

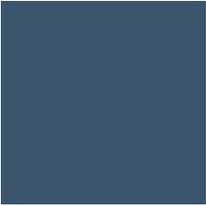


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Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey

Country Report: Estonia

Authors: Andres Kõnno

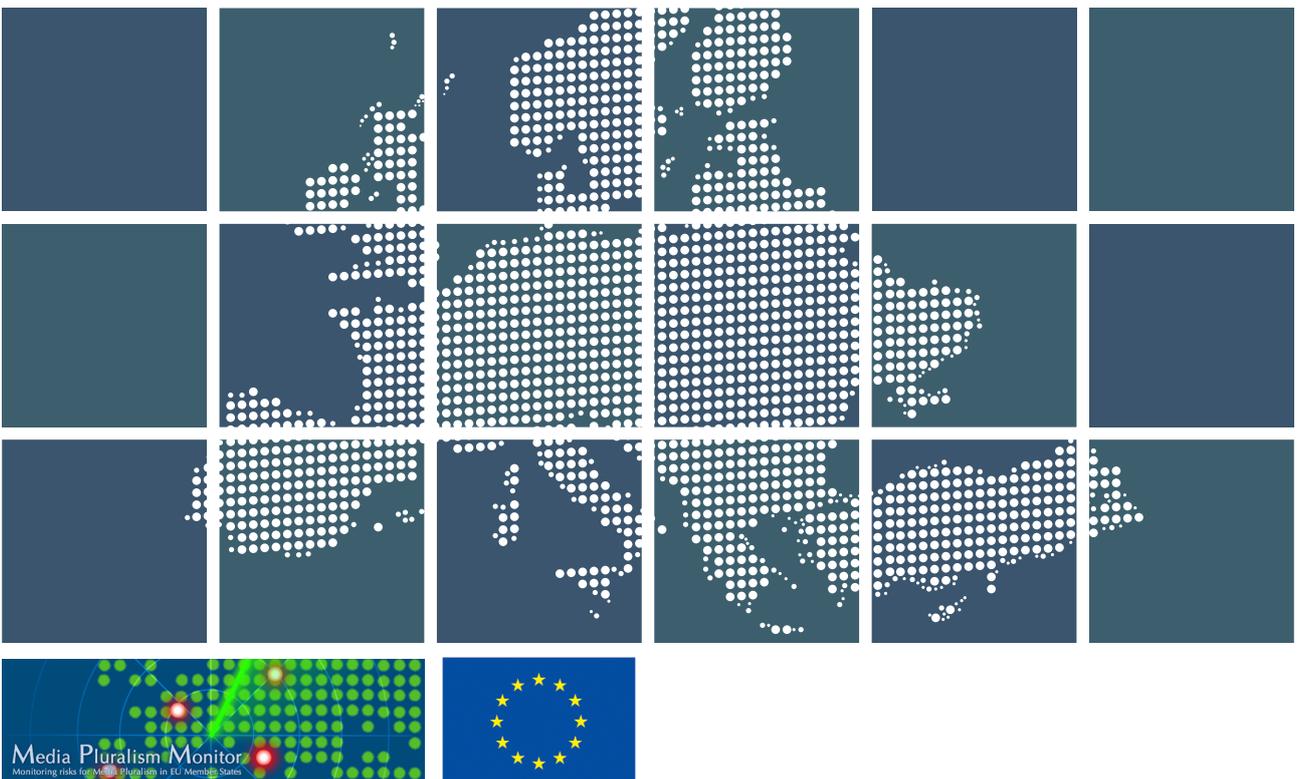




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1. ABOUT THE PROJECT

1.1 OVERVIEW OF THE PROJECT

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second EU-wide implementation of the MPM, carried out in 2017. The implementation was conducted in 28 EU Member States, Serbia, Former Yugoslav Republic of Macedonia (FYRoM) and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2 METHODOLOGICAL NOTE

The CMPF cooperated with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the cases of Malta and Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. The data collection was carried out between June and December 2017.

In Estonia, the CMPF partnered with Andres Kõnno, a media expert, who conducted the data collection, annotated the variables in the questionnaire and interviewed relevant experts. The scores assessing the risks for media pluralism were provided by the CMPF and calculated according to the algorithm developed by the Centre itself. The national report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts).

To gather the voices of multiple stakeholders, the Estonian team organized a stakeholders' meeting, on 22.1.2018 in Tallin, at the National Library. A summary of this meeting and more detailed explanations are given in Annexe III.

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Figure 1 below).

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political control over media outlets	Access to media for minorities
Protection of right to information	Media ownership concentration (horizontal)	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Cross-media concentration of ownership and competition enforcement	Media and democratic electoral process	Access to media for people with disabilities
Independence and effectiveness of the media authority	Commercial & owner influence over editorial content	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Media viability	Independence of PSM governance and funding	Media literacy

The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk. On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk. For more information on MPM methodology, see the CMPF report "Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in EU-28, Montenegro and Turkey", <http://cadmus.eui.eu//handle/1814/46786>



Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2017 scores may not be fully comparable with MPM2016 ones. For more details, see the CMPF report on MPM2017, soon available on <http://cmpf.eui.eu/media-pluralism-monitor/>

This report is partially edited by CMPF: it is mostly based on the narrative report and on the information uploaded onto the online platform by the country's team.



2. INTRODUCTION

According to Statistics Estonia¹, the estimate of the population of Estonia, as at 1st January, 2018, was 1,318,700. According to the Estonian census of 2011, representatives of 192 different nations currently live in the country. 68.7 % of the inhabitants of Estonia are Estonians, 31,3% of the population defines itself as belonging to some other national group. The numerous minorities in Estonia are Russians (about 25% of the population), Ukrainians (~2% of the population), Belorussians (~1% of the population) and Finns (~0.6% of the population).

According to Statistics Estonia, economic growth in 2017 was the fastest for five years. The gross domestic product of Estonia increased 4.9%, if compared to that of 2016. The main contributors to this broad-based growth were construction, information and communication, and professional, scientific and technical activities. The total profit of the business sector was €2.8 billion, which is 5% more than in the previous year. Compared to 2016, the total profit increased in most economic activities. The unemployment rate in 2017 was 5,8%; the average monthly gross wage in December, 2017, was €1330.

Estonian politics have been strongly characterised by centrist political parties. That has recently changed somewhat, in relation also to the 2014 approval of legislation on homosexual marriage. The polarization of the political landscape was notable at the parliamentary elections (February, 2015). As a result, the right-wing conservatives took 7 seats in the Parliament. The further tendencies to polarization of opinion have been notable, especially in relation to the refugee crisis in the summer of 2015. Since December, 2016, Estonia has a new centre-oriented coalition of Keskerakond (moderates), socialists and IRL (known as the Christian-democrats in the rest of Europe). The next elections will take place in March, 2019.

The main and growing concern in the Estonian media market for 2017 (as has been the case in the last few years) is that the local media groups are losing advertising revenues, which are increasingly being collected by the international Internet platforms. The printed press, however, has maintained its social status as a reliable source of information, although its importance as an advertising channel has become minimal.

Some Russian channels have raised criticism and have been accused of spreading disinformation (Sputnik, Russia Today). As it stands now, the audiences of these channels in the Estonian market is marginal. No restrictive measures have been taken against them. It must be noted that the recent research published by the Estonian Internal Security Service indicates that the social media environment contains a significant number of disinformation campaigns targeting the Russian youth living in Estonia (Estonian Internal Security Service, Annual Review 2017, p. 4-6)². Other Russian channels are also very popular among the Russian-speaking audience.

There are three basic concerns in relation to today's Estonian media market: a) the growing horizontal, and b) the vertical concentration of media ownership, and c) the bias of the local media (especially the municipal media, but they are not alone). The latter is a problem that has no easy solutions, partly for the reason that there is no tradition of having a media ombudsman (or any other type of media regulator) that could be compared to the various analogous institutions in other European countries.

1 <https://www.stat.ee/en>

2 <https://www.kapo.ee/en/content/annual-reviews.html>



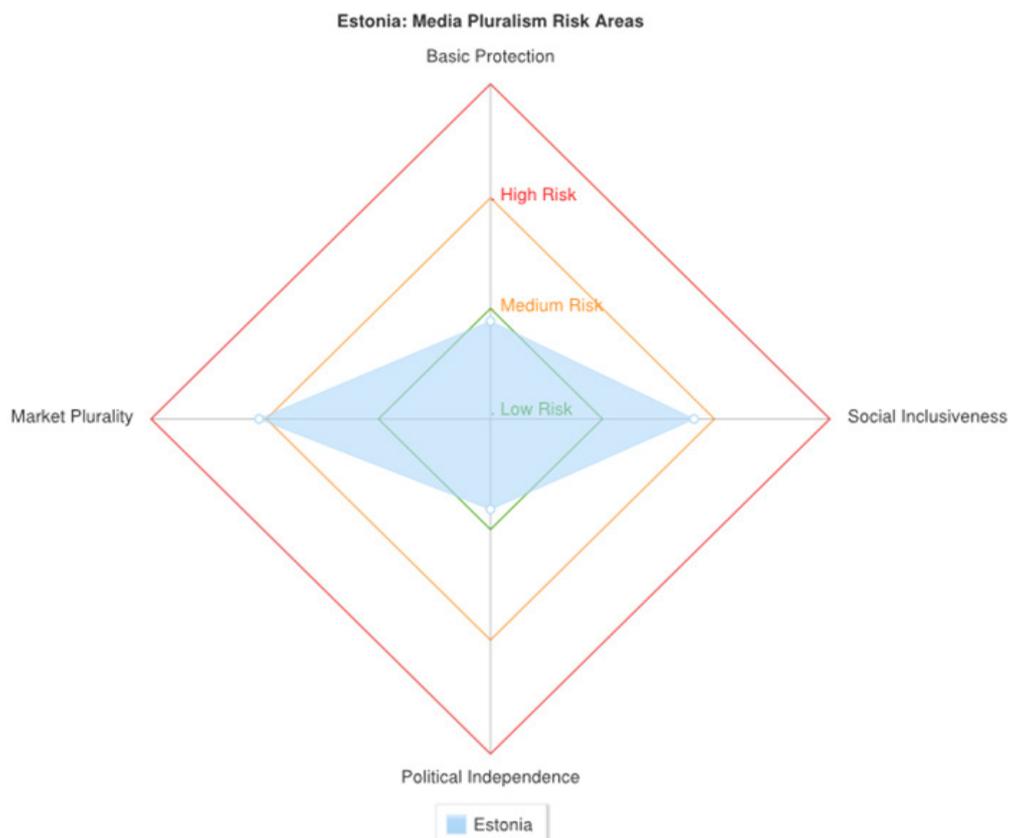
3. RESULTS FROM THE DATA COLLECTION: ASSESSMENT OF THE RISKS TO MEDIA PLURALISM

Amongst the four areas, there is major concern in relation to the aspects of Social inclusiveness and Market plurality. The highest potential risk within the area of social inclusiveness is related to the sustainability of the regional media. For an independent regional newspaper it is very hard to maintain itself by producing local news in a market where the audience for traditional media is shrinking. There is, basically, one major media outlet serving the most populated areas of the country (i.e, Eesti Meedia). Only a few regions in Estonia have their own independent newspaper or radio station which is not part of a bigger media organization.

There are three aspects that need to be stressed: a) Recently, the horizontal and vertical concentration of media ownership has been growing, especially as far as the regional media are concerned ; b) the tradition of municipal media is strong all over the country, as it offers the ruling parties the opportunity to spread their messages by using public money, and c) the municipal media, as a rule of thumb, also sell advertising, and this tends to create market distortions.

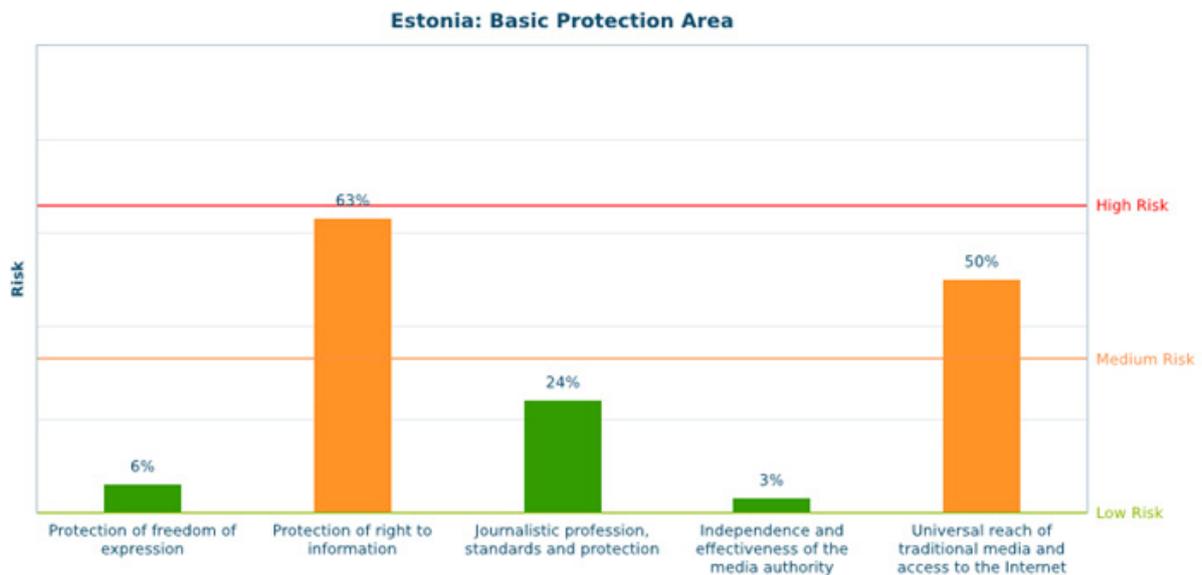
In relation to the aspects of Basic protection and Political independence, the situation is less worrisome. There is no record of violations of freedom of expression. Neither could one point to attempts at political control of mass mediated content, including public service media. The risk for media pluralism is pre-eminent where the unregulated subsidies are a necessary precondition for the media's existence. As a principle, the state does not provide subsidies for private media channels.

All the complaints that are related to media content are managed either by the Press Council at the Estonian Newspaper Association, or by the media ombudsman working for Estonian Public Broadcasting. However, the aforementioned ombudsman operates solely within the framework of public broadcasting. The decisions he makes do not apply to private media.



3.1 BASIC PROTECTION (29% - LOW RISK)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector; and the reach of traditional media and access to the Internet.



There are two indicators in this picture that stand for a higher risk: the indicator that describes the Protection of right to information (63%), and the indicator on the Universal reach of traditional media and access to the internet (50%).

Although the right to information is explicitly recognized in the Constitution, in the Public Information Act and in the Personal Data Protection Act, there is no regulatory framework for the protection of this freedom. Access to information practice is based on the norms and values that are established inside media organizations and, of course, in the utmost cases, the courts' decisions. In some cases, the public administration tends to misuse the procedures in order to deny the stakeholders access to public information. There is also no regulatory framework for the protection of whistle-blowers (in relation to whistle-blowing one can only refer to the Anti-Corruption Act that covers the reporting of corruption by public officials, together with other types of wrongdoing).

The indicator on the Protection of the freedom of expression shows a low level of risk (6%). Since the early 1990s, the freedom of expression is considered to be a Constitutional right. Additionally, the state has ratified the International Covenant on Civil and Political Rights and the European Convention of Human Rights, with no significant exemptions for the freedom of expression.

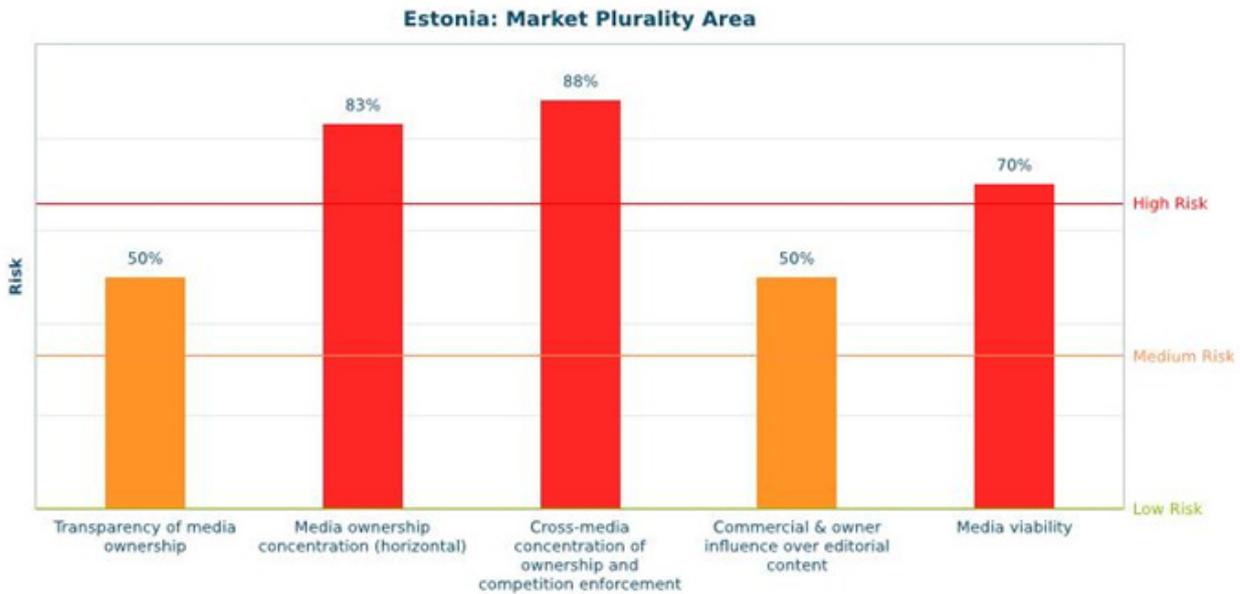
The indicator on the Journalistic profession, standards and protection (24%) offers another perspective on the area of freedom of expression, and this analysis looks a bit more alarming. The journalist's professional associations in Estonia are not that popular among journalists, if compared to those in the rest of Europe. This is mostly because of the reputation that the unions had in Soviet times. The profession is very vulnerable to the economic changes and to the will of their employers.

The indicator that describes the Universal reach of traditional media and access to the Internet scores a 50% risk. The results of this observation relate to the relatively small media market, which is limited by the size of Estonia's population, that is, 1.3 million. There are only three major ISP's in the Estonian market, the broadband coverage (and the speed, in some cases) is not that good (especially in the countryside), and the safeguards regarding net neutrality are a recent development in Estonian Internet culture.

As regards the indicator on the Independence and effectiveness of the media authority, it must be noted that, in Estonia, there is no media authority as such. In order to comply with the MPM methodology, we took into account the body that deals with the media and that is part of EPRA. The Technical Regulatory Authority, which is responsible for media regulation, has no competencies to supervise media content.

3.2 MARKET PLURALITY (68% - HIGH RISK)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the existence and effectiveness of regulatory safeguards to prevent horizontal and cross-media concentration of ownership and the role of competition enforcement and State aid control in protecting media pluralism. Moreover, they seek to evaluate the viability of the media market under examination as well as whether and if so, to what extent commercial forces, including media owners and advertisers, influence editorial decision-making.



The indicator on the transparency of media ownership scores a medium risk (50%). There is no media-specific law on media ownership transparency in Estonia. The issue of the transparency of media ownership has become relevant in Estonia only in recent years. Since the beginning of the 1990s, all communications about changes in media ownership have been transparent. Although the law does not contain any media-specific provisions requiring the disclosure of ownership details, the owners of all major channels are known to the public. Nonetheless, it must be noted that, in 2014, the Estonian news agency, the Baltic News Service (BNS), was bought by the Eesti Meedia group, through shell companies: and the ultimate owner was revealed only half a year later.

Questions have been raised, also, in relation to PBK (the First Baltic Channel), which, allegedly, broadcasts Russian-biased news, whose owners are not clearly identifiable.

In general, all information related to entrepreneurship in Estonia is electronically available. The access to company registers is free (including information about fiscal behaviour, profits, and the annual reports of companies and NGOs).

As regards the indicator on the Horizontal concentration of media ownership the high risk (83%) is firstly due to a lack of specific regulation: The risks of media concentration have been brought into the spotlight only in the last few years, especially in relation to the growth of Eesti Meedia's market share.

Risks for the Cross-media concentration of ownership (88%) come from a lack of media specific regulation and from a high market concentration. Major media groups in the Estonian market are Eesti Meedia and Ekspress Meedia. The Competition Authority (the Estonian Competition Board) is competent to decide on cases of vertical concentration of ownership that also concern media companies. The Competition Authority may intervene when a case relates to the vertical concentration of ownership. This was the case when the Ekspress Grupp acquired a significant share in a leading print house (e.g., a press release from 09.05 2014 "AS Ekspress Grupp and AS Eesti Meedia concluded interim compromise in arbitral dispute").

However, the law does not oblige the Competition Authority to deal with media-related complaints when they are related to ownership concentration on the horizontal level. Notably, there is no department in the Competition Authority to focus primarily on media related issues. There are also no limitations in order to prevent a high degree of cross-media concentration of ownership.

Commercial and owner influence over editorial content scored a medium risk (50%).

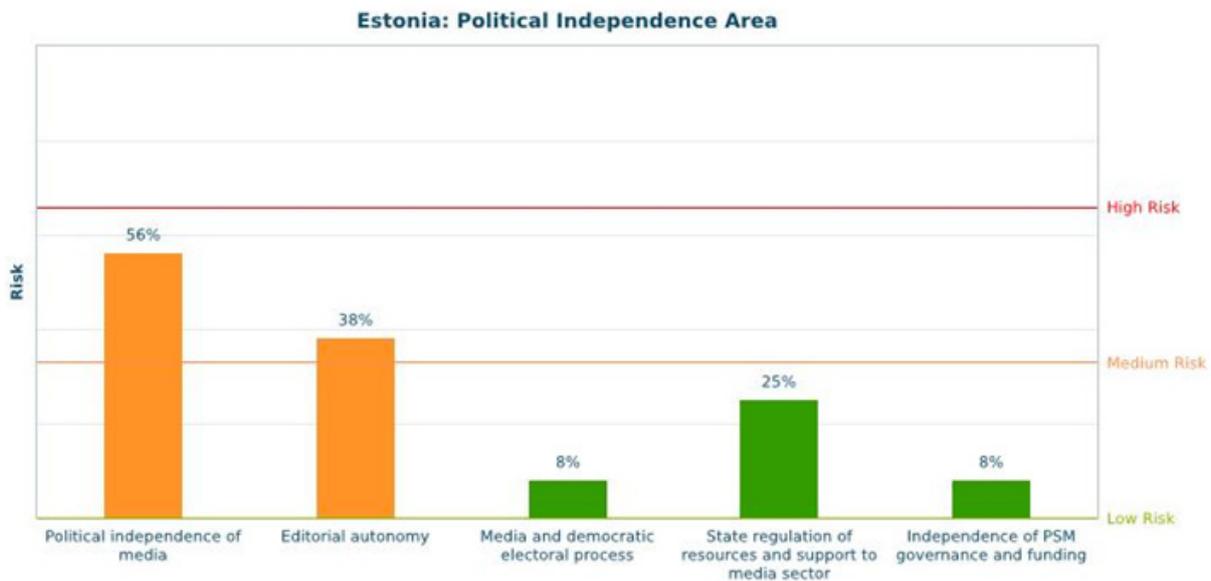
The Code of Ethics of the Estonian Association of Journalists and the Statute at the Estonian Press Council at the Estonian Newspapers' Association should be of help when journalists' autonomy is at stake. Mechanisms that grant the social protection of journalists, in the case of changes in the ownership or in the editorial line, are not implemented in practice. The Estonian Association of Journalists should play a role in supporting journalists' autonomy. However, the membership of EAJ is not widespread, because the protective measures it could possibly take are believed to be ineffective.

Growing editorial conglomerates that have a remarkable share in the Estonian media market may exert growing pressures on journalists, who may be not always be independent of political influences in practice.

The indicator on media viability scores 70%: the risk is measured mostly in terms of the advertising revenues of the different media sectors. According to publicly available data (Kantar Emor), advertising revenue has been decreasing in all of the sectors, except in radio and the Internet. New online media and platforms are intercepting advertising revenues and are thus challenging the sustainability of traditional media organizations in Estonia.

3.3 POLITICAL INDEPENDENCE (27% - LOW RISK)

The Political Independence indicators assess the existence and effectiveness of regulatory safeguards against political bias and control over the media outlets, news agencies and distribution networks. They are also concerned with the existence and effectiveness of self-regulation in ensuring editorial independence. Moreover, they seek to evaluate the influence of the State (and, more generally, of political power) over the functioning of the media market and the independence of public service media.



The medium score for the risks that are related to the Political independence of media (56%) is due to the lack of a law regulating the conflicts of interest between the owners of media and the ruling parties/politicians. The lack of such rules is evident, especially on the levels of local government and regional- and municipal media.

The medium risk score (38%) for Editorial autonomy reflects the fact that there are no common regulatory safeguards to guarantee autonomy when appointing and dismissing editors-in-chief. However, there are no known cases of political interference in this respect. In most cases, these procedures are managed by self-regulatory measures. The Estonian Press Council also has a code of conduct for media ethics, and this includes the necessity for the editorial independence of the media. As editorial independence and the freedom of the press have been taken for granted for quite a long time, it is not really put into words, or law, in the clearest possible manner.

In relation to the Media and the democratic electoral process, the Media Services Act prescribes the political balance for the PSM channels, especially during election campaigns. PSM also has its own code for the Good Practice of Estonian Public Broadcasting. In general, the editors-in-chief of the two largest media outlets in Estonia have been working without recognizable political motivation for years, and they have a good reputation in the field. This



explains the low risk (8%).

The State regulation of resources and support for the media sector scores 25%. The State does not provide direct or indirect subsidies to media outlets. The real problem in this relation is that the municipal media often tend to sell space for content marketing and advertising. The market distortion is notable in smaller markets, where the advertising income is crucial for the privately owned newspapers.

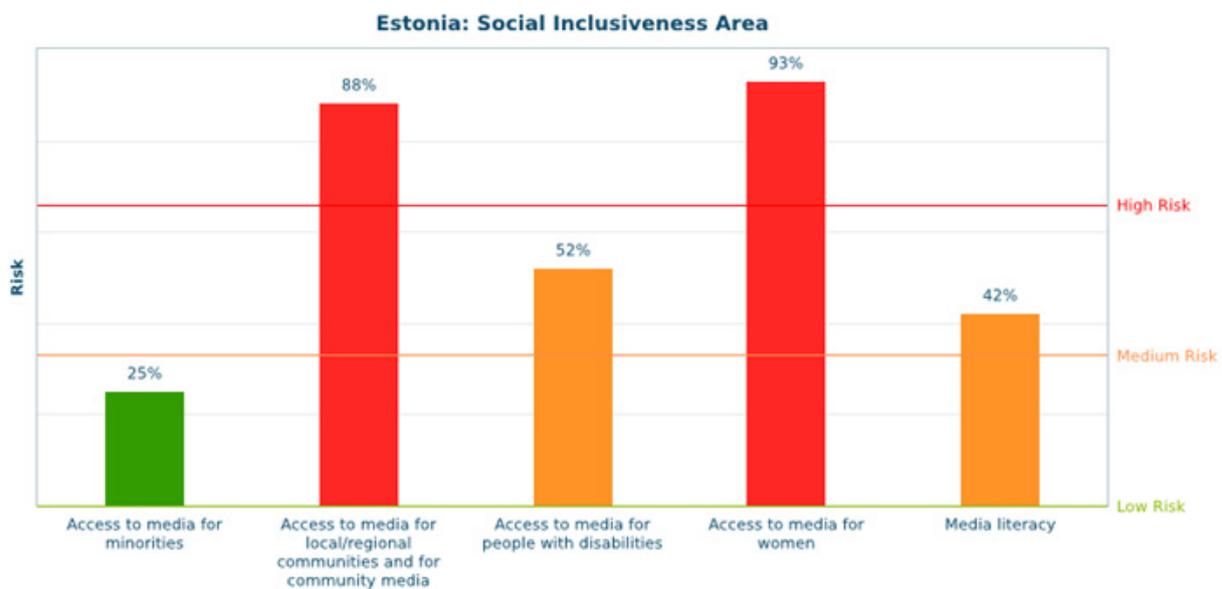
The Independence of PSM governance and funding (8%) is regulated by the Estonian Public Broadcasting Act. The process of the appointment of the Board and the Council of Estonian Public Broadcasting have had a very tense public attention each time during recent decades. Normally, the Council consists of the representatives of all of the major political parties, plus some well-known experts. The Council, in turn, names the Board of the PSM. The appointment procedure for the Director General of the PSM consists of two separate procedures. First, there is a public competition that is announced in all of the major newspapers. Second, the top candidates are introduced publicly and have also to present their vision of the PSM's strategies for the coming years. Then, after the interviews by the Council of the PSM, the top two candidates remain. A few weeks later, the choice is made via a secret vote.

The only legal safeguard at this point is the Public Broadcasting Act, which guarantees the political diversity of the Council of Estonian Public Broadcasting. The political content and the neutrality of the PSM have been closely monitored by all political counterparts, and its neutrality is, in most cases, beyond question. In this respect, the Public Broadcasting Act has served its purpose well.

Theoretically, the law prescribes transparent and fair procedures in order to ensure that the funding of PSM is adequate. The PSM, however, claim it suffers from a constant lack of resources.

3.4 SOCIAL INCLUSIVENESS (60% - MEDIUM RISK)

The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.



In the social inclusiveness area the only low risk indicator is access to the media for minorities (25%). Although the law does not guarantee access to airtime on the PSM to legally recognized minorities, the Public Broadcasting Act states that the PSM have to meet the information needs of all sections of the population, including minorities. Basically, all minorities, either those recognized by the law or not, have access to airtime as inhabitants or citizens of Estonia. The issue has not really been on the public agenda, as there are no records of violations in this respect. There are separate channels (Raadio 4, ETV+ and a PSM owned on-line site in Russian) that publish news in Russian on a



daily basis. There is no record of deliberate discrimination against minorities in the private channels.

The high risk in relation to access to the media for local/regional communities (88%) reflects the fact that radio and TV frequencies are available on the free market. If there is a vacancy, any interested company may apply. The State does not support community media with subsidies, in general. There is also no legal obligation for the PSM to keep local/regional correspondents. Community media have no separate legal status in Estonia. However, support for the community media is often given through, a) economic support from local government, b) EU funded projects (the list of supportive measures for which communities may apply, is rather long), and, c) the State measures that promote social integration – something that can also be interpreted as community related communication (i.e., several supportive measures are available from Enterprise Estonia).

The discussion about access to the media for people with disabilities (52%) has been constantly developed on the level of lobbying groups at both the parliament and with the NGOs, who are used to making themselves heard by the decision makers. The Estonian Public Broadcasting Act, and therefore the public service media in general, prioritizes people with hearing disabilities. All daily news for people with hearing disabilities are available 24/7 on the website of National Public Broadcasting. The subtitling is occasional, and one really cannot rely on this. However, it is important to note that the website of the PSM mirrors all the transcripts of important discussions on politics and other current issues. The Estonian Public Broadcasting Act does not say anything about media accessibility for people with visual impairments, and there is no separate service for them. According to Mari Sepp, from the Association of Estonian People with Visual Impairments, the Estonian PSM are constantly experimenting with hearing solutions for blind persons. The hearing solutions they provide are both occasional and project based. Importantly, most people with visual impairments are provided by the state with the equipment to follow Internet content via their fingertips. This equipment is able to mediate (almost) any textual content that can be found in the Internet, including the PSM pages.

Access to the media for women scores the highest risk in this area - 93 percent. This can be explained by the fact that gender policies have not been on the radar of policy makers since the 1990s. As we look at the PSM's strategy paper for 2018-2021, there is no reference to gender equality whatsoever. Neither are there references to the gender issues in the collective agreement between the management of ERR and journalists. The Gender Equality Act was passed in parliament in 2004. The subject may be acknowledged, but it is proceeding in slow motion. According to Statistics Estonia data from 2015, the difference between the male and female average salary in Estonia is 22%. Among the executives and the Boards of both the PSM and the private media, women tend to be underrepresented.

The media literacy issue has become more important in relation to the digitalization and the spread of touch-screen mobile technology. Teaching media literacy in schools has been on the agenda of the Ministry of Education since the beginning of the 2000's. Notably, the programmes that promote media-literacy even address this issue to children younger than 7 years. As recent research shows (Praxis Estonia, National Audit Office), the practice of teaching media literacy has a strong variability and it is highly dependent on the local will to address this issue. Importantly, the problematics of media literacy in Estonia have been addressed as the issue of digital skills. Talking about digital skills in Estonia means promoting an understanding of how society works in a post-print period, and explaining the nature and role of communication in society in the digital age.



4. CONCLUSIONS

Since the transition period started, back at the beginning of the 1990s, one of the media-related dogmas has been the understanding that the media system has to be as liberal as possible. According to this view, any external or central authority in this field may endanger the ability of society to cope with the challenges that the free press is supposed to address. Today's media business is one of the less regulated areas of Estonian life.

There have been few developments in recent years that seem to have drawn the public's attention to the need for additional regulation.

The risks related to the spread of disinformation, especially the information campaigns that the Estonian audience has witnessed in Russian channels.

The dangers related to the spread of fake news are well-addressed in the political, journalistic and also at the civic level (see propastop.ee; which tackles and comments on the Estonia-related fake news from all over the world (however, in most cases they keep their major focus on Russian channels).

The volume of the advertising income has decreased, since most channels are losing their market shares to platforms such as Google and Facebook.

The media system itself has started a discussion over the need for additional regulation in the field.

The municipal media (besides serving the interests of politicians) tends to create market distortions via engaging advertising that otherwise could be sold to the private channels. This issue was on the public agenda a couple of times during 2017, with no visible results at the legislative level.

The growing horizontal and vertical concentration of media ownership has been acknowledged as being a problem by many critics, since it raises the risk of silencing alternative voices, a risk that is pre-eminent, in particular in a relatively small regional media market such as the Estonian one. This is a grey area of risk that the Estonian wider audience has not recognized as a problem, so far.

In relation to the issue of media concentration, a process of redefining the role of media regulation in Estonian society should be started. It could be an initiative of the political parties or of the editors-in-chief of the central newspapers. The media regulation as it stands today often tends to have a symbolic value that does not prevent ownership concentration.



ANNEXE 1. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2017 CT Leader (please indicate with X)
Andres	Kõnno	Researcher/ lecturer	Tallinn Uni- versity	X

ANNEXE 2. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
Andres	Jõesaar	Vice-rector	Tallinn University
Ragne	Kõuts	Researcher	University of Tartu
Kristjan	Ots	Expert	Estonian Competition Authority
Helle	Tiikmaa	Expert	Estonian Union of Journalists
Tarmu	Tammerk	Expert	Ombudsman at PSM, Estonian Press Council

ANNEXE 3. SUMMARY OF THE STAKEHOLDERS MEETING

Date: 22.01.17

Place: Tallinn, National Library

Participants: Helle Tiikmaa, Andres Jõesaar, Andres Kõnno

Key topics discussed: media pluralism in general, gender pay gap, self-censorship by journalists, horizontal and vertical concentration.

Conclusions: The analysis provided by the MPM tool in 2016 and 2017 is a valuable input to the understanding of the slowly changing Estonian mediascape. Although there is a need for the updating of the media laws, the process is very slow and it is most likely that this issue won't be acknowledged as something that has to be addressed by the parliament in the coming years.



