[EE] Two New Legal Acts in the Media Field

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In December 2010 two new legal Acts in the media field were adopted by the Estonian Parliament.

First, the Media Services Act replaces the old Broadcasting Act and reconciles Estonian media regulation with the Audiovisual Media Services Directive (AVMSD). Following the spirit of the AVMSD, the Media Services Act in principle takes a more liberal approach to advertising restrictions, while the broadcasting licensing procedure is also simplified. Regarding media regulation, the Media Act encourages a self-regulation model. Only if self-regulation fails, are executive powers invited to exercise their regulatory power. Despite the fact that the AVMSD emphasises the importance of the existence of an independent regulatory body, such a body was not established.

The second legal Act in the media field is the Law of Protection of Source of Information (LPSI). This was actually an amendment of several existing legal acts: the Media Act, the Law of Criminal Procedure, the Code of Civil Procedure and the Law of Obligations Act. LPSI provides principles of information source protection in judicial proceedings. Before LPSI was adopted, the protection of sources of information was established only in broadcasting, while now all media are covered. When the draft of the Act was discussed, a heated debate arose between stakeholders over the provision supplying the courts with so-called preventive tools which can be used “were there is a need to influence the person who caused damage (tortfeasor) in order to restrain him from causing further damage while taking into account his financial situation”. The article itself is targeted at avoiding the dissemination of defamatory material and protecting the honour and dignity of persons, but some actors interpreted it as a possible tool for the restriction of freedom of speech. Conflict between the regulator and main media houses has been so strong that the Estonian President, who proclaimed this act, was given the title of “Enemy of the Press 2010” by the media.

Meediateenuste seadus. RT I, 06.01.2011, 1

https://www.riigiteataja.ee/akt/106012011001

Media Services Act, Official Journal RT I, 6 January 2011, 1

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Ringhäälinguseaduse, kriminaalmenetluse seadustiku, tsiviilkohtumenetluse seadustiku ja võlaõigusseaduse muutmise seadus (Allikakaitseseadus), RT I, 21.12.2010, 1

https://www.riigiteataja.ee/akt/121122010001

Amendment to the Media Act, the Law of Criminal Procedure, to the Code of Civil Procedure and to the Law of Obligations Act (Information Source Protection Act), RT I, 21 December 2010, 1

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