



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

Media Policy
The Director

Brussels, 11 December 2025

Ms Xenia Joost
Deputy Secretary General for the Arts
Ministry of Culture
Estonia

Dear Madam,

I am writing to seek clarification on the state of implementation of the European Media Freedom Act (the “EMFA”) ⁽¹⁾ in Estonia and to inquire about Estonia’s compliance with its provisions.

This landmark regulation was adopted on 11 April 2024 and the majority of its provisions became applicable on 8 August 2025.

In preparation for this date, the Commission’s services have actively engaged with your national authorities to support the timely alignment of the Estonian legal framework with the EMFA.

In July, Executive Vice-President Virkkunen and Commissioner McGrath wrote a letter to Minister Purga to inquire about the progress made towards EMFA implementation, to which Minister Purga replied on 13 August 2025.

Based on the information at my disposal it appears that Estonia has not adopted yet the necessary measures to bring its law into compliance with certain provisions of the EMFA. At this stage of our analysis, this concerns in particular the implementation of Articles 4, 5, 6, 22 and 25.

I take note that Estonian authorities have prepared certain amendments to the Media Services Act and the Public Broadcasting Act, which aim to implement the relevant EMFA provisions and are expected to soon enter the parliamentary proceedings stage.

▪ Article 4 - Rights of media service providers

Under Article 4(3) of the EMFA, Member States shall ensure that journalistic sources and confidential communications are effectively protected and refrain from taking the measures listed in that provision, except under the strict conditions set out in Articles 4(4) and 4(5). In addition, Articles 4(6) to 4(8) provide for the regular review of such measures,

⁽¹⁾ Regulation (EU) 2024/1083 of the European Council and the Parliament establishing a common framework for media services in the internal market and amending Directive 2010/13/EU.

the application of relevant data protection safeguards, and the right to effective judicial protection in cases of breaches of those requirements.

I have taken note of the response of the national authorities to a questionnaire sent by my services in April 2025, which indicates that Estonian law already provides robust protection for journalistic sources and confidential communications at the national level and is to a large extent aligned with the EMFA. However, based on the information provided, it appears that certain key elements of Article 4 of the EMFA are not currently enshrined in law and require incorporation into new legislation.

In particular, regarding the personal scope of protection, while Estonian law protects journalists with regard to the disclosure of their sources, it appears that the current rules on the protection of journalistic sources and confidential communications do not extend to media service providers, nor to any persons who, due to their regular or professional relationship with a media service provider or its editorial staff, may have information about journalistic sources. I have taken note of the Estonian authorities' plans to address this shortfall in the upcoming legislation. I welcome them and encourage you to finalise the adoption soon.

- Article 5 – Safeguards for the independent functioning of public service media providers

Article 5(3) of the EMFA requires Member States to establish transparent and objective funding procedures ensuring adequate, sustainable and predictable financial resources for public service media providers, sufficient to safeguard their editorial independence.

I note that Estonian law includes several provisions aimed at ensuring the independence and pluralism of public service media. Moreover, the procedure for state funding is clearly defined and transparent. However, based on the information at my disposal, it appears that funding for public service media may not be predictable or adequate, especially since the Estonian Public Broadcasting Act does not seem to provide for guaranteed funding, and the procedure does not seem to be independent of governmental influence. We have been informed by the Estonian authorities that they have prepared an amendment to the Public Broadcasting Act, which includes a new funding model. This amendment is planned to be submitted to the Parliament in autumn 2025. I would appreciate more information on how that amendment will further align Estonian law with Article 5(3) of the EMFA.

- Article 6 – Duties of media service providers

Article 6(1) of the EMFA requires media service providers to make easily accessible to the recipients of their services certain up-to-date information, including on their legal name, ownership structure, beneficial ownership, and the amount of public funds for state advertising allocated to them. Moreover, under Article 6(2), Member States shall entrust national regulatory authorities, or other competent authorities or bodies, with the development of national media ownership databases containing the information set out in paragraph 1. I would like to recall that the databases referred to in Article 6(2) should not be understood as a means to make the provision of media services conditional to any kind of licence, permit or prior authorisation.

I note that the current Estonian legislation requires audiovisual media service providers to

make easily and directly accessible to their recipients up-to-date information on most of the points required under Article 6(1). However, it does not extend that obligation to other media service providers as defined under the EMFA. I take note that the Estonian authorities have planned legislation to extend the list of required information to include the total annual amount of public funds received for state advertising and the total annual amount of advertising revenue obtained from third-country public authorities or entities, in order to ensure alignment with the requirements of Article 6(1) of the EMFA, and to also extend these obligations to all media service providers. Moreover, I understand that the already existing commercial register under the Commercial Register Act will be used to ensure the alignment with Article 6(2) of the EMFA. In this context, I would appreciate more information on how the incorporation of all media service providers into the commercial register would be ensured, particularly if a media service provider were not considered a commercial entity under the Estonian Commercial Code.

- Article 22 – Assessment of media market concentrations

Article 22(1) requires Member States to establish substantive and procedural rules enabling the assessment of media market concentrations that could significantly affect media pluralism and editorial independence. Such rules must meet the requirements laid down in points (a) to (e) of that provision, including designation or substantive involvement of national regulatory authorities or bodies, and clear criteria and timeframes for assessment. Article 22(2) specifies the elements that must be taken into account in such assessments, including the expected impact on media pluralism, safeguards for editorial independence, and relevant findings from the Commission's annual rule of law report.

Based on the information at my disposal, Estonia does not appear to have implemented the necessary measures to give effect to the provisions of Article 22. I note that the future legislation intends to address this issue by introducing a specific framework for assessing media market concentrations, with a direct reference to the criteria under Article 22. I welcome the foreseen involvement of the Consumer Protection and Technical Regulatory Authority in the assessment. I note that the timeline for issuing the opinion of the media regulator will depend on the decision of the competition authority. I would welcome clarification on the conditions on which this procedural aspect will depend. Moreover, I would welcome clarifications on how compliance with Article 22 of the EMFA will be ensured in general, as well as the timeline of any solutions being worked on towards that end.

- Article 25 – Allocation of public funds for state advertising and supply or service contracts

Article 25(1) of the EMFA provides that public funds or other advantages for state advertising or supply and service contracts with media service providers or online platform providers must be allocated on the basis of transparent, objective, proportionate and non-discriminatory criteria made publicly available in advance and by means of open, proportionate and non-discriminatory procedures. Article 25(2) requires public authorities or entities to publish annually, by electronic and user-friendly means, information on state advertising expenditure, including the legal names of the recipients and the amounts allocated. Under Article 25(3), national regulatory authorities or other competent independent authorities or bodies shall monitor and report annually on the allocation of

state advertising expenditure and may request further information to assess the completeness of the published data.

Based on the information at my disposal, Estonia has not introduced any new measures to implement the provisions of Article 25. I note the legislative plan of entrusting the public authorities with the obligation to make the information on allocation of public funds for state advertising publicly available. Moreover, I understand that Estonia's law is generally aligned with the requirements for transparency and public access to information, but lacks specificity in several areas, such as explicit procedures to ensure objectivity, proportionality, and non-discrimination in the awarding of contracts to media service providers. I would appreciate if you could inform us of any relevant developments regarding Estonia's plans to ensure swift compliance with the above provisions of the EMFA.

I am aware that the Estonian authorities have been working on legislative texts aimed at introducing the necessary modifications to national law to ensure compliance with the EMFA. However, at the present stage, such legislative changes have not yet been adopted by the Parliament.

With a view to finalising the assessment of compliance with EU law, I would appreciate receiving your factual and legal clarifications on the compliance with the provisions listed above by 30/01/2026.

My services stand ready to support you in all your preparations for the implementation of the EMFA, and I remain at your disposal for any clarifications you may need.

Yours faithfully,

e-signed
Giuseppe ABBAMONTE