

## REPORT FROM THE DEBATE: "ARE THERE PRIVILEGED MEDIA?"

Rapporteur: **Petar Kalezić**, SHARE Foundation

Date: 30 May 2018

Location: EU Info Centar, Belgrade

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## Introduction

On 30 May, Center for Investigative Journalism of Serbia (CINS) held a debate in EU Info Centre in Belgrade on the topic of whether there is privileged media in Serbia. This was an opportunity for CINS to present its findings on this topic, but also for relevant actors to express their opinions and positions, and state certain conclusions and recommendations. The debate was conducted through three panel discussions which treated the issues of financing of TV Pink, business operations of Tanjug, and media competitions. Journalists, representatives of media, non-governmental sector, Press Council and others took part in the debate.

In the course of the **first panel discussion**, which related to the financing of TV Pink, [the investigation of the manner of financing of TV Pink](#) conducted by CINS was presented; the investigation related to the manner in which TV Pink receives money from a state Serbian Export Credit and Insurance Agency (AOFI), and the manner in which the state guarantees banks that TV Pink will pay the loan back. The first panel also covered the activities of Tax Administration in relation to Južne vesti website and other media, and whether such inspection controls may be regarded as a new form of pressure on media. Panel participants stated concrete evidence which they encountered in the course of their investigation and while examining the work of inspectors, based on which it may be concluded that work of inspection is not transparent; that inspectors abuse their competences in the course of their activities; and that, when it comes to media, they do not treat tax debtors in the same manner. Debts of Južne vesti, duration and frequency of tax inspection controls, and debts of other media were also discussed.

Within the **second panel**, CINS investigation of payments, i.e. [financing of News Agency Tanjug was presented](#) as well as the information CINS managed to obtain on this topic. The discussion included the future of news agencies in the Internet era. Participants of the second panel stated their positions in relation to the manner of operation of Tanjug, while they also discussed the relationship between the state and news agencies, i.e. [the favoured treatment of Tanjug](#) and lack of transparency of its business operations. Additionally, there was a discussion on public

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procurements and attitudes of the panel participants on future of both Tanjug and other news agencies.

**The third panel** treated the topic of media competitions and the [CINS investigation of the manner in which media outlets, that is the Srpski telegraf and Informer, receive funds from the state](#) and whether their reporting is in public interest. The other topics discussed included functioning of the Press Council, its role in self-regulation, warnings pronounced to the Srpski telegraf and Informer, and the Code of Journalists of Serbia and its observance. Additionally, the panel participants discussed what is reporting in public interest and media competitions, i.e. manners in which they function, and pointed to severe issues with commissions deciding on allocation on funds at public competitions.

## **Report from the panel: What does Pink export?**

Moderator: **Anđela Milivojević**, CINS journalist

Panelists:

- **Predrag Blagojević**, editor-in-chief of Južne vesti
- **Nemanja Nenadić**, programme director of Transparency Serbia

Ljubica Marković, Team Leader of EU Info Centre announced the Debate “Is there privileged media” and gave the floor to the moderators.

At the very beginning, journalist **Anđela Milivojević** explained that the idea of the debate was for CINS to present to the public findings resulting from the work on the project “Are there privileged media?” The project comprised three units, financing of TV Pink, the manner of operation of the state news agency Tanjug, and financing of tabloids through media competitions.

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Following the introductory remarks, **Milivojević** explained that CINS tried to establish the manner in which TV Pink receives money from the Serbian Export Credit and Insurance Agency (AOFI). The Agency was founded with the aim to help domestic exporters progress and receive funds. The then minister Mlađan Dinkić said that not everyone could receive such funds, that is, that there would be a detailed procedure on allocation of aid to domestic exporters, and that only the exporters whose operation will have beneficial impact to the overall economic situation could qualify for such funds. In August 2014, Pink received a guarantee from AOFI, which means that the state guaranteed to AIK Bank that Pink would repay the € 2.5 million loan. In December 2014, Pink got € 1.4 million from AOFI to finance contracts with companies from Bosnia and Herzegovina and Montenegro. In 2015, Pink received € 3.6 million from AOFI; in February 2016 it received € 9.3 thousand; in March of the same year it received € 3.5 million, while in March 2017 this amount was € 3.2 million. **Milivojević** explained the importance of this data as AOFI has a rule which explicitly states that it is not possible to qualify for a loan if you are a tax debtor, while in 2014, based on the information published by Tax Administration of the Ministry of finance, Pink was one of the greatest tax debtors. She added that AOFI refused to supply CINS with any data with explanation that this is a business secret of the Agency. Additionally, CINS sent a request to Tax Administration to file information in relation to debts of TV Pink, but the request was denied with explanation that this is a business secret. In the end, she added that CINS filed a complaint to the Commissioner for Information of Public Importance, and that the Commissioner fined AOFI twice, but that AOFI still failed to submit the requested data. In addition, in 2016, the Commissioner filed an official letter to the Government of the Republic of Serbia with the request to force AOFI to submit the requested data; till the present day, CINS has received no reply from the Government.

When asked by the moderator why the tax officials visited Južne vesti so frequently, **Predrag Blagojević** explained that any kind of field work of tax inspectors is subject to a warrant, and that the Tax Administration started with inspections of operations of Južne vesti five years ago, and that inspectors have spent almost two constant years controlling Južne vesti. Following this, he explained that he had talked to the OSCE representative for media freedom, following which the representative talked to the Prime Minister of Serbia, and that on the very same day he received a notification which stated that the Prime minister had talked to the director of Tax

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Administration requesting that they stop controlling Južne vesti if it is not needed. He added that, following such a notification, there is the question of whether the Prime minister of Serbia may arbitrarily decide as to which entities will be subject to control and when. He also emphasized that following the said notification, 12 new inspectors came to perform control which they did even at weekends. What is very important is the fact that inspectors never found a single irregularity; however, by interpreting the Law on Information, they concluded that the editor-in-chief must be employed with the media outlet, which is why Južne vesti had to pay about a million dinars for contributions for the last 8 years. **Blagojević** said that such an opinion is a serious issue, because the provision from the catalogue of terms of reference of job positions in public administration is enforced retroactively, i.e. that it could present a serious existential issue for most small media outlets and portals. At the end of his address, he said that Južne vesti requested Tax Administration to file minutes from controls in other Niš-based media outlets, which the Tax Administration refused to do. The Tax Administration failed to submit the data even after the complaint to the Commissioner who established there were grounds for requesting such data.

When asked by the moderator whether tax inspectors make difference among entities which they inspect, that is, what are the findings of their research aimed at tax controls of media, **Nemanja Nenadić** explained that research of Transparency Serbia was still underway and that he could not provide any precise information. He firstly said that the issues between the state and media do not only relate to the money allocated at competitions, but that there is also the problem of extending information to certain media only, and that the state bodies do not treat media outlets equally when applying repressive measures. **Nenadić** stated that Transparency Serbia addressed most inspections (market, tax, labour inspection) with the question of how many controls they performed in their areas, and was filed a reply only from the Market Inspection in the form of the list of names of legal entities in which controls were performed. He added that it is interesting that the Tax Inspection said they would submit the requested information within 40 days, after which Transparency received the decision on denial of the request. The request was denied on two grounds, that it presented abuse of rights, and that it

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related to too much information. Transparency Serbia complained against this decision; **Nenadić** explained that based on the new Law on Inspection Supervision, inspections are obliged to keep records on all controls. **Nenadić** emphasized that regulations on secrecy of data do not protect data on work of the Tax Administration, but data on taxpayers. He added that following the complaint, the Labour Inspection submitted the requested information. In relation to the research conducted by Transparency, he said that it is too early to pass any conclusions on whether there is privileged media. In the end, he said that he thinks that, regardless of the research results, it is time to start discussion on this topic, especially having in mind that the process of development of media strategy is underway, and that the Action plan for Chapter 23 of Serbia negotiations on EU accession has been composed.

**Anđela Milivojević** established that the whole public was familiar with the case of the Vranjske novine, that is, the pressure which lead to closing of this media outlet; thus, **Nenadić** was asked whether such inspection controls can constitute a new form of pressure on media,

**Nenadić** explained that there was suspicion that certain inspectors abuse their office by contacting company owners and members of their families who cooperated with, that is, used Južne vesti for advertizing, concluding that such behaviour does constitute concrete pressure. He also believes that such situations would not occur if inspections published information on which companies they control, and what the results of such controls are. When asked to give his view of the solution to this systematic issue, **Nenadić** explained that the solution needs to be in transparency which is reflected not only in publishing of data, but in proactive attitude as well, and that inspections are the entity which need to convince the public as to the legality of its operations. In the end, he said that it is very important that there are no privileged entities when deciding who will be controlled.

**Predrag Blagojević** read the first sentence from the report of the Anti-corruption Council which relates to lack of objectivity in the work of media, or the fact that there is full control over media, and that media in Serbia is exposed to severe political pressure.

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He said that media has published information on this report only to an extent, and that it was denied without any explanation whatsoever. **Blagojević** also said that in the Report of the Anti-corruption Council, media outlets are segregated by the size of their tax debts, and that from this report it is clear that Pink is the greatest debtor. He said that, based on this report, there is the question of the grounds on which Južne vesti, i.e. Vranjske novine, were subject to the largest number of tax controls. **Blagojević** also says that when it comes to Južne vesti, tax inspectors overstepped their authority by visiting companies which advertise with Južne vesti and other companies cooperating with this media outlet, and that on such informal meetings they would say that their companies worked for a media outlet financed by foreign intelligence services. In addition, he said that these individuals were shown contracts which Južne vesti signed with the EU Delegation to Serbia, OSCE, etc. If Južne vesti published such data, this would be a problem for potential partners, because they would know cooperation with Južne vesti can result in pressure of state bodies on them. In the end, he emphasized that Tax Inspection, unfortunately, does not serve its primary function, but that it is used in combating against media outlets which individuals from the authorities may not control.

**Nemanja Nenadić** added that the owner of the Kikindske paper published the information that he would have to close down his media outlet due to tax debts; what is important is the fact that the tax debt of the Kikindske in this period were dramatically lower than debts of numerous larger media outlets; he believes that this example provides a good illustration of the selective approach in relation to media.

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## Report from the panel discussion: How does the “non-existent” Tanjug operate?

Moderator: **Dina Đorđević**, CINS journalist

Panelists:

- **Petar Jeremić**, President of the Executive Board of *Association of Journalists of Serbia (UNS)*
- **Dragan Janjić**, editor of *Beta* news agency
- **Nemanja Nenadić**, programme director of *Transparency Serbia*

At the very beginning, **Dina Đorđević** explained that Tanjug was not sold in 2015, and that validity of the Law on Tanjug agency ceased on 31 October 2015. Soon after this, the Government passed the decision on the manner of termination of Tanjug and its deletion from the Register of business entities. **Đorđević** also presented the CINS investigation in relation to Tanjug in the period from 31 October 2015 till the end of 2017. In the observed period, Tanjug was paid the total of 114 million dinars, most of which was paid to close down the agency. She added that in the course of monitoring of Tanjug business operations, CINS obtained information that Tanjug pledged 205 works of art in order to postpone paying tax. The moderator explained that a large part of Tanjug archives is located at the Archives of Yugoslavia, in line with the Decision passed by the Government, and that it remains unclear why the Decision was not fully enforced, and why Tanjug has not been closed yet. She also stated that it is not clear how Tanjug disposes with the works of art it has pledged. **Đorđević** emphasized that it is very important that the financial report of the Ministry of Culture and Information, in the part relating to Tanjug, states that the solution for this issue will be sought in the media strategy.

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When asked whether he believes Tanjug will be closed, **Dragan Janjić** firstly said that Tanjug was closed in observance of the EU position that the state should not be owner of news agencies. He further said that transparency should be the most important property of media, because it is media that is used to exert influence on general public, while in Serbia the state itself stimulates non-transparency with its relationship with Tanjug. **Janjić** explained that Tanjug has but one full-time employee, while all others are engaged on some kind of contract basis, and that we also do not have information as to the kind of contracts Tanjug concludes with public authorities. In addition, he emphasized that the state systematically adopts measures to limit work of media, and that the state uses public bodies to exert pressure on media. In this sense, he also stated his position that the main prerequisite for normal functioning of media is political will to impartially enforce laws relating to media.

The moderator added that Beta agency has signed a number of contracts with public bodies; **Janjić** replied that the number of contracts has been reduced in the last years, and that there are only a few contracts for small-scale procurements below the amount of 500,000 dinars.

When asked to explain the process of public procurement in media, **Nenadić** said that public procurements function on a couple of principles, one option involving a detailed description of what is necessary within a public procurement for a company to be awarded funds at a competition, and the second involving initiation of direct negotiations with the company the services of which the agency needs and finally concluding a contract. He also stated that the only solution for the issue of public procurements is to define the subject of public procurement in the media strategy through detailed planning of public procurement.

When asked how UNS perceives the contracts concluded with the agency which officially does not exist, that is, agency whose operation is based on unclear grounds, **Petar Jeremić** said that the Government passed a decree on termination of Tanjug, which the agency interprets in the sense that its existence is necessary as long as its obligations based on commercial contracts are not completed. He emphasized that such interpretation is absurd, as Tanjug keeps concluding new contracts, i.e. developing new obligations. He explained that it was the idea of UNS that Tanjug should continue operation, but in a fair manner in view of the two other agencies, and that UNS proposed that Tanjug employees should become owners of the agency

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they worked for, but that the management of Tanjug unfortunately obstructed this proposal. He added that at the moment the situation is such that the public does not know what is it that Tanjug does, i.e. that rather than publishing statements, Tanjug first interprets and then publishes them. He said that it is the fact that Tanjug has the largest number of correspondents, and that the grounds for payment of their fees remains unclear. In his opinion, the state should clearly say whether Tanjug is its PR agency or a commercial agency, and define a manner in which Tanjug will operate, but in a manner which will not introduce monopoly at the market. He concluded that if the state pays the agency, this agency should not charge its services at the market and from citizens as it is financed from their money.

When asked what UNS perceives as the best solution, **Jeremić** said that he believes that the media strategy should be the first big step in terms of guidelines based on which legislation could be amended later, and that the state should meet the obligations from the law it passed itself, and find a legal form to resolve the future of Tanjug. In the end, he concluded that nothing prevents the state from passing a new regulation to regulate the position of Tanjug and the manner of financing so as not to jeopardize work of the other two agencies.

When asked how he perceives the solution for Tanjug, i.e. how to formulate its operation so as not to jeopardize businesses of the other two agencies, **Dragan Janjić** explained that this primarily implies destruction of market competition, and that it is very important to understand that the position of news agencies in the Internet era is considerably different from what it used to be. He also said that he does not see any reason for the state to invest in Tanjug so as to publish news which is anyway available through the Internet. In his opinion, the best solution would be for the state to establish its PR service which would provide information on activities of public bodies and authorities, that is, the state. In the end he concluded that in his opinion nowadays there is no need for existence of a public agency service.

When asked what public procurements should be like before the issue of Tanjug is solved, **Nemanja Nenadić** explained that public bodies which purchase certain services should clearly define why they engage the exact news agency and what is the purpose of such service. **Nenadić** added that all news agencies used to publish most releases by Transparency Serbia,

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while in the last two years Tanjug has significantly reduced their number; thus, there is the question of why state bodies do not want to learn information in relation to their work, which a state agency should publish. In the end he concluded that it is necessary to find some form of solution for state advertising.

## **Report from the panel: Media competitions and tabloids - where is public interest?**

Moderator: **Anđela Milivojević**, CINS journalist

Panelists:

- **Petar Jeremić**, member of the Commission for complaints of the *Press Council*
- **Denis Kolundžija**, *Cenzolovka*

In the beginning, **Anđela Milivojević** explained that the third panel would treat the issue of media competitions, and said that CINS has been investigating this topic since 2015, while the latest investigation related to tabloids, and the manner in which tabloids, the *Srpski telegraf* and *Informer* in particular, receive money from the state to report in public interest. She further explained that the said media outlets were the subject of this investigation, as they essentially represent pro-governmental media while at the same time have very large circulations and thus have influence on public opinion. She also stated that the *Srpski telegraf* and *Informer* received 23.05 million dinars at media competitions even though they had violated the Code of Journalists of Serbia in the course of their reporting. Following this, the moderator read a quote from the Rulebook on allocation of money from project co-financing which reads that the project needs to be in public interest, while the second most important

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criterion was that the media outlet observes the Code of Journalists of Serbia. This CINS investigation showed that the Informer was supported at 15 competitions at which it was allocated the total of 10.9 million dinars; at the same time, the Informer is the record holder by the number of warnings pronounced by the Press Council. It is also interesting that the investigation found that the Informer receives money through two companies, Insajder tim and Info IT, both companies in ownership of Dragan J. Vučićević. Further, it is very important that competition commissions inquired whether Info IT was pronounced the measure of the Press Council; however, the said company is not registered as a media outlet, thus may not be pronounced measures by the Press Council. The CINS investigation also established that the Srpski telegraf received more money than the Informer, or 12.1 million dinars at 21 competitions, while it was pronounced as many as 11 warnings in the same period. Another interesting finding relates to the composition of the commissions deciding on allocation of funds for media as well as the identical justification for the Srpski telegraf in each case; the same individual occurred in 11 commissions deciding on the Srpski telegraf, i.e. at 7 competitions in which the Informer won funds.

When asked by the moderator what is Press Council, how it functions, and what do warnings of the Press Council mean, **Petar Jeremić** explained the manner of functioning of the Press council and its role in self-regulation of online and print media. He explained that the primary purpose of the Press Council is to protect readers from media which abuses the profession; its second purpose is to make sure that citizens suffering injury from media receive moral satisfaction and that the number of court processes is reduced; while the third purpose is to establish the practice of observance of ethical codes. In the context of the topic of the panel, he added that the Srpski telegraf and Informer do not recognize competence of the Press Council. He further said that the Press Council has been monitoring observance of the Code of Journalists of Serbia in print and online media since 2015. Jeremić explained that the bodies which publish competitions request opinion of the Press Council in terms of the extent to which the applied media observed the Code of Journalists, and whether they took proper measures so as to meet

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the guidelines of the Press Council; however, this opinion was not legally binding. He explained that the purpose of monitoring is to establish whether the number of complaints addressed to the Press Council corresponds with the number infringements of the Code of Journalists of Serbia.

The moderator added that in the context of the Informer there are about 25 public warnings, while the number of infringements of the Code exceeds 1,000.

**Jeremić** explained that the editorial policy of media is entirely free, but that media outlets need to observe certain ethical rules of the profession, adding that the Informer recently started losing disputes before court, while still receiving funds from media competitions, and that the individuals sitting in commissions and allocating funds to such media outlets with the explanation they will get better in the future do not have right to sit in such commissions. He stated that he monitored reporting of these media outlets and that their reporting has nothing to do with public interest, and that the projects are in essence PR for the bodies which allocated them funds.

**Denis Kolundžija** presented a Cenzolovka investigation on commissions deciding on allocation of funds at public competitions, and explained that following consultations with the Press Council in relation to violation of the Code of Journalists of Serbia on part of the media outlets which applied for the funds, one municipality in Vojvodina annulled the competition. He further said that in 50% of municipalities, i.e. their commissions, there was one individual who owns media outlets, who also decides which media outlets will be awarded funds at the competition. He also mentioned the difficulties occurring with this type of investigation, and manners necessary to obtain information on composition of the commissions, applicants, and similar. He further added that most commission members, i.e. owners of media outlets which receive funds at competitions, are mutually related and that it is very difficult to obtain any concrete information. He said that in this investigation he learned that in 2018 there have been 26

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competitions in Vojvodina, where the Srpski telegraf and Informer received about 6 million dinars. If the pattern is repeated, there is the question of how to make sure commissions are objective, i.e. how to make sure money goes to media outlets which truly report in public interest.

When asked whether one of solutions could be that decisions passed by the Press Council are not only some kind of recommendation but that they are introduced as a compulsory condition to win funds at a media competition, **Petar Jeremić** replied that UNS has supported the position that no money can be allocated to media which have not accepted self-regulation since the beginning, and that it is very important to check whether media outlets which apply at competitions may meet numerous project-based activities, i.e. whether they have sufficient capacity and that they are not applying only to start operating

**Denis Kolundžija** explained that organizations must have permanent members, who should provide some evidence on their activities fulfilled in the period prior to the competition. He added that regardless of their background, commission members should have certain credibility and certain right to veto on the choice of project. In the end, he concluded that in most cases members of such commission do not even determine which project will be selected, but that they probably already know in advance which project they will have to select.

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