# ECJ dismisses claims that Council decisions and regulations targeting Russian outlets violate internet service providers' rights under EU law

**IRIS 2025-4:1/11**

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On 26 March 2025, the General Court delivered its judgement in case T-307/22 opposing A2B Connect BV, BIT BV and Freedom Internet BV, three information society operators established in the Netherlands, to the Council of the European Union.

The case concerns the European Union's restrictive measures against Russia following its actions destabilising Ukraine, particularly after the illegal annexation of Crimea in 2014 and the full-scale invasion of Ukraine in 2022. The applicants challenged specific EU Council decisions and regulations that restricted broadcasting and advertising by certain Russian media outlets accused of spreading propaganda supporting Russia’s military aggression.

The applicants sought annulment of Council Decision (CFSP) 2022/351 and Council Regulation (EU) 2022/350 (adopted on 1 March 2022), which prohibited broadcasting content from certain Russian media outlets and Council Decision (CFSP) 2022/884 and Council Regulation (EU) 2022/879 (adopted on 3 June 2022), which extended the prohibition to advertising in content produced by these media outlets.

The applicants argued that these measures violated their rights under EU law, including their rights to freedom of expression and information, the proportionality principles and the obligation to provide sufficient reasoning for the measures. With regard to the admissibility of the complaint, the Council contended that the applicants lacked standing under Article 263 TFEU to challenge these acts because they were not directly affected by the contested measures.

The General Court examined whether it had jurisdiction to review decisions adopted under Article 29 TEU. While CFSP decisions are generally outside the Court's purview, exceptions exist for monitoring compliance with Article 40 TEU and reviewing legality under Article 275 TFEU.

With regard to admissibility, the Council and Commission claim that the applicants, as internet service providers, are not directly concerned by the first contested regulation, because they have only an indirect obligation to block

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access to the websites of the media outlets subject to the restrictive measures at issue. Under Article 263 TFEU, individuals must demonstrate direct and individual concern or that they are part of a closed class affected by the act. The Court found that the applicants were not directly listed in the contested acts and had failed to show how their rights were specifically infringed.

Concerning proportionality and freedom of expression, the Court acknowledged that freedom of expression is a fundamental right but emphasised that it can be restricted to safeguard public order and security. It upheld the Council's argument that prohibiting Russian propaganda was necessary to counter threats posed by disinformation during wartime.

The Court also ruled that the Council had sufficiently justified its actions by citing threats posed by Russian state-controlled media outlets to EU public order and security.

Finally, the General Court dismissed the action as inadmissible due to the applicants lacking standing under Article 263 TFEU and because they had failed to demonstrate direct or individual concern regarding the contested measures.

Even in the event that it had been admissible, the Court found no substantive grounds to annul the measures, holding that the restrictions on broadcasting and advertising were proportionate responses to Russia's aggression and that the Council had adequately explained its reasoning for adopting these measures.

***JUDGMENT OF THE GENERAL COURT (First Chamber, Extended Composition) – Case T-307/22***

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