

Issuer:	Riigikogu
Type:	act
In force from:	28.06.2022
In force until:	In force
Translation published:	14.06.2022

# Media Services Act<sup>1</sup>

Passed 16.12.2010

RT I, 06.01.2011, 1

Entry into force 16.01.2011, in part 01.07.2011

Amended by the following acts

Passed	Published	Entry into force
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; entry into force postponed to 01.07.2014 [RT I, 22.12.2013, 1]
04.04.2012	RT I, 25.04.2012, 1	01.06.2012
22.05.2013	RT I, 11.06.2013, 1	01.07.2013, in part 01.01.2014; the words “the Ministry of Culture” have been replaced by the words “the Technical Surveillance Authority” throughout out the text; entry into force postponed in part to 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 4 of § 107 <sup>3</sup> of the Government of the Republic Act.
11.02.2015	RT I, 04.03.2015, 3	01.06.2015
21.11.2018	RT I, 12.12.2018, 3	01.01.2019, the words “Consumer Protection and Technical Regulatory Authority” have been replaced by the words “Consumer Protection and Technical Regulatory Authority” throughout out the text.
16.02.2022	RT I, 27.02.2022, 1	09.03.2022, in part 01.01.2026
30.05.2022	RT I, 15.06.2022, 1	28.06.2022

## Chapter 1 General Provisions

### § 1. Scope of application

The Media Services Act provides for:

1) the procedure and principles for provision of audiovisual media services and radio services (hereinafter together media services) and the requirements for providers of media services;

1<sup>1</sup>) the procedure for maintaining a video-sharing platform, the operating principles and requirements for a video-sharing platform operator;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

2) the procedure for issue of activity licences for provision of television and radio services to legal persons in private law (hereinafter also *television licence* and *radio licence*) and the procedure for notification of the provision of on-demand audiovisual media services and operation of a video-sharing platform;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

3) the principles of protection of a person who has provided information to a person processing information for journalistic purposes (hereinafter source of information).

4) the person responsible for the promotion of media literacy;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

5) the organization of state supervision and liability for violation of the law.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## § 2. Application of Act

(1) This Act shall be applied to the provider of media services if:

1) the provider of media services has its head office in Estonia and the editorial decisions about the media service are taken in Estonia;

2) a significant part of the programme-related workforce involved in the pursuit of the media service activity and the directing body of the media service provider are located in Estonia but editorial decisions on the media service are taken in another Member State of the European Union or in a state which has joined the European Convention on Transfrontier Television (hereinafter together *a Member State or a State Party to the Convention*);

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

2<sup>1</sup>) a significant part of the programme-related workforce involved in the pursuit of the media service activity are located in Estonia and editorial decisions on the media service are taken in Estonia but the directing body of the media service provider is located in in another Member State or a State Party to the Convention);

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

3) the directing body of the media service provider is located in Estonia but a significant part of the programme-related workforce involved in the pursuit of the programme-related media service activity operates in several Member States or States Party to the Convention

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

4) a significant part of the programme-related workforce involved in the pursuit of the media service activity does not operate in several Member States or States Party to the Convention but the media service provider first began its activity in Estonian in accordance with the Estonian law and a significant part of their economic activities is permanently and actually carried out in Estonia or is significantly related to Estonia;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

5) the directing body of the media service provider is located in Estonia but the editorial decisions on the media service are taken in a third country or to the contrary, but a significant part of the programme-related workforce involved in the pursuit of the media service operates in Estonia.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) This Act shall be applied to the media service provider with regard to whom the provisions of subsection 1 of this section may not be applied provided that the media service provider uses the satellite communications control centre located in Estonia or the satellite frequency resource appertaining to Estonia.

(3) Where subsection 1 or 2 of this section may not be applied to the media service provider, the location of the media service provider is established in accordance with Articles 49–55 of the Treaty on the Functioning of the European Union.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3<sup>1</sup>) The provisions of this Act concerning a media service provider related to a State Party to the European Convention on Transfrontier Television only to a television service provider.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(4) This Act is applied to the Estonian Public Broadcasting in so far as the Estonian Public Broadcasting Act does not provide for otherwise. Other persons processing information for journalistic purposes who are not referred to in subsections 1–3 of this section, are only applied § 15 of this Act. The electronic communications undertaking providing retransmission of media service is applied §§ 51, 55 and 56 of this Act.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(5) The requirements provided for in §§ 8, 10–12, 14, 20 and 22–24 of this Act are applied to those audiovisual media service providers whose services are exclusively intended for reception in the third countries and are not directly or indirectly available to the public by means of publicly available reception equipment in one or several Member States or States Party to the Convention

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(6) The provisions of this Act concerning video-sharing platforms apply to the video-sharing platform operator:

1) that is established in Estonia;

2) whose parent undertaking is established in Estonia;

3) whose subsidiary is established in Estonia and the parent undertaking is not established in a Member State of the European Union;

4) that belongs to a group of undertakings the other undertaking of which is established in Estonia and the parent undertaking and subsidiary are not established in a Member State of the European Union;

5) whose subsidiary has first commenced operations in Estonia in accordance with the Estonian law, before its other subsidiaries have commenced operations in another Member State of the European Union, a significant

part of its economic activities is permanently and actually taking place in Estonia or is significantly related to Estonia and the parent undertaking is not established in a Member State of the European Union;

6) that belongs to a group of undertakings the other undertaking of which has commenced its activities first in Estonia in accordance with the Estonian law, before other undertakings of the same group have commenced their activities in another Member State of the European Union; a significant part of its economic activities is permanently and actually taking place in Estonia or is significantly related to Estonia and the parent undertaking and subsidiary are not established in a Member State of the European Union;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(7) For the purposes of this Act, a group of undertakings consists of the parent undertaking, all its subsidiaries and all other undertakings which have economic and legal organizational links with them.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 3. Application of Administrative Procedure Act**

The provisions of the Administrative Procedure Act shall apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

### **§ 3<sup>1</sup>. Application of the Information Society Services Act**

The provisions of the Information Society Services Act apply to the video-sharing platform operator specified in subsection 6 of § 2 of this Act, taking into account the specifications provided for in this Act.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 4. Media service**

(1) Audiovisual media service means a media service or a dissociable section thereof that is provided under the editorial responsibility of the audiovisual media service provider with the main purpose to provide, under the editorial responsibility of a media service provider, informative, educational or entertaining programmes to the general public by means of electronic communications networks. Audiovisual media services are:

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

1) television service which is provided on the basis of the programme schedule for simultaneous viewing of programmes. Television services are, in particular, a television programme, a television programme service and a commercial communications .

2) on-demand audiovisual media service which is provided for the viewing of programmes at the moment chosen by the user at his or her individual choice and request on the basis of a catalogue of programmes;

3) audiovisual commercial communication which is, in particular, television advertising, sponsorship announcements, teleshopping and product placement;

4) [Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) Radio service is a media service that is provided under the editorial responsibility of the radio service provider on the basis of the catalogue of programmes for the simultaneous listening of programmes with the main purpose to provide informative, educational and entertaining programmes to the general public through electronic communications network. Radio services are primarily a radio programme, a radio programme service and a commercial communication.

### **§ 4<sup>1</sup>. Video-sharing platform**

A video-sharing platform means an information society service within the meaning of the Information Society Services Act or a dissociable section thereof, where the main purpose of or an essential functionality of the service is to provide, to the general public through electronic communications networks, informative, educational or entertaining programmes, user-generated videos or both, for which the video-sharing platform operator does not have editorial responsibility and the organisation of which is determined by the video-sharing platform operator, including by automatic means or algorithms, in particular by displaying, tagging and sequencing of content.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 5. Media service provider**

A media service provider is a legal or natural person that provides television, on-demand audiovisual media or radio service, has editorial responsibility for the choice of the content of the media service and determines the sequence of its presentation and the manner of transmitting thereof.

### **§ 5<sup>1</sup>. Video-sharing platform operator**

A video-sharing platform operator may be a legal or natural person.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 6. Editorial responsibility and editorial decisions**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(1) Editorial responsibility means the exercise of control both over the selection, content and structure of the programmes and over their organisation either in a programme service or a programme catalogue.

(2) Editorial decision means a decision which is taken on a regular basis for the purpose of exercising editorial responsibility and which is linked to the day-to-day provision of media service.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 7. Programme, programme service, programme catalogue and user-generated video**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(1) Programme means a time-limited set of moving images with or without sound, irrespective of its length, or only a time-limited set of sound that forms a separate part of a programme service or a programme catalogue.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) A programme service is a set of programmes deliberately arranged by a television and radio service provider, which is transmitted on a regular basis and the structure of which is expressed in the programme schedule. A programme service has its own name.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) A programme catalogue is a list of programmes provided by a provider of on-demand audiovisual media service and under the editorial responsibility thereof.

(4) A user-generated video means a time-limited set of moving images with or without sound, irrespective of its length, that is created by a user and uploaded to a video-sharing platform by that user or any other user.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 8. Programme structure**

(1) A television and radio service provider shall reserve at least two per cent of the daily transmission time of the programme service on at least five days a week for the transmission of self-produced news programmes, except in the programme service of national holidays. A self-produced news programme is also deemed to be such a news programme that includes the news produced by at least two different news producers.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) A television service provider shall reserve at least ten per cent of the monthly transmission time of a television programme service for transmission of own production, deducting the transmission time allocated for the news, sports events and games programmes as well as for advertising, teletext services and teleshopping. A television service provider shall transmit at least 50 per cent of the minimum capacity of own production during prime time between 19.00 and 23.00.

(3) A television service provider shall reserve at least 51 per cent of the annual capacity of the television programme service for transmission of audiovisual works of European origin, deducting the transmission time allocated for the news, sports events and games programmes, as well as for advertising, teleshopping and teletext services.

(4) A television service provider shall reserve at least ten per cent of the annual transmission time of the television programme service for transmission of such audiovisual works of European origin that have been created by the producers that are independent of this television service provider, deducting the transmission time allocated for the programmes including the news, sports events and games as well as advertising, teleshopping and teletext services. The said works shall include the works that have been produced less than five years ago.

(5) Upon application of the requirements provided for in subsections 1 and 2 of this section derogations may be made from the conditions of the international television licence or a television licence granted for the transmission of predominantly music, sports events, movies or other thematic programme services television service at the justified request of the applicant for the licence or holder thereof where the application of the specified requirements would be unreasonable in view of the nature of the programme service and the main target groups.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

<sup>51)</sup> Upon application of a requirement provided for in subsection 1 of this section a derogation may be made from the conditions of the radio licence at the reasoned request of the applicant for the licence or a holder thereof, where the application of the specified requirements would be unreasonable in view of the nature of the programme service and the main target groups and on condition that upon making a derogation the need to ensure diversity of services is taken into account. A derogation in the conditions of a national radio licence may be granted only if a predominantly music or other thematic programme service is transmitted..

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(5<sup>2</sup>) Subsections 1 and 2 of this section are not applied to the television service provider the weekly volume of whose programme service is less than 28 hours.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(6) Television programme services that transmit only television advertising and teleshopping or only self-promotion shall not be applied the requirements provided for in subsections 1–4 of this section.  
[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

(7) The requirements provided for in subsections 3 and 4 of this section are not applied to the television programme services that are intended for local viewers and are transmitted on the basis of the regional television licence.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(8) The requirements provided for in subsections 1–4 of this section are not applied to the programme services that are transmitted on the basis of a temporary television or radio licence.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(9) [Repealed – RT I, 11.06.2013, 1 – entry into force 01.07.2013]

(10) Each year by 15 February a television service provider shall submit to the Consumer Protection and Technical Regulatory Authority the data for the previous calendar year concerning the compliance with the requirements specified in subsections 1–4 of this section.  
[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

## **§ 9. Weekly transmission time of radio programme service**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]  
The weekly transmission time of a radio programme service must make up at least:  
84 hours.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 10. Own production**

Own production means a programme or programme service that is produced by an audiovisual media service provider itself or in co-operation with a producer from a Member State of the European Union or is ordered from an independent European producer that concerns the present of Estonia or the cultural heritage thereof.

## **§ 11. Audiovisual works of European origin**

(1) An audiovisual work of the European origin (hereinafter European work) is:  
1) a work originating in a Member State of the European Union;  
2) a work originating in a European third State Party to the European Convention on Transfrontier Television;  
3) a work which is co-produced within the framework of an agreement of cooperation concluded between a Member State of the European Union and a third state and is fulfilling the conditions specified in the agreement.

(2) A work originating in a Member State of the European Union or a third State Party to the European Convention on Transfrontier Television that has been mainly made in cooperation with the authors and workers residing in one or more of the States referred to is a European work provided that the work complies with one of the following conditions:

- 1) a work has been made by at least one producer established in at least one of the states referred to;
- 2) the production of the work is organised and controlled by one or more producers established in one or more of the states referred to;
- 3) the contribution of co-producers of those States to the total co-production costs is preponderant and the co-production is not controlled by any of the producers established outside those States.

(3) Application of clauses 2 and 3 of subsection 1 of this section shall be conditional on works originating in Member States of the European Union not being subject to discriminatory measures in the third country concerned.

(4) Works that are not European works within the meaning of subsection 1 of this section but are produced within the framework of a bilateral co-production agreement concluded between a Member State of the European Union and a third state shall be deemed to be European works provided that the co-producers from a Member State of the European Union supply a majority share of the total cost of production and the production is not controlled by any of the producers established outside the territory of the Member States of the European Union.

## **§ 12. European independent producer**

A European independent producer is:

- 1) a producer that holds the majority of shares or the majority of votes determined by the shares of a legal or natural person of a Member State or State Party to the Convention;
- 2) a producer whose copyrights or the rights related to the copyrights for the production transferred on the basis of the law or agreement are held by a legal or natural person of a Member State or State Party to the Convention;
- 3) a producer that has produced own audiovisual production for at least two audiovisual media providers during the last two years.

## **Chapter 2**

### **Principles of Action of Media Service Provider and Video-sharing Platform**

[RT I, 27.02.2022, 1 - entry into force 09.03.2022]

## **§ 13. Freedom of activity**

(1) A media service provider has a right to decide freely on the content and placement of their programme and programme service or programme catalogue in accordance with the law and the conditions of the television and radio licence.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) The court may prohibit the transmission of a programme or part of it in the pending court cases on the bases and in the procedure prescribed by law.

## **§ 14. Political balance during active election campaigning**

If a television and radio service provider supplies transmission time for a party or a political movement to introduce its positions, the other party or political movement shall be granted, at their written request, an equal opportunity to speak without unreasonable delay during active election campaigning in the elections of the European Parliament, the Riigikogu or local governments councils.

## **§ 15. Protection of source of information**

(1) A person who is processing information for journalistic purposes shall have the right not to disclose the information that would enable identification of the source of information.

(2) A person who is processing information for journalistic purposes shall have no right, without the consent of the source of information, to disclose the information that would enable identification of the source of information.

(3) The obligation provided for in subsection 2 of this section shall not apply if the source of information has knowingly provided false information to the person processing information for journalistic purposes.

(4) Subsections 1–3 of this section shall be applied to a person who is professionally exposed to information that enables identification of the source of information of a person who is processing information for journalistic purposes.

(5) It is prohibited to use direct or indirect influence, to identify the source of information, on a person who is processing information for journalistic purposes or a person who is professionally exposed to information that enables identification of the source of information of the person who is processing information for journalistic purposes.

(6) A person who is processing information for journalistic purposes and a person who is professionally exposed to information that enables identification of the source of information of a person who is processing information for journalistic purposes are obliged to submit this information pursuant to the conditions and in the procedure provided for in the Code of Criminal Procedure.

## **§ 16. Public information about media service provider**

(1) An audiovisual media service provider makes clearly and consistently accessible on the web page at least the following information about oneself:

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

- 1) name;
- 2) postal address;
- 3) contact information, including the e-mail address or the web page address;
- 4) name and contact information of the executive producer;
- 4<sup>1</sup>) the ownership structure, including the name of the beneficial owner, the personal identification code and the country of the personal identification code, in the absence of the personal identification code, the time and

place of birth and the country of residence, as well as information concerning the manner of verification of the person;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

5) a reference to the contact information of the Consumer Protection and Technical Regulatory Authority as the state supervisory authority;

6) the belonging under the Estonian jurisdiction.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) The name of the television programme service transmitted by the television service provider is disclosed in the television programme service at the time chosen by the provider for at least 12 times during the transmission day, also the titles of at least the programmes on the schedule in the television programme service of the same day are noted in the electronic programme guide.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) The radio service provider discloses about itself clearly at least the following information:

1) in the radio programme service – name, contact information, including the e-mail or web page address for at least four times during the transmission day;

2) on the web page – the name and postal address, email address, the name and contact information of the executive producer and a reference to the contact information of the Consumer Protection and Technical Regulatory Authority as the executor of state supervision.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 17. Executive producer**

(1) The media service provider assigns the executive producer for the programme service or the programme catalogue to be transmitted.

(2) The executive producer shall guarantee that the transmitted programme service or the programme catalogue complies with this act and the good journalism practice and pursues the principles of freedom of expression.

(3) The media service provider shall keep a list of executive producers for one year as of the date of transmission of the programme in the programme service or as of the termination of the placement of the programme in the programme catalogue.

## **§ 18. Transmission of emergency announcements**

(1) A television and radio service provider transmits immediately and without charge in all their television and radio programme services:

1) official announcements of the Riigikogu, the President of the Republic and the Government of the Republic in the event of the threat to the national security or constitutional order;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

2) information that is necessary to protect human lives, health and security or to prevent material damage or danger to them as well as for prevention of environmental damage or for reduction thereof.

(2) The television service provider transmits emergency announcements in a manner that is accessible to people with disabilities.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 19. Protection of minors and ensuring morality and legality upon provision of media services**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

1) Upon provision of media services it is prohibited:

1) to incite hatred, violence or discrimination on the grounds of any group identity, including nationality, sex, race, colour, ethnic or social origin, genetic characteristics, language, religion, political beliefs, belonging to a national minority, financial status, birth, disability, age or sexual orientation, where it poses a threat to the life, health or property of the person.

2) undermine law-abiding behaviour, or

3) incite for violation of law.

(2) The television or radio service provider must not transmit the programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or promote violence or cruelty for the purposes of subsection 2 of § 1 of the Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty.

(3) The programmes which by showing scenes of indecent content, violence or cruelty or unlawful conduct are likely to impair the physical, mental or moral development of minors and are improper for their age must not be transmitted by a television or radio service provider in the period from 6.00 and 22.00.

(4) Upon transmission of a programme specified in subsection 3 of this section or unsuitable for some age group of minors, a warning must be presented before the programme in a manner understandable to the viewer or listener stating that the subsequent program is unsuitable for minors, and a relevant symbol about the unsuitability of this programme to the minors or some age groups of the minors must be seen on the screen during the whole programme.

(5) The requirements provided for in subsections 2–4 of this section are not applied if the audiovisual media service provider ensures that such programs can be received by means of personal identification codes or other appropriate technical solutions only in a manner that is not normally accessible to minors

(6) If a programme or programme catalogue contains programmes the content of which complies with the conditions provided for in subsection 2 or 3 of this section, the media service provider must not, when introducing the specified programmes in its programme service or programme catalogue, present the episodes of the programme that caused the restriction nor highlight these extracts in the programme.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 19<sup>1</sup>. Protection of minors and ensuring morality and legality on video-sharing platform**

(1) The video-sharing platform operator prescribes in the terms of use of the service that in the video-sharing platform it is prohibited to transmit such programs, user-generated videos and commercial communication which:

- 1) incite to hatred, violence or discrimination on the grounds of any group identity, including nationality, sex, race, colour, ethnic or social origin, genetic characteristics, language, religion, political beliefs, belonging to a national minority, financial status, birth, disability, age or sexual orientation, where it poses a threat to the life, health or property of a person;
- 2) incite for violation of law, or
- 3) depict child pornography.

(2) The video-sharing platform operator prescribes in the terms of use of the service that at the beginning of such programme, user-generated video and commercial communication that may impair the physical, mental or moral development of minors, a warning must be presented in a manner understandable to the viewer stating that the subsequent program is unsuitable for minors, and a relevant symbol about the unsuitability of this programme to minors or some age groups of minors must be seen on the screen during the whole programme, video or commercial communication.

(3) The video-sharing platform operator must ensure the technical application by means of which service users can easily notify the operator of the programmes specified in subsections 1 and 2 of this section, user-generated videos and commercial communications.

(4) If the operator of a video-sharing platform is aware of a programme, user-generated video or commercial communication specified in subsection 1 of this section, they immediately remove the programme, video or commercial communication from the video-sharing platform or block access thereto.

(5) If the video sharing platform operator is aware of a programme, user-generated video or commercial communication that may impair the physical, mental or moral development of minors, the operator immediately adds a warning and symbol pursuant to subsection 2 of this section to the programme, video or commercial communication in the absence thereof or ensures that this program, video or commercial communication is received by means of personal identification codes or other appropriate technical solutions only in a manner that would not normally be accessible to a minor.

(6) The video-sharing platform operator establishes a procedure for the transparent, easy-to-use and effective processing and resolution of complaints filed against the operator by users of service in connection with the implementation of subsections 4 and 5 of this section.

(7) If a user of a video-sharing platform finds that the user's rights are violated upon implementation of subsection 4 or 5 of this section, the user has the right to file a complaint with the Consumer Protection and Technical Regulatory Authority. The complaint is resolved pursuant to the procedure provided for in § 56<sup>1</sup> of this Act.

[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

### **§ 19<sup>2</sup>. Protection of personal data of minors**

The media service provider and the video-sharing platform operator must not process personal data of minors collected or otherwise obtained in the course of using technical measures specified in subsection 5 of § 19 and subsection 5 of § 19<sup>1</sup> of this Act for commercial purposes, such as direct marketing, profile analysis or behavioural advertising.

[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]



## **§ 20. Right of reply**

(1) Each natural or legal person, irrespective of the citizenship or location, whose legal rights, particularly reputation, have been damaged by the incorrect presentation of facts in the television or radio service, shall have the right of reply or to apply for implementation of other equivalent remedies that are in accordance with the legislation.

(2) A television or radio service provider ensures the opportunity to submit an objection or the implementation of other equivalent remedies and does not cause difficulties by setting unreasonable deadlines or conditions. A written notice of intention for the objection must be submitted to the television or radio service provider within 30 days as of the transmission of the programme that caused the request. The television or radio service provider transmits the objection free of charge in the same programme service within 30 days as of the receipt of the reasoned request.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) The request for reply may be rejected if the reply is not justified and the request includes a punishable act, or if satisfaction of the request would lead to civil liability for the television or radio service provider, or if generally accepted moral standards would be neglected by satisfaction of the request.

## **§ 21. Obligation to preserve programmes**

(1) A television and radio service provider shall guarantee recording of the transmitted programmes.

(2) The holder of a regional or national television or radio licence and the holder of a temporary television or radio licence preserves recordings within at least 30 days as of the time of the transmission of the programme service.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2<sup>1</sup>) The holder of an international television licence or radio licence preserves recordings within at least 90 days as of the time of the transmission of the programme service.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) The court may impose a longer period for the preservation of a specific recording in pending court cases.

## **§ 22. Self-regulation**

(1) Persons involved in the pursuit of the media service and video-sharing activity may create on their own initiative a system the parties to which define voluntarily common recommendations and rules, establishing content requirements as a code of conduct with the purpose of regulating the activities in the area and identify good and bad practice.

(2) The code of conduct specified in subsection 1 of this section must be widely accepted among main interest groups, describe its objectives clearly and unambiguously, provide for regular, transparent and independent monitoring of the compliance with the established objectives, and set out the procedures for compliance with the established rules and the liability of the parties for violation of the rules.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 23. Access of persons with disabilities to audiovisual media services**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(1) An audiovisual media service provider makes gradually its service accessible through proportionate measures to persons with disabilities, using for that purpose subtitles, sign language translation, descriptive translation, separate audio channels, teletext and other additional services that enable the persons with disabilities to use the service provided.

(1<sup>1</sup>) The minister in charge of the policy sector establishes by a regulation more specific requirements for the accessibility of audiovisual media services and the terms for the compliance with them, including:

1) the minimum volume of programmes in Estonian provided with subtitles and of programmes provided with sign language translation, descriptive translation and audio subtitles in a programme service or programme catalogue;

2) the requirements for selectability of subtitles and audio subtitles.

[RT I, 27.02.2022, 1 – entry into force 28.06.2025, entry into force amended [RT I, 15.06.2022, 1]

(2) An audiovisual media service provider prepares an accessibility action plan which includes a description of the activities for the improvement of access to services for persons with disabilities planned for the current

calendar year and the subsequent three years and the time of implementation and plans the resources needed to carry out the activities.

(3) An audiovisual media service provider submits the accessibility action plan specified in subsection 2 of this section and information about the performance of the action plan in the calendar year preceding the submission of information to the Consumer Protection and Technical Regulatory Authority by 15 February each year.

(4) The online single point of contact for the submission of information and complaints related to accessibility issues referred to in this section is the Consumer Protection and Technical Regulatory Authority within the meaning of subsection 4 of Article 7 of Directive 2010/13 / EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ L 95, 15.4.2010, pp. 1–24), as amended by Directive (EU) 2018/1808 (OJ L 303, 28.11.2018, pp. 69–92) (hereinafter the Audiovisual Media Services Directive),

(5) Subsections 2 and 3 of this section do not apply to the holder of a temporary television licence.  
[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

#### **§ 24. Promotion of production and accessibility of European works by audiovisual on-demand media service provider**

(1) An on-demand audiovisual media service provider ensures that at least 30% of the programmes in its programme catalogue are European works and highlights them, including those produced during last five years, together with their country of origin and year of completion.  
[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

(1<sup>1</sup>) An on-demand audiovisual media service provider highlights the works that are in compliance with the features of own production in the programme catalogue together with their year of completion.  
[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

(1<sup>2</sup>) If an on-demand audiovisual media service provider offers different programme catalogues in the Member States of the European Union, the requirement provided for in subsection 1 of this section must be met for all such programme catalogues.  
[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

(2) An on-demand audiovisual media services provider submits to the Consumer Protection and Technical Regulatory Authority, by 15 February each year, information concerning compliance with the requirements provided for in subsections 1–1<sup>2</sup> of this section in the calendar year preceding the submission of information.  
[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

(3) Subsections 1–2 of this section do not apply to an on-demand audiovisual media services provider who meets at least one of the following conditions:

- 1) the on-demand audiovisual media service provider has on average fewer than ten employees per financial year and the annual balance sheet total or annual turnover does not exceed two million euros, taking into account the definition of a micro-enterprise in Commission Recommendation 2003/361/EC concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.05.2003, pp. 36–41);
  - 2) the average number of users of the on-demand audiovisual media services per year remains lower than one per cent of all users of the on-demand audiovisual media services of the country of destination of the service;
  - 3) the on-demand audiovisual media service provider offers a thematic programme catalogue with regard to which the application of subsection 1 of this section would be clearly unreasonable.
- [RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

## **Chapter 3 Commercial Communications**

#### **§ 25. Commercial communications**

(1) A commercial communication is information presented by a sound or image that is intended for direct or indirect introduction of goods or services, self-promotion or promotion of image of a natural or legal person engaged in economic activities and accompanies the programme or user-generated video or is added thereto in return for payment or other similar consideration.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) A commercial communication broadcast by a media service provider shall be clearly recognizable and distinguishable from the other part of the programme service.

(2<sup>1</sup>) Commercial communications marketed, sold or organized by a video-sharing platform operator must be clearly recognizable and distinguishable from programmes and user-generated videos.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) The requirements set out for advertising in the provisions of the Advertising Act and other acts apply to commercial communications.

## **§ 26. Surreptitious commercial communication**

(1) A surreptitious commercial communication means the representation of goods, services, name, trademark or the activities of a producer of goods or provider of services in a programme in words or pictures if such representation is intended by the media service provider to serve as advertising and might mislead the public as to its nature. Such representation shall be considered as intentional, in particular if it is done in return for payment or other similar consideration.

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

(2) Transmission of a surreptitious commercial communication is prohibited.

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

(3) The provisions of subsection 2 of this section are also applied to the commercial communications marketed, sold or organised by a video-sharing platform operator.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 27. Code of conduct for transmission of audiovisual commercial communications in children's programmes and user-generated videos targeted at children**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(1) Persons engaged in the field of media services and video-sharing activities may establish a code of conduct by means of self-regulation with regard to inappropriate audiovisual commercial communications transmitted in children's programmes or user-generated videos targeted at children or during them, where foods and beverages are introduced containing nutrients and substances with a nutritional or physiological effect, in particular fat, trans-fatty acids, salt, sodium and sugar, the excessive intake of which is not recommended for children.

(2) If persons operating in the field of media services and video-sharing have not established the code of conduct specified in subsection 1 of this section by self-regulation or it has not proved to be sufficiently effective, the requirements for audiovisual commercial communications introducing food and drinks in the children's programs or user-generated videos targeted at children or during them are established by a regulation of the minister in charge of the policy sector.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 28. Television and radio advertising and teleshopping**

(1) Television and radio advertising means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a legal or natural person in connection with economic or professional activities with a view to the supply of goods or services, including immovable property and rights and obligations, in return for payment.

(2) Teleshopping means direct offers broadcast to the public in a television or radio programme service with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.

(3) Television and radio advertising and teleshopping shall be readily recognisable and distinguishable from programmes and other parts of the programme by visual or acoustic signs or spatial means, taking account of making use of the opportunities arising from advertising techniques.

(4) A television service provider transmits television advertising and teleshopping by spot blocks without compromising the integrity of the programmes, taking into account the natural breaks, duration and format of the program and the rights of the holders of the rights. Isolated advertising and teleshopping spots are permitted in sports broadcasts or where they are transmitted under the conditions provided for in subsections 5–7 of this section.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(5) The broadcasts of news programmes, films made for the cinema and television, excluding series and serials and documentaries, may be interrupted by television advertising or teleshopping once for each scheduled period of at least thirty minutes.

(6) Children's programmes may be interrupted for television and radio advertising once for each scheduled period of at least 30 minutes, provided that the programme is longer than 30 minutes.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(6<sup>1</sup>) Teleshopping is prohibited in children's programmes.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(7) No television and radio advertising or teleshopping shall be inserted during the programme including religious services.

(8) The requirements of this Act shall be applied to television programme services that broadcast only television advertising and teleshopping or only self-promotion, in so far as it is not in conflict with the nature of the transmitted television programme service.

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

(9) Television and radio advertising shall not include announcements in public interest and charity appeals broadcast by the television and radio service provider unless otherwise provided for in the law.

## **§ 29. Transmission time of television and radio advertising and teleshopping**

(1) The volume of television and radio advertising spots and teleshopping spots from 6.00 to 18.00 and from 18.00 to 24.00 must not exceed 20 per cent of these periods.

[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

(2) A teleshopping programme must last without interruption for at least 15 minutes.

(3) Subsection 1 of this section is not applied to:

- 1) announcements made by a television and radio service provider in connection with its programmes and ancillary products directly arising from such programmes or programmes and media services of other media service providers belonging to the same group;
- 2) teleshopping programmes;
- 3) sponsorship information;
- 4) product placement;
- 5) neutral spots between the content to be edited and television and radio advertising spots and teleshopping spots and between isolated advertisements.

[RT I, 27.02.2022, 1 – entry into force. 09.03.2022]

## **§ 30. Sponsorship**

(1) For the purposes of this Act sponsorship means any contribution made by a legal or natural person not engaged in providing media services or operation of a video-sharing platform or in the production of a user-generated video programme, to the financing of media service or a video-sharing platform or programme or a user-generated video with a purpose to promote their image or introducing their name, trade mark, activities or products.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) Sponsorship information is information transmitted by the media service provider about sponsorship in media services.

(3) A media service and programme that are sponsored meet the following requirements:

- 1) sponsorship shall not affect the editorial responsibility and independence of the media service provider;
- 2) sponsorship shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;
- 3) viewers shall be clearly informed of the existence of a sponsorship agreement;
- 4) information about sponsors shall be broadcast to the viewers in such manner that is clearly distinguishable from other forms of commercial communication.

(4) The Consumer Protection and Technical Regulatory Authority is entitled to obtain information from the media service provider about the sponsorship agreements in force in order to control the difference of the transmitted sponsorship information from other forms of commercial communication.

(5) A sponsored programme shall be clearly identified as such from other programme service by the name, logo or any other symbol of the sponsor, such as reference to its products or services or a distinguishing sign thereof, in an appropriate way for the programme at the beginning, during or at the end of the programme.

(6) Sponsorship information must be clearly distinguishable by the viewers from other forms of commercial communication.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(7) A media service or programme must not be sponsored by undertakings whose principal activity is the manufacture and sale of cigarettes and other tobacco products and products related to tobacco products.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(8) The sponsorship of audiovisual media services or programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking, but shall not promote prescription medicinal products or medical treatments available only by medical prescriptions.

(8<sup>1</sup>) A gambling operator may exhibit only the name and trade mark of the company in the sponsored audiovisual media service or programme. The conditions arising from subsection 9 of § 29<sup>2</sup> of the Advertising Act apply upon exhibiting the trade mark. Media service or programme may not be sponsored by a gambling operator without an operating permit for organisation of gambling issued in Estonia.  
[RT I, 04.03.2015, 3 – entry into force 01.06.2015]

(9) Sponsorship of the news and current affairs programmes shall be prohibited.

(10) The showing of a sponsorship logo during children's programmes and religious programmes shall be prohibited.

### **§ 31. Product placement**

(1) Product placement means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trademark thereof in a programme or a user-generated video in return for payment or for similar consideration.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) Product placement is prohibited:

- 1) in a news and political programme;
- 2) in a programme concerning consumer affairs;
- 3) in a programme with religious content;
- 4) in a children's programme.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) [Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(4) A programme containing product placement shall meet the following requirements:

- 1) product placement shall not affect the responsibility and editorial independence of the media service provider;
- 2) the programme shall not directly encourage the purchase or rental of goods or services, in particular, by making special promotional references to those goods or services;
- 3) in the programme they shall not give undue prominence to the product in question;
- 4) with the purpose of informing the viewers clearly and understandably of the existence of product placement, the programmes containing product placement shall be appropriately identified at the start and end of the programme, and when a programme resumes after an advertising break with a corresponding text or a common symbol agreed upon by means of self-regulation.

(5) [Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(6) Product placement shall be prohibited with regard to the following products:

- 1) cigarettes and other tobacco products and products related to tobacco products or goods of such undertakings whose principal activity is the production and sale of cigarettes and other tobacco products or products related to tobacco products;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

- 2) prescription medicinal products or medical treatments available only on a medical prescription.

(7) The requirement provided for in clause 4 of subsection 4 of this section shall not be applied to the programme that is produced by an undertaking located outside a Member State or a State Party to the Convention.

### **§ 31<sup>1</sup>. Commercial communications on video-sharing platform**

(1) The operator of a video-sharing platform prescribes in the terms of use of the service that commercial communications transmitted on the video-sharing platform must comply with the requirements established in this Act for commercial communications, including sponsorship and product placement, and in the requirements established for advertising in other Acts.

(2) The operator of a video-sharing platform ensures the existence of a technical application by means of which the users uploading videos are able to inform whether the video contains audiovisual commercial communications, in so far as they are aware thereof or can reasonably be expected to be aware thereof.

(3) The operator of a video-sharing platform explicitly informs the users if programmes and user-generated videos contain audiovisual commercial communications, provided that the operator is aware of commercial communications.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **Chapter 4**

# **Television and radio licences and notification obligation of on-demand audiovisual media service provider and video-sharing platform operator**

[RT I, 27.02.2022, 1 - entry into force 09.03.2022]

### **§ 32. Television licence and radio licence**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

Television or radio service may only be provided on the basis of the television or radio licence that is granted to a natural or legal person on the following conditions:

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

1) its programme service complies with the requirements provided for in this Act;

1<sup>1</sup>) it has submitted an appropriate application for activity licence;

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

1<sup>2</sup>) it has submitted data that certify the sustainability of the provision of service, except upon the provision of television and radio service on the basis of a temporary activity licence.

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

2) its activities do not cause violation of contractual obligations undertaken by the Republic of Estonia;

3) they are not connected through the dominant influence over the management to the undertaking that has been granted a television or radio licence and the grant of the activity licence may substantially damage the competition in the media services market, in particular through creation or reinforcement of the dominant position in the market.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 33. Types of television licence and conditions for granting**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(1) The following activity licences are granted for provision of television service:

1) a regional television licence in the media coverage area of one or several counties with a population of up to 50% of the population of Estonia;

2) a national television licence in the media coverage area with a population of over 50% of the population of Estonia.

3) an international television licence for transmission of television programme services targeted at a foreign state.

(2) Regional and national television licence is granted for up to ten years if the conditions specified in § 32 of this Act and the secondary conditions established on the basis of subsection 6 of § 40 are complied with.

(3) International television licence is granted for up to five years if the conditions specified in § 32 of this Act are met and the Consumer Protection and Technical Regulatory Authority has previously consulted the relevant authority in the destination country of the television programme service about whether the content of the proposed television programme service meets the requirements set in the destination country, in particular with regard to television advertising and the protection of the minors.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 34. Activity licence for provision of conditional access television services**

[Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 35. Types of radio licences and conditions for granting**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(1) The following activity licences are issued for the provision of radio services:

1) a regional radio licence in the media coverage area of one or several counties with a population of up to 50% of the population of Estonia;

2) a national radio licence in the media coverage area with a population of over 50% of the population of Estonia.

3) an international radio licence for transmission of radio programmes targeted at a foreign state.

(2) A radio licence is granted for up to seven years if the conditions specified in § 32 of this Act and the secondary conditions established on the basis of subsection 4 of § 40 of this Act are met and the applicant appeared to be the best bidder in the selection procedure.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 36. Activity licence for provision of satellite television service**

[Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 37. Temporary television and radio licences**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

A temporary television or radio licence is granted in the case where the conditions specified in section § 32 of this Act are met for the transmission of the programme service of a temporary nature for up to three months and the purpose of which is to reflect a particular event.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 38. Secondary conditions of activity licence**

[Repealed – RT I, 11.06.2013, 1 – entry into force 01.07.2013]

### **§ 39. Application for activity licence**

(1) The application for an activity licence shall be settled by the Consumer Protection and Technical Regulatory Authority.

(2) In addition to the information provided for in the General Part of the Code of Economic Activities Act, an application for an activity licence sets out the following information:

- 1) the type of the licence applied for;
- 2) a description of the programme service;
- 3) information on the coverage area of the transmitted programme service;
- 4) the name and contact details of the executive producer of the programme service;
- 5) upon application for a television licence, a reference to on the basis of which of the conditions provided for in clauses 1–5 of subsection 1 or subsection 2 of § 2 of this Act the applicant falls under the Estonian jurisdiction;

6) other information which is necessary to confirm the compliance of the activities of the bidder for a programme service with the conditions and secondary conditions of the activity licence.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) The characteristics of the programme service shall specify:

- 1) the organisation of the programme service;

1<sup>1</sup>) the name of the programme service;

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

1<sup>2</sup>) the starting date of transmitting the programme service;

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

2) the proportion in the programme service of the programmes produced by the applicant for the activity licence and other producers;

3) the main target audience of the programme service;

4) the daily amount in hours of the programme service;

5) the proportion of the musical works and verbal broadcasts, including the news programmes, in the programme service.

(4) An application for the television licence specifies, in addition, the proportion in the programme service of the films made for the cinema and television and documentaries, and of the children's, societal and light entertainment programmes.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(5) [Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(6) An application for activity licence shall be appended:

- 1) the investment programme and a business plan;

1<sup>1</sup>) the accessibility action plan specified in subsection 2 of § 23 of this Act upon application for a television licence;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

2) if the applicant is a legal person, a document certifying the legal powers of the representative of the applicant unless the authority arises from the law or the Articles of Association of the legal person;

3) the annual report for the year preceding the submission of the application if the applicant is a legal person that is not obliged to submit the annual report to the Business Register.

(6<sup>1</sup>) Clause 1<sup>1</sup> of subsection 6 of this section does not apply to an applicant for a temporary television licence.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(7) If the television licence is applied for, the application also includes the technical form of the transmission of the television programme service, such as terrestrial networks, cable networks, satellite networks or any other type of electronic communication for the purposes of the Electronic Communications Act.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(8) A state fee is paid for review of the application for the granting of or amendment of activity licence in correspondence with the rate provided for in the States Fees Act.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

#### **§ 40. Issue of activity licence**

(1) Director General of the Consumer Protection and Technical Regulatory Authority announces a public competition for the issue of a radio licence. The announcement of the competition, types and number of the activity licences to be issued, the final date for submission of the applications for activity licence and other conditions are announced on the web pages of the Ministry of Culture and the Consumer Protection and Technical Regulatory Authority.

(2) The Consumer Protection and Technical Regulatory Authority notifies the Ministry of Culture of the forthcoming competition for radio licence for at least two months before the announcement of the competition.

(3) A minimum volume in the programme service of the works of the Estonian authors and audiovisual works completed with the financial support of the Estonian state, the proportion of musical and verbal programmes in the programme service, the proportion of the news programmes, the volume in the programme service of programmes reflecting the life in the coverage area, the requirement for the coverage area, main target audience and the language of verbal broadcasts may be established as secondary conditions of regional and national television licence and radio licence in order to ensure the diversity of the services.

(4) The minister in charge of the policy sector decides on the existence of the need for secondary conditions to the radio licence. Where these are necessary the minister establishes, one month before the announcement of the competition for activity licence, the secondary conditions to the activity licence and the bases for their evaluation to establish the best bidder in the selection procedure.

(5) The Director General of the Consumer Protection and Technical Regulatory Authority makes the decision on the issue of, the refusal to issue the radio licence, or on the refusal to review the application, within three months as of the final date for submission of the applications for activity licences.

(6) The television licence and temporary television and radio licence is issued by the Director General of the Consumer Protection and Technical Regulatory Authority on the basis of the submitted application without announcing the competition. The Director General of the Consumer Protection and Technical Regulatory Authority may determine secondary conditions to regional and national television licence.

(7) The decision on the issue of, the refusal to issue the regional and national television licence and temporary television or radio licence, or on the refusal to review an application thereof, is made by the Director General of the Consumer Protection and Technical Regulatory Authority within one month as of the receipt of the application.

(8) The decision on the issue of and the refusal to issue the international television licence, or on the refusal to review the application therefor, is made by the Director General of the Consumer Protection and Technical Regulatory Authority within six months as of the receipt of the application.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

#### **§ 41. Committee**

The Director General of the Consumer Protection and Technical Regulatory Authority forms an Advisory Committee for evaluating the applications for radio licences, which includes the representatives of agencies and legal persons related to media services and experts in the field of media, including the representative of the Ministry of Culture. The composition and organisation of work of the committee is approved by the directive of the Director General of the Consumer Protection and Technical Regulatory Authority.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

**§ 42. [Repealed – RT I, 25.03.2011, 1– entry into force 01.07.2014 (entry into force postponed – RT I, 22.12.2013, 1)]**

#### **§ 43. Establishment of best bid in selection procedure**

(1) A radio licence for the issue of which a competition is organised is issued to the applicant who has made the best bid in the selection procedure.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) Upon selecting the best bidder evaluation is made of the compliance of the bid with the conditions specified in § 32 of this Act and with the secondary conditions established by the minister in charge of the policy sector



on the basis of subsection 4 of § 40 of this Act, in accordance with the bases for evaluation of secondary conditions.

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

#### **§ 44. Specification of refusal to issue activity licence**

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force postponed – RT I, 22.12.2013, 1)]

(1) The Director General of the Consumer Protection and Technical Regulatory Authority shall refuse to issue the activity licence if the proposed activity of the applicant is not in compliance with the conditions specified in § 32 of this Act or with the secondary conditions of the activity licence or the applicant did not appear to be the best bidder in the selection procedure.

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

(2) The Director General of the Consumer Protection and Technical Regulatory Authority may refuse to grant the international television licence where the television programme service to be transmitted on the basis of such licence would substantially violate the requirements in the target country, in particular with regard to television advertising and the protection of minors.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

#### **§ 45. Specification of revocation of activity licence**

The Director General of the Consumer Protection and Technical Regulatory Authority shall revoke the activity licence if the person set out on the activity licence has not transmitted the programme service that is in compliance with the conditions or secondary conditions of the activity licence for over one month.

[RT I, 11.06.2013, 1 – entry into force 01.07.2014 (entry into force postponed – RT I, 22.12.2013, 1)]

#### **§ 46. Suspension of activity licence for impossibility to transmit programme service due to absence of technical capability**

The Director General of the Consumer Protection and Technical Regulatory Authority may, upon the request of the holder, suspend the activity licence for transmission of the programme service for up to one month if material obstacles have become evident in the technical transmission of the programme service.

[RT I, 11.06.2013, 1 – entry into force 01.07.2013]

#### **§ 47. Notification obligation of on-demand audiovisual media service provider and video-sharing platform operator**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

1) A notification of economic activity is to be submitted for provision of on-demand audiovisual media service and for operating a video-sharing platform.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) In addition to the provisions of the General Part of the Economic Activities Code Act the on-demand audiovisual media service provider submits the following information in the notification:

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

1) the web page address of the service provider;

2) the name of the on-demand audiovisual media service and the specification of the service;

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

3) forms and coverage areas of the accessibility of the service;

4) name and contact information of the executive producer of the programme catalogue;

4<sup>1</sup>) a reference to on the basis of which of the conditions provided for in clauses 1–5 of subsection 1 or in subsection 2 of § 2 of this Act the applicant falls under the Estonian jurisdiction.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

5) [Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2<sup>1</sup>) The on-demand audiovisual media service provider adds the accessibility action plan specified in subsection 2 of § 23 of this Act to the notification.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2<sup>2</sup>) The video-sharing platform operator submits in the notification, in addition to the provisions of the General Part of the Economic Activities Code Act, the following information:

1) the web page address of the operator;

2) the name of the video-sharing platform and the specification of the service;

3) the name and contact data of the contact person;

4) a reference to on the basis of which of the conditions provided for in clauses 1–6 of subsection 6 of § 2 of this Act the applicant falls under the Estonian jurisdiction.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(3) The notification obligation provided for in this section shall only be performed through the Estonian information portal or notary.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014, applied from 1 July 2016.]

**§ 48. [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force postponed – RT I, 22.12.2013, 1)]**

## **Chapter 5**

### **Exclusive rights and transmission of short extracts**

#### **§ 49. Restriction on use of exclusive television broadcasting rights**

(1) A television service provider must not use the obtained television broadcasting rights on an exclusive basis in such a way as to deprive a substantial proportion of the population in another Member State or State Party to the Convention of the possibility of following, wholly or partially, by live coverage or deferred coverage, such events which are entered by those states on the list of events considered to be of major importance for society and duly approved pursuant to the requirements of the Directive of Audiovisual Media Services or by the European Convention on Transfrontier Television.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) A television service provider that has obtained the exclusive television broadcasting right for the events which are regarded as being of major importance for society shall ensure that for the purpose of short news reports, any television service provider established in a Member State or State Party to the Convention Community has access on a fair, reasonable and non-discriminatory basis to the event.

(3) If another television service provider established in the same state as the television service provider seeking access to the event of high interest to the public has acquired exclusive rights for television broadcast, access shall be sought from that television service provider established in the same state.

#### **§ 50. Transmission of short extracts**

(1) A television service provider that has not acquired exclusive television broadcasting rights to the event of high interest to the public is allowed to freely choose short extracts for the purposes of general news programmes from the signal of the transmitting television service provider holding exclusive rights, indicating their source.

(2) Upon using short extracts created on the basis of access acquired under the conditions specified in subsections 2 and 3 of § 49 of this Act, the following requirements shall be followed:

1) a short extract of an event may be used in a news programme for no longer than 90 seconds and the access to making a short extract shall, in general, comprise neither its longer recording nor broadcast;

2) a short extract created under such conditions may be used in the news programmes on the date of the event taking place and on the day following the event, with the identification of the television service provider from whom the short extract has been received;

3) a television service provider holding exclusive rights may demand that the user of a short extract shall first show the short extract in question in the news programme only after the television broadcast of the event has been delivered by the television service provider holding exclusive rights.

4) the conditions of further use of a short extract shall be fixed in the agreement between the television service provider holding exclusive rights and the television service provider using the short extract;

5) a television service provider holding exclusive television broadcasting rights to the event shall have the right to receive compensation for additional expenses directly connected with the ensuring of access to the event and signal for the television broadcast from the television service provider applying for the making of a short extract.

(3) Short extracts may be used in the on-demand audiovisual media service in general news programmes only if the programme is offered on a deferred basis by the on-demand audiovisual media service provider after the transmission of the news programme by the television service provider holding exclusive rights.

## **Chapter 6**

### **Freedom of reception and retransmission of media service**

#### **§ 51. Freedom of reception and retransmission of media service**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(1) The reception and retransmission of a media service originating from another state is not restricted, except in the cases provided for in this section.

(2) The Consumer Protection and Technical Regulatory Authority may issue a precept for the termination of the retransmission of an audiovisual media service from another Member State of the European Union under the following conditions:

- 1) an audiovisual media service originating from a Member State of the European Union has clearly, substantially and seriously violated the requirements provided for in § 19 of this Act for at least twice previously during the last year, damaged the health of population or posed a significant threat thereto or clearly, substantially and seriously violated the prohibition to incite an offence provided for in subsection 1 of § 19 at least once previously during the last year, including incitement to commit a terrorist offence, has damaged the security of the society, including the provision of national security and national defence, or has posed a significant threat to the security of society;
- 2) the Consumer Protection and Technical Regulatory Authority has notified in writing the supervisory body of the Member State of the European Union, the provider and the retransmitter of audiovisual media service and the European Commission of the violation specified in clause 1 of this subsection and of the right to issue a precept for the termination of retransmission;
- 3) the Consumer Protection and Technical Regulatory Authority has given the provider and the retransmitter of audiovisual media service the opportunity to submit their opinion and objections regarding the alleged violation;
- 4) in the event of violation of the requirements provided for in § 19 of this Act, damage to the health of the population or causing a significant threat thereto, consultations with the supervisory body of the relevant Member State of the European Union and the European Commission have not provided a satisfactory solution within one month as of the notification specified in clause 2 of this subsection.

(3) Where an audiovisual media service originating from a Member State of the European Union violates the prohibition to incite an offence provided for in subsection 1 of § 19 of this Act, including incitement to commit a terrorist offence, damages the security of the society, including the ensuring of national security and national defence, or poses a significant threat to the security of the society, in urgent cases the Consumer Protection and Technical Regulatory Authority may derogate from the conditions provided for in clauses 1–3 of subsection 2 of this section and issue a precept to the retransmitter of the audiovisual media service to terminate the retransmission within one month as of the violation.

(4) In the case provided for in subsection 3 of this section, the Consumer Protection and Technical Regulatory Authority immediately notifies the supervisory body of the Member State of the European Union and the European Commission of the precept to terminate retransmission, substantiating the urgency of the precept.

(5) The Consumer Protection and Technical Regulatory Authority waives the planned or already issued precept to terminate retransmission if the European Commission decides that the activities of Estonia on the basis of subsection 2 or 3 of this section are not in conformity with the European Union law.

(6) If an audiovisual media service from outside the European Union materially violates the requirements provided for in § 19 of this Act, damages the health of the population or the safety of the society, including ensuring national security and national defence, or poses a significant threat to the health of the population or the security of the society, the Consumer Protection and Technical Regulatory Authority may issue a precept to the retransmitter of the audiovisual media service to terminate the retransmission.

(7) If a retransmitter of a radio programme service originating from another state materially violates the requirements provided for in subsections 1–4 and 6 of § 19 of this Act, damages the health of the population or the security of the society, including ensuring national security and national defence, or poses a significant threat to the health of the population or the security of the society, the Consumer Protection and Technical Regulatory Authority may issue a precept to terminate the retransmission of the radio programme service.

(8) The retransmitter may provide in its service a television programme service or a programme catalogue for the transmission of which the authorisation or other legal basis of the country of location exists in accordance with the legislation of the country of location.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 52. Freedom of reception and retransmission of on-demand audiovisual media service**

[Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

# **Chapter 7**

## **Exchange of information with European Commission and supervisory body of Member State or State Party to Convention and mutual processing of requests in event of violation of requirements of destination country of audiovisual media service**

**§ 53. Exchange of information with European Commission and supervisory body of Member State or State Party to Convention**

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(1) The Consumer Protection and Technical Regulatory Authority is obliged to provide information to the European Commission and a supervisory body of a Member State of the European Union on the issues related to the implementation of this Act. They may provide information also to a supervisory body of a State Party to the Convention at their request.

(2) If the disclosure of information to the European Commission or a Member State or a supervisory body of a State Party to the Convention concerns the audiovisual media service provider or video-sharing platform operator under the Estonian jurisdiction, the Consumer Protection and Technical Regulatory Authority also informs the specified person of the disclosure of information.

(3) If a video-sharing platform operator belonging under the Estonian jurisdiction commences provision of a service which is wholly or to the main part targeted at the population of a Member State, the Consumer Protection and Technical Regulatory Authority notifies a supervisory body of the Member State thereof.

(4) Upon failure of the Consumer Protection and Technical Supervision Agency to reach an agreement with the supervisory body of a Member State of the European Union under whose jurisdiction the audiovisual media service provider or video-sharing platform operator falls, they immediately inform the European Commission thereof.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

**§ 53<sup>1</sup>. Mutual proceedings of requests in event of violation of requirements of destination country of audiovisual media service**

(1) Where a service of an audiovisual media service provider under the jurisdiction of a Member State of the European Union or a service of a television service provider under the jurisdiction of a State party to the European Convention on Transfrontier Television is targeted, wholly or in the main part, at the Estonian population and the audiovisual media service provider is established in another Member State or a State party to the Convention for the obvious purpose of circumventing the requirements provided for in this Act and regularly violates them, the Consumer Protection and Technical Regulatory Authority contacts the supervisory body of a Member State or a State party to the Convention in order to find a mutually satisfying solution.

(2) Where a mutually satisfying solution has not been found in the exchange of information provided for in subsection 1 of this section with a supervisory body of a Member State, the Consumer Protection and Technical Regulatory Authority has the right to apply to the European Commission for an assessment of whether the measures proposed by the Consumer Protection and Technical Regulatory Authority are justified, objectively necessary and non-discriminatory. The Consumer Protection and Technical Regulatory Authority notifies the supervisory body of the relevant Member State of the European Union of the inquiry.

(3) In the cases provided for in subsections 1 and 2 of this section, the Consumer Protection and Technical Regulatory Authority provides the supervisory body of a Member State of the European Union and the European Commission with evidence enabling to reasonably assess the fact whether the audiovisual media service provider is established in the relevant Member State of the European Union European Union Member State for the purpose of circumventing the requirements provided for in this Act.

(4) Where the European Commission has decided that the measures specified in subsection 2 of this section comply with the European Union law and the assessments of Estonia are relevant and sufficiently substantiated, the Consumer Protection and Technical Regulatory Authority may issue, as a derogation, to the retransmitter of the specified audiovisual media service, a precept to terminate the retransmission of a television programme service or programme catalogue.

(5) Before issuing a precept specified in subsection 4 of this section, the Consumer Protection and Technical Regulatory Authority gives the audiovisual media service provider and retransmitter the opportunity to submit their opinion and objections concerning circumvention of the requirements provided for by this Act.

(6) Where a supervisory body of a Member State of the European Union notifies the Consumer Protection and Technical Regulatory Authority of the fact that an audiovisual media service provider under the Estonian jurisdiction whose services are intended to be received, wholly or in the main part, in another Member State of the European Union, consistently and seriously violates the requirements provided for the provision of the media services in the specified state, the Consumer Protection and Technical Regulatory Authority has the right to issue, where necessary, a precept to the service provider to comply with the specified requirements. The Consumer Protection and Technical Regulatory Authority regularly notifies the supervisory body of the Member State of the European Union of the measures taken and the supervisory body of the Member State of the European Union and the European Commission of the results achieved within two months as of receiving the information. If the measures taken have not given results, the Consumer Protection and Technical Regulatory

Authority explains the reasons thereof to the supervisory body of the Member State of the European Union and the European Commission.

(7) The Consumer Protection and Technical Regulatory Authority has the right to notify the European Commission of the case specified in subsection 6 of this section if they do not agree with the information received from the supervisory body of a Member State of the European Union.

(8) The Consumer Protection and Technical Regulatory Authority processes all requests of a supervisory body of the Member State of the European Union without delay, but at the latest within two months as of the receipt of the request, unless another term is provided for in this Act.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **Chapter 7<sup>1</sup>**

### **Promotion of media literacy**

[RT I, 27.02.2022, 1 - entry into force 09.03.2022]

#### **§ 53<sup>2</sup>. Media literacy**

Media literacy means the skills, knowledge and understandings that enable to use the media effectively and safely.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

#### **§ 53<sup>3</sup>. Promotion of media literacy**

(1) The Ministry of Education and Research is responsible for the promotion of media literacy within the framework of the planning of the education policy of the state and the organization of the fields related thereto.

(2) The Ministry of Education and Research submits to the European Commission a report on the promotion of media literacy specified in the Audiovisual Media Services Directive.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **Chapter 8**

### **State supervision**

#### **§ 54. State supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) The Consumer Protection and Technical Regulatory Authority exercises state supervision over compliance with the requirements of this Act and legislation established on the basis thereof, except for compliance with the requirements provided for in §§ 15 and 19<sup>2</sup> of this Act.

(2) The Consumer Protection and Technical Regulatory Authority is an independent national supervisory body within the meaning of Article 30 (1) of the Audiovisual Media Services Directive.

(3) The Consumer Protection and Technical Regulatory Authority is independent upon the performance of its duties arising from this Act, except in the procedure of granting the radio licence to the extent arising from subsection 4 of § 40 of this Act, and acts in accordance with this Act, the objectives of the Audiovisual Media Services Directive and other legislation.

(4) In addition to the provisions of this Act given above, the Consumer Protection and Technical Regulatory Authority, as an independent state supervisory body, has the competence of:

- 1) resolution of complaints submitted about the violation of the requirements of this Act;
- 2) submission to the European Commission of the reports referred to in the Audiovisual Media Services Directive, with the exception of the promotion of media literacy;
- 3) submission of data to the European Commission of audiovisual media service providers and video-sharing platform operators under the Estonian jurisdiction;
- 4) participation in the European Supervisory Authority Regulators Group for Audiovisual Media Services] (ERGA) and other international media networks;
- 5) performance of other duties arising from law.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 55. Specific measures of state supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Upon execution of the state supervision provided for in this Act the law enforcement agency may apply specific measures of state supervision provided for in §§ 30, 32, 50 and 51 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 56. Non-compliance levy**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

In the case of a failure to comply with the precept a law enforcement agency may apply a coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for non-compliance levy is 15,000 euros, for repeated failure to comply with the precept the upper limit for non-compliance levy is up to 30,000 euros.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **§ 56<sup>1</sup>. Resolution of complaints submitted to Consumer Protection and Technical Regulatory Authority**

(1) The Consumer Protection and Technical Regulatory Authority resolves a complaint submitted concerning violation of the requirements of this Act within 30 days as of the submission of the complaint to the authority.

(2) In order to further clarify the circumstances necessary for resolving a complaint, the Consumer Protection and Technical Regulatory Authority may extend the term for review of a complaint by up to 60 days. The complainant must be notified in writing of the extension of the time limit.

(3) Where it is necessary to co-operate with other relevant supervisory bodies in order to resolve a complaint, the review of the complaint is extended by a reasonable time, which is necessary to hear the opinion of the co-operating supervisory bodies or to give their opinion.

(4) The Consumer Protection and Technical Regulatory Authority notifies the complainant of the decision made on the basis of their complaint and of the right to apply to the court to contest the decision of the authority if the rights of the complainant have been violated.

(5) Where a supervisory body of another Member State of the European Union is competent to adjudicate a complaint, the Consumer Protection and Technical Regulatory Authority refers the complainant to that supervisory body.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

# **Chapter 9 Liability**

## **§ 57. Violation of requirement of protection of minors**

(1) Violation of the requirements specified in §§ 19 and 19<sup>1</sup> of this Act – is punishable by a fine of up to 300 penalty units.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) The same act performed by a legal person – is punishable by a fine of up to 32,000 euros.

## **§ 58. Violation of requirements set to commercial communication**

(1) Violation of the requirements specified in subsection 2 of § 26 and §§ 28–31<sup>1</sup> of this Act – is punishable by a fine of up to 300 penalty units.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) The same act performed by a legal person, – is punishable by a fine of up to 32,000 euros.

## **§ 59. Procedure**

(1) [Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

(2) The Consumer Protection and Technical Regulatory Authority shall be a body conducting extra-judicial proceedings concerning misdemeanours provided for in §§ 57 and 58 of this Act.

# **Chapter 10**

## Implementation provisions

### **§ 60. Access of people with visual or hearing disability to audiovisual media service**

[Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 61. Code of conduct for transmission of commercial communication in children's programmes**

[Repealed – RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 62. Specification of application of requirements provided for product placement**

The requirements provided for in § 31 of this Act for product placement shall be applied only to those programmes that have been produced after 19 December 2009.

### **§ 63. Validity of the broadcasting licence**

(1) Broadcasting licences issued on the basis of the Broadcasting Act shall be valid until the expiry of the term indicated on the licence.

(2) The broadcasting licence in the national terrestrial digital broadcasting network shall be equated with the activity licence for the provision of free access national television service.

(3) The holders of the cable network broadcasting licence shall notify the Consumer Protection and Technical Regulatory Authority of the coverage area within two months as of the entry into force of this Act, pursuant to the requirements provided for in § 34 of this Act. The valid broadcasting licences in cable network shall be equal to the activity licences for the provision of conditional access television services in correspondence with the size of the coverage area.

(4) The holders of a local and regional radio network broadcasting licence shall notify the Consumer Protection and Technical Regulatory Authority of the coverage area within two months as of the entry into force of this Act, pursuant to requirements specified in clauses 1 and 2 of subsection 2 of § 35 of this Act. The broadcasting licences valid in the local or regional radio network shall be equivalent to the activity licences for the provision of regional or national radio service in correspondence with the size of the coverage area.

(5) The broadcasting licences in the international radio analogue network shall be equivalent to the activity licences for the provision of the international radio service.

### **§ 63<sup>1</sup>. Validity of activity licences issued**

(1) Activity licences issued before the entry into force of the wording adopted on 16 February 2022 of this Act remain valid until the expiry of the term indicated therein.

(2) The activity licence for the provision of regional television services with free access and the activity licence for the provision of regional television services with conditional access are equated with a regional television licence.

(3) The activity licence for the provision of national television services with free access and the activity licence for the provision of national television services with conditional access are equated with a national television licence.

(4) The activity licence for the provision of satellite television services is equated with an international television licence.

[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

### **§ 64. Specification of registration of on-demand audiovisual service providers**

Until entering into force of §§ 47 and 48 of this Act those undertakings that are applying to commence provision of on-demand media services shall submit a notice to the Consumer Protection and Technical Regulatory Authority, indicating information about the service provider, the name and type of the service to be provided, the form of accessibility to the service and the coverage area, and the name of the executive producer of the programme catalogue.

## **§ 65. Specification of the exclusive rights**

The requirement specified in subsection 1 of § 49 of this Act shall be valid to the exclusive rights that have been obtained after 30 July 1997.

## **§ 65<sup>1</sup>. Transition to electronic notification obligation**

Subsection 3 of § 47 of this Act shall be applied from 1 July 2016.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

## **§ 65<sup>2</sup>. Implementation of subsection 3 of § 23**

1) By 15 February 2023, an audiovisual media service provider submits to the Consumer Protection and Technical Regulatory Authority information concerning compliance with the requirement provided for in subsection 1 of § 23 of this Act in the calendar year preceding the submission of information.

1) By 15 February 2023, an audiovisual media service provider submits to the Consumer Protection and Technical Regulatory Authority information concerning compliance with the requirement provided for in subsection 1 of § 23 of this Act in the calendar year preceding the submission of information.

(2) The obligation arising from subsection 3 of § 23 of this Act to submit information concerning the implementation of the accessibility action plan specified in subsection 2 of the same section in the calendar year preceding the submission of information, is applied as of 2024.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

## **§ 65<sup>3</sup>. Ex port evaluation of § 23**

The Ministry of Culture, in co-operation with the Consumer Protection and Technical Regulatory Authority, analyses at the latest in 2024 the impact and effectiveness of the implementation of the regulation on access to audiovisual media services for persons with disabilities provided for in § 23 of this Act.  
[RT I, 15.06.2022, 1 – entry into force 28.06.2022]

## **§ 65<sup>4</sup>. Implementation of § 27**

Where persons operating in the field of media services and video-sharing have not developed the code of conduct specified in subsection 1 of § 27 of this Act by self-regulation by 1 October 2022, the minister in charge of the policy sector establishes, on the basis of subsection 2 of the same section, requirements for audiovisual commercial communications introducing food and drinks in children's programmes or in user-generated videos targeted at children or during them, by 1 April 2023.  
[RT I, 27.02.2022, 1 – entry into force 09.03.2022]

**§ 66.–§ 77.**[Omitted from this text.]

## **§ 78. Entry into force of Act**

§§ 47 and 48 of this Act shall enter into force on 1 July 2011.

<sup>1</sup>Directive 2010/13/EU of the European Parliament and of the Council on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (OJ L 95, 15.4.2010, pp. 1–24) amended by Directive (EU) 2018/1808 Directive (EU) (OJ L 303, 28.11.2018, pp. 69–92). [RT I, 27.02.2022, 1 – entry into force 09.03.2022]