

Study to support the preparation of an EU instrument on to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU

Mapping of national legislation – Estonia

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
I. General information about the national legal framework		
National legal act(s) governing political advertising	<p>Advertising Act, https://www.riigiteataja.ee/en/eli/521122020005/consolide</p> <p>Political Parties Act, https://www.riigiteataja.ee/en/eli/ee/502062014001/consolide/current</p> <p>European Parliament Election Act, https://www.riigiteataja.ee/en/eli/ee/529012014001/consolide/current</p> <p>Riigikogu Election Act, https://www.riigiteataja.ee/en/eli/ee/502012019007/consolide/current</p> <p>Municipal Council Election Act, https://www.riigiteataja.ee/en/eli/ee/511072016012/consolide/current</p> <p>Language Act, https://www.riigiteataja.ee/en/eli/ee/506112013016/consolide/current</p> <p>Estonian Public Broadcasting Act, https://www.riigiteataja.ee/en/eli/ee/509012014002/consolide/current.</p>	<p>Estonia does not have a consolidated law on political campaigning. The core points are covered by the Advertising Act, Political Parties Act, European Parliament Election Act, Riigikogu Election Act, Municipal Council Election Act, Language Act and Estonian Public Broadcasting Act.</p> <p>They are interlinked through the common terms like 'advertising' and 'elections'.</p> <p>There are no specific rules about online political advertising in Estonia.</p> <p>The Police and Border Guard Service of Estonia has published some advice on political advertising rules (Politsei praktika seoses valimiskampaaniatega, https://www.politsei.ee/et/juhend/politsei-praktika-valimistel), based on law enforcement practice in this scope</p>
Legal and/or statutory definition of the notion of “ political advertising ” and “ online political advertising ” (if applicable)	No rules exist	No, there is no separate notion of political advertising or campaigning.

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
If not applicable, provide other definitions/terms used in the legislation close to the notion of “political advertising”	Advertising Act, https://www.riigiteataja.ee/en/eli/521122020005/consolide	Police and Border Guard Department is using the general definition of advertisement about political advertising. Art. 2.3., Advertising Act, ‘advertising means information which is made public in any generally perceived form for a charge or without charge for the purpose of increasing the provision of services or the sale of goods, promoting an event or directing the conduct of a person in public interests’
Evaluation of the current legislative framework and draft legislations on political advertising and/or online political advertising	No rules exist	One of the leading Estonian NGOs, Human Rights Centre, has been carrying out annual evaluation of legislation on the right to free elections. Since 2010 they have recommended to repeal the ban on outdoor political advertising during the elections campaign, and after the recommendation from the Chancellor of Justice and the Constitutional Committee in early 2020 the legislation has been amended accordingly (laws on the municipal council elections, European Parliament elections, Riigikogu elections and the Penal Code) https://humanrights.ee/en/materials/inimoigused-eestis-2020/oigus-vabadele-valimistele/ ODIHR has issued a report on the latest Parliament elections of 2019, but there have been no recommendations on political campaigning or advertising.
II. Political advertising rules during pre-election campaigns		
Definitions of pre-election campaigns in the Member State (if applicable)	No rules exist	No, there is no definition of pre-election campaign anymore.
National rules on paid political advertising during pre-election campaigns	Language Act, https://www.riigiteataja.ee/en/eli/ee/506112013016/consolide/current Advertising Act, https://www.riigiteataja.ee/en/eli/521122020005/consolide	Yes, paid political advertising is allowed (there are no bans on it) There are few limitations on pre-elections political advertising in Estonia. Firstly, according to Art. 16.1 of the

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>Language Act, 'Signs, signposts, business type names and outdoor advertisements, including outdoor advertising, installed to a public place with the purpose of political campaigning, and the notices of a legal person shall be in Estonian'.</p> <p>This rule is also enforceable online, as Art. 35.1 of the same act provides that 'Violation of the requirements for use of the Estonian language and Estonian Literary Standards on public signs and signposts, in outdoor advertisements, including outdoor advertising, installed to a public place with the purpose of political campaigning and on web page, [...] is punishable with by a fine of up to 200 fine units'.</p> <p>The political campaigning is subject to general rules of advertising as well. E.g., prohibition of the use of national symbols and colour combination of the Estonian flag in a misleading manner (art. 4.4 of the Advertising Act), or providing inaccurate information, contain denigration or discrimination on the grounds of nationality, race, age, colour, sex, language, origin, religion, political or other beliefs, financial or social status or other circumstances, or ignoring the principle of gender equality within the meaning of the Gender Equality Act (art. 3.4. of the Advertising Act).</p> <p>It is also forbidden to use the voice or image of a person who appears as an anchor or commentator in programmes on political events or issues or as an announcer in a news programme in ads on television (art. 11.1.2 of the Advertising Act).</p>
National rules on financing of political parties/candidates in relation to political adverts	<p>Political Parties Act,</p> <p>https://www.riigiteataja.ee/en/eli/ee/502062014001/consolide/current</p>	<p>Financing of the political parties is covered by the Political Parties Act.</p> <p>Based on Art. 12-1, political parties, election coalitions and single candidates are prohibited to use public funding for conducting or organizing the election campaign.</p>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>According to Art. 12-8, '(1) Political parties, election coalitions and single candidates submit to the political party funding supervision committee a report on the expenses of the Riigikogu, European Parliament or local authority council election campaign. The report is submitted to the political party funding supervision committee in the required form within one month from the election day.'</p> <p>The same rules are applicable to the single candidates. The said election campaign reports have to disclose name and personal identification of the donators, the values of the donations and the description of the expenses.</p> <p>The political parties are allowed to take loans, given that 'the lender is a credit institution and the lending and borrowing takes place on market conditions [...] agreement may be secured only with the property of the political party or the suretyship of a member of the political party'.</p> <p>The prohibited donations shall be immediately returned to the donor if possible.</p>
National rules on free political advertising (or free airtime) during pre-election campaigns	Estonian Public Broadcasting Act, https://www.riigiteataja.ee/en/eli/ee/509012014002/consolide/current	There are no restrictions on placing free political advertising (except public broadcasting which cannot be engaged in advertising as such).
National rules on political advertising on broadcast media during pre-election campaigns (incl. public service and private broadcasters)	Media Services Act https://www.riigiteataja.ee/en/eli/ee/511012019003/consolide Estonian Public Broadcasting Act, https://www.riigiteataja.ee/en/eli/ee/509012014002/consolide/current	<p>According to the Media Services Act (art. 25-3), the requirements set out for advertising in the provisions of the Advertising Act [...] apply to commercial communications.</p> <p>As mentioned above, public broadcasting cannot operate as a platform for political adverts (see art. 11-1, Estonian Public Broadcasting Act).</p>

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
National rules on political advertising in print media during pre-election campaigns	Media Services Act https://www.riigiteataja.ee/en/eli/511012019003/consolide	According to the Media Services Act (art. 25-3), the requirements set out for advertising in the provisions of the Advertising Act [...] apply to commercial communications. The guidelines from the police are only applicable to outdoor political advertising.
National rules on political advertising on online media applicable to political parties , during pre-election campaigns	Personal Data Protection Act https://www.riigiteataja.ee/en/eli/523012019001/consolide	There are no specific rules applicable to political adverts placed in online media in the Personal Data Protection Act or elsewhere. Anyhow, it may be worth mentioning that the head of the Estonian Data Protection Inspectorate may not participate in the activities of the political parties (art. 52-2 of the mentioned law). Otherwise, the act implements the GDPR provisions on processing personal data, profiling etc.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during pre-election campaigns	No particular rules exist	There are no particular rules applicable to online platforms for political advertising.
Specific rules relating to “false information”, fake news” or “disinformation campaigns” during pre-election campaigns	Advertising Act, https://www.riigiteataja.ee/en/eli/521122020005/consolide	There are no particular rules applicable to ‘fake news’ prevention, but according to the Advertising Act, the advertisements cannot provide inaccurate information (art. 3.4.11)
III. Political advertising rules during elections period		
Definitions of elections period in the Member State (if applicable)	No definition provided	There is no exact definition of the election period for any of the three types of elections in Estonia.
National rules on paid political advertising during elections period	European Parliament Election Act, https://www.riigiteataja.ee/en/eli/ee/529012014001/consolide/current Riigikogu Election Act, https://www.riigiteataja.ee/en/eli/ee/502012019007/consolide/current Municipal Council Election Act, https://www.riigiteataja.ee/en/eli/ee/511072016012/consolide/current	Election campaigning is prohibited in polling places. (Art. 5-2 of the European Parliament Elections Act, Art. 5-3 of the Riigikogu Elections Act, Art. 6-2 of the Municipal Council Elections Act Advance voting time and election day)

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
	Police guidelines https://www.politsei.ee/et/juhend/politsei-praktika-valimistel/eelhaaletamise-aeg-ning-valimispaev	<p>According to the Estonian police guidelines, during advance voting and on election day any agitation (active, passive) is prohibited in the polling station and in the premises through which the voter enters the polling station. Therefore, it is not allowed to distribute election advertisements in these premises, to invite them to vote by any candidate, party or electoral bloc.</p> <p>Persons wearing clothing with election advertising should cover it when entering the premises. The head of the polling station has the right to submit relevant requests, compliance with the order is mandatory. If the polling station is located, for example, in a shopping centre where a voter enters the polling station through a car park, the car park should not be interpreted as a space through which the polling station enters. Agitation is not allowed in other premises in the same building as the polling station. Although the shopping centres are multi-storey, it is not possible not to comply with the ban on agitation until the relevant provisions of the Electoral Act remain unchanged. On election day, it is forbidden to agitate to vote.</p> <p>https://www.politsei.ee/et/juhend/politsei-praktika-valimistel/eelhaaletamise-aeg-ning-valimispaev</p>
National rules on financing of political parties/candidates in relation to political adverts	No rules exist	General rules apply, no particular restrictions for the elections period.
National rules on free political advertising (or free airtime) during elections period	No rules exist	General rules apply, no particular restrictions for the elections period.
National rules on political advertising on broadcast media during elections period (incl. public service and private broadcasters)	No rules exist	General rules apply, no particular restrictions for the elections period.

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on political advertising in print media during elections period	No rules exist	General rules apply, no particular rules for the elections period.
National rules on political advertising on online media applicable to political parties , during elections period	No rules exist	General rules apply, no particular rules for the elections period.
Particular rules applicable to online platforms and intermediaries , such as social media, for political advertising during elections period	Police guidelines https://www.politsei.ee/et/juhend/politsei-praktika-valimistel/eelhaaletamise-aeg-ning-valimispaev	According to the above-mentioned guidelines from the Police and Border Guard Service, on election day, election advertising that reaches a person without logging in to any environment (including television, websites) is prohibited. It is also not allowed to send SMS with a call to action. On election day, advertising on Facebook is generally not banned, except for politicians who have hundreds of contacts and who campaign on their election day to vote in their favor. https://www.politsei.ee/et/juhend/politsei-praktika-valimistel/eelhaaletamise-aeg-ning-valimispaev
Specific rules relating to “ false information ,” “ fake news ” or “ disinformation campaigns ” during elections period	No rules exist	General rules apply, no particular rules for the elections period.
IV. Political advertising rules outside of elections period		
National rules on paid political advertising outside of elections period	No rules exist	General rules apply, no particular rules for outside elections period.
National rules on financing of political parties in relation to political adverts	No rules exist	General rules apply, no particular rules for outside elections period.
National rules on free political advertising (or free airtime) outside of elections period	No rules exist	General rules apply, no particular rules for outside elections period.

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
National rules on political advertising on broadcast media outside of elections period (incl. public service and private broadcasters)	No rules exist	General rules apply, no particular rules for outside elections period.
National rules on political advertising in print media outside of elections period	No rules exist	General rules apply, no particular rules for outside elections period.
National rules on political advertising on online media applicable to political parties , outside of elections period	.No rules exist	General rules apply, no particular rules for outside elections period
V. Rules and obligations applicable to online platform operators and intermediaries of political advertising		
Particular rules applicable to online platforms and intermediaries such as social media for political advertising	Personal Data Protection Act https://www.riigiteataja.ee/en/eli/523012019001/consolide	The online platforms in Estonia have to comply with the GDPR, national Data Protection Act, but there are no particular guidelines for them on how to conduct political advertising. The Data Protection Inspectorate has issued a comment in 2019 with a request to social media users to adhere to journalistic principles 'when publishing texts of public interest' https://www.aki.ee/et/uudised/kohtuotsus-sonavabaduse-vastutusest
VI. Transparency rules for political parties/candidates funding		
Rules on direct public funding¹ to political parties and/or candidates	Political Parties Act, https://www.riigiteataja.ee/en/eli/ee/502062014001/consolide/current	Direct public funding to political parties is covered by the Political Parties Act. According to art. 12-7 of the Political Parties Act, a party can get a direct public funding in case if it is represented in the Parliament (proportionate to the number of seats) or

¹ Public funding refers to funds or resources provided by the State/Government to political parties and/or candidates . Depending on the form in which public resources are made available, public funding is divided into direct public funding or indirect public funding. Direct public funding corresponds to the allocation of direct public funds to political parties and/or candidates in the form of money, usually as bank transfers but at times in cash or cheque. See more information at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/default>

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
		<p>if it has participated in the elections and collected between 2-5% of votes.</p> <p>The political parties cannot use public funds for election campaigns.</p> <p>The reports of the political parties are investigated by the Political party funding supervision committee, comprised of members appointed by the Chancellor of Justice, the Auditor General, the National Election Committee, a political party represented in the Parliament (yet not a member of Parliament or Government) – art. 12-10 of the Political Parties Act</p>
Rules on indirect public funding² to political parties and/or candidates	No rules exist	There are no such resources available to political parties in Estonia.
Rules on free or subsidised access to media for political parties and/or candidates	Estonian Public Broadcasting Act, https://www.riigiteataja.ee/en/eli/ee/509012014002/consolide/current	According to art. 6.5 of the Estonian Public Broadcasting Act, ‘public Broadcasting shall give equal opportunities to all the candidates participating in the elections of the President of the Republic, to all the political parties and independent candidates participating in the elections of the Riigikogu and the European Parliament and, taking account of a large number of elections coalitions and independent candidates, in the elections of local governments, shall create opportunities for as many powers as possible who participate in the elections and have an integral program to adequately present their position’. Same rules apply to commercial media.
Rules on foreign contributions to political parties and political campaigns	Political Parties Act, https://www.riigiteataja.ee/en/eli/ee/502062014001/consolide/current	According to the Political Parties Act (Art. 12-1), the only allowed sources of funding for political parties are:

² Indirect public funding is when resources with a monetary value are provided by the Government to political parties and/or candidates. Such resources may be, for instance, granting of media access (free advertising slots in publicly owned media), interest-free loans for paying registration fees or mounting a basic election campaign, free printing and distribution of ballot papers, use of Government buildings for meetings and rallies, tax-free donations etc. . See the list of indirect public funding of parties and candidates at: <https://aceproject.org/ace-en/topics/pc/pca/pca02/pca02a/pca02a4>

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
		<p>1) membership fees established on the basis of the articles of association of the political party;</p> <p>2) allocations from the state budget under this Act;</p> <p>3) donations made on the terms and conditions laid down in this Act;</p> <p>4) transactions with the property of the political party.</p> <p>The donations and membership fees are only acceptable from Estonian citizens or permanent residents. The political parties cannot also be a sub-unit of a foreign entity. Thus, the only possible option for a foreign contribution is getting a loan from a foreign credit institution and securing the loan with the property of a political party.</p>
VII. Monitoring and enforcement of national rules on political advertising by national authorities		
National (or regional/local if applicable) authority or body responsible for monitoring national rules on political advertising	<p>Advertising Act, https://www.riigiteataja.ee/en/eli/521122020005/consolide</p> <p>Political Parties Act,</p> <p>https://www.riigiteataja.ee/en/eli/ee/502062014001/consolide/current</p> <p>Language Act,</p> <p>https://www.riigiteataja.ee/en/eli/ee/506112013016/consolide/current</p> <p>Estonian Public Broadcasting Act,</p> <p>https://www.riigiteataja.ee/en/eli/ee/509012014002/consolide/current</p> <p>Personal Data Protection Act</p> <p>https://www.riigiteataja.ee/en/eli/523012019001/consolide</p>	<p>There are several bodies competent to supervise political advertising from different points of view.</p> <p>Language Inspectorate is entitled to check the use of Estonian language and issue precepts (art. 31-1, Language Act).</p> <p>Police and Border Guard Service has the right to use coercion granted by administrative coercion law to terminate a disorder with regards to political outdoor advertising based on the Penal Code.</p> <p>The Political party funding supervision committee is supervising the compliance of funding the political campaigns.</p> <p>The Estonian Data Protection Inspectorate shall take action if an entity fails to comply with data protection rules.</p> <p>The Consumer Protection and Technical Regulatory Authority conducts extra-judicial proceedings on the violations of the general requirements for advertising.</p>
Particular measures for supervising online political	No rules exist	No such measures found, here the authorities rather follow the reactive approach.

Research question	Legal source (Article and full name of the source, including hyperlink) May include legal acts, practices, self-/co-regulatory codes or guidelines	Summary of the rules
advertising within and outside elections periods		
Sanctions, penalties and remedy measures applicable in violation of the law	<p>Personal Data Protection Act https://www.riigiteataja.ee/en/eli/523012019001/consolide Penal Code https://www.riigiteataja.ee/en/eli/521082014001/consolide Political Parties https://www.riigiteataja.ee/en/eli/ee/502062014001/consolide/current</p>	<p>The police may issue an injunction to the offender or the person who posed the threat of disorder, stipulating a specific action and deadline for stopping the offense (for example, to disclose political outdoor advertising) and imposing a penalty payment or substitute enforcement to enforce the claim if the offender does not voluntarily stop.</p> <p>According to the Penal Code, interfering with election campaigning and unlawful campaigning are punishable by fines or detention (art. 167-168)</p> <p>According to the Chapter 6 of the Personal Data Protection Act, violation of the GDPR provisions can be punishable with fines of up to 20,000,000 eur or up to 4% of legal entity's global turnover.</p> <p>According to art. 12-17 of the Political Parties Act, 'failure to submit an election campaign report by a political party, an election coalition, a person running as a candidate in the list of a political party or election coalition or a single candidate is a fine of up to 300 fine units'. The proceedings are then held by the police prefectures (art. 12-20).</p>

Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Political Parties Act	https://www.riigiteataja.ee/akt/112072014039	https://www.riigiteataja.ee/en/eli/ee/513042015011/consolide/current
Personal Data Protection Act	https://www.riigiteataja.ee/akt/104012019011	https://www.riigiteataja.ee/en/eli/523012019001/consolide
Penal Code of Estonia	https://www.riigiteataja.ee/akt/184411?leiaKehtiv	https://www.riigiteataja.ee/en/eli/515072020011/consolide
Language Act	https://www.riigiteataja.ee/akt/116062020005	https://www.riigiteataja.ee/en/eli/ee/506112013016/consolide/current
Estonian Public Broadcasting Act	https://www.riigiteataja.ee/akt/122122020051	https://www.riigiteataja.ee/en/eli/ee/509012014002/consolide/current
European Parliament Elections Act	https://www.riigiteataja.ee/akt/103012020009	https://www.riigiteataja.ee/en/eli/ee/516122020005/consolide/current
Riigikogu Elections Act,	https://www.riigiteataja.ee/akt/103012020013	https://www.riigiteataja.ee/en/eli/ee/514122020002/consolide/current
Municipal Council Elections Act	https://www.riigiteataja.ee/akt/103012020011	https://www.riigiteataja.ee/en/eli/521122020001/consolide
Advertising Act	https://www.riigiteataja.ee/akt/101072020013	https://www.riigiteataja.ee/en/eli/ee/521122020005/consolide/current
Media Services Act	https://www.riigiteataja.ee/akt/112122018055?leiaKehtiv	https://www.riigiteataja.ee/en/eli/511012019003/consolide