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# SECURITIZATION IN MEDIA REGULATION: A COMPARATIVE ANALYSIS OF EMFA IMPLEMENTATION IN THE CZECH REPUBLIC AND ESTONIA

MA thesis

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**Authorship Declaration**

I have prepared this thesis independently. All the views of other authors, as well as data from literary sources and elsewhere, have been cited.

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**Declaration on the Use of AI Tools**

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The overall structure of the thesis, including the selection of chapters, research design, methodology, analysis, interpretation of findings, and conclusions, was developed independently by the author. All sources and references used in the thesis were independently verified by the author. The author takes full responsibility for the final content of the thesis.

## ABSTRACT

This thesis examines how securitization is reflected in the draft laws implementing the European Media Freedom Act (EMFA) in the Czech Republic and Estonia. Although the EMFA is a directly applicable EU regulation formally uniform across all Member States, the two draft laws differ significantly. The thesis combines Differentiated Policy Implementation (DPI) with securitization theory to explain this variation, applying qualitative content analysis (QCA) to both draft laws and their explanatory memoranda. The findings show that Estonia embeds security logic directly into its licensing system and regulatory architecture, framing certain media actors as threats to societal security, a pattern shaped by long-standing concerns about Russian information influence. The Czech draft law contains no securitization elements and instead strengthens procedural protections for journalists against state interference, reflecting a media environment defined by domestic political pressure and ownership concentration. The thesis demonstrates that securitization can be embedded directly in legislation rather than only in political discourse, and that meaningful implementation variation occurs even within directly applicable EU regulations.



**Keywords:** securitization, European Media Freedom Act, differentiated policy implementation, qualitative content analysis, Czech Republic, Estonia, media regulation, national discretion

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## LIST OF ABBREVIATIONS

| Abbreviation | Full Name |
|---|---|
| AVMSD | Audiovisual Media Services Directive |
| ČRo | Český rozhlas (Czech Radio) |
| ČT | Česká televize (Czech Television) |
| ČTK | Česká tisková kancelář (Czech News Agency) |
| DMA | Digital Markets Act |
| DPI | Differentiated Policy Implementation |
| DSA | Digital Services Act |
| EMFA | European Media Freedom Act |
| EML | Estonian Media Association (Eesti Meediaettevõtete Liit) |
| ERR | Eesti Rahvusringhääling (Estonian Public Broadcasting) |
| ERGA | European Regulators Group for Audiovisual Media Services |
| EU | European Union |
| GIBS | Generální inspekce bezpečnostních sborů (General Inspection of Security Forces) |
| IPI | International Press Institute |
| KAPO | Kaitsepolitseiamet (Estonian Internal Security Service) |
| QCA | Qualitative Content Analysis |
| RSF | Reporters Without Borders (Reporters Sans Frontières) |

| Abbreviation | Full Name |
|---|---|
| RRTV | Rada pro rozhlasové a televizní vysílání (Council for Radio and Television Broadcasting) |
| TEU | Treaty on European Union |
| TFEU | Treaty on the Functioning of the European Union |
| TTJA | Tarbijakaitse ja Tehnilise Järelevalve Amet (Estonian Consumer Protection and Technical Regulatory Authority) |

## INTRODUCTION

Media regulation in the European Union has traditionally been understood primarily as a matter of market harmonization. The European Media Freedom Act (EMFA), adopted in 2024, goes further by addressing editorial independence, media pluralism, the protection of journalistic sources, and the resilience of the information environment against foreign influence. Although the EMFA is a directly applicable regulation, Member States still need to adapt parts of their legal systems to ensure its functioning in practice. When the Czech Republic and Estonia prepared their draft laws, the results differed significantly.

This difference forms the central puzzle of this thesis. Both countries are EU Member States implementing the same regulation, yet they approach media regulation differently. The Czech draft law primarily strengthens procedural protections for journalists and media actors. In contrast, the Estonian draft law incorporates security logic directly into licensing procedures and the powers of the regulator, framing certain media actors as potential threats to societal security and national defense.

This puzzle is important for two reasons. First, implementation research in EU studies has focused mainly on directives, while regulations have received less attention because they are assumed to produce greater uniformity. However, the differences between the Czech and Estonian draft laws suggest that even directly applicable EU law can leave room for meaningful national variation. Second, securitization theory has been applied mostly to political discourse and crisis situations rather than legislative texts. This thesis therefore argues that securitization can also be reflected directly in legal provisions and regulatory design.

The objective of this thesis is to examine how securitization is reflected in the national implementation of the EMFA and to explain the differences between the Czech Republic and Estonia. The central research question of this thesis is: how is securitization reflected in the draft laws implementing the EMFA, and how do the Czech Republic and Estonia differ in this regard?

The thesis combines Differentiated Policy Implementation (DPI) with securitization theory. DPI provides the framework for understanding how Member States use implementation discretion differently. To explain why these differences emerge, the thesis draws on securitization theory. The thesis argues that differences in how states perceive media-related threats are reflected directly in legislative design.

Methodologically, the thesis uses qualitative content analysis (QCA) inspired by Schreier (2012). The analysis compares the EMFA with draft implementation laws and explanatory memoranda from the Czech Republic and Estonia. First, provisions reflecting mandatory implementation are separated from national additions. Second, the remaining provisions are coded using three categories derived from securitization theory: threat construction, intervention logic, and competence.

The thesis is structured into three main chapters. The first chapter introduces the theoretical framework and research gap. The second chapter presents the methodology and research design. The third chapter analyzes the EMFA, the national contexts of both states, and the draft implementation laws, followed by a comparison of the findings and an answer to the research question.

## 1. THEORETICAL FRAMEWORK

This paper analyzes the implementation of the European Media Freedom Act (EMFA) in the Czech Republic and Estonia and explains the differences in the two countries' approaches. The research assumes that these differences cannot be fully understood without considering how individual states interpret relevant issues and how they frame them within the context of security. This is where the theory of securitization enters the analysis, allowing us to capture how certain issues become security topics and how this designation shapes subsequent policy development.

A particular issue only becomes a security threat when it is designated as such by relevant actors and accepted by the public. This process has fundamental implications for policymaking, as it legitimizes extraordinary measures and influences how problems are addressed. In the context of this work, it is crucial that securitization may vary across individual states, leading to different approaches to regulating the same phenomenon.

In addition to securitization theory, the work also draws on the concept of Differentiated Policy Implementation (DPI), which focuses on the variability in the implementation of European policies. This approach emphasizes that Member States have a certain degree of discretion within which they can adapt European rules to their own conditions. Implementation is thus not uniform but takes various forms depending on the institutional environment, political preferences, or administrative capacities of individual states.

The combination of these two theoretical approaches allows for a more comprehensive analysis of the issue under study. While DPI explains why and how implementation differs, securitization theory offers a tool for understanding the deeper causes of these differences, particularly at the level of threat perception and the political framing of issues. This thesis examines how certain issues make their way onto the political agenda, how they are interpreted as security concerns, and how these processes translate into the specific form of legislative proposals.

The aim of the theoretical section is therefore to introduce the key concepts that form the analytical framework of this work and to define their interrelationships. First, attention will be paid to the theory of securitization and its main approaches, followed by the concept of differentiated policy implementation within the EU and other relevant theoretical foundations. These approaches will then form the basis for an empirical analysis of the implementation of the EMFA in the Czech Republic and Estonia.

**1.1. Securitization**

In political science, the term "securitization" refers, in its most basic sense, to the process by which something is framed as a security threat. In international relations, securitization refers to the process by which a state designates a particular issue as a threat to national security. This does not necessarily involve an objective danger, but rather how the threat is perceived and interpreted. Securitization theory then challenges traditional approaches to security in international relations and emphasizes that problems are not inherently dangerous but become security issues only when designated as such (Eroukhmanoff, 2018, p. 104). The concept of securitization originates with the so-called Copenhagen School and is primarily associated with the names Ole Wæver, Barry Buzan, and Jaap de Wilde (Kilroy, 2022, p. 207).

The origins of securitization theory are linked to the works of Barry Buzan and Ole Wæver from the 1990s, particularly their seminal work *Security: A New Framework for Analysis (1998)*. The Copenhagen School's approach is based on a constructivist perspective and builds on the so-called discursive and linguistic turn in international relations and security studies. This approach assumes that language does not merely serve to describe reality, as realist theories assume, but also contributes to its creation (Stępka, 2022, p. 18).

Although securitization is often described as a bridge between constructivist and mainstream approaches to security, its authors themselves view it more as an example of radical constructivism. The theory of securitization thus allows us to understand how security is constructed through language, specifically through performative utterances, i.e., speech acts. Unlike realist approaches, the Copenhagen School (see below) does not focus on identifying "objective" threats or their material nature (Stępka, 2022, p. 18).

In his early texts, Wæver proposes understanding security precisely as a speech act, that is, a statement that, through its very articulation, creates security as such (Stępka, 2022, p. 18). In a later version of the theory, Buzan and Wæver place greater emphasis on how threats are discussed. Politicians and other powerful actors strive to present a problem as a serious security threat that must be addressed immediately (Stępka, 2022, p. 19).

Securitization is a useful analytical tool in international relations because it challenges traditional approaches that focus primarily on state security and neglect other objects of reference. Adopting this approach challenges the established notion that security is universal and objective and emphasizes that interests and power relations shape our understanding of security. At the same time, securitization theory reminds us that labeling something as a security problem is not neutral, but always political. This perspective allows us to delve deeper and examine the various forms of insecurity and threats that emerge in international relations (Eroukhmanoff, 2018, p. 109).

While the classical conception of securitization emphasizes the performative power of labelling a problem as a security issue, sociological approaches point out that securitization is conditioned by context, the actor's position, and, above all, public acceptance (Balzacq et al., 2015, p. 495). In other words, according to the sociological conception of securitization, it is the result of interactions between actors, the public, and power relations. It is not only important what is labeled a threat, but also the context in which this labeling arises and how it functions. Securitization, therefore, encompasses a broader set of practices, institutions, and tools through which security threats are created and subsequently embedded in the legal and institutional framework. Security issues thus do not arise solely through deliberate action but can also emerge from broader processes that were originally unrelated to security at all (Balzacq, 2011, pp. 2–3). This claim is also supported by Ole Wæver's work, which grounds securitization in speech act theory. Security does not arise from reality itself, but within a political process, from what is said and accepted by the audience. Securitization is not merely a matter of words or discourse, but a political process in which actors collectively create and reshape the meaning of security (Wæver, 2015, pp. 122–123).

As mentioned, the fundamental premise of securitization theory is the importance of the audience; the success of the process depends on whether the actor frames the threat in a way that resonates with the audience, for example, through shared ideas, culture, history, values, or identities. Actors, therefore, adapt their arguments to the expected characteristics of the target audience (Balzacq, 2011, p. 9). Let us recall that the fundamental idea of securitization is that an issue becomes a security problem the moment it attracts sufficient attention and support from the audience. It is precisely this consent that then enables actors with the power to act to employ measures that under normal circumstances might not be considered legitimate. Securitization thus links the very creation of a threat to its subsequent political management (Balzacq et al., 2015, p. 495; Eroukhmanoff, 2018, p. 104). Some threats may exist independently of discourse; however, securitization lies in how these threats are interpreted and situated within a specific context. Because the context and perceptions of threats differ among states, securitization itself varies accordingly. These differences are subsequently reflected in regulatory proposals, which reflect what individual states consider to be a security problem, which is the subject of this paper (Balzacq, 2011, p. 12).

It follows, and can be assumed, that in legislative proposals, this logic may be reflected in how threats are defined in relation to the national context and shared perceptions. Equally important, however, are the institutions that have the authority to adopt potential measures. While public moral support is often important for legitimacy, it is not, on its own, sufficient to enforce measures (Balzacq, 2011, pp. 9, 11).

The choice and form of securitization tools reflect political decisions and simultaneously signal what the state considers a security threat (Balzacq, 2011, p. 17). For this reason, this work focuses on legislative proposals in which this logic is manifested. The theory of securitization works with several key elements, such as the securitizing actor who formulates the threat, the referent object that is threatened, the referent subject that poses the threat, the audience whose consent is necessary, as well as the context and the specific political measures that result from it (Balzacq et al., 2015, p. 495). It is precisely these elements that form the basis for the analytical categories used in this work.

For the study of securitization from a sociological perspective, it is necessary to distinguish between three basic dimensions: actors (who acts), acts (what is specifically done or said, e.g., laws or decisions), and context (the environment in which the process takes place). Although it is practically impossible to analyze all levels simultaneously, none should be disregarded from the outset (Balzacq, 2011, p. 35; Balzacq et al., 2015, p. 495).

Actors represent the first dimension. This level focuses on who participates in securitization, their status, and the relationships among the individual actors. It includes both securitization actors, the audience, and other relevant actors, as well as power relations, identities, and the definition of what is threatened and who poses the threat (Balzacq, 2011, pp. 35–36). In this work, the level of actors is captured primarily through the division of competences and powers among individual bodies. The analysis thus focuses on who has the formal authority to act within the securitization process.

The second dimension consists of acts that are the actual practices of securitization, which can take both discursive and non-discursive forms. These include specific measures, tools, and mechanisms through which the security logic is put into practice, including the so-called dispositif and the policies derived from it (Balzacq, 2011, p. 36). In this work, the analysis focuses precisely on this level, specifically on how securitization is reflected in legislative design through legal provisions, security exceptions, regulatory mechanisms, and the distribution of competences.

The third dimension is the context, that is, the broader environment in which securitization takes place and which influences its form. The context encompasses both the immediate situation in which individuals act and the broader social, political, and institutional conditions (Balzacq, 2011, p. 35). In this work, context serves primarily as a framework for interpreting the results. It situates the analysis within the specific contexts of the Czech Republic and Estonia and explains how their distinct challenges and environments shape the nature of securitization in legislation.

A credible analysis of securitization should therefore include the dimensions of "how," "who," and "what." This study focuses primarily on the "how" dimension, that is, on how securitization is operationalized through legal instruments (Balzacq, 2011, p. 38). These three dimensions, situated within a specific context (e.g., "when" and "where"), capture the main goal of securitization analysts: to understand the political construction of threat images (Balzacq, 2011, p. 38).

In this study, each dimension corresponds to a specific analytical category. The study focuses primarily on the "acts" dimension, which corresponds to the first part of the research question: how does the logic of securitization manifest in draft laws implementing the EMFA? At the same time, this dimension is captured by the "Intervention logic" category, which examines how securitization logic is reflected in the draft law.

The "actors" dimension is examined using the "competence" category. This examines who has the formal authority to define threats and decide on intervention. The "context" dimension enables better interpretation of the analysis results in both the Czech and Estonian contexts.

The Threat Construction category permeates all three dimensions and simultaneously serves as a fundamental condition for the analysis. Only provisions that identify a threat are subsequently analyzed within the Intervention Logic and Competence categories.

#### 1.1.1. The Copenhagen and Paris Schools

Two main schools of thought address the concept of securitization: the Copenhagen School and the Paris School. The following section will briefly introduce these two schools to supplement the theoretical foundation of this work.

**The Copenhagen School**

The Copenhagen School is based on the assumption that security is not a given, but arises through intersubjective social and discursive interactions between powerful actors who formulate threats and the public that accepts these interpretations (Buzan et al., 1998). According to the Copenhagen School, it is not enough for a powerful actor to label an issue an existential threat, this does not automatically make it a security problem. Such a label is merely a securitizing move that must gain the attention and, above all, the support of the relevant audience. Only the audience's acceptance transforms this attempt into an intersubjectively shared threat (Stępka, 2022, p. 19). The success of securitization therefore depends fundamentally on public consent, which also means that the power of the state is not unlimited (Wæver, 2011, p. 468).

Over time, securitization theory has become an attractive analytical framework for contemporary authors who challenge materialist conceptions of reality and focus on the processes through which certain problems, actors, or phenomena are "shifted" into the realm of security (Stępka, 2022, p. 18).

As Wæver notes, security can be understood as a certain boundary of politics or even as its opposite ("anti-politics"). The Copenhagen School thus views the construction of security as a movement between two poles: securitization, that is, the shift of a problem into the sphere of the exceptional, and desecuritization, that is, its return to ordinary politics. (Stępka, 2022, p. 22)

Precisely because securitization shifts problems into a state of emergency, it leads, according to Wæver (2011, p. 469), to negative consequences, including the consolidation of power in the hands of a small group, the marginalization of other issues, and the governance of politics through emergency measures. This raises the question of whether it might not be more appropriate to address certain problems without resorting to securitization.

The Copenhagen School created an important space for analyzing how security is constructed and expanded our understanding of how various issues enter national and international security frameworks. However, in light of subsequent debates and criticism, research on securitization has continued to develop and has gradually moved beyond the original conception of the theory. Many authors began drawing on other disciplines and theoretical approaches, thereby supplementing and re-evaluating the theory and developing new methodological approaches. The result today is a diverse research program that examines a broad spectrum of securitization practices and enables a better understanding of the processes of threat and security construction (Stępka, 2022, pp. 26–27).

Wæver (2011, p. 476) compares the moment when securitization occurs to a quantum leap. This view is contested by another school of thought, represented by the Paris School, which argues that the process is gradual.

#### The Paris School

One of the most significant revisions was brought by the Paris School, which offers a sociological conception of securitization. Unlike the original emphasis on language and speech acts, it focuses on everyday security practices. Securitization is understood here as a process that emerges through repeated practices and interactions among actors in the security field. As Bigo points out, securitization can occur even without explicit discourse, routine procedures, expertise, and institutional practices play an important role (Stępka, 2022, p. 27).

Balzacq (2011) argues that securitization is not merely a matter of a politician declaring something a security threat. According to him, securitization arises rather through everyday practices, modes of behavior, and shared ideas within society, shaped by the environment, institutions, and the experiences of the actors (pp. 3, 15–16).

The Paris School thus rejects the notion that securitization always signifies a dramatic transition to a state of emergency. On the contrary, it demonstrates that security can emerge gradually, inconspicuously, and within the framework of ordinary everyday practices, such as surveillance, control, or police activity. In this conception, securitizing actors need not be limited to powerful political leaders, but also include ordinary practical actors, such as the police, the military, customs officials, or humanitarian workers, who, through their activities, shape the security field and frame certain problems as security threats (Stępka, 2022, p. 27).

### 1.1.2. The Process of Securitization

During securitization, it is not enough to label an issue as a security threat; the public must also accept it as such. It is precisely this emphasis on the public and the process that has led some authors to criticize the classical conception and to propose understanding securitization as a long-term process of social construction and negotiation among various actors. Security issues may move from non-politicized, to politicized, and ultimately to securitized. Once an issue is securitized, measures justified by the language of urgency and exceptionalism, which under normal circumstances might be considered undemocratic, tend to be legitimized. (Eroukhmanoff, 2018, p. 106).

Securitization not only changes what is considered a threat but also influences how decisions regarding the issue are made. When something is labeled a security threat, democratic debates that would address how to resolve the issue are automatically curtailed (Balzacq et al., 2015, p. 518).

Successful securitization transforms security into an exceptional sphere in which securitizing actors (typically states) gain the authority to decide when it is permissible to deviate from normal democratic rules, while simultaneously gaining greater capacity to influence society (Eroukhmanoff, 2018, p. 106).

The success of securitization largely depends on the ability of the securitizing actor to understand and empathize with the audience's feelings, experiences, and needs. The actor must select arguments that resonate with the audience's shared values and experiences, while also being persuasive to them (Balzacq, 2011, p. 9).

The role of the security analyst thus shifts from the objective assessment of threats to the analysis of the processes through which actors construct a shared understanding of the threat. The theory of securitization, therefore, does not focus primarily on the question of “why” something is securitized, but rather on the question of “how”, that is, how language and argumentation make it possible to convince the audience that a given problem poses a threat (Eroukhmanoff, 2018, p. 107).

In the context of the EMFA and its national implementations, this means that legislative proposals may also address situations that have not yet occurred but are perceived as potential threats that should be prevented. Securitization emphasizes the role of actors and audiences, who may differ fundamentally in what they consider a problem or threat. Each audience operates according to its own logic and interpretation of the situation, leading to the same phenomenon being interpreted differently across states. These differences in the framing of problems are subsequently reflected in the form of national implementation of the EMFA. It is precisely these differing perceptions that may explain variations among Member States, for example, between the Czech Republic and Estonia, the focus of this study.

### 1.2. The Concept of Differentiated Policy Implementation – Inconsistencies in European Legislation

The European Union adopts a wide range of policies and legal regulations to be implemented across all Member States. Although these standards are common, their implementation varies across national conditions, institutions, and administrative procedures. It is precisely these differences in implementation approaches that the concept of Differentiated Policy Implementation captures. In this paper, this term is used in the sense defined by Zhelyazkova et al. (2024), namely, as an umbrella concept encompassing various approaches that examine the variability in the implementation of European rules. This also reflects the lack of uniform terminology in this field.

The concept of Differentiated Policy Implementation (DPI) is based on the premise that differences between Member States do not arise solely from compliance with European rules. They also differ in the very manner of their implementation. Each state (where legislation permits) may choose a different approach while remaining within the EU requirements (Zhelyazkova et al., 2024, p. 2). DPI reflects diversity in how Member States exercise discretion (the ability to assess and decide independently on a matter) in both the legal and practical implementation of European policies. This diversity manifests itself both in the implementation process itself and in its outcomes (Zhelyazkova et al., 2024, p. 3).

DPI serves as an umbrella term for several related concepts, most of which focus on differences in the legal transposition of European law (Zhelyazkova et al., 2024, p. 7). One of these is "customization," that is, the extent to which Member States adapt European rules when transposing them into national legislation. These adaptations occur on two levels. The first is regulatory density, which indicates how many changes a state adds and to what extent it expands or refines the rules. The second is restrictiveness, i.e., the extent to which a state tightens or, conversely, relaxes the rules and how strongly they intervene in the behavior of target groups. (Zhelyazkova et al., 2024, p. 7). These dimensions can operate independently or combine, giving rise to various implementation patterns (Bazzan & Vogeler, 2026, p. 4).

Customization is not merely a neutral or administrative process but can be particularly complex in areas with cross-border impacts or in contexts involving security and systemic risks. When the EU anticipates significantly differentiated implementation, it tends to respond by seeking more prescriptive rules and greater centralization of decision-making. If the EU expects Member States to implement rules differently, it often seeks to standardize their form. It may therefore prefer a regulation to a directive, thereby reducing the scope for national discretion. When EU rules are implemented differently across individual countries, and multiple levels of governance (EU and national) coexist, responsibility and decision-making authority become fragmented. While the EU sets common rules, it leaves their implementation to the Member States. This can lead to uncertainty about who is responsible for what, and the EU often responds more slowly or less effectively to issues affecting multiple countries simultaneously. This situation, therefore, creates pressure for Member States to align better and harmonize their procedures (Cabane, Lodge, 2023, p. 509).

However, even where the EU has clear powers, it has not been possible to create completely uniform and strictly enforced rules, because Member States still retain some room for their own decision-making. Even with the EU's growing role, a certain degree of flexibility and national discretion remains. Member States repeatedly prevent the EU from gaining full control, and therefore any effort at centralization ultimately leads only to various compromises and hybrid models of governance. European governance thus operates in the long term amid a tension between the EU and national levels, particularly regarding the division of powers and responsibilities. Differentiated implementation is thus an integral part of the EU's functioning. This is not an exception, but a natural consequence of the fact that the European Union is composed of highly diverse states with differing administrative and political conditions (Cabane, Lodge, 2023, p. 510).

DPI research thus goes beyond the traditional approach focused solely on compliance and understands implementation as a space in which differences between Member States manifest within the EU's multilevel system (Zhelyazkova et al., 2024, p. 4). This approach emphasizes the role of national actors' discretion, which is integral to implementation, as European rules often leave room for interpretation and adaptation to domestic conditions. As a result, implementation varies not only in legal transposition but also in practical application, leading to different forms of regulation and practices by national authorities (Zhelyazkova et al., 2024, p. 4).

### 1.2.1. Basic Principles

The existing literature still does not provide a sufficient explanation for why the implementation of European policy varies across Member States and, at the same time, only partially captures the broader implications of these differences for the functioning of the EU (Zhelyazkova et al., 2024, p. 2). The literature on differentiated integration focuses primarily on how states engage with European policies, while implementation tends to take a back seat. Differences in implementation are more common than formal exceptions to integration and can lead to modifications, a weakening, or, conversely, a strengthening of European rules (Zhelyazkova, 2024, p. 6).

Both policymakers and academics have long argued that the EU faces a growing compliance problem, which they view as systemic or structural. EU rules take precedence over national law, are directly applicable, and enforced by an independent court, which makes non-compliance in this highly institutionalized environment particularly significant for understanding the functioning of a rules-based international order (Börzel, 2021, p. 3). Non-compliance is then the term used to describe cases where a state fails to act in accordance with the legal obligations arising for it under national, international, or EU law (Börzel, 2021, p. 4).

The EU's problem does not lie in non-compliance, which is actually declining. Differences in compliance with EU law among Member States and across individual policies are closely linked to the degree of politicization, that is, the extent to which EU rules provoke political conflict at the domestic level (Bazzan, Vogeler, 2026, pp. 3–4).

Most research treats implementation and compliance as nearly identical phenomena. However, this approach overlooks the fact that EU law often does not prescribe a single correct method of implementation, but rather defines a certain scope within which Member States may choose different, yet legitimate, approaches (Zbíral et al., 2022, p. 104).

In addition to the principles of compliance and non-compliance, another principle is "customization," that is, the extent to which Member States adapt European rules when transposing them into national legislation. These adaptations occur on two levels. The first is regulatory density, which expresses how many changes a state adds and to what extent it expands or refines the rules. The second is restrictiveness, i.e., the extent to which a state tightens or, conversely, relaxes the rules and how strongly they intervene in the behavior of target groups. (Zhelyazkova et al., 2024, 7). These dimensions can operate independently or be combined, giving rise to various implementation patterns. Although customization allows European rules to be better adapted to local conditions, it also leads to significant diversity in what form governance ultimately takes and what outcomes it produces (Bazzan, Vogeler, 2026, p. 4).

Other approaches focus on the broader process of adapting European rules to the national context. The term "domestication" refers to the adaptation of rules to domestic conditions, while "creative compliance" refers to situations in which states formally comply with the rules but modify them according to their own preferences. Attention is also paid to the implementation process, that is, how European policies are carried out in practice.

Furthermore, the “experimentalist governance” approach emphasizes that implementation is not a one-time process but an ongoing evolution in which rules are adjusted based on experience (Zhelyazkova et al., 2024, p. 7).

### 1.2.2. Forms of National Discretion

There are several types of national discretion; however, only two of them are relevant to this study (Ton Van Den Brink, 2017): elaboration discretion and scope discretion.

Elaboration discretion refers to a situation in which Member States further elaborate on EU legislation in their national legislation. This primarily concerns situations in which the state adds more specific conditions and procedures to general rules to make them applicable for institutions. At the same time, it also encompasses the freedom of states to choose appropriate instruments and measures to achieve the objectives set by the EU. Elaboration discretion thus ranks among the most common forms of national discretion in EU law (Ton Van Den Brink, 2017, p. 258). Elaboration discretion often stems from the compromise-based nature of EU legislation or from efforts to adapt general norms to national conditions and expertise. Implicit discretion, which arises from vague terms or open-ended formulations in EU legislation, is particularly common (Ton Van Den Brink, 2017, p. 259).

Scope discretion refers to situations in which Member States themselves determine where the European rules will apply. The EU often leaves the scope of application of rules at least partially open. This leeway may result from an explicit decision by the EU legislator, but it may also stem from the structure of the norm itself. An example is a situation where an EU regulation refers to national law when defining key terms. For example, if the definition of a certain status or category of persons is left to national legislation, Member States thereby directly influence to whom and in which cases EU rules apply. Similarly, EU legislation may allow states to extend its scope to situations that do not formally fall within the basic framework established by the EU. As a result, the scope of application of EU law varies significantly across Member States in practice (Ton Van Den Brink, 2017, p. 260). Another form of scope discretion involves exceptions. EU legislation may establish a list of situations in which Member States may limit the application of a rule or deviate from it. Although this list is formally exhaustive, states often have broad leeway in its interpretation (Ton Van Den Brink, 2017, p. 261). Scope discretion can thus manifest itself both in extending the application of EU law beyond its basic framework and in limiting it through exceptions (Ton Van Den Brink, 2017, p. 262).

However, this type of discretion raises fundamental questions regarding legal certainty. The lex certa principle presupposes that individuals can recognize in advance whether their conduct may lead to criminal liability. If key concepts are left open-ended, this predictability may be undermined. The problem arises not only for individuals but also for Member States, which may be uncertain about exactly how to implement the EU standard and how much discretion they actually have (Ton Van Den Brink, 2017, p. 260).

This paper uses the terms elaboration discretion and scope discretion because they clearly demonstrate how the EMFA Regulation can be incorporated into draft legislation. The EMFA allows individual states to draft more detailed versions of certain provisions and adapt them to their specific circumstances. Furthermore, elaboration discretion is the most common type, as the EMFA leaves many provisions open to national elaboration. While there is an objective to pursue, it is up to the states to decide how to achieve it. At the same time, the EMFA leaves room for scope discretion in certain provisions. States may go beyond the provisions in certain areas. This thesis specifically examines securitization in those provisions where states exercise their implementation discretion, that is, in the parts of the draft laws that go beyond what the EMFA itself requires.

#### 1.2.3. EMFA as a Case of Differentiated Implementation

The EMFA Regulation is analytically interesting for several reasons, including from the perspective of differentiated policy implementation (DPI). Although the EMFA is a directly applicable regulation that does not require transposition into national law, it nevertheless leaves room for national discretion. Member States must adapt certain provisions to function within their specific contexts. This creates scope for differences in implementation despite the regulation's formally uniform nature.

From a post-functionalist perspective, politicization is one of the main obstacles to European integration. When a certain issue becomes politically sensitive at the national level, pressure to maintain national control increases. This subsequently manifests itself in territorial differentiation, that is, differences among Member States in the extent to which they wish to participate in the policies in question (Akbik et al., 2023, p. 650).

In addition to politicization, however, functional factors also come into play, primarily the degree to which states depend on one another in a given area. Asymmetric interdependence (where a problem affects some states more than others) leads to greater differentiation in implementation practices. Conversely, symmetric interdependence (where a problem affects all states similarly) creates pressure to harmonize rules and procedures (Akbik et al., 2023, p. 651). The EMFA represents a case of symmetric interdependence, as the issues it addresses concern all Member States. Nevertheless, it does not lead to full uniformity of implementation, as its application is influenced by national political and security contexts, which result in differentiated implementation approaches.

The EMFA also represents an analytically interesting case because it is adopted as a regulation, that is, a legal act directly applicable in all Member States and intended to ensure a high degree of uniformity. The literature on the implementation of EU law, however, traditionally focuses more on directives, which leave Member States room for adaptation during transposition.

In the case of the EMFA, however, despite its formally uniform nature, Member States are attempting to adapt the rules to their national conditions, particularly in areas that encroach on sensitive domains of state sovereignty, such as media regulation or security issues. The EMFA thus demonstrates that differentiated implementation is not limited to directives but can also occur with directly applicable regulations.

Politicization can therefore have a dual effect. On the one hand, it allows implementation to be adapted to specific national conditions, thereby potentially reducing resistance to EU regulation. On the other hand, however, it can lead to greater fragmentation and a reduction in the effectiveness of the multilevel implementation system (Akbik et al., 2023, p. 664). For this study, it is crucial that politicization affects not only the decision-making process itself regarding whether and how an integration measure is adopted, but also the implementation phase. It is precisely here that it can contribute to the emergence of differentiated implementation of EU policies, that is, to Member States implementing shared rules in different ways.

Research on the impacts of differentiated implementation is still underdeveloped and provides only limited insight into how differences in implementation affect the functioning of the EU (Zhelyazkova et al., 2024, p. 19).

Existing studies, however, show that the impacts of DPI are not clear-cut and depend on the context. In some cases, adapting rules to domestic conditions can improve their functioning, while in others, uniform implementation may be more effective. Sometimes, however, the opposite is true, if a European rule is clear and uncontroversial, uniform implementation may be more effective. A literal transposition of European rules often leads to implementation problems (Zhelyazkova et al., 2024, pp. 19–20).

Current research is therefore shifting from explaining patterns of DPI to analyzing their consequences. It appears, for example, that institutional variability can undermine the legitimacy of European policies, while in other cases it allows states to assert their own preferences. Differentiated implementation can also feed back into the drafting of European legislation if the EU begins to restrict the scope for national discretion (Zhelyazkova et al., 2024, p. 20).

### 1.3. Research Gap and Contribution of This Study

As mentioned above, DPI is a relatively new concept, and different authors use varying terminology to describe it. At the same time, there are still few studies examining why countries differ in their implementation, as most research has instead focused on whether Member States comply with European law. For this reason, this study contributes to the existing literature by examining differences in the implementation of the same regulation through the theory of securitization.

Although securitization is a more established term, there is still no consensus on what securitization actually is. On the one hand, according to the Copenhagen School, securitization is merely a speech act in which something is designated as a security threat. On the other hand, the Paris School disagrees, arguing that securitization is an intersubjective process in which it is not enough to simply label something as a threat (Färber, 2018, pp. 4–8). Precisely because there is no clear consensus on what securitization is there is also no consensus on which method to use. If, therefore, we accept the argument of the Paris School, then an analysis of discourses alone is insufficient (Färber, 2018, pp. 1, 10).

The securitization literature has so far focused primarily on successful cases of securitization, analyzed through discourse analysis of political speeches and public debates. While Balzacq (2011, pp. 50–51) acknowledges that content analysis is among the methods compatible with securitization theory, he also notes that it is rarely used in securitization studies.

Balzacq et al. (2015, pp. 501–502) further point out that the academic literature focuses predominantly on successful cases of securitization. According to Ruzicka (2019, pp. 2–4), the reason is that the Copenhagen School has prioritized successful cases from the outset, arguing that these cases demonstrate what is currently considered a security threat in a given context (Buzan et al., 1998, p. 39). Ruzicka, however, argues that research should examine the entire spectrum of cases, that is, both those in which securitization occurred and those in which it did not. Only in this way can one better understand why securitization occurs in some cases and not in others (Ruzicka, 2019, pp. 2–3).

Salter (2008, p. 325) further develops this issue from a methodological perspective. He criticizes the Copenhagen School for failing to provide tools to measure the degree of success or failure of securitization.

Building on these debates, this paper seeks to link securitization theory with the concept of differentiated policy implementation and apply it to the analysis of legislative texts rather than political speeches. It employs the less commonly used method of QCA analysis in securitization and, at the same time, responds to the aforementioned methodological discussions by including two distinct cases: one in which securitization occurred during legislative implementation, and another in which it did not. Based on this comparison, the study examines under what conditions securitization appears in implementing legislation and under what conditions it does not.

## 2. METHODOLOGY

### 2.1. Research Design

The research question of this study is how securitization is reflected in the draft laws implementing the EMFA and how this differs between the Czech Republic and Estonia.

This thesis examines this question through a comparative qualitative content analysis (QCA) of draft implementation laws for the European Media Freedom Act (EMFA). The EMFA sets out general rules, while their specific implementation is left to the Member States. For this reason, the draft laws are seen as a venue where securitization may emerge.

The EMFA is based on internal market principles, which fall under the shared competences of the European Union. In these areas, both the EU and the Member States may act, with the EU establishing a common framework of rules. At the same time, however, Member States retain some leeway for their own regulation. National security, however, remains primarily within the competence of the Member States (TFEU, Art. 114; TFEU, Art. 4; EMFA, Art. 1; TEU, Art. 4(2)). Therefore, the EMFA presents a suitable case for analyzing securitization in draft implementing legislation.

Comparing the two cases allows a systematic examination of how securitization manifests within the same legal framework across different national contexts, thereby identifying the factors that explain this variability.

The research design consists of three steps. This section also outlines how the draft law is analyzed and how the research question is addressed.

The first step is to present the national context. For each of the countries examined, the media environment and the threats associated with it are first analyzed. This step is methodologically important because context is crucial for both securitization and QCA.

The second step is to distinguish between mandatory transposition and national additions. The text of each draft law is compared with the EMFA, and, using the explanatory memoranda, the sections in which states exercise their own implementation discretion are identified. In the Estonian case, it was also necessary to take into account the Audiovisual Media Services Directive (AVMSD), as the Estonian draft law builds directly on it and some of its provisions are derived from it. This step is analytically necessary because securitization can only manifest where the regulation itself does not determine the implementation choice.

The third step is to apply QCA to the text reduced in this manner. The coding scheme includes three categories: threat construction, with subcategories for the referent object and the referent subject; Intervention logic, with subcategories for the legal thresholds and security exceptions; and the competences of the relevant authorities. The coding unit consists of specific legal provisions, and the coding focuses on securitizing formulations within the text. The QCA results are subsequently interpreted in the context presented in the first step. The analysis examines not only what the law contains, but also why it makes sense within that specific national context, and whether the securitizing potential was utilized or deliberately avoided.

After analyzing both cases, the research question is answered, followed by a comparison and discussion.

**2.2. Case Selection**

Czech Republic and Estonia are both part of the EU and must adopt EMFA regulations. The two countries had to draft transposition laws to incorporate the EMFA regulation into their legal systems. This fact is methodologically interesting: both countries are based on the same regulation, and generally, regulations do not allow as much room for national adaptation as directives do; yet the form of the draft legislation differs. The Czech Republic and Estonia address similar security issues, but alongside common threats, some threats are specific to only one of them. The selection of cases allows us to observe how implementation varies across national contexts within the same legal framework.

At the same time, Estonia differs from the Czech Republic in its context, geopolitics, and the media threats it faces. The selection of cases thus allows us to observe how the same regulation is implemented differently in Member States facing distinct security challenges.

The selection of two analytically distinct cases also addresses a methodological issue in the literature on securitization mentioned in the theoretical section of this thesis. The literature focuses primarily on successful cases of securitization, which means there is a lack of sufficient understanding of the conditions under which securitization arises or, conversely, does not arise (Balzacq et al., 2015, p. 501; Ruzicka, 2019, pp. 2–3; Salter, 2008, p. 325).

The selection of these two cases is also timely, as they involve draft laws that have not yet been approved. At the same time, media-related issues are currently a topic of discussion in both countries. In the Czech Republic, the EMFA is a current topic primarily because the government is being criticized for proposing laws that conflict with the EMFA. Meanwhile, in Estonia, media regulation has come to the forefront in connection with the preparation of a new draft law on media services and the need to defend against the Russian Federation more effectively.

### 2.3. Choice of Method: Qualitative Content Analysis and Its Limits

Qualitative content analysis (QCA), inspired by Schreier (2012), is used as the primary analytical method. QCA is a systematic method for finding and interpreting meanings in a text using a predefined coding framework (Schreier, 2012, p. 1). The method is suitable for this work for three reasons.

First, qualitative content analysis (QCA) allows one to examine not only the words written in the document but also their latent meaning (Schreier, 2012, p. 15). Focusing on latent meanings is important for this study because securitization in legal texts is rarely explicitly formulated, but is reflected in how the text defines threats, actors, and conditions for intervention, including the room for discretion.

To understand latent meaning, it is important to consider the context, that is, the circumstances under which the text was created (Schreier, 2012, p. 15). This context is provided by the explanatory memorandum, which explains the motivation behind the draft law. However, its significance differs between the Czech Republic and Estonia.

Second, QCA intentionally reduces the analyzed material. It does not work with the entire text but only with the parts relevant to the research question. The analysis thus focuses only on selected parts of the text and does not analyze the rest (Schreier, 2012, p. 7).

Furthermore, reduction occurs during coding, as the categories in the coding framework are typically more abstract than the specific information in the text. When the text is classified into these more general categories, some details are lost. This loss is necessary because otherwise the categories could not be compared with one another (Schreier, 2012, p. 7), which also represents one of the limitations of this study.

The QCA method also has certain limitations. Since the analysis works only with a selected portion of the text and reduces it through abstract categories, some of the meaning may be lost.

The analysis has several limitations. From the perspective of the Copenhagen School, it would also be possible to analyze political debates or public statements by relevant actors.

From the perspective of the Paris School, one could instead examine broader institutional processes in which the security logic is gradually consolidated.

Another limitation is the asymmetry between the two cases. The Estonian explanatory memorandum is much more substantive, while the Czech explanatory memorandum is more descriptive and largely paraphrases the EMFA regulation itself. This limits the depth of the comparison between the two cases.

The final limitation is that this study combines approaches. DPI is a relatively new concept, and securitization is typically used in security studies rather than in law analysis. Furthermore, as Färber (2018) points out, there is no single agreed-upon method in the literature for examining securitization. Studies typically move directly from theory to empiricism without explaining why they chose a particular method of analysis. Linking these two approaches through QCA is therefore uncommon in the literature, and comparable studies are difficult to find.

In accordance with Schreier (2012), this study combines concept-driven and data-driven strategies (p. 84). The main categories and subcategories are based on securitization theory. At the same time, room is left for inductive expansion where elements appear in the material that are not captured by the predefined categories. This approach is legitimate in QCA because the coding framework is meant to be adapted to the data and can be supplemented during the analysis (p. 86).

During the analysis, elements emerged in both national texts that do not fall directly into the main categories of securitization but are nonetheless relevant for understanding the national context of the legislation.

### 2.4. Data Collection

The empirical material for this study consists of both primary and secondary sources. Primary sources include the EMFA Regulation, draft laws, and explanatory memoranda, while secondary sources are used to describe the context in the Czech Republic and Estonia. The EMFA serves as the basis for distinguishing between what states are required to implement and what they add beyond the scope of the regulation.

Each provision of the national draft is first compared with the corresponding article of the EMFA to distinguish direct implementation from national specifications. Explanatory memoranda clarify the legislative intent and security rationale in the law. This is methodologically relevant because securitizing logic is often reflected in legislative texts precisely in the explanatory memorandum, rather than in the operative text of the law itself.

All documents are publicly available.

### 2.5. Working with Data

Each such provision is assessed in relation to the corresponding article of the EMFA to determine whether it constitutes a direct implementation or a national adaptation going beyond the scope of the regulation. In addition, relevant passages from the explanatory memoranda are utilized; although these are not part of the analyzed text, they clarify the legislative intent and security rationale behind specific normative choices. This distinction is methodologically important because securitizing logic is often manifested in legal texts precisely in the explanatory memorandum.

### 2.6. Data Analysis

The analysis procedure was outlined in the previous section. The following section therefore presents the categories according to which the draft laws are coded.

After the first step, in which only the parts of the text added by the states remain, coding is performed using predefined categories. These categories are based on securitization theory, combining elements of both the Copenhagen and Paris schools.

This work is based primarily on a sociological approach to securitization (the Paris School), which is not founded solely on discourse and also acknowledges that securitization occurs in legislative documents. Context is also key to this approach, which this paper also builds on; however, the Copenhagen School provides the basis for the first analytical category, Threat Construction, which serves as a prerequisite for further coding. The explicit designation of a threat thus represents an analytical starting point from which further analysis can unfold.

#### Threat construction

*Threat construction* must be applied to the entire text so that it can be further examined. It is based on the foundation of securitization, where something is designated as a security threat. In this study, a security threat is any instance in which a bill states that something is a threat.

- 1.1 Referent object: what is threatened
- 1.2 Referent subject: what constitutes the threat

**Intervention logic**

The category *Intervention logic* is inspired by Balzacq's dimension of acts, which focuses on responses to a threat (Balzacq et al., 2015, p. 36). In this work, however, this dimension is narrowed to the legal level and examines how the legal text responds to the identified threat and what types of interventions it permits. There are two types of provisions within this category. In the first case, the regulator may, but is not required to, adopt a particular measure, whereas in the second case, the legal text imposes an obligation on the regulator to adopt that measure.

**Competence**

The Competence category is based on Balzacq's dimension of actors, which focuses on who participates in the securitization process and what position they occupy (Balzacq et al., 2015, pp. 35–36). This study examines which body has the authority to define the threat and decide on intervention.

Individual sentences or parts thereof that define the threat are coded. If they define the threat, they are further coded within the other categories.

Not all categories are equal; the key category is Threat construction, which every coded text segment must pass through; only then can it be further analyzed within the Intervention logic and Competence categories. Coding will make it clearer how individual states define threats, how they respond to them, and how they allocate powers. This will enable the identification of patterns in the data and a systematic comparison of how securitization is reflected in draft legislation in the Czech Republic and Estonia.

The coding process itself involves gradually assigning individual sentences or parts of sentences to the corresponding categories. If a text does not fall under the "Threat construction" category but is analytically interesting or may fall into this category indirectly, it is recorded in the results as a supplementary finding. "Threat construction" has two subcategories: the referent subject and the referent object. The referent subject helps determine who or what is perceived in the text as the source of a security threat, and against whom or what the security logic is directed.

During the comparison of the states, the context in which the draft laws were created will also be taken into account. The coding results are interpreted from a comparative perspective. For each case, overall patterns of securitization are identified based on the coding, which are subsequently compared with regard to the national context of both countries described in the empirical section. The interpretation of the results thus draws not only on the coding itself but also on knowledge of the environment in which implementation took place, in accordance with the requirements of a sociological approach to securitization, which emphasizes the necessity of context for understanding why threats are constructed differently (Balzacq, 2011, p. 12).

## 3. ANALYSIS OF THE NATIONAL IMPLEMENTATION OF THE EMFA

### 3.1 European Framework: The EMFA and Its Objectives

The European Media Freedom Act (EMFA) represents a new regulatory framework aimed at protecting media plurality and independence in the EU. At the same time, it reflects broader European concerns, particularly the rise of illiberal tendencies in some Member States and the issue of digital sovereignty. The aim is to anchor European standards in national systems and facilitate the cross-border operation of media within the internal market. The EU is thus positioning itself as a key global player in the field of rights-based regulation of digital technologies (Thomass, 2025, p. 34). The EMFA regulates the media sector. It focuses on protecting editorial independence, media pluralism, transparency of ownership, and the functioning of public service media, while also strengthening cooperation among media regulators at the European level (Thomass, 2025, p. 31).

The EMFA is formally based on Article 114 TFEU, thus falling under shared competences, which allow the EU to adopt measures for the approximation of Member States' laws for the purpose of the functioning of the internal market. This legal basis is stated directly in the preamble to the EMFA Regulation (EMFA, Art. 1). Article 114 TFEU allows the EU to establish common rules when differing laws of Member States hinder the functioning of the single market or distort competition (TFEU, Art. 114). In specific and justified cases, harmonization measures may include provisions allowing Member States to adopt temporary national measures for non-economic reasons, such as public safety. However, these national measures are subject to subsequent review at the EU level (TFEU, Art. 114).

The EMFA does not view the media merely as part of the functioning of the internal market, but as interconnected with fundamental rights, democratic values, and the protection of journalism (EMFA, recitals 3, 19, 27). The Regulation emphasizes the importance of freedom of expression and the values enshrined in the Charter of Fundamental Rights of the European Union (EMFA, recital 3). The media play an important role in shaping public opinion and fulfill the function of a public watchdog (EMFA, recital 27).

The media landscape in the EU is becoming increasingly fragmented. Media services are operating more and more online and across borders, while individual Member States regulate the media differently and provide varying levels of protection (EMFA, recital 1). The EMFA aims to address these challenges. At the same time, the media landscape is becoming politicized, and there is a risk of interference with editorial independence. The EMFA notes that threats to media independence may stem not only from the state but also from other political actors or public institutions (EMFA, recital 18). Public service media may be particularly susceptible to political influence due to their institutional proximity to the state and financial dependence (EMFA, recital 27). EMFA also links media regulation to the security dimension. There are risks associated with surveillance technologies, particularly spyware, which can pose a serious threat to journalists and their sources (EMFA, recital 25). In addition to technological risks, the creation of the EMFA was also influenced by the possibility of foreign information manipulation, disinformation campaigns, and the activities of media entities from third countries that may threaten public security (EMFA, recitals 47–48). Independent and high-quality media services are therefore presented in the text as a key tool in the fight against disinformation and foreign influence operations.

The EMFA does not rely solely on individual obligations or prohibitions but creates a comprehensive system of safeguards, control mechanisms, and multi-level cooperation. National regulatory authorities remain primarily responsible for implementing media law (EMFA, recital 36). At the EU level, the European Board for Media Services is being established, an independent advisory body tasked with promoting coordination among national regulators and ensuring the uniform application of media rules across the EU (EMFA, recital 37). This board is to be fully independent of political and economic influence, and its opinions are to contribute significantly to the effective functioning of the coordination mechanism (EMFA, recitals 37-38). In addition, it is intended to serve as a platform for structured dialogue between digital platforms, media organizations, and civil society (EMFA, recital 56).

At the same time, the EMFA recognizes that certain areas of media regulation remain within the competence of the Member States. The Regulation does not encroach on the authority to decide on the funding of public service media (EMFA, recital 31). It leaves Member States the flexibility to determine which national authority will be responsible for establishing media ownership databases (EMFA, recital 33). It also allows them to adopt more detailed or stricter rules, provided they are in line with EU law (EMFA, Art. 1(3)). The EMFA thus represents a minimum common framework designed to improve the functioning of the internal market for media services, strengthen the protection of media pluralism and editorial independence, while preserving room for national regulatory specificities.

### 3.2 Origins and Legislative Context of the EMFA

European media regulation has undergone a significant transformation in recent years. While it previously focused primarily on the functioning of the internal market and ensuring fair competitive conditions among media actors, today it is increasingly focused on protecting European communication sovereignty. At the same time, it seeks to promote value-oriented regulation that strengthens the resilience and integrity of the European media landscape (Thomass, 2025, p. 23).

The rise of populism over the past two decades has fundamentally transformed the relationship between politics and the media. Populist leaders often attack mainstream media, labeling them as part of the elite and questioning their credibility (Papathanassopoulos, 2025, p. 46). The media are perceived as a tool of politics, leading to greater ties with political parties. At the same time, the role of the state is also changing; in populist contexts, it acts not only as a regulator but may also control the media. These processes often persist even after changes in political regimes and shape the interplay between politics and the media over the long term (Papathanassopoulos, 2025, p. 47).

Differences in national legal cultures, particularly in the areas of criminal law and freedom of expression, mean that the EU is unable to create uniform European regulation. For example, while some states place greater emphasis on protecting freedom of expression, others prioritize the protection of personal rights. As a result, harmonization tends to occur at the level of a minimum consensus. The EU thus often adopts regulations based on the lowest common denominator (Thomass, 2025, p. 30).

Media governance in Europe has historically developed differently because it is rooted in the varying political and cultural traditions of individual countries (Papathanassopoulos, 2025, p. 38). At the same time, digitization and platformization have intensified competition between traditional media and new digital players. The concentration of media power and the influence of tech giants, which often surpass traditional media groups, are growing. These structural changes therefore require new regulatory approaches as well as a revision of existing comparative models of media systems (Papathanassopoulos, 2025, p. 46). Furthermore, the role of the state has also changed over time. Instead of direct media ownership, the state now acts more indirectly through financing, regulation, or institutional frameworks. State influence is evident, for example, in the functioning of public service media, in the system of media subsidies, or in media ownership regulation. Moreover, these interventions vary among states according to their historical and political models of media governance and may differ across the EU (Papathanassopoulos, 2025, pp. 40–41).

Key milestones in EU media regulation emerged gradually across multiple areas, from copyright, telecommunications, and competition law to data protection and consumer protection. The first audiovisual regulations were based on the analog environment of the 1980s, particularly the Television without Frontiers Directive, which was intended to harmonize cross-border broadcasting. With the digitization of media, regulation expanded to the online environment and platforms, leading to the development of a broader framework of so-called platform laws (Thomass, 2025, p. 27).

Today, the AVMSD plays a key role, having gradually extended its rules to video-on-demand, platforms, advertising, the protection of minors, and European content quotas (Thomass, 2025, p. 27). Further milestones in EU media regulation were linked to efforts to harmonize practices across Member States and respond to technological developments. The establishment of the ERGA was intended to strengthen the uniform implementation of the AVMSD and the sharing of regulatory experience, although national approaches persist (Thomass, 2025, p. 28). Regulation was also extended to satellite and cable broadcasting and established uniform licensing rules within the country of origin (Thomass, 2025, p. 28). At the same time, the role of public service media was strengthened; it was recognized as a service in the public interest and exempted from strict state aid rules (Thomass, 2025, pp. 28–29). With the digitization and platformization of media, regulation shifted to the online space. The EU has begun addressing the power of digital platforms, user protection, and fair market conditions, particularly through the DSA and DMA. These acts aim to create a single digital market, limit the dominance of large technology companies, and protect European values, for example in the areas of data protection and democratic communication. (Thomass, 2025, pp. 28–29)

In many countries, problems such as concentration of ownership, political interference, and clientelism persist, while democratization processes proceed unevenly. Current approaches therefore emphasize the need for context-sensitive analysis that takes into account the specific historical, institutional, and political conditions of the region (Media Systems in Transition, pp. 43–44).

### 3.2.1 New Legislation in the EU

According to the official website of the European Commission, the legal basis for the creation of European Union legislation is set forth in the Treaty on the Functioning of the European Union (TFEU), which, together with the Treaty on European Union (TEU), constitutes EU primary law (European Commission, n.d.). The TFEU defines the principles, objectives, and powers of the Union and specifies the legal instruments used to implement its policies. These include regulations, directives, decisions, recommendations, and opinions (TFEU, Art. 288).

EU regulations apply directly and uniformly in all Member States. A regulation is the strongest and most legally binding type of EU legislative act (European Commission, n.d.). Regulations are part of EU secondary law and are adopted by EU institutions on the basis of the founding treaties. Their purpose is to ensure that a specific rule is applied uniformly in all Member States, without distinction (Publications Office of the European Union, 2022). Member States themselves are primarily responsible for implementing legally binding EU acts. They must ensure that EU rules are applied within their own legal systems and institutions. Every EU legal act must be based on the powers conferred on the Union by the founding treaties, as the Union may act only within their framework (Publications Office of the European Union, 2022).

Each state must complement a regulation with national legislation, as without it the regulation cannot function fully in practice. Křepelka (2010) also notes that the scholarly literature traditionally focuses primarily on the transposition of directives, while the need for national legislation accompanying regulations is often overlooked, even though regulations also require such legislation (p. 97).

In European Union law, there are three main types of competences: exclusive, shared, and supporting competences.

Exclusive competences are those areas in which only the European Union may act legally. The Union alone adopts legislation and binding acts, while Member States may intervene only if the EU expressly authorizes them to do so (TFEU, Art. 2). Exclusive competences include, for example, the establishment of competition rules necessary for the functioning of the internal market (TFEU, Art. 3). Shared competences allow both the Union and the Member States to act. However, Member States lose the ability to adopt their own legislation once the EU regulates a given area. This type of competence constitutes the broadest category within EU law (TFEU, Art. 4). Under supporting powers, the EU has the authority to carry out activities that support, coordinate, or complement the actions of Member States; this includes, for example, culture (TFEU, Art. 6). The EU may only support or coordinate the activities of Member States but cannot harmonize their laws (TFEU, Art. 3).

National security remains primarily the responsibility of the Member States (TEU, Art. 4(2)), which limits the extent to which the European Union can intervene in matters of national security within media regulation. At the same time, however, the Charter of Fundamental Rights of the European Union must be respected. The Charter has the same legal force as the EU's founding treaties and is therefore part of primary Union law. It represents one of the key sources of protection for fundamental rights within the EU legal order. Both EU institutions and Member States are required to observe and apply the Charter when exercising and implementing EU law (TEU, Art. 6).

Nevertheless, the EU has gradually strengthened the harmonization of the media landscape, particularly through digital regulations such as the Digital Services Act (DSA) and the Digital Markets Act (DMA), which are intended to ensure a safe online environment and fair market conditions. The EMFA builds on this development, further anchoring European standards in the areas of media pluralism, independence, and the protection of fundamental rights. The EU has thus long positioned itself as a key actor in the Europeanization of Member States' media systems (Thomass, 2025, pp. 33–34). The adoption of the DSA and DMA can be seen as the emergence of a specifically European regulatory approach that combines efforts to create a safer online environment protecting users' fundamental rights with ensuring fair competitive conditions in the digital market (Thomass, 2025, p. 33).

However, this process of Europeanization does not manifest uniformly in practice. Although the Commission systematically monitors transposition and evaluates national implementations, research shows that there are significant differences among Member States in both the speed and manner of adopting the rules. National media regulations today are the result of the intertwining of domestic traditions and European legislative processes, which can no longer be clearly separated (Thomass, 2025, p. 33).

### 3.2.2. Recitals

To conclude this chapter, it is worth mentioning the recitals. These are part of European Union legislative acts that explain their purpose, objectives, and reasons for adoption, and serve to clarify the meaning and context of individual provisions (Publications Office of the

European Union, 2022). In the case of the European Media Freedom Act (EMFA), the recitals define the issues the regulation is intended to address (EMFA, recitals 1–2, 4–5, 7–8, 27, 47–48), while also emphasizing the EU values and principles upon which media regulation is based (EMFA, recitals 3, 8, 31, 32).

The recitals highlight the fragmentation of the media environment in the European Union. Media services are increasingly operating online and across borders, and individual Member States regulate the media differently and have varying levels of protection (EMFA, recital 1). This lack of uniformity increases costs for media companies operating in multiple countries and creates barriers to their cross-border activities (EMFA, recital 5). Differing legal approaches are evident, among other things, in the areas of protecting editorial independence, protecting journalistic sources, and the functioning of public service media (EMFA, recital 5). Insufficient or differing safeguards may deter media service providers from other Member States from entering a given media market (EMFA, recital 8).

In the recitals, the issue is linked to the politicization of the media environment and the risks of interference with editorial independence. The EMFA notes that threats to media independence may stem not only from the state but also from other political actors or public institutions (EMFA, recital 18). Public service media may be particularly susceptible to political influence due to their institutional proximity to the state and financial dependence (EMFA, recital 27). The politicization of the media sector can also have broader negative impacts, for example on the functioning of the advertising market, as companies may be forced to take political factors into account when developing advertising strategies (EMFA, recital 30). For these reasons, the recitals emphasize the importance of media ownership transparency and the requirement to enable the public to clearly identify who owns and controls the media. Media service providers are to disclose information about their ownership structure as well as revenues from public sources, such as government advertising (EMFA, recital 32). At the same time, transparent, objective, and non-discriminatory rules are required for the allocation of public funds to the media (EMFA, recital 73).

The EMFA also addresses security-related risks in the media landscape, particularly the threat posed by surveillance technologies such as spyware to journalists and their sources, as well as foreign information manipulation and disinformation campaigns (EMFA, recitals 25, 47-48).

There are risks associated with surveillance technologies, particularly spyware, which can pose a serious threat to journalists and their sources (EMFA, recital 25). Interference with journalists' communications should be permissible only in exceptional cases, where there is an overriding public interest, and always only after prior approval by an independent authority, such as a court (EMFA, recital 26). The EMFA also defines the threshold conditions for the use of these tools in criminal proceedings and emphasizes that their use must always be assessed in terms of proportionality (EMFA, recital 26). In addition to technological risks, the recitals also highlight foreign information manipulation, disinformation campaigns, and the activities of media entities from third countries that may threaten public security (EMFA, recitals 47-48). Independent and high-quality media services are therefore presented in the text as a key tool in the fight against disinformation and foreign influence operations.

The differences in EMFA implementation between the Czech Republic and Estonia are not merely legal or institutional; they also reflect distinct national processes of media sector securitization, historical experiences, the broader political context and the specific security-related challenges each country faces in the media sector. The national context is important for both DPI and securitization because it helps explain why EMFA implementation may differ across countries. The following section therefore examines the national contexts of the Czech Republic and Estonia. It focuses on the threats associated with the media in these countries and the contexts from which they arise.

### 3.3 National Context

#### 3.3.1 Czech Republic

In the Czech context, the media ownership structure, the relationship between political elites and the media, and the nature of public debate on the media, including the currently debated issue of abolishing license fees and changing the funding of public service media, play a key role (Prchal, 2026).

**Media Ownership Structure and the so-called Oligarchic Model**

One of the most striking features of the Czech media system is the high concentration of media ownership. Developments after 2010 led to the gradual departure of foreign owners and their replacement by domestic business actors whose primary economic interests lie outside the media sector. This process has led to the strengthening of the so-called oligarchic media model, in which the media serve not only an informational function but also as a tool of political and economic influence (Štětka, 2015, pp. 85, 94). Furthermore, public service media are subject to strong political pressure, which intensified following the 2025 parliamentary elections when parties seeking to abolish license fees formed a coalition government, thereby threatening, according to some experts, the independence of public service media (RSF, 2025; Linhart, 2026).

The media landscape in the Czech Republic is marked by a number of issues, such as the oligarchization of media ownership and political pressure on the public sector. Also significant is the Czech experience with conflicts of interest between media, economic, and political power. The media are often owned by the wealthiest businesspeople, who simultaneously operate in strategic sectors, such as energy or agriculture. This increases the risk of intertwining economic interests with media influence. (RSF, 2025).

**Historical Development: Conflict of Interest and Legislative Response**

The current change in public service media funding is not a new issue. These media outlets have been targeted by various private individuals and politicians in the past and have sometimes been linked to Russian propaganda (Loudová, 2021). In addition to attacks by politicians on the media, the Czech environment has also had to deal with another challenge: the acquisition of media outlets by businesspeople and, above all, politicians. In 2017, the Chamber of Deputies overruled the presidential veto and passed an amendment to the Conflict of Interest Act, which prohibited members of the government from owning media outlets and restricted their companies' access to subsidies and public contracts (CT24, 2017). However, as it later turned out, the ban on politicians owning media was worded in such a way that it was sufficient to transfer shares to another entity, such as a fund.

The 2017 Conflict of Interest Act could be circumvented by transferring media assets to trust funds, which allowed Andrej Babiš to retain control over the Mafra media group (Transparency International, 2020). Parliament therefore approved an amendment in 2023 that newly prohibited media ownership through trust funds and clarified the original provision (e15, ČTK, 2023). Although the amendment was later struck down by the Constitutional Court, Babiš eventually sold Mafra (Constitutional Court, 2024; Public Register and Collection of Documents). In addition to domestic political and social pressure, this move was also influenced by pressure from the European Commission regarding a potential conflict of interest and subsidies for Agrofert (iROZHLAS, 2018).

**EMFA in the Czech Context: International Reactions and Implementation Framework**

The abolition of license fees is not just a major issue for part of Czech society; foreign organizations have also reacted to this situation. Reporters Without Borders and other international actors sent an open letter to the Czech government warning that abolishing license fees without a systemic replacement could jeopardize the financial and editorial independence of public service media and conflict with EMFA requirements (RSF, 2025). A petition by public service media employees was launched against the government's plan to abolish license fees (Seznam Zprávy, 2026).

The shift toward oligarchic ownership in the Czech Republic has become increasingly visible with the departure of foreign publishers and the opening of the media landscape to Czech entrepreneurs whose primary business lies outside the media (Štětka, 2015, pp. 88, 89). Journalists are under pressure from the interests of media owners, while the credibility of independent reporting is declining in the eyes of the audience (Štětka, 2015, pp. 94, 96).

However, this structural and institutional pressure is not limited to the level of media ownership or financing; it also permeates the day-to-day functioning of the journalistic profession. The tension between political and economic interests on the one hand and the principles of independent journalism on the other is also reflected in the way journalists are subjected to various forms of pressure within the public sphere.

Incidents targeting journalists do not occur solely in the online environment but often extend to publicly visible communication spheres such as press conferences, media appearances, or the broader political arena. While the digital space remains a significant channel for these interactions, it is neither the sole nor necessarily the dominant context.

This is reflected in the spectrum of actors involved in these incidents. In addition to government officials, political parties, private individuals, business entities, and media actors are also involved. Pressure on journalists cannot therefore be understood solely as a product of the state's institutional sphere, but rather as the result of broader dynamics within the political and social environment.

As for incident types, verbal attacks are the most common, followed by legal cases and interventions in journalistic work, classified as interference. The context of media incidents is most often linked to the online environment. The most common sources of incidents are government and public officials. Verbal attacks, harassment, and threats are also frequent (Mapping Media, 2026).

At the same time, in the Czech case, there is a lack of a significant security and geopolitical dimension to these incidents. Attacks on journalists are not framed as matters of national security or as responses to external threats. Foreign actors or coordinated disinformation campaigns from abroad do not appear here systematically. The pressure is predominantly domestic in nature. It stems from the political and institutional environment and remains mainly on the verbal, legal, and reputational levels without significant physical escalation (Mapping Media, 2026).

This type of pressure, however, has significant consequences for the functioning of independent journalism. Although individual incidents may not in themselves constitute a fundamental restriction on media freedom, their cumulative effect contributes to the gradual erosion of professional standards, an increase in self-censorship, and a weakening of trust between the media and the public. In this sense, these forms of pressure complement broader structural problems in the media environment, such as media ownership concentration or the financial uncertainty of public service media, and together they shape the context in which independent journalism operates in the Czech Republic.

**Media Trust, Disinformation, and Information Resilience**

According to data from the Reuters Digital News Report, the media environment in the Czech Republic is characterized by relatively low trust in the media. Approximately 33% of respondents generally trust the news, placing the Czech Republic below the European average. Conversely, trust in sources that individuals actively use themselves is higher, hovering around 48% (Newman et al., 2025, p. 74). This difference suggests audience fragmentation and selective trust rather than the stable legitimacy of the media system as a whole.

Another significant feature of the media environment is the strong presence of concerns about disinformation. Approximately 60% of respondents report having concerns about false or misleading information in the online space. The information environment is thus perceived as potentially risky, which creates space for a security-based framing of media regulation. This element is particularly important when interpreting the legitimacy of regulatory or protective state interventions (Newman et al., 2025, p. 74).

Another relevant indicator is news avoidance. Approximately 36% of respondents report sometimes or often avoiding the news. This trend reflects information fatigue and may weaken the media's function as a space for public debate. At the same time, it points to a transformation in the relationship between the public and the news sector. The economic dimension of the media environment is characterized by a low willingness to pay for news content. Approximately 13% of users pay for online news (Newman et al., 2025, p. 74). This suggests limited financial sustainability of the media sector and its potential vulnerability to economic or political pressures.

In summary, the data reveal a media environment characterized by low systemic trust, high levels of concern about disinformation, partial platformization of distribution, and the economic fragility of news organizations. This context is relevant for interpreting the national implementation of media regulation, as it indicates the threat environment in which the institutional framework of protective or security mechanisms is formed.

The Media Literacy Index 2026 examines countries' resilience to disinformation and information manipulation (Lessenski, 2026, p. 2). It does not assess media literacy directly, but measures its predictors (Lessenski, 2026, p. 4). It focuses primarily on media freedom, educational attainment, levels of social trust, and digital participation. These factors are understood as key conditions for the resilience of the information space (Lessenski, 2026, p. 5).

In this comparison, Estonia far outperforms the Czech Republic. Estonia ranks 6th and belongs to the top cluster of countries with the highest resilience to disinformation. The reason is a combination of a high-quality education system, high media freedom, and strong state digital capabilities. The document also emphasizes that Estonia achieves above-average results precisely in education and the media environment, which enhance society's ability to recognize and reject manipulative content (Lessenski, 2026, pp. 7, 8).

The Czech Republic ranks 13th in the second cluster. This still represents relatively high resilience, but it is lower than that of the Nordic-Baltic group. According to the text, the lower level of social trust is linked to the lower ranking. Although the Czech Republic has good educational outcomes, the combination of indicators is not as strong as in the countries in the first cluster (Lessenski, 2026, pp. 7, 8).

The document thus explains the difference between Estonia and the Czech Republic in structural terms: greater media freedom, higher-quality education, and greater social trust increase resilience to disinformation, while lower levels of these factors weaken that resilience.

In the Czech Republic, the main problem is domestic pressure on the media. This mainly involves concentration of ownership, a clash of economic and political interests, and pressure on the public service sector. This creates an environment where media independence is treated as an institutional problem. Following the October 2025 elections, the dispute over the funding of public service media has come to the fore (ČTK, 2026). Criticism is directed at the plan to abolish license fees without a clear systemic replacement, which could increase the dependence of Czech Television (ČT) and Czech Radio (ČRo) on the government and the state budget. This context suggests that the Czech transposition of the EMFA will be sensitive to safeguards against political control, particularly regarding competences and procedural safeguards.

The text above shows that the media environment in the Czech Republic is shaped primarily by a combination of structural, political, and economic factors. A key role is played here by media ownership concentration, long-standing tensions between political elites and the media, and uncertainty surrounding the financing of the public service sector. These factors create an environment in which media independence is perceived primarily as an institutional and political problem, rather than a security issue. Pressure on journalists manifests itself through verbal attacks, questioning the credibility of the media, and reputational pressure rather than direct institutional interventions. Combined with low trust in the media and the economic fragility of the media sector, this creates an environment vulnerable to political and economic pressures, which is reflected in the Czech transposition of the EMFA with an emphasis on protecting media independence and institutional safeguards against political control of the media.

### 3.3.2 Estonia

In the Estonian case, two factors play a key role: the Russian-speaking minority and threats associated with the Russian Federation. Estonia has long favored a rather liberal approach to the media, but the most significant changes came only after the Russian invasion of Ukraine in 2022.

#### Geopolitical and Historical Context

Estonia underwent many violent changes to its political system in the 20th century, with the exception of the restoration of independence in 1991 (Mattiisen & Jurvee, 2020, p. 5), which took place without any bloodshed (Iwaskiw, 1995, p. 24). The Soviet and Nazi occupations were particularly violent, accompanied by widespread repression (Mattiisen & Jurvee, 2020, p. 5). From the Russian perspective, the Red Army's entry in 1944 is often viewed as liberation from the Nazis; at the same time, however, it marked the beginning of the Soviet occupation, which was accompanied by mass deportations and a change in Estonia's ethnic composition (Mattiisen & Jurvee, 2020, Executive Summary). An attempt to restore independence that same year was suppressed, and Soviet occupation followed for nearly fifty more years (Mattiisen & Jurvee, 2020, p. 7).

The Soviet period had a profound impact on Estonian society, primarily through repression, economic hardship, and demographic changes (Mattiisen, Jurvee, 2020, p. 7). The aim of the Soviet repressive policy was to erase national independence from the common memory (White Paper, 2005, p. 60). The harshest forms of repression were the mass deportations carried out in 1941 and 1949. In June 1941, over 9,200 people were deported, and more than 1,600 death sentences were handed down. During the second wave of deportations in 1949, the numbers were even higher: over 20 700 people were displaced and more than 3,000 died (The White Book, 2005, pp. 14–15, 31). The repression continued even after Stalin's death. One example is the arrest and placement of dissidents in psychiatric hospitals, where detainees in many cases suffered irreversible health consequences (The White Book, 2005, p. 22). The fact that the Russian Federation has never apologized for these crimes complicates society's reconciliation with the past and keeps the Soviet occupation a sensitive topic in Estonian society (Mattiisen & Jurvee, 2020, p. 7).

The interpretation of this period remains contentious between Estonians and Russians. While Estonians perceive the Soviet period as an occupation, many Russian-speaking settlers and the Russian government view it as a liberation (Brüggemann & Kasekamp, 2008, p. 429).

These differences in the interpretation of history continue to influence political developments. Through so-called memory laws, Russia exerts pressure on post-Soviet states not to promote their own interpretation of the Soviet era. At the same time, these laws criminalize alternative interpretations of World War II and function not only within Russia but also as an international deterrent (Gustafsson & Mälksoo, 2024, p. 7).

It is therefore not surprising that a state's historical memory shapes its identity (Mälksoo, 2015, p. 224), and attacks on another state's historical interpretation can thus be understood as attacks on its identity (Mälksoo, 2015, p. 222). The Baltic states, including Estonia, therefore often draw on collective memory narratives when formulating foreign and security policy, particularly regarding the consequences of World War II on their territories (Mälksoo, 2009, p. 655).

**The Russian-speaking minority**

The historical legacy of the Soviet era has also shaped the status of the Russian-speaking minority, which became a politically sensitive issue following the restoration of Estonian independence. According to the literature on international relations, minorities are more often perceived as a threat when there is a state acting as their protector. In such situations, they are often labeled a “fifth column”, that is, groups that collaborate with a foreign state and may pose a threat to the state in which they live. Estonia found itself in a similar situation following the collapse of the Soviet Union (Schulze & Pupcenoks, 2025, p. 1037).

The securitization of the Russian-speaking population in the 1990s was based on the historical experiences described above. Demographic changes caused by Soviet immigration policy and the suppression of the majority culture had a fundamental influence (Schulze & Pupcenoks, 2025, p. 1039).

The ethnic composition of Estonia changed significantly over the past century. While in 1934 Estonians made up 88.2% of the population and Russians only 8.2%, according to the 1989 census, the proportion of Estonians had fallen to 61.5%, while Russians made up 30.3% (Iwaskiw, 1995, p. 31). By 1989, the number of Russian-speaking inhabitants had reached 577,000 out of a total population of 1,566,000 (The White Book, 2005, p. 21). Estimates from 1994 then show a slight increase in the Estonian share to 63.9% and a decline in the Russian share to 29.0% (Iwaskiw, 1995, p. 4). In 2000, the Russian minority in Estonia accounted for 25.6% of the population; in 2011, it was 25.2%; and by 2021, the Russian minority accounted for only 23.7% of the population (Statistics Estonia, 2022). As of 2025, the Russian minority constitutes roughly 21% of the population in Estonia (Statistics Estonia, 2025). This demographic shift sparked fears among Estonians of losing control over their own state (Iwaskiw, 1995, pp. 31–32). Russians live predominantly in urban areas, particularly in Tallinn and in northeastern industrial cities such as Narva, where they make up as much as 96% of the population (Iwaskiw, 1995, pp. 31–32). The significance of the Russian-speaking minority therefore remained an important political and social issue even after Estonia regained its independence.

This significant demographic shift was a consequence of Soviet immigration policy and provides an important context for understanding why the Russian-speaking minority in Estonia gradually became a societal security concern.

Since the 1990s, Russia has presented itself as the protector of the Russian-speaking population living outside Russia. It adopted this strategy under the name of the “compatriots” policy in 1999. As part of this policy, Russia has used military pressure, economic measures, and support for political parties and protests that backed the Russian minority against Estonia.

At the same time, Russia seeks to advance the issue of the Russian-speaking population within European institutions and to influence public opinion through Russian-language media. The Russian-speaking minority in Estonia has thus been securitized both at the level of discourse and at the level of public policy (Schulze & Pupcenoks, 2025, p. 1037).

For Russia, exploiting Russian minorities abroad was nothing new. The origins of this strategy date back at least to the 1960s. Russia did not abandon this strategy even after the collapse of the Soviet Union; on the contrary, it soon realized the potential of the Russian-speaking population abroad as a tool for advancing its foreign policy goals (Mattiisen & Jurvee, 2020, p. 3).

The Russian Federation's 2000 military doctrine remained in effect in 2007. It identifies discrimination against Russian citizens abroad as an external threat and also emphasizes the use of political, diplomatic, and other non-military means. The hybrid approach in these documents remains rather limited, and a more significant shift occurs only after 2007 (Mattiisen, & Jurvee, 2020, p. 4).

**The Bronze Soldier Statue**

One of the biggest conflicts related to the Russian-speaking minority was the relocation of the Bronze Soldier in 2007, when Estonia decided to move the monument to a military cemetery. Unofficial Victory Day celebrations were held annually at the monument on May 9 (Bellentani, 2021). While for many Russian-speaking residents, May 9 is a day to celebrate the victory over Nazism, for Estonians it serves more as a reminder of the beginning of the Soviet occupation (Schulze & Pupcenoks, 2025, p. 1044).

The statue was previously the most significant Soviet monument in Estonia and a symbol associated with World War II (Bellentani, 2021, p. 59). After Estonia regained its independence in 1991, the statue became a symbol of Soviet occupation.

When the government decided to relocate the statue to a military cemetery, the Russian-speaking minority opposed this move, as the monument was for them a symbol of liberation from fascism and a source of national pride. (Bellentani, 2021, p. 64). The relocation of the monument was also complicated by the Centre Party, which controlled the Tallinn city government. At the same time, the party was dependent on the votes of Russian-speaking voters and actively blocked any measures concerning the monument (Brüggemann & Kasekamp, 2008, p. 435).

On the day the statue was to be moved, demonstrators gathered around it and prevented its relocation, followed by two nights of unrest (Bellentani, 2021, p. 61, 66). The incident escalated not only among the Russian minority in Estonia but also between Estonia and Russia (Bellentani, 2021, p. 67).

The immediate response to the statue's relocation was a series of large-scale DDoS cyberattacks on Estonia's digital infrastructure (Haataja, 2017, p. 160). These cyberattacks are now regarded as the first ever carried out by one country against another (Mattiisen, & Jurvee, 2020, p. 1).

The unrest surrounding the Bronze Soldier was not the first instance in which the Russian-speaking population responded to actions by the Estonian state with mass protests, a similar mobilization had already taken place during the so-called Alien's Crisis in 1993 (Schulze & Pupcenoks, 2025, p. 1051).

The Russian invasion of Ukraine has once again sparked debates about symbols associated with Soviet monuments and how World War II should be commemorated (Schulze & Pupcenoks, 2025, p. 1045).

In 2022, Estonia banned the public use of symbols associated with Russian aggression, such as the St. George's ribbon or the "Z" symbol. At the same time, the government decided to relocate Soviet monuments to museums (Schulze & Pupcenoks, p. 1045).

The relocation did not trigger any mass protests. In Estonia, protests did occur, for example in Narva, but their scale was significantly smaller than during the events of 2007. Part of the explanation lies in the fact that some Russian-speaking residents began to identify more with the Estonian state and distance themselves from Russia. The absence of protests may also be linked to a sense of insecurity among the Russian-speaking population, which is aware of its vulnerable position in the context of the war (Schulze & Pupcenoks, p. 1045).

The nature of Russian activities is gradually changing. Whereas Russia previously exploited regional inequalities to deepen social divisions and propaganda was primarily manifested in public spaces, today it is shifting to the online environment and social media. Russia is also increasingly organizing acts of sabotage that are difficult to detect. At the same time, it is targeting the younger generation, engaging them through their interests, as the number of older residents who responded to the Russian interpretation of World War II is gradually declining (KAPO, 2025, pp. 6–7).

**Russian-language media environment**

Tensions regarding the Russian minority have also long been reflected in the media environment.

Many Russian-speaking residents of Estonia did not speak Estonian and obtained their information primarily from Russian television broadcasts. This subsequently contributed to differing perspectives on recent history between the Estonian-speaking and Russian-speaking segments of society (Brüggemann & Kasekamp, 2008, p. 429). It was not until 2015 that the Estonian Russian-language public broadcaster ETV was established. Its goal is to provide reliable information to the Russian-speaking population while limiting the influence of Russian propaganda. (Schulze & Pupcenoks, 2025, 1041).

In the past, specifically during the Crimean crisis in 2014, Russian television channels were the main source of information for the Russian minority. This simultaneously deepened the differences between the Estonian majority and the Russian minority, as they had long been following different media. (Jõesaar, 2026, p. 8).

Certain restrictions had already emerged in 2019, when the Sputnik news agency was forced to cease operations in Estonia (Voltri, 2022, p. 172).

Following the start of the Russian invasion of Ukraine, the TTJA banned the broadcast of four Russian and one Belarusian television channel on Estonian television. Among other reasons, this was due to statements by Vladimir Putin justifying the attack on Ukraine. The TTJA characterized these statements as incitement to violence, a violation of international law, and a threat to national security (ERR, February 2022). At the same time, however, it remains legal to watch these channels online (ERR, April, 2025).

In addition to banning the retransmission of Kremlin-controlled television channels, access to Russian propaganda websites was also restricted. At the same time, Estonia began to provide greater support to local Russian-language media. Since 2022, Estonia has regularly provided financial support to Russian-language media. At the same time, the budget of the public broadcaster ERR was increased by nearly two million euros annually to develop English and Russian-language content (Jõesaar, 2026, p. 8).

According to data from Kantar Emor, the amount of time spent watching television in Estonia has been declining over the long term, with a more significant change occurring after the ban on the retransmission of Russian television channels at the end of February 2022.

Approximately 15% of the Russian-speaking population continues to watch Russian television channels, and roughly a quarter regularly visits Russian news portals (Jõesaar, 2026, p. 8).

Work on a new media law in Estonia had already begun before Russia's invasion of Ukraine, but the drafting of the draft law was suspended until the EMFA was adopted. Estonia wanted to implement all changes at once as part of a single major amendment to media legislation (ERR, April 2025).

The Ministry of Culture's new draft law aims to amend the Media Services Act while also creating a legal basis for banning the retransmission of Russian and Belarusian propaganda channels (ERR, April 2025).

The original draft law included requirements for media outlets to adhere to certain standards of accuracy and balance in their reporting. The bill originally also stipulated that retransmitters would have to notify in advance which television channels they intended to broadcast. However, the bill was gradually simplified, and the TTJA is now set to gain direct authority to ban propaganda channels without a complex oversight mechanism (ERR, April 2025).

This context is important for understanding why Estonia approaches media regulation differently from the Czech Republic. In the Czech case, media-related problems are framed primarily as domestic political and economic issues connected to media ownership concentration, pressure on journalists, and the financing of public service media. Although concerns about disinformation and media independence are present, the Czech debate is generally not framed in explicit security terms. Instead, media-related problems are understood primarily as domestic and internal issues connected to populism, political pressure, conflicts of interest, and the broader functioning of democratic institutions (Linhart, 2026).

In Estonia, by contrast, the media environment is closely connected to broader geopolitical and historical concerns related to the Russian Federation. The Russian information space and the historical ties of part of the Russian-speaking population to Russian media have long been perceived as potential vulnerabilities within the Estonian information environment. These concerns are strongly shaped by the historical experience of Soviet occupation, repression, deportations, and attempts to suppress Estonian national identity. Russia has repeatedly attempted to influence domestic developments through media, propaganda, and the compatriots policy.

Despite this, Estonia traditionally maintained a relatively liberal approach to media regulation and sought to counter Russian influence primarily through support for Russian-language public broadcasting and media literacy. The Russian invasion of Ukraine in 2022 nevertheless increased the importance of security considerations in debates surrounding the regulation of the media environment. In this sense, the Russian Federation is framed not only as an external geopolitical threat, but also as a threat connected to the domestic information environment.

### 3.4 Analysis of Draft Implementation Laws

This section focuses on the analysis of the Czech and Estonian draft laws themselves. Two steps are taken. The first step allows us to focus only on those parts of the text where states actually exercise their own discretion. It is precisely these parts that subsequently form the basis for examining securitization in the text. In the second step, a qualitative content analysis is performed. At the same time, to better understand the intent of the draft law, sections from the explanatory memoranda are also included.

#### *3.4.1 Czech Republic*

**EMFA Section vs. National Section**

The Czech Republic clarifies most provisions so that the rules function within the Czech system More specifically, it identifies the relevant institutions and supplements the EMFA framework with deadlines and sanctions. Beyond this, it concerns the protection of sources and journalists, that is, the protection of individuals rather than the state.

The first group includes, for example, § 2, which designates the RRTV as the national regulatory authority under the EMFA, while § 5 entrusts the Ministry of Culture with maintaining records of media ownership and adds a deadline for reporting changes. Section 6 essentially only adopts the EMFA rules for media services from third countries without significant national specifications. Section 7 specifies the rules for assessing media concentrations and sets a deadline for the Council’s decision. Section 8 regulates the transparency of state advertising and adds specific notification deadlines and exemptions for small entities. Section 9 introduces an additional deadline for rectification; Section 10 specifies concrete sanctions and the authorities that impose them; and Section 11 contains transitional provisions related to media ownership registration. Sections 13 and 14 represent primarily technical legislative changes to the Czech legal system.

The second group includes provisions that go beyond the scope of the EMFA itself. These are primarily aimed at stronger protection for journalists and their sources. Section 3 translates the general obligations of the EMFA into specific rights of journalists and their sources vis-à-vis the state. This is followed by Section 4, which specifies the system of assistance for persons who believe their rights have been violated and designates the entity responsible for providing such assistance. More significant national discretion is also evident in Section 12a, where the Czech law adds specific time limits on the surveillance of journalists and conditions for its extension, whereas the EMFA only generally stipulates the need for regular review (para. 24). Section 15 subsequently extends the protection of journalistic sources to the area of international judicial cooperation, which the EMFA does not regulate at all. The Czech Republic thus uses the scope for national discretion primarily to strengthen procedural protections for journalists and their sources, rather than to expand the state's security powers.

The second step, i.e., coding within the QCA, cannot be fully implemented in the Czech case because the text that the Czech Republic added beyond the scope of the EMFA does not provide enough relevant passages for further coding. The next step in the analysis is limited by the fact that these sections cannot be coded as a threat definition.

**Interpretation in Context**

The Czech explanatory memorandum describes in detail the role of the media in the EU and the rationale behind the creation of the EMFA. It then explains specifically how the Czech proposal complies with the regulation.

The explanatory memorandum also explains why the Czech Republic is essentially just replicating the EMFA regulation. The Czech Republic explains this by stating that the EMFA is a regulation, and Member States cannot alter its content (Ministry of Culture of the Czech Republic, 2025, p. 14). The implementing regulation addresses only what is necessary to meet the requirements of the regulation, clarifying details that the regulation leaves to the discretion of Member States. It adds only clarifications to the text without expanding it further (Ministry of Culture of the Czech Republic, p. 14). It does not take advantage of the opportunity to adopt more detailed or stricter rules where the EMFA allows it (Ministry of Culture of the Czech Republic, p. 14).

The public debate is dominated by cases of political pressure on the media, questioning the legitimacy of journalistic work, or efforts to weaken the position of public service institutions, rather than concerns about the media acting as a tool of a foreign power or posing a direct security threat. This framework is also confirmed by repeated findings from professional organizations and media outlets, according to which Czech journalists primarily face verbal attacks, intimidation, and public discrediting, often initiated or amplified by political actors. An extensive survey by Ipsos & CZ IPI revealed that nearly four-fifths of Czech journalists view the attacks they face as a threat to press freedom, with statements by politicians playing a significant role (Horáček & Hněvkovská, 2025). ČTK reports that 80% of journalists have experienced an attack, predominantly verbal (Menšík, 2025).

**Institutional Continuity and the Role of the Regulator (§ 2)**

Section 2 explicitly establishes the Council for Radio and Television Broadcasting (RRTV) as the regulatory body in accordance with the EMFA. This is merely a specification that, in the Czech case, the RRTV will serve as the regulator, clarifying what the EMFA sets forth in general terms. The Czech draft law specifies who this will be, but it does not grant the RRTV any new security-related powers.

The RRTV has not been granted any new security-related powers. At the same time, this model aligns with Czech regulatory practice, in which the Council has never acted as anyone's protector, even in high-profile and politically sensitive cases.

Even in situations where media ownership was the subject of intense public criticism and media attention, regulation focused on the legality of procedures, not on security assessments of the actors involved. The Czech legislature does not consider media ownership to be an area where it would be legitimate to introduce preventive security-related measures comparable, for example, to those in the defense or energy sectors. Even in highly publicized and politically contentious situations, media regulation in Czech practice has not been framed in terms of security, but rather through parliamentary debate, media criticism, and institutional oversight (ČTK, 2024).

**Protection of journalistic sources (§ 4, § 12a)**

The most significant deviation of the Czech draft from the EMFA is the expansion of the protection of journalistic sources. This approach directly responds to the Czech media landscape, where journalists are repeatedly subjected to public questioning, discrediting, and political pressure, often from top political figures.

In media practice, this pressure is particularly evident in the work of investigative newsrooms and public service media, whose journalists regularly cover sensitive topics involving the interplay of politics, business, and public power. It is precisely in these cases that source protection appears to be a crucial safeguard against the possibility that the state's repressive tools could be used to identify informants or intimidate journalists. The legislative strengthening of the protection of journalistic sources responds to repeated practical clashes between investigative journalism and law enforcement agencies. Specific cases included: a demand by the GIBS for reporter Kmenta to hand over documents, which was criticized by publishers' associations and the IPI as undue pressure on sources (Slonková et al., 2023); interrogations of investigative journalists in cases involving Prime Minister Čapí hnízdo, etc. (Fendrych, 2018), the Constitutional Court's ruling on a journalist's right to protect their sources (Protipravo, 2019).

The security logic of Czech law is reversed here: the state is not viewed as an entity that needs to be protected from the media, but as a potential source of interference from which journalistic work must be protected. EMFA is perceived in the Czech Republic as protecting the media from the state. A typical feature of the Czech environment is repeated public attacks on specific journalists and presenters, which originate from the political sphere and are of a discrediting nature (ČTK, 2024, ČT, 2025). An example is the personal denigration of ČT presenters during a parliamentary debate on the media amendment by ANO and SPD MPs (ČTK, 2024).

**Sanction and Procedural Regime (§ 9, § 11, § 15)**
The procedural restraint of the Czech implementation is also evident in the area of sanctions. The mandatory call for rectification (Section 9) and the possibility of the termination of liability upon the removal of the unlawful situation reflect an effort to prevent media regulation from being perceived as a repressive or politically exploitable tool.

This approach can be understood in the context of Czech media discourse, where any sanctions against the media are often interpreted through the lens of potential political pressure. Regulation is therefore designed to be corrective and minimalist, so as not to contribute to further eroding trust in the independence of regulatory institutions or to reinforcing the narrative of "controlled" media. Media discussions on the regulation and financing of public service media have long been framed by concerns about the politicization of sanctioning tools, which is reflected in the cautious procedural design of the draft law (DeníkN, 2024; Wollner, 2025). The current form of this caution is also confirmed by the intense media debate from the spring of 2026 (DeníkN, 2026, Dvořáček, 2026). Section 15, which extends source protection to the area of international judicial cooperation, fits into the same logic.

**Summary: The Czech Model as Protection of the Media from the State**
Media examples from Czech practice, public political attacks on journalists, questioning of the role of public service media, and the sensitive position of investigative newsrooms, help explain why the EMFA is understood in Czech legislative design primarily as a norm restricting the state, rather than as a tool for managing the media landscape. This model stands in sharp contrast to the Estonian approach, where the media are institutionally viewed as a potential security vector and where the logic of securitization is encoded directly into the regulator's decision-making powers.

At the same time, the law did not take advantage of the scope that the EMFA explicitly opens up. Stricter regulation of ownership concentrations in Section 7, more rigorous transparency of state advertising without an exemption threshold in Section 8, or more active powers for the RRTV regarding ownership structure would be in accordance with Article 1(3) of the EMFA and would also directly address the problems identified in the Czech context.

### 3.4.2 Estonia

**Separation of the EMFA vs. National Provisions**
In Estonia, the draft law essentially builds on the existing system established under the AVMSD and harmonizes it with the EMFA. Where possible, Estonia retains the original provisions based on the AVMSD and merely adapts them to the new requirements of the EMFA. In most cases, these are technical changes, specific deadlines, and adjustments necessary for the EMFA rules to function within the Estonian legal system. At the same time, Estonia makes use of the discretion that the EMFA leaves to Member States.

The first group consists of provisions that are directly derived from the EMFA or the AVMSD. Here, Estonia is largely limited to implementing only what is necessary. This includes, for example, extending the protection of journalistic sources to persons in a close private relationship (§15), the protection of journalists from surveillance (§4), or quotas for European works (§8).

The second group consists of provisions where the EMFA leaves room for adaptation so that the provisions function within the Estonian system. Estonia uses this leeway, for example, to ensure the provisions are functional in the digital environment (§161 and §162). A regulatory authority is also designated, which in Estonia is the TTJA (§54(2) and (3), §562).

The third group includes provisions that go beyond the scope of the EMFA and AVMSD and represent Estonian-specific provisions. Unlike in the Czech Republic, these provisions are further analyzed in the QCA. These include rules on licensing procedures (§39($6^2$), §40(6), §44(3) and (4)), rules on transmissions from third countries (§51(6), §51(61)), and rules regarding Estonian performers (§9, §43(2)).

**QCA Estonia**

In the second step of the analysis, coding schemes were applied to the Estonian draft law. The following section presents the results of this coding.

**Threat Construction**

In this study, Threat Construction is considered to be any instance where the draft law identifies something as a threat or risk. The category further distinguishes between the referent object (what is threatened) and the referent subject (what is identified as a threat). Threat Construction also serves as an entry condition for further analysis; only provisions in which a threat or risk was identified were subsequently coded within the categories of Intervention logic and Competence.

The Estonian law defines threats in a very similar manner across provisions. The phrases "may endanger the security of society" and "pose a significant risk to the security of society" are repeated verbatim in § 40(6), § 44(3), and § 51(6). The referent object is the same in all provisions: the security of society, national security and defense. Exceptions are Section 51(6)(1), which refers to public health, and Section 51(6)(3), which refers to public order.

The referent subject differs across the provisions. In the licensing provisions (Section 40(6), Section 44), the threat is posed by the provider, a member of its governing body, or the beneficial owner, that is, the natural and legal persons behind the media service. In § 51(6)(1), the source of the threat is the content of the service itself, while Section 51(6)(2) identifies the provider and its ownership structure as the source of the threat. Article 17 of the EMFA allows Member States to restrict the transmission of media services if the content of such a service threatens public security, but in §51(6)(2) and (3), Estonia also includes the owner as a potential threat.

The sanctions provisions (Section 44(4) and Section 51(6)$^{1}$) perceive the threat differently. If someone is on the penalty list, they are automatically treated as a threat; thus, the threat is not assessed on a case-by-case basis.

**Intervention logic**

Intervention logic examines how the provision responds to an identified threat and what types of interventions or measures it allows. The first case is when it is at the regulator's discretion; the regulator "may" act, but is not required to. This applies in § 40(6), § 44(3), and § 51(6), where the regulator assesses on its own whether a security risk actually exists and decides on a case-by-case basis. In the second case, the regulator has no choice but to "reject" or "impose," specifically in Sections 44(4) and 51(6)$^{1}$, where the existence of sanctions is sufficient.

**Competence**

Competence determines which authority can define the threat and decide on intervention. In all codified provisions, the TTJA, or rather its Director General, makes the decision. The situation differs when the TTJA acts as an institution (Section 51) and when its Director General acts personally (Section 44). Other actors mentioned in Section 40(6) are the security authorities, whom the TTJA consults. However, this consultation is voluntary, and the TTJA is therefore not required to follow it. At the same time, the security authorities also serve as sources of information.

**Analysis of the Codified Provisions**

This section examines the codified provisions in greater detail.

**Licensing Procedures and Security Clearances (Sections 40, 44)**

After separating the EMFA text from the national additions, it is clear that the Estonian draft law extends beyond the scope of the regulation to a greater extent than the Czech one. Key provisions here include those introducing security clearances for the granting of licenses (Section 40(6)) and specific grounds for refusing a license related to threats to public safety or national defense (Section 44(3)–(4)).

At the same time, the Estonian law constructs threats in a very similar manner across individual provisions. The phrases "may endanger societal security" and "pose a significant risk to societal security" are repeated, appearing verbatim in § 40(6) and § 44(3). The referent object remains the same in all cases: societal security, national security and defense.

In the licensing provisions, a provider, a member of its governing body, or a beneficial owner is designated as a threat. The intervention logic here operates on the principle of regulatory discretion. The TTJA may act, but is not required to, and assesses security risks on a case-by-case basis. In all codified provisions, the decision is made by the TTJA Director General. In § 40(6), the TTJA consults with security agencies, but such consultation is voluntary.

**Retransmission from Third Countries (§ 51)**

The Estonian draft law further adds security criteria to the grounds for suspending retransmission from third countries (§ 51(6)–(61)). Article 17 of the EMFA allows Member States to restrict the transmission of media services if their content threatens public security. However, in §51(6)(2) and (3), Estonia also adds the owner as a potential threat, which goes beyond the scope of the EMFA.

The referent subject in this provision differs from the licensing provisions. In §51(6)(1), the source of the threat is the content of the service itself, while Section 51(6)(2) identifies the provider and its ownership structure as the source of the threat. The scope of the referent object is expanded: in addition to public safety and national defense, it now includes public health (Section 51(6)(1)) and public order or national security, specifically in the case of revocation of a residence permit for the editor-in-chief, beneficial owner, or member of the board of directors (Section 51(6)(3)).

The explanatory memorandum to this provision states that these powers must remain in effect even after sanctions are lifted. At the same time, the explanatory memorandum states that the referent subject is the Russian Federation and Russian or Belarusian media channels, which are perceived as tools of information warfare and the dissemination of disinformation against European values (Ministry of Culture, 2026, p. 4, p. 33).

**Sanctions and Procedural Regime (Section 44(4), Section 51(61))**

The Sanctions provisions operate differently from others. Under Section 44(4) and Section 51(61), the regulator has no choice and is obligated to refuse or suspend. It is sufficient that someone is on the sanctions list. The threat is therefore not assessed on a case-by-case basis but is presumed automatically based on the applicant's sanctions status.

While the first level retains room for individual assessment, eliminates this room for discretion and instead provides a link to an external sanctions list.

**QCA results in the context of the explanatory memorandum**

The explanatory memorandum illustrates the draft law's place within the Estonian legal system, particularly by presenting it as the implementation of the EMFA and linking it to other legislation (Ministry of Culture, p. 3). The draft law does not start from scratch but builds upon the existing Media Services Act, which had previously been amended in accordance with the AVMSD. At the same time, however, the draft also contains its own provisions that are not directly related to the EMFA (Ministry of Culture, p. 1). Estonia is implementing the EMFA in a way that minimizes the administrative burden while making the most of existing systems and institutions (Ministry of Culture, p. 2).

According to the explanatory memorandum, a threat could be defined as media posing a security risk. The referent object is formulated more broadly here than in the draft law itself, encompassing not only national security but also social cohesion and the protection of democratic society. According to the explanatory memorandum, disinformation undermines people's trust in the media, institutions, and democracy and can lead to the polarization and destabilization of society. The target entity is directly identified as the Russian Federation; Russian and Belarusian channels are perceived as security risks because they spread disinformation. At the same time, the explanatory memorandum supports these claims with statistical data on viewership of Russian channels and the growth in viewership of Estonian media.

Regarding the intervention logic, the explanatory memorandum adds only one argument, exclusively in relation to § 51: the powers must remain in effect even after sanctions are lifted, as the threat is perceived as long-term, whereas sanctions are merely a temporary tool (Ministry of Culture, p. 4, p. 24). The explanatory memorandum does not elaborate significantly on the TTJA's powers. However, it explicitly states that the goal is to strengthen the TTJA's powers so it can more effectively block Russian and Belarusian broadcast channels.

**Legitimization Strategy**

Restrictions on certain Russian channels are presented as a way to reduce the spread of disinformation and hostile influence in the Estonian information space. Disinformation is linked to the erosion of public trust in the media, institutions, and democracy, as well as to the polarization and destabilization of society. At the same time, the restriction of Russian channels is seen as an opportunity for Estonian media, Estonia expects viewers who previously watched these channels to turn more frequently to Estonian media. The explanatory memorandum emphasizes that the goal is not to restrict free media in general. However, the explanatory memorandum argues that the media may pose a security risk and that the measure does not conflict with freedom of expression.

**A Narrow Interpretation of the EMFA and Provisions Outside the QCA**

Estonia narrows the interpretation of the EMFA in Article 4(3), which is intended to protect persons who have a regular relationship with journalists. Estonia restricts this to a permanent close private relationship. Interestingly, it considers a broader interpretation to be a potential obstacle to criminal proceedings.

No provision was codified that could also be perceived as securitization, specifically a provision regarding the minimum volume of musical works by Estonian authors or performed by Estonian performing artists. The explanatory memorandum notes that this helps raise awareness of music creators and performers. However, this provision could be interpreted as the securitization of Estonian culture.

**Summary: The Estonian Model as State Protection Against the Media**

The Estonian draft embeds security logic directly into the licensing system and the regulator's powers. Securitization is present in both the law and the explanatory memorandum, which expand the scope of the referent object to include social cohesion and the protection of a democratic society, and explicitly name the Russian Federation as a source of threat.

The Estonian model thus differs significantly from the Czech one. While the Czech draft law protects journalists and the media from state authorities, the Estonian draft, on the other hand, protects the state and society from the media, which are perceived as a tool of hostile influence.

### 3.5 Answering the research question: How does securitization manifest itself in the draft EMFA laws, and how do the Czech Republic and Estonia differ in this regard?

Securitization manifests itself differently in the draft laws. While the Czech draft law contains no securitization elements, Estonia incorporates them directly into the licensing process and the regulator's powers.

Czech Republic

In its draft law, the Czech Republic has made mostly functional changes, adding specific institutions, deadlines, and sanctions with one notable exception, where it goes beyond the scope of the directive and strengthens the protection of journalists and their sources. Interestingly, Estonia has taken the opposite approach in this regard and is narrowing the scope of protection; only individuals who have a close, ongoing personal relationship with journalists may be protected.

This logic is also reflected in the explanatory memorandum, which primarily explains the EMFA's content and asserts that it is a regulation whose content Member States cannot alter, and that the implementing regulation addresses only what is necessary (EMFA, p. 14). Unlike the Estonian explanatory memorandum, which describes in greater detail the rationale behind the form of the Estonian draft law, the Czech explanatory memorandum does not explain why the Czech Republic did not, in some cases, make use of the discretionary leeway afforded by the EMFA.

In contrast, the Estonian draft law contains many security-related provisions. Going beyond the scope of the EMFA and AVMSD, the law introduces security vetting for license grants, explicit grounds for refusing a license linked to security threats or the applicant's sanction status, and an expansion of the grounds for suspending transmissions from third countries.

From the perspective of the Threat Definition in the draft law, the phrase "may threaten the security of society" is repeated in various provisions (market entry, licensing, and content transmission). The referent object is societal security and national defense. The explanatory memorandum expands the referent object to include social cohesion and the protection of a democratic society. The referent object entity in the law is the provider and the persons behind it, whereas in the explanatory memorandum, the referent subject entity is the Russian Federation itself.

Intervention logic distinguishes between two levels. In provisions where the TTJA applies, the regulator may assess security risk on a case-by-case basis. On the other hand, in the the regulator must reject the license application or suspend retransmission. The explanatory memorandum adds that media operations must be suspended even after the sanctions have ended.

### 3.6 Comparison

The difference between the Czech Republic and Estonia stems primarily from the distinct contexts in the respective countries and the different threats each state faces regarding the media. The Czech Republic faces mainly internal problems related to media ownership concentration, the politicization of the media, pressure on the public service sector, and attacks on journalists. Media issues are therefore perceived in the Czech context primarily as a matter of protecting media independence from political and economic pressure. The Czech Republic uses implementation discretion mainly to strengthen the protection of journalists and their sources, as journalists often face verbal attacks, intimidation, and public discrediting by politicians and other actors (Horáček & Hněvkovská, 2025; Menšík, 2025).

This is partly reflected in the very logic of the Czech draft law. The Czech draft law does not treat the media as a security threat to the state, but rather uses it to protect journalists from potential state interference better. At the same time, the Czech Republic did not take advantage of the scope provided by the EMFA, for example, in the area of stricter regulation of media concentration or stronger powers for the regulator vis-à-vis media owners. From a DPI perspective, the Czech approach can be characterized as "elaboration discretion." Overall, it is primarily a matter of elaboration discretion, that is, developing the EMFA's general rules into a more concrete and applicable form without significantly expanding the state's powers.

Estonia, on the other hand, exercised scope discretion by adding security provisions beyond the minimum set by the EMFA. This is because Estonia faces primarily external security pressures related to the Russian Federation, Russian-language media, and long-standing concerns about Russia's informational influence. Consequently, the media landscape in Estonia is significantly more intertwined with broader security concerns, including societal security and national defense. Implementation discretion is used here in the opposite direction from that in the Czech Republic. Estonia is expanding the regulator's authority over media and media service providers that may pose a risk to societal security or national defense.

The securitization logic is present in the Estonian draft law, both in the law itself and in the explanatory memorandum. Phrases such as "may threaten the security of society" or "pose a significant risk to the security of society" appear repeatedly in the draft law. The reference points are societal security, national security, and defense. At the same time, the explanatory memorandum further expands this framework to include social cohesion, the protection of democratic society, and the fight against destabilization through disinformation. The explanatory memorandum explicitly identifies the Russian Federation and Russian or Belarusian media outlets as the target, describing them as tools of information warfare and the dissemination of disinformation against European values.

The difference between Estonia and the Czech Republic is fundamental. While the Czech draft law primarily protects journalists and the media from the state, the Estonian draft law protects the state and society from media perceived as instruments of hostile influence. Both approaches, however, correspond to the problems that individual states have been addressing for a long time. The Czech draft law reflects domestic issues related to political and economic pressure on the media. In contrast, the Estonian draft law reflects long-term experience with Russian information influence and security-related risks originating from the external environment.

The differing approaches of the two states are also reflected in the QCA results. In the Czech case, only the first step of the analysis was carried out: the separation of the measures the Czech Republic implemented to meet the EMFA requirements. The very fact that it was subsequently not possible to code securitization categories in the Czech draft law shows that the Czech Republic deliberately did not use its implementation discretion regarding securitization.

At the same time, the comparison shows that the EMFA leaves Member States relatively broad leeway for their own implementation logic. Although it is the same European regulation, the Czech Republic and Estonia apply it differently and reflect differing security, political, and social priorities in their approaches.

### 3.7 Discussion

The Estonian explanatory memorandum states that the draft law contains provisions that are not directly related to the EMFA (p. 1). The securitization provisions, therefore, do not represent a response to the EMFA, but rather an intention that existed independently of it.

According to ERR reports (2025), Estonia originally sought to introduce changes before adopting the EMFA. It used the adoption of the EMFA as an opportunity to implement the changes in one go. The provisions codified in the QCA are measures Estonia had wanted to introduce earlier and ultimately decided to implement alongside the EMFA.

Originally, the TTJA was supposed to have greater powers, but the Estonian Media Association (EML) opposed granting them. Specifically, because the press cannot be independent if it is subject to direct or indirect control by the executive branch. The TTJA originally required consultation not only with security agencies but also with the Financial Intelligence Unit. It also sought to impose an obligation on the media to ensure truthful, impartial, and balanced reporting. The bill is thus the result of a compromise between the TTJA and the media (ERR, 2023).

From the outset, Estonia did not seek to control the media in general. The primary goal was to limit propaganda and hostile influence from countries outside the EU, particularly Russia (ERR, 2025). Therefore, the TTJA's security powers are concentrated solely in § 51(6) and ($6^{1}$), which apply only to the retransmission of media from third countries, not to Estonian or European media.

The Estonian draft law reflects a shift in Estonia's approach to the media that occurred after 2022. The liberal approach to the media, which prevailed before the Russian invasion of Ukraine, is gradually being supplemented by greater securitization of the media.

The Czech draft law is also still only in the proposal stage, but a shift toward securitization in the domestic media context appears unlikely. Although the government now has a different political representation than the one that drafted the draft law, it is not in the interest of the governing parties to significantly change media ownership concentration, limit media politicization or address conflicts of interest. All governing parties are connected in some way to some of these issues. Political parties in the Czech Republic often benefit from clientelism, economic ties to businesspeople with media or political interests, or connections to Russian disinformation channels (Wirnitzer & Prchal, 2026; Horák, 2025; Novák, 2024).

According to Ruzicka (2019, pp. 2–3), studying unsuccessful cases of securitization reveals important conditions for securitization.

The absence of securitization in the draft law can be explained by differing understandings of media threats. In the Czech Republic, the prevailing view is that media problems stem from domestic political and economic pressure on the media, and that there is a lack of political actors with an interest in pushing securitization through.

This study aimed to contribute to the literature on DPI and securitization and to link these theories through QCA, a method not commonly used within these theoretical frameworks. The findings show that securitization can be directly reflected in legislation. At the same time, they confirm that, even with EU regulations that are directly applicable, there is room for differentiated implementation that reflects the national context. It would be interesting to see whether similar patterns emerge in analyses of other regulations or across more Member States.

## CONCLUSION

This thesis set out to examine how securitization is reflected in the national implementation of the European Media Freedom Act (EMFA) and why the Czech Republic and Estonia approach this implementation differently. The underlying puzzle was straightforward: if both countries are implementing the same directly applicable EU regulation, why does the resulting legislation look so different?

The central theoretical argument was that differences in how states perceive and construct media-related threats translate directly into differences in legislative design. To examine this, the thesis applied qualitative content analysis (QCA) to draft implementation legislation and explanatory memoranda from both countries, coding provisions according to three categories: threat construction, intervention logic, and competence.

The EMFA is particularly suitable for this type of analysis because it combines formally uniform European regulation with a certain degree of national implementation discretion. Regulations are directly applicable and formally uniform across Member States, which means they attract far less scholarly attention from implementation researchers than directives do. The assumption is often that regulations leave little room for national variation. This thesis demonstrates that this assumption does not hold. Even within a regulation designed to harmonize media governance across the EU, Member States still exercise meaningful discretion.

The answer to the research question is clear. Securitization manifests in the Estonian draft law and is absent in the Czech one, and this difference maps directly onto the divergent national contexts of the two countries. Estonia embeds security logic into the architecture of the licensing system and the regulator's decision-making powers. Phrases such as "may endanger the security of society" recur across provisions governing license grants, license refusals, and the retransmission of media from third countries. The regulatory authority, the TTJA, is granted powers to assess security risks on a case-by-case basis and, in certain circumstances, is obligated to act without discretion where an applicant appears on a sanctions list. The explanatory memorandum goes further still, expanding the referent object beyond national security and defense to include social cohesion and the protection of democratic society, and explicitly naming the Russian Federation and Russian or Belarusian media channels as sources of threat. The Czech draft law, by contrast, contains no securitization elements. The provisions that go beyond the EMFA's minimum requirements move in the opposite direction: they strengthen procedural protections for journalists and their sources against potential state interference. The state is not positioned as something that needs protection from the media; the media are positioned as something that needs protection from the state.

This contrast is not accidental. It reflects the deeply different environments in which each draft law was produced. Estonia's approach is shaped by decades of experience with Soviet occupation, a substantial Russian-speaking minority. The Estonian draft law thus represents an institutionalization of a securitization logic that had been developing long before the EMFA existed; the regulation provided an opportunity to consolidate changes that Estonia had already sought to introduce. The Czech approach, by contrast, is shaped by domestic problems like concentrated media ownership, political pressure on the public service sector or repeated verbal attacks on journalists. In this context, media independence is understood as an institutional and political problem, not a security one, and the dominant concern is protecting journalism from political power rather than protecting the state from media influence.

From a DPI perspective, the two cases illustrate distinct modes of exercising national discretion. The Czech Republic primarily employs elaboration discretion, specifying institutions, deadlines, and procedures to make the regulation functional within its legal system, without meaningfully expanding or redirecting the regulation's scope. On the other hand, Estonia exercises scope discretion by adding security provisions that go beyond what the EMFA requires and by extending the regulator's powers into areas the regulation itself does not cover. The fact that both of these approaches are possible within the same regulation underscores the point that directly applicable EU law is not as constraining as it might initially appear.

Several broader conclusions follow from these findings. First, the thesis confirms that securitization can be embedded directly in legislation, not only in political speeches or public debates. This matters methodologically: it suggests that legal texts are a legitimate and underexplored site for securitization analysis, and that QCA is a viable method for capturing securitization logic in a systematic and reproducible way. Second, the comparison of a case where securitization occurred with one where it did not responds to a gap in the literature, which has tended to focus on successful securitization. The Czech case shows that the absence of securitization in legislation is not a null result but a substantive finding: it reflects a deliberate, context-driven choice about what kind of problem media regulation is meant to solve. Third, the findings suggest that even though the EMFA is formally the same for all Member States, states can still approach its implementation differently.

One observation that emerges from the Czech case deserves mention. The Czech draft law leaves unused several areas of discretion that the EMFA explicitly opens up, stronger regulation of media ownership concentration, more rigorous transparency requirements for state advertising, and more active powers for the regulatory authority. Given the domestic problems the Czech context presents, these tools would not be out of place. Whether their absence reflects a deliberate policy choice, a lack of political will, or the influence of actors with an interest in preserving the current media ownership structure is a question this thesis cannot fully answer but one that future research could usefully pursue.

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