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

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Amended by the following acts

Passed	Published	Entry into force
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04.04.2012 22.05.2013	RT I, 25.04.2012, 1 RT I, 11.06.2013, 1	01.06.2012 01.07.2013, partially 01.01.2014; the words “the Ministry of Culture” have been replaced by the words “the Technical Surveillance Authority” throughout out the text; entry into force postponed partially to 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2013 19.02.2014 05.06.2014 19.06.2014	RT I, 22.12.2013, 1 RT I, 13.03.2014, 4 RT I, 29.06.2014, 1 RT I, 29.06.2014, 109	01.01.2014 01.07.2014 01.07.2014 01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
11.02.2015	RT I, 04.03.2015, 3	01.06.2015

## 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;
- 2) the procedure for issue of activity licences for provision of television and radio services to legal persons in private law and the procedure for registration of the provision of on-demand audiovisual media services;
- 3) the principles of protection of a person who has provided information to a person processing information for journalistic purposes (hereinafter source of information).

### § 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 workforce involved in the pursuit of the media service activity and the governing 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);

- 3) the provider of media services has its head office in Estonia but a significant part of the workforce involved in the pursuit of the media service activity operate in several Member States or States Party to the Convention;
- 4) a significant part of the workforce involved in the pursuit of the media service activity operates in neither a Member State nor a State Party to the Convention but the media service provider first began its activity in Estonia in accordance with the law of Estonia and a significant part of its economic activities is actually carried out effectively and stably in Estonia or is significantly related to Estonia;
- 5) the governing body of the media service provider is located in a Member State or a State Party to the Convention but the decisions on the media service are taken in a third country, or vice versa, whereas a significant part of the workforce involved in the pursuit of the media service operates in Estonia.

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

(4) This Act shall be 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, shall only be applied § 15 of this Act. The electronic communications undertaking providing retransmission of media service shall be applied §§ 51, 52, 55 and 56 of this Act.

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

(5) The requirements provided for in §§ 8-12, 14, 20, 22 and 23 of this Act shall not be applied to those providers of audiovisual media service whose services are exclusively intended for reception in the third countries and are not directly or indirectly available for general public by means of publicly accessible reception equipment in several Member States or States Party to the Convention.

### **§ 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.

### **§ 4. Media service**

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

- 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) other similar services provided in the course of economic activities except for services that do not compete with television service.

(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.

### **§ 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.

### **§ 6. Editorial responsibility**

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.

### **§ 7. Programme, programme service and programme catalogue**

(1) A programme means a set of moving images with or without sound or a set of only sounds within time limits, constituting an individual item within a programme service or a programme catalogue.

(2) A programme service is a set of programmes intentionally ordered by a television and radio service provider the organisation of which is represented in the chronological schedule. A programme service has its own name.

(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.

## **§ 8. Programme structure**

(1) A television- and radio service provider shall reserve at least five per cent of the daily transmission time of the programme service on at least six days a week for transmitting 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.

(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 activity license for the provision of television service at the justified request of the television service provider authorised to transmit predominantly music, sports events, movies or other thematic programme services.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(5<sup>1</sup>) Upon application of a requirement provided for in subsection (1) of this section, derogation may be made from the conditions and secondary conditions of the activity license for the provision of national radio service at the justified request of the media service provider authorised to transmit music programme service.

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

(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 shall not be applied to the television programme services that are intended for local viewers and are transmitted on the basis of the licence for provision of regional television service.

(8) The requirements provided for in subsections (1)-(4) of this section shall not be applied to the television programme services that are transmitted on the basis of a temporary activity license for the provision of television and radio services.

(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 Technical Surveillance 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 programme service**

The weekly transmission time of a programme service shall constitute at least:

- 1) 84 hours upon transmission of a radio programme service;
- 2) 56 hours upon transmission of a television programme service, carried out on the basis of an activity licence for provision of national television service with free or conditional access;
- 3) 21 hours upon transmission of a television programme service, carried out on the basis of the activity licence for the provision of regional television service with free or conditional access.

## **§ 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 (1) 2) and 3) 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**

## **§ 13. Freedom of activity**

(1) A media service provider shall have a right to decide freely the content and placement of the programme and programme service or programme catalogue thereof in accordance with the law and the conditions and secondary conditions specified by the activity licence for the provision of television and radio services.

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

(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 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 shall, clearly and consistently, make accessible at least the following information about itself:

- 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;
- 5) reference to the contact information of the Technical Surveillance Authority as the state supervisory authority.

(2) The name of the television programme service of the television service provider shall be 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 the programmes on the schedule in the television programme service of the same day shall be noted in the electronic programme guide if there are technical facilities to provide this.

(3) The radio service provider shall disclose 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 in case of its presence – the name and postal address, e-mail address, the name and contact information of the executive producer and a reference to the contact information of the Technical Surveillance Authority as the executor of state supervision.

#### **§ 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 notices**

A television and radio service provider shall transmit 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 danger to the security of the society or the constitutional order;
- 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.

## **§ 19. Protection of minors and morality and assurance of legality**

(1) Upon provision of media services it is prohibited to incite hatred on the basis of sex, racial or ethnic origin, beliefs or religion or the degrading of the lawful behaviour or violation of law in any of the programmes.

(2) The television or radio service provider shall not transmit the programmes that may cause substantial physical, mental or moral detriment to minors, in particular such programmes that include pornography or propagate violence or cruelty for the purposes of subsection 1 (2) of the Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty

(3) The programmes that may cause damage to the physical, mental or moral development of the minors and are improper for their age with the scenes involving indecent content, violence or cruelty or demonstrate unlawful behaviour shall not be transmitted by the television and radio service provider within the period from 6.00 until 22.00.

(4) If the programme referred to in subsection (3) of this section is transmitted outside the noted period, a warning that announces that the subsequent programme is unsuitable for the minors shall be transmitted to the viewers before the programme in the manner understandable to the viewers or a relevant symbol about the unsuitability of this programme to the minors or some age groups of the minors shall be seen on the screen during the whole television programme.

(5) The requirements provided for in subsections (3) and (4) of this section shall not be applied if the television service provider guarantees with the corresponding technical measures that minors cannot receive such programmes by ordinary means.

(6) If there are programmes in the programme service the contents of which correspond to the conditions provided for in subsection (3) of this section, the television and radio service provider is not allowed to transmit the episodes of the programme that caused the restriction nor highlight these extracts in the programme when introducing those programmes in its programme service.

(7) On-demand audiovisual media service that may cause substantial damage to the physical, mental or moral development of a minor shall be made accessible by the on-demand audiovisual media service provider by means of personal identification codes or other relevant technical solutions only in a manner that is not accessible to the minors under normal circumstances.

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

## **§ 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 shall ensure the opportunity to submit the reply or the implementation of other equivalent remedies and shall not cause difficulties by setting unreasonable deadlines or conditions. A written notice of the intention for reply is to be submitted to the television or radio service provider within 20 days as of the transmission of the programme that caused the application. The television or radio service provider shall transmit the reply free of charge in the same programme service within 20 days as of the receipt of the reasoned request.

(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) Recordings of programmes shall be preserved within at least 20 days as of the time of their transmission.
- (3) The court may impose a longer period for the preservation of a specific recording in pending court cases.

## **§ 22. Self-regulation**

Persons involved in the pursuit of the media service activity may create on their own initiative a system the parties to which define voluntarily common recommendations and rules, establishing standards as a code of conduct with the purpose of regulating the activities in the area and fix the boundaries of good and bad practice to the parties. The self-regulation associations also determine voluntarily the procedure for the compliance with the established rules and the liability of the parties for the compliance with the rules.

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

An audiovisual media service provider shall make the service accessible to people with a visual or hearing disability using for that purpose, among other, the supplying of the programme with subtitles, sign language translation, separate audio channels, teletext and other ancillary services that enable people with a visual or hearing disability to use the provided service.

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

(1) On-demand audiovisual media service shall promote production of and accessibility to European works, taking account of the specific nature and opportunities of the service. Promotion of the production of and accessibility to European works means, among other, for on-demand audiovisual media service provider:

- 1) provision of financial support for the production of European works, ordering of the works or obtaining the rights for the transmission thereof;
- 2) highlighting European works in the programme catalogue, including the works completed during last five years, presenting the country of origin and the year of completion of such works;
- 3) highlighting the works that are in compliance with the features of own production and highlighting the year of their completion in the programme catalogue.

(2) The on-demand audiovisual media service provider shall submit to the Technical Surveillance Authority by 15 February each year the information concerning compliance with the requirements provided for in subsection (1) of this section for calendar year preceding the year of the submission of information.

## **Chapter 3 Commercial Communications**

### **§ 25. Commercial communication**

(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 is included thereto in return for payment or other similar consideration.

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

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

(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]

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

(1) Persons involved in the pursuit of the media service activities may establish a code of conduct by means of self-regulation regarding inappropriate audiovisual commercial communication, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular, those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended for children.

(2) The Code of Conduct referred to in subsection (1) of this section shall be established by a regulation of the minister responsible for the area if the persons engaged in the media services field have not established that by means of self-regulation.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014, the words “the Minister of Culture “ have been replaced by the words “the minister responsible for the area” on the basis of subsection 107<sup>3</sup> (4) of the Government of the Republic Act.]

## **§ 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 shall broadcast television advertising and teleshopping by spot blocks and shall ensure, where television advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and form of the programme, and the rights of the right holders are not prejudiced. Isolated advertising and teleshopping spots, other than in broadcasts of sports events, shall remain the exception.

(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) The broadcasts of children's programmes may be interrupted by television and radio advertising or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is longer than 30 minutes.

(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 hourly transmission time of television and radio advertising spots and teleshopping shall not exceed 12 minutes, except for the announcements that a television and radio service provider broadcasts in connection with its own programmes and ancillary products, sponsorship announcements and product placement directly deriving from those programmes.

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

## **§ 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 in the production of a programme, to the financing of media services or programmes with a view to promoting its image or introducing its name, its trade mark, its activities or its products.

(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 shall 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 Technical Surveillance 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 communication shall be clearly distinguishable by the viewers from other forms of commercial communication.

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

(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 29<sup>2</sup>(9) 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, so that it is featured within a programme in return for payment or for similar consideration.

(2) Product placement shall be prohibited except in the cases provided for in this section.

(3) Product placement shall be admissible:

- 1) in films made for the cinema and television, and television series or serials;
- 2) sports programmes;
- 3) light entertainment programmes;
- 4) where there is no payment but only the provision of certain goods or services free of charge, such as production props and prizes, with a view to their inclusion in a programme.

(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) Product placement in children's programmes shall be prohibited.

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

- 1) tobacco products or cigarettes or the goods of such undertakings whose principal activity is the manufacture and sale of cigarettes and other tobacco products;
- 2) prescription medicinal products or medical treatments available only on a medical prescription.

(7) The requirement provided for in clause (4) 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.

## **Chapter 4**

# Activity licences for provision of television and radio service and notification obligation of on-demand audiovisual media service provider

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

## § 32. Activity licence for provision of television and radio service

Television or radio service can only be provided on the basis of the activity licence for provision of television or radio service (hereinafter activity licence) that is issued to a natural or legal person on the following conditions:

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) it is not connected through the dominant influence over the management to the undertaking that has been issued an activity licence for provision of television and radio service and the issue of the activity licence may substantially damage the competition in the media services market, particularly through creation or reinforcement of the dominant position in the market.

## § 33. Activity licence for provision of free access television service

(1) The activity licence for provision of free access television service shall be issued for up to ten years if the conditions specified in § 32 of this Act and the secondary conditions established on the basis of subsection 40 (4) are met and the applicant appeared to be the best bidder in the selection procedure.

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

(2) The following activity licences shall be issued for provision of free access television service:

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

2) the activity licence for provision of free access national television service in the media coverage area with a population of over 50% of the population of Estonia.

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

Provided that the conditions specified in § 32 of this Act and the secondary conditions of the activity licence established on the basis of subsection 40 (6) of this Act are met, the following activity licences for provision of conditional access television services shall be issued for up to five years:

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

1) an activity licence for provision of conditional access regional television services in the media coverage area of one or more counties with the population of up to 50% of the population of Estonia;

2) an activity licence for provision of conditional access national television service in the media coverage area with the population of over 50% of the population of Estonia.

## § 35. Activity licence for provision of radio service

(1) An activity licence for provision of radio service shall be issued for up to five years if the conditions specified in § 32 of this Act and the secondary conditions of the activity licence established on the basis of subsection 40 (4) of this Act are met and the applicant appeared to be the best bidder in the selection procedure.

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

(2) The following activity licences shall be issued for provision of radio service:

1) a regional activity licence for provision of radio service in the media coverage area of one or more counties with the population of up to 50% of the population of Estonia;

2) a national activity licence for provision of radio service in the media coverage area with a population of over 50% of the population;

3) an international activity licence for provision of radio programme service targeted at a foreign state.

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

An activity licence for provision of satellite television service for transmission of a television programme service targeted at a foreign country shall be issued for up to five years if the conditions specified in section § 32 of this Act are met and the Technical Surveillance Authority has previously consulted the relevant authority in the destination country of the television programme service whether the content of the proposed television programme service meets the requirements set in the destination country, particularly with regard to television advertising and the protection of the minors.

### **§ 37. Temporary activity licence for provision of television and radio service**

Temporary activity licence for provision of television and radio service (hereinafter temporary activity licence) shall be issued, provided that the conditions specified in section § 32 of this Act are met, for transmission of the programme service of a temporary nature for up to one month with the purpose to reflect a particular event.

### **§ 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 and activity licence shall be settled by the Technical Surveillance Authority.

(2) The application for an activity licence shall include information of the type of the licence applied for, characteristics of the programme service, information about the coverage area of the programme service and other information that is necessary to confirm the compliance of the activities of the provider of programme service with the conditions and secondary conditions of the activity licence.

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

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

1) the organisation of the programme service;

1<sup>1</sup>) 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) proportion of the musical works and verbal broadcasts, including the news programmes, in the programme service.

(4) An application for the activity licence for provision of television service shall specify, 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.

(5) The minister responsible for the area shall establish by a regulation the format of an application for activity licence.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014, the words “the Minister of Economic Affairs and Communications” have been replaced by the words “the minister responsible for the area” on the basis of subsection 107<sup>3</sup> (4) of the Government of the Republic Act.]

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

1) the investment programme and a business plan;

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.

(7) If the activity licence for provision of television service is applied for, the application shall also include 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.

(8) A state fee shall be paid for review of the application for activity licence in correspondence with the rate provided for in the States Fees Act.

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

(1) Director General of the Technical Surveillance Authority shall announce a competition for the issue of an activity licence for provision of free access television service and radio service. The announcement of 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 shall be announced on the web pages of the Ministry of Culture and the Technical Surveillance Authority.

(2) The Technical Surveillance Authority shall notify the Ministry of Culture of the forthcoming competition for activity licence for the provision of free access television and radio service for at least two months before the announcement of the competition.

(3) A minimum amount 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 broadcasts in the programme service, including the proportion of the news programmes, the amount of programmes in the programme service 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 the activity licence for the provision of free access television service, conditional access television service and radio service.

(4) The minister responsible for the area shall decide on the existence of the need for establishing secondary conditions to the activity licence for the provision of free access television or radio service and shall establish in this case secondary conditions to the activity licence and the bases for the evaluation thereof one month before the announcement of the competition in order to establish the best bidder in the selection procedure.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014, the words “the Minister of Culture “ have been replaced by the words “the minister responsible for the area” on the basis of subsection 107<sup>3</sup> (4) of the Government of the Republic Act.]

(5) The Director General of the Technical Surveillance Authority shall make the decision on the issue of or refusal to issue the activity licence for the provision of free access television and radio service or on the refusal to review the application within three months as of the final date for submission of the applications for an activity licence.

(6) The activity licence for the provision of conditional access television service, satellite television service and temporary activity licence shall be issued by the Director General of the Technical Surveillance Authority on the basis of the submitted application without announcing the competition. Secondary conditions may be established to the activity licence for provision of conditional access television service in accordance with the proposal made by the minister responsible for the area previously.

[RT I, 29.06.2014, 109 - entry into force 01.07.2014, the words “the Minister of Culture “ have been replaced by the words “the minister responsible for the area” on the basis of subsection 107<sup>3</sup> (4) of the Government of the Republic Act.]

(7) The decision on the issue of or refusal to issue the activity licence for the provision of conditional access television service and temporary activity licence or on the refusal to review the application shall be made by the Director General of the Technical Surveillance Authority within one month as of the receipt of the application.

(8) The decision on the issue of or refusal to issue the activity licence for the provision of satellite television service, or on the refusal to review the application shall be made by the Director General of the Technical Surveillance Authority within six months as of the receipt of the application.

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

#### **§ 41. Committee**

The Director General of the Technical Surveillance Authority shall form an Advisory Committee for evaluating the applications for activity licences, which shall include 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 shall be approved by the directive of the Director General of the Technical Surveillance Authority.

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

#### **§ 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) An activity licence for the provision of free access television and radio services for the issue of which a competition shall be organised shall be issued to the applicant who has made the best bid in the selection procedure.

(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 responsible for the area on the basis of subsection 40 (4) 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 Technical Surveillance 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 Technical Surveillance Authority may refuse to issue the activity licence for the provision of satellite television service if the television programme service to be transmitted on the basis of this licence would substantially violate the requirements in the target country, particularly with regard to television advertising and the protection of minors.

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

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

The Director General of the Technical Surveillance 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 Technical Surveillance 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**

(1) A notification of economic activity shall be submitted for provision of on-demand audiovisual media service.

(2) In addition to the provisions of the General Part of the Economic Activities Code Act the following information shall be submitted in the notification:

- 1) the web page address of the service provider;
- 2) the name and type of the on-demand audiovisual media service and the specification of the service;
- 3) forms and coverage areas of the accessibility of the service;
- 4) name and contact information of the executive producer of the programme catalogue;
- 5) reference to the Technical Surveillance Authority as to the state supervisory authority.

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

(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 shall not use the obtained television broadcasting rights on an exclusive basis in such a way as to deprive a substantial proportion of the public 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 European Union Directive of Audiovisual Media Services or by the European Convention on Transfrontier Television.

(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 49 (2) and (3) 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 television and radio service**

(1) Reception and retransmission of television and radio service from another state shall not be restricted unless in the cases provided for in this section.

(2) The Technical Surveillance Authority shall issue a precept for the termination of retransmission to the retransmission implementer of the television programme service established in a Member State or State Party to the Convention for the following reasons:

1) the television programme service originating from another state has materially violated the requirements provided for in subsections 19 (1)–(5) of this Act for at least twice during the last year;

2) the Technical Surveillance Authority has sent a written notice to the supervisory body, television service provider, retransmission implementer of the television programme service of another state and the European Commission about the violation specified in clause 1) of this subsection and about the issue of a precept to terminate retransmission;

3) the consultations with a supervisory body of the respective state and the European Commission have not achieved a satisfactory solution within 15 days after the notification specified in clause 2) of this subsection and the violation continues.

(3) The Technical Surveillance Authority shall waive the precept for termination of the intended or already implemented retransmission if the European Commission decides that the acts of Estonia pursuant to subsection (2) of this section are not in accordance with the laws of the European Union.

(4) If the retransmission of a television programme service that does not originate from a Member State or State Party to the Convention violates materially and repeatedly the requirements provided for in subsections 19 (1)–(5) of this Act, the Technical Surveillance Authority shall have the right to issue a precept to the retransmission implementer of television programme service for the termination of retransmission of the television programme service.

(5) If a radio programme service retransmission implementer from another state violates materially and repeatedly the requirements provided for in subsections 19 (1)–(3) of this Act, the Technical Surveillance Authority shall have the right to issue a precept for the termination of retransmission of the radio programme service.

(6) A retransmission implementer may provide a television programme service in its services the transmission of which has been respectively authorised by the country of location or on any other legal basis in accordance with the legislation of the country of location.

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

(1) Reception and retransmission of on-demand audiovisual media services from another State shall not be restricted unless in the cases provided for in this section.

(2) The Technical Surveillance Authority may issue a precept for the termination of the provision of the programme catalogue to a retransmission implementer originating from a Member State of the European Union provided that it is necessary and proportionate and if the programme catalogue prejudices or presents a risk of prejudice to at least one of the following principles:

- 1) protection of public policy, in particular the prevention, investigation, detection and prosecution of criminal offences, including the protection of minors and the fight against any incitement to hatred on grounds of race, sex, religion or nationality, and violation of human dignity concerning individual persons;
- 2) the protection of public health;
- 3) public security, including the safeguarding of national security and defence;
- 4) the protection of consumers, including investors.

(3) Before the issue of a precept to terminate the provision of the programme catalogue and without prejudice to court proceedings the Technical Surveillance Authority shall:

- 1) apply to the supervisory body of the Member State of the European Union under whose jurisdiction the media service provider falls to take measures;
- 2) in the case the supervisory body of a Member State of the European Union has not taken the required measures or they have been inadequate, notify the European Commission and the supervisory body of the Member State of the intention to take such measures..

(4) In the case of urgency, such as a clear threat to public security, derogations may be made from the conditions stipulated in subsection (3) of this section. Where this is the case, the Technical Surveillance Authority shall immediately notify the European Commission and the supervisory body of a Member State of the European Union, indicating the reasons for which the Technical Surveillance Authority considers that the case is urgent and requires prompt action.

(5) The Technical Surveillance Authority may waive the issue of the precept to terminate the proposed or already completed programme catalogue if the European Commission decides that the precept is in noncompliance with the European Union law.

(6) In the case of a programme catalogue originating from a non-Member State of the European Union the Technical Surveillance Authority may issue, on the basis of subsection (2) of this section, a precept to the retransmission implementer providing the programme catalogue for the termination of the provision of the programme catalogue

(7) A retransmission implementer may provide in its services a programme catalogue for the transmission of which he or she is holding the respective permission of the country of location or any other legal basis in accordance with the legislation of the country of location.

## **Chapter 7**

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

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

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

(2) If the Technical Surveillance Authority finds that the disclosure of information to the supervisory body of the Member State of the European Union is not substantiated, it shall notify the European Commission that they do not want the disclosure of information and shall present the respective recitals.

(3) In the case the disclosure of the information to the European Commission or to the supervisory body of a Member State or a State Party to the Convention concerns the media service provider located in Estonia, the Technical Surveillance Authority shall also notify the media service provider of the disclosure of information.

(4) If a service of a television service provider under the jurisdiction of a Member State or a State Party to the Convention is wholly or to the main part targeted at the population of Estonia and the television service provider has been established in another Member State or State Party to the Convention with the obvious purpose to circumvent the requirements provided for by this Act and is consistently violating them, the Technical

Surveillance Authority shall contact the supervisory body of a Member State or State Party to the Convention in order to find a mutually satisfying solution.

(5) If a mutually satisfying solution has not been found in exchange of information with the supervisory body of a Member State of the European Union provided for in subsection (4) of this section, the Technical Surveillance Authority shall have the right to approach the European Commission to get an assessment on whether the measures proposed by the Technical Surveillance Authority are justified, objectively necessary and non-discriminatory.

(6) If the European Commission has decided that those measures are in compliance with the European Union law and the assessments of Estonia are relevant and sufficiently substantiated, the Technical Surveillance Authority may issue a precept, as a derogation, for the termination of the retransmission of the television programme service to the retransmission implementer of the television programme service specified in subsection (4) of this section.

(7) If a supervisory body of a Member State or of a State Party to the Convention notifies the Technical Surveillance Authority about the circumstances that an audiovisual media service provider that is located in Estonia and whose services are intended for reception wholly or partially in one or more of the Member States or States Party to the Convention, violates persistently and materially the requirements set to the provision of audiovisual media services in the said state, the Technical Surveillance Authority shall have the right to issue, as necessary, a precept to the audiovisual media service provider to comply with the said requirements. The Technical Surveillance Authority shall notify the supervisory body of a Member State or of a State Party to the Convention about the measures taken and their results within two months after the receipt of information.

(8) The Technical Surveillance Authority shall have the right to notify the European Commission about the case specified in subsection (7) of this section if the Technical Surveillance Authority does not agree with the information received from the supervisory body of a Member State of the European Union.

## **Chapter 8**

### **State supervision**

#### **§ 54. State supervision**

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

The Technical Surveillance Authority shall exercise state supervision over the compliance with the requirements of this act and the legislation established on the basis thereof, except for the requirements provided for in § 15 of this Act.

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

#### **§ 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 a law enforcement agency may apply specific measures of state supervision provided for in § 30 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

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

#### **§ 56. Penalty payment**

[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 penalty payment is 15,000 euros, for repeated failure to comply with the precept the upper limit for penalty payment is up to 30,000 euros.

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

## **Chapter 9**

### **Liability**

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

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

(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 26 (2) and §§ 28-31 of this Act – is punishable by a fine of up to 300 penalty units.  
[RT I, 11.06.2013, 1 - entry into force 01.07.2013]

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

### **§ 59. Procedure**

(1) The provisions of the Penal Code and the Code of Misdemeanour Procedure shall be applied to misdemeanours specified in §§ 57 and 58 of this Act

(2) The Technical Surveillance 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**

The audiovisual media service providers shall implement the requirement provided for in § 23 of this Act gradually after entering into force of this Act. The audiovisual media service providers shall submit information about making their services accessible to people with a visual or hearing disability to the Ministry of Culture for the first time by 15 November in the year 2011, henceforth to the Technical Surveillance Authority by 15 February of each year from the year 2013  
[RT I, 11.06.2013, 1 - entry into force 01.07.2013]

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

The Minister of Culture shall establish the code of conduct specified in subsection 27 (2) of this Act for the transmission of children's programmes within a year and a half after this Act enters into force if the persons engaged in the pursuit of media service have not worked out the said code of conduct on a self-regulatory basis within a year after this Act enters into force.

### **§ 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 Technical Surveillance 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 Technical Surveillance Authority of the coverage area within two months as of the entry into force of this Act, pursuant to requirements specified in clauses 35 (2) 1) and 2) 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.

#### **§ 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 Technical Surveillance 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 49 (1) 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 47 (3) of this Act shall be applied from 1 July 2016.  
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

§ 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 [ OJ L 95, 15.04.2010, pp. 1–28.