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ESTONIA: From analogue to digital: one step upwards but two steps down?

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Abstract

In Estonia, the key decisions concerning media accountability were made in the 1990s: first a Press Council was established in 1991, then a Code of Ethics was adopted in 1997, and an Ombudsman institution for the public broadcasting was established in 2007. Since then, there has not been any improvement – the accountability system has not been adapted to the challenges of digitalization and the internet, and even the Code of Ethics has not been amended accordingly. However, Estonia has steadily occupied high positions in the global press freedom rankings, which evidences that the general political environment is favorable for media freedom. Estonian journalists are cynical about self-regulation practices, but they still seem to believe in the potential impact of traditional media accountability instruments on media performance. The chapter provides an analysis of the reasons why the accountability instruments of Estonian journalism have not developed further in the 21st century. The analysis reveals that at least one of the main reasons is the low agency of Estonia's journalists vs media organizations (e.g., marginality of the Union of Journalists). The chapter also depicts the overall media context and the activity of the established accountability instruments in Estonia.

Introduction

Estonian media experienced drastic structural changes during the 1990s. By the end of the decade, the market began to stabilize and foreign investments arrived. Certain expectations emerged that foreign owners' experience and know-how would be a good basis for the further development of journalistic professionalism and democratic media culture (Balčytienė & Lauk, 2005, p. 100), but this was not the case. Furthermore, foreign investments created a serious dilemma for the local managers and media elite: they should have simultaneously been able to ensure profit for the investors and develop the quality of national journalism. In fact, aggressive commercial policies were pursued at the expense of journalistic standards (Lauk, 2009, p. 78). Along with commercialization, Estonian journalism has largely lost its traditional cultural and integrating roles. On the other hand, investigative journalism has been gradually developing, which was completely unthinkable under the Soviet regime.

In international comparison, Estonia today emerges with two distinguishable features. Estonia has been standing high in press freedom and media literacy rankings throughout the past two decades. At the same time, all the key decisions concerning accountability were taken in the 1990s. Estonia was a pioneer among European post-communist countries in introducing a media accountability mechanism/ self-regulation: first a press council in 1991, and then a code of ethics in 1997. Although, the example was taken from the Nordic countries (Finland, Norway, Sweden), the same accountability instruments never had the same impact and authority in Estonia. A few of new forms of accountability for the web have emerged but they also have only moderate influence on media practices.

This chapter focuses on the past and present of the media accountability practice in Estonia, briefly describing the Estonian media landscape and main traits of journalism culture, and then the instruments of media accountability. The main conclusion is that after the 1990s, when the system was established, there has not been much improvement, and the accountability system is not ready to meet the new challenges that the technological development has brought along.

Estonian media landscape in a nutshell

Since the early 1990s, two parallel developments have characterized the media environment in Estonia: 1) a high degree of press freedom, and 2) a *laissez-faire* market policy. In Estonia, a combination of extensive freedom of the press¹ and a highly concentrated but unregulated market has clearly resulted in the favouring of economic and business interests over socio-cultural and political ones (cf. Van Cuilenburg & McQuail, 2003).

Key aspects that determine the ‘health and wealth’ of media systems are the size of the population and of the economy (GDP). The Estonian media market belongs to the smallest in Europe (the country’s population is of about 1.3 million).² The size of the media market is also related to language, and because they are also “language markets, media markets are even smaller in countries with different language communities” (Puppis, 2009, p. 11). Historically in Estonia, two separate information spaces have emerged along linguistic lines between the largest population groups, one in Estonian and another in Russian language (Lauk & Jõesaar, 2017). Russian is spoken as the mother tongue by 28.8% of the population.³ Like the Estonian press, the domestic Russian language press

¹ In the rankings of Reporters Without Frontiers, Estonia stands among the top 12 nations since 2002 (when the Press Freedom Index was established). Freedom House places Estonia among the free countries.

² In 2018, 100 newspapers, about 347 magazines and 372 other periodical publications were published in Estonia. Source: National Library of Estonia (<http://www.nlib.ee/trukitoodangu-statistika>).

³ The official 2019 data by the state Statistics Estonia.

flourished during the 1990s – early 2000s. In 2003, 84 newspapers and magazines in Russian appeared, but the Russophone media market entirely collapsed during the economic crisis of 2008–2010. Only three national and some local newspapers, appearing 1-3 times a week, and four free papers appear in Russian today. News portals (e.g. [rus.delfi](http://rus.delfi.ee)) and online versions of newspapers are filling the gap left by the press. Over 80% of today's Russian speaking population uses the internet. Russian TV channels dominate as the main information sources for over 70% of Russian speakers in Estonia (Lauk & Jõesaar, 2017, p.21).

The Estonian media market has remarkably concentrated during the past decades. After numerous mergers and bankruptcies, two major media conglomerates dominate the market: Postimees Grupp⁴ (PG) and Ekspress Grupp (EG), both owned now by Estonian investors. The press market is of an oligopolistic character: the two aforementioned companies publish the two competing national dailies, *Postimees* (PG) and *Eesti Päevaleht* (EG). Postimees Grupp also publishes five of the largest regional dailies and runs TV and radio stations. Ekspress Grupp owns the only national tabloid, *Õhtuleht*, the largest magazine publishing company and the major Internet news portal *Delfi*, and publishes two major national weeklies (*Eesti Ekspress* and *Maaleht*). A Bonnier-owned business daily, *Äripäev*, is targeted at the business sector. Recently, *Äripäev* entered radio business. Within an oligopolistic market situation and minimum state interference, nothing impedes the corporate interests from taking the upper hand.

The majority of Estonian journalists work for PG and EG, and for the third biggest employer – Eesti Rahvusringhääling (Estonian National Broadcasting - ERR), all based in the capital Tallinn. The overall number of journalistic jobs has been declining since the economic crisis of the late 2000s. The most recent number available amounts to about 900.⁵

The economic recession of 2008 – 2010 and simultaneous advancement of digital communication innovations brought about the crisis of the newspapers' business model worldwide. Although in Estonia, the number of titles of newspapers and magazines did not much decline, the circulation and readership drastically decreased. The circulation numbers of major newspapers have dropped since 2008 on average by 54%.⁶ The decrease in newspaper reading correlates with the increase in both the use of the Internet (Internet penetration in June 2019 was 97.9%, according to the Internet World Stats⁷), and reading news online. In the early 2020, the aggregate number of paid digital subscriptions

⁴ Until 2019, AS Eesti Meedia (Estonian Media Ltd), owned by Norway's Schibsted AS in 1998-2013.

⁵ Data for 2016, retrieved from the global journalism studies project 'Worlds of journalism'.

⁶ For the period of 2008–2018. Calculation based on data by the Estonian Association of Media Enterprises: <https://meedialiit.ee/statistika>

⁷ <https://www.internetworldstats.com/stats4.htm>

of the member outlets of the Estonian Association of Media Enterprises was close to 88 000.⁸ Newspapers also lost their leading position in the advertising market to television and the Internet. In 2019 the advertising revenue of television exceeded that of newspapers by nearly 10%.⁹ The proportion of the Internet advertising has grown rapidly from 11% in 2008 to 23.4% of the total advertising revenue in 2019.¹⁰

The newspaper sector, however, still produces most of the original news content, both online and offline. Likewise, ERR has established itself as a prominent original news producer online and on television and radio. Private radio stations mainly reproduce the news agenda set by newspapers and ERR. There are nearly 30 commercial radio channels and 6 national commercial TV channels in addition to the public broadcaster's (ERR) 3 national TV and 4 national radio channels. From July 1, 2010, Estonia switched entirely to digital terrestrial television transmission. The public service ETV is the leading television channel with 17% of the daily share (in Feb. 2020).¹¹ Also, a few regional and local broadcasters operate (via cable). The radio market is highly concentrated, as radio channels of PG and Sky Media reach over 50% of the audience. Together with the ERR, radio's audience reach is over 80% (Jastramskis, Rožukalne & Jõesaar, 2017, p. 40).

Journalism culture in Estonia

The steadily high positions in the global press freedom rankings evidence that the general political environment in Estonia is favourable for media freedom. The statutory regulation of the media is limited to the Broadcasting Act that defines the role and functions, as well as the legal framework for the public broadcasting. The press and the other commercial media perform under general legislation and market rules, which makes competition an important factor influencing the development of journalism culture. "Business parallelism", as Zielonka and Mancini (2011: 4) argue, is a common feature of the media across the Central and Eastern European post-communist countries. The notion of 'business parallelism' refers to "the assertion of business interests in the production of the media, but also the overlap between the media, politics and business" (Ibid.). Media owners are often close to political institutions and try to influence the political decision making. In Estonia, 'business parallelism' is observable, as the largest Estonian media corporation AS Eesti Meedia belongs to the country's fourth richest entrepreneur Margus Linnamäe, whose main business is pharmacy. The

⁸ Data by the Estonian Association of Media Enterprises for January 2020.

⁹ Total media advertising revenues in 2018 still stayed below the 2008 level: €104 m. vs. €111 m. Google and Facebook have taken some €13 m. from the advertising market in 2018. Data by Kantar Emor.

¹⁰ Data for nine months. Source: Kantar Emor (<http://www.kantaremor.ee>).

¹¹ Kantar Emor: <https://www.kantaremor.ee/pressiteated/teleauditooriumi-ulevaade-veebruariis-2020/>

competing corporation, AS Ekspress Meedia is the ownership of Hans H. Luik, a businessman, whose business interests lie primarily in real estate market. Unlike Linnamäe, Luik is a journalism graduate and former journalist. While in some other CEE countries the oligarchs are driving their media businesses mostly in political purposes, the Estonian owners seem to prioritize the business. Similarly, as also the surveys confirm, journalists perceive the influence of the owners' business interests stronger than the influence of any political interests on their work (Harro-Loit & Lauk, 2016, p.5). Similarly to the other European post-communist countries, where "professional associations of journalists have few members, rudimentary organisation and scarce financial resources (Zielonka & Mancini, 2011, p.7), the Estonian Union of Journalists is unpopular among journalists, and the issues of journalists' autonomy and job security have remained unresolved for decades (Loit, 2018, p. 38).

Since the beginning of the transitional reforms in the early 1990s, there were assumptions both in the East and West that "western concepts of 'good journalism' can and should serve as examples for the evolution of media and journalism in these countries" (Coman and Gross, 2006, p. 27). However, regardless of the initial favourable preconditions – democratic government, market economy, and freedoms of the press and expression – there are no cases of successful replacement of communist model with the western one. A common trace in all of these countries has been the dominance of commercial media, which largely determines also the nature of the Estonian journalism culture. The impact of commercial pressure is the most palpable in two aspects: 1) lack of the authority of self-regulation practice among journalists, and 2) limited professional autonomy of journalists.

According to the in-depth analysis of survey data on the proximity of media accountability cultures in different countries (Mazzoleni & Splendore, 2014, pp. 172-173), Estonia stands apart from other surveyed countries by its attitudes towards media accountability instruments (MAI). Although, according to the Worlds of Journalism Study (WJS) survey (Harro-Loit & Lauk, 2016, p.3) Estonian journalists agree almost unanimously (93.1% of the survey respondents) that journalists should follow the codes of professional ethics, they are critical towards self-regulation practices. Estonian journalists' support for traditional MAI was the lowest among 14 countries in the MediaAct study.¹² This might be the journalists' reaction to the situation where the media industry completely controls one of the two press councils (Pressinõukogu, PN) and publicly opposes and ignores the other (Avaliku Sõna Nõukogu, ASN). At the same time, journalists seem to believe in the potential

¹² Online survey, conducted in 2011-2012 by the EU-funded research project "Media Accountability and Transparency in Europe" (MediaACT) among journalists of twelve European countries (Austria, Estonia, Finland, Germany, Italy, the Netherlands, Poland, Romania, Spain, Switzerland) and two Arab countries Jordan and Tunisia; total 1,762 respondents. The project's homepage: <http://www.mediaact.eu>

influence of the traditional MAI, as in the MediaAct study, their estimation of the impact of traditional MAI on their work was the second highest after Finland among the surveyed countries. This indicates that the accountability mechanism has gained some ground among journalists, irrespective of their critical attitudes towards self-regulation practices.

A discrepancy between the professional ideology and everyday journalistic practice is also noticeable concerning journalistic autonomy. According to the WJS study (Harro-Loit & Lauk, 2016, p. 4) journalists in Estonia believe they have a fairly high degree of professional autonomy. 83.7% of respondents said they had complete or a great deal of freedom in their selection of stories and 93.1% had the same in deciding what aspects to emphasize in a news story. However, journalists also accept certain amount of interference by default, e.g. through editing practices, which are underpinned by the in-house guidelines. Avoiding from damaging the news organisation's relationship with advertisers is not uncommon (Niinepuu, 2012). The words of John Merrill published three decades ago in his opus about the responsible use of press freedom are entirely to the point also today:

Journalists in the lower echelons are going about their duties not as professionals who deal with their clients directly and independently, but as functionaries who fashion their work in accordance to supervision and direction by their editors, publishers and news directors. (1989, p. 36)

Although journalism education at the university level has existed in Estonia for 66 years, journalists do not place a high value on professional education. About one third of WJS respondents argued that the importance of journalism education has been decreasing. Although 81.7% of respondents had a university degree, only 44.8% had specialized on journalism (Harro-Loit & Lauk, 2016, p.1). As the salaries are relatively low in journalism, many journalism graduates have changed to PR field or are working in state institutions (advisors of the Ministries etc.), which demonstrates that the quality of the education allows to work in responsible positions. The employment policy in news organisations, however, does not much value journalistic degree, as many media owners and even editors-in-chief do not have it.

Established instruments of media accountability

Press councils

Public discussion on the draft media laws from 1989 to 1991¹³ provoked the idea of introducing a self-regulatory mechanism, which resulted in the adoption of the Finnish version of the press council

¹³ Four drafts of media-targeted laws were presented for public discussion, but none of them was ever adopted.

concept (including the name and some organisational terminology). The first press council – ASN – was established in 1991 under the umbrella of the publishers’ association – the Estonian Newspaper Association (currently, the Estonian Association of Media Enterprises).¹⁴ The Code of Ethics of Estonian Press¹⁵ was formulated on the basis of about 100 cases ASN had dealt with during the six consecutive years, and accepted in 1997. To ensure ASN’s impartiality, ASN was reorganized in 1997 into a non-profit organization that included representatives from both media and lay organizations.

The reorganized ASN functioned for a while as the only media critical institution and articulated several important ethical issues in the explanations of the adjudications and in special statements. The critical discourse of ASN was increasingly disliked among media leaders, and resistance to ASN gradually emerged. Newspapers began to ignore the commitment of publishing its decisions or published shortened versions. In late 2000, as the result of a conceptual conflict between ASN and Newspaper Association, the latter withdrew its membership and the broadcasters (both private and public) followed suit. In 2002, the Newspaper Association established another Press Council (Pressinõukogu – PN) as an affiliate to deal with complaints concerning their member publications. Internet news portals, commercial TV channels and ERR also recognize this Press Council (Lauk, 2008, 2009). Formation of an alternative press council demonstrated the reluctance of the media industry towards involving general public (the lay members) in reflection on media issues (Loit, 2018, p. 39). The PN consists mostly of editors-in-chief (in recent years, some investigative journalists are included), and a few lay members who do not represent institutions, but are individually invited. At the request of the Newspaper Association, none of the media connected with PN publishes ASN’s adjudications or anything else coming from ASN. Also, they do not respond to enquiries from ASN, mostly claiming that they recognize only PN. In this way, the leading media hamper ASN’s critical voice.

The original ASN, where six members out of nine represent public NGOs and three are representatives of the Journalists’ Union, still continues to adjudicate complaints. Unlike PN, ASN also provides expert opinion and evaluates the quality of media content and performance. ASN publishes its adjudications on its website.¹⁶ Although ASN has no procedural measures to be accepted by all media as a self-regulatory body, it has earned credibility with a proficient analytical approach. Occasionally, the state authorities have requested its expert opinion (Lauk, 2009).

¹⁴ <https://meedialiit.ee/>

¹⁵ http://www.asn.org.ee/english/code_of_ethics.html

¹⁶ <http://www.asn.org.ee>

The total number of complaints to the press councils has been increasing throughout the past 15 years, especially of those submitted to PN. The growth of general awareness of the public and perceived violation degree by the industry can be surmised as the explanation (Kõuts-Klemm et al., 2019, p. 87). During 2009–2018, ASN received 289 complaints and PN 649 (see Table 1). This indicates that PN has very well established itself among media organizations. Some people file their complaints to both bodies, and occasionally they get different decisions. The majority of adjudications concern newspapers. The overall proportion of upheld cases by both bodies is high – 2010: 63%; 2014: 55%; 2017: 50% of adjudicated cases. The year 2018 with 26% is rather exceptional. The share of upheld cases is higher with ASN. The respective proportions in Finland, for example, have been 29–30% throughout the existence of the Finnish press council (Lauk, 2014, p. 187). The top three issues addressed by the complaints are:

1. In case of a controversy, not hearing all sides of the conflict (Art. 4.2).
2. Not preventing the publication of inaccurate, distorted or misleading information (Art. 1.4).
3. Individuals subjected to serious accusations not offered an opportunity for immediate rebuttal. (Art. 5.1).

Table 1. **Number of cases handled by the Estonian press councils.**

	Avaliku Sõna Nõukogu (ASN)			Pressinõukogu (PN)		
	Complaints	Adjudications	Upheld cases	Complaints	Adjudications	Upheld cases
2009	48	27	14	54	31	21
2010	41	17	7	42	34	25
2011	40	33	20	67	61	33
2012	23	12	7	49	38	20
2013	30	20	8	56	52	27
2014	14	8	6	51	43	22
2015	25	11	7	75	64	31
2016	27	13	8	84	80	38
2017	22	12	8	87	64	30
2018	19	6	1	84	81	22
2019	n/a	n/a	n/a	82	73	26

Thus, today Estonia has two Press Councils that base their decisions on the same Code of Ethics but have different principles of composition, different statutes and diverse view on how to apply media ethics.

Codes of ethics

Unlike most of ethics codes in Europe, the Code of Ethics of Estonian Press (CE) shares the responsibility for the quality of journalism between journalists and news organizations, particularly emphasising the responsibility of news organisations for publishing truthful and accurate information (CE, art. 1.4). The general ideology of the Code follows a teleological approach. It weighs the ethical behaviour of journalists from the viewpoint of the importance of the information to public interest. The Code instructs journalists about general values and principles of good practice of journalism, as well as calls journalists' attention to ethically problematic issues. The Code allows journalists to use ethically questionable means for getting information in cases "where the public has a right to know information that cannot be obtained in an honest way" (CE, art. 3.7). In the context of this particular article, the Code has been often criticized as it leaves the door open to discussions about whether or not journalists can really behave in a dishonest way. In 2010, the Newspaper Association unilaterally changed the wording of the Article 3.7, replacing the word 'honest' with 'public', and thus changing the meaning of the article.¹⁷ Other than the change in wording, there was no explanation provided for the public. Updating the Code has long remained an unsolved issue, although the need for amendments has become obvious. The same institutions that adopted the Code in 1997 and formed the supporting organization of ASN, namely the Union of Journalists, the Newspaper Association, broadcasters and some NGOs, should accept the amendments. However, it has been impossible to start negotiations as the PN and the Association of Media Enterprises (former Newspaper Association), have been ignoring the existence of the ASN since 2002. It is then understandable that the Code does not even mention online environment, although this is the sphere where new ethical issues increasingly appear. The deadlock has contributed to the low authority of the Code and self-regulation among Estonian journalists. Majority of them consider internal guidelines of their media organizations the primary guides of their everyday work, according to the aforementioned MediaAct survey.

Ombudsman

Ombudsman institution was established in 2007, when the Estonian National Broadcasting Act instituted the post of an Ethical Advisor for the ERR. There is no other kinds of ombudsmen in the Estonian media. The tasks of the Ethical Advisor (the Ombudsman) include dealing with complaints from the listeners and viewers, monitoring the programmes and making appropriate proposals to resolve problems. The Ombudsman is directly accountable to the Broadcasting Council, and should

¹⁷ In the English translation the wording was not amended.

act independently from the broadcasting management. In practice, the post has been occupied by the same person since 2007. At intervals, he has also been a member of PN. Obviously, a fixed term and rotation of the advisors would give the ombudsman institution more credibility and authority.

Media journalism

Media journalism as a form and discourse of media self-reflection is practically non-existent in Estonia. Occasional articles deal with relatively narrow range of issues (influence of commercialization on journalistic content, issues of balanced and neutral reporting, etc.), while many important critical topics, like media usage of power, ethics of reporting, etc. are completely absent from the debate. ERR has launched a media criticism section on its news portal, but after the initial enthusiasm, the articles appear sporadically (Loit, 2018, p. 39).

The context of the current political and journalism culture in Estonia does not favour the development of media critical discussion, as the owners, editors-in-chief and other media leaders are highly allergic to any criticism addressing their outlets. Journalists are overly cautious in publicly expressing critical views about the quality of journalism, as there seems to be a silent agreement of not criticizing colleagues' work. This has to do with the small size of the journalistic population, where everyone knows everyone else, personally or indirectly. Transparency of the news-making process and the reluctance of media organizations to open up this process to the public seem to be a central dilemma for the editors-in-chief. A dialogic model of accountability is not common in the Estonian media. Critical voices from outside the media that point to violations of ethical principles of reporting, power abuse by the media or simply bad journalism are often accused of attempting to restrict the freedom of the press or even to establish censorship.

Innovative instruments of media accountability

In the online environment, accountability practice is limited to using the comments from the audience as feedback to the news and articles. Initially, news organisations distanced themselves from the comments as a 'non-journalistic' content and denied any responsibility for the anonymous comments published on their pages. As a consequence of a court case concerning violation of a person's integrity in the comments published on the portal Delfi, Estonia made media organizations liable for the users' comments added to the journalistic pieces. Today, many outlets have the policy to allow posting readers' comments under registered usernames. Offensive comments are taken down at the earliest possible instant (Loit & Harro-Loit, 2017). As the latest improvement (of 2020) the tabloid *Õhtuleht* allows only its subscribers to publish comments.

Other media accountability instruments

Courses on journalism ethics and information law have been a part of journalism curricula at Tartu University since the early 1990s. The didactics includes the training of value clarification and case analyses based on discourse analysis. The aim is to raise both students' sensitivity towards possible value (or legal) conflicts in various situations, as well as their ability to see possible solutions. International comparisons are used for developing the ability to critically analyse existing MAI.

In some newspapers, such as the business paper *Äripäev*, the in-house editorial guidelines support accountability. It is not known, however, how these rules are implemented in daily practice. A study on journalists' autonomy (Niinepuu, 2012) shows that interpretations of normative ethics and journalists' individual autonomy vary by news media organizations.

Conclusion

As the Estonian case demonstrates, the favourable conditions for the media industry – unrestricted freedom of the press and an oligopolistic non-regulated market – do not automatically promote media accountability and self-regulation. Too often journalists have to choose between loyalty to the owners and ethical principles of the profession. At times, media organizations abuse freedom of expression by blocking certain uncomfortable voices.

Effective self-regulation needs an environment where media organizations are motivated to discuss media quality and ethical problems openly and publicly to avoid unethical practices. In Estonia, these conditions are still insufficient. Although a code of ethics and press councils exist, they are easily ignored by both news organizations and journalists. The only self-regulation body recognized by the media is under the control of media owners. Media-critical debates occasionally occur when politicians publicly refer to the poor performance of the media. The reaction of the media is usually allergic and defensive. As the civic control over the media is nearly non-existent and the legislative practices do not enforce to follow ethical rules, MAI have little effect.

Within the past two decades after the establishment of self-regulation system there has been no cooperation between the two press councils, no common attempts to improve the practice of press councils and update the code of ethics. Paradoxically, this system has not arrived yet to the digital era, having no guidelines for journalists how to operate in the online environment. Taking into consideration the dimensions of the technological changes and their consequences to journalism as news and journalism as a profession, Estonia obviously needs a radical renovation of its media accountability mechanism.

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