Parliament
<b>NGO</b>	Non-governmental organisation
<b>NMHH</b>	Hungarian National Media and Infocommunications Authority
<b>OCCRP</b>	Organized Crime and Corruption Project (Eastern Europe)
<b>OLAF</b>	Office Européen de Lutte Antifraude, European Anti-Fraud Office
<b>OAFCN</b>	OLAF Anti-fraud Communication Network
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>PACE</b>	Parliamentary Assembly of the Council of Europe
<b>R&amp;D</b>	research and development
<b>RSF</b>	Reporters sans Frontières
<b>SEEMO</b>	South East European Media Organization
<b>SEENPM</b>	South East European Network for Professionalization of Media
<b>SKUP</b>	Stiftelsen for en Kritisk og Undersøkende Presse, Norwegian foundation for investigative journalists
<b>VVOJ</b>	Vereniging van Onderzoeksjournalisten, Dutch-Flemish association of investigative reporters
<b>WoB</b>	Wet openbaarheid van Bestuur, Dutch freedom of information act
<b>wobbing</b>	colloquial phrase for using freedom of information acts, term stemming from the Dutch 'WoB', becoming a more general and international term used by journalists

## EXECUTIVE SUMMARY

### Background

In the fall of 2011, the European Parliament Committee on Budgetary Control called for a study on deterrence of fraud with EU funds through investigative journalism in the European Union member states. Could investigative journalism be instrumental in the detection of and fight against corruption and fraud with EU funds, and if so, how?

With fraud and corruption often perceived to be ‘victimless crimes’, journalistic enterprise could be instrumental in showing scope, execution and consequences of misspending, and the effects of anti-fraud policies, thus informing the true victims of these crimes: the European citizens. They, in turn, could then pressure their representatives in the member states and EU institutions to tackle the wrongdoing, close loopholes and make European spending more efficient and transparent.

This study aims at showing the extent and content of investigative reporting on European expenditures and revenue, the reasoning behind engaging in this type of research, and - if possible - the effect and impact of stories. Analysis of best practices and impediments will lead to recommendations on how to enlarge the amount of investigative reporting, and thus enhance the role critical and in-depth reporting into EU funds can play in deterring fraud and misappropriation. The study’s specific terms of reference requested to formulate recommendations to the EU institutions, but this report also aims at the professionals in journalism themselves.

### Execution of the study

In order to be able to analyze the role of investigative journalism on EU spending and distinguish between arguments originating with the investigative journalism practice in general and the arguments having to do with the topic, European funds, this study first paints a picture of the investigative journalism landscape within the EU-27 and the ‘European’ press in Brussels.

The research team’s extensive network in Europe and in particular the EU was put to work on providing background on the state of investigative journalism in the network members’ respective countries. After defining the relevant terms of research (investigative journalism, fraud, funds and Europe, see **Chapter 1**), close to one hundred journalists and dozens of officials at the institutions were interviewed by e-mail, over the phone or in person. This information was collated and combined with a large number of existing overviews into relevant aspects of journalism.<sup>2</sup> This

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<sup>2</sup> Studies used were general and specific media landscape overviews as done by VVOJ ([www.vvoj.nl](http://www.vvoj.nl), November 2005), European Journalism Centre (on [www.ejc.net](http://www.ejc.net) and [www.eu4journalists.eu](http://www.eu4journalists.eu), November 2010), European Journalism Fund ([www.journalismfund.eu](http://www.journalismfund.eu), continuously updated), Mediadem (project 2010-2013, <http://www.mediadem.eliamep.gr/findings/>), CIMA report on Central and Eastern Europe 2011 ([http://www.ellenhume.com/sites/default/files/field\\_attachment/CIMA-Central\\_and\\_Eastern\\_Europe-Report\\_3.pdf](http://www.ellenhume.com/sites/default/files/field_attachment/CIMA-Central_and_Eastern_Europe-Report_3.pdf)), Freedom House (<http://www.freedomhouse.org>), International Press Institute press freedom overview 2012 ([www.freemedia.at](http://www.freemedia.at)). Scoop (<http://i-scoop.org/index.php?id=145>), the Mapping Digital Media series of reports by Open Society Foundation ([http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication)), European Media Landscape Report 2010 ([www.iabeurope.eu](http://www.iabeurope.eu)), Eurotopics ([www.eurotopics.net](http://www.eurotopics.net)), Wobbling.eu ([www.wobbling.eu](http://www.wobbling.eu)), the source list of Presseurop (<http://www.presseurop.eu/en/sources>), the study *European Media Governance: National and regional dimensions* (Bristol, 2007) and the study *The Citizens' Right to Information - Law and Policy in the EU and its Member States* (PE 462.467, Brussels, June 2012, <http://www.europarl.europa.eu/delegations/nl/studiesdownload.html?languageDocument=EN&file=75132>).

resulted in **Annex 1, 2 and 11** providing overviews of the investigative landscape and of stories on expenditure and revenue of EU funds.

The overview of stories (**Annexes 2 and 11**) could not be quantitatively exhaustive, but is qualitatively representative. The overall number of stories is relatively small considering the timeframe (5 years in 27 countries), unevenly divided over the member states (with the UK alone providing over 30% of the stories<sup>3</sup>), one-dimensional (almost entirely expenditure- and hardly revenue-driven), personal (focusing on individual people or companies), and incidental (highlighting 'silly' projects instead of structures enabling fraud). Only a few larger, more structural research projects could be identified (Farmsubsidy.org, fishsubsidy.org, ICIJ project 'Looting the Seas II', Bureau of Investigative Journalism/*Financial Times* project 'Europe's missing billions', Romania's *Transparenta Fondurilor Europene*).

If done in a systematic manner, a common trait to projects is journalistic co-operation, pooling of resources and skills (see **Annex 4** and **Chapter 4**). A shift can be seen towards publication of EU investigations at investigative centres and/or in the new media, using the many possibilities the Internet provides to add data and documents, background, context and methodology.

Based on this mapping exercise, the research team in **Chapter 2** analyses general aspects to the European investigative landscape influencing circumstances for investigative reporting, such as organisational models, work pressure and intimidation, business models, access to data and documents, press freedom, media pluralism and whistle-blowing and protection of sources legislation.

When analysing the investigative journalism ecosystem in Europe and the many aspects that play a part in the decision of journalists to engage in critical and in-depth reporting, three key words come up:

- Prioritisation: doing investigative journalism is a conscious decision, if a medium wants this type of output, time and resources need to be devoted to get it;
- Determination: both individual journalists and newsrooms wanting this type of output get it by being in it for the long haul;
- Co-operation: pooling resources and skills helps in raising the level, output and impact of investigative output.

**Chapter 3** focuses on the topic of investigating European expenditures and revenue, and analyses a set of arguments for (not) doing these long-form, time-consuming and expensive investigations. Reasoning behind this, also due to the vast differences in the investigative journalism landscape in Europe (as described in **Annex 1**) is manifold:

- organisational (no priority to EU fraud stories, no newsroom organisation advancing investigative reporting),
- financial (lack of money),
- practical (availability of tips, leaks, difficult access to and lack of comparability of data and documents),
- political (either a partisan or a very EU-sceptic press),
- engrained in the journalistic mindset (stories need a clearly identifiable protagonist and striking examples where EU funds stories are often 'system' stories),

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<sup>3</sup> This is not because of a lack of understanding other languages than English or the relative ease of retrieving English language databases, for the research team worked with native speakers in all the EU member states checking their respective national databases and contacting journalists, media outlets and associations in their respective language area.

- economically motivated (concentration of ownership or media affiliation to local industries)
- a lack of journalists' freedom to investigate what they see fit.

To go deeper into certain aspects of investigative reporting on EU spending and thus identify impediments and best practices, **Chapter 4** zooms in on six so-called focus countries and one area of interest. Looking at Romania, with the regular media mostly ignoring the topic of tracking EU funds, a co-operative NGO/journalists initiative did the digging, helping local journalists to identify stories based on a database of Romanian figures, but the project had to be abandoned after three years for lack of money. Recommendations are made based on this project, urging the EU to 'go local', with training and with tailor-made grants for research projects and stories.

The paragraphs on Spain show the power of international, cross border cooperation when the national press is busy weathering a major economic crisis. From the 'Looting the Seas II' project come recommendations on training and setting up cooperative journalistic efforts.

In Hungary, critical and in-depth reporting is suffering from the threats of a highly controversial new media law. But the paragraphs also show an interesting shift of in-depth reporting from partisan traditional media to the Internet.

The United Kingdom paragraphs highlight the almost exclusive national angle that EU reporting takes in this member state. Special attention is paid to one of the few large-scale data journalism projects done on the appropriation of EU funds. Again, recommendations are made, about collection and reporting of data sets and journalistic cooperation.

In Italy, investigative journalism until fairly recently was as partisan as politics: reporters investigated the opposing faction and ignored 'their own side'. However, since 2009 some media initiatives take on the public demand for coverage the mainstream media is not providing, in the process proving there is a paying market for truly independent in-depth reporting. Some even call it the 'renaissance' of investigative reporting, despite the harsh political and economic climate.

Denmark, with high professional standards within journalism, a well-established community around investigative reporting, excellent in-job training facilities and investigative units at most major media, shows yet little evidence of scrutiny of EU funds. In this study, several editors of investigative editorial units are challenged to search for explanations as to why: a lack of prioritisation.

Finally, in a paragraph on the European institutions the study elaborates on the possibilities for cooperation between journalists and the EU as seen from the perspective of officials in Brussels.

From this chapter can be concluded that in Brussels, as in many other places, open communication between journalists and officials leads to better stories, not just on spending of EU money. Communication may lead to trust and thus to closer cooperation. With an emancipating public's rising call for transparency on data, documents, regulations, execution and effects of policies, the communication and the journalism community should find common interests and develop strategies to work together. It is not for the journalist to do the communicator's job, nor for the communicator to prescribe the journalist what to do. But both are 'gate watchers' in constructing European civil society in which there is no place for fraud and corruption, with the EU officials guarding the gate to the building blocks of information, and the journalists the gate to the inhabitants of the house of Europe. Watching the gate can be done, but it needs constant maintenance.

## Conclusions and recommendations

Five and a half months of research into the possible deterrence of fraud with EU funds through investigative reporting shows there are clear examples of the contribution journalists have made to greater transparency on this issue, tracking irregularities, fraud and corruption, and uncovering misspending on different levels and scales in the EU member states and the EU institutions. However, a quantification of the cases uncovered or the funds recovered cannot be made, due to the complexity of the matters, the long run of investigations and trials in member states, the impossibility of anti-fraud bodies to reveal the origin of sources of their investigations, and the scanty reporting on the effects of anti-fraud policies and measures. One attempt was made, by researchers in one country (Slovakia, see **Annex 2**, page 2), but that overview could be no more than patchy.

Since the reasoning behind the wide variety in journalistic interest, enterprise and output on European spending is as multifaceted as Europe itself, so are the recommendations for enlarging the role of investigative journalism in tracing irregularities and fraud (presented in **Chapter 5**). Though there are remarks and issues transcending the individual and incidental, both on the journalistic and the institutional side.

- There is a loud call, from journalists and EU officials alike, for uniformity in gathering, cataloguing, collecting, archiving and reporting of data, to be mandated by the European institutions and sanctioned for non-compliance.
- Clear definitions and broad interpretation (in line with the Lisbon Treaty) of what constitutes a document, and a swift implementation of workable FOI laws across the Union are seen as imperative, as is systematic, proactive and centralised disclosure of data and documents in a manner that passes the 'Grandma' test<sup>4</sup>.
- There should be a larger role for the EU bodies in enabling, monitoring and when possible enforcing media pluralism (ownership), protection of sources and whistle-blowing rules, and press freedom in general.
- The level of journalistic professionalism needs to be raised, through targeted training, presentation of best practices (of co-operation, skills and organisational models) and research into sustainable business models.
- The emerging role of investigative centres in doing long-form, time-consuming and thus high-resource research such as tracking EU spending and revenue cannot be denied and should be further explored. Development of a central European 'hub' for generating, aiding and executing these projects should be considered.
- Brussels bureaucracy, both in access to data and documents and in granting money to (journalistic) projects and organisations working in (the periphery of) the area of the financial workings of the EU should be reduced, to ensure transparency and speed of the granting and reporting process.
- Finally on both sides of the aisle, there is a drive for co-operation and collaboration. Journalists, against the grain, are sharing (re)sources, methodology, results and even scoops. These projects are simply too large and complex for one reporter or media outlet. On the other side, EU officials would like to explore wider possibilities for (regular) contact, (within legal and privacy possibilities) sharing of information and results and collaboration in deterring (mis)appropriation of EU money. Networks of officials at EU and national levels, journalists, academics and NGOs can and have to build trust and

---

<sup>4</sup> As described by Cynthia O'Murchu (*Financial Times*, interviewed for this report, February 9, 2012) when recommending best practices for data collection and reporting: 'The commission could easily mandate a uniform way of keeping the data, they already have a mandate to be transparent, but it doesn't pass the, what I call, 'Grandma test': even with bad eyesight and being elderly, citizens should be able to check who has got what money.'



mutual understanding, creating an open environment for reporting on expenditure and revenue fraud.

With these recommendations in mind, sound investigative journalism dealing comprehensively with all types of EU spending could help citizens understand the added value of most of this spending, uncover hidden cases of misspending and fraud, and in the end have a preventive effect on certain cases of misspending and fraud. Investigative reporting's findings could then help politicians, funds managers, prosecutors and legislators to take appropriate measures.

## ZUSAMMENFASSUNG

### Hintergrund

Im Herbst 2011 forderte der Ausschuss für Haushaltskontrolle des Europäischen Parlaments eine Studie über die Abschreckung von Betrug mit EU-Mitteln durch investigativen Journalismus in den Mitgliedsstaaten der Europäischen Union an. Könnte investigativer Journalismus für die Ermittlung und den Kampf gegen Korruption und Betrug mit EU-Mitteln dienlich sein, und falls ja, wie?

Da Betrug und Korruption häufig als 'Verbrechen ohne Opfer' betrachtet werden, könnte journalistische Tätigkeit behilflich sein, um den Umfang, die Ausführung und die Konsequenzen der missbräuchlichen Verwendung und die Auswirkungen politischer Maßnahmen gegen Betrug aufzuzeigen. Somit könnten die wahren Opfer dieser Verbrechen – die europäischen Bürger – informiert werden. Diese wiederum könnten Druck auf ihre Vertreter in den Mitgliedsstaaten und EU-Institutionen ausüben, um die Verbrechen in Angriff zu nehmen, Gesetzeslücken zu schließen und die europäischen Ausgaben effizient und transparent zu machen.

Diese Studie bezweckt, das Ausmaß und den Inhalt des investigativen Journalismus in Bezug auf europäische Ausgaben und Einnahmen, sowie die Argumentation hinter dem Einsatz für diese Art von Nachforschungen und wenn möglich die Auswirkungen und den Einfluss von Medienberichten aufzuzeigen. Die Analyse der Praxis (bewährte Verfahren und Hindernisse) soll zu Empfehlungen führen, um die Menge und den Output investigativer Berichterstattung zu vergrößern, sowie die Rolle verbessern, die kritische und tiefgehende Berichterstattung über EU-Ausgaben bei der Abschreckung von Betrug und Veruntreuung spielen könnte. Von der Studie werden Empfehlungen an die EU-Institutionen aber auch an die Berufsjournalisten selbst erwartet.

### Ausführung der Studie

Um in der Lage zu sein, die Rolle von investigativem Journalismus in Bezug auf europäische Ausgaben zu analysieren und zwischen Argumenten für (oder gegen) die Durchführung dieser journalistischen Untersuchungsprojekte im Zusammenhang mit der Praxis des investigativen Journalismus im Allgemeinen und Argumenten, die mit dem Thema – Europa – zusammenhängen, zu unterscheiden, skizziert diese Studie vorerst ein Bild des investigativen Journalismus innerhalb der EU-27 und der ‚europäischen‘ Presse in Brüssel.

Das umfangreiche Netzwerk des Forschungsteams in Europa und insbesondere der EU wurde für die Erläuterung des Hintergrundes des Zustands des investigativen Journalismus in den jeweiligen Ländern genutzt. Nach der Definition der relevanten Forschungsthemen (investigativer Journalismus, Betrug, Finanzmittel und Europa, siehe **Kapitel 1**), wurden mehr als 80 Journalisten und Dutzende Beamte der Institutionen per E-Mail, telefonisch oder persönlich befragt. Diese Informationen wurden sortiert und mit einer großen Anzahl bestehender Übersichten über relevante Aspekte des Journalismus kombiniert.<sup>5</sup> Dies ergab **Anlagen 1, 2** und **11**, d.h. Übersichten

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<sup>5</sup> Die verwendeten Studien waren allgemeine und spezifische Übersichten über die Medienlandschaft von VVOJ ([www.vvoj.nl](http://www.vvoj.nl), November 2005), European Journalism Centre (auf [www.ejc.net](http://www.ejc.net) und [www.eu4journalists.eu](http://www.eu4journalists.eu), November 2010), European Journalism Fund ([www.journalismfund.eu](http://www.journalismfund.eu), permanent aktualisiert), Mediadem (Projekt 2010-2013, <http://www.mediadem.eliamep.gr/findings/>), CIMA-Bericht über Mittel- und Osteuropa 2011 ([http://www.ellenhume.com/sites/default/files/field\\_attachment/CIMA-Central\\_and\\_Eastern\\_Europe-Report\\_3.pdf](http://www.ellenhume.com/sites/default/files/field_attachment/CIMA-Central_and_Eastern_Europe-Report_3.pdf)), Freedom House (<http://www.freedomhouse.org>), Internationales Presseinstitut Übersicht über Pressefreiheit 2012 ([www.freemedia.at](http://www.freemedia.at)). Scoop (<http://i-scoop.org/index.php?id=145>), the Mapping Digital Media Artikelreihe von der Open Society Foundation ([http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication)), Bericht über

über die 'Landschaft' des investigativen Journalismus und exemplarische Übersichten über Berichte betreffend die Verwendung von EU-Geldern.

Diese Artikelübersicht (**Anlagen 2 und 11**) konnte quantitativ nicht vollständig sein, ist aber qualitativ repräsentativ. Die allgemeine Anzahl der Artikel ist angesichts des Zeitrahmens (5 Jahre in 27 Ländern) relativ klein, und ungleichmäßig über die Mitgliedsstaaten verteilt (wobei von Großbritannien alleine mehr als 30% der Artikel stammen<sup>6</sup>), eindimensional (nahezu ausschließlich auf Ausgaben und kaum auf Einnahmen bezogen), persönlich (fokussiert auf einzelne Menschen oder Unternehmen), und zufällig (betont ‚banale‘ Projekte anstelle von Strukturen, die Betrug ermöglichen). Nur wenige größere, mehr strukturelle Forschungsprojekte konnten identifiziert werden (Farmsubsidy.org, fishsubsidy.org, ICIJ-Projekt 'Looting the Seas II', Bureau of Investigative Journalism/Financial Times-Projekt 'Europe's missing billions', Romania's Transparenta Fondurilor Europene).

Bei systematischer Durchführung sind ein gemeinsames Merkmal der Projekte journalistische Kooperation sowie die gemeinsame Nutzung von Ressourcen und Kompetenzen (siehe **Anlage 4** und **Kapitel 4**). Es zeigt sich eine Verlagerung in Richtung der Veröffentlichung von investigativen Berichten betreffend EU in investigativen Zentren und/oder neuen Medien, unter Verwendung der vielen Möglichkeiten, die das Internet bietet, um Daten und Dokumente, Hintergrund, Kontext und Methodologie hinzuzufügen.

Auf Basis dieser 'Kartographie' analysiert das Studienteam in **Kapitel 2** allgemeine Aspekte der europäischen investigativen Landschaft, welche die Umstände für investigative Berichterstattung beeinflussen, wie beispielsweise Organisationsmodelle, Arbeitsdruck und Einschüchterung, Geschäftsmodelle, Zugang zu Daten und Dokumenten, Pressefreiheit, Medienpluralismus und Informanten ('whistleblowing') sowie Gesetzgebung über den Schutz von Quellen.

Bei der Analyse des Ökosystems des investigativen Journalismus in Europa und der vielen Aspekte, die eine Rolle bei der Entscheidung von Journalisten spielen, sich in kritischer und tiefgehender Berichterstattung zu engagieren, kamen drei Stichworte zur Sprache:

- **Priorisierung:** die Betreibung von investigativem Journalismus ist eine bewusste Entscheidung; wenn ein Medium diese Art von Ergebnis wünscht, müssen Zeit und Ressourcen zur Verfügung gestellt werden.
- **Entschlossenheit:** Sowohl einzelne Journalisten als auch Nachrichtenredaktionen, die diese Art von Ergebnis wünschen, erreichen ihr Ziel mittels langfristiger Anstrengungen.
- **Kooperation:** Die gemeinsame Nutzung von Ressourcen und Kompetenzen hilft bei der Anhebung des Niveaus, der Anzahl und der Auswirkungen des investigativen Outputs.

**Kapitel 3** konzentriert sich auf das Thema der Untersuchung von Ausgaben und Einnahmen der EU und analysiert eine Reihe von Argumenten für bzw. gegen die Durchführung dieser langfristigen, zeitraubenden und teuren Untersuchungen. Die dahinterstehenden Überlegungen, auch aufgrund der enormen Unterschiede der Landschaft des investigativen Journalismus in Europa (wie in **Anlage 1** beschrieben), sind vielfältiger Natur:

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die europäische Medienlandschaft 2010 ([www.iabeurope.eu](http://www.iabeurope.eu)), Eurotopics ([www.eurotopics.net](http://www.eurotopics.net)), Wobbing.eu ([www.wobbing.eu](http://www.wobbing.eu)), die Quellenliste von Presseurop (<http://www.presseurop.eu/en/sources>), die Studie *European Media Governance: National and regional dimensions* (Bristol, 2007) und die Studie *The Citizens' Right to Information - Law and Policy in the EU and its Member States* (PE 462.467, Brussels, June 2012, (<http://www.europarl.europa.eu/delegations/nl/studiesdownload.html?languageDocument=EN&file=75132>)).

<sup>6</sup> Nicht aufgrund der fehlenden Kenntnisse anderer Sprachen als Englisch oder der Tatsache, dass es relativ leicht ist englischsprachige Datenbanken zu recherchieren, da das Rechercheteam mit Muttersprachlern in allen EU-Mitgliedsstaaten arbeitete, um die jeweiligen nationalen Datenbanken zu analysieren, sowie Journalisten, Medien und Verbände in dem jeweiligen Sprachraum zu kontaktieren.

- Organisatorisch (keine Priorität für Berichte über Betrugs mit EU-Mitteln, keine Leitung der Nachrichtenredaktion, die investigative Berichterstattung vorantreibt),
- Finanziell (fehlende Geldmittel),
- Praktisch (Verfügbarkeit von Hinweisen, Lecks, schwieriger Zugang zu und Mangel an vergleichbaren Daten und Dokumenten),
- Politisch (entweder eine parteiische oder sehr EU-skeptische Presse),
- Tief verwurzelt im journalistischen Gewerbe (Artikel benötigen einen deutlich identifizierbaren Protagonisten und auffallende Beispiele),
- Wirtschaftlich motiviert (Mehrheitseigner oder Medienangliederung an lokale Industrien),
- Mangelnde Freiheit der Journalisten, das zu untersuchen, was sie als geeignet erachten.

Um tiefer auf bestimmte Aspekte der investigativen Berichterstattung über EU-Ausgaben einzugehen und folglich Hindernisse und bewährte Praktiken zu identifizieren, beleuchtet **Kapitel 4** sechs so genannte Schwerpunktländer und ein Interessensgebiet. In Rumänien beispielsweise – wo die regulären Medien das Thema der Nachverfolgung von EU-Mitteln größtenteils ignorieren – stellte eine kooperative Journalismus-Initiative die Nachforschungen an und half lokalen Journalisten, auf Basis einer Datenbank über Zuwendungen an rumänische Empfänger zu bearbeitende Themen zu identifizieren, aber das Projekt musste nach drei Jahren aufgrund von Geldmangel abgebrochen werden. Auf Basis dieser Projekterfahrung wird der EU dringend empfohlen, Schulungen vor Ort und maßgeschneiderte Subventionen für Untersuchungsprojekte und Artikel anzubieten.

Die Absätze über Spanien zeigen die Kraft einer internationalen, grenzüberschreitenden Kooperation, wenn die nationale Presse damit beschäftigt ist, eine bedeutende Wirtschaftskrise durchzustehen. Aus dem ‚Looting the Seas II‘-Projekt wurden Empfehlungen betreffend Schulung und die Organisation journalistischer Kooperation abgeleitet.

In Ungarn leidet kritische und tiefgehende Berichterstattung an den Bedrohungen durch ein höchst umstrittenes neues Mediengesetz. Aber die Absätze zeigen auch eine interessante Verlagerung von tiefer gehender Berichterstattung von höchst parteiischen traditionellen Medien zum Internet.

Die Absätze über das Vereinigte Königreich hoben den nahezu exklusiven nationalen Blickwinkel der EU-Berichterstattung in diesem Mitgliedsstaat hervor. Besondere Aufmerksamkeit wird einem der wenigen groß angelegten Daten-Journalismus-Projekte über die Verwendung von EU-Mitteln gewidmet. Erneut werden Empfehlungen über die Sammlung und Auswertung von Datensätzen und journalistische Kooperation erteilt.

In Italien war investigativer Journalismus bis vor kurzem genauso parteiisch wie Politik: Reporter untersuchten die gegnerische Fraktion und ignorierten ‚ihre eigene Seite‘. Allerdings beachten seit 2009 einige Medieninitiativen den öffentlichen Aufschrei nach einer Berichterstattung, die die etablierten Medien nicht bieten können, um zu beweisen, dass es einen zahlenden Markt für wirklich unabhängige tiefgehende Berichterstattung gibt. Einige bezeichnen dies sogar als ‚Renaissance‘ der investigativen Berichterstattung, trotz des rauen politischen und wirtschaftlichen Klimas.

Dänemark – mit hohen professionellen Standards im Journalismus, einer gut etablierten Gemeinschaft in Bezug auf investigative Berichterstattung, hervorragenden praktischen Ausbildungsmöglichkeiten und investigativen Abteilungen in den meisten bedeutenden Medien - zeigt jedoch wenig Belege für die eingehende Prüfung von EU-Mitteln. In dieser Studie werden

mehrere Herausgeber investigativer redaktioneller Artikel herausgefordert, Erklärungen für das Warum zu suchen.

Schließlich geht die Studie in einem Absatz über die europäischen Institutionen auf die Kooperationsmöglichkeiten zwischen Journalisten und der EU aus der Perspektive der Beamten in Brüssel ein.

Aus diesem Kapitel kann geschlossen werden, dass in Brüssel – wie an vielen anderen Orten – eine offene Kommunikation zwischen Journalisten und Beamten zu besseren Artikeln führt, und zwar nicht nur über die Verwendung von EU-Geldern. Kommunikation kann zu Vertrauen und folglich zu einer engeren Zusammenarbeit führen.

Mit einem zunehmenden Ruf der sich emanzipierenden Öffentlichkeit nach Transparenz bei Daten, Dokumenten, Vorschriften, Vollstreckung und Auswirkungen von Richtlinien, sollten die Kommunikations- und Journalismus-Gemeinde gemeinsame Interessen finden und Strategien zur Zusammenarbeit entwickeln. Nicht dass der Journalist den Job des Kommunikators erledigen und der Kommunikator dem Journalisten vorschreiben sollte, was er zu tun hat. Aber beide sind Hüter der Konstruktion der europäischen Zivilgesellschaft, in der es keinen Platz für Betrug und Korruption gibt, wobei die EU-Beamten die Informationsbausteine liefern, und die Journalisten die Informationsübermittlung zu den Einwohnern des Hauses Europa. Dies ist möglich, benötigt aber permanente Pflege.

### **Schlussfolgerungen und Empfehlungen**

Fünfeinhalb Monate Forschung über die mögliche Abschreckung von Betrug mit EU-Mitteln durch investigativen Journalismus zeigen, dass es deutliche Beispiele für den Beitrag gibt, den Journalisten, für eine größere Transparenz in diesem Bereich geleistet haben und dabei Unregelmäßigkeiten, Betrug und Korruption aufspürten und Fehlverwendung von Mitteln auf verschiedenen Ebenen und in unterschiedlichen Größenordnungen in den EU-Mitgliedsstaaten und den EU-Institutionen aufdeckten. Allerdings ist eine Quantifizierung der aufgedeckten Fälle oder der wiedererlangten Finanzmittel nicht möglich, aufgrund der Komplexität des Themas, der Langfristigkeit von Untersuchungen und Gerichtsverfahren in Mitgliedsstaaten, der Unmöglichkeit für Betrugsbekämpfungsbehörden, die Quelle ihrer Untersuchungen offenzulegen sowie der dürftigen Berichterstattung über die Auswirkungen von Strategien und Maßnahmen zur Betrugsbekämpfung. Ein Versuch wurde von Forschern in einem Land (Slowakei, siehe **Anlage 2**, Seite 2) gestartet, aber diese Übersicht konnte nur lückenhaft sein.

Da die Erwägungen hinter der breiten Vielfalt journalistischer Interessen, Unternehmungen und Ergebnisse über europäische Ausgaben ebenso facettenreich sind wie Europa selbst, gilt dies auch für die Empfehlungen zur Verstärkung der Rolle des investigativen Journalismus bei der Ermittlung von Unregelmäßigkeiten und Betrug (dargestellt in **Kapitel 5**). Allerdings gibt es Anmerkungen und Themen, die über das Individuelle und Zufällige hinausgehen, sowohl auf journalistischer als auch auf institutioneller Seite:

- Es gibt einen lauten Ruf - von Journalisten und EU-Beamten gleichermaßen – nach Einheitlichkeit bei der Erhebung, Katalogisierung, Sammlung und Auswertung von Daten, die von den europäischen Institutionen vorgeschrieben werden sollte, einschließlich Sanktionen bei Nichteinhaltung.
- Deutliche Definitionen und eine breite Interpretation (im Einklang mit dem Lissabon-Vertrag) darüber, was ein Dokument ist und eine rasche Umsetzung praktikabler Informationsfreiheitsgesetze in der gesamten Union werden als wichtig erachtet, ebenso

wie eine proaktive und zentralisierte Offenlegung von Daten und Dokumente, die den ‚Großmutter-Test‘ bestehen.<sup>7</sup>

- Es sollte eine größere Rolle für die EU-Körperschaften bei der Ermöglichung, Überwachung und wenn möglich Durchsetzung eines Medienpluralismus, dem Schutz von Quellen und Whistleblowing-Regeln sowie Pressefreiheit im Allgemeinen geben.
- Das Niveau der journalistischen Professionalität muss angehoben werden, mittels zielgerichteter Schulung, Präsentation bewährter Verfahren (betreffend Kooperation, Kompetenzen und Organisationsmodelle) und Entwicklung nachhaltiger Geschäftsmodelle.
- Die sich entwickelnde Rolle von investigativen Zentren zur Durchführung langfristiger, zeitraubender und somit ressourcenintensiven Nachforschungen, wie beispielsweise der Nachverfolgung von EU-Ausgaben und Einnahmen, kann nicht geleugnet werden, und sollte weiter erforscht werden. Die Entwicklung einer zentralen ‚Drehscheibe‘ für die Erstellung, Unterstützung und Ausführung dieser Projekte sollte untersucht werden.
- Die Brüsseler Bürokratie im Zusammenhang mit dem Zugang zu Daten und Dokumenten und mit der Zuweisung von Geldern für (journalistische) Projekte, sowie Einrichtungen, die im Umfeld der finanziellen Wirkungsweise der EU tätig sind, sollten verschlankt werden, um Verfahrens-Transparenz und -Schnelligkeit zu gewährleisten.
- Schließlich gibt es auf beiden Seiten ein Verlangen nach Kooperation und Zusammenarbeit. Journalisten, selbst wenn sie es nicht vorhatten, teilen Ressourcen und Quellen, Methodologie, Ergebnisse und selbst exklusive Neuigkeiten („scoops“). Diese Projekte sind schlichtweg zu groß und komplex für einen Reporter oder ein Medium. Andererseits würden EU-Beamte gerne breitere Möglichkeiten für (regelmäßigen) Kontakt (innerhalb der rechtlichen und Datenschutz-Möglichkeiten) erforschen und Informationen sowie Ergebnisse teilen und bei der Abschreckung der missbräuchlichen Verwendung von EU-Geldern zusammenarbeiten. Netzwerke von Beamten auf EU- und nationaler Ebene, Journalisten, Akademiker und Nichtregierungsorganisationen können Vertrauen und gegenseitiges Verständnis aufbauen und so ein offenes Umfeld für die Berichterstattung über Betrug bezüglich Ausgaben und Einnahmen schaffen.

Unter Beachtung dieser Empfehlungen könnte gesunder investigativer Journalismus durch verständliche Behandlung aller Arten von EU Ausgaben den Mitbürgern helfen, den Mehrwert dieser Ausgaben zu verstehen, versteckte Fälle von Fehlansgaben und Betrug aufdecken und schließlich präventiv gegen bestimmte Arten von Verschwendung und Betrug wirken. Dann könnten die durch investigative Berichterstattung gefundenen Erkenntnisse Politikern, Mittelbeauftragten, Strafverfolgern und Gesetzgebern helfen, geeignete Maßnahmen zu ergreifen.

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<sup>7</sup> Wie beschrieben von Cynthia O’Murchu (*Financial Times*, für diesen Bericht befragt am 9. Februar 2012) bei der Empfehlung bewährter Praktiken für die Datensammlung und –Auswertung: “Die Kommission könnte einfach eine einheitliche Art der Datenhaltung vorschreiben, sie hat bereits den Auftrag, transparent zu sein, besteht aber nicht den – wie ich ihn nenne – ‚Großmutter-Test‘: Sogar mit schlechter Sicht und in fortgeschrittenem Alter sollten Bürger in der Lage sein, nachzuprüfen, wer welches Geld erhalten hat.”

## SYNTHESE

### Contexte

A l'automne 2011, la Commission du contrôle budgétaire du Parlement européen a demandé une étude sur le journalisme d'investigation comme moyen de dissuasion contre la fraude portant sur des fonds européens dans les Etats membres de l'Union européenne. Le journalisme d'investigation pouvait-il contribuer à détecter et à combattre la corruption et la fraude portant sur ces fonds et, si oui, comment ?

La fraude et la corruption sont souvent perçues comme des 'délits sans victimes'. Le travail journalistique pourrait contribuer à révéler l'ampleur, la réalisation et les conséquences des gaspillages, ainsi que les effets des politiques antifraude, donc à informer les vraies victimes de ces délits, les citoyens européens. Ceux-ci pourraient alors faire pression à leur tour sur leurs représentants dans les institutions des Etats membres et de l'UE pour que l'on s'attaque à ces pratiques illicites, que l'on comble les lacunes de la législation et que l'argent de l'UE soit dépensé à bon escient et dans la transparence.

Cette étude a pour objet de montrer la portée et la teneur du journalisme d'investigation traitant des dépenses et des recettes européennes, les raisons pour lesquelles on se livre à ce type de recherche et, si possible, l'effet et l'incidence des reportages. L'analyse de la pratique (meilleures pratiques et entraves) aboutira à des recommandations en vue d'augmenter la quantité et le rendement des reportages d'investigation, de renforcer le rôle que des articles critiques et fouillés sur les dépenses de l'UE peuvent jouer dans la dissuasion contre la fraude et les détournements de fonds. L'étude réclamait des recommandations aux institutions européennes, mais ce rapport a aussi pour but d'adresser des recommandations aux professionnels du journalisme eux-mêmes.

### Réalisation de l'étude

Afin de pouvoir analyser le rôle du journalisme d'investigation dans les dépenses européennes et de faire la distinction, parmi les arguments en (dé)favor de ces projets de recherche journalistique, entre ceux ayant pour origine la pratique du journalisme d'investigation en général et ceux touchant à la thématique européenne, l'étude commence par broser un tableau du paysage journalistique d'investigation au sein de l'UE-27 et de la presse 'européenne' à Bruxelles.

Le vaste réseau européen et communautaire de l'équipe de recherche a été mobilisé pour fournir un état des lieux du journalisme d'investigation dans les pays concernés. Une fois définis les termes pertinents de la recherche (journalisme d'investigation, fraude, fonds et Europe – cf. le **chapitre 1**), plus de 80 journalistes et des dizaines de responsables des institutions ont été interrogés par courriel, par téléphone ou en personne. Ces informations ont été compilées et combinées avec un grand nombre d'aperçus existant sur des aspects pertinents du journalisme<sup>8</sup>. On a obtenu ainsi des

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<sup>8</sup> Les études utilisées étaient des panoramas généraux et spécifiques du paysage médiatique tels qu'établis par la VVOJ ([www.vvoj.nl](http://www.vvoj.nl), novembre 2005), le Centre européen du journalisme (sur [www.ejc.net](http://www.ejc.net) et [www.eu4journalists.eu](http://www.eu4journalists.eu), novembre 2010), le Fonds européen pour le journalisme d'investigation ([www.journalismfund.eu](http://www.journalismfund.eu), mis à jour en continu), le Mediadem (projet 2010-2013, <http://www.mediadem.eliamep.gr/findings/>), le rapport 2011 du CIMA sur l'Europe centrale et orientale ([http://www.ellenhume.com/sites/default/files/field\\_attachment/CIMA-Central\\_and\\_Eastern\\_Europe-Report\\_3.pdf](http://www.ellenhume.com/sites/default/files/field_attachment/CIMA-Central_and_Eastern_Europe-Report_3.pdf)), la Freedom House (<http://www.freedomhouse.org>), le rapport 2012 de l'Institut international de la presse sur la liberté de la presse ([www.freemedia.at](http://www.freemedia.at)), Scoop (<http://i-scoop.org/index.php?id=145>), la séries de rapports des Fondations pour une société ouverte analysant le passage aux



vues d'ensemble du paysage du journalisme d'investigation et des reportages sur le détournement des fonds européens (**annexes 1, 2 et 11**).

Le panorama des articles (**annexes 2 et 11**) ne pouvait prétendre à l'exhaustivité, mais il est représentatif de leur qualité. Le nombre total de reportages est relativement petit eu égard à la période considérée (5 ans dans 27 pays), ils sont répartis inégalement entre les Etats membres (le RU en fournissant à lui seul plus de 30 %<sup>9</sup>), unidimensionnels (presque entièrement axés sur les dépenses et guère sur les recettes), personnels (centrés sur des personnes ou des sociétés bien précises) et anecdotiques (pointant des projets 'idiots' au lieu de structures frauduleuses). Seuls quelques projets de recherche plus vastes, plus structurels ont pu être identifiés (Farmsubsidy.org, fishsubsidy.org, ICIJ projet 'Looting the Seas II', projet Bureau of Investigative Journalism/Financial Times 'Europe's missing billions', Romania's Transparenta Fondurilor Europene).

S'ils sont réalisés de manière systématique, les projets ont comme point commun la coopération journalistique, la mise en commun des ressources et des compétences (cf. **annexe 4** et le **chapitre 4**). On observe un glissement vers la publication d'enquêtes sur l'UE dans les centres de journalisme d'investigation et/ou les nouveaux médias, avec recours aux nombreuses possibilités qu'Internet procure pour ajouter des données et des documents, des informations générales, du contexte et de la méthodologie.

Au **chapitre 2**, l'équipe de recherche se base sur cet exercice de cadastrage pour analyser des aspects généraux du paysage européen du journalisme d'enquête influençant les conditions de réalisation du reportage d'investigation tels que les modèles organisationnels, les pressions au travail et l'intimidation, les modèles d'entreprise, l'accès aux données et aux documents, la liberté de la presse, le pluralisme des médias et la législation sur le droit d'alerte éthique et sur la protection des sources.

Quand on analyse l'écosystème européen du journalisme d'investigation et les nombreux aspects qui interviennent dans la décision des journalistes de faire des reportages critiques et fouillés, trois notions clés ressortent :

- hiérarchie des priorités : la pratique du journalisme d'investigation relève d'une décision délibérée : si un média veut ce type de produit, il doit y consacrer du temps et des ressources ;
- détermination : tant les journalistes à titre individuel que les rédactions qui veulent ce type de produit, l'obtiennent en s'y investissant à long terme ;
- coopération : la mise en commun des ressources et des compétences aide à hausser le niveau, le nombre et l'impact des articles d'investigation.

Le **chapitre 3** a pour thème central les enquêtes sur les dépenses et les recettes européennes. Il analyse une série d'arguments en (dé)faveur de la réalisation de ces investigations très poussées, très longues et très coûteuses. Il y a à cela de multiples raisons dont la diversité est aussi due aux énormes différences marquant le paysage européen du journalisme d'investigation (tel que décrit à l'**annexe 1**) :

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médias numériques ([http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication)), le European Media Landscape Report 2010 ([www.iabeurope.eu](http://www.iabeurope.eu)), Eurotopics ([www.eurotopics.net](http://www.eurotopics.net)), Wobbing.eu ([www.wobbing.eu](http://www.wobbing.eu)), la liste des sources de Presseurop (<http://www.presseurop.eu/en/sources>), l'étude *European Media Governance: National and regional dimensions* (Bristol, 2007) et l'étude *The Citizens' Right to Information - Law and Policy in the EU and its Member States* (PE 462.467, Brussels, June 2012, (<http://www.europarl.europa.eu/delegations/nl/studiesdownload.html?languageDocument=EN&file=75132>)).

<sup>9</sup> Ce n'est ni en raison d'un manque de compréhension d'autres langues que l'anglais, ni en raison de la relative facilité à récupérer des bases de données en anglais, car l'équipe de recherche a travaillé avec des locuteurs natifs dans tous les États membres de l'Union européenne, en vérifiant leurs bases de données nationales et en contactant des journalistes, des médias et des associations dans leur région linguistique respective.



- organisationnelles (pas de priorité aux articles sur la fraude aux fonds de l'UE, pas d'organisation des rédactions qui favorise le reportage d'investigation) ;
- financières (manque d'argent) ;
- pratiques (disponibilité de tuyaux, de révélations, accessibilité médiocre et comparabilité insuffisante des données et des documents) ;
- politiques (presse soit partielle, soit très eurosceptique) ;
- inhérentes au métier de journaliste (un article demande un protagoniste clairement identifiable et des exemples frappants) ;
- économiques (concentration de la presse ou liens des médias avec des industries locales) ;
- manque de liberté des journalistes pour enquêter à leur guise.

Pour approfondir certains aspects du journalisme d'investigation sur les dépenses de l'UE et donc, pour repérer les entraves et les meilleures pratiques, le **chapitre 4** se penche sur six pays dits cibles et sur un domaine présentant de l'intérêt. S'agissant de la Roumanie, dont les médias ordinaires dédaignent pour la plupart le thème du suivi des fonds européens, un projet de coopération entre une ONG et la presse a fait le travail de recherche, aidant des journalistes locaux à repérer des sujets à partir d'une base de données sur des chiffres roumains, mais il a dû être abandonné au bout de trois ans faute d'argent. Des recommandations ont été émises sur la base de cette initiative, pressant l'UE d'agir au niveau local par le biais de formations et de l'octroi de bourses sur mesure à des projets de recherche et à des articles d'investigation.

Les paragraphes sur l'Espagne illustrent le pouvoir de la coopération internationale, transfrontalière, lorsque la presse nationale affronte une crise économique majeure. Le projet 'Looting the Seas II' a livré des recommandations sur la formation et sur la mise sur pied d'efforts de coopération journalistique.

En Hongrie, le journalisme critique et détaillé pâtit des menaces que fait peser sur lui une nouvelle loi extrêmement controversée sur les médias. Mais ces passages révèlent aussi un intéressant glissement du travail journalistique en profondeur depuis les traditionnels médias très partiels vers Internet.

Les paragraphes sur le Royaume-Uni mettent en évidence le point de vue presque exclusivement national que les articles sur l'UE adoptent dans cet Etat membre. Et ils accordent une attention spéciale à l'un des rares grands projets de journalisme de données réalisés sur le détournement de fonds européens. Là aussi, on émet des recommandations sur la collecte et la publication de séries de données et sur la coopération journalistique.

En Italie, le journalisme d'investigation était jusqu'il y a peu aussi partisan que la politique: les journalistes enquêtaient sur la faction opposée et ignoraient 'leur propre camp'. Cependant, depuis 2009, quelques initiatives médiatiques tiennent compte des protestations du public et de son appel à couvrir ce que les médias traditionnels ne couvrent pas, et sont en train de prouver qu'il y a un marché payant pour un journalisme en profondeur véritablement indépendant. D'aucuns qualifient ce phénomène de 'renaissance' du journalisme d'investigation, en dépit du climat économique et politique difficile.

Au Danemark, avec un niveau de professionnalisme élevé au sein du journalisme, une communauté bien établie autour du reportage d'investigation, d'excellentes possibilités de formation sur le terrain et des unités d'enquête dans la plupart des principaux médias, peu d'éléments font état d'un examen approfondi des fonds européens. Dans cette étude, plusieurs éditeurs d'unités éditoriales d'investigation sont mis au défi de trouver des explications à cet état de fait.

Enfin, dans un paragraphe sur les institutions européennes, l'étude s'arrête sur les possibilités de coopération entre les journalistes et l'UE du point de vue des fonctionnaires de Bruxelles.

On peut conclure de ce chapitre qu'à Bruxelles comme dans bien d'autres endroits, une communication franche entre journalistes et fonctionnaires conduit à de meilleurs articles, pas seulement sur l'utilisation de l'argent de l'UE. La communication peut déboucher sur la confiance et donc, sur une coopération plus étroite. Comme le public s'affranchit et réclame de plus en plus de la transparence sur les données, les documents, les réglementations, l'exécution des politiques et leurs effets, les responsables de la communication et la communauté des journalistes devraient se découvrir des intérêts communs et élaborer des stratégies pour collaborer. Pas pour que le journaliste fasse le travail du communicateur, ni pour que celui-ci dise à celui-là ce qu'il doit faire. Mais tous deux doivent veiller à ce que la construction de la société civile européenne ne laisse pas de place à la fraude et à la corruption, les fonctionnaires de l'UE surveillant l'accès aux briques de l'information et les journalistes, l'accès aux habitants de la Maison Europe. C'est faisable, à condition de ne pas relâcher son effort.

### Conclusions et recommandations

Une recherche de cinq mois et demi sur le journalisme d'investigation comme moyen de dissuasion contre la fraude portant sur des fonds européens montre qu'il y a des exemples patents de travaux journalistiques qui ont contribué à accroître la transparence sur ce sujet en traquant les irrégularités, la fraude et la corruption, et en dévoilant les gaspillages à différents niveaux et sur différentes échelles dans les Etats membres et les institutions de l'UE. Toutefois, il est impossible de quantifier les cas dévoilés ou les fonds récupérés du fait de la complexité des problèmes, de la durée des enquêtes et des procès dans les Etats membres, de l'impossibilité, pour les organismes antifraude, de divulguer l'origine des sources de leurs enquêtes, et du caractère sommaire des informations sur les effets des politiques et mesures antifraude. Les chercheurs d'un pays (Slovaquie, cf. l'**annexe 2**, page 2) ont bien tenté de le faire, mais ce tour d'horizon ne pouvait être que lacunaire.

Les dépenses de l'UE suscitent un intérêt, une activité et une production journalistiques très divers pour des raisons aussi variées que l'Europe est multiforme. Il en va de même des recommandations (présentées au **chapitre 5**) sur l'élargissement du rôle du journalisme d'investigation dans la traque des irrégularités et des fraudes. Néanmoins, il y a des remarques et des questions qui transcendent le particulier et l'accessoire, tant sur le volet journalistique qu'institutionnel.

- Les journalistes comme les fonctionnaires de l'UE réclament à cor et à cri que les institutions européennes imposent une façon uniforme pour réunir, cataloguer, collecter et publier des données, et en sanctionnent le non-respect.
- On estime qu'il est aussi important d'avoir des définitions claires et une large interprétation (conforme au Traité de Lisbonne) de ce qui constitue un document, et de faire appliquer promptement des lois réalistes sur la liberté de l'information dans l'Union, que de voir la divulgation proactive et centralisée de données et de documents réussir le test de 'bonne-maman'<sup>10</sup>.

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<sup>10</sup> Tel que le décrit Cynthia O'Murchu (*Financial Times*, interrogée pour ce rapport le 9 février 2012) dans ses recommandation sur les meilleures méthodes de collecte et de publication de données : « La Commission pourrait aisément imposer un mode uniforme de tenue des données, elle a déjà pour consigne d'être transparente, mais elle échoue à ce que j'appelle le 'test de bonne-maman' : même âgés et affligés d'une mauvaise vue, les citoyens devraient être à même de vérifier qui a quoi comme argent. »

- Les organes de l'UE devraient pouvoir jouer un rôle accru dans la stimulation, le contrôle et, si possible, l'application du pluralisme des médias, de la protection des sources et des règles d'alerte éthique, et de la liberté de la presse en général.
- Le niveau de professionnalisme journalistique doit être rehaussé au travers de formations ciblées, de la présentation des meilleures pratiques (de coopération, compétences et modèles organisationnels) et de la recherche de modèles d'entreprise durables.
- Le rôle naissant des centres de journalisme d'investigation dans les travaux de recherche détaillés, de longue haleine et exigeant donc beaucoup de ressources tels que le suivi des dépenses et des recettes de l'UE ne peut être nié et devrait être exploré plus avant. Il conviendrait d'étudier la mise en place d'une 'plate-forme' centrale chargée de susciter des projets, d'y contribuer et de les exécuter.
- Tant concernant l'accès aux données et aux documents que l'octroi d'aides à des projets et organisations (journalistiques) travaillant dans le domaine des mécanismes financiers de l'UE (ou en marge de ce thème), il conviendrait de réduire la bureaucratie de Bruxelles pour garantir la transparence et la rapidité des procédures.
- Enfin, de part et d'autre, il existe une volonté de coopération et de collaboration. Un peu contre nature, des journalistes partagent (res)sources, méthodologie, résultats et même scoops. Ces projets sont tout simplement trop vastes et complexes pour un seul journaliste ou organisme médiatique. Dans l'autre camp, les fonctionnaires de l'UE aimeraient explorer des possibilités élargies de contacts (réguliers), de partage d'informations et de résultats (dans le respect des lois et de la confidentialité) et de collaboration dans le cadre de la dissuasion contre le détournement de fonds européens. En édifiant des réseaux de fonctionnaires de l'Union et de justice, de journalistes, d'universitaires et d'ONG, on peut instaurer la confiance et une compréhension mutuelle, ce qui créerait un environnement ouvert pour rendre compte des fraudes sur les dépenses et les recettes.

Avec ces recommandations à l'esprit, un journalisme d'investigation sérieux qui examine de manière exhaustive tous les types de dépenses de l'UE pourrait aider les citoyens à comprendre la valeur ajoutée de la plupart de ces dépenses, dévoiler des situations cachées de malversation et de fraude, et en fin de compte avoir un effet préventif sur certains cas de malversation et de fraude. Les résultats des reportages d'investigation pourraient alors aider les politiciens, les gestionnaires de fonds, les procureurs et les législateurs à prendre les mesures qui s'imposent.

## 1. INVESTIGATING EUROPE, MAPPING THE GREAT UNKNOWN

Investigative Journalism, defined as a specific type of journalism, has a long tradition. From the early muckrakers in the 19th century to the data driven, computer-savvy investigators of the 21st century, journalists have aimed to dig for crucial information, unveil buried facts and explain hidden trends. But only over the last three to four decades have journalists come to the conclusion that some topics are so complicated, or some research is just too large and/or laborious to do this digging by themselves. The European Union, both as a network of interconnected countries with as many similarities as differences and affecting over 500 million citizens<sup>11</sup> in 27 countries, as well as its financial workings are investigative topics with both characteristics.<sup>12</sup>

In this chapter, we will define the subjects of the report; map the development of an investigative journalism community within Europe, and the output of investigative stories in the EU-27 over the last years.

### 1.1. INVESTIGATIVE JOURNALISM, FRAUD, FUNDS AND EUROPE: DEFINITIONS

#### 1.1.1. Fraud

When researching a possible role of investigative journalism in deterrence of fraud with EU funds, defining 'fraud' may seem to be the easiest part of the job. As the then head of the communication department of OLAF, Office Européen de Lutte Antifraude, Alessandro Buttice wrote in a 2004 compilation of texts used at a round table on anti-fraud communication,

*'One can define fraud as being an attack on the interests of all citizens.'*<sup>13</sup>

*'But fraud, of course, is a complicated term, with a definition having rather strict judicial and legal implications. For instance, OLAF, the European Commission European Anti-Fraud Office, includes the concept of intentionality into any acts and omissions in supplying statements and/or documents, non-disclosure of information or misapplication of funds.'*<sup>14</sup>

What the public (and journalists, for that matter) easily call 'fraud' in the end can also be an irregularity or a 'simple' misappropriation of money. In this report, we will look into stories on EU funds' irregularities, misappropriation, fraud and corruption, for often when under journalistic research (and even at the time of publication) it is not yet clear what legal term could be put to what is being uncovered.

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<sup>11</sup> According to Eurostat,

<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00001&tableSelection=1&footnotes=yes&labeling=labels&plugin=1>

<sup>12</sup> Recently, the dissemination of large quantities of diplomatic cables through Wikileaks spurred a worldwide realisation of the value of better co-operation between knowledgeable journalists.

<sup>13</sup> A. Buttice, 'What anti-fraud information and communication policy for OLAF?', in: European Anti-Fraud Office OLAF, in cooperation with the OAFCN (Olaf Anti-Fraud Communicators Network), *Detering Fraud by informing the Public, Round Table on Anti-Fraud Communication*, (Brussels 2004), p. 32.

<sup>14</sup> See p. 15-16 of the COMMISSION STAFF WORKING PAPER, *Statistical Evaluation of Irregularities- Own Resources, Agriculture, Cohesion Policy, Pre-Accession Funds and Direct Expenditure -Year 2010. Accompanying document to the Report from the Commission on the protection of the European Union's financial interests and the fight against fraud – 2010*. Available digitally [http://ec.europa.eu/anti\\_fraud/documents/reports-commission/2010\\_ann2\\_en.pdf](http://ec.europa.eu/anti_fraud/documents/reports-commission/2010_ann2_en.pdf)

The problem with fraud does not lie in the definition, but in the perception of being a victimless crime, writes Butticé.

*'Consequently, how can we make citizens aware of the danger of this type of fraud? How can we make it possible for communication and information, in other words, for a collective pedagogical action to become a major player in fraud prevention?'*

As acknowledged by the 2005 round table, to which Butticé's statements were a contribution, investigative journalists and investigators of fraud have a common interest: to disclose fraud. EU fraud investigators will immediately add: all this in the interest of the citizens and as a tool of prevention. Journalists mostly much rather leave the consequence of their reporting up to the 'receiving end' of their work product. And thus, to investigative reporters and anti-fraud investigators, their goals, means and possibilities do differ, and their communities often do not see eye to eye. This report will discuss consequences of this (even if sometimes only perceived) difference of opinion.

### **1.1.2. Funds**

When identifying stories dealing with dispersion and appropriation of EU funds, we will define 'funds' widely. We will look for stories on a diversity of funding, grants and subsidies originating with European Union policies; dispersed via European institutions and member states; be they structural, cohesion, agricultural, R&D, education, environment, or belonging to otherwise named or categorized funding programmes. Secondly, we will look for stories on execution of tenders and procurements, as well as on payments and expenditures by European executives (MEPs, commissioners, employees). Stories on EU revenue fraud will also be considered.

One reason for casting the net wide is that on many occasions in stories the origin of the money (or the program it belongs to) is not clear (either due to sloppy reporting, haphazard cataloguing or simple lack of knowledge). And even where the reporter clearly identifies the program or source (as with the stories on Europe's missing billions by the Bureau of Investigative Journalism/ *Financial Times* dealing with structural funds, or Farmsubsidy.org dealing with agricultural subsidies), there is dispute between reporters and EU officials over correct labelling after publication. To avoid endless discussion, we decided to look for all stories dealing with expenditure and revenue of EU money.

### 1.1.3. Investigative journalism

Defining ‘investigative journalism’ seems much simpler than it is<sup>15</sup>. When the Dutch-Flemish Association of Investigative Journalists VVOJ in 2005 conducted the first (non-comprehensive) study into the investigative journalism landscape in Europe, editor Van Eijk stated that of course

*[...] ‘investigative journalism’ is ‘journalism’, but what makes it ‘investigative’? This question is a topic of vigorous debate, not in the least among investigative journalists themselves.’<sup>16</sup>*

Without rehashing the full extent of this discussion<sup>17</sup>, one can state that investigative journalism distinguishes itself from ‘regular’ journalism in means, methods and values. All of these reflect on the day-to-day practice of the job. Therefore, providing a definition of the kind of journalism this report deals with is a necessary step in understanding every aspect of the work done by the diggers of the journalism trade, be it subject choice (i.e. Europe, its organisations, its funds and its workings), work methodology, working circumstances, tools of the trade, level of output (qualitative and quantitative), publication channel and impact. Also, it is important in explaining why many stories that deal with the topic at hand do not qualify as original investigative work, which is what we are looking for.

Within the journalism community worldwide, a consensus is growing on what makes journalism ‘investigative’. More and more, scholars, publicists and journalists themselves refer to the definition the VVOJ uses since its inception in 2002<sup>18</sup>:

*The VVOJ defines Investigative journalism as: Critical and in-depth journalism. Journalism that does not merely pass on news that is already there, but creates news that would not have been there without the journalist’s intervention. This may happen by creating new facts, but also by interpreting or connecting already known information in a new way. In-depth means a substantial journalistic effort was made, either in a quantitative sense – e.g. time spent on research, number of sources consulted – or in a qualitative sense – e.g. sharp questions formulated, new approaches taken up – or a combination of both.’<sup>19</sup>*

The VVOJ then distinguishes three kinds of investigative journalism (that may overlap):

- ‘- Revealing scandals. Tracing infringements of laws, rules or morals by companies, organisations or persons.*
- Assessing governments’, companies’ and other organisations’ policies or actions.*
- Describing social, economic, political and cultural trends, to trace changes in society.’<sup>20</sup>*

In regard to identifying investigative stories qualifying for this report, emphasis will be put on original journalistic enterprise, in order to truly judge the role of the profession in uncovering fraud and misappropriation.

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<sup>15</sup> The specific terms of reference for this report refer to the VVOJ-definition. We here add some context to this definition, and some further focus for the specific purpose of this report.

<sup>16</sup> D. Van Eijk et al, *Investigative Journalism In Europe* (2005), p 12. Digital version available through <http://www.vvoj.nl/cms/publicaties/investigative-journalism-in-europe/>

<sup>17</sup> For an overview, see for instance D. Van Eijk et al, *Investigative Journalism In Europe* (VVOJ, 2005), Introduction, p 1-30, M.L. Hunter et al, *Story based Inquiry*, a manual (Unesco 2009), and M. de Vries, *Dienaars van het maatschappelijk belang*, (Rijksuniversiteit Groningen, 2011), p 8-13.

<sup>18</sup> See for instance European Journalism Fund, <http://www.journalismfund.eu/what-investigative-journalism>

<sup>19</sup> VVOJ website, <http://www.vvoj.nl/cms/vvoj-english/objectives/>

<sup>20</sup> VVOJ website, <http://www.vvoj.nl/cms/vvoj-english/objectives/>

In deciding whether one can apply this definition to the multi-lingual and multi-cultural context of Europe, one consideration has to be made. The VVOJ definition, in order to apply to the Netherlands and Flanders, relies heavily on the Anglo-Saxon journalism tradition the Low Countries belong to, and thus on the English terminology. However, when discussing investigative journalism with colleagues using other languages than English, Van Eijk notes

*'other terminology will have to be used. This is more than a matter of mere semantics, seeing that French journalists speaking French will use French concepts that refer to French journalism traditions. This is no different for German, Swedish, Italian, etcetera, journalists. Even before starting this research project, it was obvious that these traditions differ substantially.'*<sup>21</sup>

Since no overview is available of the different (investigative) journalism traditions in Europe, this study, in order to deal with this aspect of different journalism traditions, when mapping the European investigative journalism field will have to draw on firsthand information from representatives of the journalism communities within the EU member states to describe circumstances particular to the journalism done in the respective countries.

Useful as the VVOJ definition and its typification of stories is to this study, we would like to add an observation by former *Philadelphia Inquirer* editor Gene Roberts, for it adds further focus to the practice of investigative reporters at work, here needed for analysis of circumstances promoting or impeding investigative reporting, as well as the investigative output (or the relative lack thereof) of journalists throughout Europe on the topic of Europe, as we will argue later.

*'At the Inquirer, investigative reporting means freeing a reporter from the normal constraints of time and space and letting the reporter really inform the public about a situation of vital importance. It means coming to grips with a society grown far too complex to be covered merely with news briefs or a snappy colour graphic.'*<sup>22</sup>

Where the VVOJ definition focuses on the output of investigative reporting, Roberts highlights the parameters 'time', 'space' and therefore in this day and age 'money' in creating a journalistic environment favorable to investigative reporting. All of these will prove in one way or the other useful when explaining the differences in output of stories on the EU within the EU-27.

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<sup>21</sup> D. Van Eijk et al, *Investigative Journalism In Europe* (2005), p 23.

<sup>22</sup> Quoted in D. Van Eijk et al, *Investigative Journalism In Europe* (VVOJ, 2005), p 18.



### 1.1.4. Europe

Since this report will describe the role of investigative journalism in detecting and deterring fraud with European Union funds and revenues, the geographical scope will be the 27 states comprising the Union at the date of print of this report.

Ultimately quantifying the entire investigative journalism field and output in the 27 states will not be possible, simply due to practical restraints such as time, resources, or limited availability of print, broadcast and web archives. However, this report will be able to present a representative qualitative overview of investigations into fraud with EU funds and revenue within the member states.

## 1.2. INVESTIGATIVE JOURNALISM IN EUROPE, AN EMERGING ECOSYSTEM

Overall mapping of the general media landscape in Europe was most recently (2010) conducted by the European Journalism Centre<sup>23</sup>. Information from this overview will be used here. But though valuable and informative, this map is too general for the purpose of this report. For one because it depicts journalism in its broadest work practice (including all media and story types), and for another because – to (but not exclusively to) *investigative* journalists – important issues such as Freedom of Information (FOI) acts, media accountability, protection of sources or whistle-blowing rules and libel laws are not at all or only sketchily dealt with.

Mapping the European work field with a focus on investigative journalism was partly done in 2005, through a study commissioned by VVOJ<sup>24</sup>. This study, however, did not cover all the current EU member states<sup>25</sup>. Most recently, a University of Hamburg master thesis describes the investigative work field within the EU member states<sup>26</sup>. In it, Baggi states that wide variation of and dependency on the cultural traits of each nation are prominent characteristics of journalism within Europe, with its concurrent effects on the development (and thus current work practice) of investigative journalism in the respective countries.

An attempt to find common (general) journalistic features within Europe was made in 2005, when Williams explored trends that erode national differences and at the same time point at the creation of

*'a distinct 'European dimension' to the mass media.'*<sup>27</sup>

As common features of European journalism, Williams points to its close relationship with politics and its roots in literature. Drawing on Williams' study, Baggi states that these have influenced journalism's

*'style, tending to be narrative and to combine facts and opinions; but also its approach, that is often characterised by a tradition of advocacy, and often relies on State and parties for*

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<sup>23</sup> [http://www.ejc.net/media\\_landscape/](http://www.ejc.net/media_landscape/), where all EU countries are listed except for Cyprus.

<sup>24</sup> D. Van Eijk et al, *Investigative Journalism In Europe* (VVOJ, 2005).

<sup>25</sup> Current EU countries not covered were Czech Republic, Cyprus (also not covered by the EJC overview), Estonia, Greece, Hungary, Latvia, Lithuania, Luxemburg, Malta, Romania, Slovakia, and Slovenia. Some countries were not a EU member state at the time; other countries could not be covered due to lack of information.

<sup>26</sup> G. Baggi, *Non-profit Investigative Journalism in Europe. Motives, Organisations and Practices*, (University of Hamburg master thesis, Hamburg, December 2011).

<sup>27</sup> K. Williams, *European Media Studies* (New York, Oxford University Press, 2005). Available digitally: [http://www.bloomsburyacademic.com/view/European\\_Media\\_Studies\\_9781849661362/chapter-ba-9781849661362-chapter-004.xml](http://www.bloomsburyacademic.com/view/European_Media_Studies_9781849661362/chapter-ba-9781849661362-chapter-004.xml)



*information. The results are usually evident inside the newsrooms, where there are little specialisation and news management, and not many levels of hierarchies.*<sup>28</sup>

Several of the characteristics mentioned here play their part when it comes to the investigative work practice in different European countries, most notably a tendency to advocacy, a (rather institutional) choice of sources for information, and little specialisation in the newsrooms. Consequences hereof will be discussed in more detail later. Baggi concludes:

*'Already the description of the common traits of European journalism shows that investigative journalism ideology does not match that much with the European culture. The confrontational and watchdog approach is more typical of the Anglo-American tradition.'*<sup>29</sup>

Here we may find a first (interesting though theoretical and tentative) explanation of a finding we will describe in more detail in **Chapter 4** on the focus countries: the relatively large amount of investigative stories (not just in general but also on Europe and its institutions) in the United Kingdom<sup>30</sup>.

The differences in the historic background of the EU member states heavily determine the difference in development and the current work practice of investigative journalism throughout the continent<sup>31</sup>. Where in certain Western European countries true investigative pieces in the VVOJ sense of the term were published as early as the 1950s, other countries only experienced a sharp rise in investigative pieces, books, publications and broadcasts later in the sixties and seventies. In the eighties, many of the countries in Northern Europe saw the start of so-called investigative desks and units at newspapers and current affairs broadcasts. Since a few years, however, with widespread technological diffusion of (free of charge) news, dwindling news budgets and declining traditional reader and viewership, many of the flagship newspapers and current affairs programs have scaled back on research and in-depth reporting, dismantled their investigative desks, or abandoned large research projects altogether.

A second important development determining the state of investigative journalism within the EU is the tendency towards professionalisation within the trade. Particularly in Northern Europe, journalists since the 1990s and exceedingly since the turn of the 21<sup>st</sup> century, created professional organisations to improve their (mainly research) skills, building on the investigative tradition of the United States of America and the model of Investigative Reporters and Editors<sup>32</sup>. In these (often membership based) associations, journalists from traditional media as well as freelancers found

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<sup>28</sup> G. Baggi, *Non-profit Investigative Journalism in Europe. Motives, Organisations and Practices*, (University of Hamburg master thesis, Hamburg, December 2011), p 29.

<sup>29</sup> G. Baggi, *Non-profit Investigative Journalism in Europe. Motives, Organisations and Practices*, (University of Hamburg master thesis, Hamburg, December 2011), p 30.

<sup>30</sup> As remarked in footnote 3, wider availability of and ease of access to English language press databases may have caused a slight overrepresentation in the database of stories in **Annexes 2 and 11** originating with the British press. However this is only slightly, since the research team has worked with native speakers in all EU member states having access to and working with their respective national press databases. More important, the respondents working with the research team did not only draw on press databases, but actively contacted the journalism population in their countries requesting for stories.

The narrow definition of stories qualifying for the database (i.e. not stories originating with a press release from an EU institution, a judicial inquest or other non-journalistic source, but stories stemming from original, journalistic enterprise) may have caused the number of stories in **Annex 2** to be smaller than perhaps expected. However, the research team deemed it necessary to use such a narrow definition, in order to truly estimate the level of journalists' involvement in revealing (mis)appropriation of EU funds, not including journalists riding shotgun on other people's or organisations' investigation.

<sup>31</sup> See for a more extensive historic overview D. Van Eijk et al, *Investigative Journalism In Europe (VVOJ, 2005)*, Introduction p 1 – 30, and G. Baggi, *Non-profit Investigative Journalism in Europe. Motives, Organisations and Practices*, (University of Hamburg master thesis, Hamburg, December 2011), p 28-46.

<sup>32</sup> See <http://www.ire.org/about/>

learning, coaching and networking opportunities. This has led to a sudden and wide dissemination of research techniques and methodologies within the profession. And by consequence to a new type of investigations (coined 'Computer Assisted Reporting' or CAR) and strings of stories not done before.

It is with these techniques and the persistent use of FOI laws that most recent reporting on the European institutions, funds and workings (often consisting of opening up and analysing massive data sets to uncover trends) has been conducted. On occasion, journalists have crossed borders and joined hands in data searches and FOI requests. This necessity for cooperation, going against the trend of quick and scoop driven reporting, will be discussed in **Chapter 3**, when analysing initiatives such as Farmsubsidy.org and Fishsubsidy.org, for – again – researching these EU topics seems to require a mindset not common amongst (European) reporters.

Eastern Europe experienced very little of the two developments described above until 1989 (and sometimes much later), and even then the different former 'Eastern Bloc' countries chose their own path. It is difficult to describe common trends here, though there is one very important shared development: the creation *not* of professional associations aimed at research skills, but of independent, often non-profit investigative journalism centres, using the latest research methodologies (CAR and data harvesting techniques), running their own publication channels (mainly on the Internet) and mostly fully depending on donors and funds<sup>33</sup>. These centres, when it comes to investigative reporting, seem to step in where traditional media leave off for reasons differing from country to country. This will be discussed in more depth in **Chapter 4** on the focus member states. Note that these centres are often (sometimes also due to their source of funding) looking for transnational cooperation and research topics, thus actively driving the tendency towards journalists working across borders.

Concluding then, since the early 1990s an investigative community and network has slowly emerged in Europe. Given the European diversity, structures within the countries vary widely, from traditional (commercial and publicly funded) media, through membership-based associations to (non-profit) investigative reporting centres. Add to this the existence of several (though not many, and often only with a narrower, national scope) foundations and funds offering research grants supporting reporters or projects, for this report most notably (for solely focusing on cross-border, European stories) the European Journalism Fund<sup>34</sup>, and thus emerges what Baggi calls

*'a sort of ecosystem for investigative journalists in Europe'*<sup>35</sup>.

Professional associations of investigative journalists are present mainly in the northern countries belonging to a more corporatist journalism model, where investigative journalism centres have developed either in the UK, with its Anglo-Saxon watchdog attitude, and in countries belonging to the post-communist part of Europe.

With this general sketch of the European investigative journalism ecosystem and its historical and cultural background in mind, we can map investigative journalism in and on Europe, and with that analyse and interpret the scope of and differences in critical and in-depth reporting on expenditures and revenues of the European Union.

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<sup>33</sup> G. Baggi, *Non-profit Investigative Journalism in Europe. Motives, Organisations and Practices*, (University of Hamburg master thesis, Hamburg, December 2011), p 36-37, and S. Coronel, *Digging Deeper- A Guide for Investigative Journalists in the Balkans* (Balkan Investigative Reporting Region Network, Sarajevo 2010).

<sup>34</sup> <http://www.journalismfund.eu/about-us>

<sup>35</sup> G. Baggi, *Non-profit Investigative Journalism in Europe. Motives,, Organisations and Practices*, (University of Hamburg master thesis, Hamburg, December 2011), p 42.

### 1.3. INVESTIGATIVE JOURNALISM IN AND ON EUROPE, A MAPPING EXERCISE

**Annex 1** provides a country-by-country overview of the investigative journalism ecosystem in the European Union member states plus 'Brussels'<sup>36</sup>. **Annex 2** and **11** hold lists of publications covering investigative reporting on the European Union focusing on addressing cases of fraud with and misappropriation of EU funds within the member states, EU institutions, organisations or NGOs. Both these annexes were compounded with the help of individual journalists, media professionals, watchdog organisations, and investigative associations and centres within the European investigative ecosystem. An overview of contributing sources can be found in **Annex 13** at the end of the report.<sup>37</sup>

In this paragraph we will make some general descriptive remarks. The findings will be combined into an in-depth analysis of investigative journalism in and on the EU in **Chapters 2** and **3**, leading to an analysis of incentives and impediments to good investigative journalism in **Chapter 5**, plus recommendations. **Chapter 4** will describe six so called focus countries<sup>38</sup>, their investigative journalism landscape, particular circumstances concerning in-depth reporting on EU funds, and lessons to be learned from investigative practice in these respective countries. A paragraph on the European institutions will be included in **Chapter 4** as well. **Chapter 6** will provide conclusions on deterrence of fraud with and waste of EU funds through investigative journalism within the EU-27.

#### 1.3.1. Mapping the investigative ecosystem (Annex 1)

This Annex provides a country-by-country overview of the media landscape, with a focus on investigative journalism, its scope, scale and structure. This annex is based on general and specific media landscape overviews as done by VVOJ<sup>39</sup>, European Journalism Centre<sup>40</sup>, European Journalism Fund<sup>41</sup>, Mediadem<sup>42</sup>, Freedom House<sup>43</sup>, International Press Institute press freedom overview 2012<sup>44</sup>, Scoop<sup>45</sup>, the Mapping Digital Media series of reports by Open Society Foundation<sup>46</sup>, European Media Landscape Report 2010<sup>47</sup>, Eurotopics<sup>48</sup>, Wobbing.eu<sup>49</sup>, the source list of Presseurop<sup>50</sup>, the study *European Media Governance: National and regional dimensions*<sup>51</sup>, the study *The Citizen's Right to Information: Law and Policy in the EU and its Member States*<sup>52</sup>, and contributions by respondents to this study.

<sup>36</sup> The colloquial use of 'Brussels' implies the European Union and its institutions, and thus also including 'Strasbourg'.

<sup>37</sup> Some contributors did not want to be identified by name; they will be indicated by function and media type or organisation type.

<sup>38</sup> The countries being: Hungary, Romania, Spain, Denmark, Italy and the United Kingdom. This choice will be explained in **Chapter 4**.

<sup>39</sup> [www.vvoj.nl](http://www.vvoj.nl), November 2005.

<sup>40</sup> [www.ejc.net](http://www.ejc.net) and [www.eu4journalists.eu](http://www.eu4journalists.eu), November 2010.

<sup>41</sup> [www.journalismfund.eu](http://www.journalismfund.eu), continuously updated.

<sup>42</sup> project 2010-2013, <http://www.mediadem.eliamep.gr/findings/>.

<sup>43</sup> <http://www.freedomhouse.org>.

<sup>44</sup> [www.freemedia.at](http://www.freemedia.at)

<sup>45</sup> <http://i-scoop.org/index.php?id=145>.

<sup>46</sup> [http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication)

<sup>47</sup> [www.iabeurope.eu](http://www.iabeurope.eu).

<sup>48</sup> [www.eurotopics.net](http://www.eurotopics.net).

<sup>49</sup> [www.wobbing.eu](http://www.wobbing.eu).

<sup>50</sup> <http://www.presseurop.eu/en/sources>

<sup>51</sup> *European Media Governance: National and regional dimensions*, (Bristol, 2007)

<sup>52</sup> *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), <http://www.europarl.europa.eu/delegations/nl/studiesdownload.html?languageDocument=EN&file=75132>.

### 1.3.2. Mapping investigative output on fraud with EU funds (Annex 2 and 11)

When mapping stories on misappropriation, fraudulent use, lost revenue or waste of EU funds, the research team had to throw the net wider than first intended. It turned out that some of the most interesting and fruitful investigations already dated back farther than the time frame mentioned in Annex IV 5.1 to the tender (three years). We asked sources to look back as far as 2006 and sometimes even further. Respondents did database searches (with an assessment of the results on originality and the journalistic enterprise) and actively contacted the journalism population in their respective countries with a request for contributions.

We listed original journalistic investigative publications according to the VVOJ definition, discarding news stories dealing with fraudulent/wasteful use or lost revenue of EU funds only consisting of reports on press releases by EU institutions and agencies, member states' judiciary, NGOs (unless they were NGO-like, non-profit investigative centres, for those are in fact journalistic enterprises and as such part of the investigative journalism ecosystem) and other non-journalistic efforts. Including those would cloud a clear assessment of the amount of original investigative reporting effort in the true sense (meaning: the creation of information that would not have been there without the journalist's intervention) done within the EU.

Mapping stories was in some countries heavily impeded by the lack (or late development) of news archives or any kind of inventory on notable reporting on the EU. Sometimes, the lack of an overview had external reasons, as for instance respondents in Germany found that state owned broadcasting stations are not allowed to keep (a searchable form of) their content on their websites for more than a few weeks, due to regulations between the state and (print) publishers. Respondents therefore specifically requested and received input from their own networks, professional associations and unions. Therefore, **Annexes 2** and **11** cannot be exhaustive but are representative.

### 1.3.3. Contributors to the mapping exercise (Annex 13)

Contributors to the mapping exercise came from the investigative reporting community in Europe. This includes individual journalists, editors and reporters at media of all types, and professional organisations such as Scoop (Denmark), SKUP.no (Norway), Netzwerk Recherche (Germany), The Bureau of Investigative Journalism (UK), The Center for Investigative Journalism (UK), OCCRP.org (Eastern Europe), Tutkiva.fi (Finland), FGJ.se (Sweden), FUJ.dk (Denmark), The Bulgarian Investigative Journalism Center (BIJC), Centrul Roman pentru Jurnalism de Investigatie (Romania), the Baltic Investigative Journalism Center, Soma Foundation (Hungary), SEENPM (Hungary), Center for Independent Journalism (Hungary), Fundacia Reporterow (Poland), the Global Network of Investigative Journalism (gijn.org), ICIJ.org, VVOJ (Netherlands and Flanders)<sup>53</sup>.

Further sources stemmed from academia, non-journalism (watchdog, accountancy, human rights, transparency, unions) and EU institutions and bodies (such as OLAF, Court of Auditors, Ombudsman, European Commission, European Parliament) and other European organisations (such as the Council of Europe) interviewed for this study. When possible, respondents are named in **Annex 13**. However, a full list of names cannot be presented, as a number of contributors to the overview preferred not to be identified by name. The research team of this report checked credentials of contributors who did not want to be identified by name.

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## 2. THE STATE OF INVESTIGATIVE JOURNALISM IN EUROPE, ANALYSING THE PLAYING FIELD

**Chapter 1** together with **Annexes 1, 2** and **11** provided maps of investigative journalism *in* Europe and *on* Europe, with **Annexes 2** and **11** focusing on original investigative publications addressing cases of fraud with EU funds and revenues within member states, EU institutions, international organisations or NGOs.

In this chapter, we will analyse aspects to and trends within the European investigative journalism ecosystem; in **Chapter 3** we will analyse its output on the topic of this report: (mis)appropriation of EU funds. In these two chapters, observations by the respondents are collated and commented upon. In **Chapter 4**, by zooming in on characteristics in six focus countries, more depth is provided. All of this is leading to an overview of conditions promoting as well as impeding good investigative journalism in general, and on EU topics specifically, plus providing a series of recommendations in **Chapter 5**.

### 2.1. (INVESTIGATIVE) JOURNALISM IN FINANCIAL CRISIS

While mapping investigative journalism within the EU member states, we often found references to the recent economic crisis, dwindling newsroom budgets, declining traditional reader-, viewer- and listenership, and the crippling blow of free distribution of news (through the Internet and free of charge newspapers) to quality journalism.

There are, however, a few comments to go with this much-repeated 'no money' slogan.

According to the latest available data by the World Association of Newspapers WAN<sup>54</sup>, print circulation in 2010 declined worldwide, but a rise in digital audience more than made up for the paper loss in news consumption (but not in revenue).

*'Circulation is like the sun. It continues to rise in the East and decline in the West,'*

commented Christoph Riess, CEO of WAN-IFRA in October 2011 when presenting the numbers on 2010. Worldwide, interestingly enough, free newspapers took the hardest hit, with a decline of close to 30%.

Zooming in on Europe, daily newspaper circulation dropped by 12.5 percent in 2010 (11.8 percent average between 2005-2009) in Western Europe; and 12 percent in 2010 (average of 10 percent between 2005-2009) in Eastern and Central Europe. Looking at advertisement expenditures, television was still the largest medium, with newspapers coming in second. But newspapers lagged behind TV and Internet when it came to growth: in Europe, internet advertising rose 14 percent from 2009 (its share to reach newspaper level in Europe in the very near future) compared with 9 percent for TV, while newspaper advertising fell 1 percent. But this decrease was uneven: in Western Europe, it was down 12 percent between 2005 and 2010 but (for reasons not analysed by

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<sup>54</sup> <http://www.wan-ifra.org/press-releases/2011/10/12/world-press-trends-newspapers-still-reach-more-than-internet>

WAN) up 2 percent in 2010 itself. Eastern Europe saw advertising revenues fall 3 percent between 2005-2009, with another 3 percent in 2010 alone.

With a full-blown euro crisis in 2010 still one corner away, the numbers for 2011 will very likely be more disappointing. On top of that, tablet ownership has only truly taken off in 2011. With tablet (and smartphone) for the first time being a real alternative to paper and TV in its 'newsy' feel, ease and accessibility, transfer of news consumption to these new publication platforms will increase at high speed. Furthermore, in February 2012 for the first time Facebook brought more traffic to *The Guardian* website than search engine Google did, pointing at a growing importance of social media over search engines in leading the public to free (quality) journalism<sup>55</sup>. All this combined, if not a readership crisis then at least a revenue crisis is evident.

However, advertisement revenues of newspapers have been decreasing since the advent of radio and TV commercials. And the Internet did not kill traditional readership. As journalist and scholar Philip Meyer<sup>56</sup> explained, newspapers have lost readers at a steady rate for more than thirty years, with the Internet only being the latest in a long series of new, possibly threatening information technologies. 'Mass media audiences' (even those of the media once perceived to kill the newspaper, such as TV and radio) fragmented over time, and the traditional business model for news cracked with them.

But there is no crisis in the interest in *news*. More people consume the news than ever before, although maybe not on paper or through the traditional airwaves. Meyer in 2005 dissected the market, and described a possible business model (not just for newspapers) that still holds true seven years later: preserving quality journalism, for which the responsibility lies within the profession itself.

*'What we need is a working-level dedication to the traditional standards and public functions of journalism. They're not complicated. [...] Of course we have to get to the truth and print it, but that's no longer enough. We also have to process that truth in ways that make readers want to go to the effort of receiving it. [...] With information so plentiful, skill at finding and delivering the truth becomes relatively less valuable while emphasis shifts to the ability to make the product attractive and desirable to the end user.'*<sup>57</sup>

Finding, refining, curating and visualising content no other media outlet can offer may be one remedy against information-hungry citizens getting their news from Twitter and Facebook, or from press release quoting and PR susceptible underpaid speed typists, argued Nick Davies in his best selling book 'Flat Earth News' in 2008<sup>58</sup>. Like Meyer, it reads like a recipe for original, investigative reporting.

Preserving quality journalism isn't just a matter of money. Recent research in Europe as a whole and in some specific countries indicates that money is not the overriding argument for doing investigative reporting. As Van Eijk in 2005 already remarked, when concluding on the state of investigative journalism in 20 European countries,

*'One of the most important conclusions from this research is that investigative journalism is not a matter of budgets. Lack of funds is often used as an excuse by editors in various countries to explain why they do very little investigative reporting. This is not a valid argument. Both within*

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<sup>55</sup> According to Tanya Cordrey, *The Guardian* director of digital development, <http://www.guardian.co.uk/gnm-press-office/changing-media-summit-tanya-cordrey/print>

<sup>56</sup> Meyer, P., *The Vanishing Newspaper; saving journalism in the information age*, (University of Missouri Press, 2004).

<sup>57</sup> Ibid. Meyer, P., p 228-230.

<sup>58</sup> Davies, N., *Flat Earth News*, (London, 2008).



*countries and in cross-country comparisons there are no obvious relations between budgets and investigative journalism.*<sup>59</sup>

Of course, some well-known havens of quality journalism, like *Stern* or the BBC, are (comparatively) wealthy. But other rich media, like the large Italian and French papers, have no investigative tradition at all. And then: small national dailies in the Nordic countries often have a strong investigative track record. Apparently, there is more to this topic than just finance. A study commissioned by VVOJ in 2011 amongst 23 editors in chief in the Netherlands and Flanders showed the same pattern.

*'All chief editors in this study see the nuance when considering lack of time or money as factors for not doing (more) investigative journalism. They know the cause lies elsewhere in the newsroom.'*<sup>60</sup>

More on these other causes in paragraph 2.2 on organising investigative reporting in the newsroom.

Sobering as the comments above may be, having money of course does play a role in the choice for critical, in-depth quality journalism.

*'One way to cover EU topics more comprehensively would be having an investigative journalist who concentrates [specifically] on EU topics; and in that case we should also have a bigger budget for travelling - it's hard to make investigative stories via e-mail or phone, so growth of travel costs would be unavoidable. At the moment only the most important stories might include travelling abroad,'*

One respondent to this report from the Baltic states commented. Here is where one of the recent developments in the European investigative ecosystem comes in: the role of foundations and funds in advancing and supporting investigative reporting within the European countries. Organisations like SCOOP Denmark<sup>61</sup> give out grants to carry out investigative stories and to bring reporters from Eastern Europe together for investigative work; the Belgian Fonds Pascal Decroos<sup>62</sup> and the Dutch Fonds Bijzondere Journalistieke Projecten<sup>63</sup> annually allocate grant money to dozens of investigative projects; and the European Journalism Fund<sup>64</sup> entirely spends its grant money on (cross-border) investigations with a European angle. However, these are not large sums, usually with a maximum of a few thousand Euros per project (and often much less). The average grant of the European Journalism Fund is €3,780 per project (with an average of 4.4 projects per round, five rounds between the start in March 2009 and January 2012), and of Fonds Pascal Decroos over the last 10 years is €4,532.39 per project<sup>65</sup>.

Investigative reporting cannot survive on grants and donations only, that much is clear. But as granting journalism, unlike in the USA, is not common in Europe yet, putting preservation of quality journalism in Europe on the radar of funds and foundations is a task worth pursuing by organisations, associations and individuals concerned about the state of investigative reporting on

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<sup>59</sup> Van Eijk et al, *Investigative Journalism in Europe*, (VVOJ, 2005), p 263.

<sup>60</sup> 'Alle hoofdredacties in dit onderzoek denken genuanceerd over het gebrek aan tijd en geld als factoren om niet aan (meer) onderzoek te kunnen doen. Ze zien dat de oorzaken elders liggen op hun redacties.' M. Agerbeek, *Een nieuwe impuls voor onderzoeksjournalistiek*, (Amsterdam, 2011), p 26. <http://www.vvoj.nl/cms/2011/09/30/vvoj-studie-potentie-voor-onderzoeksjournalistiek-maar-geen-strategie/>

<sup>61</sup> <http://i-scoop.org/index.php?id=3>

<sup>62</sup> <http://www.fondspascaldecroos.org/en/inhoud/panel/about-fund>

<sup>63</sup> <http://www.fondsbjp.nl/>

<sup>64</sup> <http://www.journalismfund.eu/mission>

<sup>65</sup> See **Annex 3** for figures on Scoop, European Journalism Fund and Fonds Pascal Decroos.

the European continent. Whether the support comes from governments, NGOs, family foundations, crowdfunding or other funding structures, as long as journalistic independence is guaranteed this is a road well worth travelling.

A comment made (often on the basis of anonymity) by EU officials to the writers of this report that the European institutions could not possibly support investigative journalism because it would cost the journalists their independence was recently contradicted by a study calculating international support for independent media development. The Center for Independent Media Assistance CIMA in a report on empowering independent media when naming donors, foundations and funds, writes

*'The big players outside the United States: the European Commission (the EU's executive body) and other EU institutions (about \$80 million); the United Kingdom (\$45 million); the Netherlands (\$40 million); Switzerland (\$35 million); UNESCO (\$33 million); and Sweden (\$26 million). France, Germany, Denmark, Norway, and Canada are also thought to contribute millions of dollars annually.'*<sup>66</sup>

Of course the Commission and other EU institutions contribute to independent and free media. So why the sudden apprehension when it comes to supporting investigative reporting? It is unclear how much (if any) of the €80 million CIMA mentions may already go to investigative reporting, but if the players outside the US in any way resemble the US donors, not more than 2 percent of these €80 million is granted to investigative journalism. CIMA concludes that

*'Despite its frontline role in fostering public accountability, battling crime and corruption, and raising media standards, investigative reporting receives relatively little in development aid. Given its demonstrated impact, investigative journalism should become a higher priority in the media development community.'*<sup>67</sup>

And that community should and does include the European institutions.

## **2.2. ORGANISING INVESTIGATIVE REPORTING IN THE NEWSROOM (ANNEX 3)**

As argued in the previous paragraph, the choice for quality in-depth reporting is not solely a matter of 'being loaded'. Often-heard in newsrooms when deciding against digging up original, critical and long-form stories is the 'no people, no time' argument.

*'When I talk about our newspaper - business daily [...] - we have only two journalists covering foreign news. They both cover everyday news and of course they have no time for doing time-consuming investigations.'* (Estonia)

But, as quoted before, the VVOJ study of 2011 in the Netherlands and Flanders showed that even editors in chief know this argument is as specious as the 'no money' argument.

Allocation of personnel and time to investigative reporting is a matter of prioritising journalistic effort rather than hiring more people or adding an extra hour to the day. Says Van Eijk,

*'Of course big budgets may support big projects. But most investigations do not require*

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<sup>66</sup> Kaplan D., et al, *Empowering Independent Media*, CIMA, (Washington 2012), available digitally, <http://cima.ned.org/publications/empowering-independent-media-us-efforts-foster-free-press-and-open-internet-around-worl>, p. 18, see for a pie chart p. 19.

<sup>67</sup> Ibid., p 95.



years of work or travel all over the globe. The most relevant stories are often the nearest, and therefore the cheapest. It is all a matter of setting priorities and of organizing. That does require management skills, and they are certainly not well developed in newsrooms.<sup>68</sup>

Doing investigative reporting is a conscious choice, by the medium and the individual journalist, and has many organisational aspects to it<sup>69</sup>. As the VVOJ research of 2011 shows, editors crave guidance and best practices on this issue. Targeted training and showing good examples may help. For instance, when editors of the Dutch regional daily *Dagblad van het Noorden*<sup>70</sup> met their counterparts of the evenly sized regional *Dagblad De Limburger/Limburgs Dagblad*<sup>71</sup> and inquired how the latter could publish a steady stream of investigative content on regional topics, the northern colleagues went home with an organisational model aimed at freeing up several reporters in a small-size newsroom. Since then, *Dagblad van het Noorden* has shifted personnel and started an investigative desk of three reporters, with a highly interested readership and a recent nomination for a prestigious Dutch reporting award as a result<sup>72</sup>. Also, the editors share their experiences in a monthly blog<sup>73</sup>, providing other papers insight in the results, possibilities and pitfalls of this investigative project management. Next step is attracting more paying readers in the region with these stories.

Providing a newsroom environment favourable to investigative output is a topic underresearched and underdeveloped. Guidance mainly comes from the United States, where (often regional) papers recognised the (also financial) potential of original content in proving and promoting the singularity of the paper. Some associations such as the VVOJ bring these best practices to the European newsrooms, by providing 'management tracks' at (inter)national investigative reporting conferences. Enlarging investigative output within (public) broadcasters is a different road, though, for often broadcasters are format driven, and the investigative formats on radio and especially TV are truly expensive<sup>74</sup>.

There is another issue to newsroom management that may explain at least part of the disparity in investigative output amongst media in different parts of Europe. Van Eijk in 2005 distinguished six different management styles<sup>75</sup>, ranging from 'actively frustrating' investigations to 'having an investigative policy' where every reporter may do investigative work when he or she comes across a story. The latter requires planning of people and resources by the managing editor. The VVOJ study of 2011 showed<sup>76</sup>, however, that many managers don't concern themselves with these aspects, thinking it is not part of their job description and leaving it up to lower levels of management. But mid-level managers don't have the organisational discretion to decide how to spend the newsroom's budget. And thus, a vicious circle is created.

The management style most dominant in Europe is of newsroom management 'tolerating' investigative journalism, thus leaving it up to the determination of the individual reporter. With stories like the appropriation of EU funds often being substantial and requiring different skills, the likelihood of these stories appearing at media with a 'tolerant' newsroom management is small. The skills to be combined are for instance research (such as data journalism and FOI practice) with

<sup>68</sup> Van Eijk et al, *Investigative Journalism in Europe*, (VVOJ, 2005), p 263.

<sup>69</sup> Also see **Chapter 4** on focus country Denmark for an elaboration on the importance of editorial prioritisation.

<sup>70</sup> <http://www.dvhn.nl/>

<sup>71</sup> <http://www.limburger.nl/>

<sup>72</sup> <http://www.detegel.info/nominaties>

<sup>73</sup> <http://www.vvoj.nl/cms/2011/05/03/dagblad-van-het-noorden-onderzoek-in-de-regio/>

<sup>74</sup> Experiments with current affairs programming on the EU are scarce and often unsuccessful in attracting viewers/listeners, with the probable exception of Austria's ORF radio show "Europa Journal", <http://oe1.orf.at/journalpanorama>

<sup>75</sup> Van Eijk et al, *Investigative Journalism in Europe*, (VVOJ, 2005), p 248-253.

<sup>76</sup> M. Agerbeek, *Een nieuwe impuls voor onderzoeksjournalistiek*, (Amsterdam, 2011), p 25-26.

insight into EU politics. Obviously, there may be reporters with both kinds of competences. However, most often the EU correspondent (if available) will be specialised in providing news and insight into Brussels' politics, while the investigative skills are found elsewhere in the newsroom. Bringing these together needs organisation. According to several respondents to this report, there is very little cooperation between the Brussels press corps and the investigators 'at home', leaving both sides to fend for themselves.

Sometimes, the individual reporter becomes part of a(n inter)national network of like-minded reporters, and that's when these large investigations 'get legs'. Such was the experience of colleagues gathering for Farmsubsidy.org (see **Annex 4**), OCCRP<sup>77</sup> and the European members of the International Consortium of Investigative Journalists ICIJ working on climate change and two fish subsidy dossiers<sup>78</sup>. Pooling people, time, skills and responsibility works for investigative dossiers<sup>79</sup>. But encouraging (cross-border) journalistic cooperation is a trait not common to editors (and reporters, for that matter). Journalism is by tradition a profession driven by 'scoops' and staunch individualism. Setting up an ICIJ-like network structure for Europe, a European centre for investigative journalism also capable of providing best practices in managing an investigative project, might overcome many of the impediments mentioned here. Says Van Eijk,

*'An international network of colleagues may turn invaluable when one needs information from other countries. Assistance from a foreign colleague is – in many cases – not only much cheaper, but also much more effective than trying to obtain the information oneself, especially if one does not speak the language.'*<sup>80</sup>

Adds the editor of the Bureau of Investigative Journalism in Britain,

*'A European ICIJ might help, multilingual, multi-skilled, with editorial independence. We should promote pan European reporting.'*<sup>81</sup>

That doesn't necessarily mean setting up a European newspaper, as the demise of *The European* showed<sup>82</sup>. Building a (virtual?) structure where journalists from member states media can pool time, information, investigative skills and research content could be a big step towards raising the level and number of in-depth output on EU topics, including EU spending. Said a reporter in Hungary,

*'I have no personal Brussels contacts. Having a European investigative centre that would have those contacts and where you could pose a research question, might that be helpful? Yes, it would help.'*<sup>83</sup>

Funding for initiatives like this at the moment has to come from outside the media field, for current media outlets are not likely to provide for what they perceive as 'the competition'. This means the money has to originate with funds, foundations, governments or organisations (with a built-in 'Chinese wall' guaranteeing editorial independence). In order to research possible EU financial

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<sup>77</sup> Organized Crime and Corruption Reporting Project, <http://www.reportingproject.net/occrp/>

<sup>78</sup> <http://www.icij.org/project/global-climate-change-lobby>, <http://www.icij.org/projects/looting-the-seas>, <http://www.iwatchnews.org/environment/natural-resources/looting-seas/looting-seas-ii>

<sup>79</sup> See <http://www.uspolicy.be/headline/reporters-band-together-or-not-uncover-corruption> for a description of several cross border journalism cooperative projects uncovering corruption.

<sup>80</sup> Van Eijk et al, *Investigative Journalism in Europe*, (VVOJ, 2005), p 263.

<sup>81</sup> I. Overton, Bureau of Investigative Journalism, interviewed for this report on February 9, 2012.

<sup>82</sup> Though *The European* had many problems contributing to its lack of success, attracting readers certainly was one of them. See: <http://norumbega.co.uk/2008/06/30/the-european/>

<sup>83</sup> A. Pethö, investigative reporter at Origo.hu, interviewed for this report, May 17, 2012.

injections into cross-border reporting, the European Parliament in 2011 adopted a legislative resolution<sup>84</sup>

*'Providing for a preparatory action in favour of serious cross-border journalistic research at Union level.'*

Starting in the fall of 2012, a feasibility study into setting up a grant structure will be conducted. According to the resolution,

*'The study must look at ways in which independent, critical journalism can be funded by the EU, while ensuring the independence of information.'*

The study should closely consult with the investigative community, in order to avoid un-practical setups, and take a close look at the structure of the one fund already doing what the resolution promotes: the European Journalism Fund. Also, the study should rather look at ensuring the independence of the *journalistic process* while doing this cross-border reporting than look at ensuring independence of *information*. If complete editorial independence of the projects is safeguarded, independence of the resulting information will be guaranteed as well.

Realising that cross-border reporting is a future road into investigating pan-European stories such as fraud and corruption with EU funds, that money for these costly projects may come from many different sources (as long as editorial independence is guaranteed) and that structures like BIJ, OCCRP or a European centre for investigative journalism aren't competition but can help (co)create original in-depth reporting also catering towards traditional media outlets is part of a change in perception that is coming about only slowly in the journalism profession, but which is necessary within the existing European media.

### **2.3. INVESTIGATIVE JOURNALISM AS A SKILL (ANNEX 4)**

Many respondents state that the professional level of journalism in their country is too low to carry out original investigations. Journalists lack skills, schooling, technical know-how and methodology (both in general and on EU topics specifically) to take on complex stories like tracking EU funds and through publication help deter fraud and corruption. In 2000, the World Bank already identified this importance of training journalists in investigative skills.

*'Media practitioners have to possess an extensive set of skills which prove necessary in the fight against corrupted practices. If not mastered already, these skills should be acquired through clearly focused training and seminars which should be organized on a regular basis.'*<sup>85</sup>

On a more practical note when defining preconditions for quality journalism, Meyer wrote,

*'[t]he new emphasis on filtering, refining, decorating, and packaging information requires new ways of applying our old skills and discovery of some entirely new skills.'*<sup>86</sup>

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<sup>84</sup> European Parliament legislative resolution of 1 December 2011 on the joint text approved by the Conciliation Committee in the framework of 2012 budgetary procedure (17470/2011 ADD 1, 2, 3, 4, 5 ? C7-0446/2011 2011/2020(BUD)), Preparatory action Section III (Commission) Cross-border journalism (Budget line 16 02 06) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP7-TA-2011-0521%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

<sup>85</sup> Staphenurst, R., *The Media's Role in Curbing Corruption* (World Bank Institute, 2000), p. 20. Available digitally: <http://www.uoit.ca/sas/governanceAndCorr/media.pdf>

<sup>86</sup> Meyer, P., *The Vanishing Newspaper; saving journalism in the information age*, (University of Missouri Press, 2004), p 230.

Also, an extensive mapping exercise by the Open Society Foundation found that

*'Digitization has offered many tools and opportunities for improved investigative journalism but they are seldom used. Journalists lack the skills to conduct data based journalism despite the online availability of many resources, especially public records. When data are used, they are often republished with little accompanying analysis.'*<sup>87</sup>

Training thus has to be very clearly focused, has to cover tools and techniques alike, and aim at both the individual reporter and the newsroom management level. The latter is still underdeveloped, with organisational models often stemming from (not always comparable) American practice. Bringing best practices to European newsrooms and making them applicable to the diversified European journalism work field is a matter of urgency, for decisions on engaging in investigative reporting are made at editorial levels. Developing curriculums geared towards raising management skills is still in its infancy and needs to be supported. Current training facilities (also the ones supported by EU funds) are not geared to this.

Training in investigative skills is at a more advanced stage, with more and more journalism schools and universities adding research, data crunching and 'wobbing'<sup>88</sup> to the course load. Mid-career training is a different matter. And with the investigative drive often appearing at a later stage in a journalist's career, this certainly is a handicap. Organisations such as the European Journalism Centre (funded by the European Commission, member states and other donors) try to step in with training and seminars<sup>89</sup>, but to respondents to this report it is not always clear whom these sessions are aimed at and (despite the name) it is not a 'Europe only' venue<sup>90</sup>. Furthermore, training for the sake of training is not enough: specific, tried and tested skills, tools and techniques aimed at digging up sources, data and documents need to be identified before taking them to the easily and increasingly sceptical audience of journalists. The risk of 'training them into stupor' in methods they do not need or use is clear.

Independence of trainers or training organisations is paramount. Journalists more easily accept schooling from their colleagues than from organisations with ties to the institutions reporters are supposed to investigate. Therefore, independent professional associations in various European countries provide specific investigative courses and in-company training; investigative journalists themselves travel the continent teaching research and visualisation tools. As the recent CIMA report mentioned in paragraph 2.1. states,

*'Trainings and programs in investigative reporting should be led by a proven investigative editor or at least by a veteran investigative reporter.'*<sup>91</sup>

At the risk of slightly oversimplifying<sup>92</sup>, one can say that in countries with a strong association of investigative journalists aiming at raising the professional standards, investigative journalism is stronger and (technically) more advanced<sup>93</sup>. Here, a division within Europe becomes clear, with the

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<sup>87</sup> *Mapping Digital Media: Latvia*, Open Society Foundation, November 2011, p 7.

<sup>88</sup> Wobbing = (verb, Dutch/European journalist slang) getting documents through Freedom of Information legislation. Etymology: Abbreviation of the Dutch FOI, Wet Openbaarheid van Bestuur, WoB

<sup>89</sup> <http://www.ejcseminars.eu/>

<sup>90</sup> In its mission statement is also room for activities outside Europe. For instance, EJC is carrying out a five year program in Bolivia, aiming at supporting press freedom initiatives and improving journalism training: [http://www.ejc.net/about/press\\_releases/ejc\\_launches\\_press\\_freedom\\_2.0\\_bolivia/](http://www.ejc.net/about/press_releases/ejc_launches_press_freedom_2.0_bolivia/).

<sup>91</sup> Kaplan D., et al, *Empowering Independent Media*, CIMA, (Washington 2012), available digitally, <http://cima.ned.org/publications/empowering-independent-media-us-efforts-foster-free-press-and-open-internet-around-worl.>, p 95.

<sup>92</sup> For there is the exception of the United Kingdom, with a strong investigative practice and no professional investigative association.

<sup>93</sup> Van Eijk, D. Et al, *Investigative Journalism in Europe*, (Amsterdam 2005), Part three: Analysis.

Nordic countries (including the UK and the Netherlands) in the lead and southern Europe lagging. Germany is a case in itself, with one foot in the Nordic investigative tradition but until recently lacking a strong tradition in computer-assisted reporting. In the past, this task was often perceived as one for (social) scientists<sup>94</sup>. But the German association Netzwerk Recherche since a few years is hosting conferences on digital research methodology<sup>95</sup>, speeding up the use of advanced research techniques and currently putting Germany in the forefront of data journalism<sup>96</sup>.

Eastern European investigative journalists in the wake of the fall of the Iron Curtain often received extensive training from Anglo-Saxon origin (with USAID playing an important role in sending trainers and money across the globe) and often are quite advanced in current (often digital) research techniques. However, as respondents to this report from Romania remarked, training journalists in the former Eastern Bloc has become a market of millions of Euros in itself, with shady organisations and trainers making good money in providing top-down designed schooling the work field doesn't need. With dubious results, an investigative reporter concluded:

*'[W]ith such money you could have a variety of independent and investigative groups active for 20 years - but the money is wasted by a few smart bureaucrats.'*<sup>97</sup>

## 2.4. THE INVESTIGATIVE JOURNALIST, AN ENDANGERED SPECIES?

Looking at circumstances impeding (quality, investigative) journalism, emphasis is often on threats on journalists' lives and overall freedom of the press. As shown in the previous paragraphs, threats to the work of investigative reporters may also come from inside: dwindling newsroom resources, lack of organisational capacity, too little (relevant) training to do the work. This paragraph will focus on working circumstances for investigative journalists as a subspecies of the general journalism population. Mounting working pressure, the consequences of a shift towards a freelance work force and physical threats and intimidation will be discussed here.

### 2.4.1. Work pressure and the crisis of the freelancer

Relatively little researched in this specific profession<sup>98</sup>, but truly threatening to (investigative) journalists is mounting work pressure, in the newsroom and beyond. Serious journalists by nature are driven individuals not prone to saying 'no' during or after hours. Professionals working under (emotionally and physically) challenging circumstances, under deadline stress, with fewer and fewer colleagues or as a freelancer, and with a strong feeling of responsibility for their story have a hard time leaving work at the office. According to research, journalists in general have a relatively high prevalence of burnout and some occurrence of posttraumatic stress<sup>99</sup>.

Though investigative journalists are (mostly) not war correspondents being shot at, they cover important, large, to subjects often unwelcome, and to news outlets high profile and expensive

<sup>94</sup> Van Eijk, D. Et al, *Investigative Journalism in Europe*, (Amsterdam 2005), p. 239.

<sup>95</sup> Most recently, on June 1-2, jokingly naming the conference 'DigiTal der Ahnungslosen', playing on the combination of the term "digital" and the Eastern German slang for those parts of the GDR, where Western German terrestrial TV could not be received as Tal der Ahnungslosen (literally meaning "Valley of the clueless").

<sup>96</sup> Germany is at the moment among those countries leading in the development of data journalism, see *Zeit Online* (mentioned alongside *The Guardian* when it comes to data stories and data visualisation), *Stern* (their investigative team includes data journalists), press agency DPA (with its data journalism lab), *Süddeutsche Zeitung*.

<sup>97</sup> S. Candea, director of the Romanian Centre for Investigative Reporting CRJI, interviewed for this report, May 10, 2012. See **Chapter 4** on Romania for more background.

<sup>98</sup> See for scientific studies the reference list in Teugels, M., Vercaigne, C., *Deadlines zonder valkuilen* (Gent, 2011), p. 22.

<sup>99</sup> The DART Center for journalism and trauma provides tips and tools for journalists encountering trauma, burn out and stress: <http://dartcenter.org/topic/post-traumatic-stress>

stories. They may feel even more responsible for story impact and success than the average reporter. With journalism as such more and more becoming an 'ordinary' profession rather than a mission, and employees having a '9-to-5' mentality whereas digging calls for determination also 'after hours', investigative journalism just for that reason alone may suffer growing unpopularity within the profession itself.

Complicating matters is the economic hardship many media outlets are in. Established collective (labour) agreements for journalists are increasingly challenged, while, as a recent European Federation of Journalists (EFJ) conference stated,

*'in the process, [...] cutting the ground from underneath quality journalism'.<sup>100</sup>*

Lay-offs and cutbacks on the one hand and a relentless 24-hour news cycle needing to be filled on the other, lead to increasing work pressure and a growing force of freelancers working for wages too low to guarantee quality journalism. Said EFJ director Schroeder,

*'We call this the crisis of the freelancers. Some, even in the often better-off Nordic countries, work for incredibly low wages, and you can't have quality reporting for two Euros an article.'<sup>101</sup>*

This is even more pressing when it comes to investigative journalism. It can be (and is) done by freelancers, but more and more against the odds. Increasingly, freelancers turn to funds like the European Journalism Fund for grants, to ensure some kind of income while researching. Sustainable payment for investigations often taking time, as well as protection of freelancers' legal positions (when a story is challenged in court) are at best under threat and at worst non-existent.<sup>102</sup>

Having career and payment policies, a strategy for employability and guidelines for managing stress and burnout should be part of labour negotiations. This may not seem a task for Europe but for national legislation, media companies and trade unions. But the EU could help levelling the playing field by continuously putting these issues on the agenda<sup>103</sup>. Furthermore, where sometimes necessary collective bargaining and competition laws now at times (seem to) conflict, European institutions could take their own responsibility in reconciling the two when it comes to quality journalism. The European Parliament recently set a good example when its Committee on Culture and Education proposed a ban on buy-out contracts, thus allowing journalists an unwaivable right to remuneration of their work product<sup>104</sup>.

#### **2.4.2. Threats and intimidation (annex 5)**

In order to be able to investigate any topic warranting attention, journalists have to be and feel free in their work.

*'Although little can be done to protect journalists from moral threats, the protection of journalists' rights and their safety is critical to ensure the full role of journalism in curbing*

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<sup>100</sup> <http://europe.ifj.org/en/articles/european-trade-unions-stand-together-for-journalists-equal-rights>

<sup>101</sup> R. Schroeder, director European Federation of Journalists EFJ, interviewed for this report, April 16, 2012.

<sup>102</sup> For the most inclusive exception, see Belgium, where the journalists union VVJ/AVBB offers an insurance policy also covering freelancers. However, to qualify, one has to be a union member.

<http://www.journalist.be/verzekeringen/beroepsaansprakelijkheid/informatie>

<sup>103</sup> Segers, K., Teugels, M., Resmann, N., Van Hoof, E., and Vercaigne, C., *Talent management in the press and the audiovisual sector: 'levelling the playing field'*, (Brussel/Gent, 2011).

<sup>104</sup> <http://www.europeanwriterscouncil.eu/index.php/111-efj-welcomes-european-parliaments-move-to-ban-buy-out-contracts>



*corruption.*<sup>105</sup>

the World Bank Institute wrote in 2000. The Parliamentary Assembly of the Council of Europe time and again (f.i. in 2005, 2007 and 2010) stated in its resolutions and declarations,

*'that media freedom is a necessary condition for democracy and thus for membership with the Council of Europe. Member states and the Council of Europe must do more to ensure respect for media freedom and the safety of journalists.'*<sup>106</sup>

In 2007, the Council of Europe Committee of Ministers adopted a declaration specially aimed at the protection and promotion of investigative journalists<sup>107</sup>,

*'who engage in accurate, in-depth and critical reporting on matters of special public concern, work which often requires long and difficult research, assembling and analysing information, uncovering unknown facts, verifying assumptions and obtaining corroborative evidence'.*

It declared its support for investigative journalism, emphasised its importance in times of crisis and in emerging democracies, and called on member states to protect and promote investigative reporting in line with Article 10 of the European Convention on Human Rights, the relevant case law of the European Court of Human Rights and other Council of Europe standards. However, as the Council of Europe said when interviewed for this report, the Council cannot do more than refer to this declaration in its country and thematic monitoring of media freedom.

*'[We are] not aware of concrete follow-up to this Declaration, but know that media freedom and investigative journalism are subjects of high priority and frequency,'*<sup>108</sup>

a Council of Europe spokesperson said, and mentioned this report on deterrence of fraud with EU funds through investigative journalism might be seen as 'concrete follow-up'. The Council

*'count[s] on relevant professional organisations in member states to use such texts as well in their defence of their rights.'*<sup>109</sup>

Threats to journalists' lives may not seem prevalent within the European Union. When the Council of Europe in 2008 stated that

*'journalists must be protected against physical threats or attacks because of their work. Police protection must be provided when requested by journalists who feel threatened. Prosecutors and courts must deal adequately, and in a timely manner, with cases where journalists have received threats or have been attacked',*<sup>110</sup>

most of the incidents mentioned in the report took place outside the EU member states. Between 1992 and 2011, within the Council of Europe region, over 100 journalists were killed for their

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<sup>105</sup> Stapenhurst, R., *The Media's Role in Curbing Corruption* (World Bank Institute, 2000), p 12, available online <http://www.uoit.ca/sas/governeanceAndCorr/media.pdf>

<sup>106</sup> PACE Recommendation 1897 (2010) on respect for media freedom: <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/eREC1897.htm>

<sup>107</sup> <https://wcd.coe.int/ViewDoc.jsp?Ref=Decl-26.09.2007&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

<sup>108</sup> R. Dossow, Committee Secretary to the Committee on Culture, Science, Education and Media of the Parliamentary Assembly of the Council of Europe, interviewed on March 22, 2012.

<sup>109</sup> R. Dossow, *ibid.*

<sup>110</sup> Paragraph 8.14, PACE Resolution 1636 (2008), Indicators for media in a democracy <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta08/ERES1636.htm>



work<sup>111</sup>, with 30 in the last five years within the OSCE region, only one tenth of which were successfully prosecuted<sup>112</sup>. In its chapter on Europe in the most recent World Press Freedom Overview, the International Press Institute in 2011 counted seven journalists killed in the region, though all outside EU territory<sup>113</sup>.

Threats and intimidation do occur within the EU-27, though, as IPI wrote:

*'Scandals erupted in Portugal, France and Slovakia when governments sought to obtain mobile telephone data to determine the identities of journalists' sources, while in the United Kingdom the ongoing News of the World phone hacking scandal raised fears of a push for increased government regulation.'*<sup>114</sup>

In some other recent incidents, in April 2012 a Latvian journalist investigating Chechen ties to Latvian nationalists was attacked with a knife when returning home<sup>115</sup> (the government immediately called for a thorough police investigation), and in late 2011, two Slovenian journalists investigating illegal arms trade based on 6,000 pages of documents released through an FOI request received death threats in return<sup>116</sup>. The South East European Media Organization SEEMO condemned the threats, but the Slovenian government stayed quiet. In France, firebombs exploded outside the offices of a Corsican paper and a Paris based satirical magazine. Incidents like this should receive wider attention and warrant wider condemnation from the European member states and institutions, if they take their mission of protecting journalism seriously. For, as a recent publication states,

*'Threats against one journalist can have the devastating effect of silencing many others. Colleagues of the victims may go on working but fear the danger of reporting and writing about what the public ought to know. Many of them may start to exercise self-censorship.'*<sup>117</sup>

Often, threats against journalists within the EU-27 take on a more sophisticated face, using legal means trying to prevent journalists from doing their work. The impact of Hungary's recent media law on investigative reporting will be discussed in **Chapter 4** on the focus countries. Journalists are pressured to name sources (see **Chapter 2.6** for more on this). And most countries in the Union still have some kind of defamation law<sup>118</sup>, making it a criminal offense to publish facts or opinions that offend a person. Libel laws in Ireland and most notably the United Kingdom are used to sue media and its employees into submission, with the phenomenon of 'libel tourism' as its most reprehensible manifestation<sup>119</sup>. The European Parliament on May 10, 2012 gave off a strong signal condemning this practice when it adopted a resolution<sup>120</sup> calling for re-opening of defamation

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<sup>111</sup> Hammarberg, T., et al, *Human Rights and a changing media landscape*, Council of Europe publications, (Strasbourg, 2011), p. 9.

<sup>112</sup> Mijatović, D., 'Protection of journalists from violence', in: Hammarberg, T., et al, *Human Rights and a changing media landscape*, Council of Europe publications, (Strasbourg, 2011). Dunja Mijatović is OSCE Representative on Freedom of the Media.

<sup>113</sup> IPI World Press Freedom Review 2011, [www.freemedia.at](http://www.freemedia.at), to be published end of June 2012.

<sup>114</sup> IPI World Press Freedom Review 2011, [www.freemedia.at](http://www.freemedia.at), to be published end of June 2012.

<sup>115</sup> <http://www.cpi.org/2012/03/latvian-journalist-assaulted-in-riga.php>

<sup>116</sup> <http://www.journalismfund.eu/workinggrant/name-state>

<sup>117</sup> Hammarberg, T., et al, *Human Rights and a changing media landscape*, Council of Europe publications, (Strasbourg, 2011), p. 9.

<sup>118</sup> As of July 2011, of the EU-27 only Cyprus, Estonia, Romania, Ireland, and the United Kingdom fully decriminalised defamation, according to the OSCE.

<sup>119</sup> In the wake of the phone-hacking scandal, the UK government announced revision of the libel law. In which direction is not yet clear, though.

<sup>120</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0200+0+DOC+XML+V0//EN&language=EN>

proceedings<sup>121</sup>. EPP MEP Marielle Gallo stated:

*'We cannot accept legal uncertainty on journalists. Defamation proceedings must be urgently reviewed in order to prevent the current practice of shopping around for the best forum [...] We are proposing that in cases of defamation, the law applied will now lie with the country where the media is distributed. Concretely, a reader of a French newspaper living in Denmark, who considers himself the victim of slander, will be referred to a French and not a Danish judge. We are now waiting for the Commission to come up with a proposal in order to fill current gaps.'*

Emphasis on protecting public safety and fighting terrorism are often used to support a trend towards increasing limitations on freedom of expression and information. In 2009, the Council of Europe asked for a review of the effects of anti-terrorism legislation on (investigative) journalism<sup>122</sup>, for the journalist's work practice might become 'collateral damage' in the process. This review, however, has not been undertaken. Experts and journalists' organisations such as the International Federation of Journalists pressure the importance of transparency on this issue, and would welcome support and pressure from institutions such as the European Parliament.<sup>123</sup>

Media offices are raided and equipment and materials confiscated under the pretext of national security threats. In the Czech Republic, armed and masked police raided the offices of the public TV station, looking for a recently declassified document<sup>124</sup>. And with the (in)famous 'Tillack case' only recently being completely closed (see **Annex 5**), it is still fresh in the EU institutions' minds what damage seizure of journalists' material can do, to the institutions, the particular member states and to the work practice of the journalists under scrutiny.

With journalists last year being harassed and beaten by police while simply covering demonstrations against austerity measures in Portugal and Greece, or by unknown attackers for writing on the spending of public funds in Spain or a (later declared) suicide in Italy<sup>125</sup>, it is clear that overall, the call of the Council of Europe Committee of Ministers' Declaration of 2007 on CoE member states

*'to ensure that deprivation of liberty, disproportionate pecuniary sanctions, prohibition to exercise the journalistic profession, seizure of professional material or search of premises are not misused to intimidate media professionals and, in particular, investigative journalists,'<sup>126</sup>*

so far remains strong wording without much concrete follow-up. The European Court in Strasbourg has made it clear that, under the ECHR, governments have an obligation to protect the lives of journalists and to punish murderers of media professionals. But there is no mechanism (not just within the EU-27) to enforce this. As IPI, when interviewed for this report stated,

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<sup>121</sup> Concretely requesting reopening of the Regulation (EC) No 864/2007, see <http://www.eppgroup.eu/press/showpr.asp?prcontroldoctypeid=1&prcontrolid=11174&prcontentid=18681&prcontentlg=en>

<sup>122</sup> In the Reykjavik meeting of the CoE Conference of Ministers responsible for Media and New Communication Services, [http://www.coe.int/t/dghl/standardsetting/media/MCM%282009%29011\\_en\\_final\\_web.pdf](http://www.coe.int/t/dghl/standardsetting/media/MCM%282009%29011_en_final_web.pdf), p. 12.

<sup>123</sup> According to Dirk Voorhoof, professor of Media Law, Legal Human Academy University Ghent/University Copenhagen, interviewed for this report, January 27, 2012. See also the letter of February 8, 2012 by civil society and professional groups urging for the mentioned review: <http://www.access-info.org/en/council-of-europe>

<sup>124</sup> IPI World Press Freedom Review 2011, [www.freemedia.at](http://www.freemedia.at), to be published end of June 2012.

<sup>125</sup> Mijatović, D., 'Protection of journalists from violence', in: Hammarberg, T., et al, *Human Rights and a changing media landscape*, Council of Europe publications, (Strasbourg, 2011), p. 30.

<sup>126</sup> Paragraph 11.II.iv, <https://wcd.coe.int/ViewDoc.jsp?Ref=Decl-26.09.2007&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

*'[t]he intrinsic characteristic of international law is that it is difficult to enforce and relies on the will of national governments. [We] understand that the UN has discussed often the possibility of "enforcing" international laws and principles, to no result. Further, the latest attempt to enforce stronger mechanisms in the field of journalists' safety has, so far, received little result and has been met with opposition by some national governments.'*<sup>127</sup>

Governments need to treat threats against journalists as

*'crimes aimed at undermining public order and democratic governance'*<sup>128</sup>

a list of recommendations in a recent Council of Europe study states. But it also points at the actions NGOs, journalists, their organisations and media outlets can take.

*'The overall conclusion is that safety of the media and media professionals is a precondition for free media. Without safe working conditions, journalists cannot write freely. To defend the very important human rights of free media and free expression, authorities and organisations at all levels need to combine their efforts.'*

IPI suggests that, in order to develop instruments for enforcing international declarations, European institutions and countries could look at the current mechanism within the United Nations' Universal Periodic Review (UPR) process, with a rotating 4-year review of countries' human rights situation, a follow up on previous recommendations, a start to including NGOs and governments in the reviews, and to make recommendations in context of a reporting process instead of isolation. IPI would welcome if

*'the European Parliament were to seek to undertake similar reviews, ultimately forwarding that information to the European Commission or the Council of Ministers level.'*<sup>129</sup>

## **2.5. MEDIA OWNERSHIP AND PLURALISM**

Media ownership, as much as political and commercial restraints, can affect freedom of the press, as a World Bank Institute report stated in 2000.

*'A free media, along with an effective parliament and an independent judiciary, is one of the prerequisites for good governance. With regard to curbing corruption, the media has a dual role: to raise public awareness about corruption and to investigate and report incidences of corruption in a professional and ethical manner. To be effective, the media has to be free.'*<sup>130</sup>

As Van Eijk argued in 2005 on investigative journalism specifically,

*"It takes time to develop independent investigative journalism. Political and commercial restraints may make this difficult or impossible. Whether journalists succeed may in particular cases depend on the speed with which the political grip on the media loosens and the speed with which the commercial grip tightens. In this window of opportunity journalists have to*

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<sup>127</sup> Steven Ellis, Press Freedom Adviser for Europe and North America, International Press Institute (IPI), in an email of 11-4-2012.

<sup>128</sup> Mijatović, D., 'Protection of journalists from violence', in: Hammarberg, T., et al, *Human Rights and a changing media landscape*, Council of Europe publications, (Strasbourg, 2011), p 23-24.

<sup>129</sup> Steven Ellis, Press Freedom Adviser for Europe and North America, International Press Institute (IPI), in an email of 11-4-2012.

<sup>130</sup> R. Stapenhurst, *The Media's Role in Curbing Corruption* (World Bank Institute, 2000), p. 15. Available digitally <http://www.uoit.ca/sas/governeanceAndCorr/media.pdf>

*secure their positions.*"<sup>131</sup>

As recent research has shown, a variety of business models is the best guarantee for pluralism of voices, information and investigation. Says the CIMA study into empowering independent media worldwide,

*'In much of the world, independent media organizations are more constrained by economic and market conditions than by censorship, yet little development money is spent helping them become competent businesses. Poor business practices foster problems like lack of sustainability, donor dependence, and poorly paid reporters who take bribes. Business skills encompass a range of activities, including advertising, sales, marketing, and audience research. Today, there is no single business model appropriate to the media. Successful enterprises use a variety of advertising, subscriptions, consumer fees, and nearly free models.'*<sup>132</sup>

In this paragraph we will look into several aspects of the correlation between business models, media ownership and investigative output.

### **2.5.1. A role for Europe?**

In the past, the International Press Institute compiled regular overviews of media ownership, but it ceased to do so in 2005 because of a shift in organisational focus<sup>133</sup>. This came at a time when, according to the European Federation of Journalists,

*'[t]he issue of media concentration is back on the political agenda, not in the least because of the rapid transformation of the global media landscape and the introduction of new information technologies'.*<sup>134</sup>

In several declarations and recommendations, the Council of Europe states that media outlets should have editorial independence, and ownership and economic influence should be made transparent, thus at least exposing and at best preventing media monopolies and market domination<sup>135</sup>. However, as with other issues, the Council of Europe acknowledges its lack of enforcing power. And although many institutions, countries or individuals in Europe verbally support media pluralism and repudiate extensive media concentration, action against aberrations is seldom undertaken.

As a recent study on access to information in the EU and its member states concluded, transparency on media ownership is in several, though far from all, member states incorporated under the legal obligations for broadcasters.

*'However, approaches taken vary greatly in detail and seem to encounter, at least in a*

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<sup>131</sup> Van Eijk et al, *Investigative Journalism in Europe*, (VVOJ, 2005), p 261.

<sup>132</sup> D. Kaplan et al, *Empowering Independent Media*, CIMA, (Washington 2012), available digitally, <http://cima.ned.org/publications/empowering-independent-media-us-efforts-foster-free-press-and-open-internet-around-world>, p 7.

<sup>133</sup> The media landscape overview of the European Journalism Centre on <http://www.eu4journalists.eu/index.php/dossiers/english/C98> provides some media ownership information, but is not nearly comprehensive. Therefore, outdated but still the most recent overview is provided in Commission staff working document, *Media pluralism in the Member States of the European Union* (\* SEC/2007/0032 \*/), (2007) available digitally <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC0032:EN:NOT>, p.20-95. However, with the European financial and media crisis, plus the rapid technical developments in the field, a continuously updated European media ownership database would not be an excessive luxury when analysing this area of interest.

<sup>134</sup> IFJ Study *Media Power in Europe: The Big Picture of Ownership*, (European Federation of Journalists, Belgium 2005), p 4.

<sup>135</sup> Paragraphs 8.13 and 8.18 of PACE Resolution 1636 (2008), *Indicators for media in a democracy*, <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta08/ERES1636.htm>

*significant number of countries, persistent difficulties of full implementation (application and enforcement). In numerous cases, such schemes are not comprehensive, i.e. they exist for only one or several, but not all sectors of the media (including the advertising sector) or other relevant upstream or downstream markets such as electronic communications networks and services (as in Slovakia and Greece), thus the levels of cross-ownership and vertical concentrations can hardly be assessed, and remain therefore somewhat obscure. Further on, there may be limited scope of transparency insofar as the information may not require to go beyond including the first level of ownership and cannot serve to identify, hence, the actual beneficiaries.<sup>136</sup>*

Therefore, often fake transparency is provided.

Giving just one example of the devastating influence of media ownership concentration on critical and in-depth reporting in Europe, a recent report<sup>137</sup> on Bulgaria paints a grim picture. With two media conglomerates (each related to a different section of industry and politics) fighting over the print market, Bulgarian journalism suffers of short-term vision and falls victim to business and personal interests.

*'Respecting the business interests of media owners and silencing any information that may be interpreted as harmful is widely accepted by most reporters as a way of doing journalism. Even independent media, valued for their intellectual content, and unrelated to the above-mentioned groups, abstain from addressing those economic areas where their owners are active. For example, if an owner is in the oil business, one abstains from writing in-depth articles about energy. [...] "Corporate journalism" as it is called in Bulgaria undermines the credibility of most media and creates distrust among journalists (perceived as followers of a particular media group).'*

Romania is not much different, with local media moguls tied to political parties taking over from foreign investors (most recently with German group WAZ withdrawing from the market because of 'oligarchies' buying up publications 'not so much in order to make money, but to help them gain political influence').<sup>138</sup> In Italy, only recently since Silvio Berlusconi's stepping down is there some public debate on media ownership<sup>139</sup>; in Hungary local outlets hesitate at taking on stories because of harming local business interests<sup>140</sup>; and Rupert Murdoch's News International empire's role in the phone hacking scandal while simultaneously bidding on commercial outlet BSkyB brought the issue back on the agenda in the United Kingdom.

With fair competition and a functioning internal market as some of the objectives of the European Union, keeping an eye on non-disturbing media ownership might seem to naturally belong to the EU institutions' competence. An EC staff working document of 2007 phrased that media pluralism is more than diversity of ownership, also meaning a variety in sources of information and in the range of content available.

*'The European Union is committed to protecting media pluralism as an essential pillar of the right to information and freedom of expression enshrined in Article 11 of the Charter of*

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<sup>136</sup> Scheuer, A., Bachmeier, C., Rock, L., Schmeyer, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), p 98.

<sup>137</sup> Carried out by South East Europe Media Organisation (SEEMO), <http://www.freemedia.at/regions/europe/singleview/article/seemo-issues-preview-of-report-on-bulgarian-media.html>

<sup>138</sup> See **Chapter 4** on focus country Romania for more information.

<sup>139</sup> See **Chapter 4** on focus country Italy for more information.

<sup>140</sup> See **Chapter 4** on focus country Hungary for more background.



*Fundamental Rights. Since the early nineties the discussion on media pluralism has played an important role within the European Union.*<sup>141</sup>

But even with constant close monitoring by the Council of Europe and invitations by the European Parliament for the European Commission to take action in the field of media pluralism, the Commission after consultation in 2007 decided that

*'at present it would not be appropriate to submit a Community initiative on pluralism.'*<sup>142</sup>

Print media ownership is still a matter largely decided at the national level, according to a background information report of an ongoing study supported by the European Commission.

*'The printed press is one of the prime examples of national or even regional competence, and its situation often reflects the varying media traditions in the different Member States, and [...] the Member States resort to self-regulation in the field. Thus there is no EU legislation specifically on the printed press, nor can there be such legislation under the present state of the Treaty.'*<sup>143</sup>

EU intervention has been seen in the (television) broadcast market, harmonising national rules and focusing on effective functioning of the internal market for broadcasting services.<sup>144</sup> However, the study states:

*'The previous discussion of the interventions of the EU shows that, despite the tendency to indirectly promote freedom of the media, through the prism of media pluralism, weak solutions are provided and evident regulatory gaps emerge at the EU level. This is possibly all due to the lack of an explicit competence in this area on the part of the EU.'*<sup>145</sup>

With growing Internet use and the rise of online outlets as sources and publication platforms, there is an even stronger urgency to redefine the competence of European institutions here. As the study concludes,

*'the current regulatory framework seems to still lag behind, as it is not yet able to address the legal issues at the core of the new technological environment. The EU should then start a careful and profound analysis of the possibilities through which such new media could be regulated, so as to implement freedom of expression.'*<sup>146</sup>

A more recent study on the laws and policies dealing with the EU citizen's right to information<sup>147</sup> concluded that

*'the legal frameworks for the freedom of the media and the citizens' right to information in the EU Member States certainly show some room for improvement, in some instance even definite need for action, but the overall situation may reasonably be considered as having a rather*

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<sup>141</sup> Commission staff working document, *Media pluralism in the Member States of the European Union* (\* SEC/2007/0032 \*/), (2007) available digitally <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC0032:EN:NOT>

<sup>142</sup> Commission staff working document, *Media pluralism in the Member States of the European Union* (\* SEC/2007/0032 \*/), (2007) available digitally <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC0032:EN:NOT>

<sup>143</sup> Mediadem Background Information Report, *Media policies and regulatory practices in a selected set of European Countries, the EU and the Council of Europe*, (2010), p. 503. Available digitally [www.mediadem.eliamep.gr/wp-content/uploads/2010/05/BIR.pdf](http://www.mediadem.eliamep.gr/wp-content/uploads/2010/05/BIR.pdf). The project is running between 2010 and 2013, and is funded by the EU.

<sup>144</sup> *Ibid.* p. 501-503.

<sup>145</sup> *Ibid.* p. 503.

<sup>146</sup> *Ibid.*, p 505.

<sup>147</sup> Scheuer, A., Bachmeier, C., Rock, L., Schmeier, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), p 108.

*reassuring character.'*

But it also highlighted the limited possibilities the EU institutions have when dealing with aberrations:

*'[T]he impact of EU law on a number of highly important facets of Member States' media legal orders yet remains of limited scope',*

mainly covering organizational aspects of media operations, and the report states that safeguarding the so-called 'fundamental freedoms' (of the media, the press and of access to information)

*'remains a somehow "weak" factor in the sense that their implementation, in the absence of harmonising measures, is based on a case-by-case approach requiring the balancing of different interests stemming i.a. from public order considerations and overriding reasons of the general interest.'*<sup>148</sup>

The European Commission acknowledges the awkwardness of the current situation. As Vice-president Kroes, commissioner for the digital agenda, stated recently at an EP DG Communication seminar on media freedom in the EU member states<sup>149</sup>,

*"Does the EU have sufficient competences to defend media freedom in the Member States?" No, it does not. There is a wide gap between what the Commission can legally enforce and what we are often expected to do. [...] So my question to you is: is new EU legislation really the answer to threats to media freedom? What is the internal market problem to be tackled? Is there support in this Parliament for a substantive approach, going beyond the specifics of particular national cases?"*<sup>150</sup>

At the same meeting, EP rapporteur on media freedom Weber showed where the debate may be heading if the Parliament heeds the advice of its own rapporteur, to be published in a working document and to be voted on by December of 2012:

*'We don't need a directive on media freedom. Article 2 of the treaty together with Article 11 of the European Charter is enough. It is a matter of political will to combine the two.'*<sup>151</sup>

The European Commission, said Ms Kroes, will await the report by Ms Weber, as well as two other reports her directorate commissioned<sup>152</sup> before taking a position on the need for EU directives on media freedom. In the meantime, there will be a considerable discrepancy between expectations of and deliverance by the Commission when it comes to media freedom. This was, over the last two years, most clearly shown by the inability of the European Commission to deter, change or influence the implementation of the Hungarian media law of January 2011. Where the European Parliament and the Council of Europe voiced strong criticism on several aspects of the law impeding independent journalism, the Commission had to hold back more than the Commission itself would have liked, said Ms Kroes.

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<sup>148</sup> Ibid., p.108.

<sup>149</sup> <http://www.europarl.europa.eu/resources/library/media/20120504RES00006/20120504RES00006.pdf>

<sup>150</sup> <http://www.commentneelie.eu/speech.php?sp=SPEECH/12/335>

<sup>151</sup> Renate Weber (MEP ALDE), at the 'Media Freedom in the EU Member States' seminar on May 8, 2012, notes of the speech of Ms. Weber from the author of this report.

<sup>152</sup> <http://www.commentneelie.eu/speech.php?sp=SPEECH/12/335>, a High Level Group, chaired by former Latvian President Vaira Vike-Freiberga, will present recommendations on how to respect, protect, support and promote pluralism and media freedom within Europe. Secondly, the EU Media Futures Group chaired by Christian van Thillo will look at the impact of technology and new business models on the media.



*'In the case of Hungary, we were criticised for only pushing through so-called "technical" changes to the media law. Personally, I don't consider these mere technicalities: rules on offensive and balanced content, on prior registration of media outlets, and on sanctions are highly relevant to the practice of journalism. But, clearly, the Commission could threaten infringement action only on matters within its legal competence, and the underlying concerns are considerably wider than this.'*<sup>153</sup>

Waiting for all the reports to come in may be wise, but the Commission may lose momentum if it waits too long, as a remark by a Hungarian Media Council member on this issue indicates, almost reducing the Commission to a 'toothless tiger':

*'The European Commission in February read through the law and asked for four minor changes. Nothing big. Commissioner Kroes said ok. But now she is criticising us again. The European Commission cannot [officially] complain to us itself, so they ask the Council of Europe to do it for [it].'*<sup>154</sup>

### **2.5.2. The case of public broadcasting**

All of the EU member states have a system of public broadcasting, where the state provides for dissemination through radio and television (and sometimes an internet news website) of a certain amount of public information. Funding is through a special license fee, a general taxation of the public, or a mix of taxation and advertisement. The state also provides the broadcasting license, to commercial broadcasters as well.

The level of state intervention in content and management varies widely through Europe<sup>155</sup>. In some countries, a certain amount of 'national product' is mandated (e.g. France), in others percentages of content in certain areas (art, music, news) are prescribed in agreements between broadcasters and the state (Netherlands). In a number of (but not solely) Eastern European countries, heads of TV and/or radio units, or directors of news programming are appointed by the state (Romania, Hungary, but also France, Italy). Some governments provide or order finished product, to be aired by the public broadcaster (Netherlands).

With the business model of public broadcasting stemming from a time when airwave frequencies were scarce and the state was (in the West) perceived to be the entity capable of safeguarding plurality of voices and opinions plus (at least a minimum of) information necessary for the public to function as responsible citizens, or (in the East) as the one entity allowed to inform the public, in the post-communist and digital age public broadcasting and its tasks may seem outdated or even market disruptive. In many member states increasing criticism is voiced on what is labelled 'state subsidy' of (certain activities of) public broadcasters and their news organisations<sup>156</sup>.

The focus of this report only warrants some comment on the unique position of public broadcasters as providers of high-quality in-depth reporting on (mis)appropriation of EU money. It became clear there is a task for public broadcasters there, for in several member states only the

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<sup>153</sup> <http://www.commentneelie.eu/speech.php?sp=SPEECH/12/335>

<sup>154</sup> A. Koltay, member of the Hungarian Media Council of the Media Authority NMHH, interviewed for this report, May 17, 2012.

<sup>155</sup> See the country reports in Scheuer, A., Bachmeier, C., Rock, L., Schmeier, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), as well as p 101-104.

<sup>156</sup> See for instance the recent debate in the Netherlands, where newspapers want to curb the public news organisation's activities on the internet because of false competition, <http://www.villamedia.nl/nieuws/bericht/herzie-taken-marktverstorende-nos/#When:11:53:11Z>.

public broadcaster took up this (often complex, abstract, perhaps less ‘sexy’ and thus perhaps reaching a smaller viewership) issue when curated data on the topic became available through the BIJ/FT ‘Europe’s missing billions’ project (for example France, Belgium). Also, in many states only the public broadcaster will invest in production of time and money consuming investigative projects on radio and TV, despite the unpredictable levels of viewership, uncertain outcome or legal risks.

Providing this type of content is more and more seen as a public service, even amongst public broadcast sceptics, and should therefore remain eligible to receive public (state) support. One can defend that there is no market disruption in this area, for commercial outlets will not produce this content anyway<sup>157</sup>. Furthermore, where in some countries the state closes ‘performance agreements’ with the public broadcaster<sup>158</sup>, these could as far as prescribed viewership is concerned be judged less strict when it comes to investigative journalistic content programming.

### 2.5.3. A role for (non-profit) investigative centres

Respondents to this report often mention that media ownership clearly influences the freedom of publications to investigate topics of interest. In Poland, for instance, with only a few companies owning most of the country’s regional papers, choice of investigative topics is not perceived to be really free. And, added other respondents,

*‘ [The] current situation [of little investigative reporting] is a consequence of a very high concentration of media ownership in a tiny market, which is one of the smallest in the world (Slovene language is spoken only by 2 million people). Additionally, media owners are not independent, but are secretly connected to different political factions.’ (Slovenia)*

*‘In Hungary, local print press is largely owned by four foreign investors. Foreign investors in a way are a blessing, they can distance themselves somewhat from the political parties. But still, we found a story on fraud and a powerful local investor, and [the foreign] owner of the local paper wouldn’t let his people touch it.’ (Hungary)*

*‘In Italy there are NO pure publishers. All media are owned by economic or financial powerhouses, therefore are most often used for power or business, not for information. [And] I see changing the ownership system as practically impossible.’ (Italy)*

In many countries, particularly in the former Eastern Bloc after the fall of communism in the late ‘80s, this led to the rise of independent investigative reporting centres, often running on (foreign) foundation money. This rise of the non-profits is not just a financial topic, but can also be seen as investigative journalism trying to deflect pressure from political, commercial or other special interests. This will be further discussed in **Chapter 4** on focus countries Romania and Hungary.

The CIMA study on empowering independent media sums up why non-profit investigative centres and organisations are important to the investigative journalism landscape and are growing worldwide.

*‘Investigative journalism has played a frontline role in fostering accountability, battling corruption, and raising media standards, but it receives relatively little support—about 2*

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<sup>157</sup> With the exception of the UK and Sweden, in which commercial media also produce investigative series, and some countries (for instance the Netherlands) where the commercial news program also produces short-form investigative content.

<sup>158</sup> Such as the Netherlands, where the public broadcaster besides adhering to the prescribed percentage of output in certain genres (news, art, music), also has to reach a prescribed amount of viewers, measured by ratings.

*percent of media development funding by major donors [in the USA-MS]. The practice faces numerous obstacles in developing countries, including a lack of skills, resources, competent trainers, access to information, supportive owners, and protective laws. Despite this, there has been impressive progress in spreading the practice internationally. Investigative journalism networks have linked together thousands of reporters worldwide to collaborate on stories, sources, tools, and techniques. Key to this growth has been the spread of non-profit investigative journalism organizations, which now number more than 110 in 40 countries.<sup>159</sup>*

However, the study poses the important question of these centres' sustainability.

*'While many of the groups are relatively inexpensive to operate, in most countries there is a lack of local philanthropic traditions and economic incentives to donate. This means that to survive the centers will likely need to find ways to generate revenue along with grants and donations. A number of moneymaking ventures are underway among the various groups, including earning fees from reporting for commercial media, membership dues, newsletter subscriptions, database vending, and training and teaching. Some groups have found it helpful to affiliate with a university, where they can teach and get access to subsidized rent and student labor.'<sup>160</sup>*

Further study into the sustainability of non-profit journalism models should (and could) be funded, not just by donors and foundations, but by governments and (international) institutions as well.

A growing variety in business models makes for a differentiated and more independent structure of (investigative) journalism. As the World Bank Institute already in 2000 concluded,

*'The ideal solution is probably a mix of private and public news media with a wide diversity of ownership enforced through a strong anti-trust law.'<sup>161</sup>*

A larger role for the EU institutions than their current monitoring role, combined with a further rise of independently funded investigative journalism outlets, be it centres or funds or projects, could help safeguard pluralism of journalistic output and thus provide for an effective and free media. One Commission spokesperson said that it could not lead to institutions granting money to journalism projects.

*'The Commission absolutely supports the role of journalists in holding institutions to account. But financial support is not necessarily the best answer. How would that look? In some eyes, it would cost them their independence.'<sup>162</sup>*

But, as discussed in paragraph 2.1, others see wider possibilities, as long as solid 'Chinese walls' are erected between donor and recipient, which already is the case at several investigative centres throughout Europe, safeguarding output from donor influence and guaranteeing editorial independence. Concludes the CIMA-study,

*'Investigative journalism non-profit centers, in particular, have proven themselves dynamic*

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<sup>159</sup> D. Kaplan et al, *Empowering Independent Media*, CIMA, (Washington 2012), available digitally, <http://cima.ned.org/publications/empowering-independent-media-us-efforts-foster-free-press-and-open-internet-around-world>, p 8.

<sup>160</sup> Ibid., p 94.

<sup>161</sup> Staphenurst, R., *The Media's Role in Curbing Corruption*, (World Bank Institute, 2000), p 11. <http://www.uoit.ca/sas/governanceAndCorr/media.pdf>

<sup>162</sup> Antony Gravili, Spokesman for Inter-institutional Relations and Administration of the European Commission, interviewed for this report, April 10, 2012.

*agents of change; they should be supported and encouraged to develop sustainability plans.*<sup>163</sup>

## **2.6. FOI, WHISTLE-BLOWERS AND PROTECTION OF SOURCES**

No in-depth European overview is available on FOI acts, nor on whistle-blowing or protection of sources acts. With the input from experts and contributors to this report, provisional ones will be provided here in annexes (**6**, **7** and **8**), and trends will be analyzed.

A recent study<sup>164</sup> for the DG for Internal Policies provided extensive country reports on press and media freedom, including issues such as citizens' right to publicly held information and protection of journalists' work practice (f.i. protection of sources). The study dealt with a wide array of legal and policy issues, ranging from media ownership and financing of public service media to media accountability and libel law, aiming at broadly formulated conclusions on law and policy in the EU and its member states. Though giving valuable background and a broad picture of the state of laws and policies, the study was on some issues almost too broad and legalistic for the practical aim of this report. Therefore, in this report, the topics of FOI, whistle-blowing and protection of sources will be dealt with from the investigative reporter's point of view, thus making the observations practical and the recommendations more applicable to the reporter's actual work practice.

### **2.6.1. Freedom of information<sup>165</sup> (annex 6)**

In the DG Internal Policy study it is stated that

*The right to access information held by public authorities, or private bodies acting in a quasi-administrative capacity, in an administration's interest or on its behalf, is foreseen in the legislation of most of the Member States, which also forbids obstructions to information gathering and press criticism.*<sup>166</sup>

Freedom of information as journalistic tool and democratic ideal is not a consistent notion throughout Europe. Whereas it is deeply rooted and highly valued in for example Sweden, it is hardly known in some southern European countries. In-between these extremes a variety of legal and administrative traditions can be found. These traditions clash when it comes to the administration of the European institutions. Officials educated in each their national very open or very protective tradition struggle to develop the administration of the European access to document regulations<sup>167</sup>.

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<sup>163</sup> D. Kaplan et al, *Empowering Independent Media*, CIMA, (Washington 2012), available digitally, <http://cima.ned.org/publications/empowering-independent-media-us-efforts-foster-free-press-and-open-internet-around-worl>, p 9.

<sup>164</sup> Scheuer, A., Bachmeier, C., Rock, L., Schmeyer, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012).

<sup>165</sup> Contribution by Brigitte Alfter, director European Journalism Fund, contributor to wobbling.eu and freelance investigative reporter.

<sup>166</sup> Scheuer, A., Bachmeier, C., Rock, L., Schmeyer, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), p. 95.

<sup>167</sup> <http://www.information.dk/144397> - interview in Danish daily *Information*

### 2.6.1.1 Access to document and transparency rules in the EU bodies

The Access to Documents Regulation from 2001 governing the freedom of information in EU bodies is a comparably young law – given that the pioneer in the field, Sweden, has had its FOI legislation since 1766. In the Lisbon treaty, the right to a transparent administration was further emphasised and made an obligation for all EU bodies<sup>168</sup>.

*'The EU has battled internally about the appropriate level of openness for at least 15 years. An important step was taken in 2001 when it adopted Regulation No. 1049/2001 regarding Public Access to European Parliament, Council and Commission Documents, giving citizens a right to access documents at those EU institutions. The regulation shares several of the virtues of the Swedish legislation, but there are a few important differences. The secrecy requirements are described only in general terms, making it difficult for citizens to argue their case when denied access to information. Personal data is not subject to sensitivity testing and is normally considered classified. Another difference is that EU institutions are granted more time (up to three weeks) to answer requests from citizens.'*<sup>169</sup>

Thus argued Anders R. Olsson in a Council of Europe analysis of freedom of information legislation in Europe, comparing Swedish and EU laws.

Summing up key ideas from the ongoing debates among practitioners, transparency activists and in the carefully developing case law, some points can be made in favour and against the current regulation:

#### In favour:

- Regulation 1049/01 is among the most modern laws of its kind. The definition of documents is very useful and makes the law suitable to a modern administration  
*"document" shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility'*.<sup>170</sup>
- Regulation 1049/01 suggests institutions to publish their document registers. However rudimentary this may be carried out, the law thus obliges institutions to keep track of their documents in an accessible way.
- The mere existence of a common access to information law is an encouraging tool for citizens and journalists to request the necessary openness – regardless of the situation in their member state.

#### Against:

- Compared with the well-functioning freedom of information laws in transparent member states, the wording of 1049/01 can be considered vague on several points.
- The practicalities of access in EU institutions are cumbersome, according to practitioners among journalists and NGOs. One measurable figure is the percentage of complaints concerning transparency to the European Ombudsman, which make up more than 1/3 of his work and in the most recent survey 42% of the respondents criticised lacking transparency<sup>171</sup>.

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<sup>168</sup> See **Annex 6**.

<sup>169</sup> Anders R. Olsson in <http://www.coe.int/t/commissioner/Activities/themes/MediaFreedom/MediaLandscape2011.pdf>, 2011, page 92 ff.

<sup>170</sup> Regulation 1049/01, §3

<sup>171</sup> Satisfaction with the EU administration is generally low when it comes to its effectiveness, service mindedness, and transparency. It is particularly worrying that the EU is felt to perform worst on transparency (42% say they are not

- Case law is only developing slowly, and not always in favour of transparency. On the contrary – recent years have seen major backlashes for transparency, for example when it comes to the balance between transparency and the protection of private life.
- Planned reforms threaten current status and developments.

#### Status in 2012:

As this report is being written, the EU access to document regulation in its current form is about to be changed itself, and is about to be affected by changes in other, related legislation. Practitioners in the journalism community consider the drafted changes a threat to this research tool; they see serious obstacles to reporting ahead, and such a development would obviously include reporting on the use and possible fraud with EU funds.

#### Key points of criticism against the draft reform of 1049/01<sup>172</sup>:

- Definition of a document is suggested changed: Only “finalised” documents then would be considered documents, which may introduce an additional bureaucratic layer of finalising documents before the public can access them. Furthermore the draft includes a possible reduction of access to electronically held information<sup>173</sup>.
- Whole categories of documents are suggested to be kept out of the scope of the law and the reach of the public, such as documents on infringement procedures (member states accused of breaking EU law), on competition (cartels, mergers and state-aid cases) and documents related to court proceedings. This general exclusion is much more rigid than the current and national regimes on protective exceptions.
- Pieces of advice from legal services on disputed matters are also suggested to be kept outside the scope – an exemption judged by the Court of Justice to be unfounded according to the present regulation.
- Data protection is likely to overrule the right to access, if the ongoing negotiations do not change direction.
- A veto for member states on release of documents sent to the institutions – also here transparency as achieved in current case law would be rolled back.

As the EU is trying to meet the balance between protection of privacy and public interest in transparency, the pendulum currently moves away from transparency, experts fear.

Recent practice of the European Court of Justice<sup>174</sup> as well as the draft new EU rules on data protection have caused fear<sup>175</sup> that in the future it will become more difficult to scrutinise individual money flows, activities, doings and wrongdoings. Such legislation would hamper the possibility for journalists to obtain hard facts throughout the EU on national and EU level when it comes to EU funds, since large percentages of EU funds are administrated at national level. Also the EU Data Protection Supervisor, Peter Hustinx, has called for a more balanced approach.

#### Key points of criticism against the draft common data protection regime:<sup>176</sup>

A one-size-fits-all legislation of data protection might have two grave effects:

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satisfied with the level of transparency in the EU administration). As one third of the Ombudsman’s inquiries concern lack of transparency, this result reinforces his determination to help the EU institutions become more open, effective, and citizen friendly. [http://www.ombudsman.europa.eu/en/press/statistics/eb751\\_eo\\_synthesis.faces](http://www.ombudsman.europa.eu/en/press/statistics/eb751_eo_synthesis.faces)

<sup>172</sup> <http://www.wobbing.eu/news/presidency-criticised-%E2%80%9Deven-worse-commission%E2%80%9D>

<sup>173</sup> <http://statewatch.org/news/2012/may/eu-council-access-reg-prep-trilogue-09441-12-1.pdf> page 12 in the overview for the tripartite negotiations shows, that the Parliament is aware of the situation and includes the request for transparency, whereas Council and Commission focus on the administrative limitations.

<sup>174</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62008CJ0028:EN:HTML>, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62009CJ0092:EN:HTML>,

<sup>175</sup> <http://www.wobbing.eu/news/supervisor-alarmed-threats-access-rights>

<sup>176</sup> <http://www.wobbing.eu/news/supervisor-alarmed-threats-access-rights>



- Member states might find their national access laws being restricted by new data protection rules.
- On access rules for the EU institutions – currently negotiated for a change – considerations of data protection will outweigh the right to access.

To counter these threats the EU Data Protection Supervisor Peter Hustinx suggests a ‘substantive provision’ to balance the ‘various interests involved’<sup>177</sup>.

### **2.6.1.2 Freedom of information laws in the member states**

When journalists want to follow EU funds, this includes research in member states and hence the need for access to documents in member states, since a large share of EU funds are administrated and paid out via the member states. When it comes to freedom of information legislation in member states, the picture is extremely varied. Whereas a Swedish official according to the national constitution basically has to immediately drop other tasks to answer a freedom of information request, Cyprus doesn’t have a national law on access to information or documents, in Italy the law is not functioning, and Spain only recently started working on one<sup>178</sup>.

The weak or lacking access rights in a large number of EU member states is considered an obstacle to following and analysing the spending of EU funds. Journalistic research projects investigating spending of EU funds via member states under the Common Agricultural Policy, the Common Fisheries Policy or Structural and Cohesion funds unanimously lament the obstacles caused by lacking access to information in the less transparent countries, preventing investigative journalists from scrutinising the spending.

#### Environmental information

When it comes to information about the environment, all EU countries (including those without a functioning national freedom of information law) have a functioning piece of law on environmental issues thanks to the EU<sup>179</sup>. There are numerous cases, in which this directive was used by journalists and others to open national administrations beyond the usual practice - be that in Denmark (with a most recent case on a database about antibiotics used by veterinarians) or in Spain (for data on farm subsidies, data on a planned highway, etc.). Here EU law overrules national law (or lack of national law as in Spain).

The access to environmental information directive is comparably efficient and generally has a positive effect on transparency. In countries with no FOI act or with limited practice, the EU directive allows to develop new access arguments referring to (implemented) European legislation and to European legal practice. Even in countries with a well-functioning FOI act such as Denmark, the access to environmental information ‘WoB’ has a positive effect on access to electronically held documents, since the Danish law was written at a time, when electronic access was still rather irrelevant.

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<sup>177</sup> Recital 291, 292

[http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2012/12-03-07\\_EDPS\\_Reform\\_package\\_EN.pdf](http://www.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2012/12-03-07_EDPS_Reform_package_EN.pdf)

<sup>178</sup> See **Annex 6**.

<sup>179</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:041:0026:0032:EN:PDF>



### 2.6.1.3 Interaction between the various levels

Due to the general rules of EU legislation overruling national legislation, scholars in particularly the traditionally transparent countries have been concerned that weak EU legislation on access to documents may decrease the options for access in these countries, for example Denmark and Sweden<sup>180</sup>.

One example is the recent national commission on a reform of the Swedish freedom of information law, which was set to look into conflicts between Swedish and EU legislation<sup>181</sup>. After a little more than a year the committee stopped its work<sup>182</sup>.

However the looming threat that overruling EU legislation may effectively stop access to the public administration in the more transparent countries is not solved.

### 2.6.1.4 Active transparency and access to data

A supplement to the right to access to information is 'active transparency', i.e. governments or institutions providing important information and data directly to the public, usually via online services.

In recent years Open Data initiatives in civil society have pushed for access to more data – and are ready to analyse, scrutinise and republish public data in order to achieve new interactions between the public and the governments. Potentially the tools developed in this context allow scrutiny with public funds including EU funds.

When it comes to data about EU funds, the picture is almost as varied as legislation and practice on freedom of information. A majority of EU funds is distributed via the member states. If provided to the public, the information is in a variety of formats, and little or no overview of all data is accessible.

One example of journalists networking to build such an overview is the Farmsubsidy.org project (See **Annex 4**). However also the Farmsubsidy.org project now faces limited access to information due to the European Court of Justices' decision closing down access to information about CAP support to farmers and businesses run in the name of an individual<sup>183</sup>. As a result, a large group of beneficiaries is not mentioned anymore<sup>184</sup>.

Also when it comes to accessing information about fish subsidies<sup>185</sup> and regional funds<sup>186</sup>, journalists face serious obstacles.

Some EU funds are spent directly by EU institutions. They are published in the Financial Transparency System. Though journalists and Open Data activists promote improvements, the FTS is a useful tool for journalist providing data about the flow of EU money, and is used as such by them<sup>187</sup>.

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<sup>180</sup> For example mentioned by Anders R. Olsson on page 92-93 in this CoE report

<http://www.coe.int/t/commissioner/Activities/themes/MediaFreedom/MediaLandscape2011.pdf>

<sup>181</sup> Public hearing in Sweden, chapter 2.1, page 6

<http://www.wobbing.eu/sites/default/files/PM%2070%20remissammanst%C3%A4llning%2020110303-1.pdf>

<sup>182</sup> <http://www.journalisten.se/debatt/nyttigt-test-av-tfs-och-ygls-styrka>, <http://www.wobbing.eu/news/worlds-oldest-access-law-will-remain>

<sup>183</sup> The Schecke case, C 92/09 and C93/09

<sup>184</sup> <http://www.farmsubsidy.org/news/features/2012-data-harvest/>

<sup>185</sup> <http://brigitteafter11.files.wordpress.com/2012/02/2009-slipping-through-the-net.pdf>

<sup>186</sup> <http://www.thebureauinvestigates.com/2010/11/29/top-story-3/>

<sup>187</sup> Journalists exchange experience and provide training in using the FTS for investigative stories

<http://www.wobbing.eu/news/data-harvest-conference-2012>

### 2.6.2. Whistle-blowing rules (annex 7)

The act of whistle-blowing, concerned citizens raising a red flag in order to expose wrongdoings of all kind, is acknowledged by countries and international organisations and bodies alike as a valuable tool to prevent and amend these wrongdoings in a timely manner. But these same bodies often see whistle-blowing to the press as self-serving, sensationalist, irresponsible or downright penal. For the whistle-blower, going to the press is often a last resort, after trying to attract attention within the organisation or structure where the wrongdoing is taking place. The protection of whistle-blowers therefore is not just a matter affecting journalists' work practice, but needs to be implemented over a wide scope: from sets of rules within companies and organisations to (national) laws in countries.

The European Convention on Human Rights protects whistle-blowing as an aspect of freedom of speech (Article 10 ECHR)<sup>188</sup>. In 2010, the Parliamentary Assembly of the Council of Europe adopted a resolution on the protection of whistle-blowing, noting that only few member states have comprehensive laws on whistle-blowing protection, and calling on member states to review their legislation in this regard, aiming at 'providing a safe alternative to silence'<sup>189</sup>.

*'Where internal channels either do not exist, have not functioned properly or could reasonably be expected not to function properly given the nature of the problem raised by the whistle-blower, external whistle-blowing, including through the media, should likewise be protected.'*

However, as was described in paragraph 2.4.2 on journalists' safety, the Council of Europe has no enforcing power, other than to keep pushing the issue. The Criminal Law Convention on Corruption of 27 January 1999 in article 22, and the Civil Law Convention on Corruption of 4 November 1999 in article 9 both prompt parties to the conventions to provide protection of those reporting criminal offences or corruption. But with opaque wording and tending to adhere to 'the lowest common denominator'<sup>190</sup>, protection of whistle-blowers is not as robust as the CoE would like it to be.

No comprehensive overview of EU member states' legislation on whistle-blowing is available. Closest to this is the overview provided by a report of the Council of Europe of 2009, in which 26 CoE countries are listed<sup>191</sup>. EU member states responses to this survey are listed here in **Annex 7**. Only in the United Kingdom a comprehensive law, the Public Interest Disclosure Act (PIDA) of 1998, covers the entire area of whistle-blowing consequences in the public and private sector. The UK often serves as a best practice, as do the United States with the American Whistleblower Protection Act (WPA) of 1989 in combination with the Sarbanes Oxley Act of 2002 and some US state adopted laws.

Since the CoE report of three years ago, there were no sweeping changes in the situation of whistle-blowers. Laudable as the initiatives of the CoE may be, a, by their own acknowledgement, lack of enforcing power leaves issues such as this stranded between wise words, worries and woes. With the whistle-blower caught in the middle.

<sup>188</sup> <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

<sup>189</sup> PACE Resolution 1729 (2010), *Protection of "whistle-blowers"*,

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/ERES1729.htm>

<sup>190</sup> According to *The protection of "whistle-blowers"*, Committee on Legal Affairs and Human Rights (Doc. 12006, 14 September 2009), available digitally

<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc09/edoc12006.htm>

<sup>191</sup> *The protection of "whistle-blowers"*, Committee on Legal Affairs and Human Rights (Doc. 12006, 14 September 2009).

The European institutions in this respect could play an important role by setting an example through their own whistle-blowing practice. The European Parliament Directorate-General for Internal Policies (Budgetary Affairs) in the past commissioned several reports on whistle-blowing within the European institutions, and its effectiveness in battling corruption and fraud. A 2006 study distilled best practice elements from whistle-blowing approaches in common law and Roman law tradition, and proposed revision of the (then current) whistle-blowing rules in EU institutions. The authors concluded that

*'it will be permissible to state that even the regulations themselves are technically and in their wording ill disposed to encourage risk communication, or grant whistleblowers meaningful protection'.<sup>192</sup>*

The study provided proposals for improvement achievable within five years. An EP 2011 study again called for adaptation of the rules through

*'implementing a new generation whistle-blowing programme with the right 'checks and balances'<sup>193</sup>*

also within an ambitious time frame of five years at the most. But before changing the rules, the authors advised the EU institutions to 'rethink their whistle-blowing architecture', for if rules are not known, accepted and respected by all parties involved, changing them will not improve much.

Since then, within the European institutions (including special EP rapporteur on the issue Roth-Behrendt) no separate follow-up on this issue has been reported<sup>194</sup>. On April 25, 2012, the JURI Committee of the European Parliament voted on the current proposal by the Commission on a reform of the "Staff Regulations of Officials and Conditions of Employment of Other Servants of the EU", including amendments 40 – 45<sup>195</sup> on protection of whistle-blowing (article 22bis). The amendments aimed at giving EU whistle-blowers wider possibilities to report outside the framework of their own institution or OLAF (for instance to members of the European Parliament or the European Court of Auditors) and mandate EU institutions to establish a reporting structure with protection of whistle-blowers built in. None were adopted. So a uniform policy on whistle-blowing within the European institutions at this time awaits an uncertain future, unless the recommendations of the EP studies at some point will still lead to concrete action in Brussels.

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<sup>192</sup> *Whistleblowing Rules: Best Practice; Assessment and Revision of Rules Existing in EU Institutions*, IPOL/D/CONT/ST/2005\_58, p iii,

<http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=27551>

<sup>193</sup> *Corruption and conflict of interest in the European Institutions: the effectiveness of whistleblowers*, IP/D/ALL/FWC/2009-056, p 67. <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=60151> and its annex (annex 2 with comparative overview in Belgium, France, Germany, the Netherlands, Romania, UK and US) <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=60152>.

<sup>194</sup> Outside the EU legal framework, the most recent and interesting comments were made in the Anti-Corruption Action Plan of the G20, Action Point 7: Protection of Whistle blowers, <http://www.oecd.org/dataoecd/42/43/48972967.pdf>. This study by the OECD provides some guiding principles for legislation on the protection of whistle blowers, for G20 countries to 'enact and implement whistleblower protection rules by the end of 2012' (p. 2).

<sup>195</sup> [http://www.europarl.europa.eu/meetdocs/2009\\_2014/organes/juri/juri\\_20120425\\_1500.htm](http://www.europarl.europa.eu/meetdocs/2009_2014/organes/juri/juri_20120425_1500.htm)

### 2.6.3. Protection of sources (annex 8)

A journalist shall protect confidential sources of information. This is, as one of Europe's leading experts on the issue Prof. Dirk Voorhoof states,

*'[o]ne of the most fundamental rules of journalism ethics, recognized in national and international codes'<sup>196</sup>.*

The European Convention on Human Rights (ECHR), as interpreted and applied by the European Court of Human Rights (ECtHR), regards protection of sources as an aspect of freedom of speech (Article 10 ECHR)<sup>197</sup>. A strong stand on the issue was taken in the wording of a Council of Europe's Committee of Ministers recommendation, saying the Council of Europe's Committee of Ministers is

*'[c]onvinced that the protection of journalists' sources of information constitutes a basic condition for journalistic work and freedom as well as for the freedom of the media.'<sup>198</sup>*

But it is easy to see that this obligation may at times conflict with those of other investigative authorities (such as police, public prosecutors or courts) or people or organisations accused, or –if not properly guarded– may be challenged on judicial, political, privacy, transparency or safety grounds. The fine line between protection of confidential sources and openness in the name of all of the above is constantly challenged by journalistic practice, of which Voorhoof in his publications presents dozens of European cases from the last 20 years. The Parliamentary Assembly of the Council of Europe in 2011 stated

*'The Assembly notes with concern the large number of cases in which public authorities in Europe have forced, or attempted to force, journalists to disclose their sources, despite the clear standards set by the European Court of Human Rights and the Committee of Ministers. These violations are more frequent in member states without clear legislation. In cases of investigative journalism, the protection of sources is of even greater importance, as stated in the Committee of Ministers' Declaration of 26 September 2007 on the protection and promotion of investigative journalism.'<sup>199</sup>*

The continuing practice of harassment of journalists and their sources<sup>200</sup> is blatantly in breach with the member states' obligations under Article 10 of the European Convention.

*'Having regard to the importance of the protection of journalists' sources for press freedom in a democratic society and the potentially chilling effect an order of source disclosure has on the exercise of that freedom,'*

the European Court at several occasions has reiterated that disclosure orders or other measures in order to reveal the identity of journalists' sources

<sup>196</sup> D. Voorhoof, 'The protection of journalistic sources under fire?' In: D. Voorhoof, *European Media Law. Collection of Materials 2011-2012* (Knops Publishing, Herentals, 2011), p 285-301. Also available digitally on [europe.ifj.org/assets/docs/053/116/bd24035-fd27774.pdf](http://europe.ifj.org/assets/docs/053/116/bd24035-fd27774.pdf).

<sup>197</sup> <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

<sup>198</sup> Council of Europe Committee of Ministers' Recommendation R (2000) 7 on the right of journalists not to disclose their sources of information (Adopted by the Committee of Ministers on 8 March 2000), available digitally [http://www.coe.int/t/dghl/standardsetting/media/Doc/CM/Rec%282000%29007&ExpMem\\_en.asp#TopOfPage](http://www.coe.int/t/dghl/standardsetting/media/Doc/CM/Rec%282000%29007&ExpMem_en.asp#TopOfPage)

<sup>199</sup> Council of Europe Parliamentary Assembly, Recommendation 1950 (2011), The protection of journalists' sources, bullet point 3, available digitally: <http://assembly.coe.int/mainf.asp?Link=/documents/adoptedtext/ta11/erec1950.htm>

<sup>200</sup> See also ECtHR judgement of 12 April 2012, *Martin and others vs. France*.

*'cannot be compatible with Article 10 of the Convention, unless it is justifiable by an overriding requirement in the public interest.'*

In its Grand Chamber judgement of 2012 in the *Sanoma Uitgevers* case, the Court also made clear that disclosure can only be ordered by a judge or an independent and impartial decision making body, *before* the police or the public prosecutor have access to information capable of revealing the journalist's source. Any such *ex ante* decision must be based on clear criteria of subsidiarity and proportionality.

There is no comprehensive overview of the legal status of source protection within the EU member states. Some overview is provided by a policy document by the European Federation of Journalists EFJ of 2010<sup>201</sup>, in which constitutional and legal protection of sources takes up a chapter (here summarised and added to through comments by contributors to this report in **Annex 8**). In its policy document, EFJ asked for a European Parliament directive on protection of sources, but there is discussion in the academic and work field on the need for a EU directive, as Art. 10 ECHR is seen as binding and sufficient. Also, Article 11 of the Charter of Human Rights of the EU formulates the right to freedom of expression and information in a similar way as Article 10 ECHR.

A recent study on the citizen's right to information in the EU and its member states<sup>202</sup> provided a paragraph per member state on safeguards for journalistic activity in national laws, including protection of sources. When drawing conclusions, the study said,

*'When it comes to the right of journalists not to disclose their sources and the related protection against searches and confiscation/seizure of material, some variation in detail can be observed (in Bulgaria also the regulatory authority CEM can request to media service providers to reveal their source of information; the Hungarian Constitutional Court having recently ruled out such possibility), although the main material lines of this right and especially the procedural safeguards attached to it – such as the requirement of a court order or the "necessity or unavailability test" – appear to be common standard.'*<sup>203</sup>

However, due to its scope and having to deal with a number of other, rather varied and broad issues, the study could only scratch the surface of the issue of protection of sources.

Therefore, work field and academic experts would welcome a specialized up-to-date overview of, and in-depth research into protection of sources practices within EU-27 and would applaud the European Parliament arguing for similar research into this matter as the current report on deterrence of fraud through investigative journalism.<sup>204</sup> This would help formulate clear actions when a member state's national regulation seems to counter the practices elsewhere in the Union, as was the case with provisions on protection of sources within the Hungarian media law of January 2011.

*'[T]he EU institutions should think about the standards for media freedom and media regulation. When we know those, it becomes much clearer whether there is a double standard. For instance on protection of sources. Discuss the boundaries. Or let's find out what's happening within the EU member states: what is the status and were the recommendations followed?'*

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<sup>201</sup> European Federation of Journalists Steering Committee, *EFJ Policy Document on Protection of Journalists*, September 2010.

<sup>202</sup> Scheuer, A., Bachmeier, C., Rock, L., Schmeier, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012).

<sup>203</sup> *Ibid.*, p 94.

<sup>204</sup> Dirk Voorhoof, Professor at Ghent University, Faculty of Political and Social Sciences and the Faculty of Law, lecturer at Copenhagen University, Faculty of Law, interviewed for this study, January 27, 2012.

said Hungarian Media Council member András Koltay in defence to criticism by institutions such as the European Parliament and the Council of Europe to the 2011 Hungarian media law's provisions on protection of sources.<sup>205</sup> For lack of an academic overview on protection of sources policies and laws within the EU member states, the Hungarian Media Authority ordered field experts to draw up an overview that was consequently used when countering criticism. The overview, however, was judged by experts to be sloppy, incomplete and sometimes downright wrong<sup>206</sup>, thus underscoring the need for an independent review within the EU-27.

At the time of writing of this report, Belgian law on the protection of journalists' sources<sup>207</sup> is regarded to be the strongest within the EU-27 territory, and might, according to experts, be an inspiration to other countries to develop standards. The law gives journalists and members of the editorial staff

*'a right to refuse the disclosure of information'*<sup>208</sup>

if the information would reveal the identity of a source, the nature of the origin of information, the identity of the author of a text or audiovisual production or the content of information or documents if that might lead to the identity of an informant. Only when the information relates to crimes being a serious threat to the physical integrity of a person, plus the information is crucial to preventing this crime, plus the information cannot be obtained in a different way may journalists be compelled to disclosure. Most importantly, only a judge can deliver such a disclosure order *before* the police or the public prosecutor can take any action in this regard. Furthermore, journalists cannot be prosecuted for using stolen documents or for complicity in the breach of confidence.

Studying the European Court of Human Rights case law since 1996 (when the first groundbreaking case was decided by the Strasbourg Court, the so-called Goodwin-case<sup>209</sup>), Voorhoof concludes though that although it is not strictly necessary to spell out protection of sources in national legislation<sup>210</sup>, it is surely recommended to do so in order to guarantee a sufficient level of protection of sources.

*'The European Convention on Human Rights is binding in this matter. And thus the interpretation of the European Court is binding too. National practice should follow the judgements of the European Court. If it doesn't in a certain case, this case should be brought before the Court in Strasbourg, after exhaustion of all relevant domestic remedies. And even though this is expensive, organisations should support taking cases to the European Court for this creates principled verdicts benefitting the entire European work field. It might be helpful to create a fund to support taking cases to Strasbourg.'*<sup>211</sup>

Voorhoof stresses the importance of extending the protection of sources to journalistic *activity* more than the individual journalist, to prevent a never-ending discussion on who is a journalist or

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<sup>205</sup> András Koltay, member of the Media Council of the Hungarian Media Authority NMHH, interviewed for this report, May 17, 2012.

<sup>206</sup> More on this issue in **Chapter 4** on focus country Hungary.

<sup>207</sup> See: Wet van 7 april 2005 tot bescherming van de journalistieke bronnen, B.S. 27 april 2005, err. 13 mei 2005, gew. Arbitragehof 7 juni 2006 en Wet 9 mei 2006, B.S. 7 maart 2007.

<sup>208</sup> See for a description of the provisions, D. Voorhoof, 'The protection of journalistic sources under fire?' In: D. Voorhoof, *European Media Law. Collection of Materials 2011-2012* (Knops Publishing, Herentals, 2011), p 300-301.

<sup>209</sup> *Ibid.*, p 286.

<sup>210</sup> See e.g. in the Netherlands the 'Aanwijzingen Toepassing dwangmiddelen tegen journalisten', Staatscourant nr. 3656, 27 February 2012.

<sup>211</sup> Dirk Voorhoof, when interviewed for this study, January 27, 2012.



not. If the activity of producing journalistic content is protected rather than the person who may call him/herself a journalist, protection of sources might, when needed, also extend to bloggers and researchers of NGOs when their activities can be qualified as journalistic. This means the right of journalists to protect their sources must be guaranteed for all persons engaged in the collection and dissemination of information to the public via any means of communication, as well as for all persons who, by their professional relations with journalists, acquire knowledge of information identifying a source through the collection, editorial processing or dissemination of this information.

Protection of sources (as can be seen in **Annex 8**) is in many EU member states a matter of national law and/or regulations, and is under constant scrutiny and challenged in court. At the time of the 'Tillack case' (see **Annex 5** for an evaluation of this case), though unrelated to the EU and dealing with different presumptions as to the matter under investigation in the Tillack case<sup>212</sup>, the German Bundesverfassungsgericht ruled in the so called 'Cicero case'<sup>213</sup> that searching a newsroom or reporter's office needs "konkrete Anhaltspunkte" in order to overrule press freedom<sup>214</sup>, effectively upholding the protection of sources. Cases in for instance Belgium<sup>215</sup> and France<sup>216</sup> also show that press freedom and protection of sources is not only grounded in laws and regulations, but also upheld and strengthened by court decisions in member states. And most recently, ECtHR in the 'Affaire Ressiôt et autres c. France'<sup>217</sup> ruled seizing of materials from a newsroom a violation of protection of sources under art. 10 of the ECHR, showing support for the principle of protection of sources and investigative journalism.

In the matter of protection of sources, the European institutions themselves can make a defining step if they consider protection of journalists' sources as important as they proclaim. Article 6.2 and 6.3<sup>218</sup> of the Treaty on European Union<sup>219</sup> (as amended by the Lisbon Treaty of 2007<sup>220</sup>) state the European Union (and therewith its institutions) 'shall' access to the European Convention of Human Rights, directly extending the influence of the Convention to the workings of the European Union institutions and once more anchoring these fundamental human rights onto the union. Voorhoof:

*'When that happens, that would be perfect timing for the institutions to reaffirm the importance of press freedom and investigative journalism, and to provide for a permanent legal office or a*

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<sup>212</sup> Whereas in the Tillack case, the journalist himself was considered a suspect in the bribery of EU officials, in the Cicero case the German Bundeskriminalamt (BKA) was looking for evidence of a document leak from within the BKA and connections to the terrorist organisation of Abu Mousab Zarqawi.

<sup>213</sup> [http://de.wikipedia.org/wiki/Cicero\\_%28Zeitschrift%29](http://de.wikipedia.org/wiki/Cicero_%28Zeitschrift%29)

<sup>214</sup> The Court stated: "Die Durchsuchung der Presseräume und die Anordnung der Beschlagnahme (...) greift in besonderem Maße in die vom Grundrecht der Pressefreiheit umfasste Vertraulichkeit der Redaktionsarbeit, aber auch in ein etwaiges Vertrauensverhältnis zu Informanten ein."

[http://www.bundesverfassungsgericht.de/entscheidungen/rs20070227\\_1bvr053806.html](http://www.bundesverfassungsgericht.de/entscheidungen/rs20070227_1bvr053806.html)

<sup>215</sup> For Belgian case law, see Belgian ruling Constitutional Court, 7 June 2006, nr. 91/2006, <http://www.const-court.be/>, or see D. Voorhoof, "Arbitragehof verruimt toepassing journalistiek bronnengeheim", *De Juristenkrant* 2006/132, p. 17

<sup>216</sup> For French case law, see <http://combatsdroitshomme.blog.lemonde.fr/2011/12/12/protection-des-sources-journalistiques-parce-que-la-liberte-de-la-presse-le-vaut-bien-cass-crim-6-decembre-2011/>

<sup>217</sup> *Affaire Ressiôt et autres c. France*, (Requêtes n<sup>os</sup> 15054/07 et 15066/07), ARRÊT Strasbourg, 28 juin 2012. Available through the authors of this report.

<sup>218</sup> Article 6.2 TEU stipulates: 'The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms [...]. Article 6.3 TEU confirms that 'Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.'

<sup>219</sup> TEU consolidated version as of 30.3.2010:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:EN:PDF>

<sup>220</sup> [http://europa.eu/lisbon\\_treaty/full\\_text/index\\_en.htm](http://europa.eu/lisbon_treaty/full_text/index_en.htm)



*fund for judicial support for (investigative) journalists charged or prosecuted for breach of confidentiality or being the victim of infringements of their right to protect their sources.*<sup>221</sup>

## **2.7. MEDIA ACCOUNTABILITY, WATCHING THE WATCHDOG**

In an environment favourable towards (investigative) journalism, not only journalists have rights and needs. A framework of media accountability will strengthen the public's trust in (critical and in-depth) reporting, backgrounding and contextualising news stories. For the public, being able to not only hold the powers that be accountable through journalism as a watchdog, but also to be able to watch the watchdog itself adds a level of transparency to the media landscape.

In the kick-off to a study into media accountability instruments in several European countries starting in 2011 and lasting till 2014<sup>222</sup>, the authors identified challenges to established media accountability instruments such as

*'press councils; ombudsmen; media journalism in trade journals; media criticism in the mass media; also letters to the editor, correction boxes etc.'*<sup>223</sup>

due to the decline of traditional media reader- and viewership and therefore advertisement revenue, and vanishing media reporting in times of media crisis. Are these traditional accountability instruments still adequate in a rapidly changing media consumption environment? What is the need for a newspaper ombudsman, if ever fewer people read the paper? On the up side, there is a scope of

*'innovative instruments of media accountability emerging online: such as editorial weblogs (e. g. on the news site of the Nederlandse Omroep Stichting); websites monitoring news content (e. g. the British Mail Watch); webcasts of internal critique sessions or team meetings (as practiced, for instance, in the newsroom of the US daily The Spokesman Review); online ombudsmen (such as the German 'Bronski' from the daily Frankfurter Rundschau); and the media-critical activities on Twitter and Facebook'*<sup>224</sup>

All EU member states have some kind of (and often more than one type of) media accountability instrument, ranging from official press complaints commissions through ombudsmen at individual media to Internet forums or a twittering TV celebrity<sup>225</sup>. Also, a recent study for the DG for Internal Policy on citizens' rights to information within the EU and its member states in its country reports maps media accountability, broadly concluding

*'Self- or co-regulation for the press sector or, more broadly, the media sector exists in many EU Member States. These may take the form of codes of conduct adopted by individual media outlets, agreed among journalists, or among editors/ publishers or between both of these groups – for a specific, parts of or the entire media sector -, issued by an umbrella organisation such as a Press Council, etc. [...] There is also some variation in perceptions as regards to the effectiveness of bodies established with the task to monitor adherence to codes - by their own initiative, upon complaint by persons concerned by media coverage, or the public at large.*

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<sup>221</sup> Dirk Voorhoof, when interviewed for this study, January 27, 2012.

<sup>222</sup> <http://www.mediaact.eu/soar.html>

<sup>223</sup> Eberwein, t., Fengler, S., Lauk, E., Leppik-Bork, T., (eds.), *Mapping Media Accountability – in Europe and Beyond*, (Köln, 2011) p. 9.

<sup>224</sup> *Ibid.*, p. 9.

<sup>225</sup> See for a, sometimes hilarious though very impromptu, summary of European media accountability types Eberwein, t., Fengler, S., Lauk, E., Leppik-Bork, T., (eds.), *Mapping Media Accountability – in Europe and Beyond*, (Köln, 2011) p. 17-21. Providing a full overview and supporting data is one of the aims of the project.

*Criticism furthermore relates to the limited incentive which is given to entrusting press councils with the examination of complaints; in view of their almost non-existent sanctioning powers, lack of inclusion of market participants or disrespect of (the duty to publish) reprimands by media affiliated with them, preference is usually given to seeking redress by way of filing law suits.<sup>226</sup>*

It is the aim of the above-mentioned MediaAct research project to provide a comprehensive overview of media accountability including the empirical data that are now lacking. With the Internet opening media accountability instruments up to interactivity, the study of the effectiveness of these tools will enter a new phase. Media accountability may move from state regulation in the past to more and more self-regulation by stakeholders, being both media professionals and the public.

One can state, even on the incomplete data existing, that accountability highly contributes to trust in the media and therefore to an informed society. When the public trusts what the press offers, it may be more inclined to pressure their governments to act upon misbehaviour uncovered by the media. In order to trust the output, one has to be able to trust the medium. As recent events in the *News of the World* scandal in the United Kingdom have shown, public trust is easily lost and only slowly regained. 'Transparency' is the buzzword here.

For investigative journalists, often covering complex stories with a possible high impact, it may be even more important to show how their disclosures came about. The Internet can play an important role. With most papers, TV series and radio shows operating accompanying websites, journalists can explain their methodology, post underlying documents, give additional information and build dossiers. Without judging the projects as such, one can exemplify the 'Europe's missing billions' project methodology page<sup>227</sup> or ICIJ's 'How we did it' page for 'Looting the Seas II'<sup>228</sup>, to show that offering insight in the methodology behind a story may help discussion on transparency, channel criticism and – if done right – build public trust in the findings. Also, through providing the data on which a story was based, media can offer citizens an interactive tool to check and explore angles they are interested in. This may even lead to new stories through crowdsourcing.

A second step is for governments, organisations, companies and institutions to become transparent about the follow-up of disclosures. Debunking, spinning and denial are often the weapons of choice of the story subjects. This needs to change into an open communication on what is done with evidence and accusations of wrongdoing. But this may be difficult sometimes, as the acting spokesperson for OLAF, the European Union anti-fraud office said when interviewed for this study.

*'[I]t is obvious that we want to facilitate the work of investigative journalists by being a transparent organisation and giving them access to as much information as we can. There are of course limits to the information that we can disclose. OLAF obviously respects rules on data protection and the confidentiality of our investigations. [...] If we want investigative journalists to dig up stories about fraud and corruption, we must also give them access to relevant sources of information, which allows them to do proper research.'<sup>229</sup>*

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<sup>226</sup> Scheuer, A., Bachmeier, C., Rock, L., Schmeyer, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), p 96-97.

<sup>227</sup> <http://www.ft.com/intl/cms/s/0/6fd4c734-f327-11df-9514-00144feab49a.html>

<sup>228</sup> <http://www.iwatchnews.org/2011/09/27/6742/methodology-looting-seas>

<sup>229</sup> J. Wullt, OLAF acting spokesperson, interviewed on May 14, 2012.

Transparency at this level is unavoidable. Look at the United Kingdom, where several investigations into the *News of the World* scandal, both by the work field itself and by outsiders such as the Leveson inquiry<sup>230</sup> are a late-coming resort to help restore the public's trust in the media. With, at the time of the writing of this report, one obvious victim already: the British Press Complaints Commission, a semi-independent body promoting (in this case clearly dysfunctional) self-regulation by the media. What a new media accountability structure in the UK may look like is still unclear though.

## 2.8. PRESS FREEDOM (ANNEX 9)

It is clear that a free press is a prerequisite to investigative journalism. This free press is made up of many of the topics discussed in this chapter. High media ownership concentration makes for a less pluralistic media landscape and thus a less free press. Easy access to information gives the press more tools to weed the garden with, and thus makes media more capable to report on issues of their own choice. Solid legal source protection emboldens witnesses and whistle-blowers, and thus helps establish an environment that doesn't pose repercussions to sources and journalists alike. So, should we even add a separate paragraph on press freedom in general? Apparently, yes.

Several organisations chart press freedom: Reporters sans Frontières<sup>231</sup>, International Press Institute<sup>232</sup>, Freedom House<sup>233</sup>. Widely used is the RSF Press Freedom Index. However, the RFS press freedom index shows inconsistencies and leaves unanswered questions about methodology and data behind the index<sup>234</sup>. Still, when combined with IPI and Freedom House, data show Europe is sliding when it comes to press freedom.

Freedom House for 2011 still has four European member states ranked 'partly free': Bulgaria, Romania, Hungary, Italy. The RSF Index 2011-2012 notes increasing differences within Europe when it comes to press freedom<sup>235</sup>. On the page 19 map in the report, there are regional/geographical divisions: north (including Estonia and Ireland) scores 'good situation', southeast scores 'noticeable problems'. West (including the UK) and northeast seem equal, i.e. 'satisfactory', but for different reasons. RSF states that

*'[t]his year's index finds the same group of countries at its head, countries such as Finland, Norway and Netherlands that respect basic freedoms. This serves as a reminder that media independence can only be maintained in strong democracies and that democracy needs media freedom. [...] Within the European Union, the index reflects a continuation of the very marked distinction between countries such as Finland and Netherlands that have always had a good evaluation, and countries such as Bulgaria (80th), Greece (70th) and Italy (61st) that fail to address the issue of their media freedom violations, above all because of a lack of political will. There was little progress from France, which went from 44th to 38th, or from Spain (39th) and Romania (47th).'*<sup>236</sup>

<sup>230</sup> <http://www.levesoninquiry.org.uk/>

<sup>231</sup> <http://en.rsf.org/>

<sup>232</sup> [www.freemedia.at](http://www.freemedia.at), to be published end of June 2012.

<sup>233</sup> <http://www.freedomhouse.org/report-types/freedom-press>

<sup>234</sup> The research team of this report, as well as independent academics requested clarification by RSF on data and methodology but didn't receive it. Journalists contributing to this report often questioned the ranking of their respective countries, specifically when charted against previous years. See for remarks per country **Annex 1**, Mapping the Investigative Journalism Landscape. Still, the Index was taken into consideration when analysing broader trends emerging from the various press freedom charts in use.

<sup>235</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1043](http://en.rsf.org/spip.php?page=classement&id_rubrique=1043).

<sup>236</sup> RSF Press Freedom Index, p. 1-2. Ranking of EU countries on the RSF Index can be found in **Annex 9**.

With press freedom infringements Europe-wide apparently not significantly on the decline, stakeholders increasingly take charting press freedom into their own hands. As emerged from the paragraph on media accountability as well, digital tools enable journalists and the public alike to gather, curate and chart their own findings, setting up their own 'tracking devices' and passing their own judgements. But with greater democratisation may come fragmentation and – in a worst-case scenario – politicising and negation of findings and nullification of impact. To one instrument claiming declining media freedom in a country, a government under fire can always find another claiming the opposite. In November of 2011, the European Commission announced<sup>237</sup> the start of a Centre for Media Pluralism and Media Freedom at the Robert Schuman Centre for Advanced Studies in Florence. Apparently judging that an academic environment for this type of research was not yet available, the mission statement says the Centre will carry out research on media pluralism, organise debates and set up training activities on media freedom and media pluralism. With its high profile and pan-European backing, it would do well to avoid becoming another 'Hyde Park Corner' soap box of opinions on press and media freedom, but to provide comprehensive, transparent, unbiased academic insight into press and media freedom within the EU-27.

Considering press freedom vital to an environment open to investigative reporting, it would be helpful for the organisations involved to be as transparent about their own criteria for charting press freedom as they expect countries to be about the state of the topic under scrutiny; for separate initiatives to coordinate efforts on training and reporting of press and media freedom; and for centres and organisations springing up in different places to define their field of interest, preferred impact and relevance to the profession or proclaim themselves superfluous. The work field doesn't need six definitions of grey. If a transparent and independently indexed press freedom is to be an indication of a working climate open to investigating complex issues such as the dispersion of European funds and subsidies, the playing field better be consistent on what it perceives to be a free press and how to define its own role. How else will it otherwise expect the public to care?

## 2.9. CONCLUSION

When analysing the investigative journalism ecosystem in Europe, and the many aspects that play a part in the decision of journalists to engage in critical and in-depth reporting, three key words come up.

- **Prioritisation:** doing investigative journalism is a conscious decision, if a medium wants this type of output, time and resources need to be devoted to get it.
- **Determination:** both individual journalists and newsrooms wanting this type of output get it by being in it for the long haul.
- **Cooperation:** pooling resources and skills helps in raising the level, number and impact of investigative output.

In **Chapter 3**, we will see whether these observations on investigative reporting in Europe in general will also come up when analysing the output of journalists' effort on the topic of tracking appropriation of EU funds.

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<sup>237</sup><http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1307&format=HTML&aged=0&language=EN&guiLanguage=en>

### 3. THE STATE OF INVESTIGATIVE JOURNALISM ON FRAUD WITH EU FUNDS, ANALYSING OUTPUT

In this chapter, we will analyse the content of **Annexes 2** and **11**. We will look at trends in stories (numbers, topics, sources, impact) and publishing media, at who is reporting and at the role of EU institutions in doing these investigations.

#### 3.1. AMOUNT AND ORIGIN

##### 3.1.1. Amount

When questioned on the amount of investigative reporting addressing dubious use of EU funds or missed EU revenue within member states, European institutions or other structures, many of the respondents<sup>238</sup> expressed frustration on not being able to compile a list of some substance.

*'Actually, I'm a bit astonished there are not more stories in Germany',*

wrote co-author Albrecht Ude<sup>239</sup>. Respondents gave different explanations, ranging from a lack of interest by both media and the general public, through lack of time or money for investigative journalism in general, to not being able or willing to explain the importance of EU spending to readers and viewers. A few remarks:

*'Investigative journalism exists at a very low level [and] its impact is improbable. In a country where institutions do not work, there is no reason journalism would be the exception, obviously.'* (Southern Europe)

*'Journalism in general is rather parochial and local here. The EU seems not of much interest, only when it directly affects people's lives. But apparently, the media don't succeed in telling the stories that way.'* (North-western Europe)

*'The problem [...] is that EU related topics seem not to be the ones that interest huge crowds of readers. [...] the ongoing crisis in the EU has been covered very intensely by [my newspaper] and other media. So I would say that everyday news and problems about the EU are often in the spotlight, but there's a long way to go with investigative stories.'* (Baltics)

*'Stories about the EU are not sexy, are not hot issues for editors. [They don't] keep the viewers or readers. In addition, investigative reporting suffers a crisis in [my country] and media bosses don't want to do more of this reporting.'* (Eastern Europe)

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<sup>238</sup> Some respondents declined to be quoted by name in the report. They expressed reluctance to – as they expressed it – point the finger at colleagues' or (their own) media's attitudes towards investigative reporting in general or reporting on the EU specifically. To be able to use comments and remarks, the research team has decided to identify respondents by country or even region only, with the exception of those who explicitly gave their consent to be quoted by name.

<sup>239</sup> E-mail of August 17, 2012. Ude revisited databases in his country after first findings indicated an almost total lack of stories in Germany. Ude went back as far as 2004, and only came up with 19 stories.

*"There are very fragmented and rather rare reports on what happens to the EU funds, especially in-depth critical assessments that might be considered [investigative journalism]. The reports are mostly problem/person driven." (Baltics)*

There seems to be an accumulation of impediments to investigative journalism in general, as described in the previous chapter, and to investigative reporting on EU spending on top of it. When doing investigative reporting at all, the topic of the EU poses extra obstacles. A general remark is that stories on EU funds, tracking dispersion and revenue and controlling the spending process are, as one co-operator to the report noted,

*'not on the editorial radar. Besides, coverage of Europe when it is done, often just deals with the start of a process, the law making. Seldom is there interest in the effect of it.'*<sup>240</sup>

Adds another respondent,

*'People don't know the people on the scene; if you want to write about scandals you have to know them. Readers have no say in European matters, they feel, therefore it is of little interest to them. If it was on the radar of the readers, it would be on the radar of the editors.'*<sup>241</sup>

One could easily turn this reasoning around: if it was on the radar of the editors, they would find a way to 'sell' it to the public. Apparently, investigative reporters and editors either don't recognise the possibilities of finding good stories when investigating EU funds, or they don't look at the effects of the legislative process: who allocates money to whom and how is it spent? As often with (political) coverage, the horserace is perceived to be more interesting than the score in the long run.

However, in some countries journalists did generate strings of publications on the topic. For instance, Spain, Great Britain, Slovakia and Bulgaria stand out. For a thorough discussion of the unique British situation and particulars on Spain, see **Chapter 4** on the focus countries.

In Slovakia, many of the stories were published by a small number of outlets, mainly the dailies *SME* and *Hospodárske noviny*. In Bulgaria as well, a large amount of the coverage originates with only a few media, suggesting in both countries the dedication of individual journalists to the topic, convincing their publications of the importance to report on the issue. Personal involvement with collaborative research initiatives such as Farmsubsidy.org is pivotal in Bulgaria, the journalists in question were contributors to its activities. Here, as in some other countries where the output was small but concentrated within a few media (for instance Belgium, Luxemburg, Finland, Greece), the following mechanism seems to be at work, as described by one of the respondents:

*'[...] there's no media, or section of media devoted or even partially devoted to this. This does not mean that EU-related investigations (not scoop or incidental revelation: true investigations, starting with a hypothesis) did not pop up, based on individual will.'* (Belgium)

This is a remark from many of the respondents: unless individual journalists either 'get a crush on' digging into European data or become involved with a collaborative (cross-border) effort taking on the many available angles Europe and its workings offer, story output remains low and dispersed. As was demonstrated by France, where only one investigative publication on EU funds could be identified, based on a collaborative data crunching effort executed in Great Britain<sup>242</sup>. The editor of

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<sup>240</sup> A. Cumiskey, British freelancer, interview for this report, February 9, 2012.

<sup>241</sup> H. Tillack, Stern, interviewed for this report, February 24, 2012.

<sup>242</sup> 'Europe's lost millions', by Premiere Lignes TV for ARTE, based on 'Europe's hidden billions' project by the Bureau of Investigative Journalism, <http://www.thebureauinvestigates.com/category/projects/europes-hidden-billions/>



this British project added there is a shocking lack of what he called 'pan-European reporting'<sup>243</sup>, while the research topics discussed in this report are often pan-European. Only when journalists are able to cross borders (virtual or real) can these cross-border stories truly 'get legs' and will the level and amount of output, also in their home countries, rise<sup>244</sup>.

There are large differences between the countries in the amount of investigative journalism in general and on European topics specifically. While the Nordic countries and Great Britain have a high output of overall investigative reporting, they don't automatically have the same high score when it comes to reporting on EU funds. Only Great Britain is a front-runner in both, whereas in Sweden, with an investigative journalism association of around 800 members only a few stories could be identified. Respondents from Sweden could give no explanation other than their gut feeling, but the topic was never researched:

*'I think Swedish journalists did more stories on EU and EU corruption ten years ago than what they do today. Whether it's due to the cutbacks in Swedish media or pure laziness I don't know. There is also the strange thing that some type of stories get in and out of fashion, and right now it's not fashionable to do investigations in this field.'*

As for low output of Denmark, comparable to Sweden, as well as the high output of Great Britain, see **Chapter 4** on the focus countries.

### 3.1.2. Origin

In origin of overall output, not very much has changed since Van Eijk wrote in 2005,

*'usually, national newspapers and public service broadcasters dominate the investigative scene. In some countries weekly news magazines or Sunday papers play a leading role too, in other countries they don't. Only in a few countries do regional and local media or commercial broadcasters, invest substantially in investigative journalism.'*<sup>245</sup>

Size of the publication platform does not seem to matter here, as in France the largest newspaper, regional daily *Ouest France*, doesn't produce any investigative stories according to our definition, where in for instance Latvia relatively small national newspapers do put out stories at a remarkable rate.

Size of the language area was mentioned as a handicap by some of the respondents, for example:

*'[The c]urrent situation [of low investigative reporting output] is a consequence of a very high concentration of media ownership in a tiny market, which is one of the smallest in the world (Slovene language is spoken only by 2 million people). [...] Journalistic coverage of misappropriation of EU funds shares its fate with other important topics, which are usually and constantly underreported in Slovene media environment.'* (Slovenia)

Two things have changed since Van Eijk et al. seven years ago mapped the European investigative ecosystem. One is the transfer of investigative content to new publication platforms on the

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<sup>243</sup> I. Overton, director Bureau Of Investigative Journalism, interview for this report, February 9, 2012.

<sup>244</sup> There is a parallel with the coverage instrumental in bringing down the Santer Commission in 1999, as this was done by journalistic cooperation of Stephen Grey (then Brussels correspondent for *The Sunday Times*), Jean Nicolas (freelancer from Luxembourg), Hartmut Nathe (German magazine *FOCUS*), Udo Lielischkies (ARD) and the French *Le Nouvel Observateur*. See Hedinger, M., *Aufdeckung des „extraordinary rendition program“ der CIA durch Stephen Grey – Recherchestrategien und journalistische Netzwerke im internationalen investigativen Journalismus* (Hamburg, 2007), p 14-15.

<sup>245</sup> D. Van Eijk et al, *Investigative Journalism In Europe* (2005), p 228.



Internet. In a number of countries, journalists have started web portals (at least in part or entirely) devoted to investigative content<sup>246</sup>. In Hungary, the web portals Origo.hu and Index.hu take on the brunt of investigations (also into EU spending), and with a daily number of between 250,000 and 400,000 unique visitors to the news pages defy common opinion that readers don't want long-form, complex articles on the web.<sup>247</sup> As the websites of the Bureau of Investigative Journalism BIJ and the International Consortium of Investigative Journalists ICIJ show<sup>248</sup>, the web adds extra value to investigative stories, for additional documents, methodology and background can be presented where a print production cannot. Says Peter Magyari of Index.hu,

*'Take a meeting of the European Council, for instance. Usually it seems boring because nothing seems to happen for hours. I do live blogging, send two funny tweets to one serious one, add little clips or pictures. And then people will also read the serious part of what is going on. For the investigative stories, I can show examples: here is the road, this is what it costs, but this is what we pay because this company or this person is getting extra money. Clear examples, concrete, personal. It is easier online; you have no space in print to do stories this way. But I can.'*<sup>249</sup>

Another development of the last years is the quick rise and vast output of non-profit investigative centres in some parts of Europe. Here, the trend in Eastern Europe is particularly interesting. In several countries, notably Romania and Bulgaria, and recently the Baltic states, investigative reporting has found itself a home in NGO-like independent reporting units, often with their own (online) publication channel, run on (national and foreign) donor money<sup>250</sup>, and using the latest in tools and techniques to investigate large, often cross-border topics such as crime and corruption. As **Chapter 4** on focus country Romania will show, often with remarkable output, also on the spending of EU funds. It can be argued that, in the fragile democracies of eastern Europe, where media moguls quickly took over the national outlets after the revolutions of the late 1980s and early 90s, critical and in-depth reporting had to grow up fast and stand on its own two feet. Looking towards tried and tested models in young democracies or democratic systems under pressure elsewhere, such as in the Philippines, the model of a financially and editorially independent centre for investigative journalism was embraced and adopted.

*'Non-profit journalism in the west is there for reasons of crisis in revenues. Here we call it an NGO and it is there for reasons of independence,'*

said one respondent in Hungary.<sup>251</sup>

Often these centres become breeding grounds for cross-border research, training centres for young journalists, and a driving force in the development of investigative reporting in a country or region. Interestingly, none of the Nordic countries except Great Britain<sup>252</sup> have tried their hand at starting an investigative centre. Yet, perhaps. For with long form and in-depth reporting increasingly under threat at traditional media outlets, and realising the success of these centres in

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<sup>246</sup> For instance Apache.be (Belgium), FTM.nl (Follow The Money, Netherlands), Médiapart.fr (France). The latter being one of the few portals focussing on in-depth reporting and breaking even financially in 2011. See for a discussion of more models Bruno, N., and Kleis Nielsen, R., *Survival is Success, Journalistic Start-ups in Western Europe*. University of Oxford, Reuters Institute for the Study of Journalism, (Oxford, 2012).

<sup>247</sup> See for more on this shift of content in Hungary **Chapter 4** on the focus countries.

<sup>248</sup> <http://www.thebureauinvestigates.com/>, <http://www.icij.org/>

<sup>249</sup> P. Magyari, investigative reporter for Index.hu, interviewed for this report, May 18, 2012.

<sup>250</sup> F.i. Danish government (foreign ministry) money is granted to reporting projects at these centres through Scoop, a support network for investigative journalists in east and south-eastern Europe. Also, American donors support the Baltic Centre for Investigative Journalism, and donors like the Open Society Foundations are active in supporting the development of investigative centres and cross border journalism all over Europe.

<sup>251</sup> S. Orbán, executive director of the South East European Network for Professionalization of Media, interviewed for this report, May 17, 2012.

<sup>252</sup> See for the history of the British 'centre like' structures the chapter on focus country Great Britain.

the USA, discussion on setting up centres is also held in countries like The Netherlands and Flanders, which were traditionally strong on investigative reporting at regular news media<sup>253</sup>, as well as on a pan-European level. Several respondents note that centres may be in the unique position to take on large research projects such as tracking EU funds, for individual media outlets can't or won't afford time-consuming and expensive projects like these (anymore):

*'The Bureau [of Investigative Journalism]'s function is to do stories like this that nobody else does. I was on [the 'Europe's hidden millions' project] for pretty much nine months. That is a lot of time and money [for my paper]. It is a huge investment.'*<sup>254</sup>

But, as also noted in Paragraph 2.5.3, these centres all run on donations and sponsorships and are thus depending on donors' willingness to provide for a centre. With only few donors and funds interested in supporting (investigative) journalism in Europe - contrary to the USA where a total of \$1 billion is annually spent on the non-profit communication sector<sup>255</sup> - and donors sometimes being fickle in their spending patterns, this is a fragile foundation to rely on for these stories. On the other hand, with only a fraction of the donor money going into investigative journalism at the moment<sup>256</sup>, there is a vast amount of money to tap.

### 3.1.3. Role of the Brussels press corps

When analysing who publishes investigative stories on EU funds, the Brussels press corps is remarkably absent. It seldom does 'follow the money' stories on the EU, with the exception of some Brits. For instance, the Brussels correspondents of *The Times/Sunday Times* were responsible for about 90% of the EU funds coverage of this paper. Most of these stories had a rather narrow national angle, though, for they focused on British members of European Parliament and their expenses. For the exceptional British situation, see **Chapter 4** on the focus countries.

The relative absence of the Brussels press corps from investigations on the EU and its institutions may have a historical background, according to several studies.

*'Two types of journalists can be distinguished in Brussels. The first type is the 'institutional' journalist (Baisnée, 2000). Most of these journalists are pro-EU and attach such importance to being part of EU circles that they put less emphasis on scrutinizing institutions and interpreting events. They were the first to arrive in Brussels. Friendly relations with their news sources matter as much in Brussels as at home. The second type, the 'investigative' journalist, practises a more critical journalism. These journalists have a less ideological attitude towards the EU, keep a professional distance to their sources and are therefore more willing to find scoops and expose scandals (Baisnée, 2000).'*<sup>257</sup>

Alessandro Buttici, former spokesperson of OLAF, the EC's anti-fraud body, adds an extra thought to this.

<sup>253</sup> See background information on this discussion in the Netherlands and Flanders in M. Agerbeek, *Een nieuwe impuls voor onderzoeksjournalistiek*, (Amsterdam, 2011), <http://www.vvoj.nl/cms/2011/09/30/vvoj-studie-potentie-voor-onderzoeksjournalistiek-maar-geen-strategie/>

<sup>254</sup> C. O'Murchu, *Financial Times*, interviewed for this report, February 9, 2012.

<sup>255</sup> Including public broadcasters NPR and PBS. See L. A. Friedland and M. Konieczna *The Field of Nonprofit Funding of Journalism in the United States*, (University of Wisconsin-Madison, 2011).

<sup>256</sup> See Kaplan D., et al, *Empowering Independent Media*, CIMA, (Washington 2012), available digitally, <http://cima.ned.org/publications/empowering-independent-media-us-efforts-foster-free-press-and-open-internet-around-worl>, p 95.

<sup>257</sup> Van Noije, L., 'The European paradox. A communication deficit as long as European Integration steals the headlines', in: *European Journal of Communication* 2010 25: 259 <http://ejc.sagepub.com/content/25/3/259>

*'Brussels is the largest pressroom and collection of journalists in the world (maybe more than in Washington), but most of them are not investigative journalists. [The Brussels correspondents] are more than excellent journalists, but the [largest] group of them are generalists. The investigative questions come more often from investigative journalists in the member states. [...] Sometimes I have had to explain very basic things to Brussels journalists (e.g. time limitations [in financial investigations-MS]) about how the legal system of Europe works and how investigations go.'*<sup>258</sup>

An extensive analysis of the role of the Brussels press corps was carried out by Christoph Meyer under the headline of 'European public sphere as a control sphere' and with a particular focus on the control function of journalism<sup>259</sup>. He analysed several cases, amongst which the allegations of fraud in the Echo/Cresson cases during the Santer Commission. In this case a team of committed 'outside' journalists were at the centre of the cross-border coverage and initially suspiciously eyed by other Brussels correspondents.

Hungarian investigative reporter Magyari notes another difference with his Brussels' colleagues when he travels to Belgium for his stories.

*'There are some Hungarian correspondents in Brussels, I see them, I sometimes stay with them when I am there. But they don't do these kinds of stories. I talk about it with them. I write stories about misappropriation of funds, they don't. They say: I am here by myself, I have to write about everything, about Greece, Spain, I don't have time to develop these stories. Too much time and energy goes into the other stuff.'*<sup>260</sup>

And says the director of the Bureau of Investigative Journalism, himself a former Brussels correspondent,

*'I got the impression when I worked there that Brussels is like the Washington beltway, with its proximity of journalists and press officers. Geographical and professional proximity. That hinders truly independent reporting. The rise of the press officers has led to less and less strident reporting.'*

It may lead to the thought that it takes an 'outsider' to do these stories (geographically, but certainly mentally, as several of the stories on European funding by Brussels correspondents of *The International Herald Tribune*<sup>261</sup> show). This is often the case with investigative reporting: the sports reporter covers the game, the political correspondent covers daily politics, and the investigative colleague the machinations behind the scenes.

*"We are the outsider, not cosy with the press officers, we don't need them the next day for another story."*<sup>262</sup>

However, EU and EC spokespersons interviewed for this report add a different consideration when judging the lack of involvement of the Brussels press corps into investigative stories. Says one,

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<sup>258</sup> A. Buttice, OLAF spokesperson between 2000-2009, currently Adviser Directorate D (Policy), OLAF, interviewed for this report, May 30, 2012.

<sup>259</sup> Meyer, C., *Europäische Öffentlichkeit als Kontrollsphäre: Die Europäische Kommission, die Medien und politische Verantwortung*, Vistas (2000).

<sup>260</sup> P. Magyari, investigative reporter for Index.hu, interviewed for this report, May 18, 2012.

<sup>261</sup> By Doreen Carvajal and Stephen Castle. Being raised in the American reporting tradition, they had tracking farm and other subsidies and funds 'in their system', as American reporters are trained in following taxpayers' money. It won them a Thompson-Reuters reporting prize on Europe

(<http://www.nytimes.com/2009/10/27/business/global/27sugariht.html?pagewanted=all>)

<sup>262</sup> I. Overton, interviewed for this report, February 9, 2010.

*The Brussels press corps is very busy reporting on daily matters. But also, they may better recognise when something is a story or not,*<sup>263</sup>

implying that relative outsiders also may more readily jump on incidents and perceived inconsistencies that when understood wouldn't warrant stories. It was a criticism coming up often when discussing the BIJ/FT 'Europe's missing billions' project. Several spokespeople emphasised flaws in the research that would have been prevented had the reporters either consulted with the departments responsible for dispersing structural funds or cooperated with Brussels correspondents knowledgeable on the topics.<sup>264</sup> Said one spokesperson, when discussing contacts with journalists in general,

*I have never been called by investigative journalists saying: I am researching this and this, can you tell me what the issues are. I do get a lot of lazy, ignorant journalists with a clichéd story already written in their heads asking me for the millionth time what these mad Brussels bureaucrats are up to.*<sup>265</sup>

One could suggest Brussels correspondents and home-based investigative reporters working more closely together on research into EU topics. That, however, hardly occurs. Says Butticié,

*It is a pity there is not always more cooperation between the Brussels press corps and the investigative reporters at home, that have more space in the media than correspondents from Brussels, who remain always peripheral.*<sup>266</sup>

Leaving journalists in the member states complaining about a lack of contacts and sources (see Paragraph 3.3.3) and EU officials about investigative journalists' lack of knowledge and understanding of the inner workings of the union. In **Chapter 4** on the focus area of the European institutions, we will take a closer look into one rather successful effort to bridge the gap: the OLAF Anti-Fraud Communication Network.

### 3.2. TOPIC TRENDS IN INVESTIGATIVE OUTPUT ON THE EU

In the 2005 VVOJ study on the state of investigative journalism in Europe, Van Eijk specified investigative journalism subject matter in general, starting with this observation:

*Specific patterns occur in the subject matter of investigative journalism. These patterns are not only related to journalism traditions, but also to the level of development of the particular country. More advanced societies open up more possibilities for investigative journalism.*<sup>267</sup>

This will prove clear when analysing the output of EU investigations in specific EU member states.

As Baggi noted<sup>268</sup>, journalism in Europe in general has an approach often characterised by a tradition of advocacy. This is especially true of investigative journalism, with its watchdog attitude.

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<sup>263</sup> A. Gravili, spokesman for Inter-institutional Relations and Administration of the European Commission, interviewed for this study, April 10, 2012.

<sup>264</sup> See for a thorough discussion of the flaws and merits of the project **Chapter 4** on the focus countries.

<sup>265</sup> A. Gravili, April 10, 2012.

<sup>266</sup> A. Butticié, OLAF spokesperson between 2000-2009, currently Adviser Directorate D (Policy), OLAF, interviewed for this report, May 30, 2012.

<sup>267</sup> D. Van Eijk et al, *Investigative Journalism In Europe* (2005), p 233.

<sup>268</sup> G. Baggi, *Non-profit Investigative Journalism in Europe. Motives, Organisations and Practices*, (University of Hamburg master thesis, Hamburg, December 2011), p 29.

Therefore, at the risk of oversimplifying, certain topics are by nature of greater interest to investigative reporters than others. Topics in order of declining interest to investigative journalists<sup>269</sup> being:

- crime and corruption
- abuse of power by people or institutions of power
- government or institutional failure
- dubious behaviour of a particular person (often a politician)
- evaluation of a particular policy or domain of public action
- business and macroeconomic developments
- disasters and major incidents
- developments in sports and the arts.<sup>270</sup>

Crime and corruption constitute popular subject matter with investigative journalists, as these are obvious examples of wrongdoing. Therefore, not only due to the focus of this study but also due to the nature of investigative interest itself, many of the publications listed in **Annexes 2** and **11** deal with this subject matter, or with the second category of popular topics: reports on the abuse of power by powerful people or institutions. Together they make up roughly 90% of stories on the list.

When reporting on the financial workings of the EU, rarely do media publish plain overviews of data from which the general public can draw its own conclusions. Journalists are expected, by the nature of their profession, to offer context and insight. Often this is most clearly provided through painting examples of deviation from the norm (the norm being here: correct spending of EU funds). This choice of angle might be perceived as journalistic bias tending towards the negative. But it is also engrained in the common understanding of what creates news: new information (often that which diverges from the ordinary or the just) about recent events or happenings as reported by newspapers, periodicals, web, radio, or television. The (what might by some be perceived as disproportionate) amount of reporting on misappropriation of European funds may in part thus simply stem from this definition of news. As one of the contributors to the British investigative project 'Europe's hidden billions'<sup>271</sup> remarked:

*'With the large amount of money being spent through EU structural funds, even if there is fraud with only one percent of the appropriations we are talking about millions of Euros. That's always a story.'*<sup>272</sup>

Another area of general investigative interest is reporting on government or agency failure. This angle, as Van Eijk points out, often

*'creates certain uneasiness among the public. [...] investigative journalists often have to tell their readers or viewers that an agency has done something wrong in their name. The agency acts on behalf of the citizens, so the citizens share a responsibility for the wrongdoing. That is a more difficult message to live with than a confrontation with an 'outside' wrongdoer. It would be interesting to investigate whether this contributes to the growing cynicism among citizens that makes them turn away from the news.'*<sup>273</sup>

Though the list contains relatively few stories solely dealing with this topic, when it comes to Europe, corruption and fraud with EU funds are often dealt with as being the result of institutional

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<sup>269</sup> As in what actually is covered, not in what should or could be covered.

<sup>270</sup> D. Van Eijk et al, *Investigative Journalism In Europe* (2005), p 233-237.

<sup>271</sup> See for a description of this project <http://www.thebureauinvestigates.com/category/projects/europes-hidden-billions/> and the sidebar in the chapter on Great Britain as a focus country.

<sup>272</sup> C. O'Murchu, Financial Times, interview for this report, February 9, 2012.

<sup>273</sup> D. Van Eijk et al, *Investigative Journalism In Europe* (2005), p 234.

failure and not (even if only partially) of the actions of a single recipient of those funds, be it an individual, a government body or a company. Even when considering that 80 percent of EU money is spent through the member states, there is a tendency to hold the EU responsible for all misconduct, including that which is not necessarily its own. As respondents noted:

*'The main thinking seems to be that our officials are just sitting there (in Brussels) and have not much power to change anything anyway.'* (Baltics)

*'In the political arena of Spain, there is an established subculture of thinking "no worries, Europe pays". In this sense, generally speaking, the media are not properly playing the role of watchdogs and are not bringing the truth of corruption out. The misappropriation and dilapidation of European funds are not crucial topics for the Spanish media.'* (Spain)

A recent dissertation showed that newspaper coverage of the EU in European countries generally has moved towards the negative<sup>274</sup>. In this extensive study into the European newspaper landscape, a content analysis of EU coverage in quality and popular (tabloid) newspapers in the EU, and assessing levels of appreciation on the EU and its policies, 't Lam states that, during his research time frame (1994-2006),

*'[o]n the whole and over the years, neutral issues are most dominant in press coverage of the EU, followed by negative attributes; positive issues are last in rank and their share in EU news is clearly decreasing over time. When distinguishing between quality and popular newspapers, the popular press pays relatively more attention to neutral topics, whereas the quality papers are covering relatively more negative and positive attributes. The regression analysis indicates that, generally, more positive EU coverage enhances EU appreciation and that the accentuation of negative compelling arguments contributes to less EU support.'*<sup>275</sup>

This leads to his general conclusion:

*'The general, overarching answer to the central question would be that the European press contributes to a better cognitive understanding of the EU among newspaper readers, but by the same token has a mostly negative affective impact.'*<sup>276</sup>

Thus reviewed, reporting on fraud with and waste of EU funds, generally news with a negative tone of voice, will affect the perception of the EU with the public, even though the 'perpetrator' is not by default the EU, its institutions or one of its member states. Journalists have an intuitive, and now underscored, keen sense of the effect of their reporting. And that sometimes leads to unease. As one of the initiators of the 'Europe's hidden billions' project said,

*'[with our journalism], we want to effect change, but when an organisation is so impervious to change [as the EU], I feel less inclined to criticise them again. The danger is creating anti-European sentiment in Britain. And I don't want that. I am a European.'*<sup>277</sup>

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<sup>274</sup> P. A. 't Lam, *Impressions of European Integration. A comparative analysis of the impact of EU news in European newspapers on European audiences* (Vrije Universiteit Amsterdam, faculty of social sciences, 2012), <http://dare.uvu.vu.nl/handle/1871/32794>.

<sup>275</sup> P. A. 't Lam, *Impressions of European Integration. A comparative analysis of the impact of EU news in European newspapers on European audiences* (Vrije Universiteit Amsterdam, faculty of social sciences, 2012), p 227.

<sup>276</sup> *Ibid.*, p 229.

<sup>277</sup> I. Overton, director Bureau Of Investigative Journalism, interview for this report, February 9, 2012.



According to Director-General Giovanni Kessler of the European anti-fraud office OLAF,

*'When we detect fraud, it should not be turned against us. Journalists should not only say 'look how much fraud they have' but 'look how much fraud they have detected'.<sup>278</sup>*

Further topical analysis of reporting on fraud with and waste of EU funds shows a strong personalisation of these stories. This is a tried narrative technique for many stories, not just the ones analysed here. As the director of the British Bureau of Investigative Journalism described,

*'There is a fundamental challenge to engage news media in complex debates about anything, politics, government. In England, the MPs expenses scandal became interesting when an MP was caught declaring a duck house to her expense account. If you can find the 'duck house' in a story, then [the editors] want it.'<sup>279</sup>*

**Annexes 2 and 11** contain a high number of these 'duck house' stories, ranging from building a ski village on a Danish island to a Bulgarian minister's daughter receiving farm subsidies. Other stories identify conspicuous projects (building a wind tunnel in Estonia or Romanian bureaucrats suddenly turning shepherds). Often, this anecdotal information is used to make the bigger story 'sexy', but there is a clear risk of sticking with the anecdotal and not taking the story a level up to the system enabling it. It is, says OLAF Director-General Kessler,

*'important that the journalists see the full picture. When journalists report on fraud, they must put it in a European context. Fraud against the EU budget often has consequences for several European countries at a time and cannot easily be explained or understood if you look at it from the perspective of one individual country.'<sup>280</sup>*

And he adds,

*'I understand that from a journalistic point of view it can be interesting to make a ranking and try to identify the countries with most fraudsters. But this attitude triggers a defensive stance from the countries alleged of having high fraud rates. They might be less inclined to disclose information on fraud cases and provide statistics to the Commission on these matters if they only get bad publicity and a high position on the 'fraud list'. This would of course be very unfortunate, as we want the Member States to detect fraud and report it to us.'*

Two areas of broad interest spring up from the story list, both relying on cross-border efforts by journalists: Appropriation of farm subsidies and EU structural funds. Underlying the strings of EU agricultural policy stories in different countries were cooperative FOI requests to disclose the subsidy data since 2004<sup>281</sup>. A description of the project can be found in **Annex 4**. The research project on EU structural funds, 'Europe's hidden billions', was mentioned before in this report and will be elaborated on in **Chapter 4** on focus country Great Britain.

Finally, it is interesting to note the almost complete absence of in-depth research into revenue fraud or the effectiveness of anti-fraud measures, where reporting on these issues could very well play a role in raising the public's awareness. OLAF's Kessler notes that

*'Fraud concerning EU revenue is a topic that is rarely covered, with the exception of some*

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<sup>278</sup> G. Kessler, Director-General of OLAF, interviewed for this study, May 14, 2012.

<sup>279</sup> I. Overton, Bureau of Investigative Journalism, interviewed for this report, February 9, 2012.

<sup>280</sup> G. Kessler, Director-General of OLAF, interviewed for this study, May 14, 2012.

<sup>281</sup> [www.farmsubsidy.org](http://www.farmsubsidy.org)



*articles on cigarette smuggling.*<sup>282</sup>

When asked, respondents have no answer as to why this omission occurs, thus allowing for a one-sided coverage of fraud with EU money almost as if defrauding the EU on the revenue side is a sanctioned common sport of sorts.

### 3.3. SOURCES FOR INVESTIGATIVE REPORTING ON EU FUNDS

#### 3.3.1. Data

Data on EU funds and programs are the foundation of any story on appropriation of this money. Access to these data at both the European and the member states' national levels is considered difficult by respondents, though of course there is a difference here between journalists trained in data gathering and data mining and those who are not. This distinction divides Europe into three sections: north, south and east.

Computer Assisted Reporting, according to the American term, caught on only a decade or two ago in Europe, firstly in the Nordic countries. As Van Eijk points out<sup>283</sup>, with a journalism tradition much closer to literature than social sciences but seeing the possibilities across the pond, European journalists increasingly went looking for this methodology in America. Availability of a training structure for these techniques was a major factor to the publication of stories based on computer skills and statistical knowledge. Pioneers from northern Europe, notably Denmark<sup>284</sup>, took the American knowledge to Europe and 'spread the word', mainly through investigative reporting conferences and associations first springing up in Scandinavia and then the Netherlands/Flanders. Eastern Europe after the revolutions saw an influx of American journalism trainers, bringing with them computer skills. Southern Europe still, with some exceptions of individual journalists being trained abroad, does not have a strong tradition in number crunching.

It is to this day that journalists train each other at international gatherings, and thus a wider circle of computer savvy reporters becomes available to do this type of data analysis. Even then, programmers have to be hired for large investigations like 'Europe's hidden billions', or for specific scraping techniques that ICIJ used for 'Looting the Seas II'. Increasingly, reporters, programmers and 'hackers' – as they jokingly call themselves – gather to teach, learn and cooperate. That such gatherings spawn successful research into the dispersion of EU funds is shown by a string of stories from all over Europe, stemming from a weekend of data mining in Brussels in 2010 and 2011 (and again one in 2012 of which it is too early to see story impact).<sup>285</sup>

When accessing data on EU spending, those reporters that do crunch the numbers point to the lack of a uniform reporting tradition amongst the EU-27 governments. When starting investigating EU structural funds in 2010, Cynthia O'Murchu of the *Financial Times* recalled,

*“rather naively we thought there was a database at the EU or at least at the national levels. There is an EU level database, but only for projects over €50 million, it doesn't describe all the projects or all the allocated money. [Then] we initially thought we could do the data in three*

<sup>282</sup> G. Kessler, Director-General of OLAF, interviewed for this study, May 14, 2012.

<sup>283</sup> Van Eijk, *Investigative Journalism In Europe* (2005), p 238.

<sup>284</sup> The Danish Institute for Computer-Assisted Reporting was established in 1999, and for several years trained not only Danish journalists in computer assisted reporting and research, partly through funding by a European Structural Funds grant. In 2007 the project was stopped due to lack of funding.

<sup>285</sup> Data Harvest festival, held in Brussels, May 4 and 5, 2010. See for a list of stories <http://blogs.euobserver.com/after/2010/05/05/follow-the-subsidy-money/>. For Data Harvest 2011 see Data Harvest festival 2012 was held on May 6 – 8, see <http://www.wobbing.eu/video/data-harvest-meeting-brussels-may-2011>. For 2012, <http://www.wobbing.eu/news/look-back-data-harvest-conference>

*weeks, though that number never came from me, but when we started the research we found the data were dispersed in so many places. We spent a good six months on the data.*"<sup>286</sup>

Language differences in databases may be overcome<sup>287</sup>, Cyrillic and Greek lettering may be turned into Roman, but disparity in categories, columns and rows in reporting forms require computer skills far beyond those of the average journalist. Programmers are expensive and those with a journalistic 'knack' are hard to find. Thus, gathering and cleansing European data will stay extremely time-consuming unless uniformity in supplying data and reporting structure is mandated from Brussels.

*"The fact that the data are so hard to come by, I think is deliberate. Certain countries are not keen to have this information in the public domain. The Commission, if it really wanted to, could push for it. And the countries could too. Some have, but others have not."*<sup>288</sup>

Adds a Hungarian investigative reporter,

*'Having the documents on the decision making process online too would help. Should the EU mandate it? I can understand there are data that should not be made public, if it is too sensitive. Of course I am happy with the extra info they give. But I understand if they can't. Most important is to have the decision-making process transparent. [...] There should be a database of companies winning tenders. TED<sup>289</sup> [Tenders Electronic Daily-MS] could be that, but it is not. It is impossible to work with.... Maybe I am clumsy, but it should be idiot-proof. Or they should train us in it.'*<sup>290</sup>

And then there is the lack of openness and transparency in the member states themselves. Missing data pose a large problem when it comes to comparative analysis. Greece sent in blank reporting forms when asked for the structural funds data by the Bureau of Investigative Journalism. Also, officials in several countries were initially less than helpful to the investigative team. Add to that the factor of time. Building a searchable database on EU funds just for Romania alone took a consortium of NGOs and journalists several months, and the project had to be abandoned after maintaining it for three years through lack of funding for the work<sup>291</sup>.

Accessing data through FOI requests is a practice unevenly common within the EU member states. Use of national FOI laws was discussed in Paragraph 2.6.1. In the European perspective, respondents consider FOI requests to be even harder. Simultaneous FOI requests in different countries turned out to be successful on farm and fish subsidy data, resulting in strings of stories in the respective countries. Unless a FOI specialist is available, not many newsrooms will take up this effort. Training journalists in European FOI law is a necessary step to take. As one respondent summarised:

*'[A] problem is that Estonian journalists have no idea how to find in Brussels any information about the use of EU-money in Estonia. For example: the Estonian government would like to have 32 million Euros for the new building of [the] Eesti Rahva Muuseum (Estonian National Museum). The Brussels answer was no, because the new museum will probably not have*

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<sup>286</sup> C. O'Murchu, Financial Times, interviewed for this report, February 9, 2012. See for a detailed description of the data gathering problems the chapter on focus country Great Britain.

<sup>287</sup> Though **Chapter 4** on the EU institutions will discuss the benefits of language specific communication on fraud and anti-fraud measures.

<sup>288</sup> C. O'Murchu, Financial Times, interviewed for this report, February 9, 2012.

<sup>289</sup> <http://ted.europa.eu/TED/main/HomePage.do>. TED only shows the tenders, not who wins them. The winners are again only displayed on national level or – in the EU – at the individual institutions or their departments.

<sup>290</sup> A. Pethö, investigative reporter and editor at Origo.hu, interviewed for this report, May 17, 2012.

<sup>291</sup> See **Chapter 4** on focus country Romania for a further description of the project.

*enough visitors. The documents about the negotiations between the museum and Brussels are classified. Maybe the same documents or at least some of them are public documents in Brussels, but [as far] as I know, Estonian journalists don't have any experience with EU FOIA. So I think that we need more cooperation with the journalists of other countries and good tips on how to use EU FOIA.'*

From many respondents came the urgent plea to EU institutions to raise their voice, not just from Brussels but also through EU representative offices in the member states, to mandate member states to provide complete, correct and uniformly categorised data, in a transparent and timely fashion. Many member states will not do so if not urged to (or even sanctioned for not complying). But spokespeople in Brussels said that in a time of a general preference for 'less' Brussels than 'more', efforts by EU bodies to regiment uniform reporting and collection of data on EU spending will be an uphill political battle. It is a battle some of the departments are willing to fight, and the European Parliament has shown its willingness to support, as stated in comments on the Commission's reports on the protection of the Communities' financial interests. In 2009 it said that the Parliament

*'[u]rges the Commission to take action to ensure one-stop transparency of the beneficiaries of EU funds; calls on the Commission to design measures to increase the transparency of legal arrangements and a system whereby all beneficiaries of EU funds are published on the same website, independently of the administrator of the funds and based on standard categories of information to be provided by all Member States in at least one working language of the Union; calls on the Member States to cooperate with the Commission and provide it with full and reliable information regarding the beneficiaries of the EU funds managed by Member States; invites the Commission to evaluate the system of 'shared management' and provide Parliament with a report as a matter of priority;'<sup>292</sup>*

And in a 2012 EP resolution, the matter was raised again in an even stronger statement.

*'Given the situation that has been recurring for many years, i.e. the fact that Member States are failing to provide data in a timely manner or the data they provide is not accurate and does not stand up to comparison, thus making it impossible to evaluate objectively the true scale of fraud in the Member States, and given that the European Parliament, the Commission and OLAF are unable to perform their functions regarding assessment of the situation and the submission of further proposals, stresses that such a situation must not be tolerated and calls on the Commission to take full responsibility for recovering unduly paid funds from the Members States, and to gather the homogeneous comparable data required and establish the reporting principles throughout the Member States'<sup>293</sup>*

The matter has to remain on the agenda, until it is dealt with.

### 3.3.2. Documents

Documents are often considered the trustworthiest of sources. As was discussed in paragraph 2.6.1

<sup>292</sup> Committee on Budgetary Control, 'On the protection of the Communities' financial interests – Fight against fraud – Annual Report 2009', (2010/2247(INI)), 8 March 2011

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0050&language=EN>

<sup>293</sup> Article 59 of the European Parliament resolution of 10 May 2012 on the protection of the European Union's financial interests - Fight against fraud - Annual Report 2010 (2011/2154(INI)),

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP7-TA-2012-0196%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

on freedom of information acts in Europe, methods of getting access to documents differ widely within Europe. In some countries reporters have a strong tradition of using FOI laws (for example in the Nordic countries and in Great Britain, even though an official FOI act was only implemented there since January 1, 2005), while in others they tend to use leaked documents, for instance in Hungary, Italy, France and Belgium, thus almost dividing Europe in a Nordic and a southern practice. When it comes to European documents, journalists from southern countries in particular claim a lack of people that can leak documents as an impediment.

In several countries, particularly in Southern Europe, investigative reporting depends heavily on information coming from court documents. One observation, made by an Italian respondent:

*'We exploit investigations run by prosecutors, for then there is no risk of being sued for libel, as we might otherwise be. Also, prosecutors' investigations are not expensive, like investigative reporters, they are free of charge, you only need good connections.'*<sup>294</sup>

But being so dependent on the fruit of other investigators limits the topics and scope of investigative reporting. If the Guardia di Finanza is not interested in pursuing fraud with EU funds, chances of journalists picking up the topic are small. One reporter recollected investigating mafia involvement in road construction with EU money in southern Italy. She said:

*'I still can't believe that I was the only one writing about it, after the data came out of the 'Europe's hidden billions' project. No-one was interested.'*<sup>295</sup>

One aspect of accessing data as well as documents is the format in which both are kept. Documents and data on the dispersion of European funds are kept in almost as many different types of archives (at different government levels) and formats as there are countries. Uniformity in cataloguing and archiving would greatly improve the retrieval of information, even if it were mandated for documents and data covering European spending only. Protocols could be drawn up, standards could be regimented. It would greatly ameliorate the now haphazard way of data and document collection all journalistic projects attempting to gain an overview over spending under large EU policies suffered. Everything from raw data to excel sheets to scanned PDF documents had to be transcribed, compiled and cleansed in order to detect trends in the material. Mistakes may happen more easily, and it would save valuable time better spent on scanning for stories and checking information.

Since data and documents are kept more and more electronically, the issue of 'what constitutes a document' should be resolved uniformly and Europe-wide. Several member states now demand a new (and narrower) definition of what constitutes a document or not<sup>296</sup>. As was discussed in Paragraph 2.6.1.4, current revision of the European FOI act may weaken the definition of a document, not in the least that of electronically held information, a development that not only worries the investigative journalism community and FOI watchers in Europe<sup>297</sup>, but also ministers from several member states<sup>298</sup> as it may go against EU treaties designed at knitting the people of Europe closer together and therefore demanding decisions within the European Union to be taken as openly as possible<sup>299</sup>.

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<sup>294</sup> L. Sisti, *Espresso* magazine, interviewed for this report, 30 January 2012. See **Chapter 4** on focus country Italy for more on this issue.

<sup>295</sup> A. Cumiskey, freelancer, interviewed for this report, 9 February 2012.

<sup>296</sup> According to a document leaked to an NGO in April 2012, <http://euobserver.com/18/115866>.

<sup>297</sup> Such as Statewatch.org (<http://www.statewatch.org/foi/foi.htm>), Article 19 ([www.article19.org/pdfs/analysis/eu-foi-07.pdf](http://www.article19.org/pdfs/analysis/eu-foi-07.pdf)), *Access Info Europe* ([www.access-info.org](http://www.access-info.org)).

<sup>298</sup> <http://www.wobbing.eu/news/open-letter-dont-do-citizens>

<sup>299</sup> Quoted in <http://euobserver.com/18/115866> from <http://www.euotreaties.com/lisbontext.pdf>, p. 2.

### 3.3.3. Oral sources

Developing contacts and oral sources for European stories is one step up from developing sources on a national level. Checking stories on spending of EU funds requires informants in Brussels and within the member states, for 80% of the EU budget is spent through the member states' national levels. Therefore, developing sources for these stories is a two-tier exercise.

*'It's hard for Spanish newsrooms to consider undertaking an in depth investigative story on EU funds. First, because of the high time cost and second, because of the lack of tradition of working with EU sources – either open or closed,'*

said an investigative reporter interviewed for **Chapter 4** on focus country Spain. Added other reporters,

*'There is no right feeling amongst the Italian press of what is going on in Europe, not so much attention for it.' (Italy)*

*'My stories on the EU don't come from Brussels contacts, the first indications come from Hungarians. The EU is not a big leaker. They don't want to fight the governments of countries.' (Hungary)*

Developing contacts takes time, and with EU funds stories not on the editorial agenda or radar in many countries, this time is not readily made available. Brussels or Strasbourg is not around the corner, and the geographical distance makes developing a trusting relationship with people within the institutions harder than with other sources closer by. With the Brussels press corps being in a much easier position to develop oral sources, at least on the side of the European institutions of a story, their absence in (co-) creating original investigative output on EU spending is a clear setback. Few national journalists fully understand the workings of the EU, and even though training is provided<sup>300</sup> and visits are arranged, few journalists take up this opportunity.

*'I remember being an intern at [a daily current affairs TV program] when an invitation came for a three-day study trip to Brussels. The reporters didn't have the time or didn't find it interesting, so they said to me: you go. Great, I thought, but sending an intern is not what these programs are meant for.' (Netherlands)*

Said a reporter when explaining how he got interested in EU spending in the first place,

*'I made several of those trips to the European Commission, to study and understand the system and get contacts. That helped me a lot in getting interested in the topic. I went three times. This has to continue, to get new journalists interested. But they could also come here and train.' (Hungary)*

It is only one of many recommendations reporters in the field have for colleagues and institutions to overcome the lack of oral sources: Go local.

*'The EU representation here organises off the record meetings for journalists working on EU topics. The current representative is good, it is open to the press.' (Hungary)*

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<sup>300</sup> For instance by the European Journalism Centre, see <http://www.ejcseminars.eu/index.php/seminars/282/visit>

*'A good EU communicator on the ground in the member states is really important. The EU representation here is almost closed. If the EU has an open eye and ear on the ground, and uses its mouth here, it might encourage everybody to behave. The EU has a strong voice, let's use it here!' (Romania)*

More on the cooperation between journalists and EU officials and communicators in **Chapter 4** on focus area 'EU institutions'.

### 3.3.4. The benefit of sharing sources

Against the journalistic character trait of aiming for scoops and dismissing cooperation, often the most thorough investigations into EU funds came from either international outlets or research done by consortia of colleagues in different countries. Several of the respondents mentioned the Bureau of Investigative Journalism/*Financial Times* series on EU structural funds that spawned national adaptations (Estonia, Spain), and the International Consortium of Investigative Journalists (ICIJ) exposé on fishing subsidies<sup>301</sup>.

Also, as can be read in **Annex 4**, the farm and fish subsidy initiatives showed that sharing sources, data and investigative techniques results in stories with a wider range and impact. Said one respondent

*'There is no systematic investigative journalism that is targeting misappropriation of EU funds in Slovene media. The only case I know, was launched by the Farmsubsidy team (by Brigitte Alfter and Nils Mulvad, whom I met [at the Global Investigative Journalism Conference 2010] in Geneva) in which I cooperated.'*<sup>302</sup>

Within the EU institutions, this mechanism is recognised as well. Said one spokesperson,

*'It often takes a multiplier like this to stimulate more stories. Everyone is connected now, it only takes following what others do and work on that.'*<sup>303</sup>

Some of these initiatives are a one-time thing; others become more structural gatherings, with an annual 'data harvest' being organised around the publishing of farm subsidy data. Consistently tracking specific types of EU spending requires more permanent cooperative structures (even if only virtual), for these are tasks too large for one media outlet. As the example of Transparenta Fondurilor Europene in Romania showed, a non-profit entity can be a catalyst for these types of projects<sup>304</sup>. A European centre for investigative journalism could be just that on a European scale, as the American Center for Public Integrity became in the USA when it pioneered with tracking election campaign finances<sup>305</sup>. After several election campaigns, CPI has become *the* entity to go for campaign finance data that journalists can draw on for analysis. Tracking European spending might warrant just such a more permanent cooperative structure.

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<sup>301</sup> <http://www.iwatchnews.org/environment/natural-resources/looting-seas/looting-seas-ii>

<sup>302</sup> B. Zgaga, Slovenian freelance investigative reporter, interviewed for this study, May 8, 2012.

<sup>303</sup> R. Waite, European Commission Spokesman for Agriculture and Rural Development, interviewed for this report, May 2, 2012.

<sup>304</sup> See **Chapter 4.1** for more on this project.

<sup>305</sup> <http://www.buyingofthepresident.org/index.php/archives/2004/554/>



### 3.4. IMPACT

None of the respondents wants to get burned by estimating the impact of their stories on fraud and waste of EU funds. No assessment can be made of the amounts saved or retrieved, or policies affected or changed. The respondents from Slovakia did list possible effects<sup>306</sup>, but often not even an estimated amount or indirect consequence could be given. This is shaky ground to draw conclusion on.

There is, however, a general feeling amongst journalists that publications fall on barren ground. In the member states, it may take years to prosecute corruption and fraud, if it is done at all. And when the 'Europe's hidden billions' series was published, the European Commission officially welcomed the study<sup>307</sup>, but spokespeople attacked the methodology. Recalls one of the contributors,

*The Commission held a press conference and mounted up a full-blown public relations campaign in an attempt to counter our stories. The Financial Times was in cahoots with the [Eurosceptic] UK government, or something like that, they said. In the European Parliament the series was extensively referenced in committee hearings. MEPs have called for increased powers and independent parliamentary scrutiny over grant applications. But that has not happened so far. And recently I checked the website where the Commission puts its information on funds and half the links didn't work on the map they have.'*<sup>308</sup>

Commented Bureau of Investigative Journalism director Overton,

*We had a degree of frustration, for all the information went into the black hole. I call it the arrogance of Brussels, they have their protocols and procedures and that means they are immune to criticism. So they do away with criticism and don't enact on it. We did a follow-up on the amount of money spent by EU Commissioners. It turned out they bought tiffany jewellery, booked hotels and private jets. And then we were attacked for doing 'not constructive journalism' in a time of the Euro's debt crisis. The stories were picked up by the press, but the EU called it unethical journalism.'*<sup>309</sup>

For redirection of this criticism, Commission spokespeople referred the writers of this report to press releases of November 2010. Repeated requests by the research team for an official reaction for this report to BIJ's assessment were not answered. But on the agreement of not being identified, several spokespeople did express their anger at what they called the sloppiness of the stories, the overly large interest in the incidental and anecdotal, and a disinterest in the information provided or explanations offered by the Commission. No wonder there was little impact, some said. The project simply wasn't good enough, and the Commission's rebuttal was left out.

In general though, the project generated strings of stories in other member states (for instance Latvia) when reporters scanned the database for local or national topics. Cooperation and sharing of results can give a story 'legs', enhancing its impact in a clearly measurable way. Again, see the strings of stories based on the farm subsidy data, or regard the international outcry over the Spanish fishing industry receiving millions in fish subsidies despite its shady reputation.

At OLAF, acting spokesperson Johan Wullt explains why the anti-fraud body often cannot show that journalistic stories do have an effect on OLAF's work and thus do have impact, as mentioned in **Chapter 2**.

<sup>306</sup> See **Annex 2**, sheet 'Slovakia coverage of EU'.

<sup>307</sup> <http://www.thebureauinvestigates.com/2011/02/01/eu-commission-welcomes-bureau-investigation/>

<sup>308</sup> C. O'Murchu, *Financial Times*, interviewed for this report, February 9, 2012.

<sup>309</sup> I. Overton, Bureau of Investigative Journalism, interviewed for this report, February 9, 2012.



*'[T]here are of course limits to the information that we can disclose. OLAF obviously respects rules on data protection and the confidentiality of our investigations.'*<sup>310</sup>

Furthermore, prosecution of possible fraud and corruption takes place in the member states, and only after completion of this process can it sometimes be revealed that the original suspicion was triggered by journalistic enterprise. NGOs do encourage all involved in the judicial follow-up of investigative reporting on misappropriation of EU funds to be as open as they can on the effects of reporting on fraud and corruption, to keep the pressure on member states but also on the journalists, to continue doing the stories.

*'If you make crimes unpunishable, it makes reporting on the crime uninteresting.'*<sup>311</sup>

OLAF Director-General Kessler encourages journalists to consider bringing interesting stories under his office's attention.

*'I welcome investigative journalists to come forward and provide us with interesting information. They are in a different position to us and see things from a different angle. Our views are complementary. From serious journalists, I'd expect to receive serious information. We are of course not requesting or pressurising journalists to inform us, but I welcome it.'*<sup>312</sup>

### 3.5. CONCLUSIONS

Overall output of investigative stories on fraud and (mis)appropriation of EU funds is small, with a few countries standing out (United Kingdom, Spain, Bulgaria, Slovakia, Romania). Often, a larger than average output can be traced back to either determined individual journalists, a newsroom prioritising effort, or to teams of reporters cooperating on a larger research projects.

The research into the possible deterrence of fraud with EU funds through investigative reporting shows there are clear examples of the contribution journalists have made to greater transparency on this issue, tracking irregularities, fraud and corruption, and uncovering misspending on different levels and scales in the EU member states and the EU institutions. However, a quantification of the cases uncovered or the funds recovered cannot be made, due to the complexity of the matters, the long run of investigations and trials in member states, the impossibility of anti-fraud bodies to reveal the origin of sources of their investigations, and the scanty reporting on EU revenue fraud and the effects of anti-fraud policies and measures. An attempt was made by researchers in one country (Slovakia, see **Annex 2**, page 2), but that overview could be no more than patchy.

The overview of stories (**Annexes 2 and 11**) could not be quantitatively exhaustive, but are qualitatively representative. The overall number of stories is relatively small considering the timeframe (5 years in 27 countries), unevenly divided over the member states (with the UK alone providing over 30% of the stories<sup>313</sup>), one-dimensional (almost entirely expenditure and hardly revenue driven), personal (focusing on individual people or companies), and incidental (highlighting 'silly' projects instead of structures enabling fraud). Reasoning behind this, as

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<sup>310</sup> J. Wullt, OLAF acting spokesperson, interviewed for this report, May 14, 2012.

<sup>311</sup> M. Toma, director of Romanian NGO ActiveWatch, interviewed for this report, May 11, 2012.

<sup>312</sup> G. Kessler, OLAF Director-General, interviewed for this report, May 14, 2012.

<sup>313</sup> This is not because of a lack of understanding other languages than English or the relative ease of retrieving English language databases, for the research team worked with native speakers in all the EU member states checking their respective national databases and contacting journalists, media outlets and associations in their respective language area.

analysed in **Chapter 2** and **3**, is manifold: organisational (no priority to EU fraud stories), financial (lack of money), practical (availability of tips, leaks, data and documents), political (a EU sceptic press), engrained in the journalistic trade (stories need a clearly identifiable protagonist and striking example), economically motivated (concentration of ownership or political affiliation of media) or a matter of journalists' freedom to investigate what they seem fit.

A shift can be seen towards publication of these projects in the new media, using the many possibilities the Internet provides to add data and documents, background, context and methodology. Thus, the public as well as official investigators interested in the material can access it, and look for local angles, corroboration of suspicion or extra information to judge the appropriation of EU funds, creating the impact that journalists themselves are often hesitant to claim.

## 4. ZOOMING IN

This chapter will look into six EU member states, all representing a different aspect of the topic of investigative journalism tackling EU spending, and on the EU institutions themselves as an area of special interest.

Looking at **Romania**, with the regular media mostly ignoring the topic of tracking EU funds, we will highlight a cooperative NGO/journalism initiative doing the digging. The example of **Spain** will show the power of international, cross border cooperation when the national press is busy weathering a major economic crisis. The paragraphs on **Hungary** will examine whether critical and in-depth reporting is suffering from the threats of a highly controversial new media law. The **United Kingdom** is highlighted here because of the almost exclusive national angle that EU reporting takes in this member state. But also because of one of the few large-scale data journalism projects done on the appropriation of EU funds. **Denmark**, with high professional standards within journalism, a well-established community around investigative reporting, excellent in-job training facilities and investigative units at most major media, shows yet little evidence of scrutiny of EU funds. Here editors of investigative units are challenged to search for explanations as to why. Then, a closer look at **Italy** reveals a kind of renaissance of investigative journalism, triggered but at the same time being hindered by a government with its own preservation on its mind.

Finally, a paragraph on the **European institutions** is included, in order to elaborate on the possibilities for cooperation between journalists and the EU as seen from the perspective of EU officials in Brussels.

### 4.1. ROMANIA

As described in the **Annex 1** section on Romania, the media landscape in Romania is not favourable to in-depth journalism. A recent study stated,

*'Romania's troubled political and economic transition from communism to democracy over the past 20 years has taken a heavy toll on its media landscape. The evolution of mass media from total state control to a free press has been strongly linked to political cycles, changes in government structure and economic development.'*<sup>314</sup>

Only in the period from 1995 to early 2000 was the media climate in the country one of a relatively free audiovisual and written distribution of news, research and opinions, with print publications springing up literally by the hundreds (many of which have since disappeared), and (commercial and independent) TV and radio broadcasting operating freely. Since then, local media moguls with ties to political parties haven taken over from foreign investors (like Gruner + Jahr (Bertelsmann)), most recently with German group WAZ withdrawing from the market because of 'oligarchies' buying up publications 'not so much in order to make money, but to help them gain political influence'<sup>315</sup>.

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<sup>314</sup> Ghinea, C. and Mungiu-Pippidi, A., *Media policies and regulatory practices in a selected set of European countries, the EU and the Council of Europe: The case of Romania*. (Mediadem, 2010), p. 5. Available digitally at <http://www.mediadem.eliamep.gr/findings/>

<sup>315</sup> According to WAZ President Bodo Hombach in July 2010. Hotnews, 03/08/2010, available at: [http://economie.hotnews.ro/stiri-media\\_publicitate-7658216-bodo-hombach-grupul-waz-retragem-dinromania-pentru-piata-media-este-distorsionata.htm](http://economie.hotnews.ro/stiri-media_publicitate-7658216-bodo-hombach-grupul-waz-retragem-dinromania-pentru-piata-media-este-distorsionata.htm).

A second detriment to an independent and critical press is the fierce competition the Romanian media market is in since the turn of the millennium, with media outlets affiliated to different political and industrial interests investing 'millions of Euros in mechanisms that artificially increase the audience'<sup>316</sup>. Said director of NGO ActiveWatch Mircea Toma,

*'we have an industry suffering huge pressure from the market, which influences the editorial policy, reducing coverage to the topics editors think are most interesting to the public: sensation, corruption by their opponent, entertainment.'*<sup>317</sup>

Public radio and TV, said Toma,

*'still suffer from excessive political influence, mostly in the news department. Every time politics change, the head of TV and the head of news are changed. This has an extremely bad influence on management. If [European] funds are ever subject to corruption, damaging the image of the existing powers, then we won't learn about it from public TV.'*

In this climate, it is not surprising that investigative journalism already years ago became a matter of individual journalists pursuing stories they found interesting. In 2001 four reporters founded the Centrul Roman pentru Jurnalism de Investigatie CRJI<sup>318</sup>, finding funds and donations to work outside what they thought were corrupted local media, cover the uncovered and in the meantime lift the level of reporting to international investigative standards (today, CRJI consists of 30 journalists -including photo-journalists- and is expanding) publishing a yearly average of 15 stories on the CRJI website and in their respective media if these want the stories, but also participating in publishing or production of stories done by other media (mostly from the US or Western Europe, from public media, private and non-profit).

#### **4.1.1. Focus - Transparenta Fondurilor Europene**

In the context of this report, it is interesting how in this indifferent and sometimes even downright hostile climate Romanian media did publish stories on the dispersion of European funds other than just smearing an opposing party's representative with cries of corruption with Brussels' money (whether unfunded or not). With (till 2007 pre-accession, and after that structural and agricultural) EU funds flowing into Romania largely unchecked by reporters, NGO ActiveWatch together with the expertise of CRJI members in 2006 started a project to chart EU funding, and to train journalists to track implementation of these funds in their publication's area. Said project co-ordinator Paul Chioveanu and journalists' supervisor Ionut Codreanu,

*'Transparency of European Funds (Transparenta Fondurilor Europene)<sup>319</sup> started in 2006 from the thought: are Romanian media capable of professional coverage on European funds? We decided to professionally supervise investigative journalists in their work of revealing irregularities on the implementation of European funds in Romania. Our second objective was to bring transparency to the process of the use of European funds at the level of local and central administrations, to identify the problems and the weaknesses of the implementation process, and find the vulnerabilities that can cause acts of corruption.'*<sup>320</sup>

<sup>316</sup> Ibid. WAZ President Bodo Hombach in July 2010.

<sup>317</sup> M. Toma, director of ActiveWatch, all quotes from an interview for this study on May 11, 2012. ActiveWatch is a human rights advocacy NGO founded by Toma in 1994 with foreign (also EU) funding, aiming at developing civil society, <http://www.activewatch.ro/>.

<sup>318</sup> [https://crji.org/index\\_en.php](https://crji.org/index_en.php), and <http://www.nieman.harvard.edu/reports/article/102576/Establishing-the-Romanian-Center-for-Investigative-Journalism.aspx>.

<sup>319</sup> All about Transparenta Fondurilor Europene: <http://www.afaceripublice.ro/p/About-AfaceriPublice-ro-393.html>

<sup>320</sup> P. Chioveanu, project co-ordinator and I. Codreanu, journalists' supervisor, ActiveWatch, all quotes from an interview for this study on May 10, 2012.

With a handpicked group of journalists (around ten at a time, over the entire project period of 2006-2010 totalling about 100, each enrolling in the project for five months and publishing stories in his/her own outlet), TFE in a newsroom-like set-up collected data on EU funds for Romania, drawing on information coming from 250 institutions, on interviews and on hundreds of Freedom of Information requests.

*'In this way, we tried to correct one of the biggest problems of our public administration: the lack of transparency in their day-to-day work, in their communication with citizens (the final beneficiaries of European funds) or journalists. All the information that we collected we put in an online database<sup>321</sup>, in a user-friendly format to help the journalists in their work.'*

The co-ordinator and supervisor showed journalists how to find stories in the data, getting them to focus on projects in their own publication area, to make the stories matter to their readers.

*'We wanted to keep it simple: stay on your street and neighbourhood, and they did! So it was good. The database set the structure they needed. They came with no knowledge about European money and project development. It is a very bureaucratic environment for a journalist. It takes time to learn. But then they managed to liaise local issues to the big picture of these funds.'*

All in all, the project generated strings of stories in local Romanian media<sup>322</sup>. Though named a success, in 2010, the project was abandoned due to the lack of funding. But also the interest by journalists to do this type of in-depth research was waning, a much more troubling observation. Codreanu:

*'I was disappointed about that. There is a lack of investigative journalists in this country, they are like dinosaurs: almost extinct. You need a lot of resources to investigate, but it seems that editors and media owners are not interested.'*

Stefan Candea from CRJI adds two more reasons for journalists' reluctance to take on these stories,

*'Sometimes local journalists accept not to investigate issues because of some sort of "local nationalism": they don't want their region to suffer if corruption or fraud is detected and money needs to be reimbursed. And there is no feedback on stories like these. In most of the cases no authority is reacting and those who abuse European money are never punished. Our justice system takes years to investigate, prosecute and then years to try a case.'<sup>323</sup>*

#### **4.1.2. Recommendations**

From the experience of the TFE project, a number of recommendations, to journalists, the government and the EU institutions, can be made for the execution of investigative reporting on fraud with EU funds in countries like Romania.

- Journalists lack training to do these stories. ActiveWatch invited employees from OLAF to explain the system. This helped in understanding how funds travel through the system and to look for inconsistencies.
- Training should be focused on the skills needed. Candea:

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<sup>321</sup> <http://www.afaceripublice.ro/proiecte.html#>

<sup>322</sup> For a list, see [http://www.afaceripublice.ro/p/Publicatii\\_Rapoarte\\_-10.html#](http://www.afaceripublice.ro/p/Publicatii_Rapoarte_-10.html#) and <http://www.afaceripublice.ro/p/Investigatii-165.html>.

<sup>323</sup> S. Candea, director of CRJI, all quotes from an interview for this study on May 10, 2012.

*'Most of the money that NGOs these days can ask for is for training and professionalisation, and this is one of the biggest scams with EU structural funds that I've seen: at this moment there are at least ten million Euros spent on "training" of students in journalism, with journalists and with unemployed people from various fields to become journalists. This is for a market that cannot absorb all these people, and is totally top-down. With such money you could have a variety of independent and investigative groups active for 20 years - but the money is wasted by a few smart bureaucrats.'*<sup>324</sup>

- Mandate uniform data collection. Chioveanu:  
*'We believe that the EU should be more drastic about this and should ignore the subsidiarity clause. Every single eurocent should be accessible and easy to follow, whether it is spent in Germany or in Romania. We are talking about public funds and fundamental rights that are equally addressed to all Europeans.'*
  - Strict financing criteria. Codreanu:  
*'The financing process should be more strict. Now you can easily get project money without a study into the feasibility, based on unrealistic claims. The European Union should be more business-oriented. It is a win-win situation. I met people bragging about training 15,000 people, but when I tried to know more about which people, where they were trained and in what, they didn't become very specific.'*
  - Making the process of dispersing EU funds less bureaucratic, so scrutiny can be much easier too. Codreanu:  
*'There is so much bureaucracy. We even invented a term for this mix of bureaucracy and the business language that seems to govern each European project, 'Brusseleez' (Bruxeleza, in Romanian). In order to understand this sophisticated universe we had to translate it to the journalists, who had to translate it to the public too.'*
  - Also decrease bureaucracy for applying for and reporting on projects. All interviewees complain about the massive amount of paperwork before, during and after a project. Codreanu:  
*'Our bureaucrats do nothing to ease our work so we can focus on the objectives. I have to fill out hundreds of forms, project executives forget their objectives because of this bureaucracy. Absorption rate of EU funds is so low in Romania (only 4% of what is available is absorbed at the moment) because of this bureaucracy.'*
- This keeps small but very effective initiatives from applying, and on the other hand it is easier to cover up irregularities in the heaps of paper and data.
- Grants for projects to build civil society (including enhancing the level of journalism) are not there or not catered towards these projects. There are grants from European social funds but they are not aimed at the civil organisations that promote democracy, public participation, and freedom of expression or rule of law. Chioveanu:

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<sup>324</sup> Three projects casting doubt about the use of this training strategy can be mentioned here:

- 'Vehmed' (<http://vehmed.ro/>, deadline till 2013). A €5 million project to train 400 students in journalism (catering towards women, see: <http://www.stilfeminin.ro/femeia-si-cariera/Un-proiect-de-pregatire-a-studentilor-la-jurnalism-pentru-piata-munci-a-fost-l.html>

and handing out advice as to 'sleep with the boss' if you want to make it in journalism, according to reports from participants);

- a 600,000€ a year project at the Journalism Department of the University of Bucharest with Bogdan Chireac teaching journalism. Mr. Chireac himself was caught on tape while making arrangements to blackmail the head of the ANI (national integrity agency) - <http://dcnews.ro/proiect/>

- 'Jetop' and several other projects involving Mediapro and Mediafax media companies, targeting the training of unemployed people to become journalists, while at the same time Mediafax was shutting down media operations and laying off journalists all over the country. Totalling over €1,5 million from EU structural funds (FSE POSDRU - IDs: 75858, 75862, 67179, more details here: <http://htdig.informatia.ro/moneyro/afisez.php?sid=6003&date=2011-05-10&afisez=local>)



*'Often we don't need a million Euros from the structural funds, we could do with much less and be effective. But these kind of grants only come in big chunks.'*

*Candea: 'I think there is an overall need for more money, but in a less bureaucratic form (more smaller chunks at a faster pace); a sort of new way to direct the money for press / research / advocacy using a start-up model (trial and error: like newschallenge.org). What you need is to flood the media landscape with stories and experimental projects (targeting both producers and consumers of information).'*

- Follow-up on the irregularities uncovered, also from the EU institutions. Toma:  
*'If you make crimes unpunishable, it makes reporting on the crime uninteresting. A good local communicator is really important. The EU representation here is almost closed. If they had an open eye and ear and mouth here, that could encourage everybody to behave. Their voice is strong, but they should use it.'*
- Develop a sustainable local network of journalists covering these issues, local topics might get attention then. Toma:  
*'Engage existing journalists and new media to establish a common platform. Open Society Foundations started one and we did, but we couldn't maintain it.'*
- Provide information on the workings of the European Union. Codreanu:  
*'We need intensive informative campaigns for the general public about the EU, to inspire people to be more present in society. We look at Brussels as the guardian to help us. The general public needs to know that being a European means not only to have benefits but also responsibilities, one of which is to monitor your local authorities, not to buy everything they try to sell about the EU.'*

#### **4.1.3. Conclusion**

To get more reporting on the dispersion of EU funds in Romania, and thus achieving the aim of deterring fraud with these funds through exposure of (mis)appropriation, developments within the journalism community, the (local and national) government and bureaucracies, and the EU institutions have to go hand-in-hand. Many of the impediments to investigative journalism within the media landscape, such as the effects of media concentration on critical in-depth reporting, can only be corrected in the country itself. But a number of areas could be monitored more closely from Brussels, placing sanctions on misbehaviour and enforcing compliance with EU regulations.

Also, more so than in other member states, bureaucracy is stifling the absorption of EU funds, crippling both implementation of projects and the scrutiny of those same projects. Whereas journalists should invest in data journalism and learning the 'Bruxeleza', a critical Brussels eye on its own part in papering projects and the ability to scrutinise the spending of EU funds to death would be a first step towards more reporting on the dispersion of EU money in this particular member state. Here as well in Hungary (see below), there is a strong call for the EU to 'go local', and bring training, information and a strong voice to the countries receiving but not tracking EU funds.



## 4.2. SPAIN<sup>325</sup> (ANNEX 10)

Although work on a draft law has been in progress since March 2012, at the writing of this report Spain doesn't have an open records law besides the EU directive on access to environmental information. This highly influences investigative journalism in the country, which is mainly based on sources (police, courts) and leaks. Journalists are not used to having the right to request records and data in their own country, so they usually do not exercise it at a European Union level either. This research team found no stories originated by Spanish media using Regulation 1049/2001<sup>326</sup> in regards to the allocation of EU funds. However, there are articles using FOI techniques from international media outlets *about* Spain. As these paragraphs will show, international co-operation in Spain takes up in-depth reporting on EU funds and regulations where the national level lets go.

### 4.2.1. Focus – when cross-border co-operation is needed

In **Annex 10**, there is extensive background information on the methodology of scanning for the stories that made it into **Annex 2**, the overview of original investigative stories on (mis)appropriation of EU funds<sup>327</sup>. This annex shows that most often, when dispersion of EU money was looked into, it was only after reports by OLAF or the Spanish courts. Those stories were discarded as original investigations.

Cases of fraud or misuse of European Union funds are not extraordinary in Spain, especially considering that the Southern European country has been a big receiver of these types of aid. Though not all irregularities are fraud or corruption, a 2007 *ABC* article highlighted that in 2006 the EU Commission found 1,668 cases with irregularities on the misuse of funds<sup>328</sup>, which accounted for 183.6 million Euros. The 2010 *Statistical Evaluation of Irregularities- Own Resources, Agriculture, Cohesion Policy, Pre-Accession Funds and Direct Expenditure*<sup>329</sup> counts a total of 1,491 reported irregularities amounting to over €221.4 million, third after the UK and Italy.

However, there were hardly any original investigative stories in the Spanish media on the topic since 2006. It's interesting to note that the two most thorough investigations found on this issue came from co-operative (non-Spanish or international) efforts by journalists and/or news outlets: the Bureau of Investigative Journalism/*Financial Times* series on EU structural funds<sup>330</sup>, and the International Consortium of Investigative Journalists' (ICIJ) exposé on fishing subsidies, which was locally published in *El País* and *El Mundo* and *Fronterad.com*. *Interviú* investigative reporter Daniel Montero<sup>331</sup> said

*'It's hard for Spanish newsrooms to consider undertaking an in-depth investigative story on EU funds. First, because of the high time cost and second, because of the lack of tradition of working with EU sources – either open or closed.'*

<sup>325</sup> Co-authored by Marcos García Rey and Mar Cabra, Fundación Ciudadana Civio.

<sup>326</sup> Up until the current developments to design a FOI law, Regulation 1049/2001 was the closest to a legal foundation for request for publicly held data and documents.

<sup>327</sup> This mapping exercise was done throughout February 2012, but since then, there has not been a substantial publication on the topic.

<sup>328</sup> M. Núñez, 'España, tras Italia, es el país de la UE con más irregularidades en la gestión de los fondos europeos', *ABC*, March 10, 2007. [http://www.abc.es/hemeroteca/historico-10-07-2007/abc/Economia/espa%C3%B1a-tras-italia-es-el-pais-de-la-ue-con-mas-irregularidades-en-la-gestion-de-los-fondos-europeos\\_1634161833024.html](http://www.abc.es/hemeroteca/historico-10-07-2007/abc/Economia/espa%C3%B1a-tras-italia-es-el-pais-de-la-ue-con-mas-irregularidades-en-la-gestion-de-los-fondos-europeos_1634161833024.html)

<sup>329</sup> Annex 23 of the Commission staff working paper, *Statistical Evaluation of Irregularities- Own Resources, Agriculture, Cohesion Policy, Pre-Accession Funds and Direct Expenditure -Year 2010. Accompanying document to the Report from the Commission on the protection of the European Union's financial interests and the fight against fraud – 2010* (COM(2011) 595 final), p. 165. Available digitally [http://ec.europa.eu/anti\\_fraud/documents/reports-commission/2010\\_ann2\\_en.pdf](http://ec.europa.eu/anti_fraud/documents/reports-commission/2010_ann2_en.pdf).

<sup>330</sup> See Focus **Chapter 4.4** on the United Kingdom.

<sup>331</sup> Interviewed for this report by Cabra /García Rey, February 2012.

In recent years, many corruption cases have been uncovered in Spain. Most of them had to do with the misappropriation of public funds by politicians in local and regional governments. Part of those funds diverted to corrupt players came from Brussels. However, Spanish media outlets have not focused their investigative stories on the topic of embezzlement of EU funds. Most of the time, the articles on corruption did not shed light on the subject: misappropriation or waste of EU funds was covered as a 'secondary topic'.

Stated Cabra and García Rey,

*'It is important to point that there is not a single center for investigative journalism in Spain so far and hardly any paper has reporters who permanently do investigative reporting. There's no association for investigative journalists. Apart from this, it is pertinent to underline that investigative reporting has its wings clipped due to the political interference in the traditional media.'*

They were backed by Eduardo Martín de Pozuelo, senior investigative reporter with the newspaper *La Vanguardia*,

*'The topic is complex, but I think that the journalism genre that you are investigating is almost dead and buried. It makes all the factual powers feel uncomfortable; it is expensive; does not provide secure profits to the media outlet that is investing in it; and, if it is carried out, many times it is motivated and guided by illegitimate causes beyond the public interest.'*<sup>332</sup>

This is where international cooperation comes into play, with two notable examples of the last years. In 2010, the British Bureau of Investigative Journalism and the *Financial Times* teamed up to build a database of dispersion of EU structural funds throughout the member states. Several Spanish angle stories came out of it<sup>333</sup> and there was some attention for the topic in Spanish national media.<sup>334, 335</sup>

Even more groundbreaking is the investigation into the Spanish fishing industry by the International Consortium of Investigative Journalists, ICIJ. The non-profit media organisation, with headquarters in Washington D.C., USA, works with local reporters to investigate issues of global interest. For the October 2011 "Looting the Seas II" investigation<sup>336</sup> ICIJ worked with two Spanish reporters, Marcos García Rey and Mar Cabra and one Spanish programmer, David Cabo. The project was co-ordinated from Washington by Kate Willson<sup>337</sup>. As the European Union's most powerful fishing nation, Spain is its largest recipient of fishing subsidies. The unprecedented ICIJ analysis of transfer of fishing funds to the Spanish industry revealed that it had received more than €5.8 billion between 2000 and 2010 despite its track record of breaking the rules and tapping overfished stocks.

The investigation also found that more than 80 percent of subsidised fishing companies that were fined in Spain for fishing infractions – and then lost in subsequent court appeals – continued to receive subsidies. Also, one Spanish ship-owner received more than €8.2 million in subsidies even

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<sup>332</sup> Interviewed for this report by Cabra /García Rey, February 9, 2012.

<sup>333</sup> See three examples: <http://www.thebureauinvestigates.com/2011/04/27/eu-waste-massive-spanish-desalination-plant-lies-idle/>; <http://www.thebureauinvestigates.com/2010/07/06/lanzarote-faces-losing-its-eco-status/> and <http://www.thebureauinvestigates.com/2010/07/06/luxury-hotels-built-in-the-name-of-progress-fall-foul-of-law-2/>

<sup>334</sup> See for instance [http://elpais.com/diario/2011/07/17/sociedad/1310853603\\_850215.html](http://elpais.com/diario/2011/07/17/sociedad/1310853603_850215.html), [http://elpais.com/diario/2011/02/13/domingo/1297572756\\_850215.html](http://elpais.com/diario/2011/02/13/domingo/1297572756_850215.html)

<sup>335</sup> More on the BIJ/FT investigation and the fall out in other media in **Chapter 4.4** on the UK.

<sup>336</sup> <http://www.icij.org/projects/looting-the-seas-ii>

<sup>337</sup> How the project was done, <http://www.icij.org/project/looting-seas-ii/about-project>

while his company (or its affiliates) faced more than 40 accusations of illegal fishing and US\$5 million in fines. (This case had been in the media before, but this story was the most in-depth account to date). In Spain, the investigation was published in *El País* (Spanish ship-owner story) and in *El Mundo* (which reported on the subsidy story) and the online publication *Fronterad.com*. Several other media such as *la Sexta Noticias*, the *EU Observer*, *Trouw* (Netherlands) or Euronews also picked up on the story.

Looking into the methodology behind the research<sup>338</sup>, it is clear that a long-term, large investigation like this requires very specific skills to understand and make sense of large amounts of detailed information and data. To account for public aid flowing to the industry between 2000 and 2010, ICIJ analysed datasets from the European Commission's Directorate-General for Maritime Affairs and Fisheries (released after an FOI request by fishsubsidy.org) as well as subsidy information published in the official gazettes of the Spanish central government and the autonomous communities (regions). Since 2007, the fish subsidy data are directly provided by the member states themselves. In the case of the Spanish Ministry of Environment, Agriculture and Fisheries, it is released in PDFs, which is a non-reusable document format. It took a computer programmer to scrape the data and make them searchable by the journalists (both of whom are computer savvy themselves, but even they needed specialised help).

The final calculation also added two other sources. One was the proportional amount of money of the fisheries partnership agreements -considered another form of subsidy- that benefited Spanish vessels. The detailed data on licenses per vessel and country were obtained through a FOI request. The second was the costs of fuel tax exemptions, obtained through a government report. These types of indirect subsidies are rarely accounted for because of the difficulty of obtaining the figures. In this case, it ended up being more than a third of the total amount of subsidies received.

The team then consulted with a number of fisheries economists to determine the criteria for comparison of subsidies to the value of the fishing industry. Added Cabra and García Rey,

*'When the Spanish media deal with corruption cases, the misappropriation or misuse of EU funds becomes an incidental topic [in] the stories. They're normally all about the politics. For that reason, reporters do not properly do a breakdown of the money misused and do not mention primary sources (budgetary memos, allocations of funds, etc) in their production. In any case, it's very hard –if not impossible- to find the breakdown of the EU funds in the documents produced by the Spanish authorities.'*

When a member state does not take up responsibility for delivering usable data, there seems to be little EU institutions and journalists can do to get them. However, as far as tracking irregularities, the European Commission and member states share management of a system to uniformly report irregularities (called IMS), and such mechanisms could be promoted for gathering and reporting of other data as well. But it will always be a matter of compliance by member states. In its 'Protection of the European Union's financial interests - Fight against fraud - Annual Report 2010' published late 2011, the Commission notes that Spain has not even implemented the IMS yet.<sup>339</sup>

Cabra and García Rey looked into the reasoning why Spanish media don't take up stories like dispersion of EU funds.

*'The media in Spain –many of them ruled and/or subsidised by the central and regional governments– are the main battlefield of the political parties' struggle. As a result, investigative*

<sup>338</sup> <http://www.icij.org/project/looting-seas-ii/subsidy-methodology>

<sup>339</sup> *Protection of the European Union's financial interests-Fight against fraud-Annual Report 2010*, Report from the commission to the European parliament and the council, COM(2011) 595, (Brussels, 29-9-2011), p. 17. Available digitally [http://ec.europa.eu/anti\\_fraud/about-us/reports/communities-reports/index\\_en.htm](http://ec.europa.eu/anti_fraud/about-us/reports/communities-reports/index_en.htm)

*journalism on the fraudulent use or waste of EU economic resources is hijacked by the rulers that are, at the same time, those who administer the European funds. [...] some media outlets do not investigate corruption because they are debtors to governments, rather than being independent. (For example, the [majority of] Catalan newspapers like La Vanguardia are subsidised [...] by the regional government.) Meanwhile others try to undermine the legitimacy of given governments by exposing to the public their opponent's corrupt behaviour.'*

In this fervent embrace of politics and media, only a truly independent outlet will dedicate time and effort to take the politics out of the story and go back to the facts. ICIJ is such an entity. But with a worldwide focus, specialised ICIJ research projects into tracking EU funds will remain few and far between.

#### 4.2.2. Recommendations

- Swift implementation of a workable Spanish FOI law based on best practices with FOI in other European member states. At the moment of writing this report, the second version of the draft law<sup>340</sup> had not yet arrived to Congress and it was not meeting the requirements to ratify the Council of Europe Convention on Access to Official Documents. The bill will come into effect one year after being passed into law - so no sooner than late 2013<sup>341</sup>.
- Provide targeted training<sup>342</sup> in investigative skills such as data mining, scraping, use of FOI acts in Spain and the European Union. Scholarships could be provided for by third parties<sup>343</sup>.
- Since the 'politisation' of the Spanish media and its effect on investigative reporting cannot be undone from the outside, there is a need for independent in-depth journalism on topics such as the tracking of EU funds. Setting up a sustainable independent outlet such as a center for investigative reporting could be a first step.
- Mandate (and sanction?) member states to publicly provide data in a uniform and transparent manner, publishing it in re-usable formats such as .csv (and not in PDFs).

#### 4.2.3. Conclusion

The example of Spain shows once more that partisanship of media highly impedes independent investigative journalism. Even when reporting is done on the topic of this report, deterrence of fraud with EU funds, it is often done to serve national political interests, and therefore doesn't shed light on the issue itself. Support for independent in-depth reporting is highly needed, though hard to supply by pan-European bodies such as the European Union institutions without a suggestion of interfering in national interests.

Furthermore, Spain both shows the power and the weakness of (international) co-operation. Without collegial support, pooling of skills and resources, the most important projects covering EU spending in Spain would not have been done. Larger resources for such cooperative, cross border efforts should become available. However, once such a project is done, the likelihood of it being repeated by the same organisation or even a different group of journalists is small. Since journalism

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<sup>340</sup> <http://www.leydetransparencia.gob.es/anteproyecto/index.htm> Last accessed on June 10, 2012.

<sup>341</sup> See for the latest developments also: <http://www.access-info.org/en/spain-coalicion-pro-acceso/250-spain-transparency-law-minimal-changes>.

<sup>342</sup> In November 2012, the journalism school of the media group Unidad Editorial and the University Rey Juan Carlos of Madrid will start the first masters' degree in investigative reporting and data journalism in Spain, <http://www.escuelaunidadeditorial.es/master-periodismo-de-investigacion.html>.

<sup>343</sup> As Google is providing a number of grants for Spanish students at the new masters program, so could other institutions.

is a 'scoop-driven' enterprise, reporters don't fancy repeating what's been done. If journalists should structurally do these stories, it would be helpful to find a co-operative structure in which knowledge does not disappear but still different reporters can come in and leave again. The structure of Farmsubsidy.org (see **Annex 4**) could be an example to study closely and perhaps duplicate under the heading of a European centre for investigative journalism.

### 4.3. HUNGARY

Hungarian media are highly partisan, with political parties setting up (or buying into) news outlets. Journalism in general is characterised by a very national and politically motivated focus, and investigative reporting most often is no exception to this. Says Tamas Bodoky of Internet portal Átlátszó,

*'Investigative journalism is dying out in Hungary. There is lots of 'churnalism'<sup>344</sup> and entertainment, but investigations are becoming rare. And some 'investigations' are politically motivated: media empires all have political ties, they fight each other with biased investigations. We get accused of that too. But we make our income public, we want people to see how we are funded, to avoid that judgment of bias. That costs us money when companies or rich people don't want to contribute transparently. But we will not take their money otherwise.'*<sup>345</sup>

András Koltay of the Media Council at the NMHH, the National Media and Infocommunications Authority agrees on a lack of in-depth reporting.

*'I don't think there is much investigative journalism in Hungary. This is not a new thing; it was the same over the last 23 years. It is a cultural question maybe. There was no serious journalism before '89. After that, the investigative part of journalists' work never [took off. ...] In Hungary we have a specific method to receive information: leaking. Not many journalists are digging. Journalists usually do not find a story themselves, they receive information from a source or get an e-mail.'*<sup>346</sup>

There certainly is an appetite for stories, says Ilona Moricz of the Center for Independent Journalism.

*'Journalists have started to aim at investigative reporting themselves, even in a shrinking media market. But it is more and more difficult to maintain it at the papers. Investigative reporting doesn't sell the paper, editors say. [Thus, Origo and Index], the two main Internet portals, have become the pivots for investigative journalism at the moment.'*<sup>347</sup>

<sup>344</sup> The term 'Churnalism' is used for 'a form of journalism in which press releases, wire stories and other forms of pre-packaged material are used to create articles in newspapers and other news media in order to meet increasing pressures of time and cost without undertaking further research or checking.' <http://en.wikipedia.org/wiki/Churnalism>.

<sup>345</sup> T. Bodoky, editor-in-chief of Atlatzo.hu (<http://atlatzo.hu/>), an investigative Internet portal, interviews for this report, May 17, 2012. All quotes from this interview.

<sup>346</sup> A. Koltay, member of the Media Council at the NMHH, the National Media and Infocommunications Authority appointed by Parliament under the new media law of 2011. The NMHH is the overseeing and regulating body for all Hungarian media (see [www.hunmedialaw.org](http://www.hunmedialaw.org)), and a subject of criticism in itself. Koltay was interviewed for this report May 17, 2012. All quotes from this interview.

<sup>347</sup> I. Moricz, director of the Center for Independent Journalism (CIJ), a foundation aiming at raising professional standards in journalism through training and granting of investigative stories. Interviewed for this report, May 17, 2012, all quotes from this interview.

Adds Sándor Orbán of SEENPM,

*The intellectual capacity is there; there is a generation of good investigative reporters. But the media are in a perfect storm at the moment: with the new media law, the access to information changes, the crisis since 2008. Labour relations are bad and there is a lack of solidarity amongst journalists. There are more and more freelancers, but no good contracts. And how to respond to technical changes, with a 24-hour news cycle and an ever-smaller staff? [There is] a lack of money and time for investigative journalism.<sup>348</sup>*

However, lack of money and time are not perceived to be the biggest threats to the profession. Said András Pethő of the successful web portal Origo (with around 200,000 unique visitors to the political pages per day, thus defying statements by editors that the public does not want to read serious, complex and abstract stories):

*Doing investigative journalism is not just about the resources. It is also a choice, a decision, and then you get the people and the time.<sup>349</sup>*

Peter Magyari of Index.hu (with 400,000 unique visitors per day the other successful Internet publication) added,

*Journalism in Hungary now is better than five years ago, but I am a little worried about the sustainability of the press because of the economic crisis. Public media are terrible, print is dying. Online press became stronger, young journalists go there. It will be a market question whether this kind of development can survive.<sup>350</sup>*

And making the choice for investigative reporting, though never easy, as of 2011 has become harder still.

#### **4.3.1. Focus – the media law of January 2011**

On January 1, 2011 a far-reaching new media law<sup>351</sup> came into effect in Hungary. Even before its adoption, the law drew criticism from every corner of the journalism profession, and beyond. The existing law needed revision, for large parts still stemmed from the communist era. But the new law, according to professionals in the field, NGOs and European institutions such as the European Commission, the Parliament and the Council of Europe, included regulations reaching far beyond any law elsewhere in Europe, threatening media freedom and thus freedom of expression.

The new law brought all media under the influence of one law (including print and the Internet); set up a new Media Authority (and Media Council) with far-reaching powers and appointed by the ruling party; enabled the Council to set high fines for (rather opaquely phrased) content violations (for instance 'human dignity' or 'protection of minors' from 'offensive' content); and narrowed the journalistic right to protection of sources.

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<sup>348</sup> S. Orbán, director of SEENPM, the South East European Network for Professionalization of Media based in Hungary, interviewed for this report, May 17, 2012. All quotes from this interview. SEENPM unites eighteen not-for-profit media centers from twelve South East European countries, including EU member states Hungary, Bulgaria and Romania, [www.seenpm.org](http://www.seenpm.org), site currently under suspension.

<sup>349</sup> A. Pethő, editor and reporter at Origo.hu (<http://www.origo.hu/index.html>) interviewed for this report, May 17, 2012. All quotes from this interview.

<sup>350</sup> P. Magyari, investigative reporter for Index.hu (<http://index.hu/>), interviewed for this report May 18, 2012. All quotes from this interview.

<sup>351</sup> English version: <http://www.scribd.com/doc/46314152/Hungarian-Media-Law-Act-CIV-of-2010>.



In December of 2011, Hungary's Constitutional Court annulled a number of provisions in the law<sup>352</sup> and ordered the government to make revisions, including to the vaguely worded content restrictions on print and online media, and to explicitly list exceptions to the right to protect journalistic sources. End of May 2012, the Hungarian parliament, in which the ruling coalition holds an absolute majority, approved of changes concerning online and print content, protection of sources (only to be lifted by a court decision) and broadcast tender procedures. But criticism of the law remains. Says Orbán of SEENPM,

*'this law is full of 'fluid' definitions, and [the Council] can still set high fines. They used it mainly for broadcast so far, for vulgar language etc. But the gun is on the wall! Why is it there, don't you trust us in the media? It is a paternalistic approach. Of course you have to protect minors, but it is better is to teach them [media literacy] and create self-confidence.'*

Since the implementation, journalism in general and (with the exception of the internet portals Origo, Index and Átlátszó) investigative reporting in particular<sup>353</sup> more and more have fallen victim to self-censorship. According to Orbán:

*'[T]he previous law was bad, but it was replaced by a significantly worse one. There is a chilling effect in general, a self-censorship. Journalists and their editors and publishers don't want to have a problem. With this law, Hungary is moving to autocracy. You have to think what you say in public, not just in journalism, also in art, schools, theatres. Public service media have become a tool of propaganda but are losing audience. But commercial TV just stopped covering politics and serious stories. Their licenses are up for renewal by the Media Council which is in the hands of the government.'*<sup>354</sup>

But journalists interviewed for this report deny the influence, especially at the 'white ravens' of investigative journalism already identified: web-based Origo, Index and Átlátszó. Pethö:

*'We'll see where it goes. But I can do my work anyway.'*

Though there is a distinct 'third person' effect at work here: I am not affected, but others are. Said Bodoky,

*'I started a media company, and the media law has fines in them that could make my company go bankrupt immediately. So I understand the apprehension others have. But we do the stories anyway.'*

Magyari added,

*'It doesn't keep me from my work. The first version could have harmed us. But the [publicity through the] European Parliament, Commission and Council of Europe, and then the decision by the Constitutional Court prevented the worst last year and it became better. I still don't think it is useful at all, but we'll deal with it.'*

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<sup>352</sup> See for clarification in English <http://www.diritticomparati.it/2012/01/hungary-the-constitutional-court-annulled-some-provisions-of-the-media-laws.html>

<sup>353</sup> <http://www.seemo.org/hungary/seemo-hu.html>

<sup>354</sup> See for an aggregation of criticism of the Hungarian media law, <http://www.hungarypressfreedom.org/>

At the NMHH, Koltay rebuked most criticism of the media law by comparing the Hungarian law to media legislation elsewhere in Europe and not coming out as the worst in class<sup>355</sup>. Reacting to accusations that the new media law 'shops around' in other European media legislation and only takes out the worst parts, Koltay said:

*'I have a feeling it is not about the wording or the exact law. It became a political thing. The real reason is that it is much easier to criticise us on this than on issues of constitutional or judiciary reform. This is a minor case compared to other issues that are happening. The quarrels or fights, what you want to call them, between the EU and Hungary are on many issues: maybe they took the easiest one to criticise.'*

Koltay complained over a feeling of 'double standard' judgement when it comes to Hungary.

*'If the European Parliament wants to do something about Hungary, or take care of Hungary, whatever you would call it, then take all the media regulations in the member states and make an overview, so you can see what the status of countries is. Now nobody knows what press freedom means in Europe. In many cases there are no European standards. I would like to find out what they are, I would appreciate that.'*

With the report for Commissioner Kroes by EP rapporteur on media freedom Renate Weber due out in the fall, Hungary might soon get what it says it wants and needs. And without downplaying justified concerns by NGOs and colleagues, Magyari said that all of this may be minor cases to what is really important in the country.

*'I think the situation is not as catastrophic as it is often presented in Western Europe. Hungarian democracy is not weaker by this. But the government is using the attacks by the EU against the EU. And that is not good. Not the democracy is in danger in Hungary; it is not as serious as the financial crisis or the corruption problems. It is the corruption, the stealing by authorities that is our main problem. This corruption should be investigated by the European institutions more.'*

Said Origo's Pethö, asked why the new media are interested in tracking EU funds, contrary to other media,

*'Our approach is not how EU money is spent; we look at money spent in general. With Hungary not having money itself at the moment, in every tender and procurement you find EU programs and money. So almost every money story has a European angle.'*

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<sup>355</sup> For instance, on protection of sources NMHH had legal experts compile information on laws and regulations in other EU member states, stating Hungarian law now regulates better than many in Europe. However, when independent experts for this study checked this compilation, the information on some countries was incomplete (Netherlands), sloppy (France) or wrong (Belgium).

As on the high fines for certain abusive content, comparison to other countries shows Hungary is not alone in imposing high monetary sanctions. However, in other countries they were not used so far, critics claim. But Hungary has not used them either, NMHH states. Koltay: 'I don't see how this new media law can prevent journalists from doing investigative reporting. The high sanctions are one thing journalists mention. But this is not keeping them: they don't do it anyway!!' As on the opaqueness of certain definitions in the law, Koltay said: 'Many European countries have similar regulations. They accuse us of vague wording. The Council of Europe criticises us for the phrase 'protection of human dignity'. But the Council uses the term too. The same with the phrasing of the term 'incitement to hatred'.' Critics of this part of the law claim educating media literacy is more productive than protection of minors through sanctioning of media outlets leading to self-censorship.

### 4.3.2. Recommendations

When it comes to a lack of in-depth stories tracking European funds in the Hungarian media, recommendations vary as much as the reasons for not doing them.

- Extra money for doing these time- and money-consuming investigations is always welcome, respondents say. But, as was remarked in Romania, grants should be flexible, adequate but not too large, and also applicable to story projects and not just training. Orbán:

*'Grants from the EU are problematic, the grants are too big, they are not flexible, and you have to match what they give you. We have nothing to match with.'*

- Also, as in Romania, grants procedures are perceived to be over-bureaucratic. Orbán:  
*'With USAID we spend 20% of our time on administration and 80% on project activities. With EU grants it is the other way around, the administrative burden is enormous. And then we had no flexibility to start a campaign against the media law for instance, for the money was already allocated, mostly to administration.'*

- Revise certain requirements for EU projects, said Orbán.  
*'When there is an EU sponsored project, a significant part has to be spent on advertising the project. The government takes this money and channels it to friendly PR companies. This money should be spent in a different way. It is important to make people understand why projects are done, but not this way.'*

- Journalists should 'pitch' Europe to their editors more often and in a more savvy way. Magyari:  
*'I have no problem convincing my editors to do these stories. You can sell almost anything if you write it well. Sometimes the EU seems too difficult, but there is always a way to tell any story.'*

According to Bodoky,

*'Readers would be interested. Most readers are interested in politicians' shady dealings, and usually you can find some connection between them and spending European money. So it is interesting to them.'*

And thus to the editors.

- To not just get stories on 'politician's shady dealings' but look behind the incidents, Magyari advised colleagues to learn the inner workings of Europe.  
*'I made several study trips to the European Commission to understand and get contacts. That helped me a lot in getting interested in the topic. This should continue to be done to get new journalists interested. European employees could also come here and train.'*

Added Koltay (NMHH),

*'If they can start some kind of program for the young people, to teach them what investigative journalism means, to go abroad and have internships at serious outlets. And then come back and work for the public system (for that should be a flagship of our media and it is not now). That would be helpful.'*

*'Foreign affairs are rarely present in our media. Very few journalists understand the EU; they fight their own national turf wars with European data, national politics. It is tragic: the average Hungarian knows very little about the European Union. Then it is easy not to like it.'*

- Also, finding and maintaining oral sources in Brussels is a matter of determination, said Magyari.  
*'It would help if the commission was easier to get in touch with, but it still is pretty easy, sometimes easier to get them to comment than someone from a Hungarian ministry. It would be best if we had a Brussels correspondent, he or she could do the face-to-face contacts. But that is not going to happen.'*

Added Pethö,

*'I have no personal Brussels contacts. Having a European investigative centre that would have those contacts and where you could pose a research question, might that be helpful? Yes, it would help.'*

- Mandate a uniform procedure for countries to report their spending to Brussels, said several interviewees. Pethö:  
*'The online databases help, the process is becoming more transparent now. But mostly you will find a document on the decision to grant money but not on the data behind the decision, nor on how the decision was made. The government agencies have to give us these documents but they will make it as difficult as possible. So we end up in court, which costs time, money and energy. Having the documents on the decision making process online too would help. The EU institutions could mandate that.'*
- Special attention should go to TED (Tenders Electronic Daily)<sup>356</sup>, said Pethö.  
*'TED is impossible to work with.... maybe I am clumsy but it should be idiot-proof, or we should be trained in it. There should be a database of companies winning tenders. TED could be that, but it is not.'*

### 4.3.3. Conclusion

Though the new media law may pose (additional) impediments to investigative journalists, what little reporting on EU spending was done in Hungary did not suffer from it, respondents to this report concluded. Independence of media is a more pressing issue, hence the migration of in-depth reporting from traditional outlets to the new media, both for-profit and not-for-profit.

*'Non-profit journalism in the West exists for reasons of crisis in revenues at traditional media. Here it exists for reasons of independence. And then, often, we call it NGOs.'*

said Sándor Orbán of SEENPM.

*'It is important to investigate how EU money is spent in Hungary. We should have local journalists do that, for it is local stories mostly! The EU could support organisations that support watchdog journalism. In Eastern Europe this could be NGOs, in Western Europe it could be schools or funds.'*

Apart from a lack of money, of research techniques, of sources and of access to (uniform and comparable) data and documents are impediments that either the journalism community or the European institutions should work on. With Hungary depending heavily on European money in these times of crisis, bringing stories on (mis)appropriation of EU funds to an inherently interested public is pressing and possible in this member state.

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<sup>356</sup> <http://ted.europa.eu/TED/main/HomePage.do>

#### 4.4. UNITED KINGDOM<sup>357</sup> (ANNEX 11, 12)

In this report the United Kingdom, by far, shows the highest production in EU funds-related stories of all EU-27<sup>358</sup>. See for an overview **Annex 11** and **Annex 12** for a qualitative and quantitative analysis. Some general observations on the topic can be added here.

A standard has been set in the UK for EU-related investigations by *The Sunday Times*. The investigations team, known as “Insight” produces work that’s highly original, not only for its content, but also for the methods used. These investigations often bring about major changes at EU level. In 2011, an Insight investigation exposed MEPs taking money from lobbyists in return for watering down banking reform legislation<sup>359</sup>. Several MEPs resigned. Journalists worked for eight months representing a major investment by the newspaper into a EU issue.

No other EU investigation has had the same impact as the one published in 1999 by a team of journalists in which Stephen Grey, former Europe Correspondent for *The Sunday Times* participated<sup>360</sup>. Over the course of several months, Grey collaborated with other journalists in several EU countries<sup>361</sup> to bring out scandals exposing fraud and corruption at the highest levels in the European Commission. The combination of the scale of the corruption and involvement of senior officials, even a Commissioner (Edith Cresson), was one of the reasons why the Santer-Commission resigned. One of investigative journalism’s aims is to bring about change, and there is no greater way to bring about change than to remove corruption from power.

Elsewhere in the UK media there are sporadic investigations, mostly prompted by current affairs. When the UK was in a recession in 2010, Channel 4 Dispatches broadcast a documentary about the EU and value for money. In the run up to the 2009 Euro-Elections, BBC Panorama looked at MEPs using public funds to finance their electoral campaigns. But in general, a journalist trying to get an EU-related investigation commissioned for TV, when there is no pressing current affairs imperative to cover the issue, faces an uphill battle.

The tabloid papers are consistent in their approach to original EU stories. Regardless of the economic or political climate, they regularly produce small investigative-style articles, which aim to embarrass the EU. The theme most common to these EU investigations is money. Is the EU wasting our hard-earned taxpayers money on highly paid staff who make policies we don’t need and that don’t work? This theme, however, is still very Brussels based. Investigations rarely look at EU money spent outside Brussels and never at money spent outside the member states, in third countries, in particular developing countries. EU development aid is the most under-reported issue in terms of investigations and needs to be redressed.

There’s a healthy appetite in the UK for EU related investigations fed by a general scepticism in the media towards the EU. Explains one respondent rather philosophically,

*‘[W]e are not Europeans, we didn’t feel the true devastation of Europe’s wars, and the legacy of a unified Europe that is so important on the continent is something that is missed by us. That has embedded itself in British culture and we resent being dictated by Europe. This fear of losing*

<sup>357</sup> With co-author Annamarie Cumiskey.

<sup>358</sup> See footnote 3 for comments on a possible slight overrepresentation of the UK in the database.

<sup>359</sup> <http://www.euractiv.com/future-eu/journalistic-spoof-traps-meps-br-news-503281>

<sup>360</sup> See for an academic analysis of methodology and co-operation Hedinger, M., *Aufdeckung des „extraordinary rendition program“ der CIA durch Stephen Grey – Recherchestrategien und journalistische Netzwerke im internationalen investigativen Journalismus* (Hamburg, 2007), p 14-15. See also Grey, S., *Tackling Fraud and Mismanagement in the European Union*, Center for European Reform Working Paper, 2000.

<sup>361</sup> See Meyer, C., *Europäische Öffentlichkeit als Kontrollsphäre: Die Europäische Kommission, die Medien und politische Verantwortung*, Vistas (2000).

*British autonomy percolates into the discourse of everything European. Brussels is a weird entity and all it seeks to do is erode the quality of life in Britain. We forget lots of Brits go to Spain, or live in Italy.*<sup>362</sup>

However, EU investigations don't appear as often in the media as investigations into the UK government's education and health policies. Education and health are two major government-spending priorities. There's plenty to investigate in the public interest, and both the newspapers and the TV industry have journalists specialised in these areas. The public wants these issues exposed even more than they want the EU stories.

Unless the EU takes over from the member states in matters of education and health, a highly unlikely scenario, investigations into the EU will always be less of a priority. They will also remain low on the list of editorial policies because of the lack of EU knowledge in the newsroom. During the editorial process, when discussions take place between journalists and editors on what merits investigation, if there's not enough people at the table with EU knowledge the issue falls off the agenda since no one can engage intelligently in the discussion. Investigations into the EU are also expensive, especially cross-border investigations. While an investigation may have a domestic angle the research needs to be done abroad making it a foreign story, and putting it in competition, in budget terms, with war-related investigations.

Broadcasters and the press involved in investigative journalism leave themselves open to litigation; one of the biggest cost barriers to investigative journalism in the UK. There could be more EU-related investigations on the UK if the EU had an effective "whistle-blower" policy. Whistle-blowers come with documents and inside information – both essential to reducing the possibility of litigation. If the EU actively encouraged whistle-blowers working in the institutions to come forward by offering them impunity, it would in turn reduce the cost of investigations in the UK.

#### **4.4.1. Focus – large quantity data journalism**

One project of interest (and controversy) needs looking into more closely, the 2010 research project by the Bureau of Investigative Journalism (BIJ) and the *Financial Times* into EU structural funds<sup>363</sup>. This because the project showed a large amount of journalistic enterprise as well as co-operation<sup>364</sup>, and overall throughout Europe was one of the few projects trying to come to grips with large amounts of EU data and pour them into stories and analysis for a wider public.

As 'large-scale investigations' come, this was a one of a kind project, said one of the initiators, Cynthia O'Murchu of the *Financial Times*.<sup>365</sup>

*'It was an 8 month investigation, with a 12 member multilingual team dealing with 21 languages, resulting in one database of nearly 600 data sheets holding more than 640,000 records. We tracked €347 billion [in EU structural funds] over seven years, from 100 agencies.'*

Cooperation within the EU member states differed greatly, O'Murchu and freelancer Annamarie Cumiskey<sup>366</sup> recalled. Rating from 'a nightmare' (Bulgaria – for its haphazard way of supplying data in scanned PDFs; Italy – for keeping the data in over 100 decentralised databases; Greece – for supplying blank sheets of data; Germany – for putting passwords on PDFs) to 'incredibly difficult' (Estonia – because of language barriers) to 'actually very good' (Romania – providing updated

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<sup>362</sup> J. Overton, Bureau of Investigative Journalism, interviewed for this report, February 9, 2012.

<sup>363</sup> <http://www.thebureauinvestigates.com/category/projects/europes-hidden-billions/>

<sup>364</sup> For more on the methodology, see <http://www.ft.com/intl/cms/s/0/6fd4c734-f327-11df-9514-00144feab49a.html>

<sup>365</sup> Interviewed for this report, February 9, 2012. All quotes from this interview.

<sup>366</sup> Interviewed for this report, February 9, 2012. All quotes from this interview.



sheets every month; Hungary – for creating a central national database; France – for creating a website and cleverly grouping regions together).

The project in December 2010 led to a five-day newspaper series (*Financial Times*), a TV documentary (Al Jazeera) and a radio program (BBC File on 4). In other countries, journalists looked into the database and found topics for stories dealing with issues in their own areas. All in all, the project generated strings of stories in close to ten countries. Said O'Murchu when analysing the UK output,

*'BIJ was more interested in the fraud. The FT was more focused on the big picture, to put it in context. I was more interested in the actual macroeconomic effect of the funds. If you want to change government in a place like Bulgaria with its corruption and lack of transparency and want to integrate it into Europe, then you have to accept that there is going to be some waste. But that does not mean there shouldn't be sanctions, though.'*

Soon into the project, the scope of it posed large difficulties, recalls Iain Overton<sup>367</sup> of BIJ.

*'The central question was: How do we quantify this? There was a lack of centralised data; it was opaque. It was all in different formats and styles. I didn't anticipate what we got into. 'It will take us 3 – 4 weeks', one researcher said. I thought it would be 6 weeks. So I called a specialised programmer, and allocated 10,000 pounds for the programmer. It turned out we needed him 6 months. All in all it cost us 70,000 pounds.'*

A huge investment regular outlets would not normally make, one of the reasons why this project was undertaken by a non-profit centre, says Cumiskey.

*'Cross-border stories like this need the right people in place, need an organisational model to do them. They are labour intensive. The regional and national media don't have the resources and inclination to invest in research on this scale.'*

Adds Overton,

*'There is a lack of popular desirability of these stories with other media. There is a fundamental challenge to engage news media in complex debates about anything, politics, government. [...] Also there is a gap between the language of power (such as Brussels) and the language of the media. We try to bridge that gap. We are the outsider.'*

But it was precisely this that was at the heart of the criticism that erupted within the EU institutions when the stories were published. Officially, the Commission welcomed the investigation, but in briefings the project got bashed. BIJ/FT reporters didn't understand what they were dealing with, commission spokespeople said<sup>368</sup>. Comments on discrepancies were not taken into account, invitations to help explain figures not taken up, breakdowns of numbers provided by the commission not used.

*'They had their agendas set before they got our answers. They wanted to highlight the misspending and fraud. But they were going on misconceptions a lot, they were not giving us a proper scope to answer their questions. A Financial Times reporter interviewed my commissioner, the one on regional policy and the one on employment policies. Of the one-hour*

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<sup>367</sup> Interviewed for this report, February 9, 2012. All quotes from this interview.

<sup>368</sup> Spokespeople at several EU institutions were interviewed for this report. On the topic of the 'Europe's missing billions' project, this research team was referred to official statements made at the time of publication. Most officials only wanted to reflect on the basis of anonymity or off the record.

*interview, I think he used one sentence from my commissioner, and none from the employment commissioner. So, with all the time they spent on these interviews, that was not a representation of sorts.*<sup>369</sup>

Also, other spokespeople said, the project was done by an outlet funded with 'Eurosceptic' money<sup>370</sup> (though that disregards the involvement of 'Europe-neutral' outlets such as the *FT*, BBC and Al Jazeera). Reacts Overton,

*'when an outsider like BIJ looks at Brussels, the reaction to it is very visceral. They ignored the facts and data we presented, it became almost personal to press officers.'*

And thus, what could have been the start of a more structural journalistic investigative analysis of at least part of Europe's spending ended in back-and-forth complaints, discussion of journalistic ethics and squabbling.

#### 4.4.2. Recommendations

Out of the 'Europe's missing billions' project come a number of recommendations.

- Mandate uniform collection and (open) storage of data. O'Murchu:  
*'The commission could easily mandate a uniform way of keeping the data, they already have a mandate to be transparent, but it doesn't pass the, what I call, 'Grandma test': even with bad eyesight and being elderly, citizens should be able to check who got what money. [...] But if you have the data in CSV<sup>371</sup>, then upload a CSV once a month, make sure everybody has the same headers, then off you go. And it wouldn't cost that much!'*  
Overton: *'There should be engagement with transparency of data. Nobody is a cheerleader for the results of journalism. And recommendations need to be pursued.'*
- Provide training on how to do it. Cumiskey:  
*'We need training in investigative reporting on fraud, we don't have the technical skills: where to find documents and data, how to read them, techniques in forensic accountancy.'*  
Overton: *'I am massively supportive of an internship fund: pay for graduates of journalism schools to go to select groups of journalism organisations.'*
- Provide a platform where to share (sell?) and find stories like this. Cumiskey:  
*'Like Eurodoc is bringing together current affairs programs, we should have a platform for bringing together cross-border investigations.'*  
Overton: *'Facilitate a website: track what is being done journalistically on Europe and analyse that independently.'*  
And even the public could be engaged in a platform like this. Cumiskey:  
*'Start a 'HelpMeInvestigate'-like<sup>372</sup> site for Europe.'*

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<sup>369</sup> E. Traynor, spokesperson of Mr. Algirdas Šemeta, Commissioner for taxation and customs union, audit and anti-fraud, interviewed for this report, June 6, 2012.

<sup>370</sup> Funding for the BIJ comes from foundations (one of which was labeled 'Eurosceptic' by European officials: the David and Elaine Potter Foundation) and commercial co-operation on stories:

<http://www.thebureauinvestigates.com/fundingexplained/>. The BIJ has complete editorial independence.

<sup>371</sup> 'A comma-separated values (CSV) file stores tabular data (numbers and text) in plain-text form. Plain text means that the file is a sequence of characters, with no data that has to be interpreted instead, as binary numbers.'  
([http://en.wikipedia.org/wiki/Comma-separated\\_values](http://en.wikipedia.org/wiki/Comma-separated_values))

<sup>372</sup> <http://helpmeininvestigate.com/> is a UK based network aiming through crowdsourcing at helping anyone investigate subjects in the public interest. The project's initiator, Paul Bradshaw of Birmingham City University expressed explicit interest in a European version of the structure.

#### 4.4.3. Conclusion

There is a healthy appetite within the UK for stories on the EU, though often with a rather narrow (wasteful Brussels) orientation mainly for national use (personalised, national politics). But with the wide variation in (also internationally oriented) news outlets (public, non-profit and commercial), a wide transfer of opinions and voices is guaranteed. European funds stories may be harder to pitch, the overall output is by far the largest in all of the EU-27.

The level of skill is higher than almost anywhere else in Europe, as is the appetite for enterprise. There may be much to wish for (financially and professionally), but with its watchdog attitude the British press is still the place to go to for stories with bite and impact, also on Europe and its inner workings. Concludes Overton,

*'The reason why Britain never had a revolution is we have a revolutionary press. It is satirical, with contempt for politicians (also our own), an aggressive journalism that doesn't let anybody off. We have a long tradition of satire, exposing through print the wrongdoings of society and politics.'*

#### 4.5. DENMARK<sup>373</sup>

Compared to some of the other focus countries in this report, Denmark may appear to be an ideal place for critical journalism scrutinising abuse of public money. The Mediadem overview<sup>374</sup> states:

*'The Eurobarometer country survey for Denmark (2009) finds high levels of confidence in the press (50%), television (67%) and radio stations (73%). All numbers are higher than the average numbers for European countries.' [...]*

*'Taking into account that Denmark is such a small country, the Danish media system represents a relatively high level of diversity and quality. This is not a result of a free media market, but comes from a combination of regulation, subsidising and market forces – and high professional standards within journalism.'*

When it comes to a focus on investigative journalism, as mentioned in the country description in **Annex 1**, Denmark has one of the oldest membership-based organisations for investigative journalism and is home to some of the frontrunners in computer-assisted reporting in Europe.

Against this background it appears only natural that most major media have investigative units: the three major daily newspapers *Berlingske*, *Politiken* and *Jyllands-Posten* and both major TV stations have had these units in the past years, some of them award-winning. The smaller but influential national daily newspaper *Information* allocates extensive amounts of time and space to investigative stories by various journalists on its staff.

*'When it comes to covering European affairs, Denmark has a long tradition, not in the least in following the debates around its various referenda. At some point in the '00s Denmark had the largest number of Brussels correspondents in relation to its population.'*<sup>375</sup>

<sup>373</sup> Author Brigitte Alfter.

<sup>374</sup> <http://www.mediadem.eliamep.gr/wp-content/uploads/2010/05/Denmark.pdf>

<sup>375</sup> Oral information to the author, who at the time was a Brussels correspondent, obtained from the Danish EU representation.

*'According to the most recent available Eurobarometer country report on Denmark, 40% of the Danes consider the population to be well informed about the EU, compared to only 24% on EU average.'*<sup>376</sup>

Yet in spite of these apparently favourable and fertile grounds for investigative journalism, few investigative stories deal with European affairs or scrutinise spending of European funds.

Says Nils Mulvad, one of the interviewees for this chapter:

*'Much depends on personalities, who are highly committed to doing investigative journalism. You can see where they work. And when they change jobs, the investigative stories appear at their new publication. Personalities and editorial organisation means a lot for the output.'*<sup>377</sup>

These paragraphs will show the effect and importance of editorial priorities when it comes to investigating EU spending. Editors will look at the impact of their decisions. And they observe a turning point, where the focus and organisation of newsrooms may change again, away from investigative units perceived to be expensive. First signal: the investigative unit at broadcaster TV2 is closing down as of summer 2012<sup>378</sup>.

#### 4.5.1. Focus – Editorial priorities

To understand the apparent absence or low priority of EU stories, this country report focuses on editorial considerations within the Danish media and journalism community. Four interview partners were selected:

- Christian Jensen, editor-in-chief of Danish daily *Information*, which has an EU interested readership. Before taking his current position, Jensen was the leader of the investigative unit at Danish daily *Berlingske Tidende*.
- John Hansen, leader of the investigative team at Danish daily *Politiken* since 2010<sup>379</sup>, has extensive experience in investigative journalism and as editorial leader, previously being the leader of the investigative unit at the daily *Jyllands-Posten* and editor of the business section.
- Nils Mulvad, editor at analysis and research company Kaas & Mulvad. Mulvad has a deep insight into the Danish media landscape as subcontractor for data journalism material, analysis and stories for a broad variety of media, and he is the editor of *Åbenhedstinget*, an online publication under the Danish in-job training centre Update focusing on investigative journalism and access to information. He won the European Voice "European journalist of the year" award in 2006.
- Tom Heinemann, documentary filmmaker with a particular focus on current affairs and international stories. He has a background in investigative radio journalism at public service broadcaster DR, where he for instance researched stories about abuse of EU policies and funds in the 90s as he later did in his documentaries. He is a winner of the Lorenzo Natali Prize and the Lorenzo Natali Grand Jury Prize 2011<sup>380</sup>.

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<sup>376</sup> [http://ec.europa.eu/public\\_opinion/archives/eb/eb76/eb76\\_dk\\_dk\\_nat.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb76/eb76_dk_dk_nat.pdf)

<sup>377</sup> N. Mulvad, editor at analysis- and research-company Kaas & Mulvad, <http://www.kaasogmulvad.dk/>, interviewed August 9, 2012, all quotes from this interview.

<sup>378</sup> <http://journalisten.dk/tv2-nedl-gger-gravergruppe>

<sup>379</sup> John Hansen, leader of the investigative team at Danish Daily *Politiken*, <http://politiken.dk/kultur/tvogrado/ECE1065620/politiken-ansatter-graverchef/>, interview on August 9, 2012, all quotes from this interview.

<sup>380</sup> Tom Heinemann, independent documentary film maker, [www.tomheinemann.dk](http://www.tomheinemann.dk), winner of the 2011 Lorenzo Natali Prize <http://lorenzonataliprize.eu/category/winners/2011/grand-prize-2011/>, interviewed on August 13, 2012, all quotes from this interview.

All interviewees talk about editorial priorities and considerations when it comes to covering use and abuse of EU funds. Says Christian Jensen, editor-in-chief of *Dagbladet Information*<sup>381</sup>:

*'I see a development throughout the 90s, when there were more stories about how EU funds were spent. There were stories about cohesion funds in Jutland, about support for farmers in mountainous regions and so forth. Yet by now I can hardly remember the latest story about abuse of EU funds. They seem absent. It's worth thinking about.'*

*'The big story in Brussels right now is the euro. When everything is shaky and the question is whether the euro survives or not, it appears to be a bit beside the point to scrutinise whether 200,000 Danish crowns were wasted or not. It's a question of proportions. We ourselves [at Information] have not looked into EU funds in the recent years, and I have been editor at Information for two years. The primary priority is the economy and the constitutional questions. But triggered by your questions I'll have another look.'*

John Hansen, leader of the investigative unit at *Politiken* shares the observation:

*'When I look at the Danish newspapers, I do not see a lot of investigative journalism about the EU. When was the last time an EU story was nominated for the Cavling<sup>382</sup>? It's a bit strange, when you think of how important [the EU] is.'*

Hansen and his team did look into EU funds earlier this year though. On the occasion of the Danish presidency, his investigative team this spring produced a series of articles about EU agricultural funds as a prelude to the negotiations on the new reform period. Hansen and his team aimed at scrutinising the field but did not find any direct abuse of funds. For this report the editorial considerations of whether to focus on EU funds or on other subjects are relevant:

*'The editorial consideration was that Denmark had the presidency [of the EU], so we thought let's pick an EU angle. And the most interesting field must be where the most money is.'*

This appears to have been a unique situation, though. Usually Hansen and his team decide to focus on a research subject only when they have an actual lead to a given story.

Both *Politiken* and *Information* explicitly aim at covering EU subjects not only with stories about institutional subjects but also with an 'outside Brussels' viewpoint. *Politiken* has a correspondent's office in Brussels but has a policy to cover stories where they happen. As an example, Hansen mentions coverage of the Euro crisis reported from Greece and Spain rather than from Brussels or Frankfurt. Daily newspaper *Information* decided to have its Europe correspondent based in London in order to avoid too many institutional stories.

The division of tasks between correspondents and home-based staff can affect the coverage of EU subjects, including tracking use and abuse of funds. Says Hansen:

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<sup>381</sup> Christian Jensen, editor-in-chief at Danish daily Information, [www.information.dk](http://www.information.dk), interviewed on August 9, 2012, all quotes from this interview.

<sup>382</sup> Cavling is the major Danish journalism award, the latest nomination concerning EU and/or EU funds was in 2006 for the [www.farmssubsidy.org](http://www.farmssubsidy.org) project and related articles in Danish newspaper *Information*. <http://journalistforbundet.dk/nyheder/2006/december/ni-nomineret-til-cavlingprisen/>. Since then international stories have been among the nominees such as fraud with CO2 quotas, animal transports, however none of them looked into EU funds.

*'In an investigative team we look into many different subjects. We choose a subject, and though we do not start from scratch every time, it is usually a new field. To cover EU affairs you need a certain level of knowledge before you can apply a critical approach. It takes longer to work your way into the subject, and it is more difficult than other subjects. Often there is the difficulty that those [on the staff] who deal with it are busy with the ongoing agenda. Though at this newspaper we have plenty of opportunities to free them up, these are very busy people, and often they would not apply an investigative agenda [on their editorial priorities]. For them the main problem is that there are vast amounts of significant information, and it is their task to make it understandable. It is not so easy to switch from one way of reporting to the other.'*

When specialised journalists offer stories to broadcasters, they may face difficulties too. Says Tom Heinemann:

*'[The EU] unfortunately is hopelessly under-prioritized – at least in the Danish media. Thus madly exciting stories about for example fisheries and agricultural subsidies often end in nothing. Back in the 90s Stig Andersen [journalist at public service broadcaster DR] produced a series of four broadcasts looking critically into EU spending – but there were hardly any viewers. If you want to sell an EU story to Danish media, you have to give high priority to the Danish angle of a story. Regardless of the fact that far, far more serious things are going on in Spain or Italy.'*

As an independent filmmaker, Heinemann always has to consider the economic aspects of the production, and he experiences that there is limited support amongst broadcasters (he mainly works for the Danish and other Nordic broadcasters). He thus has to look for a variety of funding options, which is not easy.

The logic of news selection in mass media is also a factor, Nils Mulvad observes:

*'Investigative journalism is very demanding for the individuals, because they are under huge pressure. There are more and more spin doctors, so journalists need solid support from their editors. Editors are under economic pressure, and they try to avoid situations where they are called by the ministries.'*

He quotes a recent story about an infringement case Denmark lost at the European Court of Justice and its coverage in Denmark. The agenda was set by a press release by the Danish ministry commenting the ECJ decision. Mulvad:

*'The press release was out very quickly, and this interpretation became the frame. Once the angle of a story is out in the news, an adjustment of this angle is not so interesting. The race is run and we do not write another piece of news because there is another interpretation. These are the conditions in the news media, but it allows little space for the truth.'*

The analysis of the media coverage of the recent infringement case published on *Åbenhedstinget*<sup>383</sup> showed a classic of situation of pointing fingers at the EU and of news logic. Mulvad says, this was a case

*'where Denmark administrated [EU] funds in a wrong way and sent the bill to its own taxpayers. In the coverage, the EU is shown as the bad wolf. The EU cannot defend itself anyway. It's a 'system' story.'*

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<sup>383</sup> <http://www.aabenhedstinget.dk/misforstaelse-i-fodevareministeriet-koster-danmark-750-mio-kr/>



#### 4.5.2. Recommendations

From the interviews with a focus on editorial decision-making, a number of suggestions are made to editors at existing media as well as to other players in the field. These recommendations include the need for new media business models.

- Existing media should focus more on investigative journalism, including investigative journalism on the EU. Jensen:

*'This [investigative journalism] is our survival strategy. To do it and to do it thoroughly. That's what journalism can do. To understand the EU system should be easier now that more data are available. It really is strange that with more data there are fewer stories. We have to reconsider whether we [apply] the right priorities, and then get going.'*

- While Jensen tries to set priorities within his publishing house to allow time for investigative journalism, Hansen sees a need for new players outside the publishing houses.

*'I don't believe you can get the established media to do the basic research. There are examples such as Farmsubsidy.org or Åbenhedstinget, who have their own [economic] means and function as a food chain. They do basic research and try to interest established media for it. This may sound lazy, but in these cases you have people who are committed and they need something to live on. If you imagined one could afford 3-4 excellent journalists, you could develop something, a kind of Pro Publica model<sup>384</sup> that could specialise in researching EU funds. Follow the money basic research.'*

- This would cover the need for basic research, which is not taken care of by established media, and would offer necessary expertise. This could then also overcome the 'knowledge gap' amongst news-oriented staff in the media. Though EU sources have become more accessible, Hansen observes this gap in the editorial selection procedure.

*'Most investigative journalists don't have a deep insight into the EU. There are many stories more obvious to choose than abuse of EU funds, because one knows that EU subjects are complex to understand.'*

- Hansen and his team have used figures pre-researched by outside players such as Farmsubsidy.org. Furthermore Hansen sees an option for working with the many freelancers. But the bottleneck would then be money.

*'If one had a story to dig into about the EU, is there any place where I could apply for money? A pool to cover expenses? Of course it would be problematic if it was an EU official [who would] select grantees. There would be a need for arms length distance. But it would allow competent freelancers to do stories, which then could be used in the newsroom.'*

- Nils Mulvad has over the years been in close contact with US investigative journalists and been watching developments there. Observing established media in Denmark from the outside, he also supports the idea of outside players. Not in the least due to the huge challenges new techniques put to the media. Mulvad:

*'In the USA today nobody doubts that if one wants to maintain a free democratic society, there needs to be investigative reporting. And it needs to be supported via foundations or the public. I would wish there was a business model to cope with the challenge, but within at least the next ten years I do not see a functioning model. In the USA there is a model with investigative centres that pass on stories and material. And it is [sustained] with both private and public support. If the public is to make well-informed decisions, competent journalists are a condition. It's not that the established audit bodies do not point at problems. But the most important problems are [detected] by journalists.'*

Mulvad argues that the established media do not focus enough on new technologies but rather try to maintain their established outlets. Mulvad:

<sup>384</sup> The New York City based non-profit investigative journalism outlet <http://www.propublica.org/>.

*'One has to separate the production of investigative journalism and the publication of it. And when you establish centres for investigative reporting, you have to safeguard independent reporting of high quality. These are among the core questions. There are too few stories today to get them out on the new [technological] platforms, which develop all the time. This needs a lot of money.'*

- Some EU funds for European productions are available for film production. However, the experience of independent filmmakers like Tom Heinemann is mixed and he suggests a less bureaucratic application procedure:

*'Many [producers] are frightened by the enormous bureaucracy. A colleague spent 45,000 Danish Crowns on preparing a 1.2 kilo application [package] to the EU Media Programme. Six months later he received a two-line answer saying that his production company was too small to be considered for funding. This type of experiences spread like lightning in the filmmaker community. So – less bureaucracy, more trust. We, who apply for such funding, usually have quite extensive experiences and quite a nice CV. We are not here to cheat, and if we did, the community of documentary makers is so small, that anyone who cheats or tries to cheat the system, would become persona non grata.'*

#### **4.5.3. Conclusions**

The example of Denmark shows how editorial priorities and the media structure influence reporting on EU funds. Though the EU is on the radar of Danish media, investigative reporting on EU funds has low priority. It either appears not to fit into the day-to-day news coverage or is considered time-consuming and complex.

One editor suggests re-evaluation of editorial priority setting and connects this directly to the commercial options of the classic mass media. The three other interviewees suggest external support structures to stimulate and support the coverage. In order to address the complexity of European affairs, a structure for basic research is suggested in the form of for example a centre for investigative journalism with a particular focus on the EU. This type of basic research is not carried out by the mass media themselves.

Also economic support structures to individual and specialised journalists or production companies are mentioned, structures that should be un-bureaucratic. When it comes to support structures, the importance of editorial independence is emphasised explicitly by the interviewees suggesting these options, but they might consider involvement by EU institutions if built-in Chinese walls are provided.

## 4.6. ITALY

Looking at Italy from the outside, one might have expected to see a change in journalistic output and attitude after the change in government in late 2011. But according to journalists on the ground, critical and in-depth reporting in fact started a 'renaissance' already two years earlier. In a media landscape characterised by political bias and partisan stand-offs, the personal drive of some professionals (including an occasional publisher) supported by those in the public longing for independent coverage, brought about a revival of investigative reporting that started in 2009. It may be fragile, and it may take its aim at the state and not at Europe (yet?), but it is there.

*'Please note that I'm NOT saying that everything is now perfect with regard to investigative journalism in Italy; I'm saying that in very recent years there has definitely been a growing interest [for it], both among media professionals and the public, and definitely an increased awareness about its role,'*

said one expert<sup>385</sup> when interviewed for this study. In these paragraphs, we will look at what caused this still fledgling development and at threats towards critical reporting, both on the state of Italy and on the EU.

### 4.6.1. Focus – a renaissance, 'sort of'

Italy, particularly under prime minister Silvio Berlusconi (1994-1994, 2001-2006, 2008-2011) but also under the governments in between, suffered a highly politicised media climate. Berlusconi, not only through his own media companies<sup>386</sup>, but as a prime minister also through his grip on public broadcasting and by exercising the government's prerogative of refusing broadcasting licenses to companies formally entitled to one<sup>387</sup>, had unprecedented access to and influence over the (journalistic) source of information most Italians consume compulsively: television (news). A 2004 resolution by the Council of Europe's Parliamentary Assembly on monopolies in the electronic media and the possible abuse of power in Italy summarised that

*'[t]hrough Mediaset, Italy's main commercial communications and broadcasting group and one of the largest in the world, Mr Berlusconi owns approximately half of the nationwide broadcasting in the country. His role as head of government also puts him in a position to influence indirectly the public broadcasting organisation, RAI, which is Mediaset's main competitor. As Mediaset and RAI command together about 90% of the television audience and over three quarters of the resources in this sector, Mr Berlusconi exercises unprecedented control over the most powerful media in Italy.'*<sup>388</sup>

Seven years later, not all that much had changed, as a 2011 study on digital media in the EU member states concluded that

<sup>385</sup> A. Cairola, former investigative journalist, currently working for UNESCO's media development desk Asia. Mr. Cairola was interviewed for this study on July 24, 2012, and is quoted as a former reporter and investigative reporting expert, not on his present status as a UNESCO employee. All quotes from this interview.

<sup>386</sup> Berlusconi is the major shareholder of Italy's biggest (or even only) private free TV company, Mediaset, Italy's biggest publisher, Mondadori (largest magazine publisher), and Italy's major advertising company Publitalia.

<sup>387</sup> For an overview of the legal framework for access to the Italian broadcasting market, plus references to a series of ECJ and ECtHR rulings against Italy on this issue, see Scheuer, A., Bachmeier, C., Rock, L., Schmeier, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), Italy country profile, specifically p. 314 -315. Available digitally at <http://www.europarl.europa.eu/delegations/nl/studies/download.html?languageDocument=EN&file=75132>.

<sup>388</sup> Council of Europe, Parliamentary Assembly Resolution 1387 (2004) (<http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta04/eres1387.htm>).

*'RAI and Mediaset still achieve average nationwide audiences of approximately 41 percent and 37 percent. By contrast, the other broadcasters on digital and analog channels (including the nationwide broadcaster La7 and all local broadcasters) manage no more than approximately 10 percent. This is the Italian broadcasting duopoly.'*<sup>389</sup>

Newspapers, magazines and radio stations also often sided with political factions. Media laws were aimed at keeping critical or to ruling powers damaging stories from the airwaves and pages, cumulating into attempts to effectively 'gag' critical journalism and the blogosphere through legal means<sup>390</sup>. With the occasional exception of individual writers and reporters seeking out corrupted officials, businesses or the mafia (and paying a heavy price of social or even physical ostracising), a climate of (judicial and physical) intimidation had journalists retreat into the safe realm of entertainment and sports reporting. According to many respondents, amongst them investigative reporter Leo Sisti, threats of litigation lead to a high dependence on material from others than the journalists themselves.

*'Often, investigations here are done by the Financial Police, or the Guardia di Finanza. Journalists don't do this work often, with the exception of some weekly magazines. [...] We exploit investigations run by prosecutors, for then there is no risk of being sued for libel, as we might otherwise be.'*<sup>391</sup>

This may result in journalists neglecting topics that (for some reason or other) are not already investigated by the judiciary. Critical journalism was (and often still is) a game of partisans, said other respondents to this report.

*'For cultural reasons, in Italy investigative journalists are in my opinion too close to the side they pick as "their" side – political, economic, or even judicial. What I mean is that they tend to – and are even expected to – investigate the "other side". I'll give you a soccer metaphor: If journalists were from London and rooted for Chelsea, they would investigate Arsenal's wrongdoings, and vice versa.'*<sup>392</sup>

But from 2009 onward, several developments were gaining momentum. Italians moved away from TV, with the number of Italians for whom TV was their sole source of news dropping from 82% in 2005, to 46% in 2006 to 26% in 2009<sup>393</sup>. Some just 'tuned out', others tuned in elsewhere. The younger generation fled to the Internet, where independent online news sites slowly gained audience. And even though the Mapping the Digital Media project (without clear foundation) stated that

*'digitisation has not enhanced the prospects for investigative journalism, which remains the*

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<sup>389</sup> Mapping the Digital Media – Italy, p. 7. Open Society Foundation, Mapping the Digital Media Project, [http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication).

<sup>390</sup> See for a summary of what the consequences of this 'gag law' for journalists might have been, <http://www.indexonensorship.org/2011/10/silvio-berlusconi-gag-law-is-no-laughing-matter/>. This law was not decided on in the form it was originally put to Parliament in 2010, but is not entirely off the table yet; and support for curbing the possibility to publish information coming from judicial investigations and wiretaps is broad, also amongst left-wing politicians. One respondent to this study said that if adopted, the gag law can still 'kill' investigative journalism. Parliamentary debate has been postponed for reasons of more pressing issues at hand, but will likely resume in the fall of 2012.

<sup>391</sup> L. Sisti, investigative reporter with *Espresso* magazine, *Il Fatto Quotidiano* and author of investigative books on the Berlusconi years, interviewed for this study on January 30 and August 4, 2012. All quotes from these interviews.

<sup>392</sup> C. Gatti, New York-based investigative journalist for *Il Sole 24 Ore* (leading business daily in Italy), whose stories were also published by the Financial Times, the New York Times and the Philadelphia Inquirer. Interviewed for this report on July 24, 2012, all quotes from this interview.

<sup>393</sup> Open Society Foundation, Mapping the Digital Media Project, [http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication), Italy, p. 6.

*preserve of the large television networks. Investigative journalism is expensive, and online newsrooms cannot afford it. However, digitisation has enhanced the dissemination and impact of investigative journalism's findings*<sup>394</sup>,

this last sentence hinted at what was changing (and what the study itself apparently did not yet see): part of the public started to long and look for quality reporting, and even better: was willing to pay for it despite the worsening economic climate. Using a fitting classical reference, former investigative reporter Andrea Cairola analysed

*'that investigative journalism in Italy actually experienced a sort of 'Renaissance' in 2009 and 2010 despite the harsh and hostile political environment, thanks to an incredible unprecedented combination of factors.'*

One factor was publishing company Chiarelettere<sup>395</sup>, specialising in non-fiction books. It became one of the first players to address the growing need for in-depth reporting which the mainstream media did not meet. Since 2007, Chiarelettere has published a steady stream of Italian and international best sellers (for instance on the mafia and the Vatican<sup>396</sup>), but also a number of less sold but exceptional investigative books. As the Mapping the Digital Media project described,

*'[i]nvestigative journalism has been enhanced by digitisation with respect to dissemination and impact. The most important example here is the publisher Chiarelettere, which specialises in major journalistic investigations. Readers meet authors on its website (Chiarelettere.it), where they discuss issues and items of Chiarelettere books, and there are both authors' and readers' blogs. At the same time, you can find documents and materials linked to each journalistic investigation (journalists can publish online what they cannot publish within the book due to the constraints of physical space). This publisher has launched the annual Investigative Journalism Festival, now in its third year, based in Marsala, in Sicily.'*<sup>397</sup>

And even more decisive, Chiarelettere in 2009, in the midst of a print journalism crisis, backed the start of a new newspaper, *Il Fatto Quotidiano*<sup>398</sup>.

The success of this quality newspaper (and website) is remarkable. Under the leadership of one of the most prominent Italian investigative reporters, Marco Travaglio, *Il Fatto*, as it is commonly called, enlisted high-level reporters with extensive investigative skills. And thanks to a crowdfunding mechanism of subscriptions, it is now sustainable and financially healthy, both for the print and for the online editions<sup>399</sup>. Contributing investigative reporter Sisti dubbed *Il Fatto's* start to be

*'[a] real adventure in a bad period for the written press. The business plan was risky, but*

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<sup>394</sup> Open Society Foundation, Mapping the Digital Media Project,

[http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication), Italy p. 8.

<sup>395</sup> <http://www.chiarelettere.it/>

<sup>396</sup> Most recently *Your Holiness: The Secret Papers of Benedict XVI*, by Italian journalist Gianluigi Nuzzi that triggered the so-called 'Vati-leaks' scandal in Pope Benedict XVI's close entourage.

<sup>397</sup> Open Society Foundation, Mapping the Digital Media Project,

[http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication), Italy p. 53.

<sup>398</sup> <http://www.ilfattoquotidiano.it/>

<sup>399</sup> See <http://newsentrepreneurs.blogspot.com/2012/06/in-italy-independent-newspaper-startup.html>. Circulation figures mentioned in this article are not correct, though. According to a recent article written by the editor Antonio Padellaro, in the first half of July, *Il Fatto* sold an average of 56,000 printed copies in the newsstands, plus 26,000 in subscriptions: a total of 82,000 copies. But, according to contributing reporter Sisti, 'the real success is based on the daily readers of the website ([ilfattoquotidiano.it](http://ilfattoquotidiano.it)): 500,000. There are also 780,000 followers on Facebook and 370,000 on Twitter. This means that as a social network *Il Fatto Quotidiano* is the second in ranking in Italy, among the first social networks in Europe and in the world.'

*courageous. The philosophy of Il Fatto Quotidiano was, and is still, clear. The daily didn't (and doesn't) have 'friends in high places'. And, unusual to see in Italy, it didn't (and doesn't) get government funds, in any way or another. This can be read everyday on the newspaper: 'Non riceve alcun finanziamento pubblico' ('Doesn't receive any public funding').'*

The paper's focus is Italian, and may in the future, due to its topical choice almost naturally, also cover issues of EU spending, but that has not happened yet. Said Sisti,

*'The daily exposes corruption (a cost of roughly €60 billion every year), tax evasion (another social scourge valued at the height of €120 billion every year), political dealings with the mafia and unethical behavior of politicians [...]. In other words Il Fatto Quotidiano fights every day in the name of a real change in social and political life.'*

Investigative reporting expert Cairola analysed *Il Fatto's* success as follows.

*'I believe this case is groundbreaking for at least three reasons: a) The innovative start-up mechanism based on a perceived [lack] and thus potential related to investigative journalism, b) Il Fatto's mission of only producing independent and professional journalism and investigations, guaranteed by this publishing model based on subscriptions which is protecting them from any governmental and commercial interference (and also advertisement is just secondary to their business model), c) Since its foundation, Il Fatto has published many important scoops and obliged other print media to compete for quality and investigative reporting, fostering a sort of multiplier effect.'*

Here, Cairola underpins what Claudio Gatti, looking at the Italian media landscape from the other side of the Atlantic, concludes to be one of the big problems of critical and in-depth journalism in his home country.

*'In Italy there are NO pure publishers. All media are owned by economic or financial powerhouses, therefore are most often used for power or business, not for information. But I see changing the ownership system as practically impossible.'*

Once in 2009 the interest for high-quality reporting was raised and became visible, other producers of content stepped up or stepped in. TV program 'Report' on Rai3<sup>400</sup> (sometimes labeled the Italian version of BBC's 'Frontline', and also one of the few producing stories on mismanagement of EU funds mentioned in **Annex 2**) had against the current always been strong and stayed so. Current TV<sup>401</sup> (former US vice-president Al Gore's TV channel broadcasting in Italy through Rupert Murdoch's Sky Italia) started an investigative program, and certain niches at Berlusconi's own Mediaset such as 'Le Iene'<sup>402</sup> aired investigations (most recently on corruption in the pharmaceutical sector). Respondents further point at the 'advocacy and incentive' role of events such as the annual Ilaria Alpi Award<sup>403</sup> ceremony, the Ferrara Festival<sup>404</sup> and the investigative journalism Marsala Festival<sup>405</sup> in promoting and creating interest in in-depth reporting.

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<sup>400</sup> <http://www.report.rai.it/dl/Report/>

<sup>401</sup> <http://current.com/>

<sup>402</sup> <http://www.iene.mediaset.it/>

<sup>403</sup> The Italian annual investigative journalism award, <http://www.premioilarialalpi.it/en/>

<sup>404</sup> <http://www.internazionale.it/festival/programma/>

<sup>405</sup> <http://www.festivaldelgiornalismoindinchiesta.it/>



Encouraging as these developments are, they are fragile. Some may not be able to weather the economic storm, others will succumb to pressure still coming from political or business interests<sup>406</sup>. Andrea Cairola called the state of investigative reporting in Italy still

*'tense and difficult. Although now more people know what it is, still those that are in the spotlight of investigations are doing their best to obstruct it. As you may have read in RSF, Freedom House and IPI reports, one of the big threats and deterrents is the risk to be targeted by disproportionate civil judicial cases - for instance a freelance reporter earning €1000 a month being sued and brought to court by a millionaire. And for those investigative reporters dealing with organized crime of course the risks are also on personal safety. There are, I think, a dozen of them under protection<sup>407</sup> and many more who risk their lives, in addition to renowned Roberto Saviano<sup>408</sup>.'*

As for investigating spending of EU funds and possible misappropriation thereof, there are other deterring factors, say respondents. Gatti remarks

*'I have seen quite a few stories about fraud and European funds. [But] they usually report the results of fraud investigations by the Italian financial police or some Italian magistrate. In Italy journalists often tend not to investigate on their own but to report what authorities found',*

this being in concordance with Sisti's remarks earlier. And Cairola adds,

*'[these] sometimes are complex investigations which require resources. And sometimes they are less interesting to a public that does not immediately consider the EU funding as ultimately deriving also from Italian taxpayers' money, [let alone seeing misspending] as a missed opportunity for the development of the country.'*

Sisti concludes

*'There is no [real] feeling amongst the Italian press of what is going on in Europe, nor a lot of attention for it.'*

#### **4.6.2. Recommendations**

Where for a long time in-depth reporting in Italy was (at worst) not done or (at best) partisan, independent investigative journalism is gaining force. But respondents warn for too much optimism and point at much room for improvement, if only because Europe is still not on the journalists' radar. Recommendations therefore are mainly of a 'call for support' and 'explore possibilities for action' kind.

- Overriding concern with Italian (investigative) journalists is the lack of independence of the media. Without independent publications and outlets, publishing critical and in-depth reporting will remain difficult. The recent change in government will not make a big difference here, remarked several contributors to this study.

*'My personal impression is that this technocratic government is no more positively inclined towards free press than its predecessor, and of course the coalition includes most of the former government supporters, as well as the former centre-left coalition*

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<sup>406</sup> Current TV stopped broadcasting in Italy on July 31, 2011, officially following failed distribution renegotiations with Sky Italia. Current TV itself quoted different reasons, sadly underpinning the lack of room for independent news media in Italy: [http://current.com/community/93234051\\_current-tv-italia-off-the-air-due-to-murdochs-fear-of-olbermann.htm](http://current.com/community/93234051_current-tv-italia-off-the-air-due-to-murdochs-fear-of-olbermann.htm).

<sup>407</sup> Cairola pointed for instance at the following reportage: <http://www.marieclaire.it/Attualita/La-vita-dei-giornalisti-calabresi>

<sup>408</sup> Saviano has lived undercover since the publication of his book *Gomorra* in 2006.

*which also has never shown sincere and profound interest in press freedom or for instance in truly public service broadcasting'*

said one reporter on the basis of anonymity. Claudio Gatti agrees:

*'The Chelsea vs Arsenal logic was there with Berlusconi and is still there with Monti.'*

- Providing for media independence is paramount in Italy, a recent study for the European Commission underpins, defining four areas of concern in the Italian legal framework warranting addressing:

*'i) the lack of effective remedies for conflict of interest and "two-hat" situations involving overlaps between political and media power; ii) the inability of the current framework to prevent excessive media concentration and its adverse effects on media pluralism; iii) the "vague nomination and appointment procedure" of the members of the Italian Media Regulator (AGCom); iv) the risks of governmental and political influence over Public Service Media (PSM) inherent in the current appointment procedure of the Board members of Italy's PSM operator (RAI) and its financing mechanism.'*<sup>409</sup>

- European institutions should play a stronger, more vocal (and where possible deciding or arbitrating) role in this. Both the Council of Europe and the European Parliament have on several occasions spoken out against and adopted resolutions on the precarious position of the free press (and particularly the public broadcaster) in Italy<sup>410</sup>. But their enforcing power is non-existent or very limited. Within the European Union, though, instruments to help safeguard media pluralism through preventing market domination could and should be (further) developed and implemented, and member states should be sanctioned for non-compliance. However, this calls for a redistribution of power towards 'Brussels', which is extremely hard in times of calls for 'less' instead of 'more' Europe.
- There is a strong call from within the investigative journalism community in Italy for legal reform, one that the European institutions could strengthen. Cairoia:

*'[F]or instance, one of the most prominent and popular Italian investigative reporters, Milena Gabanelli, for years has been proposing a reform to end disproportionate civil suing<sup>411</sup>, [...] the various EU "pressure" mechanisms could support this call for legal reform.'*

As a recent study shows<sup>412</sup>, much of the Italian journalistic conduct is addressed in laws and regulations. However, this does not offer a clear framework for journalists to work within, and often leads to 'shopping around' for applicable legal deterrents by those under scrutiny of the press. De-legalisation of the Italian journalistic process and practice is much warranted.

- Furthermore, Italian journalists would appreciate a positive stance by EU institutions on the fundamental role of investigative journalism

*'as watchdog etc, especially in a country like Italy which has a widespread corruption,*

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<sup>409</sup> Scheuer, A., Bachmeier, C., Rock, L., Schmeier, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), p. 339. Available digitally at <http://www.europarl.europa.eu/delegations/nl/studiesdownload.html?languageDocument=EN&file=75132>.

<sup>410</sup> See for an account of both the political stronghold on the public broadcaster (financially (through setting the licensing fee) as well as organisationally (by appointing its general director and news director)) Scheuer, A., Bachmeier, C., Rock, L., Schmeier, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), Italy country profile, p 318 and on.

<sup>411</sup> [http://www.corriere.it/cronache/09\\_settembre\\_29/lettera-gabanelli-milena-gabanelli\\_9d055306-acbd-11de-a07d-00144f02aabc.shtml](http://www.corriere.it/cronache/09_settembre_29/lettera-gabanelli-milena-gabanelli_9d055306-acbd-11de-a07d-00144f02aabc.shtml)

<sup>412</sup> Scheuer, A., Bachmeier, C., Rock, L., Schmeier, B., *The Citizens' Right to Information - Law and Policy in the EU and its Member States*. Study for the Directorate General for internal Policies, Policy department c: Citizens' rights and Constitutional affairs, Civil liberties, justice and home affairs, PE 462.467, (Brussels, June 2012), Italy country profile, p 320-326.

*estimated to be about 60 billion euro by official sources,'*

Cairola said, while suggesting the EU to

*'[invest] a very small part of the enormous EC/EU resources on advocacy on this fundamental role of investigative reporting'.*

- Also, to ensure journalistic independence from Italian (business or political) interests, some respondents see a financial role for the European Union, with, for instance, support for investigative content production through mechanisms that are not interfering with the actual content of the investigation. Respondents suggest for instance support of existing initiatives like the Ilaria Alpi Award<sup>413</sup> or grants for complex investigations (for instance through independent mechanisms such as the EC's Media Programme for the audio-visual industry<sup>414</sup>). Cairola:

*'[I]n 2003 my documentary "Citizen Berlusconi" was also supported by the Media Programme, and therefore some of Berlusconi's party MEPs complained and called the concerned Commission's office to the Parliament. The 'bureaucrats' explained that the documentary had met with the objective parameters for receiving funds, such as being coproduced by three [public broadcasters], being made by a producer with an adequate track record etc.'*

and so the objective and pre-determined parameters safeguard the merit of the content against political interference from any side.

- Finally, with too little skills available to tackle complex European finances, there is a call for targeted support for training in investigative skills. Here, again, those who engage in addressing the problem run into Italy's politicisation. Said one respondent, *'there is a little association<sup>415</sup> which has been running investigative training away from the academic training, and every year it is [struggling] to survive for it has never succeeded in finding sponsors with no strings attached.'*

#### **4.6.3. Conclusion**

Where Italian investigative journalism thrives, it is through the conscious choice for independence from any interest of the media outlet publishing the story. With the outlets willing to take on this challenging, uncertain and often costly enterprise few and far between, and a country warranting so much scrutiny itself, it should not be surprising that Europe and its finances still take second seat in the investigative reporting community's interest.

But with journalists working on spreading the realisation that Europe's money is Italian money and mispending is a chance for well-spent European support forfeited, European institutions should take whatever chance they get at underscoring Italian journalists' struggle for independent media outlets.

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<sup>413</sup> The annual investigative reporting award in Italy, <http://www.premioilarialpi.it/en/>.

<sup>414</sup> [http://eacea.ec.europa.eu/media/index\\_en.php](http://eacea.ec.europa.eu/media/index_en.php)

<sup>415</sup> <http://www.giornalismoinvestigativo.eu/>

#### 4.7. EU INSTITUTIONS

Brussels is often labelled the city with the highest concentration of journalists, even more than Washington or New York. But that doesn't automatically make for the highest concentration of their (perceived) antagonists, the diplomats and communications officials. The European Union, for all its large influence, makes due with a relatively small bureaucracy, including communication departments. Said one spokesman,

*The Commission is very small. We cover almost all government policy areas, serving 500 million people in 27 different countries - with about half the staff of Birmingham City Council.*<sup>416</sup>

As for the contacts between EU institutions and journalists, there is an interesting dichotomy: they are either perceived to be too close (Brussels press corps) or not close enough (investigative reporters). In these paragraphs, we will discuss the effects of this on amount and quality of reporting on the appropriation of EU funds.

##### 4.7.1. Focus – in search of co-operation

Within the European institutions, there is recognition of the importance of investigative reporting in deterring fraud with EU funds. The European Parliament on May 10, 2012, adopted a resolution on the protection of the European Union's financial interests, in article 58 calling

*'on the Commission to protect and promote investigative- and independent journalism which is a essential element in fighting crime, fraud and corruption with European funds'*<sup>417</sup>.

To assess the level and content of contact between investigative journalists and EU officials on the topic of fraud and corruption with EU spending and revenue, interviews were set up with a number of EU directorates dealing with EU funds<sup>418</sup>, and other European bodies such as the European Court of Auditors, the European Parliament, the Council of Europe, the European Ombudsman, OLAF.

All the spokespeople interviewed for this report (of course) welcome investigative reporting on EU topics and regret what they perceive as being a declining interest by media outlets in this type of serious, critical reporting in general. Also all interviewees noted the (almost total) absence of questions of an investigative nature from the Brussels press corps (with the exception of British correspondents). Questions mainly come from national reporters, working on local stories. Some of the interviewees<sup>419</sup> stated they do not deal with this type of journalistic questioning.

Most of the coverage of and investigation into fraud (or irregularities) with EU funds and revenues deal with expenditures. Journalists seem to have a blind spot for other types of fraud and corruption concerning the EU, says OLAF Director-General Giovanni Kessler<sup>420</sup>.

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<sup>416</sup> A. Gravili, Spokesman at the Commission Department of Inter-institutional Relations and Administration of EU Vice-President Maroš Šefčovič, interviewed for this report, April 10, 2012.

<sup>417</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP7-TA-2012-0196%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

<sup>418</sup> EU directorates on Agriculture and rural development; Employment, social affairs and inclusion; Regional policy; Taxation and Customs Unit; Inter-Institutional Relations; Communication.

<sup>419</sup> Notably the European Court of Auditors, the European Parliament, the Council of Europe, the European Ombudsman. They do have roles in the periphery of investigative journalism in and on Europe, either in auditing, promoting critical and in-depth journalism, dealing with topics also investigated by journalists. Hence the interviews for this report.

<sup>420</sup> G. Kessler, OLAF Director-General, interviewed for this report, May 14, 2012. All quotes from this interview.

*'I expect them not only to write about fraud that concerns EU expenditure but also EU revenue and in particular about the reasons behind this fraud. Fraud concerning EU revenue is a topic that is rarely covered, with the exception of some articles on cigarette smuggling.'*

Many of the directorates refer questions on these issues to OLAF, the European Commission European Anti-fraud Office, a logical referral, for reporters usually work on concrete (often national) examples of spending and thus have concrete questions about dispersion and possible misspending, the area of expertise of OLAF. But this is neither an easy nor always entirely satisfactory route, agrees acting spokesman Johan Wullt.

*'There are of course limits to the information that we can disclose. OLAF obviously respects rules on data protection and the confidentiality of our investigations.'*<sup>421</sup>

Adds Alessandro Butticié, former spokesperson of OLAF,

*'In an ideal world, investigators and investigative journalists should have the same objectives: to find verity. But we don't live in an ideal world. So we can aim at mutual respect between investigators and journalists, but journalists must also understand the constraints and limits the investigators are under. We have to mandate secrecy on ongoing investigations and safeguard privacy and individual rights. Not everything can be public.'*<sup>422</sup>

All officials would welcome more and direct contact with investigative reporters, because, says Roger Waite<sup>423</sup>,

*'[f]raud is unquestionably something where investigative journalists can play a role. However, my experience here is that the Commission is very limited in how it can cooperate or comment at all. But it can play a role in highlighting various legal loopholes and encourage these to be closed.'*

Adds Butticié,

*'Brussels is the largest pressroom and collection of journalists in the world [...], but most of them are not investigative journalists. They are often more than excellent journalists, but the most part of them are generalists. [...] Sometimes I have had to explain very basic things to Brussels journalists (e.g. the time limitation) about how the legal system of Europe works and how investigations go.'*

On the other hand, non-Brussels journalists may more easily jump on incidents, and disregard the complexity of the funding system and its rules. This lack of knowledge with investigative reporters on the way EU money is spent is a common complaint, leading to sometimes overly sensationalist reporting on 'silly projects', as Emer Traynor<sup>424</sup> calls them,

*'such as dog hair salons. [...] When we provide information on recovery of funds, it depends on the angle of the journalists whether they publish that. In 75% of the cases, I would say, they publish. 25% may be Eurosceptic press and they are not interested in publishing this. -They are more interested in stories about 'mad Brussels bureaucrats spending our money'?*

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<sup>421</sup> J. Wullt, acting spokesperson for OLAF, interviewed for this report, May 14, 2012. All quotes from this interview.

<sup>422</sup> A. Butticié, OLAF spokesperson from 2000 to 2009, Adviser Directorate D (Policy), OLAF, interviewed for this report May 30, 2012. All quotes from this interview.

<sup>423</sup> R. Waite, Spokesman for Agriculture and Rural Development, interviewed for this report, May 2, 2012. All quotes from this interview.

<sup>424</sup> E. Traynor, spokesperson of Mr. Algirdas Šemeta, Commissioner for taxation and customs union, audit and anti-fraud, interviewed for this report, June 6, 2012. All quotes from this interview.

'Yes.'

Says Antony Gravili.

*'[The Brussels press corps is] busy reporting on day-to-day EU business. But also, they may recognise better when something is a story or not.'*

Overall, there is a strong call for providing more knowledge on Europe and its spending. Apparently, the structures currently in place for enhancing the level of knowledge on European institutions<sup>425</sup> is perceived not to be reaching the investigative community (enough).

From the journalism community come the remarks on Brussels being too abstract and complex, bureaucratic, late and incomplete in replying, opaque in its wording, haphazard in its data collecting and cataloguing, or downright defensive and non-responsive to criticism. European officials are perceived to be 'believers' in Europe, deflecting scrutiny and critical questioning as 'Europe bashing', rather turning towards the 'cosiness' of the contacts within the Brussels beltway than to the number crunchers and document diggers of the investigative community. But there is also a strong wish for narrower collaboration and more possibilities for an open exchange of information, spokespeople with a background in journalism notice. Waite:

*'I've had this job for two years now; I was on the 'other side' for a long time. How did my former colleagues respond when I took this job? They saw this as a massive advantage. Me moving to the policy side knowing what journalists do and need means the trust is there. That is very important.'*

A best practice for collaboration and exchange of information could be based on the example of the OLAF Anti-fraud Communication Network (OAFCN)<sup>426</sup>, targeted at informing the public throughout Europe. OAFCN was started in 2000, under the leadership of Alessandro Buttice and then Director-General of OLAF Mr. Franz Hermann Bruener, in agreement with Anti-fraud Commissioners Schreyer. It comprises of communication officials of OLAF and the anti-fraud bodies in the member states (such as customs, police, justice). A round table is organised annually, inviting professionals from all areas (including politicians, journalists and academics) to talk about how to raise awareness on fraud and anti-fraud policies. Says Buttice,

*'[The members of the network] created a unique table for discussion and transfer of knowledge on anti-fraud communication [...]. This network was able to share its experience on communication of fraud from 'older' member states with the new members in 2004. They started from zero but were able to pick up fast. OAFCN members provide joint media coverage (videos, photos and press releases) to illustrate OLAF operational activities with national investigation services, and as far as it is legally and operationally possible, OAFCN members keep each other up-to-date on issues involving press releases of mutual interest. Equally, it assists journalists in evaluating information forwarded to them by other OAFCN members regardless of their nationality.'*

A memorandum of understanding was signed with journalism professionals through the International Federation of Journalists IFJ, to mediate in conflicts and misunderstandings between investigators and reporters, and OLAF representatives travel to the member states to educate journalists and colleagues in communication on fraud investigations. Developments heralded by the work field, earning Buttice the 'career' prize in the 'international journalism: press attaché' 2009

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<sup>425</sup> For instance, courses and visits by the European Journalism Centre, but also seminars held by directorates themselves.

<sup>426</sup> [http://ec.europa.eu/anti\\_fraud/media-corner/anti-fraud-comunicators-network/oafc/index\\_en.htm](http://ec.europa.eu/anti_fraud/media-corner/anti-fraud-comunicators-network/oafc/index_en.htm)



competition.<sup>427</sup> Says current spokesman Wullt,

*'Rules for openness and access to information have gradually improved over the years and a lot has been done to facilitate public access to EU documents in general and not in the least financial information. This is positive for everybody. If we want investigative journalists to dig up stories about fraud and corruption, we must also give them access to relevant sources of information, which allows them to do proper research.'*

Where OAFCN's ultimate goal is to facilitate better communication between the fraud fighters and the public, it recognises the indispensable role of (investigative) journalism and tries to engage journalists in deterring fraud and misappropriation with EU funds. Though some reporters perceive OAFCN as rather 'top down', with the top setting the agenda for what can and cannot or should and shouldn't be communicated, it is at least an effort to find common ground where possible.

#### 4.7.2. Recommendations

- Initiate collaboration and communication strategies, comparable to the OAFCN model. Butticé:
 

*'The model of OAFCN could be replicated at other levels too. [...] We need public opinion to understand what the European Union is doing for the European citizens. So look for models of cooperation, also at other EC departments and European institutions.'*

The model, in order to work best, should not be just 'top down', as the OAFCN network seems to be, but be set up in close contact with both sides benefitting from it: communicators and investigative journalists alike.
- Aim for more journalistic cooperation as well. Gravili:
 

*'Pooling resources, stories and other forms of cooperation, often by the larger, centre-left press, to put out stories on Europe is a good way of increasing the amount of reporting in the EU and its institutions. Those initiatives are very interesting and can perhaps offer a way forward for quality journalism in an industry where resources can be tight.'*
- Provide targeted training for investigative journalists on the key areas of the European system (including funds) they research on. Current courses on understanding Europe don't reach the investigative community (enough). Training should be designed together with professionals knowing the needs of investigative colleagues in the field. Traynor:
 

*'Hold seminars especially for investigative journalists, to talk about the key areas and how the institutions work. They lack information on that.'*
- Provide anti-fraud materials, policies and information on investigations in the languages of the member states. Butticé:
 

*'The European Union should go more local, with its communication activities, especially in times of crisis. We should translate anti-fraud documents in all the languages of the 27 Member States. Unfortunately English or French are not enough in many countries. We started with the OLAF website, that was one of the more multilingual.'*

But with current budget constraints, there is a tendency to go back to just a few languages, a mistake not to be made, communicators say, or local anti-fraud institutions and journalists alike will not engage themselves.
- Provide uniform, comparable, transparent information, documents and data. Gravili:
 

*'Often it is already hard for us to get information, let alone for journalists. But what*

<sup>427</sup> [http://www.europa-nu.nl/id/vi9cg628esxy/nieuws/woordvoerder\\_olaf\\_kent\\_communicatieprijs?ctx=vh75qhof6ivq](http://www.europa-nu.nl/id/vi9cg628esxy/nieuws/woordvoerder_olaf_kent_communicatieprijs?ctx=vh75qhof6ivq)

*more can the Commission do other than what we do already? We had a discussion recently about member states providing information on how they have transposed European law, so correlation tables could be made. Even that was an uphill battle, although a deal was finally done.'*

- Encourage journalists to also report on the outcome of investigations, on recovery of funds, on anti-fraud policies and on revenue (not just spending) fraud as well. Put this in context, and not just in rankings on fraud. Kessler:

*'[T]his attitude triggers a defensive stance from the countries alleged of having high fraud rates. They might be less inclined to disclose information on fraud cases and provide statistics to the Commission on these matters if they only get bad publicity and a high position on the 'fraud list'. This would of course be very unfortunate, as we want the Member States to detect fraud and report it to us.'*

- Encourage journalists to provide, when possible, anti-fraud bodies such as OLAF with information coming out of investigative reporting. Kessler:

*'I welcome investigative journalists to come forward and provide us with interesting information. They are in a different position to us and see things from a different angle. Our views are complementary. From serious journalists, I'd expect to receive serious information. But we are of course not requesting or pressurising journalists to inform us.'*

#### **4.7.3. Conclusion**

In Brussels, as in many other places, open communication between journalists and officials leads to better stories, not just on spending of EU money. Communication may lead to trust and thus to closer co-operation. With an emancipating public's rising call for transparency on data, documents, regulations, execution and effects of policies, the communication and the journalism community should find common interests and develop strategies to work together. Not for the journalist to do the communicator's job, nor for the communicator to prescribe the journalist what to do. But both are gate watchers (not 'gatekeepers' anymore, for with the possibilities of the Internet their exclusive powers to guard the gates on information on both sides is diminishing) in constructing a European civil society in which there is no place for fraud and corruption, with EU officials watching the gate to the building blocks of information, and journalists the gate to the inhabitants of the house of Europe.

## 5. INCENTIVES AND IMPEDIMENTS TO INVESTIGATIVE JOURNALISM ON EU FUNDS

In this chapter, we will combine the descriptions of **Chapter 1**, analyses of **Chapters 2 and 3**, and the focus studies of **Chapter 4**, to identify good conditions and impediments to investigative reporting on fraud and corruption with EU funds and make recommendations on the issues. In **Chapter 6**, we will draw conclusions.

Since the reasoning for the wide variety in journalistic interest, enterprise and output on EU spending is as multifaceted as Europe itself, so are the recommendations for enlarging the role of investigative journalism in tracing irregularities and fraud. Though there are remarks and issues transcending the individual and incidental, both on the journalistic and the institutional side.

### 5.1. NO MONEY, NO TIME? NO ARGUMENT!

When editors these days claim they don't have the money for long-form, in-depth and time-consuming research, for many media that does not mean they did invest in this type of research when money was still abundant. The same holds for the argument that there is no time for this reporting in the newsroom, for when staff was much larger, only very few journalists were allocated to these stories. **Chapter 2** pointed to an underlying cause: within many media, there is no priority on (the organisation of) investigative journalism in the newsroom and a lack of organisational skills with management. Nor, as **Chapter 3** showed, is there a conviction within the news organisation these stories need to be told. Where money is an issue but dedication to the topic is there, either prioritising existing resources to these stories should be done, or new roads into financing investigative reporting should be found.

#### Recommendations

- Investigative reporting adds credibility and value to a media or publication brand, as is proven in the USA. Research needs to be done in Europe to provide proof that digging deeper *literally* pays off.
- Raise the level of managerial skills, through bringing best practices of organisational models into newsrooms to help a shift of editorial policy, from one 'tolerating' investigative reporting into 'actively encouraging' in-depth research, and it needs to be shown this shift does not mean a decreasing amount of output.
- At the same time, new ways of financial support for critical and in-depth reporting need to be found and developed. From crowdfunding to funds and foundations, as long as 'Chinese walls' are built into the funding structure to safeguard editorial independence, money can be found in places not explored before. Under these circumstances, even commercial, NGO or government money can be allocated (as ICIJ and the Belgian Fonds Pascal Decroos prove) as well.
- This needs an understanding

- with donors and foundations (that preserving quality journalism as such –and with no strings attached– is a cause worth supporting, as is well-known and practiced in the USA);
  - with the professionals (that accepting third-party money –if done well– does not mean giving up independence);
  - with media businesses (that investigative reporting is a means to strengthen a 'brand' and thus will add value to an outlet);
  - with governing bodies (that quality journalism is a prerequisite for a living democracy and thus a cause worth supporting with more than resolutions and declarations: i.e. direct (financial) support as well as looking into tax breaks for individuals, organisations and foundations supporting journalism, as is now done in some countries when supporting the arts).
- Easier access to data and documents can (at least partially) remove the managerial fear of endless digging without finding a story.

## 5.2. EUROPE IS NOT ON OUR RADAR. WHOSE RADAR WOULD THAT BE?

When respondents to this report claim that tracking European money is not on the editors' radar and therefore no time or reporters are allocated to this, since the start of the Euro crisis this assumption can hardly be held true anymore. However, in line with general characteristics of what is perceived to be a story worth investigating (about wrongdoing, a 'sexy' topic with a well-known face to it), tracking European funds only partially and in very few countries fit that bill. With corruption and fraud being perceived as 'victimless crimes', and dispersion of EU money as rather abstract, proving the urge for reporting on these issues will not be easy.

### Recommendations

- Showing the effects of corruption and fraud on all citizens will help make these crimes less abstract. Journalists, NGOs and anti-fraud organisations within the EU and its member states should report often and explicitly on the findings and the consequences of investigations on fraud with expenditures and revenues alike.
- Clear sanctions should be set by the EU, should be communicated on and reported on by journalists, to show the public that fraud does not go unpunished. Therefore, EU institutions and the member states should provide openness as soon as possible, and at least at the end of an investigation or trial.
- Greater transparency on origin, aim and destination of EU money (within the limits of privacy and legal boundaries) will help identify topics warranting investigation and prevent unfounded accusations. Common policies on *what* can be communicated *at what stage* could help.

- Proactive, easily accessible, uniformly formatted pan-European disclosure of comparable information, documents and data<sup>428</sup>, together with constant and targeted communication from the EU institutions (through news letters, websites, databases, personal contacts) on dispersion and misappropriation of EU funds and revenue fraud may help keep the topic on the radar of news organisations.

### 5.3. LACK OF JOURNALISM SKILLS

Reporters themselves as well as their bosses often use this argument, not without merit. Editors either believe they can't spare the time to send their reporters on a training course, or they invite or get trainers training the wrong skills or with the wrong background and intentions. With professional associations, investigative centres and (national and international) training conferences springing up throughout Europe, an infrastructure is growing to provide the proper training to journalists in need. To make the most of these targeted educational possibilities, work field, unions, media outlets and government bodies all have a role in this.

#### Recommendations

- Journalism training needs to be revised at many levels:
  - re-analysing of journalism school curriculums, to identify and then teach proper investigative skills (research, data journalism, FOI procedures, data visualisation, forensic accounting, cross-border reporting);
  - educating the editors on training possibilities;
  - inclusion of education rights in journalists' contracts<sup>429</sup>;
  - providing internships (also financially) at relevant EU institutions and media with a history of digging into EU finances;
  - using the many possibilities of new technology (such as VVOJ's Medialab, a virtual training platform now under construction with innovation grants)

would help to get the skills to the people who want and need them.
- Education grants can be installed for training targeted at the right skills and the right people. When already available, current grants and education programs need thorough re-evaluation to keep them focused on the skills needed, and make them demand instead of supply-driven<sup>430</sup>.
- Start seminars on the key areas of the European Union, the policies and the effects specially geared to investigative reporters, develop these seminars with the investigative community itself to provide the specialised information needed.

<sup>428</sup> Bad examples have been reported on, of how scattered information about the functioning of one policy can be, for example <http://brigitteafter11.files.wordpress.com/2012/02/2009-slipping-through-the-net.pdf>

<sup>429</sup> Best practice is Denmark: It's part of the general agreement between the Journalists Union and the employers association, that employed journalists have a right to one week of training per year

<sup>430</sup> With the worst practice described in **Chapter 4** on focus country Romania. No organisation now supplying training and running on EU money, however long-running or distinguished it may be, should be excluded from this re-evaluation.

- Provide a (virtual) one-stop shop for journalists with questions on EU spending, at the communicators level, as well as at the journalistic level, where a European centre for investigative journalism could provide specialised skills, tools and techniques as well as pool people and resources.

#### **5.4. ACCESS TO DATA AND DOCUMENTS, TOWARDS WORKABLE FOI ACTS EUROPE-WIDE**

Without access to data and documents available on both the member states and the EU level, tracking EU spending and thus uncovering misappropriation of EU money is impossible. Transparency, ease of access, uniformity in cataloguing, archiving and reporting practice and a clear definition of what constitutes data and documents based upon the tradition in the transparent member states are vital steps towards removing barriers for journalists to do the number crunching.

##### Recommendations

- Mandate regular, structural and proactive disclosure of data and documents relevant to tracking EU finances by member states and EU institutions, disclosure of farm subsidies pose an example. Sanctions should be put on non-compliance, otherwise countries can disclose as they see fit<sup>431</sup>. The European Parliament already adopted a resolution calling for just that<sup>432</sup>.
- Mandate uniform reporting practice and archiving of data and documents in the EU institutions and member states.
- The Budgetary Control Committee has to continuously request best possible transparency in collecting and presenting of EU spending data<sup>433</sup>.
- Develop a policy on (commercial?) re-use of (open) data not only as public *sector* but also as public *service* information. Implement the policy.
- Provide databases not just cataloguing what decision was made but also the process by which it was made, to track disparities in the decision-making process by the EU institutions, different member states or at different levels.
- Member states and the EU institutions should define what constitutes data and documents, in light of changing work practice (electronic archiving), aimed at maximum openness towards EU citizens as stated in the Lisbon Treaty.

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<sup>431</sup> For example, at the writing of this report (June 2012, with revisions made through July-August 2012), Cyprus, Greece and Luxemburg have not filed their 2011 farm subsidy data. There is no sanction to this.

<sup>432</sup> Article 59 of the European Parliament resolution of 10 May 2012 on the protection of the European Union's financial interests - Fight against fraud - Annual Report 2010 (2011/2154(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP7-TA-2012-0196%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

<sup>433</sup> As was done on March 8, 2011, in a reaction to the 2009 Annual Report by the Commission on the protection of the Communities' financial interests – Fight against fraud (2010/2247(INI)) <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0050&language=EN>



- Member states and EU institutions should work towards workable FOI acts, to ensure widest possible access to information by journalists and citizens alike. Obstruction needs to be identified and sanctioned at all levels.
- Use of FOI legislation by journalists to obtain hard facts as basis for stories varies widely from country to country. Academic research, particularly mapping exercises for a start, would be helpful to help journalists gain an overview and journalism trainers to develop relevant classes in FOI.
- Practitioners' concerns about the European access to documents rules should be taken into account, as should the comments by the European Ombudsman.
- Practitioners' concerns and the comments by the European Data Protection Supervisor should be taken into account when it comes to adjusting the European data protection rules and their balance against the public's interest in accessing information.

### 5.5. PROTECT THE SOURCE TO COUNTER A CULTURE OF SILENCE

Without a source, the story is non-existent and the journalist powerless. Protection of sources, be they whistle-blowers or others, is widely acknowledged as paramount to free and fearless investigative reporting. However, as **Chapter 2** showed, regulation of source protection and whistle-blowing within the member states and the European institutions is patchy at best. Favourable official statements, declarations and recommendations are plenty, but enforcement is mostly a matter of national sovereignty.

#### Recommendations

- The work field and academic experts would welcome an up-to-date overview of and in-depth research into protection of sources regulations and practices within EU-27 and would applaud the European Parliament arguing for similar research into this matter as the current report on deterrence of fraud through investigative journalism.
- Extend the protection of sources to journalistic *activity* rather than to the individual journalist, to prevent never-ending discussion on who is a journalist or not.
- The European Union (and therewith its institutions) must access to the European Convention of Human Rights, directly extending the influence of the Convention to the workings of the European Union institutions and once more anchoring these fundamental human rights onto the union<sup>434</sup>.
- Setting up (within the member states or –even better- at European level) a fund for legal support of journalists under fire for infringement on protection of sources, to be able to take cases to the Strasbourg court and thus obtain principled decisions and enlarge the body of case law.
- Mandate uniform and transparent whistle-blowing protection acts or regulations across the EU member states, using the Belgian act as a benchmark.

<sup>434</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:FULL:EN:PDF> protocol nr. 8

- Adopt transparent whistle-blowing protection regulations within the EU institutions and include firm rules to enforce full protection.
- Ask for comparative, academic research into laws within the member states and the EU institutions about conflict of interest, taking gifts etc. If there are no laws, journalists cannot hold politicians accountable, and it will trickle down the entire system.

### **5.6. PRESS FREEDOM: EASY TO ENDORSE, HARD TO ENFORCE**

Press freedom is a prerequisite to critical and in-depth journalism. Circumstances preventing the press from working freely often lie at member states level, and are therefore not easy to change from a transnational level. However, at least unrelenting scrutiny, clear condemnation of transgressions and identification of possible sanctions could be taken up at the European level.

#### Recommendations

- Research into defining the EU institutions' competence in the field of media freedom and pluralism of the press is underway<sup>435</sup>, and implementation of findings should (if warranted by the outcome of the research) not be delayed or stalled by partisan opinion, and should not exclude sanctions on digressions. No time should be wasted with drawn-out discussion on subsidiarity. Speedy process and sharpness of tools are needed to prevent media freedom within a(n increasing) number of member states from sliding (further) and to redefine the issue in the digital age.
- The European Parliament should repeat its call on the Commission to monitor media freedom more closely, for the Commission to speed up work on defining its competence and translation of this research into guidelines for member states or regulations applicable within the EU-27.
- Strive towards uniform charting of press freedom (if useful identifying a role for the European Agency for Fundamental Rights), to prevent 'shopping' by digressing countries for the most favourable ranking they can find.
- Now separate initiatives should co-ordinate efforts on reporting on and training in the field of press and media freedom; when receiving European funds for research into this issue, centres currently springing up in different places should define their competence, preferred impact and relevance to the profession. When perceived as unclear or superfluous, funding for initiatives should be redirected to those with actual impact.
- Development of instruments to enforce international declarations on issues such as media freedom and journalists' protection. An example could be the United Nations' Universal Periodic Review (UPR) process, with a rotating four-year review, a follow up on previous recommendations, a start to including NGOs and governments, and to make

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<sup>435</sup> <http://www.commentneelie.eu/speech.php?sp=SPEECH/12/335>, a High Level Group, chaired by former Latvian President Vaira Vike-Freiberga, will present recommendations on how to respect, protect, support and promote pluralism and media freedom within Europe by late autumn. Requesting Commissioner Kroes aims to take this report (and two others currently under way) to the Parliament for consultation and debate at the end of 2012.

recommendations in context of a reporting process instead of in isolation. The European Parliament with the Council of Europe could play an initiating role.

- Promote (and help monitor, if preferred: through NGOs) transparent, easy access and multi-form media accountability structures across the member states.

## 5.7. BUSINESS MODEL DIVERSITY AS STRENGTH

As **Chapter 2** showed, pluralism in the press is related to a diversity of media ownership and business models. The more diverse the business models<sup>436</sup>, the more independent journalistic research can be.

### Recommendations

- The playing field should accept and encourage many forms of funding journalism, without the fear of losing editorial independence.
- (National and EU) legislation should be reviewed with this in mind; impediments (sometimes anchored on defending a free internal market) should be removed. Tax breaks, VAT exemptions, low postal fees are just a few of the possible instruments. Bringing digital content (online newspapers) under the low VAT tariffs (like their 'physical' counterparts) Europe-wide should be implemented sooner than now planned.<sup>437</sup>
- With an eye on the internal market and the EU target of ensuring a level playing field, financing of public broadcasting should be judged while keeping in mind that the public system in many European countries is the only provider of audiovisual investigative journalism.
- Where national agreements on funding public broadcasting now include reaching high listener- and viewership as a target in itself, this criterion should be re-evaluated when it comes to investigative reporting.
- Further research into sustainable business models for investigative journalism needs to be done and can be supported arguing for a level playing field.
- Press innovation budgets (coming from foundations, (media) organisations or governments alike) can help in recognising and developing successful (alternative) business models.
- When researching the possibility for EU financial support for (cross-border) investigative reporting as requested by the European Parliament, the study group should closely consult the investigative journalism community, in order to avoid unpractical setups and insufficient or compromised editorial independence of granted projects. Looking at the

<sup>436</sup> To name a few: commercial-RTL and many newspapers; public funded-BBC; subscription based-*Mediapart*; financed by a trust/foundation-*The Guardian*; mixed-*MO\** magazine; owned by the journalists-*Le Monde*; crowdfunding-apache.be; running on donations-the Bureau of Investigative Journalism; running on (foreign) government sponsorships-Scoop in eastern Europe; working on grants-European Journalism Fund.

<sup>437</sup> <http://europa.groenlinks.nl/node/76105>

safeguarding of editorial independence at existing funds such as Fonds Pascal Decroos might be inspirational.

### 5.8. THE URGE FOR CO-OPERATION

The most elaborate and successful investigations into fraud with EU funds come from (non-profit and/or cross-border) investigative projects and usually heavily depend on journalistic co-operation. Pooling skills, sharing sources and resources will play an increasing role in ensuring that this long-term, complex and costly research gets done.

Furthermore, communication and co-operation between (investigative) journalists and EU institutions on finding information, providing context, and showing consequence of investigations and aberrations is virtually non-existent. And though this will (due to different responsibilities and possibilities for openness) always be a thin line to walk, major improvements can and should be made here.

#### Recommendations

- Establishing a European Centre for Investigative Journalism could play an important role in identifying topics, facilitate co-operation, help pool (re)sources and skills, educate and train in journalistic and managerial skills.
- Through a model of 'research once, publish 27 times' a centre could develop a sustainable business model for this type of stories.
- Also, this model could show correlation between and context on spending issues now perceived as incidents taking place in individual member states.
- International journalism conferences need to show best practices of cross-border and data journalism stories.
- Closer contact and communication, and when possible open-minded co-operation between journalists and EU institutions should be established, more often than is the case now<sup>438</sup>.
- EU communication services could (help) identify possibilities for pro-active disclosure of materials, and make knowledgeable EU officials and employees available for training and explanation of data and documents, thus help diminish the FOI request load and again help build trust between journalist and EU institutions.
- Allocating budget by European institutions for investigative journalism is highly controversial, within the institutions and the journalism field alike. However, if 'Chinese walls' achieving editorial independence are provided, this could be a road worth exploring.

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<sup>438</sup> Events like the OLAF Round Table on Anti-Fraud Communication could provide a model, building mutual trust and enlarging knowledge. However, OAFCN is a little too top-down, structures have to be developed in a mutually respectful way and must include the investigative community as a whole, including critical voices.

## 6. CONCLUSIONS

Six months of research into the possible deterrence of fraud with EU funds through investigative reporting shows there are clear examples of the contribution journalists have made to greater transparency on this issue, tracking irregularities, fraud and corruption, and uncovering misspending on different levels and scales in the EU member states and the EU institutions. However, a quantification of the cases uncovered or the funds recovered cannot be made, due to the complexity of the matters, the long run of investigations and trials in member states, the impossibility of anti-fraud bodies to reveal the origin of sources of their investigations, and the scanty reporting on the effects of anti-fraud policies and measures. Researchers in one country (Slovakia, see **Annex 2**, page 2) made an attempt, but that overview could be no more than patchy.

The overview of stories (**Annexes 2 and 11**) could not be quantitatively exhaustive, but is qualitatively representative. The overall number of stories may seem small considering the timeframe (5 years in 27 countries), unevenly divided over the member states (with the UK alone providing over 30% of the stories), one-dimensional (almost entirely expenditure- and hardly revenue-focused), personal (focusing on individual people or companies), and incidental (highlighting 'silly' projects instead of structures enabling fraud). Only a few larger, more structural research projects could be identified. Reasoning behind this, stemming from the vast differences in the investigative journalism landscape in Europe (as described in **Annex 1** and analysed in **Chapter 2 and 3**), is manifold: organisational (no priority to EU fraud stories), financial (lack of money), practical (availability of tips, leaks, access to data and documents), political (either a partisan or an EU-sceptic press), engrained in the journalistic trade (stories need a clearly identifiable protagonist and striking examples), economically motivated (concentration of ownership or media affiliation to local politics or industries) or a lack of journalists' freedom to investigate what they see fit.

If done in a systematic manner, a common trait to projects is journalistic co-operation, pooling of resources and skills (see **Annex 4** and **Chapter 4**). A shift can be seen towards publication of EU investigative projects at investigative centres and/or in the new media, using the many possibilities the Internet provides to add data and documents, background, context and methodology.

Since the reasoning for the wide variety in journalistic interest, enterprise and output on European spending and revenue is as multifaceted as Europe itself, so are the recommendations for enlarging the role of investigative journalism in tracing irregularities and fraud (see **Chapter 5**). Though there are remarks and issues transcending the individual and incidental, both on the journalistic and the institutional side.

There is a loud call, from journalists and EU officials alike, for uniformity in cataloguing, collecting, archiving and reporting of data, to be mandated by the European institutions and sanctioned for non-compliance. Clear definitions and broad interpretation (in line with the Lisbon Treaty) of what constitutes a document and a swift implementation of workable FOI laws across the Union are seen as important, as is proactive and centralised disclosure of data and documents passing the 'Grandma' test. There should be a larger role for the EU bodies in enabling, monitoring and when possible enforcing media pluralism, protection of sources and whistle-blowing rules, and press freedom in general.

The level of journalistic professionalism needs to be raised, through targeted training (re-evaluating current training practices and provision of EU-focused internships at the Union and investigative media outlets), presentation of best practices (of co-operation, skills and organisational models) and research into sustainable business models. The emerging role of investigative centres in doing long-form, time-consuming and thus high-resource research such as

tracking EU spending and revenue cannot be denied and should be further explored. Development of a central 'hub' for generating, aiding and executing these projects should be taken on.

Brussels bureaucracy, both in access to data and documents and in granting money to (journalistic) projects and organisations working in (the periphery of) the area of the financial workings of the EU should be reduced, to ensure transparency and speed of process.

Finally on both sides of the aisle, there is a drive for co-operation and collaboration. Journalists, against the grain, are sharing (re)sources, methodology, results and even scoops. These projects are simply too large and complex for one reporter or media outlet. On the other side, EU officials would like to explore wider possibilities for (regular) contact, (within legal and privacy possibilities) sharing of information and results and collaboration in deterring misappropriation of EU money. Networks of EU and judicial officials, journalists, academics and NGOs can build trust and mutual understanding, creating an open environment for reporting on expenditure and revenue fraud.

When journalists are prepared to learn more, and officials to speak less 'Bruxeleeza', the role of investigative journalism in deterrence of fraud with EU funds can be taken to the level where the 'victimless' crimes of fraud and corruption can be truly tackled. For the sake of 'project Europe' and the true victims of these wrongdoings, the European citizens.

With these recommendations in mind, sound investigative journalism dealing comprehensively with all types of EU spending could help citizens understand the added value of most of this spending, uncover hidden cases of misspending and fraud, and in the end have a preventive effect on certain cases of misspending and fraud. Investigative reporting's findings could then help politicians, funds managers, prosecutors and legislators to take appropriate measures.



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## ANNEX 1 - THE INVESTIGATIVE JOURNALISM LANDSCAPE IN EU-27 AND THE BRUSSELS EU MEDIA<sup>1</sup>

### **Austria**

The Austrian media landscape is highly concentrated, with one large national player in each field of radio, TV and newspapers, and a wider circle of (much) smaller (often regional) players surrounding them. The tabloid press is a factor to reckon with in Austria. For instance, the largest daily newspaper, a tabloid called *Neue Kronenzeitung*<sup>2</sup>, in 2009 accounted for 42% of the paid newspaper circulation (820,000 copies sold). The remaining percentage of the market is competed over by 15 dailies (including regional issues).

Even though the *Neue Kronenzeitung* covers Europe and European topics regularly, it does so in a distinguishable 'tabloid' fashion, meaning people and not issue-oriented. It ran a distinctively 'pro-EU campaign' before Austria's accession to the EU in 1993-1994. Investigative reporting in the VVOJ-sense of the word is not done there, though stories 'with a face to them' may be picked up from other (international or German) media.

What are considered the quality newspapers, *Der Standard*<sup>3</sup> and *Die Presse*<sup>4</sup>, are considerably smaller. They report about the EU, although not exclusively, and they carry little investigative work.

The market of news magazines is even more concentrated, with one company owning virtually all of the leading news magazines. The small, former student and city, magazine *Falter*<sup>5</sup> is the notable investigative exception to the rule of what seems to be the entire country. Here, some original investigations into the EU were conducted. Again, however, not on EU spending, funds or fraud with EU funds.

The public broadcasting company ORF (Österreichischer Rundfunk)<sup>6</sup> still dominates the radio and TV sector. The network is subject to considerable political influence, with political appointments to key positions. Informative radio channel "Ö1" is run by the ORF and known for its Europe coverage in "Europa Journal"<sup>7</sup>. ORF's TV stations run news broadcasts, covering general news and current affairs with a predominantly national focus when it comes to doing investigations.

<sup>1</sup> This annex is based on general and specific media landscape overviews as done by VVOJ ([www.vvoj.nl](http://www.vvoj.nl), November 2005), European Journalism Centre (on [www.ejc.net](http://www.ejc.net) and [www.eu4journalists.eu](http://www.eu4journalists.eu), November 2010), European Journalism Fund ([www.journalismfund.eu](http://www.journalismfund.eu), continuously updated), Mediadem (project 2010-2013, <http://www.mediadem.eliamep.gr/findings/>), CIMA report on Central and Eastern Europe 2011 ([http://www.ellenhume.com/sites/default/files/field\\_attachment/CIMA-Central\\_and\\_Eastern\\_Europe-Report\\_3.pdf](http://www.ellenhume.com/sites/default/files/field_attachment/CIMA-Central_and_Eastern_Europe-Report_3.pdf)), Freedom House (<http://www.freedomhouse.org>), International Press Institute press freedom overview 2012 ([www.freemedia.at](http://www.freemedia.at)). Scoop (<http://i-scoop.org/index.php?id=145>), the Mapping Digital Media series of reports by Open Society Foundation ([http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication)), European Media Landscape Report 2010 ([www.iabeurope.eu](http://www.iabeurope.eu)), Eurotopics ([www.eurotopics.net](http://www.eurotopics.net)), Wobbing.eu ([www.wobbing.eu](http://www.wobbing.eu)), the source list of Presseurop (<http://www.presseurop.eu/en/sources>), the study *European Media Governance: National and regional dimensions* (Bristol, 2007), the study *The Citizens' Right to Information - Law and Policy in the EU and its Member States* (PE 462.467, Brussels, June 2012, <http://www.europarl.europa.eu/delegations/nl/studiesdownload.html?languageDocument=EN&file=75132>), and contributions by respondents to this study.

<sup>2</sup> <http://www.krone.at/>

<sup>3</sup> <http://derstandard.at/>

<sup>4</sup> <http://diepresse.com/>

<sup>5</sup> <http://www.falter.at/>

<sup>6</sup> <http://orf.at/>

<sup>7</sup> <http://oe1.orf.at/journalpanorama>

Internet penetration is high in Austria, and the most visited sites are news sites like ORF's and *Presse* and *Neue Kronenzeitung*. However, investigative reporting again is not their core business on the net.

Austria has three professional journalism organisations (for newspaper employers, audiovisual employers and for journalists). None of those are concerned with training skills or raising the professional level of the trade. There is no grant structure for investigative or other types of journalism.

Austria, as a federal republic with nine *Länder*, has legislation on both federal and provincial level. In the Austrian approach, it is the duty of the authorities to provide information rather than a right of the citizen to know, which is reflected in the title of the law: *Auskunftspflichtsgesetz*<sup>8</sup> (Duty of Informing Law). The Austrian authorities have a duty to inform - unless a legal duty of secrecy prevents them from doing so. FOI is not widely used in the journalism profession.

Austria on the RSF Press Freedom Index 2011-2012<sup>9</sup> moved up one place, into 6<sup>th</sup> position overall and 4<sup>th</sup> within the EU. However, press freedom advocates continuously urge the Austrian government to revise its stringent libel laws. Also, a current proposal of law may force journalists to hand over materials used in investigations and to identify sources if the journalists themselves are subject to criminal investigation. The International Press Institute, based in Vienna, labels the proposal as undermining press freedom 'seriously jeopardis[ing] the ability of Austrian, and other journalists in Austria, to conduct investigative reporting, at a time when Austria is engulfed in a series of high-profile corruption scandals'<sup>10</sup>.

There is no official censorship in Austria, but any form of pro-Nazism or anti-Semitism is prohibited by law<sup>11</sup>.

## **Belgium**

There is no such thing as a 'Belgian' media landscape; media are either in French or Flemish. There is only one paper of substance (though still very small) in the third official language, German. Only recently did the five independent media owners start to hold interests in media on both sides of the language border, spurred by straightforward business interests, but that does not lead to language transcending development of content. Overall, newspaper sale and subscriptions are going down (with very few exceptions).

Flanders has three so-called quality newspapers, *De Standaard*<sup>12</sup>, *De Morgen*<sup>13</sup>, and businesspaper *De Tijd*<sup>14</sup>. French-speaking Belgium reads quality papers such as *Le Soir*<sup>15</sup> and *La Libre Belgique*<sup>16</sup>. These papers do hold an interest in investigative reporting, though very little on European topics.

Magazine ownership lies with only three publishers, one of which publishes the brink of news and current affairs magazines. Magazines such as *Knack*<sup>17</sup> and *Trends-Tendances*<sup>18</sup>, and now and then *Le*

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<sup>8</sup> <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000916>

<sup>9</sup> [http://en.rsfi.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsfi.org/spip.php?page=classement&id_rubrique=1034)

<sup>10</sup> [http://www.ifex.org/austria/2012/03/13/confidentiality\\_of\\_sources/](http://www.ifex.org/austria/2012/03/13/confidentiality_of_sources/)

<sup>11</sup> <http://www.freedomhouse.org/report/freedom-press/2011/austria>

<sup>12</sup> <http://www.standaard.be/>

<sup>13</sup> <http://www.demorgen.be/>

<sup>14</sup> <http://www.tijd.be/home>

<sup>15</sup> <http://www.lesoir.be/>

<sup>16</sup> <http://www.lalibre.be/>

*Vif*<sup>19</sup> publish investigative stories, some with a European angle. But apart from the magazine *MO*<sup>\*20</sup>, that focuses on foreign reporting and does publish stories on the EU on a more structural basis, interest in European topics seems to lie with individual journalists rather than with newsrooms. Investigative stories on European topics come about by the individual will of the reporter.

Belgian radio and TV is also strongly divided by language, with both a Flemish and a French-speaking public broadcaster: VRT<sup>21</sup> and RTBF<sup>22</sup>. They operate both radio and TV. Investigative broadcasts are few and far between, with the notable exception of *Panorama*<sup>23</sup>, a weekly investigative series on VRT. However, this series sparsely devotes time to European topics, only one was covered over the last five years. Commercial TV<sup>24</sup> focuses its investigative attention on issues of federal or regional importance.

Since recently, small investigative initiatives take root on the web. Started by reporters retiring or leaving from other news media, sites such as Apache<sup>25</sup> and DeWereldMorgen<sup>26</sup> are carving out a niche, financed through funds and crowd funding. In their short existence, they have not covered European topics yet.

After going through an identity crisis in the 1990s, when investigative reporters turned upon each other over reporting on political scandals and an alleged network of paedophiles, the trade is only very slowly regaining its good name. (National and regional) politics, crime and corruption and economic issues now mostly capture the attention of the small investigative community.

Recently, several university publications provided overviews of working conditions in Flemish media<sup>27</sup>. Without being one-on-one applicable to the Walloon media as well, these studies show that in Belgium one of the impediments to quality and in-depth journalism is the mounting pressure on reporters to produce more content with less colleagues. A development discussed further and more broadly in **Chapter 3** of the report.

This may read as a bleak picture, but some developments make Belgium a much more lively place when it comes to investigative journalism. There is a professional Dutch-Flemish association for and by journalists, Vereniging van Onderzoeksjournalisten VVOJ<sup>28</sup>, which aims at training and inspiring journalists, to raise the professional standard of the trade. All journalists who share this ambition can become members. VVOJ is a driving force behind internationalization, cooperation and creating a networking investigative community that can span large subjects and methodologically difficult projects. VVOJ in 2008 (and again in November 2012) organized the European Investigative Journalism Conference, bringing together colleagues from throughout Europe, to explore cross border possibilities of investigation. Several cross border stories into

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<sup>17</sup> [www.knack.be](http://www.knack.be)

<sup>18</sup> <http://www.trends.be/>

<sup>19</sup> <http://www.levif.be/info/>

<sup>20</sup> <http://www.mo.be/>

<sup>21</sup> <http://www.vrt.be/>

<sup>22</sup> <http://www.rtbf.be/>

<sup>23</sup> <http://actua.canvas.be/category/panorama/>

<sup>24</sup> <http://vtm.be/> and <http://www.vt4.be/>

<sup>25</sup> <http://www.apache.be/>

<sup>26</sup> <http://www.dewereldmorgen.be/>

<sup>27</sup> F.i. K. Segers, M. Teugels N. Resmann, E. van Hoof, C. Vercaigne, *Talent Management in the press and the audiovisual sector: 'leveling the playing field'*, (Brussel/Gent 2010). M. Teugels, E. van Hoof, K. Mory, H. D Witte, *'Burn-out in de Vlaamse pers, een tijdbom onder de redacties'* (Gent 2009). M. Teugels, C. Vercaigne, *De slachtoffers van de nieuwsfabriek*, (Gent 2010).

<sup>28</sup> [www.vvoj.be](http://www.vvoj.be)

European topics originated at the 2008 conference. Collaborative European FOI working groups were (and will be) (co-)hosted.

The Pascal Decroos Fund<sup>29</sup> facilitates much of the quality and in-depth reporting in Flanders. This fund (founded in 1998) promotes investigative journalism in the written and audio-visual press in Flanders by giving out working grants to journalists who are willing to work on a special project. Both beginning and experienced journalists qualify for such working grants. Between 1-1-2000 and 31-12-2011, FPD has supported 404 projects with a budget of almost €1.8million<sup>30</sup>. FPD also hosts and facilitates two structures pivotal to the fledgling European investigative ecosystem. Firstly, European Journalism Fund<sup>31</sup>, founded in 2008 and the only European fund providing working grants for cross border, European-focused investigative reporting. Secondly, Wobbing.eu<sup>32</sup>, the European platform for information, tips and jurisprudence on freedom of information in Europe.

Since the 2008 European Investigative Journalism Conference hosted by VVOJ, FOI journalists from the Wobbing.eu network have met annually in smaller or larger groups. In 2011 the European Datajournalism Network was founded in Brussels as cooperation between FOI journalists, the Farmsubsidy.org team, data journalists and programmers. The network held its 2012 Data Harvest conference in Brussels in May, gathering almost 100 journalists from more than 20 mostly European countries<sup>33</sup>. A method-focused network of highly skilled research journalists using data and FOI methods and with a clearly European focus may thus be emerging as a project of the FPD.

Based on the model of the FPD, in 2009 the Fonds Pour Le Journalisme<sup>34</sup> started as a project run by the Belgian Union for Journalists (French speaking chapter) and gives research grants to investigative journalism stories. Since its inception, the fund has granted 49 projects, of which 6 had a European topic. Ranging from migration and living conditions to espionage, none focused on the financial workings of the EU.

Belgium is known for its solid protection of (journalism) sources protected by a 2005 law that also protects journalists from search and seizure<sup>35</sup>. It is considered to be one of the strongest in Europe. As for Freedom of Information practice, the FOI acts (totalling 14 different acts<sup>36</sup>) are little used by journalists, less than 1 request per 100,000 inhabitants<sup>37</sup>. Be it lack of knowledge of the FOI procedures or impatience with the lengthy process of obtaining documents through the FOI process, journalists rather rely on 'leaked' documents. VVOJ and Fonds Pascal Decroos repeatedly highlighted obstacles to FOIA use in Belgium<sup>38</sup>, but to this day to no avail.

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<sup>29</sup> <http://www.fondspascaldecroos.org/>

<sup>30</sup> See **Annex 3** for background and grant figures on both Fonds Pascal Decroos and European Journalismfund.

<sup>31</sup> <http://www.journalismfund.eu/>

<sup>32</sup> <http://www.wobbing.eu/>

<sup>33</sup> See **Annex 4** and <http://www.wobbing.eu/news/did-you-miss-dataharvest-festival-have-look-here>

<sup>34</sup> <http://www.fondspourlejournalisme.be/>

<sup>35</sup> <http://www.freedomhouse.org/report/freedom-press/2011/belgium>, this law was devised after Belgian authorities in 2004 searched German journalist Hans-Martin Tillack's office, in an attempt to identify the source of a confidential OLAF report Mr. Tillack had acquired. For a description of the case, see **Annex 5**. See **Annex 8** for a European overview.

<sup>36</sup> According to M. Teugels, handout *Wobbing in Belgie*, 2010.

<sup>37</sup> Figures coming from R. Vleugels, FOI specialist. *Overview of all FOI laws, Fringe Special*, October 9, 2011.

<sup>38</sup> D. Voorhoof, 'De Belgische professor - nog een lange weg te gaan', in: M. Smit (ed.), *Een muur van rubber. De Wob in de journalistieke praktijk*. (Diemen, 2009), p 64.

When questioned by VVOJ on the level of investigative output<sup>39</sup>, 23 editors-in-chief and publishers in the Netherlands and Flanders in 2011 replied they would like to publish more critical and in-depth reporting. They identified obstacles to more investigative output, such as the level of individual investigative skills, lack of capacity in the newsroom, time and –only in the end- money. The VVOJ research contradicted the widely held belief that media need more money in order to produce more in-depth reporting. Instead, organisational and professional skills, and the pure will to do it, are decisive to raising the level of investigative output at a media outlet or publication.

Belgium on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>40</sup> moved down six places, from 14<sup>th</sup> position in 2010 to 20<sup>th</sup> position, and 12<sup>th</sup> within the EU, continuing a steady trend downwards. RSF does not explain this decline, but experts in Belgium suggest<sup>41</sup> provisions in the recently changed law on security and intelligence that slightly infringe on the protection of sources together with a bill introduced in parliament that grants judges the discretion of banning a publication even before publishing may have caused the drop. Also, in 2011 five journalists' homes were searched in a clear breach of the protection of sources act<sup>42</sup>.

## **Bulgaria**

Bulgarian media went through a large transition after the country abolished communism in 1989. Liberalization of the media market was quick, and commercial interests moved in swiftly. But both the economic crisis since 2008 and regulations curbing a plural press and freedom of speech have had a strong influence recently. A steep drop in advertisement revenue and readership caused a sharp decline in circulation of national and (the still many, sensationalistic) regional papers. Both dailies and weeklies use the tabloid format, many combine tabloid and quality press features, mixing 'high' and 'low' content, sensation and in-depth reporting.

On the print market, two conglomerates openly fight for market share and influence. Media Group Bulgaria Holding and New Bulgaria Media Group wage a turf war that even split the publishers union. A recent assessment by the South East Europe Media organisation (SEEMO)<sup>43</sup> describes fights over media ownership poisoning the entire press climate, and thus an environment favourable to critical and in-depth reporting. 'Respecting the business interests of media owners and silencing any information that may be interpreted as harmful is widely accepted by most reporters as a way of doing journalism,' SEEMO states. Foreign ownership is perceived to be a certain safeguard for independent reporting, but with German company Westdeutsche Allgemeine Zeitung (WAZ) retreating in 2010, little foreign ownership (except for the popular radio market) is left.

The dailies *Trud*<sup>44</sup> and *24Chasa*<sup>45</sup> (both owned by Media Group Bulgaria Holding) present themselves as quality newspapers (but with a rapidly declining readership), and together with the more upmarket magazines *Capital*<sup>46</sup> and *Banker*<sup>47</sup> they make up for most of the investigative

<sup>39</sup> M. Agerbeek, *Een nieuwe impuls voor onderzoeksjournalistiek*. (Amsterdam, 2011), <http://www.vvoj.nl/cms/2011/09/30/vvoj-studie-potentie-voor-onderzoeksjournalistiek-maar-geen-strategie/>.

<sup>40</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>41</sup> <http://www.radio1.be/programmas/nieuwe-feiten/belgi%C3%AB-zes-plaatsen-gezakt-op-ranglijst-persvrijheid>

<sup>42</sup> *De Journalist* 154, 29-2-2012, p 14.

<sup>43</sup> <http://www.freemedia.at/regions/europe/singleview/article/seemo-issues-preview-of-report-on-bulgarian-media.html>

<sup>44</sup> [www.trud.bg](http://www.trud.bg)

<sup>45</sup> <http://www.24chasa.bg/>

<sup>46</sup> <http://www.capital.bg/>

reporting, also on the European Union and its funds. The small daily *Sega*<sup>48</sup> is read more on the Internet than on paper, and publishes investigative stories occasionally. This is due to a dedication to the topic by a few journalists many of whom have been involved in international, cross-border and cooperative initiatives such as Farmsubsidy.org<sup>49</sup>.

The radio market is dominated by foreign interests in fragmented popular culture channels, commercial TV spends a lot of air time on reality TV shows, with the exception of bTV's<sup>50</sup> long running current affairs program 'Reporters'. Public national radio<sup>51</sup> and TV<sup>52</sup> are still connected to state and party politics.

Overall, one could state that in Bulgaria investigative journalism managed to organize itself. Either through individuals working at regular publications, or through the Bulgarian Investigative Journalism Center (BIJC)<sup>53</sup>, a nongovernmental and non-profit foundation whose main goal is to organize and produce journalistic inquiries into corruption and organised crime. BIJC, only active on a project-by-project basis, whenever there is money available through (foreign) funds and donations, is run by the same few journalists that publish investigative stories in some of the regular dailies and weeklies.

The Association of Investigative Journalists once played a part in training investigative techniques, but seems to be in a dormant state, as are once active (foreign-funded) organisations such as the Media Development Center and the Center for Independent Journalism.

All in all, the foundation for investigative reporting is small. But the output on the EU is relatively high, due to the fact that a small group of dedicated professionals consider squandering of EU funds through corruption and organised crime a topic of national interest.

Bulgaria has one Access to Public Information Act<sup>54</sup> since 2000 that applies to state as well as local bodies. FOI requests are very common in Bulgaria: 9,000 are filed every year, 20 times more than in the Netherlands (175 requests per 100,000 inhabitants versus 8 requests per 100,000)<sup>55</sup>. However, journalists only make up 20% of the FOI requests, NGOs and civilians file the rest. But journalists are active in using the court to force access to documents and information — with the support of the Bulgarian Access to Information Programme<sup>56</sup>.

Bulgaria remains a case for concern on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>57</sup>. The country moved down ten places, from 70<sup>th</sup> position in 2010 to 80<sup>th</sup> position, and 12<sup>th</sup>

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<sup>47</sup> [www.banker.bg](http://www.banker.bg)

<sup>48</sup> <http://www.segabg.com/>

<sup>49</sup> See for the remarkably large Bulgarian output of one Farmsubsidy.org event in 2010 **Annex 4** on Farm- and Fishsubsidy.org.

<sup>50</sup> <http://www.btv.bg/>

<sup>51</sup> <http://bnr.bg/Pages/default.aspx>

<sup>52</sup> <http://bnt.bg/>

<sup>53</sup> <http://www.bijc.eu/en/about.php>

<sup>54</sup> [http://www.aip-bg.org/en/legislation/Text\\_of\\_the\\_APIA/200432/](http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/)

<sup>55</sup> Valid information about who uses the national and/or European FOIs appears to be hard to obtain. An FOI consultant working for some Dutch media and producing annual global overviews over FOI states that even data supplied about number of requests per year are "poor", the relatively few available figures appear to be "sexed up", and academic research is little in scope. (Source: Fringe Intelligence Magazine, subscriber newsletter not available online, available through the authors of the report). However it is evident, that use of FOI by journalists to obtain hard facts as basis for their stories varies widely from country to country. Academic research, particularly mapping exercises for a start, would thus be helpful to help journalists gain an overview and journalism trainers to develop relevant classes.

<sup>56</sup> <http://www.aip-bg.org/en/publications/annualreports/>

<sup>57</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)



within the EU, continuing a steady trend downwards. RSF states that Bulgaria and Greece have 'kept their status as the European Union's bad performers. Targeted attacks and death threats against journalists marked the past year in Bulgaria, where concerns about print media pluralism grew'.<sup>58</sup> February 2011 saw an explosion outside the Sofia office of the *Galeria* weekly; neither the origin nor the aim of the bomb was clear, no arrests followed. Freedom House considers Bulgarian press to be partly free<sup>59</sup>, one of the very few with this status in the EU.

## Cyprus

In 1974, through a (Greek) coup and a (Turkish) counter-invasion, Cyprus ended up a divided island. As a result, the media landscape in Cyprus is as divided. For this report, we describe only the south part, that being a member of the EU. In general, the (Greek) Cypriot media market is very small, since there are only about 800,000 inhabitants in the Greek speaking south of the country.

*O Phileleftheros*<sup>60</sup> (The Liberal) is the top-selling Greek-language daily in Cyprus. It is an independent paper with a conservative slant. *Politis*<sup>61</sup> (Citizen) is the youngest and most independent of Cyprus' newspapers. There are two English-language publications (*Cyprus Mail*<sup>62</sup> and *Cyprus Weekly*<sup>63</sup>, with a more popular tone).

There are two public TV channels and four radio stations run by CyBC<sup>64</sup>, and six private stations with an entertainment format. Apparently<sup>65</sup>, there is little media regulation in Cyprus, therefore allowing large media companies to own big chunks of the information market. The largest Greek-Cypriot media company Dias owns among others the most popular television station *Sigma TV* and the second-largest daily *Simerini*<sup>66</sup>. Political parties and the church exert a large influence over the media, since there are no regulations on media ownership by political parties<sup>67</sup>. *Simerini* is closely affiliated to the right wing party DESY; the daily *Haravgi*<sup>68</sup> is close to the Communist Party, as is the radio station *Astra*.

The Press Law of 1989 safeguards freedom of the press, unhindered circulation of newspapers and free access for civilians to government information. FOI-tracker Wobbing.eu was not able 'to trace any freedom of information legislation in Cyprus'<sup>69</sup>. According to Freedom House, 'parliamentary hearings on freedom of information in May 2009 indicated that many legal requests for information [were] not fulfilled, mostly due to lack of resources'<sup>70</sup>.

Cyprus on the RSF Press Freedom Index 2011-2012<sup>71</sup> moved up dramatically from 2010, into 16<sup>th</sup> position overall from 45<sup>th</sup>. RSF does not explain this remarkable jump forward; though it could be that in 2010 the owner of the largest media group was shot and killed outside his home (in a hit presumably ordered by one of his employees). 2011 did not see such an attack. Freedom House

<sup>58</sup> RSF Press Freedom Index, page 3.

<sup>59</sup> <http://www.freedomhouse.org/report/freedom-press/2011/bulgaria>

<sup>60</sup> <http://www.philenews.com/>

<sup>61</sup> <http://www.politis-news.com/>

<sup>62</sup> <http://www.cyprus-mail.com/>

<sup>63</sup> <http://www.incyprus.com.cy/>

<sup>64</sup> <http://www.cybc.com.cy/>

<sup>65</sup> According to <http://www.eurotopics.net/en/home/medienlandschaft/zypernmdn/>

<sup>66</sup> <http://www.sigmalive.com/simerini>

<sup>67</sup> Tergis, G. et al, *European Media Governance: National and regional dimensions*, (Bristol, 2007), p 202.

<sup>68</sup> <http://www.haravgi.com.cy/>

<sup>69</sup> <http://www.wobsite.be/country/1-cypros>

<sup>70</sup> <http://www.freedomhouse.org/report/freedom-world/2011/cyprus>

<sup>71</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

considers the (Greek-) Cypriot press free, with freedom of speech constitutionally guaranteed and generally respected. 'A vibrant independent press frequently criticizes the authorities, and several private television and radio stations compete effectively with public stations'<sup>72</sup>. Journalists have the right not to reveal their sources; there is a media Ombudsman's Office and a Media Complaints Committee. All of this in crude contrast to Northern Cyprus, where journalists can be arrested, put on trial and sentenced, under the so-called 'Criminal Code' concerning what are called 'unjust actions.'<sup>73</sup>

Though there may seem a climate reasonably favourable to investigative journalism, apart from an occasional training session sponsored by USAID there is little infrastructure to raise (investigative) reporting to a more advanced level. Critical reporting is done with a national focus. A lack of free flow of information between Northern and Southern Cyprus impedes investigations into issues crossing the 'Green Line'.

## **Czech Republic**

In 1993, Czechoslovakia officially became two countries that share a media tradition at least up till the 'Velvet Revolution' of 1989. Mass media were up till then controlled by the state, which was under control of the Communist Party. 'Puppet' political parties existed, some had censored periodicals with limited circulation. Due to cultural, historical and language reasons, there wasn't a substantive federal daily written press with a large readership, but there was a national (state-wide) TV and radio broadcaster (besides separate Czech and Slovak channels). The Czech Republic after 1992 took a turn towards a more westernized media landscape.

In 2010, there were seven national, nine regional and two free daily papers, all privately (and often foreign) owned. Swiss-owned tabloid *Blesk*<sup>74</sup> ('Flash') was most widely read, the same Swiss company owns the most read weekly *Reflex*<sup>75</sup>. Several papers transformed from socialist or communist publications, such as the dailies *Mladá fronta Dnes*<sup>76</sup> (Young Front Today, centre-right) and *Právo*<sup>77</sup> (Rights, centre-left).

Radio stations most listened to are light-format privately owned stations. Czech public radio has one channel devoted to public service and information, Radiožurnál<sup>78</sup>. In 2010 there were three broadcasters: Czech Television<sup>79</sup>, a public broadcaster with four channels (CT1 and CT2 are land channels, CT24<sup>80</sup> –for news and current affairs– and CTsport are digital channels) and the commercial broadcasters TV Prima<sup>81</sup> and TV Nova<sup>82</sup>, the latter known for its naked weather lady.

After the revolution of 1989, many restrictions on media were lifted, and journalism training flourished. In 1991, James Greenfield (on the *New York Times* editorial board) and Donald Wilson (vice president of *Time, Inc.*) started the first Center for Independent Journalism (one of four, of which today only the Hungarian and Romanian centre remain). The Center closed in 2001, but

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<sup>72</sup> <http://www.freedomhouse.org/report/freedom-world/2011/cyprus>

<sup>73</sup> Tergis, G. et al, *European Media Governance, National and regional dimensions*, (Bristol, 2007), p 209.

<sup>74</sup> <http://www.blesk.cz/>

<sup>75</sup> <http://www.reflex.cz/>

<sup>76</sup> <http://epaper.mfdnes.cz/>

<sup>77</sup> <http://pravo.novinky.cz/>

<sup>78</sup> <http://www.rozhlas.cz/radiozurnal/portal/>

<sup>79</sup> <http://www.ceskatelevize.cz/>

<sup>80</sup> <http://www.ceskatelevize.cz/ct24/>

<sup>81</sup> <http://www.iprima.cz/>

<sup>82</sup> <http://tv.nova.cz/>

many reporters received training there, and some journalism training for the Central and Eastern European region continues from Prague at non-profit organisation Transitions<sup>83</sup>.

The Czech Republic today has little tradition in investigative journalism, experts call Czech journalism 'bland'<sup>84</sup>. Occasionally, individual journalists will conduct in-depth research, though Europe is not a subject of much scrutiny. The magazine *Respekt*<sup>85</sup> for years was considered a source of in-depth reporting, but since some years, the magazine has become more mainstream. The portal *aktualne.cz*<sup>86</sup> covers politics and carries stories on business and government corruption.

Freedom of expression and the right to information are guaranteed under Article 17 of the Charter of the Fundamental Rights and Basic Freedoms. A specific Law on Free Access to Information was implemented in 1999<sup>87</sup>. Practice though is unknown.

The Czech Republic on the RSF Press Freedom Index 2011-2012<sup>88</sup> moved up a big step, into 14<sup>th</sup> position overall from 23<sup>rd</sup> in 2010. This may be the result of certain changes in the controversial 2009 'muzzle law' that banned publication of information on individuals (allegedly) involved in corruption. An amendment passed in 2011 resumed to Czech media the right to report information related to official corruption. Freedom House considers the Czech press free, though 'the Charter of Fundamental Rights and Freedoms prohibits speech that might infringe on national security, individual rights, public health, or morality, or that may evoke hatred based on race, ethnicity, or national origin'<sup>89</sup>, a rather sweeping array of categories.

## **Denmark**

Denmark is the smallest of the EU-countries with those typical 'Nordic' characteristics of a highly industrialized, technology driven society and a highly educated population<sup>90</sup>. Though newspaper revenues have suffered from the recent economic crisis, falling subscription numbers as well as transfer of advertisement to the Internet, overall news consumption remains high.

Many Danish papers appear seven days a week. Three large daily newspapers rule the newspaper market, *Morgenavisen Jyllands-Posten*<sup>91</sup>, *Politiken*<sup>92</sup> and *Berlingske Tidende*<sup>93</sup> all had more than 100,000 readers in 2009 and regularly publish investigative stories. An interesting development at all three major newspapers in the past years is the establishment of investigative units. The debate in the recent years was not so much about whether or not to have an investigative unit, but how it should work and how it should be integrated into the newspaper<sup>94</sup>.

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<sup>83</sup> It also publishes an online regional magazine, *Transitions Online*, following politics but rarely publishing original investigations due to lack of money, <http://www.tol.org/client/>.

<sup>84</sup> Hume, E., *Caught in the Middle: Central and Eastern European Journalism at a Crossroads*, (CIMA, 2011), p. 33. Available digitally at [http://www.ellenhume.com/sites/default/files/field\\_attachment/CIMA-Central\\_and\\_Eastern\\_Europe-Report\\_3.pdf](http://www.ellenhume.com/sites/default/files/field_attachment/CIMA-Central_and_Eastern_Europe-Report_3.pdf).

<sup>85</sup> <http://respekt.ihned.cz/respekt-in-english/>

<sup>86</sup> <http://aktualne.centrum.cz/>

<sup>87</sup> <http://legislationline.org/documents/action/popup/id/7240>, revised in 2006.

<sup>88</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>89</sup> <http://www.freedomhouse.org/report/freedom-press/2011/czech-republic>

<sup>90</sup> See **Chapter 4.5** on an analysis of the country's relative lack of interest in pursuing stories on EU spending when Denmark's favourable investigative journalism climate is taken into account.

<sup>91</sup> <http://jp.dk/>

<sup>92</sup> <http://politiken.dk/>

<sup>93</sup> <http://www.b.dk/>

<sup>94</sup> See various articles in the Danish journalists' magazine *Journalisten* <http://bit.ly/lpNHw4>

Three free newspapers have a circulation of more than 200,000. The local newspaper market is rapidly concentrating towards a regional structure. Berlingske Media (owned by investor Mecom Group from the UK) has through mergers and acquisitions become the most important media group in the country. Print media receive state subsidies through exemption of VAT charges and reduced postal tariffs.

Danish public radio and television company DR<sup>95</sup> has a strong tradition of critical and in-depth reporting. DR runs three national (with P1 having a news and talk radio format) and eleven regional radio channels and two public TV channels. TV2<sup>96</sup> is also state-owned but partly runs on advertisement revenues. Together, DR and TV2 (including its regional channels) held 60 percent of the audience share before the switch to digital television in 2009. The share has fallen somewhat since then. The Danish press agency Ritzaus Bureau is a share-owned company after decades of being cooperatively owned by national and regional media. *Berlingske* is currently establishing competing news agency BNY to feed its own outlets.

Denmark has a strong tradition of investigative journalism, both in written and in the audio-visual press. Danish (radio and TV) documentaries produced at public broadcaster DR were and still are of high quality, with many international subjects. Therefore, it is remarkable so few stories with a focus on EU spending could be found for this report, apart from the stories based on the Farmsubsidy and Fishsubsidy initiatives originating with a small group of Euro-topics enthusiasts.

Danish investigative journalism is rooted in a thorough journalism education, with the Aarhus University School of Journalism leading till the late 1990s. Journalism teachers working there in the late 1990s imported research techniques stemming from sociology and already used in American investigative reporting into Danish journalism, and in 1999 founded the Danish Institute for Computer-Assisted Research<sup>97</sup>. DICAR played a leading role in spreading systematic data analysis techniques amongst journalists throughout Europe and beyond<sup>98</sup>. Also, Danish journalists in 2004 were the frontrunners of the first systematic series of FOI requests and subsequent data analyses mounting to what became Farmsubsidy.org (see **Annex 4**). Since the late 1990s also the University of Roskilde and the University of Southern Denmark in Odense offer journalism education at bachelor and master level.

The Danish association for Investigative Journalism (Foreningen for Undersøgende Journalistik, FUJ) was founded in 1989, as one of the first associations in Europe promoting investigative journalism. FUJ members are not always active investigative journalists, but the members support the work to promote this type of journalism. Members of DICAR and FUJ were instrumental in founding the Global Investigative Journalism Network<sup>99</sup>, hosting global conferences every two years, with the first two editions (2001 and 2003) held in Copenhagen.

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<sup>95</sup> <http://www.dr.dk/>

<sup>96</sup> <http://tv2.dk/>

<sup>97</sup> Between 1997 and 2004 alone, members of what became DICAR trained over 500 journalists, according to Van Eijk et al, p 64. DICAR existed between 1999 and 2007 (in 2004 renaming itself Danish International Center for Analytical Reporting), when funding for the institute was stopped. Computer assisted training is now incorporated into the regular journalism curriculum. The founders have moved on and now run a data analysis firm, still occupying themselves with opening up and analysing large datasets for journalists and being involved in initiatives such as Farmsubsidy and Fishsubsidy.

<sup>98</sup> The first two Global Investigative Journalism Conferences were held in Copenhagen (2001 and 2003) and were organized by FUJ, Scoop and DICAR.

<sup>99</sup> <http://www.gijn.org/about/>

Another remarkable addition to the European investigative landscape originating in Denmark is Scoop<sup>100</sup>, a support network for investigative journalists in Eastern and South-eastern Europe, funded by the Danish foreign ministry. Scoop actively promotes and coordinates cross-border investigative reporting, with projects winning awards and making waves throughout the region. Since 2003, Scoop has been active in the Balkans and Eastern Europe, in 2008 and 2011 new editions have been established in Russia, the Caucasus and Central Asia – see **Annex 3** on grants statistics from Scoop, European Journalism Fund and Fonds Pascal Decroos.

Denmark has a FOI act<sup>101</sup> that is often used (though no official figures are available) by individual journalists. Denmark on the RSF Press Freedom Index 2011-2012<sup>102</sup> moved up one place, into 10<sup>th</sup> position overall and 6<sup>th</sup> within the EU. After the 2010 attack on a cartoonist for alleged blasphemy of the prophet Mohammed, Danish press went through a period of heightened self-censorship, according to Freedom House, though the study showing this was contested<sup>103</sup>. This has weakened as the tension over the topic eased in 2011.

## **Estonia**

Print media in Estonia have moved from state control to heavy concentration of ownership since the country's independence from Soviet rule in 1991. Large Scandinavian media owners have entered the market. The largest media owner within Estonia (in fact: in all of the Baltics) is Ekspress Group<sup>104</sup>, owning newspapers, magazines and online content in Estonia, Latvia, Lithuania and the Ukraine.

Newspapers rarely reach more than a 60,000 circulation (as of March 2012 *Postimees*<sup>105</sup> has a circulation of 58,200, and *Õhtuleht*<sup>106</sup> of 54,000, both are owned by Ekspress Group). Weeklies *Maaleht*<sup>107</sup> and *Eesti Ekspress*<sup>108</sup>, and business daily *Äripäev*<sup>109</sup> publish the bulk of investigative stories on EU funds. *Äripäev*, though with a rather small investigative staff of five people, as a business paper has a goal to produce more investigative stories about EU funds in the future. *Äripäev* and some other media have covered the ongoing financial crisis in the EU intensely, but according to reporters themselves, there are much less investigative stories on EU topics than on local topics.

Estonian public radio and TV Eesti Rahvusringhääling (ERR)<sup>110</sup> have a relatively strong audience in the Estonian language (there is Russian language programming on radio and TV too, but no state-owned Russian language TV-channel). "Pealtnägija" is the weekly investigative TV show on public TV, with an occasional story on Europe.

News portal *Delfi*<sup>111</sup> is the largest outlet on the Internet. It has, through its owner Ekspress Group, connections with the other Delfi outlets in Latvia and Lithuania and occasionally publishes (small) investigations. European topics sometimes are covered.

<sup>100</sup> <http://i-scoop.org/index.php?id=3>

<sup>101</sup> <http://legislationline.org/topics/country/34/topic/3>

<sup>102</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>103</sup> <http://www.freedomhouse.org/report/freedom-press/2011/denmark>,

<sup>104</sup> <http://www.egrupp.ee/about-us>

<sup>105</sup> [www.postimees.ee](http://www.postimees.ee)

<sup>106</sup> <http://www.ohtuleht.ee/>

<sup>107</sup> <http://www.maaleht.ee/>

<sup>108</sup> [www.ekspress.ee](http://www.ekspress.ee)

<sup>109</sup> [www.aripaev.ee](http://www.aripaev.ee)

<sup>110</sup> <http://etv.err.ee/index.php?1536645>

<sup>111</sup> [www.delfi.ee](http://www.delfi.ee)

A group of journalists from Latvia, Lithuania and Estonia in September 2011 started the Baltic Centre for Investigative Journalism<sup>112</sup>. This small, not-for-profit centre is modelled after American non-profit journalistic structures and running on American donors. It intends to perform long-term, in-depth cross-border investigations of socially important issues, focusing on corruption, crime, finances, entrepreneurship, health and human rights. The Centre's main focus will be corruption and lack of transparency at the higher structures of power: justice system, law enforcement, political parties and other major public institutions. Since the start, no stories on the EU have been done yet, though the centre intends to in the future and is, by its cross-border nature, equipped to do so.

The Estonian Constitution of 1992 guarantees in its article 44 the right to information. The Public Information Act of 2000 administrates this right<sup>113</sup>. Practice is unknown, though in June 2009, Estonia was among 12 European countries that signed the Council of Europe Convention on Access to Official Documents, which establishes the right for anyone to request information held by public authorities at no charge<sup>114</sup>.

Estonia on the RSF Press Freedom Index 2011-2012<sup>115</sup> moved up into 3<sup>rd</sup> place, from 9<sup>th</sup> position last year. It ranks 2<sup>nd</sup> within the EU, thus even improving its already remarkable top rank position. Journalists on the ground dispute this high ranking, though, citing a law passed in December of 2010 allowing the courts to mandate preventive fines, and reporters to be jailed for refusing to disclose sources<sup>116</sup>. Journalists perceive this law to be created specially against the media, but on the other hand this law has not really changed the work of (investigative) journalists in Estonia so far, they claim.

## **Finland**

Finland is a bilingual country, with about 5% of the population speaking Swedish. Therefore, there is also a small Swedish language press.

Finns are avid readers, with the highest newspaper density in Europe after Norway<sup>117</sup>. The country ranks third in the world for newspaper consumption, has the highest amount of newspaper titles per capita, and had a staggering amount of 3,764 magazines in 2007. Internet may have put a dent in advertising revenues, as elsewhere in the world, but Fins are comparatively loyal to their morning paper or weekly magazine.

Newspaper chains own 80% of the dailies, with two publishers (Sanoma and Alma Media) making up for half the number of dailies. There are numerous papers on all three levels: national, regional and local, in 2010 totaling 51 dailies (with 31 appearing seven days a week of which 27 are broadsheet), 146 non-dailies (appearing between one and three times a week) and 140 free papers. Twelve papers are in Swedish, 90% of the papers state they are politically unaffiliated. Publisher Sanoma is a media player of European prominence (mainly publishing magazines but also holding interests in large TV outlets such as SBS in several countries), in Finland it owns five dailies including the nation's largest *Helsingin Sanomat*<sup>118</sup>.

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<sup>112</sup> [http://www.facebook.com/note.php?note\\_id=250566128311988](http://www.facebook.com/note.php?note_id=250566128311988)

<sup>113</sup> [www.legaltext.ee/text/en/X40095K2.htm](http://www.legaltext.ee/text/en/X40095K2.htm)

<sup>114</sup> <http://www.freedomhouse.org/report/freedom-press/2011/estonia>

<sup>115</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>116</sup> <http://www.freedomhouse.org/report/freedom-press/2011/estonia>

<sup>117</sup> <http://www.sanomalehdet.fi/index.phtml?s=120>

<sup>118</sup> <http://www.hs.fi/>



Public broadcasting is strong in Finland, with YLE<sup>119</sup> operating four national television channels, 13 radio channels and services, and 25 regional radio stations. MTV Media<sup>120</sup> is the largest commercial broadcaster, with MTV3 as its flagship channel.

According to a Finnish study<sup>121</sup>, investigative reporting in Finland used to be ‘more on the level of principle than manifested on the practical level’. According to academia, the lack of investigative reporting may be partly explained by the relatively young tradition of journalism, in which reporters are not ready to question the veracity of the answers they get from authorities and other sources. Also, the historical background and the fairly small size of the nation are mentioned as explanatory factors for having a media culture with little critique and debate. Moreover, investigative journalism requires additional resources such as time, it is argued by representatives in the field, and media houses are reluctant to let journalists engage in long-form investigative projects.

Investigative reporting was at the time of the above mentioned study (1995) and still is carried out the most at large media outlets, such as Yleisradio and *Helsingin Sanomat*, and the least at small commercial media, freely distributed newspapers and local outlets. There are no signs of the big picture changing dramatically over the last years, with YLE and MTV3 still very strong producers of investigative content. In the past, MTV3 was the first to start analysing data and using computer-assisted methodology, leading to stories on TV and the data being published on the website. YLE has caught up on this methodology since then.

The Finnish Investigative Journalism Association, Tutkivan journalismin yhdistys<sup>122</sup>, was founded in 1992. It was very active during the 90s, holding seminars and training sessions. But it never grew large and the appeal is still not too strong with a current membership of about 90 journalists. It aims at promoting thorough and critical journalism, by improving the capabilities of journalists and their working conditions.

Finland has a modern and basically liberal notion of Freedom of Information. The Act on the Openness of Government Activities<sup>123</sup> states: ‘Official documents shall be in the public domain, unless specifically otherwise provided in this Act or another Act’. Then there are several pages that list exceptions to the ground rule of openness. What is *not* in the public domain varies from military documents to patient records. But the basic rule is that if something is not available, it has to be an exception and must be justified. For a recent overview of FOI law and practices in Finland, see<sup>124</sup>. In general, FOI is used, though not much and the basic attitude of government bodies towards FOI requests is perceived as a burden in addition to the normal work. Asking for datasets is still rare.

Finland on the RSF Press Freedom Index 2011-2012<sup>125</sup> solidly holds its top position. Finland has topped the list since it was first published in 2002, with the exception of 2007 (5<sup>th</sup>) and 2008 (4<sup>th</sup>).

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<sup>119</sup> <http://www.yle.fi/>

<sup>120</sup> <http://www.mtv3.fi/>

<sup>121</sup> H. Kuutti, *Tutkiva journalismi: Journalistinen suuntaus ja suomalaisen journalismin tutkivuus* (Investigative Reporting. The Journalistic trend and the investigative nature of Finnish Journalism), Jyväskylä: Atena (1995).

<sup>122</sup> <http://www.tutkiva.fi/>

<sup>123</sup> <http://www.finlex.fi/>

<sup>124</sup> H. Kuutti, *The Accessibility Law in Journalists' Work*, paper presented at the international conference “Journalism research in the Public interest” 19-21 November 2009, Zurich, Switzerland. The paper is related to a two-year project Exploitation of Official Material in Journalism carried out at the university of Jyväskylä and financed by Helsingin Sanomat Foundation. Available through the authors of this report.

<sup>125</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

## France

With France being one of the major players in many aspects of European life, the French media pay remarkably little attention to the inner workings of Europe. The French state heavily regulates many aspects of media industry and policies, be it the written press (via a system of subsidies, most recently awarding the written press 600 million Euros between 2008 and 2011), TV and radio (France Television is a major player whose president is almost directly appointed by the state, and Radio France being widely listened to), or the Internet (there are regulations on cultural products, downloading and property rights). The state also subsidises cinema production directly and indirectly, and requires a legal minimum of musical and fictional content originating in France and Europe on TV and radio outlets. Newspapers openly take sides in political disputes and election campaigns (as two national dailies are largely owned by friends of former president Sarkozy), all in all leading to a highly politicized media climate.

Even though the French newspaper industry is hit by the crisis in the news industry like elsewhere in Europe, the written press is still very much alive. National dailies, such as *Le Monde*<sup>126</sup> and *Le Figaro*<sup>127</sup> are by no means large in circulation, but influential. Regional papers (such as the largest paper in the country *Ouest France*<sup>128</sup>, but also *Sud Ouest*<sup>129</sup>, *Le Voix du Nord*<sup>130</sup> or *Le Dauphiné Libéré*<sup>131</sup>) are often quite large and relatively wealthy. However, serious, high-impact investigative journalism hardly occurs in the newspapers, nor in most of the (high circulation) magazines. The weekly *Le Canard Enchaîné*<sup>132</sup> and the Internet daily *Médiapart* are the notable exceptions, the former in particular being known for its independence, refusal of advertising and hard-hitting reporting. But the focus of either on international (and thus European) topics is limited.

In recent years, some new business models for investigative reporting have appeared, with *Rue89*<sup>133</sup> and *Médiapart*<sup>134</sup> being the most interesting, both quality and business model-wise. As a recent study into the sustainability of internet start-ups states, for many journalists coming from publications under financial, ownership and editorial independence struggles, moving to online was as much about 'extracting their profession from outside political and economical interests impinging on editorial autonomy and the freedom to seek truth and report it'<sup>135</sup> as it was about finding ways to ensure their monthly pay. Though *Médiapart* did accept subsidies from the state in its first years of operation, this did not noticeably curb its anti-government ardour.

French public radio is still widely popular, TV viewership is moving from public to (more entertainment offering) commercial channels. Investigative reporting is rare in the audiovisual media, with the exception of ARTE<sup>136</sup>, a channel by its nature aiming at a more international and intercultural audiences and opening up to costly, in-depth reporting on cross border issues. It

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<sup>126</sup> <http://www.lemonde.fr/>

<sup>127</sup> <http://www.lefigaro.fr/>

<sup>128</sup> <http://www.ouest-france.fr/>

<sup>129</sup> <http://www.sudouest.fr/>

<sup>130</sup> <http://www.lavoixdunord.fr/>

<sup>131</sup> <http://www.ledauphine.com/>

<sup>132</sup> <http://www.lecanardenchaine.fr/>

<sup>133</sup> <http://www.rue89.com/>, started in 2007 by former *Libération*-employees disgruntled with the direction the paper was taking after new stakeholders joined the ownership. It is part of the *Nouvel Observateur*-group. The website combines quality journalism with blogs and citizen contributions.

<sup>134</sup> <http://www.mediapart.fr/>, launched in 2008 and relying on subscriptions only, and for the first time breaking even in 2011.

<sup>135</sup> Bruno, Nicola, and Kleis Nielsen, Rasmus, *Survival is Success, Journalistic Start-ups in Western Europe*. University of Oxford, Reuters Institute for the Study of Journalism, (Oxford, 2012), p 65.

<sup>136</sup> <http://www.arte.tv/fr/ARTE--The-Channel- 5Bengl- 5D/2197470.html>

comes as no surprise that one of the few French stories truly meeting the criteria for this study was produced for ARTE. The subject matter of this documentary was largely based on results of a British investigative project, 'Europe's missing billions'.<sup>137</sup>

From 1997, public channel France 3 hosted France Europe Express, a first monthly and then weekly talk show, in which politicians were questioned, also – as the name indicates - on European issues. The show was abandoned in 2007, leaving Europe an orphan in the French media once again.

France's national press agency, Agence France Press, is one of the world's most respected news agencies. Its focus is on international reporting, not on investigations.

The country may have strong labour unions, but journalism unions are manifold and politicized, and journalists are individualists, both impeding setting up an investigative journalism association aimed at raising the level of investigative techniques. With computer-assisted reporting virtually absent, digging into financial data and public spending may have a long way to go before attracting the eye of editors and reporters, and thus of the French news consumer.

As for a freedom of information law, law nr. 78-753 of 17.7.1978 regulates various measures to improve the relations between the administration and the public, and it includes a chapter about access to administrative documents, 'la liberté d'accès aux documents administratifs'.

Threats and intimidations occasionally occur in France, though mortal violence against journalists remains practically unknown. In November 2011, satirical weekly *Charlie Hebdo* was firebombed just before the release of an issue satirizing islamists, prompting discussions on self-censorship in the French media<sup>138</sup>. The country, on the RSF Press Freedom Index 2011-2012<sup>139</sup> ranks 38<sup>th</sup>, up a mere 6 places from 2010. According to RSF, France 'is still in a disappointing position (38th), as concern continues about protection of the confidentiality of sources and the ability of investigative journalists to cover influential figures close to the government'<sup>140</sup>. Journalists working in the country report that RSF likely, though rather cryptically, refers to recent revelations that the government in 2011-2012 set the Renseignements Généraux -- the intelligence unit of the police -- to spy on *Le Monde*, illegally tapping company phones and the phones of sources. The former head of the RG has been indicted in the case. Also, the police routinely and without a warrant demands 'fadettes', lists of phone calls, from telecom firms and the firms comply. As for the phrase 'covering influential figures close to the government', RSF may mean a group of industrialists close to the (former) government. 'One phone call usually suffices to kill a story that worries them. The exceptions are the *Canard Enchaîné* and *Médiapart*'.<sup>141</sup>

The law that protects journalists' sources went into effect in January 2010. This law requires journalists to reveal their sources only when serious crimes have taken place and access to the source is required for the investigation; however, the new law was broken several times throughout 2010 already<sup>142</sup>. In a separate development, ex-president Sarkozy in March 2012 proposed that regular visitors to websites 'that advocate terrorism or call for hatred and violence' should be criminally punished, prompting concern from journalists that the president wanted to curb freedom of information on the Internet.<sup>143</sup> With a new president in office since May 2012, the fate of this proposal is unclear.

<sup>137</sup> [http://www.pltv.fr/ficheFilm.php?titre=Europe%27s%20Lost%20Millions&id\\_film=20110930a](http://www.pltv.fr/ficheFilm.php?titre=Europe%27s%20Lost%20Millions&id_film=20110930a)

<sup>138</sup> [http://www.ifex.org/france/2011/11/09/charlie\\_hebdo\\_attack/](http://www.ifex.org/france/2011/11/09/charlie_hebdo_attack/)

<sup>139</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>140</sup> RSF Press Freedom Index, p 3.

<sup>141</sup> This respondent declined to be quoted by name.

<sup>142</sup> <http://www.freedomhouse.org/report/freedom-press/2011/france>

<sup>143</sup> [http://www.ifex.org/france/2012/03/26/internet\\_surveillance\\_concerns/](http://www.ifex.org/france/2012/03/26/internet_surveillance_concerns/)

## **Germany**

Until reunification in 1990, there were two Germanys, with the GDR having a highly centralized, communist party media landscape. This system disappeared quickly, with most media outlets now located in the former 'west' and overall adoption of the western journalistic values. Germany has a strongly regionalized media, with large regional papers and a strong regional public broadcast network. The *Länder* play a key role in financing (through license fees) the broadcast system, with the exception of *Deutsche Welle*<sup>144</sup>, which as part of *ARD* is financed and controlled by the federal government. The two national TV channels *ARD* and *ZDF* (as is *NDR*, a regional channel with a nation-wide reach through the airwaves)<sup>145</sup> are in fact based on agreements between the *Länder*. Since the early 80s, private broadcasting financed mainly through advertising, was allowed.

The German printed press is large, with 135 dailies and a total of 345 newspapers in 2008 (and if local and regional editions are included a staggering count of 1,512). National newspapers are only six in number, most of which are known for quality, foreign and critical reporting: tabloid *BILD*<sup>146</sup>, *Süddeutsche Zeitung (SZ)*<sup>147</sup>, *Frankfurter Allgemeine Zeitung (FAZ)*<sup>148</sup>, *Welt*<sup>149</sup>, *Frankfurter Rundschau (FR)*<sup>150</sup>, and *Tageszeitung (Taz)*<sup>151</sup>. Only three large publishing houses dominate the print market, with the Springer Company counting for a quarter of the newspaper market. Current affairs weeklies *Der Spiegel*<sup>152</sup> and *Stern*<sup>153</sup> publish long-form and in-depth investigative stories.

Two media groups control private broadcasting. ProSiebenSAT.1 Media AG (owned by investment company KKR) runs several large TV channels (amongst which SAT1, Pro7 and SBS), radio channels and related print publications; the Bertelsmann group holds a majority<sup>154</sup> in the largest media company outside the USA, RTL Group sa<sup>155</sup>, with TV channels in over ten other European countries.

In 2005, a study on investigative reporting in Europe concluded that the *Stern* and *Der Spiegel* approach to investigative journalism, one of fact checkers and chequebooks, determined the German view on investigative journalism<sup>156</sup>. However, large trend analyses also get into the weeklies, notably *Die Zeit*<sup>157</sup>. But with long-form and critical investigations under pressure in Germany as well, the investigative output is not growing and the status of investigative reporting is rather low, with some exceptions such as Hans Leyendecker, magazine writers like Hans-Martin Tillack<sup>158</sup> and book authors like Günther Wallraff.

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<sup>144</sup> <http://www.dw.de/dw/0,,9077,00.html>

<sup>145</sup> <http://www.ard.de/>, <http://www.zdf.de/>, <http://www.ndr.de/home/index.html>

<sup>146</sup> <http://www.bild.de/>, usually rather sensationalist in content and tone, but which recently played an important role in bringing about the demise of former German president Wulf.

<sup>147</sup> <http://www.sueddeutsche.de/>

<sup>148</sup> <http://www.faz.net/>

<sup>149</sup> <http://www.welt.de/>

<sup>150</sup> <http://www.fr-online.de/home/1472778,1472778.html>

<sup>151</sup> <http://www.taz.de/>

<sup>152</sup> <http://www.spiegel.de/>, the portal itself is one of the few international news portals that is (almost) profitable, according to *Der Spiegel's* own numbers.

<sup>153</sup> <http://www.stern.nl/>

<sup>154</sup> <http://www.rtlgroup.com/www/htm/shareholdingstructure.aspx>

<sup>155</sup> <http://www.rtlgroup.com/www/htm/home.aspx>

<sup>156</sup> Van Eijk et al, *Investigative Journalism in Europe* (Amsterdam 2005), p 94.

<sup>157</sup> <http://www.zeit.de/index>

<sup>158</sup> See **Annex 5** for Mr. Tillack's role in development of case law on protection of sources within the European Union, the institutions and some member states.

Since 2001, Germany has a professional association, called Netzwerk Recherche<sup>159</sup>. This association works to promote investigative journalism in Germany and represents the interests of those colleagues who insist on conducting thorough research in journalism. A core interest is to further and improve the education in the field. In 2011, the organisation went through a crippling financial crisis, which was resolved by the end of the year. Despite NRs advocacy and training, '[c]omputer-assisted reporting (CAR) has not taken off due to Germany's rigorous privacy policies and the reluctance of the authorities to release information'<sup>160</sup>, states the Mapping the Digital Media project by the Open Society Foundation. However, the rigidity of this quote is offset by the cutting edge data reporting done by *Zeit Online* in cooperation with a network of freelancers and small companies around it.

Netzwerk Recherche in the past published a top ten of neglected subjects in (investigative) journalism. Europe was one of those, as were stories on German national institutions, poverty, health and the environment. Today, that list has been abandoned. NR instead annually hands out the *verschlossene Auster* (closed oyster) for blocking of information.

Germany is the home of the only cross-border journalism magazine in Europe, *Message*<sup>161</sup>. The quarterly magazine, linked to the journalism departments of Leipzig and Hamburg Universities, was started in 1999 by leading journalism professors from Germany, Austria and Switzerland. It publishes meta-journalism, but also original investigations by journalists from all over the world. The aim is to link journalists and media scientists, to deliver critique and analysis in order to raise journalistic standards. *Message* writes about outstanding investigations, also on European topics and initiatives like Scoop and European Journalism fund, presents research results about developments in journalism and different columns focus on media law, ethics, journalistic language or historical highlights in journalism.

Media legislation is structured through the Länder. Germany has a Freedom of Information Act (Informationsfreiheitsgesetz)<sup>162</sup> on federal level as well as in a growing number of its 16 states since 2005<sup>163</sup>. Next to a separate directive for environmental information as many other European countries have too, Germany also has a particular law on access to information for consumers both on federal and provincial levels. FOI use is in its infancy, but the number of requests in 2011 rose with a staggering 110% over 2010, to 3,280<sup>164</sup>.

Press freedom and freedom of expression are grounded in the federal constitution (Grundgesetz, Art.5). On the RSF Press Freedom Index 2011-2012<sup>165</sup>, Germany ranks 16<sup>th</sup>, up one place from 2010. Hate speech, Holocaust denial, and Nazi propaganda are banned, but otherwise there is no official censorship<sup>166</sup>. A controversial law on data retention, also allowing journalists to be wiretapped under certain circumstances, was overturned in 2010, perhaps prompting the slight rise on the RSF Index. Journalists are allowed to refuse to testify in court, and to work undercover if the subject investigated is important enough. In 2007, the German Constitutional Court in the so-called Cicero

<sup>159</sup> <http://www.netzwerkrecherche.de/>

<sup>160</sup> [http://www.soros.org/initiatives/media/articles\\_publications/publications/mapping-digital-media-germany-20111028](http://www.soros.org/initiatives/media/articles_publications/publications/mapping-digital-media-germany-20111028), p 8.

<sup>161</sup> <http://www.message-online.com/>

<sup>162</sup> [www.bfdi.bund.de/cln\\_030/nn\\_672714/IFG/Gesetze/IFG/TextIFG,templateId=raw,property=publicationFile.pdf/TextIFG.pdf](http://www.bfdi.bund.de/cln_030/nn_672714/IFG/Gesetze/IFG/TextIFG,templateId=raw,property=publicationFile.pdf/TextIFG.pdf)

<sup>163</sup> R. Vleugels, Fringe – Overview of FOIA, October 2011.

<sup>164</sup> [http://www.bfdi.bund.de/IFG/Oeffentlichkeitsarbeit/Pressemitteilungen/2012/3TB\\_IFG.html?nn=411766](http://www.bfdi.bund.de/IFG/Oeffentlichkeitsarbeit/Pressemitteilungen/2012/3TB_IFG.html?nn=411766)

<sup>165</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>166</sup> <http://www.freedomhouse.org/report/freedom-press/2011/germany>

case<sup>167</sup> ruled that searching a news room or reporter's work space can only be done in case of 'konkrete Anhaltspunkte' (concrete evidence) of disclosure of secret information, effectively strengthening the journalist's position.

## **Greece**

Greece so far is the country most visibly hit by the Euro crisis, affecting every corner of Greek society, including journalism. Overviews even only dating back two years are hopelessly outdated, as far as circulation numbers, advertising revenues and even flat-out existence of media are concerned. There are no current overviews, however.

In 2010, as the most recent overview<sup>168</sup> states, Sunday papers were most widely read, with evening and weekly papers following. Newspaper readership had been declining sharply already since the 1980s, and there are no indications this trend has changed in the last two years. The two quality newspapers providing stories on appropriation of EU funds are the leading morning paper *Kathimerini*<sup>169</sup>, and the leading evening paper *Ta Nea*<sup>170</sup>. Together, the two in 2010 held a circulation of a bare 100,000 copies, with a population of over 11 million clearly showing the low readership of newspapers overall, not just those interested in in-depth investigations into the EU.

Public broadcasting company Hellenic Broadcasting Corporation S.A. (ERT S.A.<sup>171</sup>) by its own account operates both radio (29) and TV (seven) channels. Radio programming in general is very fragmented, mostly privately owned, with a music format and also aimed at immigrants through a multicultural drive supported by the EU Equal program. Market share of news and current affairs programming on Greek public TV is low. Privately owned TV channels with an entertainment format may have high viewership, but low esteem as to producing information formats.

Freedom of expression was written into the Greek constitution of 1975, after the so-called Colonels' Regime was ousted. But radio and TV licensing remains under supervision of the state. The Greek constitution<sup>172</sup> obliges the authorities to answer requests for information in article 10. There is no separate FOI law, but the Code on Administrative Procedure of 1999 gives more detailed guidelines on how documents can be accessed.

Greece remains a case for concern on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>173</sup>. The country stayed in 70<sup>th</sup> position, all but last within the EU. RSF states that in Greece 'the economic crisis highlighted the fragility of its media while photographers and cameramen covering demonstrations were exposed to conditions resembling war zones'<sup>174</sup>. Photographers were forced to delete pictures taken; reporters were physically and psychologically attacked starting late 2010<sup>175</sup>.

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<sup>167</sup> See **Chapter 2.6.3** on protection of sources and **Annex 5** for more on this decision. of the Federal Constitutional Court of Germany.

<sup>168</sup> [http://www.ejc.net/media\\_landscape/article/greece/](http://www.ejc.net/media_landscape/article/greece/)

<sup>169</sup> <http://www.kathimerini.gr/>

<sup>170</sup> <http://www.tanea.gr/>

<sup>171</sup> <http://www.ert.gr/engcompany/>

<sup>172</sup> <http://athena.hri.org/docs/syntagma/>

<sup>173</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>174</sup> RSF Press Freedom Index, page 3.

<sup>175</sup> <http://www.freedomhouse.org/report/freedom-press/2011/greece>



## Hungary

Hungarian media since January 2011 are collectively dealing with a new media law with far reaching impact on the country's media landscape. There was need for modification, since many of the laws regarding the press dated back almost twenty years. But the influence of the law is far fetching to no equivalent in other EU-member states. It ranges from installing a new media authority (NMHH) overseeing and regulating all media types to introducing a state-controlled press agency monopoly, and from centralization of public broadcasters and new rules for the protection of sources to the screening and sanctioning of written media (print press and Internet) for hate speech and the protection of minors from abusive content. Even after a round of amendments, urged for by European institutions and enforced by the Hungarian Constitutional Court in December 2011, the law is still cause for blandness and self-censorship in the media, strong international and professional criticism and a state of indignation by Hungarian government officials.

The NMHH 'is autonomous, not answerable to any agency or institution other than the courts. It has absolute powers, of a scope unprecedented in other European democracies, and far wider than its predecessors. They include investigation, and accessing data, such as journalists' sources, penalization of media outlets through heavy fines—or even by suspension, in the case of what the new laws call "online written media outlets". It keeps a registry of online written media outlets. Its powers include spectrum allocation, frequency management, and the execution of government telecommunications policy'.<sup>176</sup> Combined with a media sector also hit by the economic crisis, the state of the Hungarian media, let alone investigative journalism, is a case of worry within the European Union<sup>177</sup>.

Foreign ownership is large in the print sector. The most popular paper is the free daily *Metropol*<sup>178</sup> (the Hungarian version of Swedish-owned *Metro*), though its circulation is declining from 250,000 in 2009. Paid for newspapers also suffer (with Swiss-owned *Népszabadság*<sup>179</sup> going down from 150,000 copies in 2005 to 90,000 in 2009, and *Magyar Nemzet*<sup>180</sup> falling to 51,000 in 2009).

Local and regional press are largely owned by four foreign entities (WAZ, Axel Springer, Infomedia and The Daily Mail), according to respondents to this report 'a blessing since they can distance themselves some more from local political interests'<sup>181</sup>, though that doesn't mean they take on every (investigative) project that may cause unease with local investors. Local broadcasters are entirely funded by the municipalities, which makes for a 60% turnover rate in management after each election and for a very short-term vision.

The public broadcasting system was extensively revised under the new media law, with three public networks folding into one<sup>182</sup> responsible for 'public service' broadcasting on radio and TV. The directors are appointed by the Media Council that also oversees budgets. State-owned press agency MTI started to provide free content to all media, making it easy for destitute media outlets to copy-paste pro-government information and distorting the press agency market.

Investigative journalism in Hungary is a sport of several dozen journalists affiliated with not more than ten publications, the most important of them being Origo and Index (two major news sites,

<sup>176</sup> Open Society Foundation, Mapping the Digital Media Project, [http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication), p 7.

<sup>177</sup> See more on Hungary in **Chapter 4**.

<sup>178</sup> <http://www.metropol.hu/cimlap>

<sup>179</sup> <http://www.nol.hu/index.html>

<sup>180</sup> [http://mno.hu/magyar\\_nemzet](http://mno.hu/magyar_nemzet)

<sup>181</sup> Ilona Moricz, director of the Center for Independent Journalism, interviewed for this study, May 17, 2012.

<sup>182</sup> <http://premier.mtv.hu/>

see below), *Magyar Narancs*<sup>183</sup>, *Heti Válasz*<sup>184</sup>, *HVG*<sup>185</sup> and *Figyelő*<sup>186</sup> (weeklies), *Népszabadság* and *Magyar Nemzet* (the biggest pro-Socialist and pro-Fidesz daily papers consecutively). Also *Átlátszó* (see below) carries out investigations.

Most open to investigative content also on topics pertaining to Europe, are the new media outlets *Origo.hu*<sup>187</sup>, *Index.hu*<sup>188</sup> and the NGO/whistle-blowing site *Atlatzo.hu*<sup>189</sup>. Said one respondent to the report, 'Since the papers were all connected to the parties, the young journalists migrated to the web.'<sup>190</sup> With unique daily viewership of the political pages for *Origo.hu* and *Index.hu* of 250,000 and 400,000 respectively, interest in serious and in-depth reporting in Hungary does exist. *Átlátszó* fully runs on (foreign) donor and foundation money, taking on original investigations, but also re-publishing leaked data and documents for the public and other journalists to browse and curate.

Important in the investigative landscape was the foundation in 1995 of the Center for Independent Journalism by James Greenfield (on the *New York Times* editorial board) and Donald Wilson (vice president of *Time, Inc.*) of the Independent Journalism Foundation. The centre, over the years, trained literally over a thousand journalists and held specialist workshops on investigative reporting and media diversity (with a special program for Roma journalists, it published training manuals and administered grants for (investigative) projects on a wide range of topics (including EU topics). The centre runs on (foreign) foundations and donors.

CIJ is one of the founding members of the South East European Network for Professionalization of Media SEENMP<sup>191</sup> uniting eighteen not-for-profit media centers from twelve South-East European countries, including member states Hungary, Bulgaria and Romania, and aiming at exchange of information and expertise and advancing cross-border journalism projects.

The Gőbölös József ('Soma') Foundation plays a key role in encouraging investigative journalism within Hungary. The Soma Foundations seeks to enhance the functioning of democracy in Hungary by providing awards and reporting grants to investigative journalists working toward greater transparency and accountability in society<sup>192</sup>. The annual award honours the best in investigative journalism in the country; some of the recipients are amongst the most active in the profession also focusing on European stories.

Though Hungary has had a Freedom of Information law since 1992, access to information rules have never been respected much. According to contributors to this report, there are practically no sanctions against state officials who don't abide by the law. Some cases were taken to court, a slow process with very limited results<sup>193</sup>.

In 2011, the country, on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>194</sup>, fell seventeen places, to 40<sup>th</sup> position due to the adoption of the new media law. 'The precedent set by

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<sup>183</sup> <http://magyarnarancs.hu/>

<sup>184</sup> <http://hetivalasz.hu/>

<sup>185</sup> <http://hvg.hu/>

<sup>186</sup> <http://www.figyelo.hu/hetilap>

<sup>187</sup> <http://www.origo.hu/index.html>

<sup>188</sup> <http://index.hu/>

<sup>189</sup> <http://atlatzo.hu/>

<sup>190</sup> Peter Magyar, of *Index.hu*, interviewed for this report on May 18, 2012.

<sup>191</sup> [www.seenpm.org](http://www.seenpm.org) (site suspended at time of writing this report).

<sup>192</sup> [http://www.gsoma.hu/eng/hirek\\_eng/hirek1\\_eng.html](http://www.gsoma.hu/eng/hirek_eng/hirek1_eng.html)

<sup>193</sup> For instance, in 2006 the court ordered to publish all the contracts between the Hungarian government and the Swedish Gripen company that sold fighter planes to Hungary. The government published some documents but did not disclose most of them.

<sup>194</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

this legislation, adopted with little comment from other EU member states, has further dented the European model's credibility'<sup>195</sup>, stated RSF. In December 2011, the Hungarian Media Council through reassigning radio frequencies took one of Hungary's remaining independent stations, KlubRadio, from the airways. Though it temporarily is back on the air, it is still awaiting renewal of its license, leaving it at the mercy of the Media Council. Freedom House called '[t]he Media Council's decision to essentially ban KlubRadio [...] a major blow to media freedom in Hungary'<sup>196</sup>. Freedom House stated that as far as press freedom is concerned, 'Hungary poses the most serious problem in Central Europe. The government of Viktor Orbán has taken advantage of a two-thirds parliamentary majority to push through a new and problematic constitution without adequate input from the opposition, and a series of laws that are widely seen as threats to press freedom, judicial independence, and political pluralism'.<sup>197</sup> See for a further description of the new media law's consequences on investigative journalism **Chapter 4** on focus country Hungary.

## **Ireland**

Ireland traditionally has had a highly competitive printed press, divided into national (dailies and Sunday) newspapers and regional weeklies (over 60 of them with significant circulation and impact in their areas). Readership was high, though the economic downturn has taken its toll here too. Loss of readership of over 10% in the last four years is no exception, a development that may very well spiral further down because of the crisis. Ireland being a market heavily dependent on newspaper stand sales will be more vulnerable than a subscription driven environment. And where political affiliation in the past often prescribed buying a certain newspaper, that chain was broken in the 80s and 90s, opening the printed press up to more independent reporting, but also damaging the traditional readership base with it.

During the years of the 'Celtic Tiger', British newspapers specifically targeted the Irish market for advertisement revenue. It is to be seen whether economic hardship leads to the folding of Irish editions of British papers.

The *Irish Independent*<sup>198</sup> (and its sister paper *Sunday Independent*) is the largest-selling newspaper (coming in both broadsheet and tabloid format), with the oldest paper *Irish Times*<sup>199</sup> coming in second. The *Times* has a reputation of strong international coverage, but when looking for stories on dispersion of EU-funds, there was reporting of incidences of fraud with EU funds in Bulgaria and stories on British MEP spending, but (apart from a scandal with agricultural (dairy) funds in 2001) no investigations into the Irish situation. With Ireland, for a long time, being one of the larger recipients of EU-funds and doing very well economically, some coverage would be expected, but there was little.

Regional papers moved from family ownership to large national conglomerates over the last 15 years, with Independent News and Media being the largest.

Radio Telefís Éireann (RTÉ)<sup>200</sup> since the 1920s has dominated broadcasting (radio and television) in Ireland and still does. Commercial stations focus on sports, entertainment and/or music. The Irish also watch (and to a lesser extent listen to) British BBC.

<sup>195</sup> RSF Press Freedom Index, page 3.

<sup>196</sup> <http://www.freedomhouse.org/article/hungarian-media-council-shuts-down-one-few-remaining-independent-radio-stations>

<sup>197</sup> [http://www.freedomhouse.org/sites/default/files/inline\\_images/FIW%202012%20Booklet--Final.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/FIW%202012%20Booklet--Final.pdf), p 7.

<sup>198</sup> <http://www.independent.ie/>

<sup>199</sup> <http://www.irishtimes.com/>

<sup>200</sup> <http://www.rte.ie/>

Traditional media outlets, RTÉ - the public service TV and radio provider - and *The Irish Times*<sup>201</sup>, the main quality newspaper, provide the two most popular online services.

Investigative journalism in Ireland has a history of violence, with killings of and (bomb) threats to journalists. With the turn of the millennium, though, the profession has sailed into quieter waters. Typical investigative stories revolve around political or economical themes, often culminating in governmental inquiry. A national focus seems to come with this, as respondents noted when calling investigative journalism in Ireland 'parochial'. Neither focus on economic themes nor a high amount of funds received leads to an interest in the funding of EU projects in the country.

The Irish Freedom of Information act of 1997<sup>202</sup>, wrested from the government by a national journalists' union campaign, came into force in April the year after. But since 2003, the government is charging for information requests, and this impedes investigations needing large amounts of data and documents<sup>203</sup>. Still, with 125 FOI requests per 100,000 inhabitants (compared to the Netherlands with 8 to 100,000), Ireland has a rather vibrant FOI practice. The Fine Gael / Labour coalition formed last year promised to extend FOI and stated in its programme for government: 'We will legislate to restore the Freedom of Information Act to what it was before it was undermined by the outgoing Government.' Therefore, there is a possibility the fee will be abandoned.

More important when assessing the climate for investigative journalism in Ireland are its defamation and libel laws. In 1991, a government body recommended sweeping changes in Ireland's libel laws, then perceived to be the 'most draconian' within the EU. A new defamation law came into effect on January 1st, 2010. But to the media, the new law has not fundamentally changed the balance between the right to publish and the right to one's good name. Where, for instance, in the early years of the millennium RTÉ paid millions in legal fees defending its investigative stories, this is still a possibility today. With dwindling resources at media outlets, the inclination to spend money on legal fees is diminishing as well.

Ireland fell 6 places on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>204</sup>, to 15<sup>th</sup> position. RSF does not explain where this drop originated, nor can Freedom House shed light on this<sup>205</sup>.

## **Italy**

As much as Brits were perceived to be newspaper readers, Italians traditionally got their news from the TV set. But that picture is changing fast, and numbers dropped from 82% of Italians for whom TV was their sole source of news in 2005, to 46% in 2006 to 26% in 2009<sup>206</sup>. Not just the younger generation is fleeing to the Internet, and some Italians are fleeing news all together. With former Prime Minister Berlusconi through his media empire Mediaset and the state-controlled public broadcaster RAI for years all but controlling the flow of TV-information, many Italians just 'tuned out'. However, since late 2011 a technocrat government (temporarily) took over, there is a chance that this time, Italians will get less biased coverage of an election campaign.

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<sup>201</sup> <http://www.irishtimes.com/>

<sup>202</sup> <http://www.oic.gov.ie/en/FOIActsRegulations/TextoftheFOIActs19972003/>

<sup>203</sup> Since charging a €15 fee per non-personal request, the number of those halved to 3,400, see <http://www.bbc.co.uk/news/uk-politics-18282530>.

<sup>204</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>205</sup> <http://www.freedomhouse.org/report/freedom-press/2011/ireland>

<sup>206</sup> Open Society Foundation, Mapping the Digital Media Project, [http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication), Italy, p. 6.

In the past, media regulators and heads of departments at RAI were appointed by the state. But recently, a coalition of Italian NGOs, calling itself the Open Media Coalition (OMC), is pushing for reform in this matter<sup>207</sup>. Put change is coming slowly. The Italian parliament till early June 2012 postponed the nomination of three public agencies: the Communications Regulatory Authority (AGCOM), the Data Protection Agency (Garante della Privacy), and the Antitrust Authority, which serves as the regulation and competition authority for the communication industry. Also the nomination of RAI, the state-controlled public broadcaster, was delayed in the same way until early June. Behind this decision parties in Parliament were fighting a war of political carve-up. They wanted to choose 'their' candidates. In an apparent move aimed at guaranteeing transparency it was possible for every citizen to run for candidacy provided that they deliver their personal CVs. Many politicians maintained that the new election system could ensure more transparency and openness in the appointment procedures (for instance allowing parliamentarians to check candidates' possible conflicts of interest)<sup>208</sup>. But no candidate was chosen because of an extraordinary CV. Members of AGCOM and the Data Protection Agency again were appointed under the old rules of political carve-up, with the only exception of RAI, where the CEO and the general manager were named by the prime minister, Mario Monti.

Newspaper readership was never high in Italy, but has not declined as fast as elsewhere in Europe, and against the trend has even gone up for some papers. The best-read papers are the sports daily *La Gazzetta dello Sport*<sup>209</sup> (4.4 million readers to 400,000 copies first quarter of 2012, up 1%) and the free paper *Leggo*<sup>210</sup> (1.6 million readers, down 14%).<sup>211</sup> Quality paper *La Repubblica*<sup>212</sup> (500,000 copies) has 3.5 million readers while *Corriere della Sera*<sup>213</sup> (540,000 copies) has 3.2 million readers. *Il Corriere della sera* still is a broadsheet, *La Repubblica* already adopted the so-called "Berliner" format in the beginning. With many local papers and an overload in magazines, Italians are readers, though not necessarily of news reports.

Online news, though slow in taking off due to late proliferation of the Internet, is carving out a niche for itself, with the creation of small local online newsrooms, blogs and forums. But, as said in a recent study, 'digitization has not enhanced the prospects for investigative journalism, which remains the preserve of the large television networks. Investigative journalism is expensive, and online newsrooms cannot afford it. However, digitization has enhanced the dissemination and impact of investigative journalism's findings.'<sup>214</sup>

Under the Berlusconi government, for a long time there was little engagement with investigative reporting, confirmed contributors to this report, with the exception of magazine *L'Espresso*<sup>215</sup> (with 2.6 million readers still growing), *La Repubblica*, *Il sole 24 ore*<sup>216</sup>, and a TV series on RaiTre<sup>217</sup>. However since 2009, according to respondents to this report, investigative reporting is living 'a sort of renaissance' mainly due to the efforts of publishing company Chiarelettere<sup>218</sup> publishing several

<sup>207</sup> OMC (set up with support from the Open Society Foundations) wants to bring Italian procedures in line with international standards and best practice, with a public campaign called "Vogliamo Trasparenza". ("We want Transparency"), <http://vogliamotrasparenza.it>

<sup>208</sup> <http://blog.soros.org/2012/05/a-step-forwards-for-transparency-in-italian-media-regulation/>

<sup>209</sup> <http://www.gazzetta.it/>

<sup>210</sup> <http://www.leggo.it/>

<sup>211</sup> Most recent data from first quarter 2012, <http://www.audipress.it/dati.html>.

<sup>212</sup> <http://www.repubblica.it/>

<sup>213</sup> <http://www.corriere.it/>

<sup>214</sup> Open Society Foundation, Mapping the Digital Media Project, [http://www.soros.org/initiatives/media/articles\\_publications/listing?type=Publication](http://www.soros.org/initiatives/media/articles_publications/listing?type=Publication), Italy, p. 7.

<sup>215</sup> <http://espresso.repubblica.it/>, considered to be the main independent news magazine in the country.

<sup>216</sup> <http://www.ilsole24ore.com/>

<sup>217</sup> 'Report', [www.report.rai.it](http://www.report.rai.it)

<sup>218</sup> <http://www.chiarelettere.it/>



in-depth stories in book form, and to the astonishing success of the small but growing newspaper *Il Fatto Quotidiano*<sup>219</sup>. The paper is unique for its independence from all political factions, which can be sustained through a publishing model based on crowd funding and subscriptions providing financial health at the moment of the writing of this report<sup>220</sup>. Without any ties to business, politics or church, *Il Fatto* is considered the white raven of Italian investigative reporting<sup>221</sup>.

Overall, international focus is still rare amongst those that carry out investigative reporting in Italy; often stories start with investigations by the court and not the journalists.

There is no functioning FOI law in Italy, and even if there were, it is hard to get the documents from these investigations through FOI while these are often excluded from requests as long as the case is with the court. Said one respondent, 'we have no FOI law, only some administrative laws we can use, but that takes time.'

Since 2007, the Associazione di Giornalismo Investigativo<sup>222</sup> is promoting in-depth reporting, by co-organizing a master's degree in investigative reporting in Rome and Palermo. It also contributes knowledge to reporting projects, such as 'Toxic Europe', research into toxic waste on the continent.<sup>223</sup> The association's activities are rather small scale and the organisation is struggling to find independent funding. There was discussion amongst journalists on setting up an investigative reporting centre since 2009, in order to provide a place for independent research and publishing, but lack of funding with no strings attached has prevented starting a centre so far. In July 2012, a group of eight journalists did start a new association by the name of Investigative Reporting Project Italy (IRPI)<sup>224</sup>.

Italy dropped some places on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>225</sup>, to 61<sup>st</sup> position from 49<sup>th</sup>. According to RSF, the country 'still has a dozen or so journalists under police protection, [but] has turned the page on several years of conflict of interest with Silvio Berlusconi's departure. But this year's ranking still bears his mark, especially another attempt to introduce a gag law and an attempt to introduce Internet filtering without reference to the courts, both narrowly rejected'<sup>226</sup>.

Freedom House rated Italian media as 'partly free'<sup>227</sup> in 2011, due to a controversial draft law aiming at keeping embarrassing information on politicians out of the media. After years of fighting, in which Berlusconi tried to promote this gag law on intercepted information, followed by a period of "truce", the latest version of the draft law is being debated in the Summer of 2012 under new circumstances. The president of Italy, Giorgio Napolitano, was indirectly wiretapped while talking to a former interior minister who was being investigated by Palermo prosecutors. Napolitano claimed that his constitutional privileges had been violated and asked the Constitutional Court to decide on this matter. As a result, many critics are saying that this new scenario will speed up the approval of the gag law, one way or another.

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<sup>219</sup> <http://www.ilfattoquotidiano.it/>

<sup>220</sup> See <http://newsentrepreneurs.blogspot.com/2012/06/in-italy-independent-newspaper-startup.html>

<sup>221</sup> More on the remarkable success of *Il Fatto Quotidiano* and the 'renaissance' of investigative reporting in Italy in **Chapter 4** on the focus countries.

<sup>222</sup> <http://www.giornalismoinvestigativo.eu/index.htm>

<sup>223</sup> <http://www.terraneews.it/news/2011/06/toxic-europe-le-rotte-di-un-business-sporco>

<sup>224</sup> Since this initiative is so fresh, coming to the reporting team at the closing of writing this report, not much information is available on it yet. IRPI will work with journalists joining on a project-by-project base (based on the model of the International Consortium of Investigative Journalists), funded through grants and donations, and will write in English with translations into Italian.

<sup>225</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>226</sup> RSF Press Freedom Index, page 3.

<sup>227</sup> <http://www.freedomhouse.org/report/freedom-press/2011/italy>



In addition, IPI<sup>228</sup> noted several other legal constraints, including the lack of a law to deal with conflict of interest (between media ownership and holding political office), as well as licensing procedures for journalists that could lead to official influence and limited opportunities for foreign-born reporters. With the new government in place since late 2011, supported in Parliament by an unusual alliance between Center Right and Center Left, journalists were convinced that other pressing issues should have taken the lead over changing media laws. But a real shift of power has not yet taken place, the draft laws are still on the table, and the scenario of new official legislative changes could still hinder the media climate in and after 2012. Much will depend on the scope of the laws now under debate in Parliament. One respondent to this study remarked that ‘provided that they will be approved, the fate of investigative journalism will be doomed’.

## **Latvia**

Latvia has seen dramatic changes in economic, political and social make-up since regaining its statehood in 1991 after decades of Soviet rule. Its media landscape still is divided in a Russian (30% of the population is Russian) and a Latvian press. Most important daily papers (all based in capital Riga) are *Diena*<sup>229</sup> and *Latvijas Avīze*<sup>230</sup> (in Latvian), and *Vesti Segodniya*<sup>231</sup>, *Chas*<sup>232</sup> and *Telegraf*<sup>233</sup> (in Russian). *Baltic Times*<sup>234</sup> is in the English language. There is a large amount of local newspapers in both languages, more widely read than the national print media. The two languages represent strong differences in journalistic attitude, with Latvian papers taking a more global view and a clear division between news and editorials, and Russian papers focusing on the Russian-Latvian population and mixing news and commentary in the articles.

*Diena* takes a lead when publishing stories on the European Union and its funds. A number of stories were published based on the ‘Europe’s hidden billions’ project by the British Bureau of Investigative Journalism and *Financial Times*, due to the individual involvement of a Latvian intern in the project, thus making original content available in Latvian to several other media outlets.

Radio is widely dispersed throughout Latvia, with over 40 stations. News and current affairs are mixed with entertainment, making for a ‘light’ format at most of them. *Latvijas Televīzija* (LTV)<sup>235</sup> is the public TV broadcaster with two channels, commercial channels such as *Latvijas Neatkarīgā Televīzija* (LNT TV)<sup>236</sup> and TV3<sup>237</sup> also broadcast news and current affairs. TV3 airs an investigative show, covering EU topics now and then.

Internet news sites are still in their teens. *Delfi.lv*<sup>238</sup> and the *Diena* website are often visited, both occasionally publishing original investigations into the EU. Internet portal *pietiek.com*<sup>239</sup> is a critical platform for stories on wrongdoings, including dispersion of EU funds.

<sup>228</sup> [http://www.freemedia.at/index.php?id=226&tx\\_ttnews\[tt\\_news\]=5497&cHash=067c3e3035](http://www.freemedia.at/index.php?id=226&tx_ttnews[tt_news]=5497&cHash=067c3e3035)

<sup>229</sup> <http://www.diena.lv/>

<sup>230</sup> <http://la.lv/>

<sup>231</sup> <http://www.ves.lv/vs/>

<sup>232</sup> <http://www.chas-daily.com/>

<sup>233</sup> <http://www.telegraf.lv/>

<sup>234</sup> <http://www.baltictimes.com/>

<sup>235</sup> <http://www.ltv.lv/lv/sakumlapa/>

<sup>236</sup> <http://www.lnt.lv/lv/home/>

<sup>237</sup> <http://www.tv3.lv/>

<sup>238</sup> A bi-lingual website, <http://www.delfi.lv/>

<sup>239</sup> [www.pietiek.com/](http://www.pietiek.com/)

Latvia and its media were hit extremely hard by the economic crisis starting in 2008. Thus weakened media felt the pressure on their independent reporting by powerful interests<sup>240</sup>. In 2010, OSCE expressed concern about Latvia's declining press freedom. Rankings of freedom of the press for both Latvia and Lithuania dropped significantly, with Latvia falling a staggering 20 places on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>241</sup>, to 50<sup>th</sup> position, according to RSF due to 'grotesque court rulings and increased interference by the security services'<sup>242</sup>. Only in 2010-2011 in separate incidents, the publisher of a Russian language paper known for taking on government corruption was shot; an investigative website editor was arrested and held for 48 hours after publishing e-mails showing tight links between the Riga mayor and the Russian embassy and showing possible corruption, his information devices being confiscated<sup>243</sup>; and a reporter's home was searched and her computer confiscated in order to identify her sources (see below)<sup>244</sup>. Just this last March, the investigative reporter mentioned in footnote 225 was shot and beaten when returning home.<sup>245</sup>

Contributing to the drop on the Press Freedom Index described above was the botched switch to digital broadcasting in 2009-2010. With state-owned Lattelecom winning the tender for digitization (and thus effectively winning a gatekeeper position to content), digitization 'has not led to better quality journalism, nor has it increased the volume of original news content', according to a report by Open Society Foundation in 2011<sup>246</sup>. The report adds a few lines about investigative journalism in the country. 'Digitization has offered many tools and opportunities for improved investigative journalism but they are seldom used. Journalists lack the skills to conduct data journalism despite the online availability of many resources, especially public records. When data are used, they are often republished with little accompanying analysis. Blogs most often provide leads for journalistic investigations by others, rather than producing and publishing them directly. On the positive side, whistle-blowing has become easier, especially thanks to social networks.'<sup>247</sup>

Overseeing the challenges investigative reporting faces in the Baltic States, a group of journalists from Latvia, Lithuania and Estonia in September 2011 started the Baltic Centre for Investigative Journalism<sup>248</sup>. This small, not-for-profit centre is modelled after American non-profit journalistic structures and running on American donors. It intends to perform long-term, in-depth cross-border investigations of socially important issues, focusing on corruption, crime, finances, entrepreneurship, health and human rights. The Centre's main focus will be corruption and lack of transparency at the higher structures of power: justice system, law enforcement, political parties and other major public institutions. Since the start, no stories on the EU have been done yet, though the centre intends to in the future and is, by its cross-border nature, equipped to do so.

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<sup>240</sup> For instance, *Diena*, once considered the best paper in the Baltic States, in 2009 was sold by its Swedish owner to a powerful business man with ties to the mayor of Riga. As a result, 30% of the staff walked out and started an independent web portal, <http://www.ir.lv/>. The largest Russian language paper *Telegraf* was bought by a Russian controversial business owner and fired its most influential investigator after a story angering the mayor of Riga. Hume, E., *Caught in the Middle: Central and Eastern European Journalism at a Crossroads*, (CIMA, 2011), p 49.

<sup>241</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>242</sup> RSF Press Freedom Index, page 3.

<sup>243</sup> <http://en.rsf.org/latvia-website-editor-arrested-after-16-12-2011.41564.html>

<sup>244</sup> <http://www.freedomhouse.org/report/freedom-press/2011/latvia>

<sup>245</sup> [http://www.ifex.org/latvia/2012/03/30/latvia\\_investigative/](http://www.ifex.org/latvia/2012/03/30/latvia_investigative/)

<sup>246</sup> *Mapping Digital Media: Latvia*,

[http://www.soros.org/initiatives/media/articles\\_publications/publications/mapping-digital-media-latvia-20111205](http://www.soros.org/initiatives/media/articles_publications/publications/mapping-digital-media-latvia-20111205), Open Society Foundation, November 2011, p 7.

<sup>247</sup> *Mapping Digital Media: Latvia*, Open Society Foundation, November 2011, p 7.

<sup>248</sup> [http://www.facebook.com/note.php?note\\_id=250566128311988](http://www.facebook.com/note.php?note_id=250566128311988)

A law describing the right to information held by the government was passed in 1998. According to journalists in the country, it works quite well, even though state institutions are not all and not always happy to give out information. The importance of protection of sources was underpinned in 2010, when Latvian police searched a reporter's home in order to identify her sources. The journalism community rallied around this Sunday public TV reporter, putting protection of sources back on the agenda<sup>249</sup>. Libel remains a criminal offence.

## **Lithuania**

Lithuania regained independence in 1990, and in the following years the former political party print media were privatized, first going to journalists and employees and then to larger media companies. With a large number of (very small to small) newspapers, there are many print outlets, but most of them were hit hard by the economic crisis.

Data on media ownership are not widely available, thus making for a lack of transparency in the market. Lithuanian law holds no special provisions for media concentration or ownership, cross-ownership is not prohibited, therefore concentration is high, with two or three owners holding large shares of the radio, TV and print market at the same time.

Radio listening is dominated by Lietuvos radijas, Lithuanian public national radio, with three channels. Public TV is part of the same company, LRT<sup>250</sup>, which also owns an Internet portal. Commercial radio and TV stations (widely available and numerous) program light entertainment.

Access to information of importance for the applicant is a constitutional right in Lithuania<sup>251</sup>. However, FOI requests remain infrequent.

A group of journalists from Latvia, Lithuania and Estonia in September 2011 started the Baltic Centre for Investigative Journalism<sup>252</sup>. This small, not-for-profit centre is modelled after American non-profit journalistic structures and running on American donors. It intends to perform long-term, in-depth cross-border investigations of socially important issues, focusing on corruption, crime, finances, entrepreneurship, health and human rights. The Centre's main focus will be corruption and lack of transparency at the higher structures of power: justice system, law enforcement, political parties and other major public institutions. Since the start, no stories on the EU have been done yet, though the centre intends to in the future and is, by its cross-border nature, equipped to do so.

Lithuania dropped a dramatic 19 places on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>253</sup>, to 30<sup>th</sup> position, according to RSF due to 'grotesque court rulings and increased interference by the security services'<sup>254</sup>. But RSF does not found this, and Freedom House still rates the Lithuanian press as free<sup>255</sup>.

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<sup>249</sup> <http://www.freedomhouse.org/report/freedom-press/2011/latvia>

<sup>250</sup> <http://www.lrt.lt/tv/>

<sup>251</sup> [www.lrs.lt/cgi-bin/getfmt?c1=w&c2=170831](http://www.lrs.lt/cgi-bin/getfmt?c1=w&c2=170831)

<sup>252</sup> [http://www.facebook.com/note.php?note\\_id=250566128311988](http://www.facebook.com/note.php?note_id=250566128311988)

<sup>253</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>254</sup> RSF Press Freedom Index, page 3.

<sup>255</sup> <http://www.freedomhouse.org/report/freedom-press/2011/lithuania>

## **Luxemburg**

The Luxemburg press serves a population of a mere 500,000, in three official languages (Luxemburgish, French and German) plus English. Therefore, it comes as no surprise that Luxemburg papers are small in size, but they are relatively large in number (in 2010 there were eight dailies, two of which were free of charge) and with a loyal readership that is not declining. Papers are closely linked to political parties, trade unions or the church.

*Luxemburger Wort*<sup>256</sup> is the largest paper (79,000 copies in 2010 and a website in French, English and German), with ties to the Archbishop of Luxemburg and the Christian Social Party. It used to have pages in French, those were incorporated into a separate French paper, *La Voix du Luxembourg*<sup>257</sup> (6,000 copies in 2010), but the project<sup>257</sup> was given up in 2011. The second largest daily, *Tageblatt*<sup>258</sup> is tied to the trade unions and the socialist party. Other papers and magazines have a circulation of fewer than 5,000, with the exception of business monthly *paperJam*<sup>259</sup>.

In the 90s, the state passed a law making up for loss of advertisement revenue due to the liberalization of the radio market. Therefore, Luxemburg gives out the most state aid to the print sector within the EU.

In the audio-visual media, *RTL*<sup>260</sup> radio held a monopoly position since the 1930s, a position that was officially abolished in 1991 when the radio market was liberalized. RTL Group, however, the largest commercial radio and TV outlet in Europe, still owns the national radio infrastructure, a rather unique position in Europe. The public radio station *RSC*<sup>261</sup> or 'Radio 100,7' only draws 2 to 4 percent of listeners, with rather high-quality programming. On television, Luxemburgers watch foreign channels from Germany and France. *RTL Télé Lëtzebuerg*<sup>262</sup> has no real competition for its daily one-hour TV-broadcasts.

Investigative journalism, according to respondents to this study, is largely non-existent in Luxemburg, with the occasional exception being published in magazines such as *Forum*<sup>263</sup>, a small-circulation political and cultural magazine. When publishing on Europe, journalists praise the European Ombudsman for backing investigations and getting access to documents<sup>264</sup>. Ombudsman investigations do take up much time, though, and the media follow rather than initiate them.

There is a Press Law dating to 2004, in which protection of sources is outlined, but there is no progress on implementing a Freedom of Information law in Luxemburg since it was first proposed in 2000<sup>265</sup>. On the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>266</sup>, Luxemburg climbed to 6<sup>th</sup> position, up from 11<sup>th</sup> position in 2010, though RSF does not explain why and journalists contributing to this report are puzzled by the rise. For when looking for changes since 2010, all they identify is that the title of 'journalist' is now protected. But that does not affect press freedom, they state.

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<sup>256</sup> <http://www.wort.lu/wort/web/index.php>

<sup>257</sup> [www.wort.lu/fr/](http://www.wort.lu/fr/)

<sup>258</sup> [www.tageblatt.lu/](http://www.tageblatt.lu/)

<sup>259</sup> [www.paperjam.lu/](http://www.paperjam.lu/)

<sup>260</sup> <http://rtl.lu/home/>

<sup>261</sup> <http://www.100komma7.lu/>

<sup>262</sup> <http://rtl.lu/home/>

<sup>263</sup> <http://www.forum.lu/>

<sup>264</sup> <http://www.ombudsman.europa.eu/cases/decision.faces/de/11009/html.bookmark>

<sup>265</sup> <http://www.freedominfo.org/2011/06/luxembourg-urged-to-revive-effort-to-pass-foi-law/>

<sup>266</sup> [http://en.rsff.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsff.org/spip.php?page=classement&id_rubrique=1034)

## Malta

Political parties still dominate fair parts of the news media in Malta. In print media, Nationalist party organs such as *il-Mument* (Sunday, weekly) and *In-Nazzjon* (daily, Mon-Sat), and Labour organ *KullHadd* (Sunday, weekly) have a strong readership, but do not outstrip the independent readership of the privately owned, English-language print media (*The Times*, *The Sunday Times*, *The Malta Independent*, *The Malta Independent on Sunday*, *MaltaToday*). In broadcast media, the biggest player is state TV – TVM – but PN’s Net TV, and PL’s One each have competing news bulletins that give a diametrically opposed version of political news items.

For this small, bilingual community, Malta has a high number of newspapers and weekly magazines, but a relatively small readership. Publications are divided evenly over the two languages. *The Times of Malta*<sup>267</sup> and *The Sunday Times*<sup>268</sup> are the strongest, both in readership and business revenue, while the Sunday newspaper *It Torca*<sup>269</sup> (The Torch) and the daily *L’Orizzont*<sup>270</sup> (The Horizon) are the most widely read in Maltese. Investigative reporting, if done at all, focuses on national topics.

Radio and television, as mentioned above, are characterised by a large presence of political parties, the state and the church, who all own broadcasting outlets. Most notably, the government holds a strong influence over the national broadcaster TVM<sup>271</sup>. This does not make for a friendly environment for independent, critical and in-depth reporting regardless of media ownership, as reporting will often be focused on questioning the opposing party or strengthening the position of the owner’s institution.

Internet proliferation is high, with the most read websites belonging to local news organisations. No investigative stories originate here.

There is no specialised trade union or professional association for journalists. The Institute for Maltese Journalists (IGM) has never taken the step to form a union; its main highlight is organizing the annual press awards. The IGM has however made representations to the Data Protection Commissioner on its guide for privacy ethics; and called for the repeal of criminal libel. Its efforts to call for a Freedom of Information Act were secondary to those of the short-lived Journalists’ Committee, which campaigned for an open FOIA until its dissolution in 2010.

Freedom of information is described in the Maltese Constitution<sup>272</sup> and the Press Act of 1974, article 47, already stated the government should provide journalists with information ‘which helps them fulfil their tasks’<sup>273</sup>. However, Malta has a FOI act only since 2008, making it a late joiner of the FOI process in Europe. Even when the Convention on Freedom of Information was adopted, being the first binding legal instrument to recognise a general right of access to official documents held by public authorities in Malta, the act was highly criticized. The law contains a clause that prohibits anyone who has not lived in Malta for more than five years to apply for a FOIA disclosure, thus excluding non-Maltese residents, foreign journalists, asylum seekers and other people who have not lived on the island for more than five years from making freedom of information requests.<sup>274</sup>

<sup>267</sup> <http://www.timesofmalta.com/>

<sup>268</sup> <http://www.timesofmalta.com/>

<sup>269</sup> <http://www.torca.com.mt/>

<sup>270</sup> <http://www.orizzont.com.mt/>

<sup>271</sup> [www.tvm.com.mt](http://www.tvm.com.mt)

<sup>272</sup> <http://www.legal-malta.com/law/constitution.htm>

<sup>273</sup> <http://instituteofmaltesejournalists.files.wordpress.com/2012/04/press-act-cap-248.pdf>

<sup>274</sup> *MaltaToday on Sunday*, <http://www.maltatoday.com.mt/2009/06/28/t8.html>

At the writing of this report, the law is not yet fully in force. The FOIA was passed in parliament, but the legal clauses that are crucial for its full enactment have not yet been put into force by legal notice<sup>275</sup>. Therefore, at many levels, no requests for information can be submitted or processed, as is duly (and dully) stated on government's websites, leaving Malta one of only three EU countries not to have a working FOI act.

Libel is still a criminal as well as a civil offence. The Maltese Press Act lists the protection of sources as one of the journalist's rights; it was introduced into the act on the insistence of the Maltese Press Club.

Malta made a free fall on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>276</sup>, to 58th position down from 14<sup>th</sup>. It is, to respondents to this report, unclear as to why. Freedom House describes certain aspects that may have contributed to this drop in 2011, in that 'Malta's constitution guarantees freedoms of speech and of the press, but it also restricts these rights under a variety of circumstances. Laws against "vilification" of, or "giving offense" to, the Roman Catholic Apostolic Religion, the country's official church, [leads] to some restrictions on journalists. Defamation is a criminal offense, and the law guarantees the right to reply for perceived victims'<sup>277</sup>.

## **The Netherlands**

The Netherlands used to have a strongly 'pillarised' media landscape, from newspapers and magazines through to broadcasters. Today, newspapers may still be perceived as 'left' or 'right' leaning (and recently increasingly so, in a more and more polarized society), but all cut ties with their respective pillar organisations. Only the public broadcasters still uphold their denominational background, making for one of the most complex broadcasting systems in Europe.

All six (paid) national daily newspapers print investigations (including financial broadsheet *Financieele Dagblad*<sup>278</sup>), though not all with the same angle or frequency. *De Telegraaf*<sup>279</sup> (conservative) and *Algemeen Dagblad*<sup>280</sup> (popular) focus on crime; *Volkskrant*<sup>281</sup>, *Trouw*<sup>282</sup> and *NRC Handelsblad*<sup>283</sup> look into any topic warranting investigative effort. However, investigative reporting into the EU is done sporadically and (it seems) by initiative of the individual journalist. Investigative teams, as used in the 80s and 90s were (mostly) dismantled in the new millennium. The two large free tabloids acquire copy from press agencies and do not investigate, the third free tabloid (*De Pers*<sup>284</sup>, the only free of charge paper with original investigative content) ceased to exist on paper on March 30, 2012.

Regional papers are declining in number through mergers and consolidations. With only two publishers responsible for 75% of the regional market, the regional news output is extremely vulnerable to policy changes at these companies. Regional papers, though, show their uniqueness in investigations, but these are usually focused on their distribution area.

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<sup>275</sup> <http://www.maltatoday.com.mt/en/newsdetails/news/national/400-civil-servants-trained-for-Freedom-of-Information-law-20120228>

<sup>276</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>277</sup> <http://www.freedomhouse.org/report/freedom-press/2011/malta>

<sup>278</sup> [www.fd.nl](http://www.fd.nl)

<sup>279</sup> [www.telegraaf.nl](http://www.telegraaf.nl)

<sup>280</sup> [www.ad.nl](http://www.ad.nl)

<sup>281</sup> [www.volkskrant.nl](http://www.volkskrant.nl)

<sup>282</sup> [www.trouw.nl](http://www.trouw.nl)

<sup>283</sup> [www.nrc.nl](http://www.nrc.nl)

<sup>284</sup> <http://www.depers.nl/>



News magazines show a varied picture. All of them print investigative stories, but some steadily grow in circulation (*De Groene Amsterdammer*<sup>285</sup>), others seem stagnant (*Vrij Nederland*<sup>286</sup>) and others move more and more to digital publication (*HP/De Tijd*<sup>287</sup>). All except *Elsevier*<sup>288</sup> (132,000 in the fourth quarter of 2011) have relatively small readerships (between 20,000 and 40,000), but high esteem when it comes to their reporting. EU funds and EU institutions are not on the radar, though, with all reporting on Europe focusing on the euro crisis. *De Groene Amsterdammer* conducts special investigative projects involving young journalists in a 'mentor-trainee' setting.

Both public<sup>289</sup> and commercial TV broadcasters invest in in-depth reporting, with the commercial outlet *RTL Nieuws*<sup>290</sup> showing a special interest in data journalism and FOI, and the public networks on long form documentary and current affairs<sup>291</sup>. Only one of the (public) radio stations has a current affairs format, and within this 24hour news cycle only one hour a week is devoted to investigations<sup>292</sup>. Regional radio and TV show a more entertaining format, not airing (large) investigative projects.

In the past two years, a few web platforms<sup>293</sup> focusing on in-depth reporting have sprung up. Either through *crowd funding* or donations, these small platforms can employ a small number of freelancers to cut out reporting niches like the economy. Business prospects are still unclear.

With this tradition in investigative reporting still strong, very few original investigations into EU related topics could be found. The largest investigations were done in the 1990s, when reporters from *NRC Handelsblad* and documentary series KRO Reporter investigated MEPs pension plans<sup>294</sup>, worked with whistle blowers on fraud within the Santer Commission and delved into fraudulent distribution of meat subsidies. Also, the *Telegraaf* first uncovered extensive misuse of ESF subsidies for higher education in the early 2000s.

Since 2002, the Dutch-Flemish Vereniging van Onderzoekjournalisten VVOJ<sup>295</sup> has played an important role in the professionalization of the investigative craft. The association for and by journalists wants to stimulate investigative journalism by spreading knowledge and networking opportunities (also internationally). VVOJ is a driving force behind internationalization, cooperation and creating a networking investigative community that can span large subjects and methodologically difficult projects. VVOJ in 2008 (and again in November 2012) organized the European Investigative Journalism Conference, bringing together colleagues from throughout Europe, to explore cross-border possibilities of investigation. Several cross border stories into European topics originated at the 2008 conference. Collaborative European FOI working groups were (and will be) (co-)hosted.

VVOJ at its annual conferences created an environment of sharing experience and training in the latest (investigative) techniques, to the level where many Dutch (national and regional) newsrooms now have reporters capable of taking on (data) searches and number crunching. Media are slowly

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<sup>285</sup> <http://www.groene.nl/>

<sup>286</sup> <http://www.vn.nl/>

<sup>287</sup> <http://www.hpdetijd.nl/>

<sup>288</sup> <http://www.elsevier.nl/>

<sup>289</sup> <http://nos.nl/nieuws/>

<sup>290</sup> <http://www.rtl.nl/actueel/rtlnieuws/home/index.xml>

<sup>291</sup> <http://zembra.vara.nl/> and <http://reporter.kro.nl/>

<sup>292</sup> <http://weblogs.vpro.nl/argos/>

<sup>293</sup> [www.ftm.nl/](http://www.ftm.nl/) and [www.sargasso.nl/](http://www.sargasso.nl/)

<sup>294</sup> Leading to a book by 'NRC Handelsblad' reporter Joep Dohmen, *Europese Idealisten* (1999).

<sup>295</sup> [www.vvoj.nl](http://www.vvoj.nl)

discovering the possibilities of finding news in trends in data and developments, whereas the more traditional investigations (of shoe leather reporting and leaked documents) still hold ground.

When questioned by VVOJ on the level of investigative output<sup>296</sup>, 23 editors-in-chief and publishers in the Netherlands and Flanders in 2011 replied they would like to publish more critical and in-depth reporting. They identified obstacles to more investigative output, such as the level of individual investigative skills, lack of capacity in the newsroom, time and –only in the end- money. The VVOJ research contradicted the widely held belief that media need more money in order to produce more in-depth reporting. Instead, organisational and professional skills, and the pure will to do it, are decisive to raising the level of investigative output at a media outlet or publication.

The Fonds Bijzondere Journalistieke Projecten<sup>297</sup> gives out grants for journalists needing support while taking on large (investigative) projects, book writing or in-depth research. More and more, freelancers and established media turn to this (government) fund for (additional) support, implicating that media themselves spend fewer resources on research. Data journalism, however, is 'hot' for its innovative possibilities, with another government fund, Stimuleringsfonds voor de Pers<sup>298</sup>, supporting innovation in the broadest sense of the journalistic trade, including initiatives by VVOJ to raise the professional level of investigative journalism.

The Dutch FOI law (called 'Wob', after *Wet openbaarheid van bestuur*)<sup>299</sup> has been in place since 1980 and revised in 2000, but is heavily criticized by journalists, academics and lawyers alike. Recently, politicians from almost all denominations have joined the choir calling for reform, with The Green Party taking the lead in writing a new draft initiative<sup>300</sup>. In January 2012, the Minister of the Interior announced a proposal for reform. However, with the Dutch government first refusing to ratify the Treaty of Tromsø<sup>301</sup> on access to documents, and then being toppled over austerity matters in April, apprehension on the direction of the reform within the journalism community was tangible.

Due to the long response time allowed by the current FOI law, the 'Wob' is used relatively little by journalists at the moment, with only 8 requests per 100,000 inhabitants. Another impediment to a wider use is the opaqueness of the grounds for refusal of information, and the haphazard way in which government documents are archived by the different governing bodies<sup>302</sup>. One journalist in 2011 has taken a fight over municipalities charging for FOI requests to the ECtHR, with no court date set yet.

The courts in the Netherlands uphold protection of sources, with very few cases even going to court. Grounding this principle in the law, however, cannot count on a majority in parliament, nor do initiatives working towards a formal whistle-blowing act.

The Netherlands, on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>303</sup>, moved from shared 1<sup>st</sup> place into 3<sup>rd</sup> position, though no explicit reasons for the drop are given and therefore it may be due to the different scoring methodology of the 2011/2012 Index. RSF rates the

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<sup>296</sup> M. Agerbeek, *Een nieuwe impuls voor onderzoeksjournalistiek*. (Amsterdam, 2011), <http://www.vvoj.nl/cms/2011/09/30/vvoj-studie-potentie-voor-onderzoeksjournalistiek-maar-geen-strategie/>.

<sup>297</sup> [www.fondsbjp.nl/](http://www.fondsbjp.nl/)

<sup>298</sup> [www.stimuleringsfondspers.nl/](http://www.stimuleringsfondspers.nl/)

<sup>299</sup> [www.minbzk.nl/bzk2006uk/subjects/constitution-and/publications/4327/act-on-public-access](http://www.minbzk.nl/bzk2006uk/subjects/constitution-and/publications/4327/act-on-public-access)

<sup>300</sup> <http://nieuwewob.nl/>

<sup>301</sup> <http://conventions.coe.int/Treaty/en/Treaties/html/205.htm>

<sup>302</sup> M. Smit (ed.), *Een muur van rubber. De Wob in de journalistieke praktijk*. (Diemen, 2009), p 67-69.

<sup>303</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

Netherlands continuously up in the top-3 when it comes to press freedom. According to Freedom House, '[j]ournalists in the Netherlands practice self-censorship, particularly over sensitive issues such as immigration and religion; this has increased since the 2004 murder of the controversial filmmaker Theo van Gogh<sup>304</sup>. This however is a notion that this report cannot subscribe to, due to lack of research into the matter since 2007<sup>305</sup>.

## **Poland**

After the fall of communism in 1989, the Polish media landscape changed, with the most important developments being privatisation of the sector, transformation of state radio and television into public broadcasting organisations financed through licensing fees and controlled by a government body<sup>306</sup>, licensing of private broadcasters, and an influx of foreign capital into the Polish media market. It is fully commercialized, with a journalism tradition rooted in the lively underground press (over 1,500 publications) from the communist era. The public and private press are still aligned with political factions.

The two largest dailies are tabloid paper *Fakt*<sup>307</sup> (circulation of over 630,000 in 2009, owned by German Springer company) and the well-respected *Gazeta Wyborcza*<sup>308</sup> (close to 250,000 copies in 2012<sup>309</sup>, its owner Agora also owns radio stations, magazines and a free daily). Other large dailies are *Dziennik*<sup>310</sup> and *Rzeczpospolita*<sup>311</sup>. The many small-sized newspapers are sensitive to commercial pressure, often an obstacle to investigative journalism. Some weeklies, such as *Polityka*<sup>312</sup>, *Wprost*<sup>313</sup>, *Newsweek Polska*<sup>314</sup> and *Uwazam Rze*<sup>315</sup> publish more long form and in-depth stories, though seldom original investigations on European topics. Foreign media companies own approximately 80% of the Polish print press; Polish company Agora SA owns *Gazeta Wyborcza*.

Polish public radio and TV are owned by the state Treasury (which also owns press agency PAP): Polskie Radio (PR) S.A.<sup>316</sup> and Telewizja Polska (TVP) S.A.<sup>317</sup>, with five radio and three TV channels. Public TV is still very popular and influential, with over 50% of the audience, but prone to political whims<sup>318</sup>. Catholic radio station Radio Maryja<sup>319</sup> may hold a small audience of about 2%, but is with its orthodox catholic programming still the third most popular in the country. Web portal Salon24.pl<sup>320</sup> has initiated citizen journalism in the country.

According to contributors to this report, investigative reporting is suffering at the moment, with editors in chief not wanting to spend much time and money on it. EU topics are not on the radar. In an attempt to raise the level of investigative reporting, Poland's professional investigative

<sup>304</sup> <http://www.freedomhouse.org/report/freedom-press/2011/netherlands>

<sup>305</sup> Mirjam Prenger (ed.), *Een selectieve blik. Zelfcensuur in de Nederlandse journalistiek*, (Amsterdam, 2007)

<sup>306</sup> Krajowa Rada Radiofonii i Telewizji (<http://www.krrit.gov.pl/en/>)

<sup>307</sup> <http://www.fakt.pl/>

<sup>308</sup> <http://wyborcza.pl/0,0.html>

<sup>309</sup> <http://www.teleskop.org.pl/zkdp/index.jsp?p=publicData>

<sup>310</sup> <http://www.dziennik.pl/>

<sup>311</sup> <http://www.rp.pl/>

<sup>312</sup> <http://www.polityka.pl/>

<sup>313</sup> <http://www.wprost.pl/>

<sup>314</sup> <http://www.newsweek.pl/>

<sup>315</sup> [www.uwazamrze.pl](http://www.uwazamrze.pl)

<sup>316</sup> <http://www.polskieradio.pl/>

<sup>317</sup> <http://www.tvp.pl/>

<sup>318</sup> For instance, in 2009 its president changed four times. Hume, E., *Caught in the Middle: Central and Eastern European Journalism at a Crossroads*, (CIMA, 2011), p. 55.

<sup>319</sup> <http://www.radiomaryja.pl/>

<sup>320</sup> <http://www.salon24.pl/>. The website considers itself the *Huffington Post* of Poland.

association, Foundation for Reporters was founded in 2010. Fundacja Reporterow's<sup>321</sup> initial activities are conferences and a cross-border award.

The Polish constitution<sup>322</sup> guarantees the right of access to public information. The practical details are regulated in the law of 2001. The 1984 Polish Press Law regulates protection of journalists' sources (except when national security and murder are at stake), but also requires the press to publish corrections of untrue or inaccurate information. The country also has a press freedom monitoring commission where violations of press freedom are reported.

Poland, on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>323</sup>, climbed to 24<sup>th</sup> position up from 32<sup>nd</sup>. This is a continuation of the steady climb over the last years. This may be due to a reduction of the maximum prison sentence for libel, as was implemented by law mid 2010. But libel and some forms of insult—including defamation of public officials or the state, and statements that offend religious beliefs—remain criminal offenses punishable by fines and prison sentences. Freedom House calls the Polish culture of journalism still 'highly partisan'<sup>324</sup>.

## **Portugal**

Portugal has only known a free press since the Carnation Revolution of April 25, 1974, when the dictatorship was ousted. For several decades after that, investigative reporting boomed, according to a 2005 study<sup>325</sup>. Parts of the media were nationalized and party-affiliated, but there were so many media outlets that different voices could be heard and audiences were eager and enormous.

As in many countries, the Portuguese media over the last years have felt the impact of the financial crisis, with advertising losses, downsizing of print circulation, and declining readership. Still, despite its small language area within the EU, Portugal has six main national newspapers, four dailies and four weeklies. One national newspaper was created in the midst of the economic crisis: *i*<sup>326</sup> newspaper, with its magazine style front page and a thriving website was launched in May 2009.

Six large media groups control most of the news outlets in the country, all of them with, to at least some extent, foreign-held capital. Most widely read are the dailies *Jornal de Notícias*<sup>327</sup>, *Diário de Notícias*<sup>328</sup> and *Correio da Manhã*<sup>329</sup>, and the weekly *Expresso*<sup>330</sup>.

There are around 300 local and regional private radio stations; *Radio Renascença*<sup>331</sup>, which is run by the Catholic Church, has the highest audience. Commercial networks SIC<sup>332</sup> and TVI<sup>333</sup> have been making gains in audience (though not automatically financially) in recent years, providing serious competition for the government-funded public broadcasting channels RTP1 and RTP2<sup>334</sup>.

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<sup>321</sup> <http://fundacjareporterow.pl/?lang=en>

<sup>322</sup> <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>

<sup>323</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>324</sup> <http://www.freedomhouse.org/report/freedom-press/2011/poland>

<sup>325</sup> Van Eijk et al, *Investigative Journalism in Europe*, (Amsterdam 2005), p. 146.

<sup>326</sup> <http://www.ionline.pt/>

<sup>327</sup> <http://www.jn.pt/>

<sup>328</sup> <http://www.dn.pt/inicio/default.aspx>

<sup>329</sup> <http://www.cmjornal.xl.pt/>

<sup>330</sup> <http://expresso.sapo.pt/>

<sup>331</sup> <http://rr.sapo.pt/>

<sup>332</sup> <http://sic.sapo.pt/>

<sup>333</sup> <http://www.tvi.iol.pt/>

<sup>334</sup> <http://www.rtp.pt/homepage/>

According to the new government (coalition PSD/CDS) one of the public TV channels will be sold to the private sector before the end of 2012. The state also partly owns press agency Lusa<sup>335</sup>, which is transforming itself into a multimedia news agency, and seven radio stations.

Investigative reporting is lacking in most of the general media, according to contributors to this report. There is no journalists' association providing training or networking, the only center specifically aiming at media training (CENJOR<sup>336</sup>) teaches journalism classes, but not resulting in a larger investigative output yet. 'In a country where institutions do not work there is no reason journalism would be the exception, obviously', said one of the respondents to the study. Occasional investigative work has a national scope, with the exception of individual journalists contributing to investigative cooperatives as the International Consortium of Investigative Journalists ICIJ.

According to Freedom House, 'Portugal passed an access to information law in 2003, which is in effect in addition to the 1993 Law of Access to Administrative Documents'<sup>337</sup>. But Wobbing.eu found no proof of active use of FOI laws. Contributors to this report seldom notice use of documents as a tool for building proof in (investigative) stories. 'The Law and the institution (CADA) created to allow access to administrative documents exist, but the opacity remains a reality. Most public institutions refuse to disclose even innocuous documents. The cult of secrecy is a reality still today,' one reporter remarked. Also, the law allows anyone the right of denial of a report, which the press has to publish, even if the basis of the denial is sketchy.

Portugal slightly moved up on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>338</sup>, from 40<sup>th</sup> to 33<sup>rd</sup> position, therewith breaking a downward trend and showing that an economic crisis doesn't automatically mean infringement on press freedom, as is the case in Greece. But due to strong political affiliation of media owners and editors in chief, there is doubt about true independence amongst critical journalists.

## **Romania**

Over the twenty years of Romania's transition from communism to a more democratic society, the country has seen the media landscape go through several stages, moving from domination by the state, then by prominent journalists, subsequently by multimedia companies to the current reign of five large national media owners<sup>339</sup>, sometimes described as 'media moguls'<sup>340</sup>. With literally thousands of papers and magazines springing up after the transition in 1989, today the media landscape is one of fast shrinking advertisement resources, many papers and outlets closing (between 2008 and 2010 over 6,000 journalists lost their jobs and 60 publications shut down<sup>341</sup>), strong competition for few readers, 'entertainisation' of content, and political and industrial interests being felt in every corner of the work field. The problematic media ownership leads to a lack of resources for investigative journalism and relevant information, according to contributors to this report. 'The media oligarchs have resources and money to disseminate propaganda, and they

<sup>335</sup> <http://www.lusa.pt/default.aspx?page=home>

<sup>336</sup> <http://www.cenjor.pt/>

<sup>337</sup> <http://www.freedomhouse.org/report/freedom-press/2011/portugal>

<sup>338</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>339</sup> Ghinea, C. and Mungiu-Pippidi, A., *Media policies and regulatory practices in a selected set of European countries, the EU and the Council of Europe: The case of Romania*. (Mediadem, 2010), p. 5. Available digitally at <http://www.mediadem.eliamep.gr/findings/>

<sup>340</sup> *ibid.*, p 16.

<sup>341</sup> Ganea, L., Popa, M., Ursulean, V., *Press freedom in Romania 2010*, FreeEx Report by ActiveWatch (Bucharest 2010), p. 9. Available digitally at <http://www.activewatch.ro/stiri/FreeEx/Rapoarte-anuale-FreeEx-79.html>

pay very good salaries to their employees, but not for independent journalists or in-depth explanatory reporting.<sup>342</sup>

Despite the crisis, one can still see the remnants of what once was a chock-full media landscape. Bucharest still has about 20 daily newspapers (though most are very small), and other cities aren't one-paper towns either. But most of the papers are far from self-sustaining. *Click*<sup>343</sup> and *Libertatea*<sup>344</sup>, both considered 'yellow press', are the largest dailies (with about 250,000 and 200,000 copies in 2010 respectively), former communist bulwark *Adevarul*<sup>345</sup> coming in third, and more quality papers as *Evenimentul Zilei*<sup>346</sup> printing as little as 30,000 copies<sup>347</sup>.

Foreign investment, once prominent in the Romanian media market, has all but left (with only Swiss Ringier owning some, mainly women's and children's magazines and a paper), and the local newspaper market is even more tied to local business interests than the national market. Commercial radio and TV are still sometimes foreign-owned, with usual players such as the German media group Pro Sieben/Sat 1, but also here, local interest has taken over, with 'extreme fragmentation, politicisation and preferential arrangements between the owners and the state'<sup>348</sup> as a result.

Romanian public radio and TV (TVR)<sup>349</sup> are financed by the state as well as through advertisement, and political appointments make management unstable. In the meantime, the audience has moved to commercial news and entertainment channels, leaving TVR 1, the company's flagship a meagre 4<sup>th</sup> place in prime time viewership with about a quarter of the audience of the most popular channel, PRO TV (owned by American investor CME, with an entertainment format). In the last few years, all-news channels Realitatea TV<sup>350</sup> (owned by Realitatea-Catavencu) and Antena 3<sup>351</sup> (owned by Intact) battle for the TV news consumer, each with its own political bias. However, the appearance of all-news networks has led to some investigative reporting on TV, mostly from Realitatea TV. Not always to applause of the business community: as recent as late May 2012, one of the stations' investigative reporters was attacked in his apartment building, because of, he claimed, his research into corruption<sup>352</sup>.

During the time when prominent journalists were leading the media (roughly between 1995 – 2000), innovative and mostly independent newspapers like *Evenimentul Zilei* and truly independent TV station Pro TV provided with a climate favourable to critical and in-depth reporting. But that changed around the turn of the millennium. It was no surprise though, that journalists coming from *Evenimentul Zilei* made the next step in the development of investigative reporting.

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<sup>342</sup> S. Candea, director of CRJI, interviewed for this report, May 10, 2012.

<sup>343</sup> <http://www.click.ro/>

<sup>344</sup> <http://www.libertatea.ro/>

<sup>345</sup> <http://www.adevarul.ro/>

<sup>346</sup> <http://www.evz.ro/index.html>

<sup>347</sup> All figures coming from 2010 reports from BRAT, the Audit Bureau of Circulations, [www.brat.ro](http://www.brat.ro). This is the only more or less reliable source for circulation statistics, for Romanian papers highly inflate their circulation for competitive reasons. With special promotion campaigns, circulation may suddenly seem to jump up by the 100,000s, but after such a campaign, little of that readership is left. BRAT calculates average readership, disregarding this inflation.

<sup>348</sup> Ghinea, C. and Mungiu-Pippidi, A., *Media policies and regulatory practices in a selected set of European countries, the EU and the Council of Europe: The case of Romania*. (Mediadem, 2010), p 12.

<sup>349</sup> <http://www.tvr.ro/>

<sup>350</sup> <http://www.realitatea.net/>

<sup>351</sup> <http://www.antena3.ro/>

<sup>352</sup> <http://www.freemedia.at/home/singleview/article/romanian-journalist-attacked.html>



The Romanian Centre for Investigative Journalism CRJI<sup>353</sup> was founded in 2001 by four journalists disgruntled with the paper leaning more towards its business interests than its obligations to the readers to provide unbiased news coverage<sup>354</sup>. After two years of setting up the new NGO, they quit their jobs at the paper and started publishing their stories on the Internet. The centre's main goal today is to enhance the quality of investigative journalism in the country, through investigations into organized crime, media, human rights abuses, networks of power, the environment, resources, energy and sports. Members of the centre work on investigative stories but also cooperate on projects with other media outlets or NGOs<sup>355</sup>. The centre provides targeted training, focusing on investigative techniques. The centre is run independent of local financing resources, relying on donations, funds and grants (largely from abroad) and has become a backbone to the small but very productive investigative journalism community in Romania. Stories often have a cross border angle, dealing with issues of importance to a wider region than Romania alone.

Romania introduced its law regarding free access to public interest information in 2001. The public has the right to ask for information, and the government has the explicit obligation to make it available.<sup>356</sup> Journalists regularly use Romania's freedom of information law to obtain public records, but bureaucratic obstacles and uneven enforcement have been experienced<sup>357</sup>.

Romania slightly moved up on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>358</sup>, from 52<sup>nd</sup> to 47<sup>th</sup> position. But investigative reporters within the country don't perceive press freedom to be much greater than last year: appointments to several media and the National Council of Broadcasting are still politicized, media ownership lies firmly with a small group of powerful businessmen or with two foreign companies, and journalists working at public TV still complain of political parties' meddling with editorial policies<sup>359</sup>. As experts contend, there is no problem with the legal framework for press and media freedom in Romania, 'but enforcement is often defective. Social and political attitudes threaten freedom of expression more than the law or public institutions.'<sup>360</sup> For reporters, this leads to self-censorship and a lack of interest in complex stories such as tracking EU spending in the country.

## **Slovakia**

In 1993, Czechoslovakia became two countries that share a media tradition at least up till the 'Velvet Revolution' of 1989. Mass media were controlled by the state, which was controlled by the Communist Party. 'Puppet' political parties existed, some of which had censored periodicals with limited circulation. Due to cultural, historical and language reasons, there wasn't a substantive federal daily written press with a large readership, but there was a national (state-wide) TV and radio broadcaster (besides separate Czech and Slovak channels).

Slovakia has about 20% minorities, about half of them Hungarian.

<sup>353</sup> <https://www.crji.org/>

<sup>354</sup> <http://www.nieman.harvard.edu/reports/article/102576/Establishing-the-Romanian-Center-for-Investigative-Journalism.aspx>

<sup>355</sup> See **Chapter 4** on the focus countries for an example of such cooperation.

<sup>356</sup> An overview of case law and guidelines can be found here: <http://www.apador.org/en/index.htm>

<sup>357</sup> <http://www.freedomhouse.org/report/freedom-press/2011/romania>

<sup>358</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>359</sup> <http://www.freedomhouse.org/report/freedom-press/2011/romania>

<sup>360</sup> Ghinea, C. and Mungiu-Pippidi, A., *Media policies and regulatory practices in a selected set of European countries, the EU and the Council of Europe: The case of Romania*. (Mediadem, 2010), p. 23.

In contrast with the past, Slovaks are not avid newspaper readers. Foreign publishing houses dominate the market, with Swiss Ringier Slovakia selling the best-read tabloid *Nový Čas*<sup>361</sup> (*New Times*, about 120,000 copies in 2012), some weeklies and monthlies, none with an investigative angle though. *Plus 7 dní*<sup>362</sup> (*Plus Seven Days*, sold 140-150,000 copies in 2010) is a weekly with some investigative stories, and is Slovakian-owned. The third largest publisher is the partially German-owned Petit Press, that publishes about 30 regional and national publications, one of which is the quality daily *Sme*<sup>363</sup>, the source of quite a few investigative stories on EU funding and spending. Another relatively small daily, *Hospodarske noviny*<sup>364</sup>, also spends resources on investigations.

The most popular radio station is a commercial one with an entertainment format. Still important in news and current affairs is public service broadcaster Rozhlas a televízia Slovenska (RTVS) with two television stations and nine radio channels<sup>365</sup>. The two most popular TV channels are privately owned Markíza (with the most watched news programme *Televízne noviny*) and Joj. Public TV channel Jednotka, one of the two available public channels<sup>366</sup> that have some news and a current affairs format, comes in third. There is a specialized news channel, *TA3*<sup>367</sup>, with a small viewership. Slovakia has a state-sponsored and controlled public news service and a privately owned news agency.

Slovakian journalists take on investigations on an ad hoc basis, mainly focussing on national topics. However, compared to neighbouring countries, still quite a few stories on appropriation of EU funds could be found, though they often start with announcements by government agencies.

The long-discussed Press and News Agency Act of 2008 (amended in 2011) regulates the right to reply and right to correction, and re-introduces the journalist's right to protection of sources. The Slovak Syndicate of Journalists (*Slovenský Syndikát Novinárov*)<sup>368</sup>, the largest journalists organisation which has, however, a low reputation, provides the profession with a code of ethics binding to all journalists and publicists. Some media companies have additional ethical rules.

Freedom House notes that 'Slovakia's decade-old Act on Free Access to Information allows anyone to demand information from state and other established agencies, including for example municipalities, and receive an answer within eight days, with noncompliant officials subject to potential fines'<sup>369</sup>. NGOs, interested citizens or, indeed, journalists use the tool in Slovakia.

Slovakia moved up on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>370</sup>, from 35<sup>th</sup> to 25<sup>th</sup> position. RSF explains that '[r]elations between the government and media have improved somewhat in Slovakia (25th) since Robert Fico, who was heavy-handed in his methods and crude in his language with journalists, ceased to be prime minister'<sup>371</sup>. Freedom House adds that 'Slovakia was credited for having adopted legislation designed to shield the press from political intimidation'.<sup>372</sup> However, with the banning of an investigative book on government corruption in February 2012, and with the return of Fico's SMER party into a single-party government in April-

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<sup>361</sup> <http://www.cas.sk/>

<sup>362</sup> <http://www.pluska.sk/plus-7-dni/>

<sup>363</sup> <http://www.sme.sk/>

<sup>364</sup> <http://hnonline.sk/>

<sup>365</sup> <http://www.rozhlas.sk/>

<sup>366</sup> <http://www.stv.sk/>

<sup>367</sup> <http://www.ta3.com/>

<sup>368</sup> <http://www.mediahit.sk/>

<sup>369</sup> <http://www.freedomhouse.org/report/freedom-press/2011/slovakia>

<sup>370</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>371</sup> RSF Press Freedom Index, page 3.

<sup>372</sup> [http://www.freedomhouse.org/sites/default/files/inline\\_images/FIW%202012%20Booklet--Final.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/FIW%202012%20Booklet--Final.pdf), p. 7.

May 2012, respondents to this study doubt whether the upward move will become a trend.

## Slovenia

Slovenia was part of Yugoslavia before breaking away in 1991. The country has since then transformed into a western-style democracy, implying profound changes to the media landscape with a privatization of newspapers and weeklies and less political control over media outlets as the most noticeable changes. However, this decline of political affiliation in the media seems, according to journalists working in Slovenia, somewhat 'cosmetic', with an immediate impact on the climate for investigative reporting in the country. They remark that support for investigative journalism at the major Slovene media remains 'on a verbal level only and is not implemented in practice' with investigations being not much more than passing on leaked information from political parties, PR and advertising companies or secret services to the audience.

Slovenia, with its population of barely over 2 million, is a small market with hardly any distinction between national, regional and local media. There were eight daily newspapers in 2010, with a total circulation of 260,000 copies and a readership of 1.1 million people. One company owns the widely read daily broadsheet *Delo*<sup>373</sup>, second largest daily *Vecer*<sup>374</sup> and tabloid *Slovenske novice*<sup>375</sup>, making up for more than half of this readership. The free daily *Žurnal24*<sup>376</sup> has an audience of over 260,000. High-level political weekly *Mladina*<sup>377</sup> attracts around 60,000 readers.

RTV Slovenia<sup>378</sup> is the public broadcaster evolving from the state-controlled network of TV and radio stations from the Yugoslav era. It holds eight radio stations, three national TV channels (with one dedicated to parliament sessions) and two regional channels. Also, over 70 commercial radio broadcasters cover the country, with Radio Ognjišče<sup>379</sup>, owned by the Roman Catholic Church claiming the largest listenership. However, a single company, Infonet Media, owns 21 commercial radio stations<sup>380</sup>. Remarkably, there is little or no foreign radio ownership in the country, but the largest commercial TV stations are all foreign-owned.

As mentioned above, there is little investigative reporting in the regular media. The few reporters that do some digging tend to publish books. Some articles and programs in the past mentioned misappropriation of EU funds, but usually as a minor part of other corruption cases or scandals. These stories were typically based on leaked information from investigations by the police, the national court of auditors or the anti-corruption commission, but were not a result of exclusive journalistic enterprise. When Farmsubsidy.org gained access to agricultural data, some stories made it into the Slovenian media due to the persistence of one reporter attending a farm subsidy data project.

Two Slovenian laws are relevant for getting access to documents: the Freedom of Information Act of 2005<sup>381</sup>, provided by the Information Commissioner. Another piece of legislation that can affect access to information is the law on re-use of public information, based on the EU's PSI directive.<sup>382</sup>

<sup>373</sup> <http://www.delo.si/>

<sup>374</sup> <http://www.vecer.si/>

<sup>375</sup> <http://www.slovenskenovice.si/>

<sup>376</sup> <http://www.zurnal24.si/>

<sup>377</sup> <http://www.mladina.si/>

<sup>378</sup> <http://www.rtvlo.si/>

<sup>379</sup> <http://radio.ognjisce.si/>

<sup>380</sup> <http://www.infonet.fm/>

<sup>381</sup> <https://www.ip-rs.si/index.php?id=324>

<sup>382</sup> <https://www.ip-rs.si/index.php?id=263>

Slovenia moved up ten places on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>383</sup>, from 46<sup>th</sup> to 36<sup>th</sup> position. RSF does not explain the jump, however, and investigative reporters in the country dispute this notion of greater press freedom. With articles 170 and 171 of the Slovenian Criminal Code on defamation and injurious accusation often being invoked against journalists who publish damaging claims about political figures<sup>384</sup>, there seems no warrant for this rise in ranking. Additionally, a right to corrections is still in the legislation, sometimes forcing media to publish 'corrections' to critical articles even longer than the original publication, thus hindering editorial independence. Journalists see signs of media freedom taking a change for the worse this coming year, with growing influence of Eastern European autocrats over the new government<sup>385</sup>, political appointments at many government bodies such and mounting attacks on for instance the governor of the central bank. With the close ties between media owners and political parties, the work field fears the 'politisisation' of the media is likely to follow.

## **Spain**

Since 2008, the economic crisis has impacted all kinds of Spanish media, both newspapers (national and regional) and TV. Stagnation of circulation turned into decline, and a sharp fall of advertising revenues occurred<sup>386</sup>, at quality newspapers alone in 2009 totaling a drop of 34%. With this came a drop in newsroom budgets and a large number of layoffs. The 4<sup>th</sup> largest paper (*Público*<sup>387</sup>) stopped its paper edition; there were two large media mergers and several broadcasting media already closed down. Since the end of 2008, 6,234 Spanish journalists lost their jobs, with a total of 57 publications closing<sup>388</sup>.

Spain's most read newspaper is the sports daily *Marca*<sup>389</sup>. The country still holds a range of quality newspapers publishing investigative stories (though not all to the same extent), with the national papers *El País*<sup>390</sup> and *El Mundo*<sup>391</sup> (the only paper with a special investigative team) leading and *ABC*<sup>392</sup> and *La Razón*<sup>393</sup> following. Also, large regional papers such as *La Vanguardia*<sup>394</sup> (Barcelona), *El Periódico*<sup>395</sup> (Barcelona), *El Correo*<sup>396</sup> (Basque region) and *La Voz de Galicia*<sup>397</sup> (La Coruña), sometimes take on investigations.

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<sup>383</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>384</sup> <http://www.freedomhouse.org/report/freedom-press/2011/slovenia>, only recently were two Slovenian journalists openly threatened for a series of well-documented books and a documentary on high-level government corruption in an arms sale. The government didn't renounce the threats, which didn't surprise the journalism community as government itself was accused of corruption in the books and documentary.

<sup>385</sup> <http://euobserver.com/24/115692>

<sup>386</sup> According to data of the employer's organisation of newspapers publishers, Asociación de Editores de Diarios Españoles (AEDE), in 2007 advertising revenues of print media was €1,461 million, in 2011 €729.7 million, 50% less (Libro blanco de la prensa diaria 2012 -AEDE's annual report- see: <http://www.prnoticias.com/index.php/prensa/59-prensa-pr-/20110579-los-diarios-pierden-mas-de-700-millones-en-publicidad-y-reducen-sus-ingresos-en-mil-millones-desde-el-comienzo-de-la-crisis>).

<sup>387</sup> <http://www.publico.es/>

<sup>388</sup> according to the Spanish Federation of Journalists' Associations, <http://www.abs-cbnnews.com/business/05/02/12/spanish-media-crushed-economic-crisis>

<sup>389</sup> <http://www.marca.com/>

<sup>390</sup> <http://elpais.com/>

<sup>391</sup> <http://www.elmundo.es/>

<sup>392</sup> [www.abc.es](http://www.abc.es)

<sup>393</sup> [www.larazon.es](http://www.larazon.es)

<sup>394</sup> [www.lavanguardia.com](http://www.lavanguardia.com)

<sup>395</sup> <http://www.elperiodico.com/es/>

<sup>396</sup> <http://www.elcorreo.com/>

<sup>397</sup> [www.lavozdeg Galicia.es/](http://www.lavozdeg Galicia.es/)

But the media in Spain —many of them subsidized by the central and regional governments— are the main battlefield of the political parties' struggle. As a result, investigative journalism in the papers is often 'hijacked' by party politics.

Magazines (except from the 'Corazón' or gossip magazines) are small in circulation; of the few news magazines only three (*Interviú*<sup>398</sup>, *Tiempo*<sup>399</sup> and *Época*<sup>400</sup>) regularly conduct investigations.

Broadcasting is extremely fragmented. Apart from the public broadcaster RTVE<sup>401</sup> (with radio division Radio Nacional de España RNE) and four commercial networks, the country has 12 regional public TV networks and more than 2,500 radio stations (mainly commercial). Only incidentally do the audio-visual media in Spain produce investigative pieces. And when they do, they often rely heavily on undercover footage. This may change under new regulations that only allow undercover footages with a very strong motive.

Internet use is catching up with other European countries but still relatively low. El mundo.es and Elpais.es, the online version of the national newspapers, are the best developed, but some regional papers, such as *Diario Vasco*<sup>402</sup>, are publishing critical and more in-depth stories. Specialised blogs on certain topics enjoy high readership, but though they are run professionally, they don't usually cover investigative stories. *The Huffington Post Spain* is planned to be launched in June 2012, and is expected to publish investigative pieces.

Investigative journalism in Spain has a short history, while during the Franco era there was no room for critical journalism in the country. After Franco's death, the early 80s saw a flurry of stories, with both TV and newspapers starting investigative teams. Areas of interest were mainly terrorism, ETA and party politics. In the 90s, teams were dismantled and investigative journalism became a skill of individualists<sup>403</sup>, which still is the case today. And with the yellow press using the word 'investigación' for gossip stories, those who research rather call their endeavours 'periodismo de calidad' (quality journalism).

Investigative reporting in Spain in general depends heavily on documents from court cases. Court records are leaked to reporters, who then summarize the findings and narrate them in the article. There is neither an investigative centre or association of investigative journalists, nor are there many fulltime investigative reporters. Trade unions focus on working conditions and providing the basic skills such as Word, Photoshop etc., not on raising the standard of the trade through investigative training. Universities teach undergraduate courses in journalism, but none focus specifically on investigative methods and techniques yet. However, in the academic year 2012-13, the journalism school of the Unidad Editorial group (of newspaper *El Mundo*) and the Madrid-based Universidad Rey Juan Carlos will launch a pioneering masters degree on investigative reporting, data driven journalism and transparency<sup>404</sup>.

Spain doesn't have an open records law yet. A draft bill on 'transparency, access to public information and good governance'<sup>405</sup> was passed by the Council of Ministers on 27 July 2012, and

<sup>398</sup> <http://www.interviu.es/>

<sup>399</sup> [www.tiempodehoy.com](http://www.tiempodehoy.com)

<sup>400</sup> <http://www.epoca.es/>

<sup>401</sup> <http://www.rtve.es/>

<sup>402</sup> <http://www.diariovasco.com/>

<sup>403</sup> Casal Cortizas, F. M., *El periodismo de investigación asistido por ordenador y de precisión aplicado a la prensa local y regional: el contraste entre Estados Unidos y un modelo de futuro para Galicia*. (Universidad Complutense de Madrid, Facultad de Ciencias de la Información, 2005).

<sup>404</sup> <http://www.escuelaunidadeditorial.es/master-periodismo-de-investigacion.html>.

<sup>405</sup> <http://www.leydetransparencia.gob.es/anteproyecto/index.htm>

will have to be debated in Parliament in the fall. The text of the draft bill has not been made public. This is the first real attempt by any Spanish government to issue a law in this regard, but the relative secrecy around the content keeps watchdogs and the interested public on its toes<sup>406</sup>.

The lack of a FOI law highly influenced investigative journalism in the country, which was mainly based on sources (police, court officials, politicians) and leaks. Recently, Fundación Ciudadana Civio<sup>407</sup> was started; a foundation that uses technology and data journalism to promote transparency and better governance. It is financed through outside donations, crowd funding and the training of journalists. Recent projects included the website *Tu Derecho A Saber*<sup>408</sup>, an online platform launched in March 2012, which archives information requests from the Spanish citizens and comments on matters pertaining to FOI.

Spain stayed in 39<sup>th</sup> place on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>409</sup>. This may be caused by a lack of spectacular improvements such as were seen in 2010, when a 13-year-old libel case against a reporter was finally quashed by the European Court of Human Rights and journalists of Spain's only Basque-language newspaper were acquitted of having ties with separatist movement ETA<sup>410</sup>. To the detriment of Spain, in 2011, journalists were convicted of putting documents on political funding online, with the judge stating that the Internet is not a mass medium.

## **Sweden**

Sweden still has a strong newspaper market, with most of the around 164<sup>411</sup> papers being regional by orientation, and over 60% appearing six or seven times a week. Truly national are two daily tabloids and a business paper, but large city papers like *Dagens Nyheter*<sup>412</sup> (339,000 copies in 2008) in Stockholm, and to a lesser extent *Göteborgs-Posten*<sup>413</sup> (243,000) in Göteborg, and *Sydsvenskan*<sup>414</sup> (124,000) in Malmö have a (inter)national focus. Considered quality papers published seven days a week, these three cover a quarter of the total newspaper circulation, and publish investigative stories on different topics. The two large daily tabloids *Aftonbladet* and *Expressen* focus on crime, entertainment and sports, but they also publish investigative stories from time to time. Free tabloids were a Swedish invention, but *Metro* is losing readers worldwide.

Public radio and TV still rule the airwaves, with Sveriges Radio<sup>415</sup> hosting four (one with a news format) and Sveriges Television<sup>416</sup> hosting eight<sup>417</sup> channels (with SVT24 having a news and current affairs format). TV4<sup>418</sup> is the largest commercial station. Unlike in many other European countries, Swedish public TV and radio and commercial broadcaster TV4 host investigative series, both with a high level of enterprise reporting. Programs like 'Uppdrag granskning' (Assignment Investigation, SVT)<sup>419</sup>, 'Kalla Fakta' (Cold facts, TV4)<sup>420</sup> and 'Ekot' (Echo, SVradio)<sup>421</sup> produce internationally

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<sup>406</sup> <http://www.access-info.org/en/spain-coalicion-pro-acceso>, link retrieved August 3, 2012.

<sup>407</sup> <http://civio.es/>

<sup>408</sup> <http://tuderechoasaber.es/>

<sup>409</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>410</sup> <http://www.freedomhouse.org/report/freedom-press/2011/spain>

<sup>411</sup> [http://www.ts.se/Pdf/Upplagestatistik/dags\\_11\\_25feb\\_topplistor.pdf](http://www.ts.se/Pdf/Upplagestatistik/dags_11_25feb_topplistor.pdf)

<sup>412</sup> <http://www.dn.se/>

<sup>413</sup> <http://www.gp.se/>

<sup>414</sup> <http://www.sydsvenskan.se/>

<sup>415</sup> <http://sverigesradio.se/>

<sup>416</sup> <http://svt.se/>

<sup>417</sup> [http://svt.se/2.7830/about\\_svt](http://svt.se/2.7830/about_svt)

<sup>418</sup> <http://www.tv4.se/>

<sup>419</sup> <http://svt.se/ug/>



acclaimed stories on a wide range of (international) topics. This being the case, combined with the fact that Sweden is a long-time member of the European Union, it is interesting to note that only a few stories on (mis)appropriation of EU funds came up. One respondent to the report remarked 'I think Swedish journalists did more stories on EU and EU corruption ten years ago than what they do today. Whether it's due to the cutbacks in Swedish Media or pure laziness I don't know. Some types of stories get in and out of fashion, and right now it's not fashionable to do investigations in this field.'

Based on the American example of Investigative Reporters and Editors, Swedish IRE-members in 1990 founded Föreningen Grävande Journalister<sup>422</sup> (Association for Investigative Journalism) to host a national seminar on investigative journalism. It has around 800 members today, and some 800 journalists annually attend the Gräv conference. Gräv provides training and in-company instruction.

Though one can call Sweden a country with a long and strong investigative tradition, the financial crisis hits media here too. Where investigative teams used to be abundant till some years ago, today digging is more an individual activity, and the number of investigations is declining somewhat. Size of a medium doesn't matter much in deciding whether to engage in in-depth reporting, and the last couple of years, the number of entries for the investigative awards has increased. True international focus is rare, though, and investigating Europe, as said, seems to fall off the news radar almost entirely. With the exception of individual journalists, as the work of some on cross-border investigations carried out by for instance the International Consortium of Investigative Journalists proves. One of the main editors of ICIJ's investigation into (also EU) fish subsidies<sup>423</sup> was a Swedish TV producer.

Sweden has the world's oldest freedom of information law, established in 1766. The Swedish Press Freedom Act (Tryckfrihetsförordning<sup>424</sup>) was amended in 1949 and 1976. In its chapter 2, it guarantees citizens access to official information. The Swedish FOI act is so transparent, the EU Commission questioned it in a case against Monsanto on 10-10-2007. The government then asked a parliamentary committee to review the act, to check whether it was still up to date in times of changing media types. For fear of weakening citizens' rights to access, the committee decided to keep the act as it is<sup>425</sup>. 'The committee was asked to reinvent the wheel, so it did and decided to give it a round shape,' commented parliamentarian Funcke, one of the secretaries of the committee<sup>426</sup>.

Sweden dropped 11 places on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>427</sup>, from shared 1<sup>st</sup> place to 12<sup>th</sup> position. RSF does not explain the drop other than stating that in the survey this year some more negative indications were scored in order to differentiate more between the countries. Freedom House places the drop in press freedom already one year earlier, stating '[f]reedom of the press declined in Sweden in 2010, with a rise in political censorship and a terrorist attack'<sup>428</sup>. To investigative reporters in Sweden, though, the country's press climate doesn't seem to be more or less free than in other years.

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<sup>420</sup> [http://www.tv4.se/kalla\\_fakta](http://www.tv4.se/kalla_fakta)

<sup>421</sup> <http://sverigesradio.se/nyheter/>

<sup>422</sup> <http://www.fgj.se/>

<sup>423</sup> <http://www.publicintegrity.org/treesaver/tuna/00-toc.html>

<sup>424</sup> <http://www.notisum.se/rnp/sls/lag/19490105.htm>

<sup>425</sup> <http://www.wobbling.eu/news/worlds-oldest-access-law-will-remain>

<sup>426</sup> <http://www.journalisten.se/debatt/nyttigt-test-av-tfs-och-ygls-styrka>

<sup>427</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>428</sup> <http://www.freedomhouse.org/report/freedom-press/2011/sweden>

## United Kingdom

The United Kingdom, with its many newspapers and world-spanning broadcaster, can be reckoned as the most influential and innovative media market in Europe. But with (the fall-out of) the recent phone hacking scandal at the *News of the World*, its crippling libel law (now scheduled to be revised) and late arrival of a Freedom of Information law also as one of the most controversial.

Though the British icon consists of a bowler hat, an umbrella and a newspaper, newspaper readership is down here as elsewhere in Europe, both of tabloid and quality papers alike. Institutions like *The (Sunday) Times*<sup>429</sup>, and *The Guardian*<sup>430</sup> saw their readership decline with 2 to 4 percent up till 2009 and accelerating into the double digits for some papers since then, to 400,000 (-11% in January 2012) and 230,000 (-17%). *The Guardian* seems to change successfully into a multimedia platform with a highly acclaimed website, and using new technology and social media like Twitter and Facebook to not only generate traffic but also to produce (investigative) stories. However, without its special funding (a trust), the paper would probably not exist anymore (combined with sister paper the *Observer* over 2011 *The Guardian* reported losses of £44.2 million, despite a double-digit growth of its digital revenue<sup>431</sup>). *The Financial Times*<sup>432</sup> is less of a 'national' paper, serving a highly specialized and international audience, but also fast losing circulation on paper (319,000, -16%)<sup>433</sup>.

The 'Red-Tops'<sup>434</sup> press is still most widely read, with *The Daily Mirror*<sup>435</sup> (1.1 million, -6%), *The Daily Mail*<sup>436</sup> (2 million, -5.8%) and *The Sun*<sup>437</sup> (2.7 million, -8%) in the forefront. Sunday circulation is also down, but still a considerable asset to newspaper sales, with for instance *The Sunday Times* still reaching close to a million copies.

The high concentration of national print press ownership (the largest four companies owning over 85% of the market in 2005) has recently come under fire due to the involvement of Rupert Murdoch's News International in the phone hacking scandal. Also, regional and local print media are highly concentrated, with five owners taking over 70% of the ownership. In the wake of the phone-hacking scandal and Murdoch's bid on BSkyB, the government is considering a further breakdown of media ownership.

Public broadcasting is in a league of its own in the UK. 'Auntie Beeb' is still the dominant news provider to Brits at home and (world citizens) abroad. BBC<sup>438</sup> consists of ten national TV (with local and regional programming) and ten national radio channels, additional services for Scotland, Northern Ireland and Wales, more than 40 local radio stations, BBC World services on radio and TV, BBC Online and close to 20,000 employees.

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<sup>429</sup> <http://www.thetimes.co.uk/tto/news/>

<sup>430</sup> <http://www.guardian.co.uk/>

<sup>431</sup> <http://www.guardian.co.uk/media/2012/jul/17/guardian-observer-report-losses-44m>

<sup>432</sup> <http://www.ft.com/>

<sup>433</sup> Circulation figures of January 2012 compared to January 2011, from the Audit Bureau of Circulation, <http://www.abc.org.uk/>. Provided by <http://www.pressgazette.co.uk/story.asp?sectioncode=1&storycode=48735&c=1>.

<sup>434</sup> Colloquial use for tabloid papers with a red nameplate (such as *The Sun* and *The Daily Mirror*), generally 'simpler in writing style, dominated by pictures, and directed at the more sensational end of the market' according to [http://en.wikipedia.org/wiki/Tabloid\\_journalism](http://en.wikipedia.org/wiki/Tabloid_journalism).

<sup>435</sup> <http://www.mirror.co.uk/>

<sup>436</sup> <http://www.dailymail.co.uk/home/index.html>

<sup>437</sup> <http://www.thesun.co.uk/sol/homepage/>

<sup>438</sup> <http://www.bbc.co.uk/>

Commercial broadcasting is also abundant, with *ITV*<sup>439</sup>, *Channel4*<sup>440</sup> and *BSkyB*<sup>441</sup> as the most important. BBC, ITV and Channel4 all provide for (some more, some less) investigative content.

Investigative journalism has a long tradition in the United Kingdom, to some dating back as far as W.T. Stead's famous prostitution story from 1885. *The Sunday Times* started its Insight investigative team in the early 60s. BBC Panorama, a weekly one-hour investigative series has been around since 1963. With in-depth reporting never far away, the craft slumped some during the 90s and early 00s, culminating in Nick Davies' lament *Flat Earth News*<sup>442</sup>, proclaiming journalism the job of speed typists and underpaid copy-pasters. Almost as if to spite the book, both tabloids and quality papers have since then published far-reaching stories, ranging from covering fraudulent declarations by parliamentarians with the help of the public, through digesting countless leaked diplomatic cables to the recent phone hacking scandal.

Though investigative journalism in some regular media has made a lively comeback, even in the UK budgets for long-term research projects are diminishing. This gave rise to some interesting non-profit investigative initiatives. The Centre for Investigative Journalism (founded in 2003)<sup>443</sup> 'advances education in, and public understanding of, investigative journalism, critical inquiry, and in-depth reporting and research'. CIJ is a registered charity offering high-level training, resources and research to the community, journalists, students, non-governmental organisations and others interested in public integrity and the defence of the public interest. It is based at the City University in London.

Focussing on generating quality stories instead of training, the Bureau of Investigative Journalism was officially launched on Monday 26th April 2010. The not-for-profit organisation was the first of its kind in the UK and 'aims to bolster original journalism by producing high-quality investigations for national and international press and broadcast media', according to its website<sup>444</sup>. The £2 million start up funding came from the David and Elaine Potter Foundation. One of the projects the BIJ has engaged in since was the 'Europe's missing billions' cooperation with BBC radio, Aljazeera and the *Financial Times*, tracking European structural funds and their dispersion in the member states.

Another interesting initiative is Exaro News<sup>445</sup>. The Internet subscription service started in 2011, hiring investigative journalists and FOI specialists with long track records with the national newspapers. Exaro is getting its investigations as headline stories in papers and on TV, and government minister responses. It has a UK and international focus, Europe gets investigative attention too. Providing a Wikileaks-like dropbox for documents and data, and supplying corporate subscribers with extras such as datasets, the website aims at a sustainable model for 'holding power to account'.

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<sup>439</sup> <http://www.itv.com/>

<sup>440</sup> <http://www.channel4.com/>

<sup>441</sup> <http://www.sky.com/>

<sup>442</sup> <http://www.flatearthnews.net/>

<sup>443</sup> <http://www.tcij.org/about-2>

<sup>444</sup> <http://www.thebureauinvestigates.com/who/>

<sup>445</sup> <http://www.exaronews.com/content/about-us>

The UK was relatively late in implementing a Freedom of Information Act. In England and Wales, it<sup>446</sup> was passed in 2000 and came into force in January 2005. The Scottish Freedom of Information Officer provides the Scottish Freedom of Information Act since 2002<sup>447</sup>. British media and the public use the law relatively often (72 FOI requests per 100,000 inhabitants), and in spite of its late implementation, there is praise amongst experts for the speed with which the practice took root in the administrative system. Over 3,000 government employees were trained in dealing with requests, a remarkable amount compared to many other member states.

Dominating all discussion on media and media policies is the so-called phone-hacking scandal at the *News of the World*. It prompted a parliamentary investigation into the role of the press and the police, examining ethics and culture and the relationship of the press with public, police and politicians. The Leveson Inquiry<sup>448</sup> will make recommendations for press regulation in the future. The report is due within a year from the start of the proceedings (November 2011), at the moment of publishing of this report hearings are still underway.

The United Kingdom dropped 9 places on the Reporters Sans Frontières Press Freedom Index 2011-2012<sup>449</sup>, from 19<sup>th</sup> to 28<sup>th</sup> position. RSF states its reasons for apprehension. 'Against the extraordinary backdrop of the *News of the World* affair, the United Kingdom (28) caused concern with its approach to the protection of privacy and its response to the London riots. Despite universal condemnation, the UK also clings to a surreal law that allows the entire world to come and sue news media before its courts'<sup>450</sup>, the organisation writes. Freedom House mentions that the coalition government coming into power in 2010 promised to 'correct several of the country's press freedom shortcomings, partly through the introduction of protections against abuse of the terrorism legislation'<sup>451</sup>, but there hasn't been much proof of impending changes in this area. The libel law is currently under revision, though<sup>452</sup>, and in the wake of the phone-hacking scandal the self-regulatory body of the Press Complaints Committee has been dismantled, making room for a more robust mechanism of media accountability. While on the way out, though, the PCC in a landmark decision in July 2012 strengthened the position of investigative journalists by allowing the use of subterfuge while uncovering 'issues of significant public interest'<sup>453</sup>.

## **The Brussels- / EU - media**

Though the EU-specialized media are a varied group of outlets, some with comparably small circulations, it would be wrong to omit them at this place. Having made Europe or European affairs their key subject, or having made Euro-topic enthusiasts and EU decision makers - be that Council, Commission or Parliament or the large variety of other players, among them lawyers, interest groups and journalists - their main target group, they often have a multiplying function and thus have to be looked into in this context<sup>454</sup>. Overall, many are so-called 'aggregates' collating output on Europe from other news media, the original investigative activity of these outlets is low, also on (mis)appropriation of EU funds.

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<sup>446</sup> <http://www.legislation.gov.uk/ukpga/2000/36/contents>

<sup>447</sup> <http://www.legislation.gov.uk/asp/2002/13/contents>

<sup>448</sup> <http://www.levesoninquiry.org.uk/>

<sup>449</sup> [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1034](http://en.rsf.org/spip.php?page=classement&id_rubrique=1034)

<sup>450</sup> RSF Press Freedom Index, page 3.

<sup>451</sup> <http://www.freedomhouse.org/report/freedom-press/2011/united-kingdom>

<sup>452</sup> <http://www.bbc.co.uk/news/uk-18005317>

<sup>453</sup> <http://www.independent.co.uk/news/media/press/a-victory-for-investigative-journalism-as-pcc-rejects-complaint-by-bell-pottinger-against-the-independent-7978773.html>

<sup>454</sup> For a thought-provoking article on the (non-)existence of a 'European' press, see <http://euroletters.wordpress.com/2011/04/30/does-%E2%80%99European-journalism%E2%80%9D-exist-guest-post/>.

A variety of media with focus on Europe and the European Union and its workings have evolved with varying business models. Agence Europe<sup>455</sup>, founded in 1953 publishing *Le Bulletin Quotidien Europe*, was for years to be considered the news agency for anyone interested in European affairs. Agence Europe was part of the Brussels media scene, not least due to the prominent Gazzo family journalists, Emanuele Gazzo followed by his twin daughters Marina & Lydia Gazzo. For the years 2007-2010 Agence Europe SA received €653,521 in EU-support<sup>456</sup>.

Another news outlet with a focus on Europe is TV-channel *Euronews*<sup>457</sup>. Founded in 1993 by a collaboration of European TV-channels, *Euronews* today has a team of 400 journalists of more than 20 nationalities<sup>458</sup> and a broad range of news interests, among them European affairs. For the years 2007-2010 *Euronews* received € 55,405,015 in EU-support<sup>459</sup>.

When it comes to following major developments and opinions, it is worth mentioning *PressEurop*<sup>460</sup> and *Eurotopics*<sup>461</sup>. Published out of Paris and Berlin respectively, both outlets compile daily selections of articles from throughout Europe, summarize and translate them to major European languages. *PressEurop* was founded in 2009 and since then has received € 8,990,750 in EU support<sup>462</sup>.

Berlin based *Eurotopics* particularly focuses on opinion pieces. Developed in 2004 by French *Courrier International* and German *Perlentaucher*, it summarizes and translates press voices from throughout Europe. Funded by German ministry of education's Bundeszentrale für Politische Bildung, the tender in 2008 was given to N-Ost, a network of German correspondents in Eastern Europe.

*European Voice*<sup>463</sup> is a weekly newspaper published by The Economist Group<sup>464</sup>, that also publishes *Roll Call*, a news outlet with a particular focus on Capitol Hill. Published since 1995 *EV* is a subscription print paper with Internet presence and advertisements – including from the European institutions<sup>465</sup> – and it has a Brussels team of journalists.

*Euractiv*<sup>466</sup> is a UK registered media company with offices and online publications out of Brussels and other European capitals. The main website of *Euractiv* provides daily news with a clear focus on European affairs and a range of news related sections, notably the Links Dossier compiling links related to particular subjects. *Euractiv* is according to its website financed from four sources: Corporate sponsoring, Euractor memberships, online advertising and EU projects<sup>467</sup>. These financing models have traditionally granted sponsors the right to suggest editorial content such as a given number of Link Dossiers per year<sup>468</sup>, “editorial impact”<sup>469</sup> and contact to the editorial team<sup>470</sup>. *Euractiv* PLC was founded in 1999<sup>471</sup>.

<sup>455</sup> <http://www.agenceurope.com/EN/index.html>

<sup>456</sup> [http://ec.europa.eu/beneficiaries/fts/index\\_en.htm](http://ec.europa.eu/beneficiaries/fts/index_en.htm), search “Agence Europe SA”.

<sup>457</sup> <http://www.euronews.com/>

<sup>458</sup> [http://www.euronews.com/media/download/mediapack/euronews\\_mediapack\\_en\\_2011.pdf](http://www.euronews.com/media/download/mediapack/euronews_mediapack_en_2011.pdf)

<sup>459</sup> [http://ec.europa.eu/beneficiaries/fts/index\\_en.htm](http://ec.europa.eu/beneficiaries/fts/index_en.htm), search “Euronews”

<sup>460</sup> <http://www.presseurop.eu/en>, <http://www.presseurop.eu/en/about>

<sup>461</sup> <http://www.eurotopics.net/en/home/presseschau/aktuell.html>

<sup>462</sup> [http://ec.europa.eu/beneficiaries/fts/index\\_en.htm](http://ec.europa.eu/beneficiaries/fts/index_en.htm), search “*Courrier International*”

<sup>463</sup> <http://www.europeanvoice.com/>

<sup>464</sup> <http://www.economistgroup.com/>

<sup>465</sup> [http://ec.europa.eu/beneficiaries/fts/index\\_en.htm](http://ec.europa.eu/beneficiaries/fts/index_en.htm), search “the economist”

<sup>466</sup> <http://www.euractiv.com/>

<sup>467</sup> <http://www.euractiv.com/about>, search on June 6, 2012

<sup>468</sup> *Euractiv*, Terms and Conditions 2006

<sup>469</sup> *EurActor* Membership and Sponsoring, brochure 2010

<sup>470</sup> *Euractor* offers viewed on June 6, 2012, <http://www.euractiv.com/euractor>

The *EUobserver.com*<sup>472</sup> is another online news service focusing on European affairs. It was founded in 2000 and its first funding came from the task of press clipping service for the EU-critical group in the European Parliament, today *EUobserver* carries advertisements for a variety of parties represented in the EP and other advertisers. The *EUobserver* is a non-profit organisation under Belgian law today 'raising revenue on a commercial basis through a variety of income streams including advertising, donations and book sales' according to its own website<sup>473</sup>. The *EUobserver* has a Brussels-based team receiving a grant from the Adessium foundation to strengthen its investigative reporting, the first report being an investigation into the spending of EU money in Congo<sup>474</sup>.

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<sup>471</sup> <http://www.euractiv.com/about>

<sup>472</sup> <http://euobserver.com/>

<sup>473</sup> <http://euobserver.com/static/about>, viewed on June 6, 2012.

<sup>474</sup> <http://euobserver.com/mediakit.pdf>, <http://euobserver.com/1019/114179>



**ANNEX 2 - INVESTIGATIVE REPORTING ON THE EUROPEAN UNION FOCUSING ON ADDRESSING CASES OF FRAUD WITH EU FUNDS WITHIN THE MEMBER STATES<sup>475</sup>, EU INSTITUTIONS, ORGANISATIONS OR NGOS**

See separate Excel file.

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<sup>475</sup> Excluding the United Kingdom. UK cuttings are collated in Annex 11.

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Belgium	19/05/2005	Wie melkt Europa?	farmsubsidies	Marleen Teugels, Ingrid van Daele, Hans van Scharen	Knack	no link available	paper copy through Knack	
Belgium	09/12/2007	Galileo: de route wordt berekend	Is spending EU money on Europe's own satellite system warranted?	Rob Heirbout	VRT Panorama	<a href="http://www.tv-visie.be/inhoud/belgie/panorama-galileo-de-route-wordt-berekend_19744/">http://www.tv-visie.be/inhoud/belgie/panorama-galileo-de-route-wordt-berekend_19744/</a>		
Bulgaria	24/04/2008	Бъдещият аграрен министър върти бизнес със сина на пътен шеф	paper discloses that proposed minister of agriculture has shares in a demolition company suspected of pocketing eu money on false terms, finance ministry does not want to answer questions	Nadelina Aneva	Sega (daily)	<a href="http://www.segabg.com/article.php?id=365945">http://www.segabg.com/article.php?id=365945</a>		
Bulgaria	23/06/2008		Bulgaria stops road projects because of conflicts of interest of officials involved in the construction with EU funds, the paper broke the story	Jordan Dimitrov	Standart (daily)	no link available		
Bulgaria	25/07/2008	Опааа...к. Близки до властта неправителствени организации ще вземат 4.5 млн. лв. по ОПАК	Mayor registers NGO only to get EU structural funds money	Rossen Bossev	Capital (weekly)	<a href="http://www.capital.bg/politika_i_ikonomika/bulgaria/2008/07/25/530595_opaaak/">http://www.capital.bg/politika_i_ikonomika/bulgaria/2008/07/25/530595_opaaak/</a>		
Bulgaria	12/08/2008	Депутатски щерка и зет ще строят язовир с европари	The daughter of an MP from Coalition for Bulgaria and leader of the Party "Roma" Toma Tomov and her husband are about to build a dam near Berkovitsa with money from the European Union. Experts say the construction of this facility is a crazy idea and there is no evidence they have ever build such a structure before.	Mladen Dochev	Novinar (daily)	<a href="http://novinar.bg/news/deputatski-shterka-i-zet-shte-stroiat-iazovir-s-evropari_MjgyMTsyOQ==.html">http://novinar.bg/news/deputatski-shterka-i-zet-shte-stroiat-iazovir-s-evropari_MjgyMTsyOQ==.html</a>		
Bulgaria	11/11/2008	Винена афера събори Друмев	Chief of the "Agriculture" Fund embezzles EU money and ends up losing his job	Dimitar Iliev, Antonia Kumurdjieva	Standart (daily)	<a href="http://www.standartnews.com/balgariya-obshtestvo/vinena_afera_sabori_drumev-15433.html">http://www.standartnews.com/balgariya-obshtestvo/vinena_afera_sabori_drumev-15433.html</a>		

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Bulgaria	14/01/2009	Бюджетът на бг евродепутата - много безотчетни пари	The paper checks the budget of Bulgarian MEPs and discovers a lot of uncontrolled money spending	Nadelina Aneva	Sega (daily)	<a href="http://www.segabg.com/article.php?id=398423">http://www.segabg.com/article.php?id=398423</a>		
Bulgaria	07/06/2009	София избра скандални консултанти по оперативни програми	Dubious consultants were chosen by Sofia Municipality for two of the operational programs of EU that expect serious money - "Environment" and "Regional Development". Integrity problems feared.	Tanya Petrova	Sega (daily)	<a href="http://www.segabg.com/article.php?id=421751">http://www.segabg.com/article.php?id=421751</a>		
Bulgaria	08/06/2009	Най-скъпият канал е в селото на Доган	Drandar is the place of the most expensive water project in Bulgaria, financed with money from the European funds via the Ministry of Ecology. The same minister, Chakarov, refused to comment why they gave money for a project that does not meet the criteria of economic efficiency	Victor Ivanov	24 Chasa	<a href="http://www.24chasa.bg/Article.asp?ArticleId=197219">http://www.24chasa.bg/Article.asp?ArticleId=197219</a>		
Bulgaria	15/06/2009	Искат една кака да върне европари	Sister of high positioned state clerk has to return money, received from the European Union	Stanimir Vaglenov	24 Chasa (24 hours daily)	<a href="http://www.24chasa.bg/Article.asp?ArticleId=155498">http://www.24chasa.bg/Article.asp?ArticleId=155498</a>		
Bulgaria	19/03/2010	"Цанков камък" нахозуначен до 460 млн.	A thoughtless contract and shoddy project ("Tsankov stone" dam and bypass) will cost the state 460 million euros from the funds of European Union.	Petya Gaydarova	Trud (daily)	<a href="http://www.trud.bg/Article.asp?ArticleId=419593">http://www.trud.bg/Article.asp?ArticleId=419593</a>		
Bulgaria	05/05/2010	Дъщеря на бивш зам.министър с най-много агропари от ЕС	daughter and the wife of the responsible Bulgarian minister at the time were amongst the top-recipients of EU farmsubsidies	Stanimir Vaglenov, Tsvetana Balabanova	24 Chasa	<a href="http://www.24chasa.bg/Article.asp?ArticleId=470419">http://www.24chasa.bg/Article.asp?ArticleId=470419</a>	<a href="http://blogs.euobserver.com/alfter/2010/05/05/follow-the-subsidy-money/">http://blogs.euobserver.com/alfter/2010/05/05/follow-the-subsidy-money/</a> , <a href="http://blogs.euobserver.com/alfter/2010/06/27/a-praise-to-bulgarian-journalists/">http://blogs.euobserver.com/alfter/2010/06/27/a-praise-to-bulgarian-journalists/</a>	list of stories following this one in eu-observer link

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Bulgaria	05/05/2010	1,5 млн. агропари от ЕС за дъщеря на бивш зам.министър	daughter and the wife of the responsible Bulgarian minister at the time were amongst the top-recipients of EU farmsubsidies	Krassimir Tsigularov,	Trud	<a href="http://www.trud.bg/Article.asp?ArticleId=470425">http://www.trud.bg/Article.asp?ArticleId=470425</a>		
Bulgaria	21/05/2010	Уроци по присвояване (lesson assignment)	analysed in this article regulation and "how to make EU money evaporate"	Sylvia Radoslavova	Capital	<a href="http://www.capital.bg/politika_i_ikonomika/bulgaria/2010/05/21/90487_2_uroci_po_prisvoivane/">http://www.capital.bg/politika_i_ikonomika/bulgaria/2010/05/21/90487_2_uroci_po_prisvoivane/</a>		
Bulgaria	15/09/2010	Подозрения и интереси клатят метрото	construction of the second line of the subway in Sofia for which the European Union allocated over 185 million euro under the operational program "Transport", was about to stop. The reason is suspicions of unfair play with the choice of contractor for the project, financed with money of Bulgarian and European taxpayers.	not mentioned	Banker (Weekly)	<a href="http://banker.bg/?Channel=2&amp;Issue=930&amp;Article=39765">http://banker.bg/?Channel=2&amp;Issue=930&amp;Article=39765</a>		
Bulgaria	15/09/2010	Сайт за милиони. Буквално	millions of levas spent on building a website to promote Bulgarian tourism.	Arlina Filipova	Pary (daily)	<a href="http://www.vesti.bg/index.phtml?tid=40&amp;oid=3263471">http://www.vesti.bg/index.phtml?tid=40&amp;oid=3263471</a>		
Bulgaria	15/10/2011	България строи магистрали без гаранции за безопасност	Bulgaria violates important European Directive on the safety of transport infrastructure and can be fined for that by the European Commission. The roads are built with EU money.	Tanya Petrova	Sega (daily)	<a href="http://www.segabg.com/article.php?id=559316">http://www.segabg.com/article.php?id=559316</a>		
Bulgaria	28/06/2012	Как държавата отказа бизнеса от европарите	How Bulgarian business stopped using money from EU because of the state's bureaucracy and incompetence	Tzvetelina Sokolova	Sega (daily)	<a href="http://www.segabg.com/article.php?issueid=3007&amp;sectionid=5&amp;id=0001001">http://www.segabg.com/article.php?issueid=3007&amp;sectionid=5&amp;id=0001001</a>		
Czech Republic	05/06/2010	Zemědělské dotace EU dostala dcera či ministrů kluziště	Overview of irregularitie with EU money, stemming from farmsubsidy.org research	not mentioned	Týden	<a href="http://www.tyden.cz/rubriky/zahranici/evropa/zemedelske-dotace-eu-dostala-dcera-ministra-ci-kluziste_167905.html">http://www.tyden.cz/rubriky/zahranici/evropa/zemedelske-dotace-eu-dostala-dcera-ministra-ci-kluziste_167905.html</a>		

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Denmark	29/11/2002	EU-regler beskytter Thor P.	Minister of finance got illegal EU-subsidies for his farm, but there is no penalty for obtaining illegal EU subsidies	Morten Pihl and others	BT and others	<a href="http://www.bt.dk/nyheder/eu-regler-beskytter-thor-p">http://www.bt.dk/nyheder/eu-regler-beskytter-thor-p</a> , <a href="http://www.bt.dk/nyheder/presset-thor-betaler-eu-stoette-tilbage">http://www.bt.dk/nyheder/presset-thor-betaler-eu-stoette-tilbage</a>		
Denmark	12/04/2007	Biografejerne risikerer fængselsstraf	Movie theatre abused EU money when it was in economic difficulties, owner risks jail sentence.	Af Peter Nørskov	Århus Stiftstidende, regional newspaper	no link available	peno@stiften.dk	
Denmark	15/08/2007	Nej til strip og fadøl	Strip and beer paid with farmsubsidies	Kjeld Hansen, <a href="http://www.baeredygtighed.dk/">http://www.baeredygtighed.dk/</a>	DR	<a href="http://www.dr.dk/Regioner/Fyn/Nyheder/Fynogooer/2007/08/15/175122.htm">http://www.dr.dk/Regioner/Fyn/Nyheder/Fynogooer/2007/08/15/175122.htm</a> , <a href="http://www.dr.dk/Nyheder/Indland/2007/08/15/203643.htm">http://www.dr.dk/Nyheder/Indland/2007/08/15/203643.htm</a> , <a href="http://www.dr.dk/Nyheder/Indland/2007/08/24/142442.htm">http://www.dr.dk/Nyheder/Indland/2007/08/24/142442.htm</a> , <a href="http://www.information.dk/162758">http://www.information.dk/162758</a> , <a href="http://www.information.dk/185783">http://www.information.dk/185783</a> , <a href="http://www.tvsyd.dk/artikel/129800:Stop-for-strip-og-madkurser">http://www.tvsyd.dk/artikel/129800:Stop-for-strip-og-madkurser</a>	doc with copy from 2008 in Danish pulled out of Infomedia in box of stories	
Denmark	06/02/2009		channelling of EU money to fixed costs of farmers youth organisation while money only is allowed for projects	Kjeld Hansen,	Nordjyske	Article <a href="http://www.nordjyske.dk/nyheder/print.aspx?ctrl=10&amp;data=53%2C3067770%2C1815%2C3">http://www.nordjyske.dk/nyheder/print.aspx?ctrl=10&amp;data=53%2C3067770%2C1815%2C3</a> , reaction from ministry <a href="http://www.fvm.dk/Nyhedsvisning.aspx?ID=18486&amp;PID=167253&amp;NewsID=5457">http://www.fvm.dk/Nyhedsvisning.aspx?ID=18486&amp;PID=167253&amp;NewsID=5457</a> , <a href="http://jp.dk/opinion/breve/article1964063.ece">http://jp.dk/opinion/breve/article1964063.ece</a> & reaction from minister <a href="http://jp.dk/opinion/breve/article1971501.ece">http://jp.dk/opinion/breve/article1971501.ece</a>	<a href="http://www.baeredygtighed.dk/">http://www.baeredygtighed.dk/</a>	

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Denmark	07/12/2011	Kvotebaronerne	The Quota barons - how very few fishermen grow very rich while owning all fishing licenses, many stories with local/regional angles and focus on individual companies	Jesper Olesen, Jesper Højbjerg	Jyllandspos- ten	<a href="http://epn.dk/tema/spild/">http://epn.dk/tema/spild/</a> , <a href="http://epn.dk/brancher/foedevarer/fiskeri/article2488104.ece">http://epn.dk/brancher/foedevarer/fiskeri/article2488104.ece</a> , <a href="http://epn.dk/tema/spild/article2488492.ece">http://epn.dk/tema/spild/article2488492.ece</a> , <a href="http://epn.dk/tema/spild/article2487540.ece">http://epn.dk/tema/spild/article2487540.ece</a>	This was quoted widely and followed by a series with a similar approach in Politiken later in 2011	
Estonia	10/01/2007	Euroraha pudelikaelas kinni	Estonia not capable of spending EU money	Harry Tuul	Aripaev	<a href="http://leht.aripaev.ee/?PublicationId=464dc490-fb94-4024-9b75-258ddc8543a9&amp;articleid=9478&amp;paperid=E4FD1552-B9A9-4F8D-83C0-D77EA215C05D">http://leht.aripaev.ee/?PublicationId=464dc490-fb94-4024-9b75-258ddc8543a9&amp;articleid=9478&amp;paperid=E4FD1552-B9A9-4F8D-83C0-D77EA215C05D</a>		
Estonia	29/08/2007	Euroabi tõukas riigi nõiarongi	funding of water project, money is finished, project is not complete	Lemmi Kann	Aripaev	<a href="http://www.ap3.ee/?PublicationId=086354a7-c1dd-40b8-a3e8-64774c6814ba">http://www.ap3.ee/?PublicationId=086354a7-c1dd-40b8-a3e8-64774c6814ba</a>		
Estonia	27/11/2008	Euroopa abiraha igatseb taotlejaid	Europe should control whether Estonia is spending funds on tackling issues instead of the country just collecting money	Ain Alvela	Aripaev	<a href="http://leht.aripaev.ee/?PublicationId=464dc490-fb94-4024-9b75-258ddc8543a9&amp;articleid=22073&amp;paperid=49442DDE-BD3D-4105-88CF-2AA8789DB26F">http://leht.aripaev.ee/?PublicationId=464dc490-fb94-4024-9b75-258ddc8543a9&amp;articleid=22073&amp;paperid=49442DDE-BD3D-4105-88CF-2AA8789DB26F</a>		
Estonia	31/08/2009	Üksmeele puudumine takistab rahajagamist	EU funds unevenly distributed within country	Hannes Sarv	Aripaev	<a href="http://www.ap3.ee/?PublicationId=31503ED6-39D4-4163-9D98-74AA1E3959CE&amp;code=4425/uud_uudid_x_442505">http://www.ap3.ee/?PublicationId=31503ED6-39D4-4163-9D98-74AA1E3959CE&amp;code=4425/uud_uudid_x_442505</a>		
Estonia	02/10/2010	Hiigelpolder pumpab vee asemel puhast raha	One land reclamation engineer collected more than 200 000 euros EU money for nothing. Probably he has to pay the money back, there is also a criminal investigation against him.	Nils Niitra	newspaper Postimees	<a href="http://www.postimees.ee/222907/hiigelpolder-pumpab-vee-ase-mel-puhast-raha/">http://www.postimees.ee/222907/hiigelpolder-pumpab-vee-ase-mel-puhast-raha/</a>		
Estonia	24/11/2010	PRIA tõmbas poldrikrahvi ärile kriipsu peale	One land reclamation engineer collected more than 200 000 euros EU-money for nothing. Probably he has to pay the money back, there is also a criminal investigation against him.	Nils Niitra	newspaper Postimees	<a href="http://www.postimees.ee/346559/pria-tombas-poldrikrahvi-arile-kriipsu-peale/">http://www.postimees.ee/346559/pria-tombas-poldrikrahvi-arile-kriipsu-peale/</a>		



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Estonia	10/11/2011	Eduka paljastuse tulemus: Eestis ohtralt toetuse väljapetjaid	An overview about the fraud cases in Estonia in 2011	Väino Rozental	Daily business paper Äripäev	<a href="http://www.ap3.ee/?PublicationId=31503ED6-39D4-4163-9D98-74AA1E3959CE&amp;code=5192/uud_uudidx_519203">http://www.ap3.ee/?PublicationId=31503ED6-39D4-4163-9D98-74AA1E3959CE&amp;code=5192/uud_uudidx_519203</a>		
Estonia	27/11/2011	Eurotoetusi noolivad tugitoolipõllumehed ajavad rendihinnad üles	how the landowners are making money with useless pieces of land, to collect the EU-money.	Mirjam Nutov	newspaper Maaleht	<a href="http://www.maaleht.ee/news/maamajandus/maamajandusuudised/eurotoetusi-noolivad-tugitoolipollumehed-ajavad-rendihinnad-ules.d?id=60540263">http://www.maaleht.ee/news/maamajandus/maamajandusuudised/eurotoetusi-noolivad-tugitoolipollumehed-ajavad-rendihinnad-ules.d?id=60540263</a>		
Estonia	02/01/2012	Kahe mehe nuhkimine tõi päevavalgele sohu maetud eurorahad	misusage of EU money in Estonia: agricultural funds	Mihkel Kärmas	"Pealtnägija", weekly investigative TV show	<a href="http://etv.err.ee/index.php?05446627&amp;video=2819">http://etv.err.ee/index.php?05446627&amp;video=2819</a>	through reporter: mihkel.karmas@err.ee	
Estonia	13/01/2012	Kiratsev kalaäri	How Estland collects money for cultivating fish, but Estonians keep eating import fish	Vainu Rozental	Aripaev	<a href="http://www.ap3.ee/opinion/2012-1-13/pria_toetused_tuulde_loobitud_rah">http://www.ap3.ee/opinion/2012-1-13/pria_toetused_tuulde_loobitud_rah</a>		
EU	01/06/2008	Expense Allowance Abuse by MEPs	MEPs signing in for their day-allowance and then leaving the building without spending the day they just cashed their allowance for		German RTL TV	<a href="http://www.youtube.com/watch?v=xnMtc_QJ4-E">http://www.youtube.com/watch?v=xnMtc_QJ4-E</a>	Hans-Peter Martin, Austrian MEP, and German RTL	
EU	11/09/2008	100 examples of EU waste	100 examples of waste of EU funds	Open EU	Open EU website	<a href="http://www.openeurope.org.uk/Page/EconomicReform/en/LIVE">http://www.openeurope.org.uk/Page/EconomicReform/en/LIVE</a>	pdf of report on web page	
EU	25/08/2009	EIB funding development through tax havens	european investment bank questioned	Stephen Gardner	EU Observer	<a href="http://blogs.euobserver.com/gardner/2009/08/25/eib-funding-development-through-tax-havens/">http://blogs.euobserver.com/gardner/2009/08/25/eib-funding-development-through-tax-havens/</a>		
EU	11/09/2009	another 50 examples of EU waste	50 examples of waste of EU money, follow up to 2008 publication	Open EU	Open EU website	<a href="http://www.openeurope.org.uk/Page/EconomicReform/en/LIVE">http://www.openeurope.org.uk/Page/EconomicReform/en/LIVE</a>	pdf of report on web page	
EU	16/09/2009	Slipping through the net	Level on transparency on EU fishsubsidies after "transparency" reform - "How EU countries evade new budget transparency rules"	Brigitte Alfter	Fishsubsidy.org	<a href="http://www.fishsubsidy.org/news/features/slipping-through-the-net/">http://www.fishsubsidy.org/news/features/slipping-through-the-net/</a>	report in pdf available	
EU	09/10/2009	Question marks over EP new buildings deal	questions about the cost of EP building	Stephen Gardner	EU Observer	<a href="http://blogs.euobserver.com/gardner/2009/10/09/question-marks-over-ep-new-buildings-deal/">http://blogs.euobserver.com/gardner/2009/10/09/question-marks-over-ep-new-buildings-deal/</a>		

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
EU	11/10/2010	another 50 examples of EU waste	50 examples of waste of EU money, follow up to 2008 publication	Open EU	Open EU website	<a href="http://www.openeurope.org.uk/Page/EconomicReform/en/LIVE">http://www.openeurope.org.uk/Page/EconomicReform/en/LIVE</a>	pdf of report on web page	
EU	30/09/2011	Corporate welfare gone mad	EU research money used as business subsidy	Stephen Gardner	EU Observer	<a href="http://blogs.euobserver.com/gardner/2011/09/30/italian-science/">http://blogs.euobserver.com/gardner/2011/09/30/italian-science/</a>		
EU, Germany	27/10/2009	Huge Fraud Afoot in E.U. Sugar Market	International version of German story: EU subsidies for sugar farmers spent on 'ghost' sugar. German tax office raided companies involved, lost tax revenue and subsidy estimated about 370 million euros. story was done after Greenpeace wobbled out the documents.	STEPHEN CASTLE and DOREEN CARVAJAL	International Herald Tribune / NY Times	<a href="http://www.nytimes.com/2009/10/27/world/europe/27iht-sugar.html?_r=1&amp;emc=eta1">http://www.nytimes.com/2009/10/27/world/europe/27iht-sugar.html?_r=1&amp;emc=eta1</a>		
EU, Germany	27/10/2009	Huge Fraud Afoot in E.U. Sugar Market	International version of German story: EU subsidies for sugar farmers spent on 'ghost' sugar. German tax office raided companies involved, lost tax revenue and subsidy estimated about 370 million euros. story was done after Greenpeace wobbled out the documents.	STEPHEN CASTLE and DOREEN CARVAJAL	International Herald Tribune / NY Times	<a href="http://www.nytimes.com/2009/10/27/world/europe/27iht-sugar.html?_r=2&amp;emc=eta1">http://www.nytimes.com/2009/10/27/world/europe/27iht-sugar.html?_r=2&amp;emc=eta1</a>		Though this story also started with the Greenpeace documents, IHT added substantial content and took the story a step further
EU, Spain	07/11/2010	Looting the Seas I	fisheries control	ICIJ	ICIJ & others	<a href="http://www.publicintegrity.org/treesaver/tuna/">http://www.publicintegrity.org/treesaver/tuna/</a>		
EU, Spain	07/11/2010	Looting the Seas I	fisheries control	Kate Willson, Mar Cabra, others	ICIJ & others	<a href="http://www.publicintegrity.org/treesaver/tuna/">http://www.publicintegrity.org/treesaver/tuna/</a>		
EU, Spain	25/01/2012	Looting the Seas II	fishsubsidies	Kate Willson, Mar Cabra, others	ICIJ & others	<a href="http://www.icij.org/projects/looting-the-seas-ii">http://www.icij.org/projects/looting-the-seas-ii</a>		
EU, UK, NL	09/11/2009	The EU's Billion-Euro Bet	How funding for research was used to lobby the European Commission and Parliament for a certain highly debated method to keep using fossil fuels	Brigitte Alfter	ICIJ & others	<a href="http://www.publicintegrity.org/investigations/global_climate_change_lobby/articles/entry/1860/">http://www.publicintegrity.org/investigations/global_climate_change_lobby/articles/entry/1860/</a>		
Finland	11/12/2006	MOT and the Chamber of Secrets	investigative program on EU's secretive FOI policy and Finland's political cat 'n' mouse play with Finnish journalists. A test case is farm subsidies	Kati Juurus and Matti Virtanen	YLE TV	not available		

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Finland	22/09/2008	Eu-hankkeiden Kankkula	investigative program on ICT projects in Finland funded by the EU. The program challenges the efficiency of the EU funded projects. In different parts of Finland, there have been projects in order to develop IT- society. But in fact, these projects have had very little to do with IT. Half of these EU-structural subsidies have gone wasted. During 2000-2006 there were over 33,000 structural projects in Finland. The control has been lousy. 75% of these projects were financed by the state, the municipalities and companies. The rest came from EU.	Renny Jokelin	MOT, current affairs TV YLE (in Finnish)	<a href="http://ohjelmat.yle.fi/mot/arkisto/22_09_2008_mot_eu_hankkeiden_kankkula">http://ohjelmat.yle.fi/mot/arkisto/22_09_2008_mot_eu_hankkeiden_kankkula</a>	Jokelin Renny renny.jokelin@yle.fi	+358408603962
Finland	06/10/2008	Colonial Power from Finland	investigative program on EU's Economic Partnership Agreements with African, Caribbean and Pacific nations. The program criticizes the EPA Agreements on being neo-colonialist.	Kati Juurus	MOT, YLE TV in Finnish	<a href="http://ohjelmat.yle.fi/mot/arkisto/6_10_2008_mot_suomi_siirtomaaherraksi_toim_kati_juurus/">http://ohjelmat.yle.fi/mot/arkisto/6_10_2008_mot_suomi_siirtomaaherraksi_toim_kati_juurus/</a>		
Finland	27/02/2009	not available	EU gives millions to food industry	Kristiina Yli-Kovero	Helsingin Sanomat	not available	through paper archives	
Finland	27/05/2009	"Glada vi till Bryssel gå"	Spotlight chose to investigate some concrete issues to see how the Parliament works: consumer security, NATO and EU, illegal logging of timber, Brussels-Strasbourg.	Patrik Skön	Spotlight, YLE, Finnish Broadcasting Company, in Swedish	no link	through company	
Finland	26/10/2009	A Light Bulb's Funeral	program on EU's lamp regulation prohibiting the use of most common incandescent light bulbs and promoting the use of Compact Fluorescent Lamps CFLs. The program questions the benefits of the regulation as promoted by the EU	Simo Sipola	Yleisradio (Finnish Broadcasting Company) YLE	<a href="http://yle.fi/elavaarkisto/artikkelit/hehkulampun_hautajaiset_46638.html#media=46645">http://yle.fi/elavaarkisto/artikkelit/hehkulampun_hautajaiset_46638.html#media=46645</a>		

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Finland	18/10/2010	Palm Oil Under Pressure	misuse of EU rules on CO2 compensation	Kati Juurus	MOT, YLE TV in finnish	<a href="http://yle.fi/elavaarkisto/artikkelit/nesteen_pulmaoljy_51314.html#media=51315">http://yle.fi/elavaarkisto/artikkelit/nesteen_pulmaoljy_51314.html#media=51315</a>		
France	11/01/2011	Europe's lost millions	4 cases of fraud, Denmark, southern Italy, Berlin, Normandy	Pierre Emmanuel, Luneau Daurignac and Olivier Toscer	Arte	<a href="http://www.pltv.fr/ficheFilm.php?titre=Europe%27s%20Lost%20Millions&amp;id_film=20110930a">http://www.pltv.fr/ficheFilm.php?titre=Europe%27s%20Lost%20Millions&amp;id_film=20110930a</a>	the film was reported on, but mainly inside France	
Germany	03/06/2004	Sickergruben für Fördermittel : In Dresden hat sich eine seltsame Interessengemeinschaft zusammengefunden. Staatsanwälte hegen den Verdacht: Es gab Subventionsbetrug in großem Stil.	21 million euros from the European Social Fund for training used for other purposes than originally intended	Reiner Burger	Frankfurter Allgemeine Zeitung	<a href="http://www.faz.net/aktuell/politik/inland/subventionsbetrug-sickergruben-fuer-foerdermittel-1160467.html">http://www.faz.net/aktuell/politik/inland/subventionsbetrug-sickergruben-fuer-foerdermittel-1160467.html</a>		
Germany	24/03/2007	Subventionsbetrug: Millionengrab in Gelsenkirchen	In a high school-oriented company network via false invoices and air operations more than 12 Mio Euros of subsidies have been used for purposes other than intended	Arno Heißmeyer ; Thomas van Zütphen	Focus	<a href="http://www.focus.de/finanzen/news/subventionsbetrug_aid_51610.html">http://www.focus.de/finanzen/news/subventionsbetrug_aid_51610.html</a>	vermutlich PM der Staatsanwaltschaft Bochum Follow-up articles: <a href="http://www.focus.de/finanzen/news/subventionsbetrug_aid_135480.html">http://www.focus.de/finanzen/news/subventionsbetrug_aid_135480.html</a> , <a href="http://www.focus.de/finanzen/news/subventionsbetrug_aid_232276.html">http://www.focus.de/finanzen/news/subventionsbetrug_aid_232276.html</a> .	

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Germany	26/01/2008	Nokia verstieß offenbar gegen Subventionsauflagen: Der finnische Handy-Hersteller Nokia hat von 2002 bis 2005 in seinem jetzt von Schließung bedrohten Bochumer Werk möglicherweise gegen Subventionsauflagen verstoßen. Untersuchungen weisen darauf hin, dass weniger Stellen als vorgegeben geschaffen wurden.	In 2002-2005, Nokia has provided 200-400 permanent jobs too little	Nils Weisensee	Stern	<a href="http://www.stern.de/wirtschaft/news/unternehmen/standort-bochum-nokia-verstiess-offenbar-gegen-subventionsauflagen-608991.html">http://www.stern.de/wirtschaft/news/unternehmen/standort-bochum-nokia-verstiess-offenbar-gegen-subventionsauflagen-608991.html</a>		
Germany	07/12/2008	Subventionsbetrug: Haft auf Bewährung	More than 12 Million Euros (mostly from EU) missused	Bernd Kiesewetter	Westdeutsche Allgemeine Zeitung	<a href="http://www.derwesten.de/staedte/gelsenkirchen/subventionsbetrug-haft-auf-bewaehrung-id1038852.html">http://www.derwesten.de/staedte/gelsenkirchen/subventionsbetrug-haft-auf-bewaehrung-id1038852.html</a>		Court sentence
Germany	12/06/2009	370 Millionen Euro mit Zucker ergaunert	farmsubsidies, sugar, raid at sugar company in connection with Greenpeace wob request	Sascha Balasko, Gita Ekberg	Hamburger Abendblatt	<a href="http://www.abendblatt.de/hamburg/article1049627/370-Millionen-Euro-mit-Zucker-ergaunert.html">http://www.abendblatt.de/hamburg/article1049627/370-Millionen-Euro-mit-Zucker-ergaunert.html</a>		original documents through Greenpeace FOI request, several media picked up the story, or reported their own parts of it, see next story too

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Germany	12/06/2009	370 Millionen Euro mit falschen Zucker-Subventionen ergaunert	EU subsidies for sugar farmers spent on 'ghost' sugar. German tax office raided companies involved, lost tax revenue and subsidy estimated about 370 million euros. story was done after Greenpeace 'wobbed out' the documents.	André Zand-vakili	Welt Online	<a href="http://www.welt.de/die-welt/article3910520/370-Millionen-Euro-mit-falschen-Zucker-Subventionen-ergaunert.html">http://www.welt.de/die-welt/article3910520/370-Millionen-Euro-mit-falschen-Zucker-Subventionen-ergaunert.html</a>		
Germany	11/10/2009	Schlusskapitel zur Investruine	The Developer of the Marina "Hohen Wiesendorf" (near Wismar) sentenced to pay back 3,7 million Euros to the Country of Mecklenburg-Vorpommern and the EU.	Corinna Pfaff	Schweriner Volkszeitung	<a href="http://www.svz.de/nachrichten/mecklenburg-vorpommern/artikeldetail/artikel/schlusskapitel-zur-investruine.html">http://www.svz.de/nachrichten/mecklenburg-vorpommern/artikeldetail/artikel/schlusskapitel-zur-investruine.html</a>		Court Sentence
Germany	20/04/2010	Agrarchef gesteht Subventionsbetrug : Das Landgericht Chemnitz hat Artur Walda zu drei Jahren auf Bewahrung verurteilt.	2001-2004 manager Walda (agricultural cooperative Grünlichtenberg, Saxonia) received around 340,000 euros investment for the purchase of new machines but has handed the money into another company	Petra Schumann	Sächsische Zeitung	<a href="http://www.sz-online.de/nachrichten/artikel.asp?id=2442563">http://www.sz-online.de/nachrichten/artikel.asp?id=2442563</a>		Court sentence. Remark: unclear, if the abused money originates from EU



Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Germany	18/02/2011	Subventionsbetrug bei VW? : Subventionsbetrug bei einem Tochter-Unternehmen aus dem Bereich Volkswagen-Coaching? Zwei Führungskräfte (50/56) sollen EU-Fördergelder missbraucht haben. Die Staatsanwaltschaft Braunschweig hat bereits ein Ermittlungsverfahren gegen die beiden VW-Manager eingeleitet.	Abuse of EU grants at Volkswagen	bm	Wolfsburger Allgemeine	<a href="http://www.waz-online.de/Wolfsburg/Wolfsburg/Volkswagen/Subventionsbetrug-bei-VW">http://www.waz-online.de/Wolfsburg/Wolfsburg/Volkswagen/Subventionsbetrug-bei-VW</a>		VW accused the two managers themselves.
Germany	18/05/2011	Rund 175 000 Euro erschlichen? : Angeklagte bestreiten Subventionsbetrug / Belastende Zeugenaussagen	2003 - 2006 a company developed an energy-saving air sensor for building automation (called Multiklim). They got 200,000 euros from the EU budget and the country of Brandenburg. Managers are accused of economic subsidy fraud	Gabriele Hohenstein	Potsdamer Neueste Nachrichten	<a href="http://www.pnn.de/pm/428888/">http://www.pnn.de/pm/428888/</a>	Court	
Germany	21/09/2011	Subventionsbetrug? Anklage gegen Guts-Gold-Chef	Poultry slaughterhouse in Grimsby (Pomerania-Rügen), Guts-Gold Nord GmbH (belongs to the French company Doux meat (Châteaulin)) wrongfully gets about 4.7 million euros in export refunds for exports to non-EU countries	dpa	Ostseezeitung / dpa	<a href="http://www.ostseezeitung.de/mobil/index_4561.phtml?SID=3dd00a69aeb4573a7d272632aa78bf5f&amp;param=news&amp;id=3243265">http://www.ostseezeitung.de/mobil/index_4561.phtml?SID=3dd00a69aeb4573a7d272632aa78bf5f&amp;param=news&amp;id=3243265</a>		Staatsanwaltschaft

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Germany	29/11/2011	Revision aus Brüssel : Das Amt für Betrugsbekämpfung der EU schickt Ermittler an die Lüneburger Leuphana-Uni. Sie sollen das Vergabeverfahren für das Libeskind-Audimax untersuchen	Procurement procedures for the planning of the new central building Leuphana (University Halle) to be reviewed. 21 million euros for it come from Brussels	Christian Jakob	die Tageszeitung	<a href="http://www.taz.de/!82815/">http://www.taz.de/!82815/</a>		story may have come from OLAF, not clear
Germany	01/12/2011	Vorwurf: Doppelt kassiert und nicht ausgeschrieben	Lawsuit because of misspending of EU funding	unknown	Ostthüringer Zeitung / Thüringen   Jena	<a href="http://www.genios.de/r/noAccess/registerLoginOrPay?max=10&amp;ajax=true&amp;offset=60&amp;mobile=&amp;docId=OTZ__4F75990D2D91856C37620DCBE39D2181&amp;showPayment=true&amp;redirect=%2Fr%2Fdocument%2FOTZ__4F75990D2D91856C37620DCBE39D2181%2Fhitlist%2F60%3Fa%3D%26b%3D2332506">http://www.genios.de/r/noAccess/registerLoginOrPay?max=10&amp;ajax=true&amp;offset=60&amp;mobile=&amp;docId=OTZ__4F75990D2D91856C37620DCBE39D2181&amp;showPayment=true&amp;redirect=%2Fr%2Fdocument%2FOTZ__4F75990D2D91856C37620DCBE39D2181%2Fhitlist%2F60%3Fa%3D%26b%3D2332506</a>		
Germany	05/01/2012	Brüsseler Schneekanonen für die Sonneninsel	EU provides for building a ski villages on Bornholm, one of Scandinavia's warmest islands	unknown	Welt Online	<a href="http://www.welt.de/print/welt_kompakt/print_politik/article13798973/Bruesseler-Schneekanonen-fuer-die-Sonneninsel.html">http://www.welt.de/print/welt_kompakt/print_politik/article13798973/Bruesseler-Schneekanonen-fuer-die-Sonneninsel.html</a>		
Germany	29/01/2012	Subventionsbetrug? : BUND: schwere Vorwürfe gegen Landwirte / Landvolk wiegelt ab	Farmers surreptitiously got EU direct resources by farming more land (roads) than they owned. Billing was based on aerial photographs, not on land registry data	Stephan Voigt	Rotenburger Rundschau	<a href="http://www.rotenburger-rundschau.de/redaktion/redaktion/aktuell/data_anzeigen.php?dataid=91161">http://www.rotenburger-rundschau.de/redaktion/redaktion/aktuell/data_anzeigen.php?dataid=91161</a>		Rotenburger BUND-Vorsitzende Manfred Radtke
Germany	27/04/2012	Geflügelschlachthof : Subventionsbetrug bei Wiesenhof?	From 2002 to 2011 Wiesenhof (Germany's largest chicken breeder) cashed export-subsidies from EU, approx. 3.7 million euros. Yet, they had no operating license	Johannes Dörries	Mitteldeutsche Zeitung	<a href="http://www.mz-web.de/servlet/ContentServer?pagename=ksta/page&amp;atype=ksArtikel&amp;aid=1335503148941">http://www.mz-web.de/servlet/ContentServer?pagename=ksta/page&amp;atype=ksArtikel&amp;aid=1335503148941</a>		story possibly came from Staatsanwaltschaft Oldenburg

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Germany	02/05/2012	Vor Zahlung wird gewarnt	Citizens' Initiative advises the state government of Mecklenburg-Western Pomerania in an open letter to disburse the aid of the broiler plants in Klein Daberkow, as the operation licence is in doubt	Susanne Böhm	Nordkurier	<a href="http://www.nordkurier.de/cmlink/nordkurier/lokales/neustrelitz/vor-zahlung-wird-gewarnt-1.420687">http://www.nordkurier.de/cmlink/nordkurier/lokales/neustrelitz/vor-zahlung-wird-gewarnt-1.420687</a>		Journalist / Bürgerinitiative
Germany	06/08/2012	Kefama Maschinenbau GmbH scheiterte nach Übernahme	Embezzlement of investment subsidies (approx. 60,000 DM) by Werner Pilz	Hanno Müller	Thüringer Allgemeine	<a href="http://www.thueringer-allgemeine.de/startseite/detail/-/specific/Kefama-Maschinenbau-GmbH-scheiterte-nach-Uebernahme-780720216">http://www.thueringer-allgemeine.de/startseite/detail/-/specific/Kefama-Maschinenbau-GmbH-scheiterte-nach-Uebernahme-780720216</a>		Court-sentence. Unclear, if national or EU-money was abused
Greece	31/12/2009	Τα ελαιόδενδρα έβγαζαν χρυσάφι, The olive oil trees were producing gold	fraud with olive oil subsidies, 57 producers declared at least 5 times higher volumes of olive oil production than they should to get -unlawfully- subsidies. Almost three years after Matsamak's complaint to the local attorney, after an investigation by OLAF, Greece has to give back 374,000 euros that were given as olive oil subsidies. But in Crete there was no progress in the investigations of the local authorities due to political pressure	Harry Karanikas, Yiorgos Konstas	TA NEA ( "The News", the biggest daily in Greece)	<a href="http://www.tanea.gr/ellada/article/?aid=4553391">http://www.tanea.gr/ellada/article/?aid=4553391</a>		
Greece	28/03/2010	Λαθρεμπόριο με τη «σφραγίδα» τελωνειακών	smuggling fuel and dubious Bulgarian taxes	Tasos Teloglu	kathimerini	<a href="http://news.kathimerini.gr/4dcgi/_w_articles_ell_1_28/03/2010_395770">http://news.kathimerini.gr/4dcgi/_w_articles_ell_1_28/03/2010_395770</a>		
Greece	28/11/2010	Δάσκαλε, πού, πότε και πόσες ώρες διδάσκες; Σκάνδαλο σε προγράμματα επιμόρφωσης; Teacher how many hours did you teach?	reeducation money spent wrong. The amount lost is small 7 million, but distributed to many people that pretended of teaching in reeducation facilities , which they didn't. a case of massive low scale corruption where also judges that controlled the system were involved. Whistle-blower case, after writing to OLAF.	Tasos Teloglou	kathimerini	<a href="http://news.kathimerini.gr/4dcgi/_w_articles_ell_2_28/11/2010_424149">http://news.kathimerini.gr/4dcgi/_w_articles_ell_2_28/11/2010_424149</a>		

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Greece	13/01/2011	Πόρισμα Ρακιντζή κατά προηγούμενης διοίκησης ΕΥΠ	EU funds for border protection wrongfully spent within Greek intelligence agency	Yannis Souliotis	kathimerini	<a href="http://news.kathimerini.gr/4dcgi/_w_articles_politics_2_13/01/2011_428528">http://news.kathimerini.gr/4dcgi/_w_articles_politics_2_13/01/2011_428528)</a>		
Greece	10/02/2011	«ΕΥΡΗΚΑ» ένα σκάνδαλο ύψους 30 εκατ. ευρώ σε 9 χρόνια	30 Million Euros of the Program EUREKA were spent by the Authority for Small and Medium Companies on salaries and running expenditure instead of being spent on innovation	Tasos Teloglou	kathimerini	<a href="http://news.kathimerini.gr/4dcgi/_w_articles_politics_2_02/10/2011_458097">http://news.kathimerini.gr/4dcgi/_w_articles_politics_2_02/10/2011_458097</a>		
Greece	27/02/2011	Αξιωματούχους της ΕΥΠ «καίει» απόρρητη έκθεση, Για το ψηφιακό σύστημα ελέγχου συνόρων	EU funds for border protection wrongfully spent within Greek intelligence agency	Yannis Souliotis	kathimerini	<a href="http://news.kathimerini.gr/4dcgi/_w_articles_ell_2_27/02/2011_434146">http://news.kathimerini.gr/4dcgi/_w_articles_ell_2_27/02/2011_434146)</a>		
Greece	29/01/2012	Το λαθρεμπόριο καυσίμων και τα μυστηριώδη βουλγαρικά φορτία	smuggling fuel and dubious Bulgarian taxes	Tasos Teloglu	kathimerini	<a href="http://news.kathimerini.gr/4dcgi/_w_articles_economy_1_29/01/2012_470565">http://news.kathimerini.gr/4dcgi/_w_articles_economy_1_29/01/2012_470565</a>		
Greece	21/03/2012		greece hasn't updated its electronic data-keeping systems in 20 years, despite spending around EUR7 billion in EU funds on it, AFP reports	unknown	AFP press agency	not available		
Hungary	several		database of stories on misuse of EU funds	several	several	<a href="http://kmonitor.hu/database/tags/eu">http://kmonitor.hu/database/tags/eu</a>	K-monitor (NGO monitoring corruption in the broader sense). Not all are investigative, though and many refer to the few original stories mentioned above.	
Hungary	several		database of stories on violation of EU financial interests	several	several	<a href="http://kmonitor.hu/database/tags/violation-of-the-european-communitys-financial-interests">http://kmonitor.hu/database/tags/violation-of-the-european-communitys-financial-interests</a>	K-monitor (NGO monitoring corruption in the broader sense). Not all are investigative, though and many refer to the few original stories mentioned above.	

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Hungary	07/04/2011	Rámozdul az évszázad üzletére a kormányzati kötődésű cégbirodalom	tenders	András Pethő	news portal origo.hu	<a href="http://www.origo.hu/itthon/20110703-a-kozgep-es-az-eos-energetikai-terjeszkedese-simicska-lajos-es.html">http://www.origo.hu/itthon/20110703-a-kozgep-es-az-eos-energetikai-terjeszkedese-simicska-lajos-es.html</a>		
Hungary	12/05/2011	Hajtúkanyarral jutott újabb nagy munkához a kormányzati kötődésű cég	tenders	András Pethő	news portal origo.hu	<a href="http://www.origo.hu/itthon/20111202-naperomu-szegedi-tudomanyegyetem-az-eos-innovativ-a-nyertes.html">http://www.origo.hu/itthon/20111202-naperomu-szegedi-tudomanyegyetem-az-eos-innovativ-a-nyertes.html</a>		
Hungary	12/05/2011	Magyar verseny: egyből első	In 40% of Hungarian tenders, only one contender was selected, making the tender superfluous, and though perhaps not illegal, dubious to say the best. EU funds are tendered in the same way.	Peter Magyar	Index.hu (internet portal)	<a href="http://index.hu/belfold/2011/12/05/magyar_verseny_egybol_első/">http://index.hu/belfold/2011/12/05/magyar_verseny_egybol_első/</a>		
Hungary	26/09/2011	A hivatal, ahová két hónapig érkezik egy levél	dispersion of EU funds in Hungary is ineffective, with the EU asking for return of money	Peter Magyar	Index.hu (internet portal)	<a href="http://index.hu/belfold/2011/09/26/szetesett_az_unios_penzek_kifizetese/">http://index.hu/belfold/2011/09/26/szetesett_az_unios_penzek_kifizetese/</a>		
Hungary	29/09/2011	Elakadt a pénzünk Brüsszelben	Suspension of EU funds for transportation because of irregularities uncovered by Index	Peter Magyar	Index.hu (internet portal)	<a href="http://index.hu/belfold/2011/09/29/elakadt_a_penzunk_brusszelben/">http://index.hu/belfold/2011/09/29/elakadt_a_penzunk_brusszelben/</a>		
Hungary	31/12/2011	'We leaked secret documents.'	procurement of trams	Tamas Bodoky	Atlazo	<a href="http://atlazo.hu/2011/12/31/we-leaked-secret-documents-of-public-procurement/">http://atlazo.hu/2011/12/31/we-leaked-secret-documents-of-public-procurement/</a>		
Italy	30/03/2008	Fondi europei e truffe Zero controllati e i fondi vanno alle mafie	italiaanse overheid en banken knippen oogje dicht bij fraude met europees geld door mafia	not listed	Report, program on Rai tre	not recovered	samenvatting en item uit Report staat nog op <a href="http://www.youtube.com/watch?v=OrLg15wVZ3g">http://www.youtube.com/watch?v=OrLg15wVZ3g</a>	
Italy	30/03/2008	A fondo perduto	EU and Italian funds given to firms that shut down as soon they get the money	Sigfrido Ranucci	Rai3, Report	<a href="http://www.report.rai.it/dl/Report/puntata/ContentItem-4da16872-1d81-4b3e-a2bc-bdeecb787c29.html">http://www.report.rai.it/dl/Report/puntata/ContentItem-4da16872-1d81-4b3e-a2bc-bdeecb787c29.html</a>		

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Italy	18/04/2008	Frodi, Bruxelles presenta il conto	missed recovery of EU funds after the discovery of frauds or irregularities. The story detailed the issue for Italy (second, after Greece, for amount of money it should return to Brussels), with data for each Region, and some data for the main EU country (see map).	Claudio Gatti	Il Sole 24 ore	www.ilsole24ore.com		
Italy	14/03/2010	Il progetto	EU funds for underdeveloped areas that the Italian government (Berlusconi) spent for budget problems that had nothing to do with the aim of the funds	Sigfrido Ranucci	Rai3, Report	http://www.report.rai.it/dl/Report/puntata/ContentItem-2557fcf8-bbdc-4a54-be46-42d4b68b7de8.html		
Latvia	30/03/2006	Vaina un vainīgie eirofondu skandālā	building Latvia's pavillion at Expo China 2011 with EU funds, particularly wind tunnel. not finished in 2011 (due in 2008)	Janis Domburs	"Kas notiek Latvijā?" ("What happens in Latvia")	http://www.knl.lv/raksti/66/		http://www.financenet.lv/zinas/364814-ar_aerodium_saistitai_firmai_jaatdod_valstij_ls_135_miljoni , is a comprehensive report on it, done by Agency of Investments. then press jumped on it.
Latvia	19/05/2009	Par ES naudu ielānoto lāzeršovu Kombuļos iespējams gatavo Ogres estrādes vajadzībām	laser show equipment bought for development of eastern Latvian town of Kombuli, but rented out for concerts in Riga by owner	not listed	TV 3, analytical show Nekā personīga (Nothing personal)	http://www.tv3.lv/content/view/3703/282/		journalists claim this is not only example of misappropriation of EU funds under program to develop eastern region of Latvia
Latvia	10/01/2011	Turpinās ES budžeta izšķērdēšana	Eu budget is wasteful	VALDIS BĒRZIŅŠ	second biggest daily	http://la.lv/index.php?option=com_content&view=article&id=328815:turpins-es-budeta-izrada-izskerdšana&catid=78:eiropa&Itemid=101		
Latvia	13/01/2011	PLL jauniešu organizācijas līderi Teteri vaino ES līdzekļu izšķērdēšanā	EU money for democratization going to PPL political party youth activities	not listed	Neka Personīga (notjing personal), TV3	http://www.diena.lv/sabiedriba/politika/pll-jauniesu-organizacijas-lideri-teteri-vaino-es-lidzeklu-izskerdšana-767367		



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Latvia	29/05/2011		president elect builds ski slope with EU funds	not listed	De Facto, public TV show	no link available	through latvian public TV, archives are not kept online for this long	
Latvia	12/11/2011	Bērziņa meitas „biznesa plāns” demonstrē, kā tikt pie ES līdzekļiem pašu vajadzībām	president elect builds ski slope with EU funds, more info based on FOI	not mentioned	investigative internet portal pietiek.com ('enough.com')	<a href="http://www.pietiek.com/raksti/berzina_meitas_biznesa_plans_demonstr_e,_ka_tikt_pie_es_lidzekliem_pasu_vajadzibam">http://www.pietiek.com/raksti/berzina_meitas_biznesa_plans_demonstr_e,_ka_tikt_pie_es_lidzekliem_pasu_vajadzibam</a>		
Latvia	25/12/2011	LIAA no 'Aerodium' līdzīpašnieka Beitāna uzņēmuma tiesas ceļā cenšas atgūt 1,35 miljonus latu	Aerodium, wind tunnel, EU wants 1,35 mln back	not listed	Delfi	<a href="http://business.delfi.lv/uznemumi/liaa-no-aerodium-lidzipasnieka-beitana-uznemuma-tiesas-cela-censas-atgut-135-miljonus-latu.d?id=42008014">http://business.delfi.lv/uznemumi/liaa-no-aerodium-lidzipasnieka-beitana-uznemuma-tiesas-cela-censas-atgut-135-miljonus-latu.d?id=42008014</a>		
Lux	01/01/2010	Die Kölner Messehallen, OLAF und das Europäische Parlament	major scandal (building Europe's Parliament in Brussels without respecting European public procurement rules) and an anti-fraud office (OLAF) which is neither willing nor capable to tackle the case	Jurgen Stoldt	Forum	pdf available		
Malta	20/11/2005	EU contract of EUR565,000 for PN to monitor Maltese media	The Nationalist Party has been awarded a major EUR565,000 (Lm244,000) contract from the EU for providing a daily press review to the Commission. other independent companies with no links to either political party had their tenders turned down.	Matthew Vella	Malta Today	<a href="http://www.maltatoday.com.mt/2005/11/20/top_stroy.html">http://www.maltatoday.com.mt/2005/11/20/top_stroy.html</a>	story was followed up with a swedish MEP taking the issue to the parliament: <a href="http://www.maltatoday.com.mt/2005/11/27/t9.html">http://www.maltatoday.com.mt/2005/11/27/t9.html</a> , after which the contract was terminated	

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Malta	08/03/2008	Mater Dei's million-euro haemorrhage	the government, through the Office of the Prime Minister as the ministry responsible for the construction of the new general hospital Mater Dei, issued a €2 million contract without a public tender to the security company previously employed by Skanska, the hospital's construction company, to carry on its security at MDH after the handover of the building to the government	Matthew Vella	Malta Today	<a href="http://archive.maltatoday.com.mt/2008/08/03/t1.html">http://archive.maltatoday.com.mt/2008/08/03/t1.html</a>		
Malta	08/10/2008	More money for nothing	Another pre-electoral direct order, this time of €1.8 million to Mekanika for Mater Dei maintenance, while 64 maintenance staff are kept on at St Luke's with nothing to do	Matthew Vella	Malta Today	<a href="http://archive.maltatoday.com.mt/2008/08/10/t1.html">http://archive.maltatoday.com.mt/2008/08/10/t1.html</a>		Malta Today was vindicated in 2009 by the Auditor General for reporting on this
Malta	02/07/2011	Ministry admits irregularities in Dar Malta salaries	Malta Permanent Representation in Brussels topped up low salaries with 'deductible allowances' that were undeclared to tax authorities. Whistle-blower who revealed the story was fired by permanent representation, but other employees later spoke out about the allegations	Matthew Vella	Malta Today	<a href="http://www.maltatoday.com.mt/en/newsdetails/news/national/Ministry-admits-irregularities-in-Dar-Malta-salaries">http://www.maltatoday.com.mt/en/newsdetails/news/national/Ministry-admits-irregularities-in-Dar-Malta-salaries</a>		Story was follow up and further investigation of Belgian Le Soir story in early february 2011. Original story could not be retrieved. Story was followed up by several others: <a href="http://www.maltatoday.com.mt/en/newsdetails/news/national/Dar-Malta-en-noir-former-employees-speak-out">http://www.maltatoday.com.mt/en/newsdetails/news/national/Dar-Malta-en-noir-former-employees-speak-out</a>
NL	16/08/2005	<a href="http://www.novatv.nl/page/detail/uitzendingen/3649/Bedrijven+minister+Veerman+profiteren+van+landbouwsubsidies">http://www.novatv.nl/page/detail/uitzendingen/3649/Bedrijven+minister+Veerman+profiteren+van+landbouwsubsidies</a>	Minister of agriculture got legal subsidies for french farms, legal but talk of conflict of interest	Ad van Oosten, Jan Reiff	Volkskrant, NOVA	<a href="http://www.novatv.nl/page/detail/uitzendingen/3649/Bedrijven+minister+Veerman+profiteren+van+landbouwsubsidies">http://www.novatv.nl/page/detail/uitzendingen/3649/Bedrijven+minister+Veerman+profiteren+van+landbouwsubsidies</a>		

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Poland	01/04/2006	unknown	politician Pawel Piskorski, (member of party Platforma Obywatelska, PO) secretly bought treeplantation to earn farmsubsidies. no crime or conflict of interests, but Piskorski is a Warsaw citizen and his picture as a farmer was unexpected and said a lot about farmsubsidies beneficiaries in Poland	not listed	Dziennik	original link lost	two follow up stories in weeklies: <a href="http://archiwum.polityka.pl/art/zasiali-madrale-sosne,372341.html">http://archiwum.polityka.pl/art/zasiali-madrale-sosne,372341.html</a> , <a href="http://www.money.pl/archiwum/wiadomosci_agencyjne/iar/artykuly,lista,20060425.html">http://www.money.pl/archiwum/wiadomosci_agencyjne/iar/artykuly,lista,20060425.html</a>	
Poland	29/04/2006	Zachodniopomorskie hektary pogrążyły Abgarowicza	Main figure in Platforma Obywatelska, Lukasz Abgarowicz, bought 417 ha just to be beneficiary of farmsubsidies	Adam Zadworny, Dominika Dziobkowska, Iwona Szpala	Gazeta Wyborcza	<a href="http://szukaj.wyborcza.pl/Archiwum/1,0,4664695,20060429SZ DLO,Zachodniopomorskie_hektary_pograzily_Abgarowicza,.html">http://szukaj.wyborcza.pl/Archiwum/1,0,4664695,20060429SZ DLO,Zachodniopomorskie_hektary_pograzily_Abgarowicza,.html</a>		
Poland	04/08/2008	Jak polski europoseł wyludził tysiące z Unii	eurodeputy Jan Masiel established web of fictional-employed assistants. He produced fake invoices to obtain money from European Parliament. (never returned the money but had to apologise in public)	Wojtek Ciesla	Dziennik	<a href="http://wiadomosci.dziennik.pl/polityka/artykuly/124533,jak-polski-europoseł-wyludzil-tysiace-z-unii.html">http://wiadomosci.dziennik.pl/polityka/artykuly/124533,jak-polski-europoseł-wyludzil-tysiace-z-unii.html</a>	stories are copy-paste version of police information about UE money frauds, like: <a href="http://www.dziennikbaltycki.pl/artikul/432332,abw-bada-unijne-dotacje-udzielane-przez-agencje-rozwoju,id,t.html">http://www.dziennikbaltycki.pl/artikul/432332,abw-bada-unijne-dotacje-udzielane-przez-agencje-rozwoju,id,t.html</a> )	
Poland	12/07/2009	Dziwny interes na orzechach	vice ministry of natural environment Maciej Trzeciak gets farmsubsidy by changing his official place of living to small village. The only reason Trzeciak did it was that as a villager he could enter in an auction and buy 206 ha field and after that get farmsubsidy	Mariusz Kowalewski	Rezczypospolita	<a href="http://www.rp.pl/artikul/402450_Dziwny_interes_na_orzechach.html">http://www.rp.pl/artikul/402450_Dziwny_interes_na_orzechach.html</a>		
Romania	2006-2010	AfaceriPublice.ro	online database on spending pre-accession money in Romania, investigative articles came out of them, project abandoned because of difficulties	ActiveWatch	ActiveWatch	<a href="http://www.afaceripublice.ro/p/About-AfaceriPublice-ro-393.html">http://www.afaceripublice.ro/p/About-AfaceriPublice-ro-393.html</a>	see Chapter 4.1	

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Romania	30/08/2006	Scandal in Ceahlau - Un milion de euro aruncati in drum	part one - investigation about roads build on paper, Olaf investigated the case and after a few years the Commission ordered to reimburse the money from the Romanian govt - but nobody is paying back the money	DANIELA DUMITRESCU, EUGEN CIUFU	paper jurnalul national	<a href="http://www.jurnalul.ro/special/scandal-in-ceahlau-un-milion-de-euro-aruncati-in-drum-13504.htm">http://www.jurnalul.ro/special/scandal-in-ceahlau-un-milion-de-euro-aruncati-in-drum-13504.htm</a>		
Romania	14/11/2007	Gaură - Uniunea Europeană vrea banii inapoi	part two - investigation about roads build on paper, Olaf investigated the case and after a few years the Commission ordered to reimburse the money from the Romanian govt - but nobody is paying back those money	Adrian Mogos	paper jurnalul national	<a href="http://www.jurnalul.ro/special/gaura-uniunea-europeana-vrea-banii-inapoi-108847.htm">http://www.jurnalul.ro/special/gaura-uniunea-europeana-vrea-banii-inapoi-108847.htm</a>		
Romania	20/01/2009	PRIMARUL DIN CEAHLĂU, LA OLAF/Escrocheri a își taie fâgaș prin codri cu drujbele	part three - investigation about roads build on paper, Olaf investigated the case and after a few years the Commission ordered to reimburse the money from the Romanian govt - but nobody is paying back those money	Adrian Mogos	paper jurnalul national	<a href="http://www.jurnalul.ro/special/primarul-din-ceahlau-la-olaf-escrocheria-isi-taie-fagas-prin-codri-cu-drujbele-142653.htm">http://www.jurnalul.ro/special/primarul-din-ceahlau-la-olaf-escrocheria-isi-taie-fagas-prin-codri-cu-drujbele-142653.htm</a>		
Romania	08/12/2010	Cum se căpușează un proiect european, în valoare de 64 de milioane de euro	a local political baron, Mircea Molot, granted european money to his future son-in-law, by subcontracting public works without the mandated open tender	Liviu Avram, Adina Vlad, Sorin Ghica	Adevarul, newspaper	<a href="http://www.adevarul.ro/locale/hunedoara/Cum_se_capuseaza_un_proiect_european_0_315568642.html">http://www.adevarul.ro/locale/hunedoara/Cum_se_capuseaza_un_proiect_european_0_315568642.html</a>		
Romania	28/01/2011	În atenția DNA: unde dai și unde... capră	Phare money meant for starting a small goat farm by Roma misused: the goats that were bought were eaten, and only a small part of the expenses could be justified with bills	Cristinel C. Popa	paper jurnalul national	<a href="http://www.jurnalul.ro/anchete/in-atenția-dna-unde-dai-si-unde-capra-566341.htm">http://www.jurnalul.ro/anchete/in-atenția-dna-unde-dai-si-unde-capra-566341.htm</a>		
Romania	12/05/2011	BAIA SPRIE – BÂRSANA, PĂTATA CARTE DE VIZITĂ A LUI MIRCEA MAN	A road (Baia Sprie – Barsana) is reconstructed with EU-money. Because the authority favoured a certain company to win the public auction, EU penalized the project with 10% (1,800,000 euro).	Ananei Gagniuc	website IPenal	<a href="http://www.izpenal.ro/index.php/administraie?start=12">http://www.izpenal.ro/index.php/administraie?start=12</a>		

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Romania	22/06/2011	Senatoarea Sorina Placinta si-a bagat fiul intr-o afacerea de milioane de euro cu banii europeni	a senator and her family abusing EU money related to professional reintegration	George Colgiu	TV	<a href="http://observator.a1.ro/social/Senatoarea-Sorina-Placinta-si-a-bagat-fiul-intr-o_39363.html">http://observator.a1.ro/social/Senatoarea-Sorina-Placinta-si-a-bagat-fiul-intr-o_39363.html</a>		
Romania	03/11/2011	Monumentele hoției și șpăgii: Manual de mâncat fonduri europene	In the village of Dezesti (south-western Romania) a "monument" called The crossborder network for supporting the agriculture development was built: a small building with furniture, a fountain with a statue and a street computer. The project cost about 489,160 euro, was finalized in August 2009 and paid by EU money. The city hall of Dezesti was the beneficiary, about 100,000 euros disappeared. after the story, people involved were prosecuted.	VALENTIN ZASCHIEVICI, MIRCEA OPRIS, Adrian Mogos	paper jurnalul national	<a href="http://www.jurnalul.ro/anchete/monumentele-hotiei-si-spagii-manual-de-mancat-fonduri-europene-571274.htm">http://www.jurnalul.ro/anchete/monumentele-hotiei-si-spagii-manual-de-mancat-fonduri-europene-571274.htm</a>		
Romania	14/12/2011	Roma Funds Squandered in Romania	Money from EU and Romania to improve living conditions for Roma spent on inflated salaries and exhorbitant rents and expenses	Adrian Mogos	website BIRN	<a href="http://fellowship.birn.eu.com/en/alumni-initiative/alumni-initiative-articles-roma-funds-squandered-in-romania">http://fellowship.birn.eu.com/en/alumni-initiative/alumni-initiative-articles-roma-funds-squandered-in-romania</a>		
Romania	16/12/2011	Absorbția fondurilor europene în România – de la cifre la realitate	overview of absorption of EU funds in Romania, data and figures, no spin or analysis	ALINA MOSCALU	Romanian Center for IJ, OSI sponsored contest for young journalists	<a href="https://crji.org/articol e.php?id=4189">https://crji.org/articol e.php?id=4189</a>	through coach at the center: sorin ozon, sorinozon@yahoo.com	

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Romania	24/12/2011	Mirosul incompetenței din groapa România	waste management in the county of Caras-Severin cost 34.015.960 euro from which 22.908.300 euro was the contribution of the EU. The masterplan for enforcing this management is being blocked in Brussels because of the corruption within the ministry of Environment and the group of companies that was supposed to do the work	Adrian Mogos	website CRJI (Romanian Center for Investigative Journalism and Journalul National	<a href="https://www.crji.org/articole.php?id=4191">https://www.crji.org/articole.php?id=4191</a>		
Romania	30/12/2011	Cu sprijinul OJDRP Maramureș și al primarului din Ulmeni	11 young farmers from Ulmeni accessed Measure 112 "The installation of young farmers", for establishing 11 plantations with buxus. But they used photos of an existing plantation and - with the cooperation of the local authority, Payment Agency for Rural and Fishing Development – they cashed the first tranche (15,000 euro each)	Ananei Gagniuc and Gheorghe Gligan	website IPenal	<a href="http://www.izpenal.ro/index.php/component/content/article/10-deschidere-pagina/132-cu-sprrijinul-ojdrp-maramure-i-al-primarului-din-ulmeni">http://www.izpenal.ro/index.php/component/content/article/10-deschidere-pagina/132-cu-sprrijinul-ojdrp-maramure-i-al-primarului-din-ulmeni</a>		
Romania	31/01/2012	Subvențiile europene, mină de aur pentru șmecherii cu bani	bureaucrats become sheperds in order to collect EU money meant for 'natural grazing', keeping the landscape natural	Olimpia Filip	Romanian Center for IJ, OSI sponsored contest for young journalists	<a href="https://crji.org/articol e.php?id=4192">https://crji.org/articol e.php?id=4192</a>	through coach at the center: sorin ozon, sorinozon@yahoo.com	
Spain	14/03/2007	"Los trabajadores de la ONG presidida por un ex jefe de prensa de Aznar denuncian manipulación de facturas"	misuse of EU cooperation funds by Spanish foundation	Pedro Jiménez	Cadena Ser	<a href="http://www.cadenaser.com/espana/articulo/trabajadores-ong-presidida-ex-jefe-prensa-aznar-denuncian-manipulacion-facturas/csrrp/20070314csrrnac_8/Tes">http://www.cadenaser.com/espana/articulo/trabajadores-ong-presidida-ex-jefe-prensa-aznar-denuncian-manipulacion-facturas/csrrp/20070314csrrnac_8/Tes</a>		There could be more follow-ups than this, but those could not be retrieved



Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Spain	25/05/2009	"UGT y CC.OO. acaparan las ayudas para divulgar la Presidencia española de la UE"	Article analyzing the organizations which got subsidies to promote Spain's presidency of the EU and the relation to the government	I. BLASCO	ABC	FUNDACIONALTERNATIVAS.pdf, FUNDACIONALTERNATIVAS2.pdf	FUNDACIONALTERNATIVAS1.pdf,	
Spain	05/10/2009	La desalinizadora de Torreveja estará operativa antes de fin de año	desalination plant built with EU structural funds lies idle	unknown	El Mundo	<a href="http://www.elmundo.es/elmundo/2009/05/10/valencia/1241966143.html">http://www.elmundo.es/elmundo/2009/05/10/valencia/1241966143.html</a>		
Spain	10/02/2011	"Pescadores de lista negra"	One of the articles of the ICIJ investigation published directly in the Spanish press	Kate Willson/Mar Cabra	El País	<a href="http://elpais.com/diario/2011/10/02/domingo/1317527559_850215.html">http://elpais.com/diario/2011/10/02/domingo/1317527559_850215.html</a>		See Chapter 4.2
Spain	10/02/2011	"Las subvenciones agotan los mares"	El Mundo reports on ICIJ's investigation on fishing subsidies	Pedro Cáceres	El Mundo	<a href="http://www.elmundo.es/elmundo/2011/10/04/natura/1317751327.html">http://www.elmundo.es/elmundo/2011/10/04/natura/1317751327.html</a>		See Chapter 4.2
Spain	13/02/2011	La política tiene precio en Lanzarote	fraud with money for hotel on Lanzarote	Luis Gómez	El Pais, based on BIJ/FT	<a href="http://elpais.com/diario/2011/02/13/domingo/1297572756_850215.html">http://elpais.com/diario/2011/02/13/domingo/1297572756_850215.html</a>		
Spain	03/04/2011	"Fraudemasivo en las ayudas de la UE al empleo gestionadas por la Junta andaluza"	It explains how the system seemed to work (although in a really early stage) but there's no clear information on sourcing. It all seems to come from the Civil Guard investigation.	PABLO MUÑOZ	ABC	ANDALUCIA_AYUDAEMPLO5.pdf, ANDALUCIA_AYUDAEMPLO6.pdf, ANDALUCIA_AYUDAEMPLO7.pdf		Unclear up to what point this article could be considered as investigative.
Spain	02/05/2011	"La Policía desvela un fraude millonario en la gestión de empleo de la Junta andaluza"	Leaked police report points to a massive fraud on ESF funds (although at this point there's no mention to the EU yet)	JUAN J. BORRERO	ABC	ANDALUCIA_AYUDAEMPLO1.pdf, ANDALUCIA_AYUDAEMPLO2.pdf		

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Spain	03/05/2011	"Conde-Pumpido confirma el nuevo «fraude» en Andalucía"	Article saying that the Attorney General confirmed the information revealed the previous day by the paper saying that the Andalucía High Court was investigating the fraud		ABC		ANDALUCIA_AYUDAEMPLO4.pdf	
Spain	17/07/2011	El Gobierno valenciano bloquea la mayor desaladora de Europa	desalination plant built with EU structural funds lies idle	unknown	El Pais, based on BIJ/FT		<a href="http://elpais.com/diario/2011/07/17/sociedad/1310853603_850215.html">http://elpais.com/diario/2011/07/17/sociedad/1310853603_850215.html</a>	
Spain	03/08/2011	"Una empresa investigada por fraude trabaja para Hacienda en el IRPF"	Small article on one of the companies which may have participated in the fraud, which also has a contract with the central government	No signature	ABC		ANDALUCIA_CORRUPCION5.pdf, ANDALUCIA_CORRUPCION6.pdf	
Spain	03/10/2011	"El delegado de Empleo en Córdoba da 369.000 euros a su autoescuela"	840,000 euros of EU funds going to politician's company (to learn driving).	ANTONIO R. VEGA / FRANCISCO J. POYATO	ABC	<a href="http://www.abc.es/20110310/espana/abcp-delegado-empleo-cordoba-euros-20110310.html">http://www.abc.es/20110310/espana/abcp-delegado-empleo-cordoba-euros-20110310.html</a>	There's a second day follow-up, rising up the total amount to 840.000 - "La autoescuela del delegado de Empleo logró más de 840.000 euros". It's unclear whether this is related with the ESF cases, but the accused public official later resigned for an implication in another investigation (of funds going to a foundation related with his family). However, this story seems to come from original reporting.	

Country	Date	Title	Subject	Author	Publication	Link	How to find it	Documentation
Spain	02/04/2012	"Socios del exclusivo 'fondo de reptiles'"	Detailed account of some of the people involved in the fraud, told in a feature way	JOSE MARIA IRUJO	El País	<a href="http://politica.elpais.com/politica/2012/02/04/actualidad/1328378494_486237.html">http://politica.elpais.com/politica/2012/02/04/actualidad/1328378494_486237.html</a>		There's also a small article that goes with this one: <a href="http://politica.elpais.com/politica/2012/02/04/actualidad/1328383473_724959.html">http://politica.elpais.com/politica/2012/02/04/actualidad/1328383473_724959.html</a>
Sweden	01/11/2010	EU undersöker biståndet till Turkiet	How EU money never made it to the intended recipients in rural Turkey	Kajsa Norell, Nuri Kino	Ekot, Sveriges Radio	<a href="http://sverigesradio.se/sida/artikel.aspx?programid=83&amp;artikel=3363547">http://sverigesradio.se/sida/artikel.aspx?programid=83&amp;artikel=3363547</a>	this radio report was followed up by several others on the same subject	
Sweden	01/04/2011	West Sweden flyttar på sin vd	West Sweden officials used EU money for private purposes, like membership in a gentleman's club and speeding tickets. They had a subsidiary in Belgium and used that company to hide huge restaurant bills with lots of alcohol (paying for alcohol is against policy for publicly owned companies) and the CEO got an extra months salary every year.	not mentioned	P4, Göteborg	<a href="http://sverigesradio.se/sida/gruppsida.aspx?programid=4244&amp;grupp=16788">http://sverigesradio.se/sida/gruppsida.aspx?programid=4244&amp;grupp=16788</a> , <a href="http://sverigesradio.se/sida/gruppsida.aspx?programid=4244&amp;grupp=16788&amp;artikel=4892026">http://sverigesradio.se/sida/gruppsida.aspx?programid=4244&amp;grupp=16788&amp;artikel=4892026</a>		
UK	20/10/2011	Scandal the European parliament tried to keep secret	EP budget riddled with waste, DT obtains secret internal audits	Bruno Waterfield	The Daily Telegraph	<a href="http://www.telegraph.co.uk/news/worldnews/europe/eu/8837224/Scandal-the-European-parliament-tried-to-keep-secret.html">http://www.telegraph.co.uk/news/worldnews/europe/eu/8837224/Scandal-the-European-parliament-tried-to-keep-secret.html</a>		
UK	20/10/2011	Scandal the European parliament tried to keep secret	EP budget riddled with waste, DT obtains secret internal audits	Bruno Waterfield	The Daily Telegraph	<a href="http://www.telegraph.co.uk/news/worldnews/europe/eu/8837224/Scandal-the-European-parliament-tried-to-keep-secret.html">http://www.telegraph.co.uk/news/worldnews/europe/eu/8837224/Scandal-the-European-parliament-tried-to-keep-secret.html</a>		
UK	26/01/2012	EU budget: what does the European Union spend and where does the money come from?	Overview based on EU data, visualised in attractive way. Not critical, but informative	Paul Scruton, visualisation, data EU	The Guardian	<a href="http://www.guardian.co.uk/news/datablog/2012/jan/26/eu-budget-european-union-spending">http://www.guardian.co.uk/news/datablog/2012/jan/26/eu-budget-european-union-spending</a>		see for a comprehensive list of UK, annex 9
USA, UK	27/10/2009	The 50 billion euro harvest	fraud with EU farm subsidies, in sugar and wind energie sector, involving Romania, Poland, Spain	Doreen Carvajal, Stephen Castle	International Herald Tribune / NY Times	<a href="http://www.nytimes.com/2009/10/27/business/global/27sugariht.html?pagewanted=all">http://www.nytimes.com/2009/10/27/business/global/27sugariht.html?pagewanted=all</a>	abstract in: <a href="http://www.youtube.com/watch?v=OHMEZSXYxoQ&amp;feature=plcp&amp;context=C376ff9eUDOEgT0PDsklIHkb7QDGB08OX19B7uAUu">http://www.youtube.com/watch?v=OHMEZSXYxoQ&amp;feature=plcp&amp;context=C376ff9eUDOEgT0PDsklIHkb7QDGB08OX19B7uAUu</a>	

Country	Date	Title (in English)	Abstract	Author	Media source	Link	Availability - if not available on internet	Notes (e.g. why were particular media dealing with it, whether they had brought any new information)	EU funds abuse (including suspicions) – corruption or low effectivity of use	Other cases	Alleged sum	Political or criminal consequences
SK	February 2008	Minister of Environment (SNP) Izák accused of allocating grants for close friends/relatives to him, later removed from his post	Syphoning means from the Environmental Fund for people allegedly close to Minister Izák. E.g. to several people close to the coalition, subsidies were granted for heat pumps, solar panels, etc. for their houses		tyždeň, Pravda, TA3		<a href="http://tvnoviny.sk/spravy/domace/minister-zivotneho-prostredia-izak-prideloval-dotacie-blizkym-vo-funkcii-konci.html">http://tvnoviny.sk/spravy/domace/minister-zivotneho-prostredia-izak-prideloval-dotacie-blizkym-vo-funkcii-konci.html</a>		Suspicion of EU funds abuse	Clientelism connected to public procurement		Premier Robert Fico asked his coalition partner Jána Šlota (SNP) to recall his party's nomination of Jaroslava Izáka as Minister of environment, consequently he was dismissed
SK	24/10/2008	EU funds abuse by Faculty of Comenius University (CU)	Faculty of Social and Economic Sciences of CU misused EU Funds for overpriced rent of equipment, real estate and salaries of experts		Pravda, Trend, HN	<a href="http://www.sme.sk/c/4141662/policia-preveruje-zneužitie-eurofondov-fakultou-uk.html">http://www.sme.sk/c/4141662/policia-preveruje-zneužitie-eurofondov-fakultou-uk.html</a>		The article originally published in Pravda was republished by press agencies and other media	Suspicion of EU funds abuse		Overpriced purchase evaluated to tens of thousands Slovak crown (1 EUR about 35 SKK)	Criminal prosecution launched with the accusation of machinations during public procurement in the case of the selection of one of the contractors by the faculty. Police spokeswoman Alena Toševová said, she is not going to provide any further information while the investigation is in course
SK	2009	Noticeboard Public Procurement	Law Company Avocat (close to SNP), companies close to Ján Šlota – nationalist leader, in cooperation with Igor Štefanov, nominee of SNP, realised an allegedly unlawful public procurement and signed a contract disadvantageous to the state, which was difficult to cancel. It happened under Minister Marian Janušek (SNP). According to the police in this tender for 120 millions EUR Štefanov arranged the contract on behalf of companies close to SNP. This applicant, who was previously agreed on, was supposed to win the contract funded with EU Funds	Plus 1 deň	SME, Trend, Pravda a ďalšie média		Except of several media also a nongovernmental organisation Aliancia Fair-Play had been exposing facts from suspicious contracts. List of articles: <a href="http://www.monitoringfondov.eu/article.php?na-stenkovy-tender">http://www.monitoringfondov.eu/article.php?na-stenkovy-tender</a>	Accusation to Anti-trust office was presented by Aliancia Fair-Play. All of the media were dealing with this issue, and also an expert Ján Rudolf, who lost his function of Director general of the Department of regional development on the Ministry of Housing and regional development. <a href="http://rudolf.blog.sme.sk/c/190929/Ani-tender-ani-nastenka-ani-Janusek.html">http://rudolf.blog.sme.sk/c/190929/Ani-tender-ani-nastenka-ani-Janusek.html</a>	European anti-fraud office (OLAF) was also involved in the case of the tender on legal, advisory and information services. EC announced, that previously granted 11 millions EUR will not be refunded to Slovakia	120 millions EUR	Based on the audit on the public procurement's office the Anti-trust office started to deal with this case. The minister of housing Marian Janušek was recalled, he, two civil servants and a subject hired for the public procurement were accused. Janušek is facing charges on machinations during the public procurement and misconduct. The same charges were to be faced by Štefanov	
SK	2009	Advertising in Extra plus, close to SNP	Means entitled for EU Funds' publicity were used for advertising on behalf of a journal close to SNP	Miroslav Kern	SME	<a href="http://www.sme.sk/c/4389722/sns-propaguju-aj-za-eurofondy.html">http://www.sme.sk/c/4389722/sns-propaguju-aj-za-eurofondy.html</a>			Clientelism in funding of media close to ministries and other institutions controlled by SNP		no estimation	After governmental change the case was dropped
SK	16/03/2009	Suspected overpriced advisory services for Ministry of culture (M. Maďarič)	Minister of culture Marek Maďarič (Smer-SD) allowed an overpriced contract for a company, which was to be his unique advisory service on EU funding. The regional advisory company had no experience on this subject.	Martina Ruttkayová	Hospodárske noviny, týždenník Žurnál	<a href="http://www.governance.sk/index.php?id=1097">http://www.governance.sk/index.php?id=1097</a>			Media pointed to the highly overpriced advisory service on funding on behalf of the company closed to the SMER (the salary of one person for one day was 552,16 EUR)			
SK	04/09/2009	EU Funds tunneling in woodcraft	Fire fighting roads in national parks were serving in the first place the wood cutting industry.	Vladimír Turanský	Hospodárske noviny	<a href="http://hnonline.sk/c/1-37969690">http://hnonline.sk/c/1-37969690</a>		Daily HN was given information by the ecologists. Other media, e.g. SME were dealing with the story too	Suspicious fraud. Matej Schwarz from the National Centre of woodcraft said, that ecologists' statements were disinformation. <a href="http://hnonline.sk/nazory/c/1-37990620-ad-eurofondy-zabludili-v-lesoch">http://hnonline.sk/nazory/c/1-37990620-ad-eurofondy-zabludili-v-lesoch</a>			

Country	Date	Title (in English)	Abstract	Author	Media source	Link	Availability - if not available on internet	Notes (e.g. why were particular media dealing with it, whether they had brought any new information)	EU funds abuse (including suspicions) – corruption or low effectivity of use	Other cases	Alleged sum	Political or criminal consequences
SK	14/11/2009	EU Funds abuse in Bardejov hospital	According to the accusation from 12th January 2009 M. Petko accepted a bribe of 2 millions SK (66388 EUR) in exchange for arranging means from EU funds for a company, by which the bribe had been given. According to the police, M. Petko, as the executive of the hospital, had been drawing nonreturnable grants from the EU funds of 1,83 millions EUR and from the state's budget of about 448 thousands EUR. He supposedly presented incomplete and illegal documents	Ingrid Timková	Korzár	<a href="http://presov.korzar.sme.sk/c/5108857/obvineny-riaditel-nemocnice-petkosom-zhrozyeny.html">http://presov.korzar.sme.sk/c/5108857/obvineny-riaditel-nemocnice-petkosom-zhrozyeny.html</a>	Further coverage of the issue by the same author <a href="http://presov.korzar.sme.sk/c/5826739/v-kauzebardejovskej-nemocnice-padli-dalsie-obvinenia.html">http://presov.korzar.sme.sk/c/5826739/v-kauzebardejovskej-nemocnice-padli-dalsie-obvinenia.html</a>		Suspicious fraud concerning grants from EU funds		Suspicious bribe of 66,338 EUR. Police is investigating what happened with the 332,000 EUR misused in contradiction with the approved budget	He was accused by the police in 2009 of taking a bribe. The director denied the accusation saying that it is part of a campaign to discredit him. In 2011 he was also accused of harming financial interests of the European Community. Also accused was the executive of housing company Jaroslav K. Part for the sum of 332, 000 EUR entitled for the reconstruction of the hospital aiming to increase of energy and heat management efficiency.
SK	20/04/2010	Interview with the director of the Office for the fight against corruption TIBOR GAŠPAR, talking about corruption cases and criminal acts of harming financial interests of the European Community	Gašpar announced, that his office had been working on several cases and 36 people had been accused during the last year. It were mostly cases of projects based on false information leading to unlawful grants, or the granted support was not used in accordance with the project but for a different purpose	Monika Tódová, Marek Vagovič	SME	<a href="http://www.sme.sk/c/5336859/tiborgaspar-menej-ludichce-svedcit-okorupcii.html">http://www.sme.sk/c/5336859/tiborgaspar-menej-ludichce-svedcit-okorupcii.html</a>						However, Robert Fico recalled the ministers involved after the affairs had started, mostly nominees of the SNP, but he did it late, after the public financial means had already been transferred to subjects close to their parties. None of the three promises – to enforce independence of the judges, to prosecute the biggest contraveners and to distribute grants and EU funds transparently – was fulfilled according to the Slovakia TI chief Gabriel Šipoš. The director of the department had been accused
SK	03/06/2010	EU funds abused with the purpose of financing campaign of the party	Political party SaS presented a motion based on OLAF accusing SMER of EU fund abuse	SaS press release,	SME	<a href="http://www.reportaze.sk/sprava/430613/sas-dalana-olaf-podnet-pre-mozne-zneuzitie-eurofondov-smerom/">http://www.reportaze.sk/sprava/430613/sas-dalana-olaf-podnet-pre-mozne-zneuzitie-eurofondov-smerom/</a>	Information was investigated by SME, which described in detail the flow of money to the magazine Slovenský rozhľad, controlled by SMER nominee Stanislav Kubánek.					
SK	01/10/2010	Suspected fraud in the Fund of Funds, which is a 100 percent branch of the National agency for the development of small and medium size businesses	Article about EC collecting information for its investigations. Threatening that Slovakia will be forced to return millions of EUR	Martina Ruttkayová	Hospodárske noviny	<a href="http://hnonline.sk/c/1-46701650-brusel-sa-nas-pyta-napodozrive-fondy">http://hnonline.sk/c/1-46701650-brusel-sa-nas-pyta-napodozrive-fondy</a>			Suspected fraud with EU funds			

Country	Date	Title (in English)	Abstract	Author	Media source	Link	Availability - if not available on internet	Notes (e.g. why were particular media dealing with it, whether they had brought any new information)	EU funds abuse (including suspicions) – corruption or low effectivity of use	Other cases	Alleged sum	Political or criminal consequences
SK	2011	The EU stopped payments for Slovakia for the Operational program of Ecology already eight months ago	The EC stopped EU fund payments for ecology in July 2011, when Slovakia asked for continuous payment of 70 million EUR, because of the results of the audit of the Ministry of Ecology, which revealed inconsistencies in the selection of the projects, public procurements and payment controls. The unlawful acts date from November 2009 to September 2010, mostly under the first government of Robert Fico (Smer)	Michal Piško		<a href="http://www.sme.sk/c/6276065/eurofondy-nie-su-naprrodu-stopljeni.html">http://www.sme.sk/c/6276065/eurofondy-nie-su-naprrodu-stopljeni.html</a>		If the EC will not renew payments, projects on course will be stopped				Ministry of ecology proposed in March 2012 an action package for the elimination of the deficiencies
SK	20/05/2011	Family accused of EU fund abuse	Father and his daughter in law in 2008 asked for and were granted a nonreturnable grant in education. They used false documents. They did not realise the funded project properly	Media were informed by the Slovak police headquarter	SITA, TASR and other	<a href="http://www.fuu.sk/2011/05/91978-chceli-zneuzit-eurofondy-eu-a-sr-sposobili-skodu-107400-eur/">http://www.fuu.sk/2011/05/91978-chceli-zneuzit-eurofondy-eu-a-sr-sposobili-skodu-107400-eur/</a>			EU fund abuse		They caused the damage of more than 107 400 EUR to EU and Slovakia	Investigator of the Office for the Fight against Corruption accused three members of one family – the father, the mother and his wife - of the crime of harming the financial interests of the European Community . They will face punishment from 5 to 12 years of imprisonment.
SK	08/09/2011	Corruption affair in Social implementation agency (SIA)	Three people arrested, including the former advisor of the state secretary Lucia Nicholsonova, had contacted the applicants for nonreturnable grants and made them the proposition to arrange the approval of their applications in exchange of more than the third of 1.098.000 EUR approved funding. The corruption was suspected concerning three calls for proposals with total sum of 30 million EUR, entitled for job creation activities in Košice, Prešov and Banská Bystrica municipalities	Ministry of Labour made the announcement, HN, Pravda, SME		<a href="http://spravy.pravda.sk/do-korupcnej-afery-s-eurofondmi-bol-zapleteny-aj-nicholsonovej-exporadca-1rc-/sk_domace.asp?c=A110908_143457_sk_domace_p23">http://spravy.pravda.sk/do-korupcnej-afery-s-eurofondmi-bol-zapleteny-aj-nicholsonovej-exporadca-1rc-/sk_domace.asp?c=A110908_143457_sk_domace_p23</a>	<a href="http://hnonline.sk/c1-52794540-v-korupcnej-afere-uviazla-velka-ryba">http://hnonline.sk/c1-52794540-v-korupcnej-afere-uviazla-velka-ryba</a>	The former advisor of Lucia Nicholsonová, the state secretary of the Ministry of Labour had been involved. The ministry, under the auspices of which works the budget organisation SIA, which implemented the suspected calls for proposals, made the announcement itself	Corruption affair durring the approval of fundings from EU funds		They asked the bussineses involved for the bribe of 30 percent for approval of the grants, in overall 1.098 milion EUR	Lucia Nicholsonová, the state secretary of the Ministry of Labour, had terminated the cooperation with the expert on EU funds in September 2010 due to suspicions, that he belongs to the group of people, who tried to influence the process of assessment of the projects. Except of him two employees of an intermediate agency were accused. Director general of SIA Dušan Kišš resigned due to the case
SK	09/09/2011	Funding of the social enterpises	Social enterprises supposed to be supported by 25 mil. EUR. After the audit of the EC Slovakia had to return more than 10 mil. EUR of released funding from its state budget	Ministry of Labour was informing on the press conference	The most of the relevant media	<a href="http://hnonline.sk/ekonomika/c1-52803790-nicholsonova-k-zneuzitiu-eurofondov-doslo-viackrat">http://hnonline.sk/ekonomika/c1-52803790-nicholsonova-k-zneuzitiu-eurofondov-doslo-viackrat</a>	The story was explored more by e.g. SME <a href="http://ekonomika.sme.sk/c/5636449/z-barmanov-mali-byt-vizazisti-za-eurofondy.html">http://ekonomika.sme.sk/c/5636449/z-barmanov-mali-byt-vizazisti-za-eurofondy.html</a>	Office for the Fight against Corruption started to deal with the case	Structural fund abuse	also tax evasions	Slovakia had to return more than 10 mil. EUR of released funding from its state budget	Tens of milions for nontransparent projects will be paid from the state budget. Exceptions are only the projects, which belonged to the sample for the audit



Country	Date	Title (in English)	Abstract	Author	Media source	Link	Availability - if not available on internet	Notes (e.g. why were particular media dealing with it, whether they had brought any new information)	EU funds abuse (including suspicions) – corruption or low effectivity of use	Other cases	Alleged sum	Political or criminal consequences
SK	22/09/2011	Suspected fraud with EU funds for education	Ján G. from Poprad was an executive of ICM when he signed a contract with Ministry of education in 2006 concerning a nonreturnable grant under the operational program for Human resources. The grant was to be used for the project 'Whom I will become', meant for the students of the 9. class of elementary schools. Finances administrated as financial benefits were used for benefits only partially, merely for activities not corresponding with the project. At the financial audit, he did neither present proper documentation about project activities, nor the documents indicating that the demanded fees were real, correct and actual.		SITA agency and othe main media	<a href="http://www.sme.sk/c/6066546/v-rezorte-skolstva-objasnili-zneuzitie-eurofondov.html">http://www.sme.sk/c/6066546/v-rezorte-skolstva-objasnili-zneuzitie-eurofondov.html</a>		By unlawfully drawing money from EU funds he caused the damage of 15 thousand EUR for the European Social Fund and the state budget. Additional 41 thousands EUR has been frozen	Fraud with EU funds		15000 EUR	The investigator of the Office for Fight against Corruption accused the executive of the Information centre for youth, Ján G (44) from Poprad of criminal acts of harming financial interests of the European Community and fraud, he is facing the sentence of 10 years imprisonment. He is at liberty, according to the spokesperson of police Michal Slivka. The investigation continues, other accusations are possible
SK	27/10/2011	EU fund abuse in Rožňava	Company in Rožňava with executives Rudolf D. and Ľubomír O. had in April 2010 approved a nonreturnable grant of 343.000 EUR by the Ministry of Economy. This sum represented 50 percent of the overall legitimate costs for the project on technology innovation in manufacturing. The project had been realised under the Operational program Concurency and economic growth , 85% of this sum went from the EFRD and 15 % from the Slovak state budget	Media were informed by the spokeswoman of the Police headquarters Denisa Baloghová		<a href="http://spravy.pravda.sk/policia-odhalila-dalsie-zneuzitie-eurofondov-foz/sk_domace.asp?c=A111027_111454_sk_domace_p23">http://spravy.pravda.sk/policia-odhalila-dalsie-zneuzitie-eurofondov-foz/sk_domace.asp?c=A111027_111454_sk_domace_p23</a> <a href="http://ekonomika.etrend.sk/ekonomika-slovensko/tomanov-ej-uradnici-odklepli-eurofondy-aj-testovanie-iq-romov.html">http://ekonomika.etrend.sk/ekonomika-slovensko/tomanov-ej-uradnici-odklepli-eurofondy-aj-testovanie-iq-romov.html</a>		The majority of the media published the information		Due to the false invoices the company of executives Rudolf D. and Ľubomír O. unlawfully get more than 276.000 EUR	The investigator of the Office for the Fight against Corruption accused three bussinesman from Rožňava of the crime of subventional fraud and harming the financial interests of the EU. They will face the imprisonment from seven to 12 years	

Country	Date	Title (in English)	Abstract	Author	Media source	Link	Availability - if not available on internet	Notes (e.g. why were particular media dealing with it, whether they had brought any new information)	EU funds abuse (including suspicions) – corruption or low effectivity of use	Other cases	Alleged sum	Political or criminal consequences
SK	21/12/2011	Gorila affair	Suspected bribe of representant of the financial group Penta. The so-called SIS document on eavesdropping of a suspect apartment, reveals the content of several meetings – on a wide range of corruption practices in the majority of the political parties during 2005-2006. The document supposed to reveal much about the connection between the politics and the business through bribes and clientelism	Published on the internet by an anonym http://pastebin.com/Vqgb77Qz	The most of the media - first of all daily SME and TV Markiza. Tom Niholson prepares a book on cases connected to the affaire, blog			The case was investigated in the past. It was closed several times, but never made public. After the attention in the media, the investigation reopened. It falls under the Special attorney of the special anticorruption team of investigators. One accusation was made to the former Minister of Economy, but it was later put aside by the attorney. The affaire had big impact on politics, with long-term consequences for Slovak political life		Corruption	Estimation is not possible. The document describes bribing affairs for hundreds of millions of SK	
SK	26/12/2011	The school of applied visual arts	The company JK Production got more than 27,500 EUR from the state and the European Social Fund under the contract on education training	Martina Kubániová	Plus 7 dní	<a href="http://www.pluska.sk/plus-7-dni/biznis/pedagogovia-odhalili-zneuzivanie-eurofondov-vo-vlastnej-skole.html">http://www.pluska.sk/plus-7-dni/biznis/pedagogovia-odhalili-zneuzivanie-eurofondov-vo-vlastnej-skole.html</a>						The case is examined by the police
SK	March 2012 (relevation)	Suspected EU fund abuse under the Minister Viera Tomanovej in Ministry of Labour	Suspicious concerning the projects funded during the time Viera Tomanová (SMER) had been the Minister of Labour, specially those with contracts approved just before her leaving the office in June 2010. The suspected contracts were with the Rómske mediálne a dokumentačné centrum, Európska Rómska pracovná agentúra, Regionálne združenie partnerstiev sociálnej inklúzie a Košické lokálne partnerstvo sociálnej inklúzie	ministry made the announcement during the press conference	all relevant media		<a href="http://www.plusky.sk/ekonomika/ministerstvo-prace-podalo-trestne-oznamenie-pre-eurofondy/">http://www.plusky.sk/ekonomika/ministerstvo-prace-podalo-trestne-oznamenie-pre-eurofondy/</a>	According to Lucia Nicholsonová subjects acting in the name of the suspected organisations supposed to fulfil the attributes of crime of the deterioration of the financial interests of the European Communities by presenting false, incorrect and incomplete documents in their applications. She estimated the overall damage to 50.000 EUR, Tomanová also supports the investigation	Suspected abuse of public means by demanding the funding for fictive activities or the multiple funding for the same activity. EU fund abuse	No estimation		Civil servants of the ministry revealed during the audit on the random sample of the projects form 2007 to 2011, that during the public procurements 7 percent of financial means were spent inefficiently, in overall of 46 million EUR. They revealed discriminatory conditions set during the procurements in order to be fulfilled only by the particular contractor or product. All relevant media were dealing with the case. Ministry of labour on 16.3.2012 made the complaint of suspected EU fund abuse. Office for the Fight against Corruption of the Police headquarter is dealing with the case
SK	27/03/2012	State will lose 46 million EUR from EU funds	Audit at the Ministry of Ecology revealed inconsistencies in the selection of the projects, public procurements and in the control of the payments. The majority of the cases originated under the first government of Robert Fico	Michal Piško		<a href="http://ekonomika.me.sk/c/6316633/stat-pride-o-46-millionov-eur-z-eurofondov.html">http://ekonomika.me.sk/c/6316633/stat-pride-o-46-millionov-eur-z-eurofondov.html</a>			The resort of ecology did not manage the correct amount from EU funds. The EC considers accepting Slovak proposal based on self-criticism			The ministry of finance allowed the money to be used again but all fines will be paid by the Ministry of Environment, following the EC rulings..

## **ANNEX 3 - STATISTICS ON GRANTS FROM SCOOP, EUROPEAN JOURNALISM FUND AND FONDS PASCAL DECROOS**

### **Overview of Scoop grants**<sup>476</sup>

Source: Annual report Danish association for investigative journalism FUJ  
[http://fuj.dk/fileadmin/fuj/pdf/FUJ - Internationalt Udvalg beretning 17 04 2012 1 .pdf](http://fuj.dk/fileadmin/fuj/pdf/FUJ_-_Internationalt_Udvalg_beretning_17_04_2012_1_.pdf)

### **Scoop Balkans, Ukraine, Belarus, Moldova – since 2003**

Since 2003 Scoop has supported 379 investigations on local, regional, national and international level. One measurable result is the 28 national and international journalism awards that journalists or teams of journalists have won.

Since 2008 the costs for this part of the project were 9.9 million Danish crowns (1.32 million Euro) plus general admin costs as part of a larger tender.

See overall budget for working period 2007-2011 (prolonged to June 2012) on page 2 here  
<http://www.ft.dk/samling/20072/aktstykke/aktstk.112/aktstykket/533964.pdf>

### **Scoop Caucasus – since 2008**

Scoop Caucasus is active in Georgia, Armenia and Azerbaijan; it has been active since 2008 and has so far supported 71 investigations.

The budget for 2008 until June 2012 is 1.1 million Danish crowns or almost 134,000 Euros.

### **Background**

Both projects are carried out in cooperation by FUJ (journalistic expertise) and IMS (project management), they are paid by the Danish Foreign Ministry's neighbourhood program.  
[www.fuj.dk](http://www.fuj.dk), [www.i-m-s.dk](http://www.i-m-s.dk)

The grant-giving model involves senior journalist members of FUJ, who volunteer to do the grant-giving work and function as jury. These volunteers have nothing to lose but their good name. It lies implicit in the model that in case of attempts of editorial interference the volunteers would withdraw from the project and name (and shame) the editorial interference.

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<sup>476</sup> Source: Brigitte Alfter, co-founder, Danish manager [brigitte@alfter.dk](mailto:brigitte@alfter.dk)  
Henrik Kaufholz, co-founder, chairperson of FUJ international committee [henrik.kaufholz@pol.dk](mailto:henrik.kaufholz@pol.dk)

**Overview of grants through European Journalism Fund<sup>477</sup>**

Grant overview		per March 2012								
year	round	applications	grants	finalized	stopped	ongoing	applied for	granted	average grant	largest grant
<b>overall</b>		<b>94</b>	<b>22</b>	<b>8</b>	<b>2</b>	<b>12</b>	<b>781,330</b>	<b>90,184</b>	<b>3,780</b>	<b>5,500</b>
2009	March	18	5	4	1	0	146,019	19,930	3,986	5,000
2009	November	20	3	1	1	1	150,845	9,500	3,167	4,000
2010	June	27	5	3	0	2	243,761	20,944	4,189	5,500
2011	September	13	4	0	0	4	80,282	14,810	3,703	5,500
2012	January	16	5	0	0	5	160,423	25,000	5,000	5,000

**Overview of grants through Fonds Pascal Decroos<sup>478</sup>**

Aantal aangevraagde PROJECTEN, toegekende PROJECTEN, toegekend en uitbetaald bedrag, minimum- en maximumsteun en gemiddelde steun per project, gevraagd budget												
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Aantal aangevraagde PROJECTEN	48	45	80	103	92	86	89	80	79	88	79	79
Aantal toegekende PROJECTEN	32	24	39	45	37	34	23	33	28	34	39	36
Toekenningen in euro	107.511,00	115.865,00	133.075,00	133.600,00	146.205,00	126.889,00	135.266,80	137.104,00	133.800,00	210.582,00	225.962,00	192.052,00
Uitbetaald	61.214,82	109.023,51	125.600,66	125.831,83	124.441,94	122.913,00	126.831,00	126.096,00	125.056,00	126.861,00	240.771,00	144.602,00
Minimum projectsteun	495,79	743,68	850,00	1.000,00	500,00	1.000,00	1.000,00	180,00	1.100,00	1.030,00	980,00	1.600,00
Maximum projectsteun	12.394,68	12.394,68	14.500,00	10.000,00	10.000,00	9.500,00	24.485,00	9.000,00	12.000,00	14.000,00	12.000,00	16.000,00
Gemiddelde projectsteun	3.359,72	4.827,71	3.412,18	2.968,89	3.951,49	3.732,03	5.881,17	4.154,67	4.778,57	6.193,59	5.793,90	5.334,78
Gevraagd budget					587.488,00	473.845,61	544.522,21	520.992,00	509.350,17	635.513,00	517.230,00	763.069,42
Gemiddeld budget/zittijd					146.872,00	118.461,40	108.904,44	130.248,00	127.337,54	158.878,25	172.410,00	254.356,47
Aantal zittijd	4	4	4	5	4	4	5	4	4	4	3	3

**Grant totals since 2000:**

948	requested grants
404	allotted grants
1,797,911.80	allocations in Euros
1,559,242.76	paid in Euros
873.29	minimum grant
13,022.86	maximum grant
4,532.39	average grant

<sup>477</sup> Source: Brigitte Alfter, director European Journalism Fund, [brigitte@alfter.dk](mailto:brigitte@alfter.dk).

<sup>478</sup> Source: Ides Debruyne, director Fonds Pascal Decroos, [ides.debruyne@fondspascaldecroos.org](mailto:ides.debruyne@fondspascaldecroos.org), this chart (as provided by FPD in a non-adaptable form), uses the Belgian use of commas and periods.

## ANNEX 4 - FARMSUBSIDY.ORG AND FISHSUBSIDY.ORG

### History

Each year taxpayers send about €55 billion off to the farming industry, to rural areas and to price-correcting measures for food prices. It is called the Common Agricultural Policy<sup>479</sup> and it is one of the core businesses of the EU. In 2004, Danish journalists Nils Mulvad and Kjeld Hansen acquired the Danish data on who gets what from EU farm subsidies. Denmark was the first country to release these data under its FOI act, after persistent asking by the journalists.

In 2005, Mulvad and Hansen founded Farmsubsidy.org<sup>480</sup> with British-based journalist Jack Thurston and Brigitte Alfter from Denmark, in order to build a structure to get the data out in all EU member states at the time. This was a slow process, as FOI requests needed to be filed and court cases were held. In 2009, all member states were obliged by the EU's newly introduced Transparency Initiative to publish their data<sup>481</sup>, the EU decided, but not all countries complied willingly. In May 2010, all data from 2009 were published and analysed by the Farmsubsidy.org team and a group of interested journalists in a two-day session, resulting in strings of stories listed below.

Then in November 2010, the European Court of Justice in a court case brought on by German farmers decided publishing the data on recipients of agricultural subsidies was a breach of farmers' data protection rights. Governments will no longer be able to name individual recipients of public money, but companies receiving funds should still be listed. This has meant a setback to the possibilities of journalistic research into the dispersion of EU funds. As Farmsubsidy.org's Jack Thurston (UK) puts it:

*'We are experiencing a backlash against open government at the EU level and much of it is founded upon a misplaced sensitivity about personal privacy. These are subsidies to farm enterprises, not medical records. We believe they should be out in the open. Both to guard against fraud and abuse and to promote a better understanding among citizens of how the Common Agricultural Policy works. At this moment, when the future of the CAP is being decided, transparency is needed more than ever.'*<sup>482</sup>

Still, in May 2011 and May 2012 further editions of the so-called Data Harvest were held. The 6-8 May 2012 gathering hosted close to 100 journalists from over 20, mostly European countries attending 40 sessions<sup>483</sup>. In the 'farmsubsidy' track, working experiences were exchanged about the EU Financial Transparency System and European farm subsidies. Two other databases that were research favourites are the European Regional Funds and the Research Funds.

On [www.farmsubsidy.org](http://www.farmsubsidy.org) journalists can find the new data and updates on EU money spent on subsidies for farmers among EU countries.

<sup>479</sup> [http://ec.europa.eu/agriculture/fin/index\\_en.htm](http://ec.europa.eu/agriculture/fin/index_en.htm)

<sup>480</sup> <http://farmsubsidy.org/>

<sup>481</sup> To be found through the Commission's website, [http://ec.europa.eu/beneficiaries/fts/find\\_en.htm](http://ec.europa.eu/beneficiaries/fts/find_en.htm). The basic requirement for the Commission to publish this information on beneficiaries of EU funds is given in Article 30(3) of the financial regulation applicable to the general budget of the European Communities.

<sup>482</sup> <http://www.fondspascaldecroos.org/inhoud/nieuws/look-back-data-harvest-conference-2012>

<sup>483</sup> No overview of stories coming out of Data Harvest 2012 is available yet.

## **Funding**

In the initial years, Farmsubsidy.org was funded as a project under the Danish Institute for Analytical Reporting DICAR (closed in 2006), later it obtained funding from the US-based Hewlett Foundations to run functions such as obtaining and analysing data, running and developing the website and calling annual meetings of a small team of key programmers, journalists and partners.

Whereas Farmsubsidy.org was formed as a network of journalists, Fishsubsidy.org<sup>484</sup> is based upon the experience of Farmsubsidy.org but was initiated by the Pew group. The project supports journalists in their research by providing them with information obtained through – for example – access to information requests and data analysis. Funding for fishsubsidy.org has been provided by the Pew Charitable Trusts<sup>485</sup>.

Farmsubsidy recently has changed its “home” and is now administrated by Journalismfund.eu, a support structure for investigative, cross-border journalism in Europe. Since 2011 funding is provided by the London based Open Society Foundations Media Program, to maintain the key functions such as data, the website and an annual meeting. Future funding is necessary.

## **Where do the farm subsidies go?**

The Farmsubsidy.org project functions according to a classic investigative journalism motto: Follow the money. Through freedom of information requests journalists, researchers and activists obtained hard facts on where the money went. In order to produce high-quality and credible journalism about the subject, a number of skills and experiences are necessary, such as deep insight into the complex EU agricultural policy, FOI expertise in various countries and on EU level, data analysis capacities, political reporting experience and insight on EU and/or national level and of course languages. These skills and experiences were shared within the network of journalists, who thus could supplement the necessary capacities into the various national situations.

Through cooperating, the research phase of the journalistic process could be managed by pooling experiences, languages and so forth. Only Bulgarian journalists, for example, would have had a chance to recognise the names of the daughter and wife of a minister, only Danish journalists the names of the Danish minister himself among the recipients. Through publishing to each one’s own national target group, the abstract EU subject could be tuned to each target group individually and thus hopefully obtain greater impact. Even on local level, stories about subsidies to farmers in breach of animal protection legislation could be done – thus contributing to a public debate about the tool of cross-compliance and possibly to tracing of fraud on regional or local level.

The Farmsubsidy.org project is considered a flagship of how European journalism can be done, because it combines high standards on research with target group adjusted publication of the stories. It played a pivotal role in enhancing transparency within EU member states and institutions alike, as was acknowledged by people in the Commission when interviewed for this report.

## **What people are saying about farmsubsidy.org**

"A valuable public service" - Mark Halle, Global Subsidies Initiative

"Dogged work" - The Guardian

"Extremely important" - Stephen Castle, International Herald Tribune

"Geek activism done right" - World Changing

"Marvellous" - Tim Lang, Professor of Food Policy, London

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<sup>484</sup> <http://fishsubsidy.org/>

<sup>485</sup> [http://www.pewtrusts.org/about\\_us.aspx](http://www.pewtrusts.org/about_us.aspx)



### Stories coming out of Farmsubsidy Data Harvest festival, May 2010<sup>486</sup>:

- April 26th, DPA/Spiegel, Germany, [Weapon Industry receives farmsubsidies from the EU](#) (full DPA text [quoted](#) by Greenpeace)
- May 3<sup>rd</sup>, Euobserver, Brussels, [UK delays publication of EU farm subsidy details till post-election](#)
- May 3<sup>rd</sup>, Maskinbladet, [Denmark, Sugar barons reap farmsubsidies](#)
- May 4th, Vest.si, Slovenia, [The list of 100 largest recipients of farm subsidies](#)
- May 4th, Guardian, Britain, [EU sugar and dairy companies largest recipients of farm subsidies](#)
- May 4th, Landbrugsavisen, Denmark, [Prince Joachim and Mærsk get EU subsidies](#)
- May 4th, Die Presse.com, Austria, [178 million for French sugar corporation](#)
- May 5<sup>th</sup>, Euobserver, Brussels, [Bulgarian minister's daughter, accordion club get EU farm aid](#)
- May 5<sup>th</sup>, Trud, Bulgaria, [1,5 million EU farmsubsidies to daughter of a former Deputy Minister](#)
- May 5<sup>th</sup>, 24 Casa, Bulgaria, [Daughter of former deputy minister gets EU farmsubsidy](#)
- May 5th, Politiken, Denmark, [Prince Joachim gets 1,9 million Danish Crowns from the EU](#)
- May 5th, N-TV, Germany, [For dead Swedes and surf schools – strange farmsubsidies](#)
- May 5th, Bild.de, Germany, [Bavaria gets most EU farmsubsidies](#)
- May 5th, Agrarheute.com, Germany/Britain [Farmsubsidy legt Analyse der europäischen Zahlungsempfänger vor](#)
- May 5th, Farmers Guardian, Britain, [Civil servants criticised for withholding CAP data](#)
- May 5th, Finfacts, Ireland, [Number of EU Agricultural Policy mmillionaires raises by 20 % in 2009](#)
- May 5th, Guardian, Britain, [Who received EU farm subsidies last year? Whitehall won't say](#)
- May 5th, Financial Times, Britain, [EU pays subsidies to sugar groups](#)
- May 5th, Euractiv.de, Germany, EU-Farm-money: [Topincome, lacking transparency, corruption](#)
- May 5th, N24.de, Germany, [Farmsubsidies for billiardclubs, footballplayers and the death](#)
- May 5th, Telegraph, Britain, [Accordion players and ice skaters get EU farm subsidies](#)
- May 5th, Journalul.ro, Romania, [Bizarre beneficiaries of EU agricultural funds](#)
- May 5th, Erhvervsbladet, Denmark, [The Prince and Mærsk get million-crown subsidies](#)
- May 5th, Nordjyske, Denmark, [Joachim and Mærsk get their share](#)
- May 6th, Týden, Czech Republic, [Farmsubsidies to the daughter of the minister and ice skating](#)
- May 7th, Die Welt, Germany, [Blessed are those who receive](#)
- May 7th, Eesti Ekspress, Estonia, [EU bought for 85 million kruuda butter and skimmed milk](#)
- May 9th, Danish Radio P1/European Magazine, [Who's become a millionaire on EU farmsubsidies](#)
- May 9th, Agrar Hirek, Hungary, [Hungary ranked first in transparency rating of NGO](#)
- May 10th, 24 hours, Bulgaria, [More farmsubsidies – 1.6 million to the wife of the deputy minister](#)
- May 10th, Trud, Bulgaria, [And the wife of deputy minister gets 1,6 million farmsubsidies](#)
- May 11th, Vest.si, Slovenia, [Agricultural subsidies for the Red Cross Slovenia, the Ljubljana Archdiocese and Caritas](#)
- May 12th, Farmers Guardian, Britain, [More farm subsidy millionaires than ever](#)
- May 12th, Farmers Weekly Interactive, Britain, [RPA payments create 27 subsidy millionaires](#)
- May 13th, Trud, Bulgaria, [Prosecutors investigating Peythevs daughter](#)
- May 13th, Trud, Bulgaria, [Investigate the daughter of former deputy minister](#)
- May 14th, Time Magazine, USA, [Even in Hard Times, E.U. Agricultural Subsidies Roll On](#)
- May 15th, Yorkshire Post, United Kingdom, [Exclusive: £1,700 bureaucracy bill to get 1p subsidy cheque to farmers](#)
- May 19th, Vest.si, Slovenia, [Analysis of EU farmsubsidies distributed in Slovenia](#)
- May 29th, Agencia Latino Americana de Informacion, [Stiglitz's lesson regarding the FTA with the European Union](#)

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<sup>486</sup> <http://blogs.euobserver.com/alter/2010/05/05/follow-the-subsidy-money/>

May 21st, Capital Weekly, Bulgaria, [Problems in agricultural programs and regulations – and morality](#)

May 30th, Euro.cz, Czech Republic, [Who eats an EU grant](#)

June 1st, Mayo News, Ireland, [Mayo receives €119m from CAP](#)

June 17th, Guardian Comment, United Kingdom, [CAP provides another bumper payout for landowners](#)

July 5th, Guardian Editorial, [Common agricultural policy: rotten but here to stay](#)

### **Stories in Bulgaria only, coming out of the data harvest**

May 5<sup>th</sup>, Trud, Bulgaria, [1,5 million EU farmsubsidies to daughter of a former Deputy Minister](#)

May 5<sup>th</sup>, 24 Casa, Bulgaria, [Daughter of former deputy minister gets EU farmsubsidy](#)

May 10th, 24 hours, Bulgaria, [More farmsubsidies – 1.6 million to the wife of the deputy minister](#)

May 10th, Trud, Bulgaria, [And the wife of deputy minister gets 1,6 million farmsubsidies](#)

May 13th, Trud, Bulgaria, [Prosecutors investigating Peythevs daughter](#)

May 13th, Trud, Bulgaria, [Investigate the daughter of former deputy minister](#)

May 21st, Capital Weekly, Bulgaria, [Problems in agricultural programs and regulations – and morality](#)

Numerous Bulgarian media quoted the story:

May 5th, Vesti: [Daughter of former Deputy Prime Minister took 0.7 million grant](#)

May 5th, BNews: [Conflict of interests: Daughter Dimitar Peytchev receives 700,000 euros of subsidies](#)

May 5th, Bulgaria News: [Daughter of a minister of the ruling coalition with 700 000 EURO is the champion on the benefitting of European farmsubsidies](#)

May 13th, Standart News: [Prosecution pre-trial proceedings initiated against Christina Peycheva for submitting false documents.](#)

May 13th, Dnes: [Pre-trial proceedings instituted against the youngest daughter of former Deputy Minister of Agriculture Dimitar Peytchev.](#)

May 13h, Novinar: [Youngest daughter of Dimitar Peytchev investigated](#)

May 13th, Dnevnik: [Youngest daughter of former Deputy Minister Dimitar Peytchev to be investigate](#)

### **Stories connected to or based on Fishsubsidy.org database**

March 22, 2011, Corriere della Serra, [La pesca illegale sostenuta da finanziamenti pubblici europei | Corriere della S](#)

March 17, 2011, European Voice, [Commission criticised over 'harmful' subsidies | European Voice](#)

Feb. 22, 2011, Yal, [How Fisheries Can Gain From The Lessons of Sustainable Food by John Waldman: Yal](#)

Nov. 11, 2010, Open data Blog, [Veröffentlichung von EU-Agrarsubventionen | Die Zeit - Open Data Blog](#)

June 26, 2010, Quotidiano di informazione pulita, [La malapesca italiana | Terra - Quotidiano di informazione pulita](#)

July 6, 2010, [Il giallo delle spadare: la Ue le vieta e finanzia i pescatori italiani che cont](#)

July 5, 2010, Financial Times, [Italy tackles abuse of EU fishing subsidies | Financial Times](#)

June 16, 2010, IPS newsnet, [Questions Abound about EU's "Combating" of Piracy | IPS ipsnews.net](#)

June 1, 2010, BBC News Online, [Hooking the high seas' fishing 'pirates' | BBC News Online](#)

May 24, 2010., IPS Newsnet, [EU Subsidises Companies Guilty of Illegal Fishing | IPS ipsnews.net](#)

April 30, 2010, El País, [La acuicultura gallega encabeza las ayudas europeas de la última década | EL PAÍ](#)

March 31, 2010, The Ecologist, [News - EU subsidies linked to overfishing | The Ecologist](#)

- March 11, 2010, Sydney Morning Herald, [EU subsidies have encouraged overfishing: study | Sydney Morning Herald](#)
- March 31, 2009, EurActiv, [Report sheds light on EU support for overfishing | EurActiv](#)
- March 12, 2010, Fish Information & Services, [Informe revela que la UE subsidia delincuentes | Fish Information & Services](#)
- March 11, 2010, FishNewsEU, [EU 'subsidises illegal fishing', claims website | FishNewsEU](#)
- March 11, 2010, [La UE paga ayudas por 13 millones a 22 barcos españoles que incumplen las normas](#)
- March 11, 2010, European Voice, [EU money 'being given to convicted crews' | European Voice](#)
- Oct. 26, 2009, El País, [El precio del atún | EL PAÍS](#)
- Oct. 8, 2009, [FISHERIES-WARS: SPAIN vs SOMALIA](#)
- Sept. 30, 2009, FIS, [Falta más compromiso para transparentar los subsidios | FIS](#)
- Aug. 5, 2009, IPS, [Fishy Fishing Practices Threaten the Environment | Inter Press Service News Agen](#)
- July 31, 2009, DR Forside, [Udbetaling af EU's fiskeristøtte sejler | DR Forside](#)
- July 1, 2009, La Opinion Coruna, [Cinco barcos gallegos, entre los diez que más subsidios percibieron de la UE | L](#)
- June 30, 2009, Slow Food, [Soldi a pioggia per chi svuota i nostri mari | Slow Food](#)
- June 26, 2009, Terra.es, [España se lleva la mejor parte de las ayudas de la UE a la pesca | Terra.es](#)
- June 25, 2009, Gaceta, [La política pesquera de la UE hace aguas: su reforma impactará a España | Gaceta](#)
- June 26, 2009, FIS, [Sitio de Internet rastrea los subsidios de la UE | FIS](#)
- June 25, 2009, El Economista, [Denuncian que España destinó las ayudas de la UE a la sobreexplotación pesquera](#)
- June 25, 2009, Telegraaf, [Website onthult visserijsubsidies | Telegraaf](#)
- June 25, 2009, [Vigo, Huelva y Las Palmas, los puertos a los que llegan más ayudas pesqueras | A](#)
- June 25, 2009, The Guardian, [€4.4bn EU subsidies have boosted overfishing, figures show | The Guardian](#)
- June 25, 2009, EurActiv, [Spain tops EU fishing 'overcapacity' ranking | EurActiv.com](#)
- June 22, 2009, Focus, [Schweigen ist Blech | Focus Magazine](#)
- Oct. 1, 2009, FIS, [Report criticises CFP transparency efforts by the EU | FIS](#)



## ANNEX 5 - 'TILLACK' CASE AND PROTECTION OF SOURCES

The case of 'Tillack versus Belgium' has influenced the relationship between EU institutions, member states and investigative journalists for a long time. In the small choir of journalists investigating the inner workings of the EU, Tillack was (and is) a respected reporter of a renowned publication with an investigative track record. Though the case all in all took up years to resolve, it was groundbreaking in providing case law on the protection of sources, and prompted Belgium to write the most inclusive protection of sources legislation within the EU-27 to date.

### **The case**

According to a summary provided by EUObserver<sup>487</sup>, 'the German journalist, *Stern* magazine correspondent Hans-Martin Tillack, in 2002 published a series of articles based on a confidential 46-page-long OLAF document which, among other issues, spoke of dodgy dealings in the European Commission's statistical wing, Eurostat. OLAF's probe into the leak saw an anonymous EU official accuse Mr Tillack of bribery. The information was too scanty for OLAF to identify who leaked the document. But it was enough for OLAF to alert Belgian police, which in March 2004 raided Mr Tillack's office in Brussels and snatched computers and notebooks in the hope that they contained information about his sources.'

In an overview of developing case law on decisions by the European Court of Human Rights, Dirk Voorhoof wrote: 'In a judgment of 1 December 2004, the Belgian Supreme Court (Hof van Cassatie / Court de Cassation) was of the opinion that as part of a legitimate investigation into bribery of a civil servant of the EU, the searches at H.M. Tillack's home and in the Brussels' office of Stern were not to be considered as illegal, nor violated Article 10 of the European Convention.'<sup>488</sup>

Tillack in the meantime had taken his case to the EU Court of First Instance in Luxembourg (now: General Court) protesting against the decision by OLAF to forward information to the Belgian and German authorities with a request for further investigation. But the EU Court declared his application inadmissible<sup>489</sup>. Tillack however also lodged an application before the European Court of Human Rights in Strasbourg, in which he applied for a violation by the Belgian authorities of this right of protection of sources. Tillack has been suspected of having bribed a civil servant by paying him EUR 8,000 in exchange for confidential information concerning investigations in progress in the European institutions. Tillack's home and workplace were searched and almost all his working papers and tools were seized and placed under seal (16 crates of papers, two boxes of files, two computers, four mobile phones and a metal cabinet). The European Court emphasized that a journalist's right not to reveal her or his sources could not be considered a mere privilege to be granted or taken away depending on the lawfulness or unlawfulness of their sources, but was part

<sup>487</sup> <http://euobserver.com/7/25584>, <http://euobserver.com/22/29600>

<sup>488</sup> Voorhoof, D., 'The protection of journalistic sources under fire?' In: *European Media Law. Collection of Materials 2011-2012*, Knops Publishing, (Herentals, 2011), 285-301.

<sup>489</sup> Court of First Instance of 4 October 2006, *Hans-Martin Tillack v. Commission of the European Communities*, Case T-193/04. See also Order of the President of the Court of First Instance of 15 October 2004, *Hans-Martin Tillack v. Commission of the European Communities*, Case T-193/04 and Order of the President of the Court of 19 April 2005, *Hans-Martin Tillack v. Commission of the European Communities*, Case C-521/04. On 12 May 2005, the Ombudsman issued a special report to the European Parliament concerning complaint 2485/2004/GG, brought by the applicant. According to that report, OLAF should acknowledge that it had made incorrect and misleading statements in its submissions to the Ombudsman in the investigation into complaint 1840/2002/GG. The European Ombudsman also proposed that the Parliament adopt that recommendation as a resolution.

and parcel of the right to information, to be treated with the utmost caution, even more so in the applicant's case, where he had been under suspicion because of vague, uncorroborated rumors, as subsequently confirmed by the fact that he had not been charged. The Court also took into account the amount of property seized and considered that although the reasons given by the Belgian courts were "relevant", they could not be considered "sufficient" to justify the impugned searches. The European Court accordingly found that there had been a violation of Article 10 of the Convention.<sup>490</sup>

Said Tillack, when interviewed for this report<sup>491</sup>, 'at the end of 2007 we won the European Court case against Belgium, they acted on rumours and had no reason to seize my materials. And then early 2009 the Belgians closed the case against me. OLAF closed its case end of 2009.' The ECtHR on 27 November 2007, under Article 41 (just satisfaction) of the Convention awarded Tillack €10,000 for non-pecuniary damage and €30,000 for costs and expenses<sup>492</sup>.

### **Impact**

The EUObserver obtained OLAF's "Final Case Report", dated 10 December 2009. 'The Final Case Report on its front page says: "Officials concerned - Could not be established." It states that the affair caused no financial damage. But under the rubric "Other impact," it adds: "Reputation of the EU institutions in general and of Olaf in Particular."

'It was traumatizing for all of us,' said Tillack. 'MEPs from Germany, I was told, were happy about the raid, they were dancing on the floor celebrating. 'This critical journalist gets a lesson'. As for other parliamentarians: OLAF was criticized for my case by some, others were defending OLAF and said the investigation into me was worthwhile. MEP Paul van Buitenen looked into OLAF and took up my case, but from the big parties not many were defending me. The boss of OLAF was reappointed by the Commission, so they were happy too, I guess.'

The case laid the groundwork for a clear legal framework for protection of sources in Belgium, not just important to the country itself, but also for those journalists working at the seat of the EU institutions in Brussels. 'It was important that I could be cleared,' said Tillack, 'and that we did what we could to protect our sources and to show I was not corrupt. OLAF could not use the material. And it changed the practice of protection of sources. Belgium has a law now, it was implemented a year after the raid in 2005, and is now considered very strong.'

Tillack still feels apprehension about a critical press in Brussels. 'Press freedom seems not to be liked very much by EU organisations, the European Parliament included. The parliament should acknowledge they have a difficult past themselves, and ask themselves questions about their own behaviour.'

OLAF has established a yearly round table and a network of anti-fraud communicators (OAFCN), to improve relations between journalists and anti-fraud investigators in the member states and Brussels. Explains Alexander Buttici, former spokesperson of OLAF when the OAFCN was established, 'when there is discussion between a journalist and an investigative body on a story (one feels damaged by another, or about leaks of confidential information), there is a memorandum of understanding now (signed by Aidan White and Renate Schroeder for the International Federation of Journalists IFJ and me for OLAF) between journalists and investigative

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<sup>490</sup> Ibid., p 285-301. See ECtHR 27 November 2007, *H.M. Tillack v. Belgium*, Appl. Nr. 20477/05.

<sup>491</sup> Interview dated February 24, 2012. All Tillack quotes from this interview.

<sup>492</sup> See nrs. 74-81 of the judgement of the ECtHR and the final decision with unanimity: 'a) que l'Etat défendeur doit verser au requérant, dans les trois mois à compter du jour où l'arrêt sera devenu définitif conformément à l'article 44 § 2 de la Convention, 10 000 EUR (dix mille euros) pour dommage moral et 30 000 EUR (trente mille euros) pour frais et dépens, plus tout montant pouvant être dû à titre d'impôt.'



services on which to fall back and discuss differences of opinion. These are unique and open-minded discussions leading to better understanding. In the past we had to make a lot of clarifications and explanations to journalists about our way of working, but since the MoU we've had to less and less.<sup>493</sup>

Protection of sources (as can be seen in **Annex 8**) is in many EU member states a matter of national law and/or regulations, and is under constant scrutiny and challenged in court. At the time of the 'Tillack case', though unrelated to the EU and dealing with different presumptions as to the matters under investigation<sup>494</sup>, the German Bundesverfassungsgericht ruled in the so called 'Cicero case'<sup>495</sup> that searching a newsroom or reporter's office needs "konkrete Anhaltspunkte" in order to overrule press freedom<sup>496</sup>, effectively upholding the protection of sources. Cases in for instance Belgium<sup>497</sup> and France<sup>498</sup> also show that press freedom and protection of sources is not only grounded in laws and regulations, but also underpinned and strengthened by court decisions in member states. And most recently, ECtHR in the 'Affaire Ressiôt et autres c. France'<sup>499</sup> ruled the seizing of materials from a newsroom a violation of protection of sources under art. 10 of the ECHR, showing support for the principle of protection of sources and investigative journalism.

<sup>493</sup> A. Buttice, OLAF spokesperson from 2000 to 2009, currently Adviser Directorate D (Policy), OLAF. Interviewed for this report May 30, 2012.

<sup>494</sup> In the Cicero case Potsdam state prosecutors searched and seized the editorial offices of the German political magazine Cicero in view of finding evidence of a document leak from within the German Bundeskriminalamt (BKA), in connection with an article published by Cicero on the terrorist organisation of Abu Mousab Zarqawi.

<sup>495</sup> [http://de.wikipedia.org/wiki/Cicero\\_%28Zeitschrift%29](http://de.wikipedia.org/wiki/Cicero_%28Zeitschrift%29)

<sup>496</sup> The Court stated: "Die Durchsuchung der Presseräume und die Anordnung der Beschlagnahme (..) greift in besonderem Maße in die vom Grundrecht der Pressefreiheit umfasste Vertraulichkeit der Redaktionsarbeit, aber auch in ein etwaiges Vertrauensverhältnis zu Informanten ein." [http://www.bundesverfassungsgericht.de/entscheidungen/rs20070227\\_1bvr053806.html](http://www.bundesverfassungsgericht.de/entscheidungen/rs20070227_1bvr053806.html)

<sup>497</sup> For Belgian case law, see Belgian ruling Constitutional Court, 7 June 2006, nr. 91/2006, <http://www.const-court.be/>, or see D. Voorhoof, "Arbitragehof verruimt toepassing journalistiek bronnengeheim", *De Juristenkrant* 2006/132, p. 17

<sup>498</sup> For French case law, see <http://combatsdroitshomme.blog.lemonde.fr/2011/12/12/protection-des-sources-journalistiques-parce-que-la-liberte-de-la-presse-le-vaut-bien-cass-crim-6-decembre-2011/>

<sup>499</sup> Affaire Ressiôt et autres c. France, (*Requêtes nos 15054/07 et 15066/07*), ARRÊT Strasbourg, 28 juin 2012. Available through the authors of this report.



## ANNEX 6 - FREEDOM OF INFORMATION LEGISLATION

- WITHIN THE EU MEMBER STATES<sup>500</sup>
- WITHIN THE EU INSTITUTIONS<sup>501</sup>

### Member states<sup>502</sup>

country	In power since	name	link
Austria	1987	Auskunftspflichtsgesetz	<a href="http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10000916">http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10000916</a>
Belgium	1994	Wob: Wet openbaarheid van bestuur: article 34 Constitution, + separate laws for Flemish, French and German regions + region of Brussels	<a href="http://www.senate.be/doc/const_fr.html#const">http://www.senate.be/doc/const_fr.html#const</a> <a href="http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=1994041151&amp;table_name=loi">http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&amp;la=F&amp;cn=1994041151&amp;table_name=loi</a>
Bulgaria	2000	APIA: Access to public information act; ЗДОИ Закон за достъп до обществена информация	<a href="http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/">http://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/</a>
Cyprus	--		
Czech Republic	1999	Law on free access to information	<a href="http://legislationline.org/documents/action/popup/id/7240">http://legislationline.org/documents/action/popup/id/7240</a>
Denmark	1970	Lov om offentliggjorte i forvaltningen	<a href="http://legislationline.org/topics/country/34/topic/3">http://legislationline.org/topics/country/34/topic/3</a>
Estonia	2001	Avaliku teabe seadus	<a href="http://www.president.ee/en/republic-of-estonia/the-constitution/index.html">http://www.president.ee/en/republic-of-estonia/the-constitution/index.html</a> <a href="http://legislationline.org/documents/action/popup/id/6483">http://legislationline.org/documents/action/popup/id/6483</a>
Finland	1951	Laki viranomaisten toiminnan julkisuudesta	<a href="http://legislationline.org/topics/country/32/topic/3">http://legislationline.org/topics/country/32/topic/3</a> <a href="http://www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf">www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf</a> <a href="http://www.finlex.fi/fi/laki/ajantasa/1999/19990621">www.finlex.fi/fi/laki/ajantasa/1999/19990621</a>

<sup>500</sup> Based on [www.wobbing.eu](http://www.wobbing.eu), R. Vleugels, Fringe Special, 2011 'Overview of all FOI Laws' (Utrecht, 2011, available through the authors) and information from respondents. Links retrieved on July 28, 2012.

<sup>501</sup> Based on research for this report by B. Alfter.

<sup>502</sup> Valid information about who uses the national and/or European FOIs appear to be hard to obtain. An FOI consultant working for some Dutch media and producing annual global overviews over FOI states that data supplied about number of requests per year are "poor", the relatively few available figures appear to be "sexed up", and academic research is little in scope.

(Source: <http://right2info.org/resources/publications/laws-1/ati-laws-fringe-special-roger-vleugels-2011-oct>). However it is evident, that use of FOI by journalists to obtain hard facts as basis for their stories varies widely from country to country. Academic research, particularly mapping exercises for a start, would thus be helpful to help journalists gain an overview and journalism trainers to develop relevant classes.

France	1978	Loi de la liberté d'accès aux documents administratifs	<a href="http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068643&amp;dateTexte=20100919">www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068643&amp;dateTexte=20100919</a>
Germany	2006	Informationfreiheitsgesetz	<a href="http://www.bfdi.bund.de/IFG/Gesetze/Gesetze_node.html">http://www.bfdi.bund.de/IFG/Gesetze/Gesetze_node.html</a>
Greece	1986 2005	Constitution, Code of administrative procedure, Public Informations Act	<a href="http://www.hri.org/docs/syntagma/">http://www.hri.org/docs/syntagma/</a>
Hungary	1992	A személyes adatok védelméről és a közérdekű adatok	<a href="http://abiweb.obh.hu/dpc/legislation/1992_LXIIIa.htm">http://abiweb.obh.hu/dpc/legislation/1992_LXIIIa.htm</a>
Ireland	1998	Freedom of information act	<a href="http://www.oic.irlgov.ie/en/FOIActsRegulations/">www.oic.irlgov.ie/en/FOIActsRegulations/</a>
Italy	1990	Legge n. 241/90 in materia de procedimento amministrativo e di diritto di accesso ai documenti amministrativi	<a href="http://www2.agcom.it/L_naz/L241_90.htm">http://www2.agcom.it/L_naz/L241_90.htm</a>
Latvia	1998	Law on freedom of information	<a href="http://www.legislationline.org/documents/action/popup/id/4768">http://www.legislationline.org/documents/action/popup/id/4768</a>
Lithuania	2000	Law on the provision of information to the public	<a href="http://www.lrs.lt/cgi-bin/getfmt?c1=w&amp;c2=170831">www.lrs.lt/cgi-bin/getfmt?c1=w&amp;c2=170831</a>
Luxemburg	Draft: 2000	Proposition de loi concernant la liberté d'accès à l'information	<a href="http://right2info.org/resources/publications/J-1999-O-0486.pdf">http://right2info.org/resources/publications/J-1999-O-0486.pdf</a>
Malta	Draft: 2008	Freedom of information act	<a href="http://right2info.org/resources/publications/laws_malta-foi-act-2008">http://right2info.org/resources/publications/laws_malta-foi-act-2008</a>
Netherlands	1980	Wob: Wet openbaarheid van bestuur	<a href="http://wetten.overheid.nl/BWBR0005252/geldigheidsdatum_09-10-2011">http://wetten.overheid.nl/BWBR0005252/geldigheidsdatum_09-10-2011</a> <a href="http://wetten.overheid.nl/zoeken_op/regeling_type_wetten+AMVB+ministeries/titel bevat Wob/datum_9-10-2011">http://wetten.overheid.nl/zoeken_op/regeling_type_wetten+AMVB+ministeries/titel bevat Wob/datum_9-10-2011</a>
Poland	2002	Law on access to public information	<a href="http://www.legislationline.org/documents/action/popup/id/6757">http://www.legislationline.org/documents/action/popup/id/6757</a>
Portugal	1993	Law on access to administrative documents	<a href="http://www.cada.pt/modules/news/article.php?storyid=28">http://www.cada.pt/modules/news/article.php?storyid=28</a>
Romania	2001	Legea privind liberul acces la informatiile de interes public	<a href="http://www.dci.ro/En/Legi/544.pdf">http://www.dci.ro/En/Legi/544.pdf</a> <a href="http://legislatie.resurse-pentru-democratie.org/544_2001.php">http://legislatie.resurse-pentru-democratie.org/544_2001.php</a>
Slovakia	2001	Zakon o slobodnom pristupe k informaciam	<a href="http://www.legislationline.org/documents/action/popup/id/6397">http://www.legislationline.org/documents/action/popup/id/6397</a>
Slovenia	2003	Zakon o dostopu do informacij javnega značaja	<a href="http://www.ip-rs.si/index.php?id=324">www.ip-rs.si/index.php?id=324</a> <a href="http://www.ip-rs.si/zakonodaja/zakon-o-dostopu-do-informacij-javnega-znacaja/">www.ip-rs.si/zakonodaja/zakon-o-dostopu-do-informacij-javnega-znacaja/</a>
Spain	Draft: 2012	Anteproyecto de ley de Transparencia, Acceso a la Información Pública y Buen Gobierno	<a href="http://www.leydetransparencia.gob.es/anteproyecto/index.htm">http://www.leydetransparencia.gob.es/anteproyecto/index.htm</a>
Sweden	1766	Tryckfrihetsförordningen	<a href="http://www.notisum.se/rnp/sls/lag/19490105.htm">http://www.notisum.se/rnp/sls/lag/19490105.htm</a>
United Kingdom	2005	Freedom of information act	<a href="http://www.opsi.gov.uk/acts/acts2000/ukpga_20000036_en_1">www.opsi.gov.uk/acts/acts2000/ukpga_20000036_en_1</a>

**EU Institutions**

<b>entity</b>	<b>legal document</b>	<b>in power since</b>	<b>link</b>	<b>remarks</b>
European Commission & agencies, European Council, European Parliament	Regulation 1049/01	2001	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001R1049:en:HTML">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001R1049:en:HTML</a>	reform on the way since 2008, has to be adjusted to Lisbon treaty, some case-law exists
all EU bodies	Lisbon Treaty, TFEU §15	2010	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:020:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0047:020:EN:PDF</a>	implementation to all EU bodies not carried out yet, case law still rudimentary
all national bodies	Directive 2003/4	2003	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:041:0026:0032:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:041:0026:0032:EN:PDF</a>	only environmental information
all EU bodies	Regulation 1367/06	2006	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:264:0013:0013:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:264:0013:0013:EN:PDF</a>	only environmental information





## ANNEX 7 - STATE OF LEGISLATURE ON WHISTLE-BLOWING IN EU MEMBER STATES IN 2009<sup>503</sup>

Countries replying to a questionnaire from the committee taking the survey for the Council of Europe. Not all EU-member states replied.

Country	Legislature <sup>504</sup>	Provisions / Planning
Austria	No	Some laws permit or even demand disclosures and grant a certain level of protection, but there is no general regulation of "whistle-blowing" so far.
Belgium	No	Community of Flanders has legislated on the matter by implementing a specific decree applicable to its civil servants specifically aimed at protecting "whistle-blowers", called " <i>denunciators</i> ". This decree was adopted on 7 May 2004.
Bulgaria	No	No laws specifically protecting "whistle-blowers"
Cyprus	Yes, though not comprehensive	The Civil Service Law has an article stipulating that "any civil servant who while performing his duties, ascertains or believes that another civil servant has been involved in bribery or fraudulent actions must report these incidences to his/her supervisor in written form together with all relevant evidence to support his/her case", but no mention of whistle-blowing is made.
Denmark	No	Absence of any kind of specific legislation regarding the protection of "whistle-blowers" in the national legislation.
Estonia	No	In the Estonian language there is no equivalent for the word "whistle-blower", the closest term being "tunnistaja", which means "witness". Hence, the Estonian Witness Protection Act of 2005 is the closest one can get to "whistle-blower" protection.
France	Yes, though not comprehensive	On 13 November 2007, France promulgated a law on the protection of "whistle-blowers", but it is only applicable in the context of corruption. It does, however, only extend to the private sectors.
Germany	Yes, and draft bills	Two separate drafts are under discussion for private sector employees and for civil servants since 2006. The Civil Service Status Law came into force on 1 April 2009, and includes a section (§ 37 II lit. 3.) dispensing public servants from their normal duty of official secrecy in order to allow them to expose suspected cases of corruption.

<sup>503</sup> Based on (and elaborated on) *The protection of "whistle-blowers"*, Committee on Legal Affairs and Human Rights (Doc. 12006, 14 September 2009), available digitally <http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc09/edoc12006.htm>

<sup>504</sup> A score of 'no' indicates the country itself, according to the answers provided for the study mentioned in footnote 1, does not consider it as having (some kind of) a law concerning whistle-blowing. Provisions in other laws or regulations may deal with the concept of whistle-blowing, but are not scored as a law. Explanation is given in the column 'provisions / planning'

Greece	No	No specific legislation concerning the protection of "whistle-blowers". However, Greek legal practice accepts that an employee's responsibility is not engaged if he/she reveals information aiming to protect the public interest.
Hungary	Draft bill	No comprehensive set of laws protecting "whistle-blowers" to date. Anyone may get redress for their complaints or "announcements of public concern" filed to state or local organs under Act XXIX of 2004, the only exceptions being complaints that fall under judicial or public administrative procedures. In 2009, the government was working on a draft bill, but it is unclear what the status of the project is today.
Italy	No	Well-developed mechanisms for the protection of "informatore", based on Article 203 of the Code of Criminal Procedure and other measures foreseen in a Law of 13 February 2001 on "collaborators of justice" and "pentiti" ("repenting" former members of organised criminal groups). But this legislation does not appear to cover other types of "whistle-blowers" denouncing abuses in the public or private sectors short of appearing in court as witnesses for the prosecution.
Lithuania	Rejected	The only country where a draft law on the protection of "whistle-blowers" was introduced in parliament in 2003, but rejected.
Netherlands	Incomprehensive	A 1999 Law using the term "klokkenluiders" ("bell ringers") for "whistle-blowers" provides some protection to public servants, but they must first go to their superior. A draft bill for the public sector did not go through parliament. A comprehensive draft initiative was introduced in/by parliament in May 2012.
Poland	No	No bill or draft, it seems that there is no real translation into Polish of the term "whistle-blowing".
Romania	Yes, though not comprehensive	The protection of "whistle-blowers" is regulated by the Act on the Protection of "whistle-blowers" (Law n°571/2004). Only applicable to workers in the public sector.
Slovakia	No	No specific legislation on the protection of "whistle-blowing" exists or is being prepared. The concept of "whistle-blowing" is rarely discussed in the country and the practice is not encouraged.
Slovenia	Draft bill	Motion to draft and adopt a law was presented in 2006 to the Parliament, but has not yet produced any results.
Sweden	Incomprehensive	No plans at this stage to legislate specifically on the protection of "whistle-blowers", neither is the concept of "whistle-blowing" defined in Swedish legal texts. However, a number of provisions may be found in various pieces of legislation, providing some protection.
United Kingdom	Yes	Public Interest Disclosure Act (PIDA) (1998), protection against victimisation or dismissal to "whistle-blowers", covering both private and public sector employees.

## ANNEX 8 - CONSTITUTIONAL OR LEGAL PROTECTION OF SOURCES IN THE EU-27<sup>505</sup>

Country	type of law	Wording
Austria	National law	Protection against searches of offices or workspace unless certain conditions for disclosure are met.
Belgium	National law, 2005, 'BIM'-law 2010	Comprehensive. Broad protection to journalists from having to disclose identity of sources, only to be overridden by a judge in case of serious threat to physical integrity of a person, and the information is of crucial importance and cannot be obtained otherwise. However, revised law on powers of the security services may weaken rights of journalists to protect a source.
Bulgaria	National law	Radio and Television act provides protection of sources but not for print journalists
Cyprus	National law	Press law: journalist has the right not to reveal sources, with exception to information concerning a penal crime if information is directly related to the crime, and information cannot be obtained in a different way, and reasons of paramount and imperative public interest necessitate revealing the information
Czech Republic	None	Journalists are fighting to get source protection, but no result so far.
Denmark	National law	Law on legal procedures §172, 804 and 805 describe the exemption of the duty to witness for editors and journalists <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=138875">https://www.retsinformation.dk/Forms/R0710.aspx?id=138875</a> . In combination with the legal practice by the European Court of Human Rights Danish media lawyers consider this as sufficient and changes are currently not on the agenda. One point of criticism in recent years has been anti-terror legislation and the connected surveillance, <a href="http://www.update.dk/cfje/Lovbasen.nsf/ID/LB02288275">http://www.update.dk/cfje/Lovbasen.nsf/ID/LB02288275</a>
Estonia	None	In practice, the decisions made by the European Court in Strasburg on this issue are adhered to.
Finland	National law	Disclosure when a crime punishable by imprisonment of 6 years or more.
France	National law, 2010	Law prohibits 'breach of secret sources' unless public interest justifies it and measures are proportionate to the goal. 'In no case can this breach oblige the journalist to disclose his/her sources'. Room for discussion what is proportionate.
Germany	Ruled by constitutional court in 1996	'freedom of the press also includes a certain degree of protection for the confidential relationships between the press and its private sources of information', but how far this goes is under constant debate.
Greece	None	But Greek courts have provided privacy of sources in case law since 1976 citing article 10 of ECHR and article 19 of UN Universal declaration of human rights

<sup>505</sup> Based on Leruth, P. , Kamenka, P., *EFJ Policy Document on Protection of Journalists*, European Federation of Journalists, on behalf of the Steering Committee (edited September 2010), and on responses by contributors to this report.

Hungary	National media law, 2011	If a source discloses a state secret to a journalist, the journalist has to inform the authorities or face criminal penalties. Constitutional Court ordered revision (only a court can order disclosure) in December 2011, finalization of revision in the law's text in Summer 2012.
Ireland	None	
Italy	National law, 1963	Press law tells journalists to 'respect the professional secret related to the sources of their information'. But in case of a criminal offense, the judge can ask the journalist to reveal a source, with a number of cases before the European Court as a result. Constant battleground. Press act does not refer to the journalist but to the information.
Latvia	National law, 1997	Press law states only a court can ask journalists to reveal a source, punishable with imprisonment: 'The source of information shall only be produced at the request of a court or a prosecutor.' (section 22 of Supreme Council law 'On the Press and other mass media')
Lithuania	National law, ruled by constitutional court in 2002	Protection cannot be absolute such as to protect constitutional rights of a person
Luxemburg	National law, 2004	Freedom of expression in the media law, disclosure only when prevention of a crime against individuals, drug trafficking, money laundering, terrorism or state security.
Malta	National law, 1974	According to Press Act article 46, no requirement to disclose, 'unless it is established to the satisfaction of the court that such disclosure is necessary in the interests of national security, territorial integrity or public safety, or for the prevention of disorder or crime or for the protection of the interests of justice' and disclosure outweighs the need of the media to protect a source.
Netherlands	None	Discussion between ministry and parliament (and society) about when an occasion outweighs the right to protection of a source, and what constitutes a journalist.
Poland	National law, 1984	Press law states that a journalist can always protect his source of information by refusal to answer, except in situations when the source is involved in a serious crime (murder or crime against the state). However, in complicated cases protection can be abolished by court decision.
Portugal	Constitution	Freedom of the press includes journalists' right to 'the protection of professional independence and secrecy'. Does not lead automatically to protection, though.
Romania	National law for audiovisual media, Self regulation	Mentioned in the Audio-Visual legislation established by CNA (Consiliul National al Audiovizualului - National Council of Audio-visual - law L504/2002) only regulates broadcasters and their journalists/editors. Also, a "collective work contract" (contract colectiv de munca) that is according to the law valid for any media enterprise, has an attached codex of ethics that makes the protection of sources mandatory.
Slovakia	Press code, 2008	'Publishers of periodicals or press agencies' must not disclose sources of information, have to take precautions to protect the source, only not in cases where the law 'requires the prevention of the commission of a crime'.
Slovenia	None	
Spain	Constitution, art. 20	'the law shall regulate the right to the protection of the clause on conscience and professional secrecy', but no specific act on PoS

Sweden	Freedom of the Press Act, part of constitution	Anyone who is a source has a fundamental right to anonymity; for journalists, breaking confidentiality is a criminal offence. Exception: national security.
United Kingdom	National laws	Several laws define protection based on case law and European Court decisions (1981 Contempt of Court Act, 1998 Human Rights Act after the Goodwin-case). However, anti-terror laws attempt to override these. Most notably the Official Secrets Act.
Council of Europe	European Convention of Human Rights, §10	Though protection of sources is not mentioned in the Convention, the European Court of Human Rights has created very clear legal practice where the protection of sources is considered an important feature protected by the rules on freedom of expression. <sup>506</sup>

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<sup>506</sup> Most important case law:

Goodwin v. UK, 27 March 1996

Roemen and Schmit v. Luxembourg, 25 February 2003

Ernst and others v. Belgium, 15 July 2003

Voskuil v. Netherlands, 22 November 2007

Tillack v. Belgium, 27 November 2007

Financial Times v. UK, 15 December 2009

(source: Dirk Voorhoof, training material, University of Copenhagen, 2010)



**ANNEX 9 - RSF PRESS FREEDOM INDEX 2011 / 2012**<sup>507</sup>**Countries of the European Union**

Rank	Country	Score 2011/2012	direction <sup>508</sup>
1	Finland	- 10	--
3	Estonia	- 9	»
3	Netherlands	- 9	«
5	Austria	- 8	»
6	Luxemburg	- 7	»
10	Denmark	- 5.67	»
12	Sweden	- 5.50	««
14	Czech republic	- 5	»
15	Ireland	- 4	«
16	Cyprus	- 3	»
16	Germany	- 3	»
20	Belgium	- 2	«
24	Poland	- 0.67	»
25	Slovakia	0	»»
28	United Kingdom	2	«
30	Lithuania	4	««
33	Portugal	5.33	»
36	Slovenia	9.14	»»
38	France	9.50	»
39	Spain	9.75	--
40	Hungary	10	««
47	Romania	14	»
50	Latvia	15	««
58	Malta	19.50	««
61	Italy	19.67	««
70	Greece	24	--
80	Bulgaria	29	««

**Remarks:**

Since RSF changed its range of topics questioned and scored, the 2011-2012 Press Freedom Index scores are hard to compare with previous years, only in the direction countries are moving. Within the EU, RSF notes 'a continuation of the very marked distinction between countries such as Finland and Netherlands that have always had a good evaluation and countries such as Bulgaria (80th), Greece (70th) and Italy (61st) that fail to address the issue of their media freedom violations, above all because of a lack of political will. There was little progress from France, which went from 44th to 38th, or from Spain (39th) and Romania (47th)'.

<sup>507</sup> According to the Reporters Without Borders Index, [http://en.rsf.org/spip.php?page=classement&id\\_rubrique=1043](http://en.rsf.org/spip.php?page=classement&id_rubrique=1043)

<sup>508</sup> «« rapid decline, « decline, -- unchanged, » improvement, »» rapid improvement





## **ANNEX 10 - SPAIN, THE ROLE OF INVESTIGATIVE JOURNALISM IN RELATION TO FRAUD AND MISUSE OF EUROPEAN UNION FUNDS (2006-2012)<sup>509</sup>**

Commentary on the choice of Spanish stories in **Annex 2**

By Marcos García Rey and Mar Cabra – Fundación Ciudadana Civio

### **INTRODUCTION**

Spain doesn't have a freedom of information law (yet). This highly influences investigative journalism in the country, which is mainly based on sources (police, courts) and leaks. Journalists are not used to having the right to request records and data, so they do not usually exercise it at a European Union level either. We found no stories on the misuse of European Union funds originated by Spanish media using Regulation 1049/2001. However, there are articles in this regard from international media outlets about Spain.

It's also important to note that court records are not often publicly accessible. It's just the anonymised sentence/ruling that can be accessed by citizens, and up to recently these were not available online.

Administratively, the country is divided in central, regional and local administrations. This complicates the investigations on EU funds, because the management could be at the central or regional level. Their only disclosure would be in the official gazettes, which up to recently had to be consulted in hard copy; now they have (bad) online search engines which rarely specify the breakdown of the funds (between the co-financing parties). That's why we focused our research on national media outlets but also on media from three regions: Andalusia, Catalonia and the Basque Country. These regions were selected because they have powerful local publications.

The media landscape is very politicized and this affects directly the information that publications reveal. One could easily see the pattern in the following research. The fact that certain media outlets –especially the regional ones- are highly subsidized themselves also seems to affect the type of stories they report on.

When the Spanish media deal with corruption cases, the misappropriation or misuse of EU funds becomes an incidental topic all along the stories. They're normally all about the politics. For that reason, reporters do not properly do a breakdown of the money misused and do not mention primary sources (budgetary memos, allocations of funds, etc.) in their production. In any case, it's very hard –if not impossible- to find the breakdown of the EU funds in the documents produced by the Spanish authorities.

The eminent Professor of Sociology Manuel Castells says:

*"The media . . . are not the Fourth Estate. They are much more important: They are the space of power making. The media constitute the space where power relationships are decided between competing political and social actors. Therefore, almost all actors and messages must go through the media in order to achieve their goals."<sup>510</sup>*

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<sup>509</sup> The story count and analysis were conducted in February 2012; additional materials (i.e. on the draft FOI law) were supplied through e-mail during April-June 2012.

<sup>510</sup> Manuel CASTELLS, *Communication Power*, Oxford UP, 2009, p. 194.

This quote is appropriate in order to explain that the media in Spain —many of them ruled and/or subsidized by the central and regional governments— are the main battlefield of the political parties struggle. As a result, investigative journalism on the fraudulent use or waste of EU economic resources is hijacked by the rulers that are, at the same time, those who administer the European funds. It is to say, some media outlets do not investigate corruption because they are debtors to governments, rather than being independent. (For example, the Catalan newspapers like *La Vanguardia* are subsidized in its majority by the regional government.) Meanwhile others try to undermine the legitimacy of given governments by exposing to the public their members' corrupt behavior.

An example of the latter could be found on the May 2009 *ABC* article "UGT y CC.OO. acaparan las ayudas para divulgar la Presidencia española de la UE" (*Trade unions UGT and CC.OO. stockpile subsidies to promote the Spanish EU presidency*)<sup>511</sup>, which analyses the subsidies going to organisations that promote the Spanish presidency of the EU. The story uses the analysis of the data to be critical with the political party in the government – left wing -, in the opposite side of the paper's interests.

In general, no profound, systematic or neutral research is behind the stories.

In the political arena of Spain, there is an established subculture of thinking "no worries, Europe pays". In this sense, generally speaking, the media have not been properly playing the role of watchdogs and are not bringing the truth of corruption out. The misappropriation and dilapidation of European funds are not crucial topics for the Spanish media. However, there seems to be a higher interest now on the topic since less European money is coming in and also because of the economical crisis.

Most of the stories we found were broken not by journalists but by court trials. For the research we used the *Story-based Inquiry: A manual for investigative journalists*<sup>512</sup> definition:

*"Investigative journalism involves exposing to the public matters that are concealed –either deliberately by someone in a position of power, or accidentally, behind a chaotic mass of facts and circumstances that obscure understanding. It requires using both secret and open sources and documents."*

We discarded any stories that merely report what the journalist found in a court document or file, through a leak. When selecting cases we tried to only include those that mainly focused on the use of funds and didn't just touch the issue tangentially.

There are some EU funds stories in the perception of the Spaniards, such as the 'flax case'<sup>513</sup> or of the case of the 'black milk'<sup>514</sup>, but which we didn't include because they were too old. In any case, it seemed that court proceedings/OLAF -and not journalists- unveiled them.

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<sup>511</sup> <http://www.abc.es/20090525/nacional-nacional/acaparan-ayudas-para-divulgar-20090525.html>

<sup>512</sup> Hunter, Mark Lee, et alii, 2009, p.7

<sup>513</sup> <http://europa.eu/rapid/pressReleasesAction.do?reference=OLAF/09/8&type=HTML>

<sup>514</sup> [http://elpais.com/diario/2008/05/11/economia/1210456801\\_850215.html](http://elpais.com/diario/2008/05/11/economia/1210456801_850215.html)

## MAIN CONCLUSIONS

- Cases of fraud or misuse of European Union funds are not extraordinary in Spain. A 2007 ABC article highlighted that in 2006 the EU Commission found 1,668 cases with irregularities on the misuse of funds<sup>515</sup>, which accounted for 183.6 million Euros. However, there are hardly any original investigative stories in the Spanish media on the topic since 2006. It's interesting to note that the two most thorough investigations found on this issue came from international news outlets: the Bureau of Investigative Journalism/*Financial Times* series on EU structural funds<sup>516</sup> and the International Consortium of Investigative Journalists (ICIJ) exposé on fishing subsidies in Spain, "Looting the Seas II"<sup>517</sup>, which was locally published in *El País*, *El Mundo* and Fronterad.com.

Just very few other original investigations were found in the Spanish media. Only some in-certain-depth stories have been reported after a leak from the political authorities, the security bodies (police or Civil Guard), or by judicial authorities. But the media outlets tend to strictly focus their attention on the political side of the topic.

*'It's hard for Spanish newsrooms to consider undertaking an in-depth investigative story on EU funds. First, because of the high time cost and second, because of the lack of tradition of working with EU sources – either open or closed,'*

said investigative reporter Daniel Montero of the weekly *Interviú*<sup>518</sup>.

It is crucial to point out that the Spanish media has carried out no groundbreaking investigative project on the matter in question since 2006.

- The ICIJ investigation is a very special case because the organisation, with headquarters in Washington D.C., USA, works with local reporters. For the October 2011 "Looting the Seas II" investigation ICIJ worked with two Spanish reporters, Marcos García Rey and Mar Cabra and one Spanish programmer, David Cabo. The project was coordinated from Washington by Kate Willson. Their unprecedented analysis of fishing funds to the Spanish industry revealed that it had received more than €5.8 billion from 2000 to 2010 despite its track record of breaking the rules and tapping overfished stocks.

The investigation also found:

- More than 80 percent of subsidized fishing companies that were fined in Spain for fishing infractions – and then lost subsequent court appeals – continued to receive subsidies.
- One Spanish ship-owner received more than €8.2 million in subsidies even while his company or its affiliates faced more than 40 accusations of illegal fishing and US\$5 million in fines. (This case had been in the media before, but this story was the most in-depth account to date)

In Spain, the investigation was published in *El País* (Spanish ship-owner story) and *in El Mundo* (which reported on the subsidy story). Several other Spanish media such as *laSexta Noticias* and Fronterad.com, the *EU Observer*, *Trouw* (Netherlands) or Euronews also picked up on the story.

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<sup>515</sup> M. Núñez, 'España, tras Italia, es el país de la UE con más irregularidades en la gestión de los fondos europeos', *ABC*, March 10, 2007, [http://www.abc.es/hemeroteca/historico-10-07-2007/abc/Economia/espa%C3%B1a-tras-italia-es-el-pais-de-la-ue-con-mas-irregularidades-en-la-gestion-de-los-fondos-europeos\\_1634161833024.html](http://www.abc.es/hemeroteca/historico-10-07-2007/abc/Economia/espa%C3%B1a-tras-italia-es-el-pais-de-la-ue-con-mas-irregularidades-en-la-gestion-de-los-fondos-europeos_1634161833024.html)

<sup>516</sup> [www.ft.com/eu-funds](http://www.ft.com/eu-funds)

<sup>517</sup> <http://www.icij.org/projects/looting-the-seas-ii>

<sup>518</sup> Interviewed for this report by Cabra /García Rey, February 14, 2012.

- The current judicial investigation on the alleged massive fraud of subsidies from the European Social Fund (ESF) in Andalusia, southern Spain, could be considered in some aspects as investigative as it could have been originated by investigations from journalists and also because once the case got to the public, journalists revealed some original stories.

**Background:** In the last decade, the regional government of Andalusia has handled €1 billion from the ESF to promote employment and to help companies, especially with plans of downsizing labor force. Spanish courts are investigating an alleged massive fraud whose beneficiaries have been members of the Andalusian government, their families and friends, members of the Socialist party (PSOE), and trade unionists. The misuse would also involve early retirement plans for inexistent employees.

In order to draw strong conclusions more research is needed. It is unclear how the case was started. *ABC* newspaper claims to have been the ones to unearth the seed that led to the investigation by the authorities –and the uncovering of the fraud–, as they explain in the article ‘La caída del régimen’ (*The fall of the regime*), published on Jan 22, 2012<sup>519</sup>. The paper says the authorities got alerted to the issue after they published several articles in 2009 on fraud related with the Seville market “Mercasevilla”.

There’s also a Feb 2011 *ABC* article on a leaked police report detailing the alleged fraud<sup>520</sup>. What role did this play in the later unfolding events?

This is a complicated case to explain in itself (there are four lines of possible fraud, more than 300 companies, public information which was not made public, etc.) and it’s difficult to point what was first, if the chicken or the egg. What’s clear is that since the case was out in the public and journalists started covering it, *ABC* and later *El País* have unearthed some original stories that do not just come from the court records, but from their reporting. However, they don’t explicitly focus their articles on how the fraud happened and how the system failed. Figures of money and companies are used as a teaser to focus on the political battle.

None of the articles found expose in a systematic way where did the money come from, how much money it is in total or detail clearly the different types of misuse in the funds.

It is important to note the political connections of this story, as the Andalusian government is ruled by the left-wing political party, PSOE, and the main paper reporting on the case is *ABC*, which is heavily leaned towards the right. It is also particularly interesting that the main Spanish public TV network, TVE, has not produced any report or documentary on this important case, neither has the main Andalusian public TV, Canal Sur. There is no doubt that political reasons are behind this decision.

This case is particularly serious and a major scandal in Spain and it had an impact in the March 2012 Andalusian elections. The PSOE lost them for the first time in democracy, although thanks to political alliances it keeps in office. To date this sample of alleged corruption has an almost daily coverage in national media outlets, but it is only treated from the point of view of the political dispute.

- There’s just one other case we found which could be considered an original investigation because of how the story was uncovered and also how it developed. It’s the *Cadena Ser*

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<sup>519</sup> <http://www.abc.es/20120122/espana/abci-caida-regimen-andaluz-201201220003.html>

<sup>520</sup> <http://www.abc.es/20110205/espana/abcp-mercasevilla-destapa-fraude-masivo-20110205.html>

investigation on the Fundación Iberoamérica Europa-CIPIE. From the initial research the story seems as follows:

The radio station unveiled in March 2004<sup>521</sup> that the president - former spokesperson of former Prime Minister José María Aznar - had used money from the highly subsidized foundation for personal matters. Later that July, it mentioned<sup>522</sup> possible irregularities with the donations around subsidies for a project in El Salvador. The European Commission announced<sup>523</sup> in November 2004 that it was going to open an investigation.

However, the radio station denounced three years later<sup>524</sup> that the non-profit had allegedly committed fraud with the receipts so it didn't have to give the subsidies back to the EU. According to the radio station, OLAF recommended the funds should be returned to Brussels.

In November 2011, the reporter who broke the story was condemned<sup>525</sup> for defamation because he denied revealing the identity of his sources consulted for the 2007 story.

## AMONG THE FINDINGS

In recent years, many corruption cases have been uncovered in Spain. Most of them have to do with the misappropriation of public funds by politicians ruling local and regional governments. Great part of those funds diverted to corrupt players came from Brussels.

However, the Spanish media outlets have not focused their investigative stories on the topic of the ill usage of EU funds. Most of the times, the reading of the in-depth articles on corruption does not throw any light on the subject in question, just the opposite. The misappropriation or the waste of EU funds has been covered as a secondary topic. It is clearly an underreported issue, not a well documented one.

At this stage, it is important to point that there is not a single center for investigative journalism in Spain so far and hardly any paper has reporters who permanently do investigative reporting. There's no association for investigative journalists. Apart from this fact, it is pertinent to underline that investigative reporting has its wings clipped due to the political interference in the traditional media.

"The topic is complex, but I think that the journalism genre that you are investigating is almost dead and buried"<sup>526</sup>, said Eduardo Martín de Pozuelo, senior investigative reporter with the newspaper *La Vanguardia*. "It makes all the factual powers feel uncomfortable; it is expensive; does not provide secure profits to the media outlet that is investing in it; and, if it is carried out, many times it is motivated and guided by illegitimate causes beyond the public interest".

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<sup>521</sup> [http://www.cadenaser.com/espana/articulo/ex-jefe-prensa-aznar-carga-alquiler-piso-lujo-ong-preside/csrsrpor/20040730csrsrnac\\_9/Tes](http://www.cadenaser.com/espana/articulo/ex-jefe-prensa-aznar-carga-alquiler-piso-lujo-ong-preside/csrsrpor/20040730csrsrnac_9/Tes)

<sup>522</sup> [http://www.cadenaser.com/espana/articulo/tribunal-cuentas-detecta-salvedades-gestion-ayudas-seismos-2001-salvador/csrsrpor/20040722csrsrnac\\_9/Tes](http://www.cadenaser.com/espana/articulo/tribunal-cuentas-detecta-salvedades-gestion-ayudas-seismos-2001-salvador/csrsrpor/20040722csrsrnac_9/Tes)

<sup>523</sup> [http://www.cadenaser.com/espana/articulo/ue-abre-investigacion-fundacion-fue-vicepresidenta-ana-botella/csrsrpor/20041112csrsrnac\\_6/Tes](http://www.cadenaser.com/espana/articulo/ue-abre-investigacion-fundacion-fue-vicepresidenta-ana-botella/csrsrpor/20041112csrsrnac_6/Tes)

<sup>524</sup> [http://www.cadenaser.com/espana/articulo/trabajadores-ong-presidida-ex-jefe-prensa-aznar-denuncian-manipulacion-facturas/csrsrpor/20070314csrsrnac\\_8/Tes](http://www.cadenaser.com/espana/articulo/trabajadores-ong-presidida-ex-jefe-prensa-aznar-denuncian-manipulacion-facturas/csrsrpor/20070314csrsrnac_8/Tes)

<sup>525</sup> [http://www.cadenaser.com/sociedad/articulo/periodista-cadena-ser-condenado-proteger-fuentes-caso-presunta-corrupcion/csrsrpor/20111117csrsrsoc\\_15/Tes](http://www.cadenaser.com/sociedad/articulo/periodista-cadena-ser-condenado-proteger-fuentes-caso-presunta-corrupcion/csrsrpor/20111117csrsrsoc_15/Tes)

<sup>526</sup> Interviewed for this report by Cabra /García Rey, February 9, 2012.

Given this scenario, and despite OLAF's annual operational reports<sup>527</sup> informing about several irregularities in Spain concerning the misuse of EU funds, it is remarkable the lack of original journalistic investigations. It's important to note OLAF doesn't normally give company names in those reports.

Therefore, we have found some articles on the subject in question, but these are very far from being proper investigative stories. Many of the stories are originated by court records, which are leaked to reporters that then summarize the findings and narratively tell them in the article. The following list shows the most serious and significant cases:

1. A massive desalination plant lies idle in Torrevieja, Southeastern Spain (a current issue, uncovered in 2011)

After an investigation<sup>528</sup> carried out by Bureau of Investigative Journalism and the *Financial Times*, the Spanish press reacted a bit to that case, but without special criticism or investigative work on the waste of EU funds. For example:

-“El Gobierno valenciano bloquea la mayor desaladora de Europa” (*El País*, 17/07/2011).

2. The Civil Guard uncovered a fraudulent use of EU funds in Jaen and Granada, Southern Spain (2007)

Once again, a police operation gave the chance to media outlets to report in-depth stories. Fake telecommunications training schools were allegedly training people with EU funds. The daily Andalusian newspaper *Ideal* published some long articles, like “La Guardia Civil destapa otro fraude con fondos europeos de una red de academias”<sup>529</sup> (06/07/2007). It is not an original investigation.

3. Private luxury hotels in Lanzarote, Canary Islands, partially financed by EU taxpayers (2010-2011)

Only after another joint investigative project<sup>530</sup> carried out by the Bureau of Investigative Journalism (BIJ) and the *Financial Times*, the Spanish regional and national circulated media reacted. Private luxury hotels had been built thanks to national and European subsidies. According to the BIJ, “Alarmed by the unfolding drama, the European Anti-Fraud Office opened a file on Lanzarote and is now charged with ensuring the recovery of any EU money used to finance illegal construction of the hotels.”

*El País* published a long article on this issue —after the BIJ and the FT investigative story—: “La política tiene un precio en Lanzarote”<sup>531</sup> (13/02/2011).

4. Non-operative airports (and other infrastructures) built with national and EU funds

In Spain there are 47 public airports - most of them are losing money. Some of them have been built in the last years, but due to the lack of users they hardly have any flights –Huesca, Badajoz, Ciudad Real, La Palma-. The 150 million euro Castellón airport inaugurated in March 2011 hasn't yet had any air traffic.

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<sup>527</sup> [http://ec.europa.eu/anti\\_fraud/about-us/reports/olaf-report/index\\_en.htm](http://ec.europa.eu/anti_fraud/about-us/reports/olaf-report/index_en.htm)

<sup>528</sup> <http://www.thebureauinvestigates.com/2011/04/27/eu-waste-massive-spanish-desalination-plant-lies-idle/>

<sup>529</sup> [http://www.ideal.es/jaen/prensa/20070706/local\\_jaen/guardia-civil-destapa-otro\\_20070706.html](http://www.ideal.es/jaen/prensa/20070706/local_jaen/guardia-civil-destapa-otro_20070706.html)

<sup>530</sup> <http://www.thebureauinvestigates.com/2010/07/06/luxury-hotels-built-in-the-name-of-progress-fall-foul-of-law-2/>

<sup>531</sup> [http://elpais.com/diario/2011/02/13/domingo/1297572756\\_850215.html](http://elpais.com/diario/2011/02/13/domingo/1297572756_850215.html)



How much have the European taxpayers contributed to this irrational building race? No journalistic investigation has thrown light to this topic. When journalists from the main Spanish newspapers covered the issue, they mentioned total expenditure figures and reference EU funds, but there's no further detail on it. It seems it's just 'misspent money', without fingering where did the money come from or how the process was approved.

*El País* (01/05/2011) published "*Aeropuertos para todos*"<sup>532</sup> (*Airports for everybody*), but this feature was not focused on the ill-usage of EU funds.

*ABC* (26/06/2011) did the same too with "*Aeropuertos fantasma, escala a ninguna parte*"<sup>533</sup> (*Ghost airports, layover to nowhere*). However, this is a feature article that doesn't point who's to blame, where do funds come from or request comment from authorities.

In the last decade, the waste of EU funds has been common in Spain in regard to other infrastructures: seaports, highways, or high-speed rail lines.

As a paradigmatic example, the high-speed rail line Toledo-Cuenca-Albacete –co-financed with European funds<sup>534</sup>– was cancelled in mid-2011<sup>535</sup> as only an average of nine people used it per day<sup>536</sup>.

Some media outlets have devoted some efforts to explain this dilapidation of economic resources. But the main topic of the articles or documentaries was not related to the valueless expenditure of EU funds. In this regard, there are two journalistic initiatives that should be worth mentioning:

- 1- **laSexta TV Program "Salvados"** – Led by a comedian, this national TV program has spent at least two episodes where EU funds were mentioned. One was showing how funds were spent without much thinking ("*Cuando éramos ricos*"<sup>537</sup> (*When We Were Rich*), laSexta TV (10/10/2011)) and the other one was about agricultural funds ("*Cosechando subvenciones*"<sup>538</sup> (*Harvesting subsidies*), laSexta TV (12/12/2011)).
- 2- **The *El País* series "Crónicas del despilfarro"**– Just before the general elections of November 20, 2011, the main national newspaper did a series of articles on infrastructures (stadiums<sup>539</sup>, cultural centers<sup>540</sup>, airports<sup>541</sup>, harbors<sup>542</sup>), which were built and then rarely used. There's hardly any reference in many of them to where did the money come from or if there was any EU money involved. For example, the article "*El puerto de los mil millones de euros*"<sup>543</sup> (*The billion euro harbor*) doesn't give much detail on the origin of the money, but then has a quote from one of the promoters saying: "40 percent was financed by Europe, 30 percent by the Ministry and 30 percent by the harbor itself".

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<sup>532</sup> [http://elpais.com/diario/2011/05/01/domingo/1304221962\\_850215.html](http://elpais.com/diario/2011/05/01/domingo/1304221962_850215.html)

<sup>533</sup> <http://www.abc.es/20110626/economia/abcp-aeropuertos-fantasma-escala-ninguna-20110626.html>

<sup>534</sup> <http://www.abc.es/20101227/toledo/araujo-destaca-contribucion-fondos-20101227.html>

<sup>535</sup> <http://www.abc.es/20110628/economia/abcp-renfe-suspende-entre-toledo-20110628.html>

<sup>536</sup> <http://www.lavanguardia.com/vida/20110630/54178893340/siete-pasajeros-para-despedir-el-ave-de-castilla-la-mancha.html>

<sup>537</sup> [http://www.lasexta.com/lasextaon/salvados/completos/salvados\\_cuando\\_eramos\\_ricos/508553/1](http://www.lasexta.com/lasextaon/salvados/completos/salvados_cuando_eramos_ricos/508553/1)

<sup>538</sup> [http://www.lasexta.com/sextatv/salvados/salvados\\_cosechando\\_subvenciones/286083/1061](http://www.lasexta.com/sextatv/salvados/salvados_cosechando_subvenciones/286083/1061)

<sup>539</sup> [http://politica.elpais.com/politica/2011/10/31/actualidad/1320074216\\_301455.html](http://politica.elpais.com/politica/2011/10/31/actualidad/1320074216_301455.html)

<sup>540</sup> [http://politica.elpais.com/politica/2011/11/11/actualidad/1321028878\\_539150.html](http://politica.elpais.com/politica/2011/11/11/actualidad/1321028878_539150.html)

<sup>541</sup> [http://politica.elpais.com/politica/2011/10/28/actualidad/1319834446\\_748594.html](http://politica.elpais.com/politica/2011/10/28/actualidad/1319834446_748594.html)

<sup>542</sup> [http://politica.elpais.com/politica/2011/11/18/actualidad/1321648297\\_721923.html](http://politica.elpais.com/politica/2011/11/18/actualidad/1321648297_721923.html)

<sup>543</sup> [http://politica.elpais.com/politica/2011/11/18/actualidad/1321648297\\_721923.html](http://politica.elpais.com/politica/2011/11/18/actualidad/1321648297_721923.html)

We discarded considering these as investigative as they were not original stories or were unveiling new information, but just compilations of previously reported stories.

#### 5. Construction of the Eastern dike of the Barcelona seaport (2000-2008)

An operation of the Civil Guard revealed an alleged fraudulent use of public funds concerning the construction of the totally EU-financed Eastern dike of the Barcelona seaport.

Once the police operation was released, some media published information on the case, but not original or in-depth articles. For example, see “Imputan al ex subdirector del Puerto por fraude en las obras del Dique Este”<sup>544</sup> (Europa Press, 31/03/2011). None of the powerful Barcelona media outlets –*El Periódico de Catalunya*, *La Vanguardia*, TV3— has shown any interest on following-up this case.

#### 6. “Caso Pretoria”: Politicians embezzled around 44 million euro in Catalonia from EU funding

A 2009 court investigation uncovered an alleged misuse of EU structural funds in Santa Coloma and other towns of the province of Barcelona, Northeastern Spain. Local politicians allocated fake works to real-estate promoters and diverted EU funds to their bank accounts in foreign countries.

Once again, only after a court investigation, the media outlets took action. The “Caso Pretoria” has been widely covered as the fraud affects to well-known Socialist and Nationalist politicians in Catalonia. Public TV channels have devoted documentaries to this case: “Ajuntaments sota suspita”<sup>545</sup> (TV3, 01/11/2009); or “Operación Pretoria”<sup>546</sup> (TVE, 07/11/2009). Print media have also published a bulk of information—not necessary clearly defined as investigative journalism—as the following example: “Quién es quién en el caso Pretoria”<sup>547</sup> (*El Mundo*, 03/12/2009). These could be seen as some form of investigative journalism, although they’re not full proper investigations.

#### 7. Several articles which may be of investigative nature but it’s difficult to tell

*El Mundo* provided us with some articles that may have been original reporting, but it’s unclear from reading them as they don’t mention the sources and it would require further research to clarify. For example, on February 2006 *El Mundo* reported that the Environment Ministry was building a golf course in Palencia with EU subsidies<sup>548</sup>.

There’s also a similar July 2006 article where circumstances are unclear called “El Gobierno y la Junta garantizan agua a ‘El Pocero’ con fondos europeos”<sup>549</sup>.

#### 8. Ciempozuelos mayor and the rare nursing courses

In May 2007 the weekly magazine *Interviú* wrote an article<sup>550</sup> on the alleged misuse of EU funds by the mayor of a Madrid region city called Ciempozuelos. The story describes what was found in the court documents, leaked to the magazine, but doesn’t have any other original reporting.

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<sup>544</sup> <http://www.elmundo.es/elmundo/2011/03/31/barcelona/1301572814.html>

<sup>545</sup> <http://www.tv3.cat/videos/1598419/Ajuntaments-sota-sospita>

<sup>546</sup> <http://www.rtve.es/alaharta/videos/informe-semanal/informe-semanal-operacion-pretoria/624071/>

<sup>547</sup> <http://www.elmundo.es/elmundo/2009/12/03/barcelona/1259839853.html>

<sup>548</sup> A. D. Prieto, ‘Medio Ambiente construye un campo de golf en Palencia con fondos públicos y de la Unión Europea’, *El Mundo*, February 15, 2006. *El Mundo* has a paid online edition, so no link can be provided.

<sup>549</sup> <http://www.elmundo.es/papel/2006/07/17/economia/>

<sup>550</sup> <http://www.interviu.es/reportajes/articulos/torrejon-y-los-cursillos-fantasma>

### **MEDIA CONSULTED (February 2012)**<sup>551</sup>

We tried to contact media outlets directly to get the information from them and obtain the most detailed account on their coverage. As explained above, this approach was not always successful. Sometimes it had to do with the fact that some researchers and journalists had a hard time understanding the concept of “original investigations”. In some occasions they sent us reports coming from press releases or originated by the courts.

### **NATIONAL MEDIA OUTLETS**

#### **El País**

*Contact:* Juan Carlos Blanco, Director of the Archive and Documentation services.

*Via:* email and phone.

*Results:* He sent a Word document with all the results he found in their internal archive. However, none of the results were of original reporting, but of reporters talking about EU sanctions or court cases. We found the other *El País* cases cited in this report through online searches.

#### **El Mundo**

*Contact:* Antonio Rubio, deputy director of *El Mundo* and investigative journalist. He requested the documentation department to do the search.

*Via:* Email and phone.

*Results:* He sent a selection of articles. It’s difficult to tell if the paper originally revealed some of the stories or just followed court cases.

#### **ABC**

*Contact:* Director of Archive and Documentation, Federico Ayala Sörensen.

*Via:* email.

*Results:* He sent a selection of articles from 2006 to today. We divided it between those that we considered investigative and those we didn’t.

***Interviú*** (‘Red top’ magazine that has been doing investigative work for several decades)

*Contact:* Daniel Montero, investigative reporter, who talked to the documentation department.

*Via:* Email and phone.

*Results:* The magazine had their search system broken at the time and was trying to fix it. They could only find one story.

**Cadena SER** (the most listened radio station in Spain, private)

*Contact:* Agustín Cubillo, Director of the investigative team. He was the person we got referred to after talking to Angeles Afuera, Director of the Archive and documentation department.

*Via:* Email and phone

*Results:* Agustín asked his team and they could only recall the story cited earlier.

**TVE** (the main Spanish public television network)

*Contact:* Documentation (research) service, Jorge García, and senior investigative reporter Xaquín López.

*Via:* Email and phone calls.

*Results:* There are no investigative pieces on the matter in question. However, Xaquín López was working on the misuse of EU funds by Spanish NGOs based in Africa.

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<sup>551</sup> The selection of articles mentioned can be acquired through the authors of this report.

## **REGIONAL MEDIA OUTLETS**

### **Catalonia**

**TV3** (public TV channel in Spanish region Catalonia)

*Contact:* Documentation department

*Via:* email and phone call.

*Results:* They said: "All the recent programs are accessible on the website archive". We found a few "in-depth" video pieces on the matter in question (detailed above).

**La Vanguardia** (Catalonia's leading daily newspaper, printed in Spanish and in Catalan, liberal)

*Contact:* Documentation department and his senior investigative journalist Eduardo Martín de Pozuelo.

*Via:* Email and phone calls.

*Results:* No striking results in the selection they sent us. It's mainly follow-up from press releases. What we're citing from the paper was found through online searches.

**El Periódico de Catalunya** (Catalonia's second highest-circulated daily newspaper, printed in Spanish and Catalan, connected to Catalan Socialism)

*Contact:* Jesús Albalat, senior investigative journalist.

*Via:* Phone calls and email.

*Results:* Disappointing, no useful answer.

### **Basque Country**

**El Correo** (is the leading daily newspaper in Bilbao and the Basque Country, conservative)

*Contact:* Juan Carlos Martínez, Editor-in-Chief, and the Documentation service, Mar Arribas.

*Via:* Phone calls and email.

*Results:* No useful reporting found on the issue in question.

### **Andalusia**

**Diario de Cádiz** (circulates in the Andalusian province of Cádiz)

*Contact:* Reporter José María Murillo

*Via:* Phone call.

*Results:* No useful reply.

**Canal Sur** (public TV channel in Spanish region Andalusia, dependant on regional government)

*Contact:* Documentation service boss, María Ángeles Martín.

*Via:* Phone call and email.

*Results:* "You can find what you're looking for on our website". They have not produced investigative stories on the misuse of EU funds, even if Andalusia is the region where the most striking scandals of corruption have been unleashed in recent times. For instance: The misappropriation of tens of millions of euros allocated by Brussels to supporting employment.

**Ideal** (daily newspaper circulated in Andalusia)

*Contact:* Reporters José Luis Adán López and Félix Lázaro.

*Via:* Phone calls and email.

*Results:* No satisfactory reply on the coverage of embezzlement of EU funds.

## **BOOKS**

We also did a search on the archive of the Spanish National Library but found no books of investigative nature around the topic of misuse of public funds. Not even the books on political corruption mention in detail where the money comes from.

## **THE WAY FORWARD – FURTHER REPORTING<sup>552</sup>**

- Many costly and useless infrastructures –airports, seaports and high-speed rail lines<sup>553</sup>— have been constructed in Spain in the last decade. Most of them have been co-financed by EU funds. Some of those infrastructures are no longer on active service due to the lack of users. No media outlet has in-depth investigated this phenomenon. Some media<sup>554</sup> have partially reported on those useless infrastructures, but not precisely coping with the mishandling of EU funds.

- It would be good to find the main court rulings “European Commission vs Spain” with regards to the misuse of EU funds, and the subsequent in-depth coverage of the Spanish media, if any.

- To thoroughly analyse why the misappropriation or dilapidation of European funds are not sexy topics for the Spanish media.

- It would be interesting to further explore the reasons behind the fact that the right-wing paper ABC produced most of the investigative stories found since 2006. Is there any connection with the left-wing political party PSOE being in office since 2004 to late 2011?

## **FUNDACIÓN CIUDADANA CIVIO**

Fundación Ciudadana Civio (<http://www.civio.es>) is a Spanish foundation created in February 2012 that uses technology and data journalism to promote transparency and better governance. Recent projects include the website [Tu Derecho A Saber \(Your Right To Know - www.tuderechoasaber.es\)](http://www.tuderechoasaber.es), an online platform to make and archive information requests from the Spanish citizens. The initiative, in collaboration with Access Info Europe, raised more than 6,100 Euros through *crowdfunding*.

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<sup>552</sup> At the time of handing in their work in late February 2012, the authors identified further areas of research, which are described below.

<sup>553</sup> As of December 2011, the Spanish high-speed rail system is the longest network in Europe with 2,665 km and the second in the world, after China. The company in charge, ADIF, is constructing more than 4,000 km more ([http://www.adif.es/es\\_ES/infraestructuras/lineas\\_de\\_alta\\_velocidad/lineas\\_de\\_alta\\_velocidad.shtml](http://www.adif.es/es_ES/infraestructuras/lineas_de_alta_velocidad/lineas_de_alta_velocidad.shtml)).

<sup>554</sup> For instance, “Cuando éramos ricos” (*When We Were Rich*), La Sexta TV, 10/10/2011.



## **ANNEX 11 - UK CUTTINGS**

See separate excel file.



Media	Date	Author	Title	News/Own-Initiative	Source	Link
BBC Online	13/11/2006	Reporter	Peers say auditors too hard on EU			<a href="http://news.bbc.co.uk/1/hi/world/europe/6140498.stm">http://news.bbc.co.uk/1/hi/world/europe/6140498.stm</a>
BBC Online	28/03/2007	Reporter	Italians held in EU fraud probe			<a href="http://news.bbc.co.uk/1/hi/business/6502731.stm">http://news.bbc.co.uk/1/hi/business/6502731.stm</a>
BBC Online	04/06/2007	Reporter	Brussels cleaning 'fraud' probed			<a href="http://news.bbc.co.uk/1/hi/world/europe/6720459.stm">http://news.bbc.co.uk/1/hi/world/europe/6720459.stm</a>
BBC Online	13/11/2007	Reporter	Are the EU's accounts a scandal?			<a href="http://news.bbc.co.uk/1/hi/world/europe/7091043.stm">http://news.bbc.co.uk/1/hi/world/europe/7091043.stm</a>
BBC Online	06/12/2007	Simon Cox	EU 'wasting' cash on lobby groups			<a href="http://news.bbc.co.uk/1/hi/world/europe/7127182.stm">http://news.bbc.co.uk/1/hi/world/europe/7127182.stm</a>
BBC Online	05/03/2008	Reporter	MEP makes 'fraud' report public			<a href="http://news.bbc.co.uk/1/hi/world/europe/7280032.stm">http://news.bbc.co.uk/1/hi/world/europe/7280032.stm</a>
BBC Online	17/04/2008	Reporter	Two MEPs named by whistle-blower			<a href="http://news.bbc.co.uk/1/hi/world/europe/7353362.stm">http://news.bbc.co.uk/1/hi/world/europe/7353362.stm</a>
BBC Online	28/05/2008	Christian Fraser	Naples: A city swimming in filth			<a href="http://news.bbc.co.uk/1/hi/world/europe/7423245.stm">http://news.bbc.co.uk/1/hi/world/europe/7423245.stm</a>
BBC Online	09/07/2008	Reporter	EU Reclaims Mispent Farm Funds			<a href="http://news.bbc.co.uk/1/hi/world/europe/7498346.stm">http://news.bbc.co.uk/1/hi/world/europe/7498346.stm</a>
BBC Online	18/07/2008	Oana Lungescu	EU plans to block aid to Bulgaria			<a href="http://news.bbc.co.uk/1/hi/world/europe/7512955.stm">http://news.bbc.co.uk/1/hi/world/europe/7512955.stm</a>
BBC Online	23/07/2008	Reporter	EU suspends funding for Bulgaria			<a href="http://news.bbc.co.uk/1/hi/world/europe/7520736.stm">http://news.bbc.co.uk/1/hi/world/europe/7520736.stm</a>
BBC Online	14/04/2009	Reporter	EU acts to curb Italy milk scam			<a href="http://news.bbc.co.uk/1/hi/world/europe/7999994.stm">http://news.bbc.co.uk/1/hi/world/europe/7999994.stm</a>
BBC Online	09/09/2009	Reporter	EU-Paraguay probe nets fraudster			<a href="http://news.bbc.co.uk/1/hi/world/europe/8245811.stm">http://news.bbc.co.uk/1/hi/world/europe/8245811.stm</a>
BBC Online	30/06/2010	Reporter	Bulgarians jailed over EU farm aid fraud			<a href="http://www.bbc.co.uk/news/10465499">http://www.bbc.co.uk/news/10465499</a>
BBC Online	11/11/2010	Reporter	EU opens tough talks on 2011 budget rise		Open Europe	<a href="http://www.bbc.co.uk/news/world-europe-11733644">http://www.bbc.co.uk/news/world-europe-11733644</a>
BBC Online	20/10/2011	Reporter	UK overseas aid lost to fraud 'could rise'			<a href="http://www.bbc.co.uk/news/uk-15370078">http://www.bbc.co.uk/news/uk-15370078</a>
BBC Online	03/02/2012	Reporter	Tories question Labour Wales links to Awema charity's boss			<a href="http://www.bbc.co.uk/news/uk-wales-16881762">http://www.bbc.co.uk/news/uk-wales-16881762</a>
BBC Online	08/02/2012	Laurence Peter	Spying on Europe's farms with satellites and drones			<a href="http://www.bbc.co.uk/news/world-europe-16545333">http://www.bbc.co.uk/news/world-europe-16545333</a>

TV & Radio							
Media	Date	Author	Title	News/Own-Initiative	Source	Link	Other
BBC File on 5	20/06/2006	Reporter	Farmers hit by subsidy delays			<a href="http://news.bbc.co.uk/1/hi/programmes/file_on_4/5102064.stm">http://news.bbc.co.uk/1/hi/programmes/file_on_4/5102064.stm</a>	
BBC File on 6	16/10/2007	Reporter	EU may force region to repay cash			<a href="http://news.bbc.co.uk/1/hi/programmes/file_on_4/7045159.stm">http://news.bbc.co.uk/1/hi/programmes/file_on_4/7045159.stm</a>	
BBC Newsnight	22/02/2008	Reporter	Euro Mps on the Job			<a href="http://www.youtube.com/watch?v=Uf0GFASi8s">http://www.youtube.com/watch?v=Uf0GFASi8s</a>	
Channel 4 Dispatches	15/11/2010	Deborah Davies	Riding Europe's Gravy Train: Reporter Feature			<a href="http://www.channel4.com/programmes/dispatches/articles/riding-europes-gravy-train-reporter-feature">http://www.channel4.com/programmes/dispatches/articles/riding-europes-gravy-train-reporter-feature</a>	
BBC File on 4	30/11/2010 05/12/2010	Gail Champion, Angus Stickler	Fears over 'widespread' EU fraud involving the Mafia			<a href="http://www.bbc.co.uk/news/world-europe-11848048">http://www.bbc.co.uk/news/world-europe-11848048</a>	winner of UACES Thomson Reuters Reporting Europe Prize 2011
BBC Panorama	10/10/2011	Reporter	BNP facing accusations of fraud			<a href="http://www.bbc.co.uk/news/uk-15188749">http://www.bbc.co.uk/news/uk-15188749</a>	

Media	Date	Author	Title	News/Own-Initiative	Source	Link
Daily Mail/ Mail on Sunday	03/02/2006	Daily Mail Reporter	EUTV waste	News		<a href="http://www.dailymail.co.uk/debate/columnists/article-376039/Coming-EUTV2-Little-England.html">http://www.dailymail.co.uk/debate/columnists/article-376039/Coming-EUTV2-Little-England.html</a>
Daily Mail/ Mail on Sunday	25/04/2007	Daily Mail Reporter	EP slammed for waste	News		<a href="http://www.dailymail.co.uk/news/article-450450/European-parliaments-travelling-circus-slammed-waste.html">http://www.dailymail.co.uk/news/article-450450/European-parliaments-travelling-circus-slammed-waste.html</a>
Daily Mail/ Mail on Sunday	13/11/2007	Daily Mail Reporter	EU Budget Irregularities	News		<a href="http://www.dailymail.co.uk/news/article-493371/EU-Budget-riddled-errors-irregularities-says-watchdog.html">http://www.dailymail.co.uk/news/article-493371/EU-Budget-riddled-errors-irregularities-says-watchdog.html</a>
Daily Mail/ Mail on Sunday	12/12/2007	Daily Mail Reporter	EU funds Radio Propaganda	News		<a href="http://www.dailymail.co.uk/news/article-501474/Taxpayer-funded-4-2m-Radio-Brussels-send-EU-propaganda-continent.html">http://www.dailymail.co.uk/news/article-501474/Taxpayer-funded-4-2m-Radio-Brussels-send-EU-propaganda-continent.html</a>
Daily Mail/ Mail on Sunday	14/06/2008	Richard Pendelbury	Fatcat Parliament	News		<a href="http://www.dailymail.co.uk/news/article-1026376/The-Fatcat-Parliament-How-MEPs-pocket-staggering-630-000-year.html">http://www.dailymail.co.uk/news/article-1026376/The-Fatcat-Parliament-How-MEPs-pocket-staggering-630-000-year.html</a>
Daily Mail/ Mail on Sunday	10/08/2008	Daily Mail Reporter	EU employs more staff than British army	News		<a href="http://www.dailymail.co.uk/news/article-1043407/European-Union-employs-staff-British-Army-lobby-group-claims.html">http://www.dailymail.co.uk/news/article-1043407/European-Union-employs-staff-British-Army-lobby-group-claims.html</a>
Daily Mail/ Mail on Sunday	20/11/2008	Ian Drury	EU Costs us £160k Minute	News	Bruges Group	<a href="http://www.dailymail.co.uk/news/article-1087944/EU-costing-Britain-106K-MINUTE--thats-900-man-woman-child-UK.html">http://www.dailymail.co.uk/news/article-1087944/EU-costing-Britain-106K-MINUTE--thats-900-man-woman-child-UK.html</a>
Daily Mail/ Mail on Sunday	02/02/2009	Daily Mail Reporter	CFP costs us billions	News		<a href="http://www.dailymail.co.uk/news/article-1133656/EU-fishing-policy-costs-billions.html">http://www.dailymail.co.uk/news/article-1133656/EU-fishing-policy-costs-billions.html</a>
Daily Mail/ Mail on Sunday	13/03/2009	Benedict Brogan	Mandelsohn Cash	News		<a href="http://www.dailymail.co.uk/news/article-1161606/Mandelson-EC-cash-Golden-goodbye-public-say-Tories.html">http://www.dailymail.co.uk/news/article-1161606/Mandelson-EC-cash-Golden-goodbye-public-say-Tories.html</a>
Daily Mail/ Mail on Sunday	14/03/2009	Benedict Brogan	Mandelsohn Cash	News		<a href="http://www.dailymail.co.uk/money/news/article-1670204/Mandelson-under-fire-over-EC-cash.html">http://www.dailymail.co.uk/money/news/article-1670204/Mandelson-under-fire-over-EC-cash.html</a>
Daily Mail/ Mail on Sunday	05/05/2009	James Chapman	EU Spending Billions on Waste	News	Tax Payers Alliance	<a href="http://www.dailymail.co.uk/news/article-1177019/EU-spending-billions-money-absurd-projects.html">http://www.dailymail.co.uk/news/article-1177019/EU-spending-billions-money-absurd-projects.html</a>
Daily Mail/ Mail on Sunday	25/05/2009	Daily Mail Reporter	MEPs Expenses	News		<a href="http://www.dailymail.co.uk/news/article-1187303/Labour-MEPs-UK-party-publish-receipts-expenses-row-escalates.html">http://www.dailymail.co.uk/news/article-1187303/Labour-MEPs-UK-party-publish-receipts-expenses-row-escalates.html</a>

Media	Date	Author	Title	News/Own-Initiative	Source	Link
Daily Mail/ Mail on Sunday	30/05/2009	David Craig	Expenses Scandal	News		<a href="http://www.dailymail.co.uk/debate/article-1189705/Imagine-785-Jacqui-Smiths-place--In-just-years-MEPs-2-5m-pension-expenses-pay.html">http://www.dailymail.co.uk/debate/article-1189705/Imagine-785-Jacqui-Smiths-place--In-just-years-MEPs-2-5m-pension-expenses-pay.html</a>
Daily Mail/ Mail on Sunday	09/06/2009	Tim Shipman	BNP EU payments	News	Open Europe	<a href="http://www.dailymail.co.uk/news/article-1239634/Highly-paid-EU-civil-servants-threaten-strikes-pay-rise-halved-1-85.html">http://www.dailymail.co.uk/news/article-1239634/Highly-paid-EU-civil-servants-threaten-strikes-pay-rise-halved-1-85.html</a>
Daily Mail/ Mail on Sunday	05/09/2009	Bwn Laurence	EU Butter Mountains	News		<a href="http://www.dailymail.co.uk/money/article-1211306/Revealed-The-new-EU-butter-mountain-reach-100-000-tonnes.html">http://www.dailymail.co.uk/money/article-1211306/Revealed-The-new-EU-butter-mountain-reach-100-000-tonnes.html</a>
Daily Mail/ Mail on Sunday	19/03/2010	Kate Loveys	EU wasting millions	News		<a href="http://www.dailymail.co.uk/news/article-1259114/EU-wasting-millions-hip-hop-circus-skills.html">http://www.dailymail.co.uk/news/article-1259114/EU-wasting-millions-hip-hop-circus-skills.html</a>
Daily Mail/ Mail on Sunday	19/05/2010	Jason Groves	MEPs Expenses	News		<a href="http://www.dailymail.co.uk/news/article-1279554/MEP-expenses-350-WEEK-George-Osborne-brands-soaring-EU-budget-unacceptable.html">http://www.dailymail.co.uk/news/article-1279554/MEP-expenses-350-WEEK-George-Osborne-brands-soaring-EU-budget-unacceptable.html</a>
Daily Mail/ Mail on Sunday	23/07/2010	Daniel Martin	EU Fruit is Healthy Research	Own-Initiative		<a href="http://www.dailymail.co.uk/news/article-1296910/EU-spends-12m-employing-200-researchers-conclude-fruit-good----didnt-know-that.html">http://www.dailymail.co.uk/news/article-1296910/EU-spends-12m-employing-200-researchers-conclude-fruit-good----didnt-know-that.html</a>
Daily Mail/ Mail on Sunday	22/10/2010	Jason Groves	EU Budget Rise to go on Staff jollies	News		<a href="http://www.dailymail.co.uk/news/article-1322729/David-Cameron-faces-pressure-block-huge-increase-Brussels-bureaucrats.html">http://www.dailymail.co.uk/news/article-1322729/David-Cameron-faces-pressure-block-huge-increase-Brussels-bureaucrats.html</a>
Daily Mail/ Mail on Sunday	31/10/2010	Mary Ellen Synon	Baroness ashton Army..	News		<a href="http://www.dailymail.co.uk/news/article-1325252/Baroness-Ashtons-EU-diplomatic-army-dwarfs-Foreign-Office.html">http://www.dailymail.co.uk/news/article-1325252/Baroness-Ashtons-EU-diplomatic-army-dwarfs-Foreign-Office.html</a>
Daily Mail/ Mail on Sunday	15/11/2010	Allan Hall	EU Building Extravagance	News		<a href="http://www.dailymail.co.uk/news/article-1329608/New-EU-building-costing-850m-taxpayers-money-pointless-extravagance.html">http://www.dailymail.co.uk/news/article-1329608/New-EU-building-costing-850m-taxpayers-money-pointless-extravagance.html</a>
Daily Mail/ Mail on Sunday	01/01/2011	Mail Foreign	Eurocrats strike	News		<a href="http://www.dailymail.co.uk/news/article-1239634/Highly-paid-EU-civil-servants-threaten-strikes-pay-rise-halved-1-85.html">http://www.dailymail.co.uk/news/article-1239634/Highly-paid-EU-civil-servants-threaten-strikes-pay-rise-halved-1-85.html</a>
Daily Mail/ Mail on Sunday	27/02/2011	Robert Verkaik	Minister claims EU Farm Subs	News	Farmsubsidy.org	<a href="http://www.dailymail.co.uk/news/article-1360998/Wealthy-minister-earns-2m-EU-farm-subsidies-department-tried-cover-up.html">http://www.dailymail.co.uk/news/article-1360998/Wealthy-minister-earns-2m-EU-farm-subsidies-department-tried-cover-up.html</a>

Media	Date	Author	Title	News/Own-Initiative	Source	Link
Daily Mail/ Mail on Sunday	25/04/2011	Tim Shipman	Eurocrats Pensions	News		<a href="http://www.dailymail.co.uk/news/article-1380254/EU-rip-Eurocrats-pension-cost-British-taxpayer-extra-170m.html">http://www.dailymail.co.uk/news/article-1380254/EU-rip-Eurocrats-pension-cost-British-taxpayer-extra-170m.html</a>
Daily Mail/ Mail on Sunday	03/06/2011	Tim Shipman	How EU spends £20m a year promoting left-wing causes in the U.S.	News		<a href="http://www.dailymail.co.uk/news/article-1393765/EU-spends-20m-year-promoting-left-wing-causes-U-S.html">http://www.dailymail.co.uk/news/article-1393765/EU-spends-20m-year-promoting-left-wing-causes-U-S.html</a>
Daily Mail/ Mail on Sunday	25/07/2011	Dominic Sandbrook	EU Unaccountability	News		<a href="http://www.dailymail.co.uk/debate/article-2017910/Euro-debt-crisis-The-EU--byword-waste-financial-chaos-unaccountability.html">http://www.dailymail.co.uk/debate/article-2017910/Euro-debt-crisis-The-EU--byword-waste-financial-chaos-unaccountability.html</a>
Daily Mail/ Mail on Sunday	23/09/2011	Mary Ellen Synon	Eurocrats over-paid	News		<a href="http://www.dailymail.co.uk/debate/article-2041074/It-surprise-protected-paid-Eurocrats-satisfied.html">http://www.dailymail.co.uk/debate/article-2041074/It-surprise-protected-paid-Eurocrats-satisfied.html</a>
Daily Mail/ Mail on Sunday	23/09/2011	Daniel Martin	EU penpushers strike	News		<a href="http://www.dailymail.co.uk/news/article-2040678/An-hour-day-Not-say-EU-pen-pushers.html">http://www.dailymail.co.uk/news/article-2040678/An-hour-day-Not-say-EU-pen-pushers.html</a>
Daily Mail/ Mail on Sunday	26/09/2011	Robert Verkaik	Queen Gets EU Farm Subsidies	Own-Initiative		<a href="http://www.dailymail.co.uk/news/article-2041502/Queens-Windsor-estate-gets-224k-annual-farming-subsidy-EU.html">http://www.dailymail.co.uk/news/article-2041502/Queens-Windsor-estate-gets-224k-annual-farming-subsidy-EU.html</a>
Daily Mail/ Mail on Sunday	07/11/2011	Daily Mail Reporter	EU Diplomats allowed to keep money	Own-Initiative		<a href="http://www.dailymail.co.uk/news/article-2034377/EU-diplomats-accidentally-paid-allowed-money.html">http://www.dailymail.co.uk/news/article-2034377/EU-diplomats-accidentally-paid-allowed-money.html</a>
Daily Mail/ Mail on Sunday	10/11/2011	Daily Mail Reporter	EU accounts are rejected for 16th year	News		<a href="http://www.dailymail.co.uk/news/article-1328227/EU-accounts-rejected-sixteenth-year-row.html">http://www.dailymail.co.uk/news/article-1328227/EU-accounts-rejected-sixteenth-year-row.html</a>
Daily Mail/ Mail on Sunday	11/11/2011	Deputy Political Editor	EU Budget Waste	News		<a href="http://www.dailymail.co.uk/news/article-2060168/Brussels-blew-3-7bn-taxpayers-cash-energy-agriculture-transport.html">http://www.dailymail.co.uk/news/article-2060168/Brussels-blew-3-7bn-taxpayers-cash-energy-agriculture-transport.html</a>
Daily Mail/ Mail on Sunday	24/11/2011	Jason Groves	UK Budget Contribution	News		<a href="http://www.dailymail.co.uk/money/news/article-2065564/Were-paying-50m-day-EU-Britains-contribution-Brussels-rises-18-5bn.html">http://www.dailymail.co.uk/money/news/article-2065564/Were-paying-50m-day-EU-Britains-contribution-Brussels-rises-18-5bn.html</a>

Country	Media	Date	Author	Title	News/Own-Initiative	Source	Link
UK	The Daily Telegraph/Sunday Telegraph	10/10/2007	Bruno Waterfield	EU Cinema demolished	Own-Initiative		<a href="http://www.telegraph.co.uk/news/uknews/1565707/EU-celebration-cinema-built-to-be-demolished.html">http://www.telegraph.co.uk/news/uknews/1565707/EU-celebration-cinema-built-to-be-demolished.html</a>
	The Daily Telegraph/Sunday Telegraph	30/11/2007	Bruno Waterfield	Football Hooligan Holidays	News		<a href="http://www.telegraph.co.uk/sport/football/european/2327081/EU-propose-holidays-for-football-hooligans.html">http://www.telegraph.co.uk/sport/football/european/2327081/EU-propose-holidays-for-football-hooligans.html</a>
	The Daily Telegraph/Sunday Telegraph	22/05/2008	Bruno Waterfield	MEPs Expenses Cover-up	News		<a href="http://www.telegraph.co.uk/news/1898209/MEPs-vote-to-cover-up-expenses-enquiry.html">http://www.telegraph.co.uk/news/1898209/MEPs-vote-to-cover-up-expenses-enquiry.html</a>
	The Daily Telegraph/Sunday Telegraph	08/07/2008	Daniel Hannan	MEP Gravy Train	News		<a href="http://blogs.telegraph.co.uk/news/danielhannan/4549553/Its_not_that_we_MEPs_actually_enjoy_the_gravy_train_comrades/">http://blogs.telegraph.co.uk/news/danielhannan/4549553/Its_not_that_we_MEPs_actually_enjoy_the_gravy_train_comrades/</a>
	The Daily Telegraph/Sunday Telegraph	03/08/2008	Bruno Waterfield	Eurocrats Police Protection	Own-Initiative		<a href="http://blogs.telegraph.co.uk/news/brunowaterfield/4512228/Eurocrats_demand_police_protection_from_real_world/">http://blogs.telegraph.co.uk/news/brunowaterfield/4512228/Eurocrats_demand_police_protection_from_real_world/</a>
	The Daily Telegraph/Sunday Telegraph	11/03/2009	Bruno Waterfield	MEPs expenses	News		<a href="http://blogs.telegraph.co.uk/news/brunowaterfield/9153016/EuroMPs_keep_their_expenses_secret/">http://blogs.telegraph.co.uk/news/brunowaterfield/9153016/EuroMPs_keep_their_expenses_secret/</a>
	The Daily Telegraph/Sunday Telegraph	16/04/2009	Bruno Waterfield	MEPs pensions Bail-out	News		<a href="http://blogs.telegraph.co.uk/news/brunowaterfield/9539226/MEPs_to_seek_second_pension_bailout_from_taxpayers/">http://blogs.telegraph.co.uk/news/brunowaterfield/9539226/MEPs_to_seek_second_pension_bailout_from_taxpayers/</a>
	The Daily Telegraph/Sunday Telegraph	17/04/2009	Bruno Waterfield	MEPs pensions	News		<a href="http://blogs.telegraph.co.uk/news/brunowaterfield/9551086/80_of_British_MEPs_get_publicly_funded_second_pension/">http://blogs.telegraph.co.uk/news/brunowaterfield/9551086/80_of_British_MEPs_get_publicly_funded_second_pension/</a>
	The Daily Telegraph/Sunday Telegraph	30/09/2009	Bruno Waterfield	Eurocrat transport Subsidy	Own-Initiative		<a href="http://www.telegraph.co.uk/news/6243267/Eurocrats-demand-4.1-million-subsidy-for-using-public-transport.html">http://www.telegraph.co.uk/news/6243267/Eurocrats-demand-4.1-million-subsidy-for-using-public-transport.html</a>

Country	Media	Date	Author	Title	News/Own-Initiative	Source	Link
	The Daily Telegraph/Sunday Telegraph	16/10/2009	Bruno Waterfield	MEPs employ family	News		<a href="http://www.telegraph.co.uk/news/newstoppers/mps-expenses/6347266/British-MEPs-exploit-loophole-to-pay-relatives-to-work-for-them.html">http://www.telegraph.co.uk/news/newstoppers/mps-expenses/6347266/British-MEPs-exploit-loophole-to-pay-relatives-to-work-for-them.html</a>
	The Daily Telegraph/Sunday Telegraph	15/04/2010	Daniel Hannan	Absent MEPs	News	Daniel Hannan MEP	<a href="http://blogs.telegraph.co.uk/news/danielhannan/100034607/a-perfect-symbol-of-the-eu-the-18-meps-who-will-claim-full-salaries-and-perks-without-taking-their-seats/">http://blogs.telegraph.co.uk/news/danielhannan/100034607/a-perfect-symbol-of-the-eu-the-18-meps-who-will-claim-full-salaries-and-perks-without-taking-their-seats/</a>
	The Daily Telegraph/Sunday Telegraph	20/04/2010	Daniel Hannan	MEPs expenses	News	Daniel Hannan MEP	<a href="http://blogs.telegraph.co.uk/news/danielhannan/100035425/meps-are-being-paid-to-turn-up-with-nothing-to-do-literally/">http://blogs.telegraph.co.uk/news/danielhannan/100035425/meps-are-being-paid-to-turn-up-with-nothing-to-do-literally/</a>
	The Daily Telegraph/Sunday Telegraph	25/09/2010	Bruno Waterfield	Mandelsohn Still Paid	Own-Initiative		<a href="http://www.telegraph.co.uk/news/politics/8023549/Lord-Mandelson-still-paid-8600-a-month-by-EU.html">http://www.telegraph.co.uk/news/politics/8023549/Lord-Mandelson-still-paid-8600-a-month-by-EU.html</a>
	The Daily Telegraph/Sunday Telegraph	16/10/2010	Christopher Booker	EU President Expensive	Own-initiative		<a href="http://www.telegraph.co.uk/comment/columnists/christopherbooker/8068410/The-price-of-a-Belgian-apparatchik.html">http://www.telegraph.co.uk/comment/columnists/christopherbooker/8068410/The-price-of-a-Belgian-apparatchik.html</a>
	The Daily Telegraph/Sunday Telegraph	13/11/2010	Daniel Hannan	EP Strasbourg	News	Daniel Hannan MEP	<a href="http://blogs.telegraph.co.uk/news/danielhannan/100063512/100063512/">http://blogs.telegraph.co.uk/news/danielhannan/100063512/100063512/</a>
	The Daily Telegraph/Sunday Telegraph	24/11/2010	Martin Banks	EU launches website to dispel "urban myths"	News		<a href="http://www.telegraph.co.uk/news/worldnews/europe/eu/8157541/EU-launches-website-to-dispel-urban-myths.html">http://www.telegraph.co.uk/news/worldnews/europe/eu/8157541/EU-launches-website-to-dispel-urban-myths.html</a>
	The Daily Telegraph/Sunday Telegraph	04/01/2011	Bruno Waterfield	Backlash against perks for EU officials	News		<a href="http://www.telegraph.co.uk/news/worldnews/europe/eu/8239138/Backlash-against-perks-for-EU-officials.html">http://www.telegraph.co.uk/news/worldnews/europe/eu/8239138/Backlash-against-perks-for-EU-officials.html</a>
	The Daily Telegraph/Sunday Telegraph	11/01/2011	Bruno Waterfield	EU financial watchdog 'systemically sabotaged fraud investigations'	News		<a href="http://www.telegraph.co.uk/news/worldnews/europe/eu/8252958/EU-financial-watchdog-systemically-sabotaged-fraud-investigations.html">http://www.telegraph.co.uk/news/worldnews/europe/eu/8252958/EU-financial-watchdog-systemically-sabotaged-fraud-investigations.html</a>



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	The Daily Telegraph/Sunday Telegraph	03/04/2011	Bruno Waterfield	House of European History	Own-Initiative		<a href="http://www.telegraph.co.uk/news/worldnews/europe/eu/8424826/House-of-European-History-cost-estimates-double-to-137-million.html">http://www.telegraph.co.uk/news/worldnews/europe/eu/8424826/House-of-European-History-cost-estimates-double-to-137-million.html</a>
	The Daily Telegraph/Sunday Telegraph	02/07/2011	Bruno Waterfield	Eurocrats spending	News		<a href="http://blogs.telegraph.co.uk/news/danielhannan/100090408/eurocrats-splash-out-on-private-jets-and-orchestras-while-the-member-states-cut-spending/">http://blogs.telegraph.co.uk/news/danielhannan/100090408/eurocrats-splash-out-on-private-jets-and-orchestras-while-the-member-states-cut-spending/</a>
	The Daily Telegraph/Sunday Telegraph	06/07/2011	Martin Banks	Half of European Commission workers earn more than £71,500 a year	News	Open Europe	<a href="http://www.telegraph.co.uk/news/worldnews/europe/eu/8620994/Half-of-European-Commission-workers-earn-more-than-71500-a-year.html">http://www.telegraph.co.uk/news/worldnews/europe/eu/8620994/Half-of-European-Commission-workers-earn-more-than-71500-a-year.html</a>
	The Daily Telegraph/Sunday Telegraph	20/07/2011	David Harrison	MEPs Champagne	Own-Initiative		<a href="http://www.telegraph.co.uk/news/worldnews/europe/state-of-europe/8627388/MEPs-break-out-the-bubbly-on-tour-of-Champagne-to-investigate-viticulture.html">http://www.telegraph.co.uk/news/worldnews/europe/state-of-europe/8627388/MEPs-break-out-the-bubbly-on-tour-of-Champagne-to-investigate-viticulture.html</a>
	The Daily Telegraph/Sunday Telegraph	17/10/2011	Daniel Hannan	EP Visitor centre	News	Daniel Hannan MEP	<a href="http://blogs.telegraph.co.uk/news/danielhannan/100111553/as-calamity-strikes-heres-how-meps-are-spending-your-money/">http://blogs.telegraph.co.uk/news/danielhannan/100111553/as-calamity-strikes-heres-how-meps-are-spending-your-money/</a>
	The Daily Telegraph/Sunday Telegraph	18/12/2011	Andrew Gilligan	EU Funded Holidays	News	Open Europe	<a href="http://www.telegraph.co.uk/journalists/andrew-gilligan/8963457/EU-hands-out-holidays-paid-for-by-taxpayer.html">http://www.telegraph.co.uk/journalists/andrew-gilligan/8963457/EU-hands-out-holidays-paid-for-by-taxpayer.html</a>
	The Daily Telegraph/Sunday Telegraph	25/01/2012	Justin Stares	EU Congo Visit	News		<a href="http://www.telegraph.co.uk/news/worldnews/europe/eu/9039154/EU-sent-50-MEPs-to-Congo-for-eight-days-at-cost-of-850000.html">http://www.telegraph.co.uk/news/worldnews/europe/eu/9039154/EU-sent-50-MEPs-to-Congo-for-eight-days-at-cost-of-850000.html</a>

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Express	28/02/2010	Kirsty Buchanan	EURO MILLIONS FOR WEIRD 'ART'			<a href="http://www.express.co.uk/posts/view/160870/Euro-millions-for-weird-art">http://www.express.co.uk/posts/view/160870/Euro-millions-for-weird-art</a>
Express	26/11/2010	Reporter	EUROCRATS FRITTER £45K ON PROPAGANDA			<a href="http://www.express.co.uk/posts/view/213814/Eurocrats-fritter-45k-on-propaganda">http://www.express.co.uk/posts/view/213814/Eurocrats-fritter-45k-on-propaganda</a>
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Express	26/02/2011	Marytn Brown	TAXPAYERS FOOT BILL IN £1MILLION EU GRAVY TRAIN			<a href="http://www.express.co.uk/posts/view/231286/Taxpayers-foot-bill-in-1million-EU-gravy-train">http://www.express.co.uk/posts/view/231286/Taxpayers-foot-bill-in-1million-EU-gravy-train</a>
Express	19/03/2011	Marytn Brown	CHAUFFEURS AND SPIN DOCTORS, HOW EU WASTES CASH			<a href="http://www.express.co.uk/posts/view/235437/Chauffeurs-and-spin-doctors-how-EU-wastes-cash">http://www.express.co.uk/posts/view/235437/Chauffeurs-and-spin-doctors-how-EU-wastes-cash</a>
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Express	02/06/2011	Reporter	Jets, Gems and Hotels			<a href="http://www.express.co.uk/posts/view/250262/Jets-gems-and-hotels-for-eurocrats-paid-for-by-you-">http://www.express.co.uk/posts/view/250262/Jets-gems-and-hotels-for-eurocrats-paid-for-by-you-</a>
Express	19/06/2011	Ted Jeory	HOW YOU FUND £1.1BN EURO MPS' GRAVY TRAIN			<a href="http://www.express.co.uk/posts/view/253636/How-you-fund-1-1bn-Euro-MPs-gravy-train">http://www.express.co.uk/posts/view/253636/How-you-fund-1-1bn-Euro-MPs-gravy-train</a>
Express	25/06/2011	Reporter	ANGER OVER BRUSSELS' £280M HQ			
Express	11/11/2011	Macer `Hall	BUNGLING EU LOSES £4BILLION IN A YEAR			<a href="http://www.express.co.uk/posts/view/283051/Bungling-EU-loses-4billion-in-a-year">http://www.express.co.uk/posts/view/283051/Bungling-EU-loses-4billion-in-a-year</a>
Express	21/12/2011	Macer `Hall	BRITISH WOMEN NEED LESSONS IN HOUSEKEEPING SAYS BRUSSELS			<a href="http://www.express.co.uk/posts/view/291152/British-women-need-lessons-in-housekeeping-says-Brussels">http://www.express.co.uk/posts/view/291152/British-women-need-lessons-in-housekeeping-says-Brussels</a>
Express	13/01/2012	Macer `Hall	PANTOMIME AS EUROCRATS SUE THEMSELVES...WITH OUR MONEY			

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The Financial Times	25/04/2006	Reporter	Observer: Olaf watchdog gets bitten by the law	News		
The Financial Times	25/04/2006		Observer: Olaf watchdog gets bitten by the law	Comment		
The Financial Times	28/03/2007	Andrew Bounds	Police raid European offices over 'fraud'	News		
The Financial Times	05/07/2007	George Parker	EU anti-fraud chief facing allegations	News		
The Financial Times	13/11/2007	Tony Barber	EU aid misspent on golf clubs	News		
The Financial Times	13/11/2007	Tony Barber	EU aid misspent on golf clubs	News		
The Financial Times	21/02/2008	Andrew Bounds	EU politicians accused of 'massive' fraud	News		
The Financial Times	21/02/2008	Andrew Bounds	EU politicians accused of 'massive' fraud	News		
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The Financial Times	22/02/2008	Andrew Bounds	MEPs face accusations over expenses fraud	News		
The Financial Times	22/02/2008	Andrew Bounds	MEPs face accusations over expenses fraud	News		

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The Financial Times	22/02/2008	Andrew Bounds	MEPs face accusations over expenses fraud	News		
The Financial Times	22/02/2008	Andrew Bounds	MEPs face accusations over expenses fraud	News		
The Financial Times	04/03/2008	Andrew Bounds	MEPs reject move to reveal expenses	News		
The Financial Times	04/03/2008	Andrew Bounds	MEPs reject move to reveal expenses	News		
The Financial Times	25/04/2008	Andrew Bounds	Mali company's €4m loan from Europe to be recalled	News		
The Financial Times	10/06/2008	Andrew Bounds	Tardy MEPs to disclose their expenses	News		
The Financial Times	10/06/2008	Andrew Bounds	Tardy MEPs to disclose their expenses	News		
The Financial Times	21/06/2008	Kerin Hope	Bulgaria faces loss of aid over corruption	News		
The Financial Times	24/06/2008	Jean Eaglesham	Cameron warns on MEP expenses	News		
The Financial Times	18/07/2008	Theodor Troev	Bulgaria hears call to impeach president	News		

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The Financial Times	26/11/2008	Kerin Hope	Bulgaria loses €520m EU funds	News		
The Financial Times	26/11/2008	Kerin Hope	Bulgaria loses €520m EU funds	News		
The Financial Times	25/05/2009	Jean Eaglesham	Brown to force MEPs to reveal expenses	News		
The Financial Times	25/05/2009	Jean Eaglesham	Brown to force MEPs to reveal expenses	News		
The Financial Times	19/06/2009	Nikolay Petrov	Anti-fraud fight is stuck in the courts	News		
The Financial Times	10/02/2010	Andrew Bounds	European agency at centre of corruption probe set for expansion	News		
The Financial Times	20/06/2010	Nikolay Petrov	Bulgaria makes corruption pledge	News		

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The Financial Times	05/07/2010	Mark Mulligan	Luxury hotels fall foul of law	Own-initiative		
The Financial Times	05/07/2010	Victor Mallet	Spain to wean itself off assistance	Own-initiative		
The Financial Times	05/07/2010	Caelainn Barr	Lanzarote faces losing its eco status	Own-initiative		
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The Financial Times	29/11/2010	Cynthia O'Murchu	EU growth funds lie idle under red tape	Own-initiative		
The Financial Times	29/11/2010	Cynthia O'Murchu	Europe's grand vision loses focus	Own-initiative		
The Financial Times	29/11/2010	Tony Barber	Regional aid needs accountability	Own-initiative		
The Financial Times	29/11/2010	Stanley Pignal	MEPs urge battle on funds fraud	Own-initiative		
The Financial Times	30/11/2010	Stanley Pignal	Poor take-up reflects basic flaw	Own-initiative		
The Financial Times	30/11/2010	Cynthia O'Murchu	Net that fails to catch €700m errors	Own-initiative		

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The Financial Times	30/11/2010	Guy Dinmore	The curious case of the 'paper' DVD maker	Own-initiative		
The Financial Times	30/11/2010	Victor Mallet	Resort aid shows funding is all at sea	Own-initiative		
The Financial Times	30/11/2010	Giulia Segreti	Italian police combat waves of fraud	Own-initiative		
The Financial Times	01/12/2010	Kerin Hope	Delays undermine Danube bridge	Own-initiative		
The Financial Times	01/12/2010	Cynthia O'Murchu	Multinationals cash in on EU funds	Own-initiative		
The Financial Times	02/12/2010	Caelainn Barr	Cigarette factories suck in €1.5m grants	Own-initiative		
The Financial Times	02/12/2010	Andrew Ward	EU pays McDonald's in Sweden	Own-initiative		
The Financial Times	20/01/2011	Reporter	Galileo plan lacks compelling logic	News		
The Financial Times	21/01/2011	Gerrit Wiesmann	Accuracy of leaked Galileo cable disputed	News		
The Financial Times	06/02/2011	Guy Dinmore	Probe clears Italian party treasurer of defrauding EU	News		



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The Financial Times	16/02/2011	Stanley Pignal	EU regional funds to UK were halted	News		
The Financial Times	16/02/2011	Stanley Pignal	EU fails to win approval of its accounts	News		
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The Financial Times	01/12/2010	Cynthia O'Murchu	Multinationals cash in on EU funds
The Financial Times	02/12/2010	Caelainn Barr	Cigarette factories suck in €1.5m grants
The Financial Times	02/12/2010	Andrew Ward	EU pays McDonald's in Sweden

Other

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The Guardian/Observer	20/11/2006	Tania Branigan	Key Brown aide to pledge watch on EU spending in UK to fight waste and fraud			<a href="http://www.guardian.co.uk/politics/2006/nov/20/uk.eu?INTCMP=SRCH">http://www.guardian.co.uk/politics/2006/nov/20/uk.eu?INTCMP=SRCH</a>
The Guardian/Observer	05/09/2007	Vikram Dodd	Ex-Ukip MEP jailed for benefit fraud, but still keeps his seat			<a href="http://www.guardian.co.uk/politics/2007/sep/05/uk.eu?INTCMP=SRCH">http://www.guardian.co.uk/politics/2007/sep/05/uk.eu?INTCMP=SRCH</a>
The Guardian/Observer	14/11/2007	Ian Traynor	EU budget fails health check for 13th year as billions in subsidies are claimed falsely			<a href="http://www.guardian.co.uk/world/2007/nov/14/eu.politics?INTCMP=SRCH">http://www.guardian.co.uk/world/2007/nov/14/eu.politics?INTCMP=SRCH</a>
The Guardian/Observer	06/06/2008	Ian Traynor	Tories' Brussels enforcer quits over £1½m expenses			<a href="http://www.guardian.co.uk/politics/2008/jun/06/conservatives.partyfunding?INTCMP=SRCH">http://www.guardian.co.uk/politics/2008/jun/06/conservatives.partyfunding?INTCMP=SRCH</a>
The Guardian/Observer	07/06/2008	Patrick Wintour	New scandal in Brussels as Cameron ousts chief whip			<a href="http://www.guardian.co.uk/politics/2008/jun/07/partyfunding.conservatives?INTCMP=SRCH">http://www.guardian.co.uk/politics/2008/jun/07/partyfunding.conservatives?INTCMP=SRCH</a>
The Guardian/Observer	09/06/2008	Chris Davies	No expenses spared			<a href="http://www.guardian.co.uk/commentisfree/2008/jun/09/europe.euro?INTCMP=SRCH">http://www.guardian.co.uk/commentisfree/2008/jun/09/europe.euro?INTCMP=SRCH</a>
The Guardian/Observer	25/06/2008	Jenny Percival	Leader of Tory MEPs quits over expenses error			<a href="http://www.guardian.co.uk/politics/2008/jun/05/conservatives.eu?INTCMP=SRCH">http://www.guardian.co.uk/politics/2008/jun/05/conservatives.eu?INTCMP=SRCH</a>
The Guardian/Observer	09/07/2008	Helen Mulholland	Tory MEPs threaten to sue party over Cameron expenses shake-up			<a href="http://www.guardian.co.uk/politics/2008/jul/09/conservatives.eu?INTCMP=SRCH">http://www.guardian.co.uk/politics/2008/jul/09/conservatives.eu?INTCMP=SRCH</a>
The Guardian/Observer	12/11/2008	Nicolas Watt	David Cameron expels Tory MEP for breaking expenses rules			<a href="http://www.guardian.co.uk/politics/2008/nov/12/conservatives-fraud-den-dover-david-cameron?INTCMP=SRCH">http://www.guardian.co.uk/politics/2008/nov/12/conservatives-fraud-den-dover-david-cameron?INTCMP=SRCH</a>
The Guardian/Observer	13/11/2008	Nicolas Watt				<a href="http://www.guardian.co.uk/politics/2008/nov/13/conservatives-david-cameron?INTCMP=SRCH">http://www.guardian.co.uk/politics/2008/nov/13/conservatives-david-cameron?INTCMP=SRCH</a>

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The Guardian/Observer	11/09/2009	Press Association				<a href="http://www.guardian.co.uk/politics/2009/sep/11/tom-wise-false-accounting-charge?INTCMP=SRCH">http://www.guardian.co.uk/politics/2009/sep/11/tom-wise-false-accounting-charge?INTCMP=SRCH</a>
The Guardian/Observer	05/11/2009	Deborah Summers	British ex-MEP Tom Wise faces jail after £36,000 expenses scam			<a href="http://www.guardian.co.uk/politics/2009/nov/05/ex-mep-tom-wise-36000-expenses-scam?INTCMP=SRCH">http://www.guardian.co.uk/politics/2009/nov/05/ex-mep-tom-wise-36000-expenses-scam?INTCMP=SRCH</a>
The Guardian/Observer	27/04/2010	Patrick Wintour	Nick Clegg accused of hypocrisy over home profit			<a href="http://www.guardian.co.uk/politics/2010/apr/27/nick-clegg-expenses-mep-brussels?INTCMP=SRCH">http://www.guardian.co.uk/politics/2010/apr/27/nick-clegg-expenses-mep-brussels?INTCMP=SRCH</a>
The Guardian/Observer	24/03/2011	Press Association	Court orders ex-MEP Den Dover to pay back £345,000			<a href="http://www.guardian.co.uk/world/2011/mar/24/court-orders-den-dover-pay-back?INTCMP=SRCH">http://www.guardian.co.uk/world/2011/mar/24/court-orders-den-dover-pay-back?INTCMP=SRCH</a>

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The Sun	28/03/2007	Reporter	Police launch EU fraud raids			<a href="http://www.thesun.co.uk/sol/homepage/news/23123/Police-launch-EU-fraud-raids.html">http://www.thesun.co.uk/sol/homepage/news/23123/Police-launch-EU-fraud-raids.html</a>
The Sun	10/07/2007	Michael Lea	EU loses £777m to fraud			<a href="http://www.thesun.co.uk/sol/homepage/news/242662/EU-loses-777m-to-fraud.html">http://www.thesun.co.uk/sol/homepage/news/242662/EU-loses-777m-to-fraud.html</a>
The Sun	24/10/2007	Reporter	£1.3million to fly EU flag in UK			<a href="http://www.thesun.co.uk/sol/homepage/news/380668/Europe-money-waste-at-British-HQ-13million-spent-a-year-in-Westminster-base.html">http://www.thesun.co.uk/sol/homepage/news/380668/Europe-money-waste-at-British-HQ-13million-spent-a-year-in-Westminster-base.html</a>
The Sun	22/02/2008	Michael Lea	Euro MPs' cash scams exposed			<a href="http://www.thesun.co.uk/sol/homepage/news/832653/Crooked-MEPS-Pocketing-cash-meant-for-workers-wages-Spot-checks.html">http://www.thesun.co.uk/sol/homepage/news/832653/Crooked-MEPS-Pocketing-cash-meant-for-workers-wages-Spot-checks.html</a>
The Sun	23/04/2008	Reporter	EU allowance scam cover-up			<a href="http://www.thesun.co.uk/sol/homepage/news/1078303/Euro-MPs-Refused-report-Staff-allowances.html">http://www.thesun.co.uk/sol/homepage/news/1078303/Euro-MPs-Refused-report-Staff-allowances.html</a>
The Sun	30/05/2008	David Wooding	£3million for EU web chat site			<a href="http://www.thesun.co.uk/sol/homepage/news/1226396/3million-for-EU-web-chat-site.html">http://www.thesun.co.uk/sol/homepage/news/1226396/3million-for-EU-web-chat-site.html</a>
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The Sun	11/06/2008	Reporter	MEPs can't Live ON £61K			<a href="http://www.thesun.co.uk/sol/homepage/news/1276064/Cant-live-on-61k.html">http://www.thesun.co.uk/sol/homepage/news/1276064/Cant-live-on-61k.html</a>
The Sun	11/06/2008	David Wooding	You pay £28m for Euro MPs			<a href="http://www.thesun.co.uk/sol/homepage/news/1276090/You-pay-28m-for-Euro-MPs.html">http://www.thesun.co.uk/sol/homepage/news/1276090/You-pay-28m-for-Euro-MPs.html</a>
The Sun	14/06/2008	David Wooding	Brussel snouts in the trough			<a href="http://www.thesun.co.uk/sol/homepage/news/1291918/BRITISH-MEPs-pick-up-a-fortune-in-freebies-on-top-of-their-360k-pay.html">http://www.thesun.co.uk/sol/homepage/news/1291918/BRITISH-MEPs-pick-up-a-fortune-in-freebies-on-top-of-their-360k-pay.html</a>
The Sun	10/07/2008	David Wooding	MEP expenses clean-up fury			<a href="http://www.thesun.co.uk/sol/homepage/news/1403364/Tory-MEPs-revolt-over-expenses-clean-up.html">http://www.thesun.co.uk/sol/homepage/news/1403364/Tory-MEPs-revolt-over-expenses-clean-up.html</a>
The Sun	26/05/2009	Brian Flynn	Tory bungs £22k for a leaflet			Purge on perks hits big game for MEPs
The Sun	26/05/2009	George Pascoe Watson	Massive Expenses Payouts			<a href="http://www.thesun.co.uk/sol/homepage/news/2448374/MEPs-massive-expenses-revealed-by-Sun.html">http://www.thesun.co.uk/sol/homepage/news/2448374/MEPs-massive-expenses-revealed-by-Sun.html</a>
The Sun	27/05/2009	Brian Flynn	Purge on perks hits big game for MEPs			<a href="http://www.thesun.co.uk/sol/homepage/news/2450482/MEPs-shun-Champions-League-final-over-worries-it-could-cost-them-a-place-on-the-Brussels-gravy-train.html">http://www.thesun.co.uk/sol/homepage/news/2450482/MEPs-shun-Champions-League-final-over-worries-it-could-cost-them-a-place-on-the-Brussels-gravy-train.html</a>
The Sun	28/05/2009	Brian Flynn	Families get rich on MEP payrolls			<a href="http://www.thesun.co.uk/sol/homepage/news/2452410/Families-get-rich-on-MEP-payrolls.html">http://www.thesun.co.uk/sol/homepage/news/2452410/Families-get-rich-on-MEP-payrolls.html</a>
The Sun	14/09/2009	Kenny McAlpine	Expenses vow MEP gives his girlfriend £36k job			<a href="http://www.thescottishsun.co.uk/scotsol/homepage/news/2635790/Lib-Dem-MEP-appoints-his-girlfriend-to-a-36000-job.html">http://www.thescottishsun.co.uk/scotsol/homepage/news/2635790/Lib-Dem-MEP-appoints-his-girlfriend-to-a-36000-job.html</a>
The Sun	11/11/2009	Reporter	MEP jailed for £39K exes scam			<a href="http://www.thesun.co.uk/sol/homepage/news/2725011/MEP-jailed-for-39K-expenses-scam.html">http://www.thesun.co.uk/sol/homepage/news/2725011/MEP-jailed-for-39K-expenses-scam.html</a>
The Sun	10/08/2010	CLODAGH HARTLEY	MEPs' free Viagra			<a href="http://www.thesun.co.uk/sol/homepage/news/3088610/MEPs-free-Viagra.html">http://www.thesun.co.uk/sol/homepage/news/3088610/MEPs-free-Viagra.html</a>

Media	Date	Author	Title	News/Own-Initiative	Source	Link
The Sun	11/11/2010	Graeme Wilson	EU's wasters blow £160k on dog gym			<a href="http://www.thesun.co.uk/sol/homepage/news/3222001/EUs-wasters-blow-160k-on-dog-gym-that-never-opened.html">http://www.thesun.co.uk/sol/homepage/news/3222001/EUs-wasters-blow-160k-on-dog-gym-that-never-opened.html</a>
The Sun	27/09/2011	Brian Flynn	Fish and twits			<a href="http://www.thesun.co.uk/sol/homepage/news/3837837/Fish-and-twits.html">http://www.thesun.co.uk/sol/homepage/news/3837837/Fish-and-twits.html</a>
The Sun	05/12/2011	Jane Atkinson	MEPs slammed for £26m TV channel			<a href="http://www.thesun.co.uk/sol/homepage/news/politics/3977985/MEPs-slammed-for-European-Parliament-channel-costing-7million-a-year.html">http://www.thesun.co.uk/sol/homepage/news/politics/3977985/MEPs-slammed-for-European-Parliament-channel-costing-7million-a-year.html</a>

Media	Date	Author	Title	News/Own-Initiative	Source	Link
The Times and The Sunday Times	09/10/2005	Insight	Insight: Kilroy-Silk 'milks' Brussels for perks	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	28/02/2008	Greg Hurst	David Cameron persuades Tory MEPs to come clean on pay and perks	News		See EP report Times.doc
The Times and The Sunday Times	09/03/2008	Nicola Smith	Tory MEPs siphoning parliamentary allowances to relatives	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	01/06/2008	Nicola Smith	Select aboard! Eurocrats get gravy train	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	06/06/2008	David Charter	Perks, privilege and power - the lifestyle to which MEPs have become accustomed	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	10/06/2008	David Charter	Wives of Tory MEPs earn up to £60,000 as secretaries	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	29/06/2008	Nicola Smith	MEPs' champagne 'study days' cost taxpayer £200,000	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	02/11/2008	Nicola Smith	European Union to send a ballot box into space ahead of its elections	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	26/11/2008	David Charter	Bulgaria loses €220 million of funding from Brussels	News		See EP report Times.doc
The Times and The Sunday Times	28/12/2008	Robert Watts	Going down the EU Tube: Brussels videos shunned	News	Open Europe	See EP report Times.doc
The Times and The Sunday Times	23/01/2009	David Charter	Butter mountains stage a comeback as farmers struggle to make ends meet	News		See EP report Times.doc
The Times and The Sunday Times	22/02/2009	David Craig	How to make a million in five years (become a Euro MP)	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	17/04/2009	David Charter	Taxpayers must bail out MEPs' pension fund to the tune of £105m	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	16/05/2009	David Charter	Italian MEPs top Eurolist of representatives best paid for least work	News	Votewatch.eu	See EP report Times.doc
The Times and The Sunday Times	18/05/2009	David Charter	Brussels reforms MEPs' expenses system to stop profiteering	News		See EP report Times.doc
The Times and The Sunday Times	29/05/2009	David Brown	A third of British MEPs employ family members on expenses	Own-Initiative		See EP report Times.doc



Media	Date	Author	Title	News/Own-Initiative	Source	Link
The Times and The Sunday Times	31/05/2009	Jason Allergyce	Globetrotting MEPs scramble aboard the gravy plane	News	Open Europe	See EP report Times.doc
The Times and The Sunday Times	02/06/2009	David Brown	Shamed MEPs take share of £20m 'farewell' payout	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	06/02/2010	David Charter	Slush fund of €234,000 pays for ski holidays for Eurocrats' children	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	28/04/2010	David Brown	Clegg made £250,000 on sale of second home in Brussels	News	Open Europe	See EP report Times.doc
The Times and The Sunday Times	23/05/2010	Bojan Pancevski	MEPs get £4.3m taste for iPad	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	27/06/2010	Nicola Smith	Brussels backtracks over the cost of envoys	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	03/10/2010	Bojan Pancevski	MEPs double champagne budget	News		See EP report Times.doc
The Times and The Sunday Times	24/10/2010	Simon McGee	EU buys £800 chairs for lavish London embassy	News		See EP report Times.doc
The Times and The Sunday Times	27/10/2010	Sam Coates	New budget storm erupts over Brussels profligacy	News		See EP report Times.doc
The Times and The Sunday Times	28/10/2010	David Charter	Full steam ahead for the Brussels gravy train	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	04/11/2010	David Charter	Spending on Europe's satellite navigation system is still spiralling	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	11/11/2010	David Charter	Profligate plans show EU thrift has gone to the dogs	News	Open Europe	See EP report Times.doc
The Times and The Sunday Times	14/11/2010	Bojan Pancevski	EU to spend £850m on 'pointless extravagance' with new HQ	News		See EP report Times.doc
The Times and The Sunday Times	02/12/2010	Bojan Pancevski	EU envoys soak up sun and lavish perks	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	12/12/2010	Bojan Pancevski	£10m kitty keeps European MPs in the jet set	News		See EP report Times.doc
The Times and The Sunday Times	11/02/2011	David Charter	Campaign calls for end to MEP travelling circus	News		See EP report Times.doc

<b>Media</b>	<b>Date</b>	<b>Author</b>	<b>Title</b>	<b>News/Own-Initiative</b>	<b>Source</b>	<b>Link</b>
The Times and The Sunday Times	12/02/2011	David Charter	EU spends more on 'luxury' travel for Eurocrats than on food aid	News	Open Europe	See EP report Times.doc
The Times and The Sunday Times	27/02/2011	<i>Bojan Pancevski</i>	Overtime perk extends Eurocrats' holiday to 12 weeks	News		See EP report Times.doc
The Times and The Sunday Times	04/03/2011	David Charter	MEPs give themselves £15,400 more for staff	News		See EP report Times.doc
The Times and The Sunday Times	17/04/2011	Bojan Pancevski	Euro billions wasted on African failures	Own-Initiative		See EP report Times.doc
The Times and The Sunday Times	12/06/2011	Bojan Pancevski	Court rules on MEPs' fiddles	News		See EP report Times.doc
The Times and The Sunday Times	12/06/2011	Bojan Pancevski	Court ruling set to reveal MEPs' financial abuse	News		See EP report Times.doc

## **ANNEX 12 - QUANTITATIVE AND QUALITATIVE ANALYSIS OF COVERAGE OF EU FRAUD, WASTE AND MISMANAGEMENT IN THE UK MEDIA FROM 2006-2011<sup>555</sup>**

### **Quantitative Analysis**

11 daily and Sunday newspapers were included in this survey. Of these 11 newspapers, *The Financial Times* (55), *The Times /The Sunday Times* (38) and *The Daily Mail/Mail on Sunday* (33) were the top three newspapers brands to cover this subject the most frequently.

*The Times/The Sunday Times* stands out as the newspaper with the most own-initiative coverage meaning that their journalists were not following news, but “making” news through own-initiative investigations. In particular, *The Sunday Times* “Insight”, the investigations teams, carried out several investigations over this period.

*The Financial Times* comes second in terms of own-initiative reporting, but this is dominated by the 2010 EU Funds investigation, collaboration with The Bureau of Investigative Journalism.

*The Daily Mail* only recorded three own-initiative reports over this period.

### **Qualitative Analysis**

With the exception of the *Financial Times*, the coverage was dominated by money spent on paying MEPs, their family members and EU officials’ salaries and expenses, and perks provided for them. This focus on spending related to staff by the institutions did not extend to spending on policies; there is scant coverage of the EU’s biggest funded policies: CAP, Cohesion Policy, CFP and the Research Framework Programmes. In contrast, The Financial Times EU Funds investigation focused on the Cohesion Policy.

The newspapers sometimes relied on non-profit organisations for free content: Eurosceptic organisations - the Taxpayers Alliance, Open Europe and Bruges Group all provided copy based on in-depth research free of charge to the newspapers. Other free content was provided by Farmsubsidy.org.

In terms of original, in-depth, investigative reports by the newspapers which required significant budget to complete, *The Sunday Times* Insight reports and *The Financial Times* EU Funds investigation stand out, reflecting some investment in EU investigative journalism in the UK.

BBC One’s Panorama and Channel 4’s Dispatches, the two main TV investigative journalism documentary strands, each broadcast one EU-focused investigation over this period. This type of prime time documentary can cost from 80-180,000£ to produce. Therefore, while there have only been two relevant documentaries, the investment has been significant.

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<sup>555</sup> By Annamarie Cumiskey.



## ANNEX 13 - SOURCES

### Interviewed<sup>556</sup>

Bodoky, Tamas, editor-in-chief of Atlatzo.hu, interviewed for this report, May 17, 2012.

Butticé, Alessandro, OLAF spokesperson between 2000-2009, currently Adviser Directorate D (Policy), OLAF, interviewed May 30, 2012.

Cairola, Andrea, former investigative TV-reporter, currently at UNESCO media development desk Asia, interviewed July 24, 2012.

Candea, Stefan, director of CRJI, interviewed May 10, 2012.

Chioveanu, Paul, project co-ordinator ActiveWatch, interviewed May 10, 2012.

Codreanu, Ionut, journalists' supervisor, ActiveWatch, interviewed May 10, 2012.

Cumiskey, Annamarie, British freelancer, interviewed February 9, 2012.

Dahlöff, Staffan, freelance reporter, editor wobbing.eu, interviewed January 3, 2012.

Dossow, Rüdiger, Committee Secretary to the Committee on Culture, Science, Education and Media of the Parliamentary Assembly of the Council of Europe, interviewed March 22, 2012.

Ellis, Steven, Press Freedom Adviser for Europe and North America, □International Press Institute (IPI), interviewed April 10, 2012.

Gadesmann, Gundi, spokesperson European Ombudsman, interviewed March 21, 2012.

Gatti, Claudio, investigative reporter at Il sole 24 Ore, interviewed July 24, 2012.

Gori, Paola, Center for Media Pluralism and Media Freedom, Florence, April 25, 2012.

Gravili, Antony, Spokesman for Inter-institutional Relations and Administration of the European Commission, interviewed April 10, 2012.

Grey, Marc, DD Communication, April 3, 2012.

Gruber, Marc, International Foundation of Journalists, IFJ, interviewed April 3, 2012.

Hansen, John, leader of the investigative team at Danish daily *Politiken*, interviewed August 9, 2012.

Heinemann, Tom, documentary filmmaker, winner of the Lorenzo Natali Prize and the Lorenzo Natali Grand Jury Prize 2011, interviewed August 13, 2012.

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<sup>556</sup> Sources interviewed and (when applicable, often extensively) quoted in the report.

Jensen, Christian, editor-in-chief of Danish daily *Information*, interviewed August 9, 2012.

Kessler, Giovanni, Director-General of OLAF, interviewed May 14, 2012.

Koltay, András, member of the Hungarian Media Council of the Media Authority NMHH, interviewed May 17, 2012.

Löke, András, director SOMA foundation, interviewed May 17, 2012.

Lordet, Gilles, spokesperson Reporters Sans Frontieres, April 25, 2012.

Magyari, Peter, investigative reporter for Index.hu, interviewed May 18, 2012.

Martín de Pozuelo, Eduardo, senior investigative reporter *La Vanguardia*, interviewed February 9, 2012.

Montero, Daniel, investigative reporter at *Interviú*, interviewed February 9, 2012.

Moricz, Ilona, director of the Center for Independent Journalism (CIJ), interviewed May 17, 2012.

O'Murchu, Cynthia, *Financial Times*, interviewed February 9, 2012.

Mulvad, Nils, editor at analysis and research company Kaas & Mulvad, European Journalist of the year 2006, interviewed August 9, 2012.

Orbán, Sandor, executive director of the South East European Network for Professionalization of Media, interviewed May 17, 2012.

Overton, Iain, director Bureau Of Investigative Journalism, interviewed February 9, 2012.

Palubinskas, Aidas, spokesperson European Court of Auditors, interviewed March 23, 2012.

Pethö, András, investigative reporter and editor at Origo.hu, interviewed May 17, 2012.

Schroeder, Renate, director European Federation of Journalists EFJ, interviewed April 16, 2012.

Sisti, Leo, *Espresso* magazine and newspaper *Il Fatto Quotidiano*, interviewed January 30 and August 4, 2012.

Tillack, Hans-Martin, *Stern*, interviewed February 24, 2012.

Toma, Mircea, director of Romanian NGO ActiveWatch, interviewed May 11, 2012.

Traynor, Emer, spokesperson of Mr. Algirdas Šemeta, Commissioner for taxation and customs union, audit and anti-fraud, interviewed June 6, 2012.

Voorhoof, Dirk, Professor at Ghent University, Faculty of Political and Social Sciences and the Faculty of Law, lecturer at Copenhagen University, Faculty of Law, interviewed January 27, 2012.

Waite, Roger, European Commission Spokesman for Agriculture and Rural Development, interviewed May 2, 2012.

Wullt, Johan, OLAF acting spokesperson, interviewed May 14, 2012.

Zgaga, Blaz, Slovenian freelance investigative reporter, interviewed May 8, 2012.

### Contributors to Annex 1<sup>557</sup>

Borloo, Jean-Pierre, director Fonds pour le Journalisme, Belgium  
Debruyne, Ides, director Fonds Pascal Decroos, Belgium  
Lallemand, Alain, investigative reporter *Le Soir*, Belgium  
Vaglenov, Stanimir, investigative reporter *24Chasa*, Bulgaria  
Union of Cyprus Journalists, Cyprus  
Alfter, Brigitte, freelance reporter, Denmark  
Vahter, Tarmo, reporter *Ekspress*, Estonia  
Reiljan, Piret, reporter *Aripaev*, Estonia  
Heino, Timo-Erki, editor-in-chief (former) YLE, Finland  
Knus-Galán, Minna, journalist YLE, Finland  
Sipola, Simo, journalist YLE, Finland  
Kuuti, Heikki, university Jyväskylä communication department, Finland  
Hermann, Luc, documentary filmmaker, PLTV, France  
Hunter, Mark Lee, INSEAD, France  
Mükke, Lutz, freelance reporter, Germany  
Bartsch, Günther, Netzwerk Recherche, Germany  
Ude, Albrecht, freelance reporter, Germany  
Redelfs, Manfred, investigator Greenpeace, Germany  
Telloglu, Tasos, reporter *Kathimerini*, Greece  
Karanikas, Harry, investigative reporter, Greece  
Souliotis, Yannis, reporter *Kathimerini*, Greece  
Sheridan, Gavin, reporter storyful, Ireland  
Tinari, Serena, freelancer, Italy  
Basso, Sofia, Avvenimenti, Italy  
Springe, Inga, Baltic Centre for Investigative Journalism, Latvia  
Strazdina, Ina, Brussels correspondent public radio/TV, Latvia  
Liegis, Lidija, freelancer, Latvia  
Balcytiene, Aukse, Kauna University, Lithuania  
Stoldt, Jurgen, magazine *Forum*, Luxemburg  
Vella, Matthew, reporter *Malta Today*, Malta  
Ciesla, Wojtek, Fundacia Reporterow, Poland  
Araujo, Rui, freelance documentary maker, Portugal  
Mogos, Adrian, CRIJ, Romania  
Gagniuc, Ananei, Baia Mare, Romania  
Skolkay, Andrej, Bratislava School of Communication and Media, Slovakia  
Bengtsson, Helena, STV, Sweden  
Kirk, Lisbeth, EU Observer, Brussels

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<sup>557</sup> These respondents agreed to be named as contributors to **Annex 1**. Anonimised quotes and remarks on certain countries and areas are not automatically attributable to the here identified contributors from these same countries and areas, as there were many more respondents to our query for stories and descriptions of the investigative landscape who did not want to be identified by name.



**Journalism organisations consulted for Annex 1, Annex 2, Annex 11**<sup>558</sup>

Scoop (Denmark),  
SKUP.no (Norway),  
Netzwerk Recherche (Germany),  
The Bureau of Investigative Journalism (United Kingdom),  
The Center for Investigative Journalism (United Kingdom),  
OCCRP.org (Eastern Europe, Balkan),  
Tutkiva.fi (Finland),  
FGJ.se (Sweden),  
FUJ.dk (Denmark),  
The Bulgarian Investigative Journalism Center (BIJC) (Bulgaria),  
Centrul Roman pentru Jurnalism de Investigatie (Romania),  
The Baltic Investigative Journalism Center (Baltic states),  
Soma Foundation (Hungary),  
Center for Independent Journalism (Hungary),  
South East European Network for Professionalization of Media SEENPM (Hungary),  
Global Investigative Journalism Network (gijn.org),  
International Consortium of Investigative Journalism ICIJ.org,  
Vereniging Van Onderzoeksjournalisten (Netherlands and Flanders)  
Fonds Pascal Decroos (Belgium)  
Fonds pour le Journalisme (Belgium)  
Journalismfund.eu (Europe)  
wobbing.eu (Europe)  
Fundacia Reporterow (Poland)

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<sup>558</sup> These organisations were contacted in person; they consulted with their network for the mapping exercises. Apart from these organisations, existing overviews of the media landscape were used for **Annex 1**, a list of which is provided in footnote 1 to **Annex 1**. Also, respondents contributed to the annexes of Freedom of Information, whistle blowing laws and protection of sources (**Annexes 6, 7 and 8**).

## ANNEX 14 - PROJECT TEAM

### **Principal author, editor**

**Margo Smit** is director of the Dutch-Flemish Association of Investigative Journalists VVOJ and an independent, self-employed investigative TV-documentary filmmaker in The Netherlands. Smit has worked in journalism since 1989, as a news and features reporter for both commercial and public TV, later as a political correspondent with experience in covering the European Union. In 1997, she transferred to investigative reporting for Dutch public TV, producing (internationally marketed) stories on EU enlargement, the euro, politics, international banking industry and multinationals. Europe has been a topic of continuing interest throughout her documentary making. Smit teaches investigative journalism on TV at the masters program at University Groningen and various journalism schools in the Netherlands and Flanders. She also teaches investigative skills to international fora and journalism conferences. She developed courses on investigative journalism for both starting and mid-career journalists, and knows what education can do for solid reporting. Smit is an active member of several international journalism organisations, with a strong network in the (European) journalism community, on the board of journalismfund.eu and on the juries of the Dutch M.J. Brusse award for non fiction books and the Daniel Pearl award for cross-border investigative journalism.

### **Co-authors**

**Brigitte Alfter** worked as a reporter for German, Danish and international media since 1997. She was a Brussels correspondent for Danish newspaper *Information* between 2004 and 2008. Since 2002, Alfter has combined professional and award-winning journalism with development of investigative journalism structures in Europe – including South Eastern and Eastern Europe with the aim to develop functional networks to enable herself and colleagues to carry out adequate coverage of European issues. She (co-) founded i-scoop, Farmsubsidy.org, Wobbing.eu and Journalismfund.eu, of which she is now director. She was a board member of the German Netzwerk Recherche, and is a board member of FUJ, the Danish association of investigative journalists.

**Mar Cabra** is a multimedia investigative journalist from Spain. She has worked for BBC, CNN+, laSexta Noticias and has been part of the International Consortium of Investigative Journalists (ICIJ) projects 'Looting the Seas II' and 'Looting the Seas III'. Her work has also appeared in the *International Herald Tribune*, the Huffington Post, *Le Monde* and *El País*. Cabra was a Fulbright Scholar at the Toni Stabile Center for Investigative Journalism at the Columbia University Graduate School of Journalism (USA). The investigative segment she co-produced for the PBS program *Need to Know* about overuse of psychotropic drugs in the American foster care system won the duPont-Crichton Award and was a finalist for the Investigative Reporters and Editors Student Work Award. She produced and edited the video component of an investigation into the post-earthquake trafficking of Haitian children for *El Nuevo Herald* and *The Miami Herald*.

Cabra is the director of the Fundación Ciudadana Civio, a Spanish foundation created in 2012 that uses technology and data journalism to promote transparency and better governance. She is active in the struggle for a Freedom of Information law in Spain, and an initiator of the first investigative journalism masters degree, to be launched in November 2012.

**Annamarie Cumiskey** is a British award-winning freelance journalist who has produced investigations for newspapers and TV. She is specialised in EU politics and has published in *The Daily Telegraph*, *The Sunday Times* and *The Financial Times*, and broadcast on BBC Newsnight and Aljazeera. She has worked on several cross-border investigations into EU policies, including a collaboration between *The Financial Times* and the Bureau of Investigative Journalism, London,

which tracked down how EU structural funds are spent across the 27 member states. She speaks French, German and Italian and graduated from the College of Europe, Bruges, Belgium.

**Marcos García Rey** is a freelance reporter and university researcher on political violence from Spain.

In 2000, García Rey became editor of the International News Service in Arabic for the Spanish news agency EFE. He was editor of the Multimedia desk at EFE in 2004 when he was awarded a research fellowship in Madrid's Rey Juan Carlos University where he investigates political violence and terrorism in collaboration with other European academic institutions. Garcia Rey has co-authored several books, including: *El 11-M en la prensa arabe* (2004), which detailed Arab media coverage of the 2004 Al-Qaeda attacks in Madrid; and *Vidas Rotas* (2010), on the Basque terrorist organisation ETA. He is a contributor to local newspapers such as *El Periodico de Catalunya* and *La Vanguardia*, and to Arab TV channels Al Jazeera, Al Arabiya, and Deutsche Welle Arabic Service. In 2010 García Rey participated in the ICIJ project '*Looting the Seas I*'. The project was awarded the 2010 the Overseas Press Club of America's Whitman Bassow Award and IRE's Tom Renner Award for 2010.

**Albrecht Ude** is a freelance investigative journalist and researcher for German and international media, and a journalism trainer with a strong focus on security, data protection and the journalist's safety on the internet. He calls himself a 'rechercheur' and 'puristischer Web-Entwickler'. He regularly contributes to websites such as [recherche-info.de](http://recherche-info.de) and [Recherchenblog.ch](http://Recherchenblog.ch) and trains journalists worldwide.

### **Project management**

**Ides Debruyne** since 1999 is involved in the Belgian Pascal Decroos Fund. He is an experienced project manager. Debruyne over the last 10 years built an international network of associations dealing with investigative journalism (publishing, funding, organising training for working and starting journalists), and is responsible for the Belgian leading websites on media criticism and media research.

He is a teacher at the University of Ghent, advisor of several Flemish university colleges and initiator of a post-academic course on international research journalism, co-founder of Journalismfund.eu and Wobbing.eu, and a jury member of the Prijzen Karel Van Miert – Etienne Davignon 2011 (Award of the European Commission Representation in Belgium and the Association of European Journalists).

### **Management and editorial assistance**

**Rafael Njotea** is the communication manager of the Pascal Decroos Fund for Investigative Journalism and web editor of Journalismfund.eu and Wobbing.eu. He studied English and German Literature and Linguistics at Leuven University, after which he worked as a communication specialist at AXA Belgium and a translation trainee at the European Parliament in Luxembourg.



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