[CIS] Commonwealth of Independent States: New model law on Internet regulation

IRIS 2017-8:1/8

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On 25 November 2016 the Commonwealth of Independent States (CIS) Interparliamentary Assembly enacted a new version of the 2011 Model Statute on the Basics of Internet Regulation (Модельный закон «Об основах регулирования Интернета» - see IRIS 2011-8/10). It consists of three chapters containing a total of fifteen articles.

The Act sets out the principles governing (and determines the main direction of) the regulation of relations concerning the use of the Internet, sets out the procedures for State support of its development, and outlines the rules for determining the place and time of legally relevant actions with the use of Internet.

The Model Statute (Article 2) provides definitions of “Internet”, “operator of Internet services”, “national segment of Internet”, etc. The updated Article 5 spells out the principles governing legal regulation. In comparison with the 2011 Model Statute, these principles exclude all reference to the need to limit State regulation according to subject matter (which may or may not be regulated by the rules adopted by self-regulatory organisations of users and operators of Internet services). It also sets out new principles, namely: limitations of access to information must be prescribed by law; the inviolability of privacy in the use of Internet; the inadmissibility of establishing by means of legal instruments any advantages for the use of certain technologies (unless allowing such advantages is in the interests of national security); the “right to be forgotten”; and the right of the owner of any online information to dispose of it within the legally permissible limits and/or limits established by the website owner.

CIS Member States are encouraged (under Article 13) to ban (or block) the dissemination of information via the Internet that: causes harm to minors and/or their development; aims at propagandising for war and national, racial or religious hatred and enmity; calls for mass disturbances or other extremist activities; violates copyright; contains pornographic images of minors; details methods of producing and developing narcotics; and “any other information, the dissemination of which is forbidden or limited by the national law or a decision of the national court of justice.” The CIS Member States are recommended to maintain national registers of forbidden websites, to establish the liability of both users and ISPs in respect of the dissemination of forbidden information, and to

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cooperate with each other on these issues.

At the same time Article 15 of the Act suggests that ISPs shall not bear liability for the dissemination of illegal information if the services in question are provided on condition that the disseminated information is kept intact or if they were not aware and could not have been aware of the ban or limitation on access to the particular information.

Article 14 of the Model Statute stipulates that ISPs should store the personal data of national citizens on the territory of the relevant states, unless national law provides otherwise.

Модельный закон «Об основах регулирования Интернета»

http://iacis.ru/upload/iblock/01e/prilozhenie-k-postanovleniyu-45_12.pdf

Model Statute on the Basics of Internet Regulation, adopted at the 45th plenary meeting of the CIS Interparliamentary Assembly (Resolution No. 45-12 of 25 November 2016)

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