European Commission: Lithuania's decision to suspend broadcast of "RTR Planeta" complies with EU rules

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In a decision dated 4 May 2018, the European Commission found compatible with EU law the Lithuanian authorities' suspension for 12 months of the retransmission of a Russian-language channel, RTR Planeta, on the grounds of incitement to hatred. In its previous decisions of July 2015 and February 2017, the Commission reached the same conclusion regarding the temporary suspension of retransmission of RTR Planeta for three months by the Lithuanian authorities (see IRIS 2017-6/5). In the light of recurring infringements, on 14 February 2018 the Lithuanian authorities adopted a decision to temporarily suspend retransmission of RTR Planeta until 23 February 2019; the Commission was notified of that decision on 7 March 2018.

The suspension measure was based on the contents of three programmes dated 16 March 2017, 31 May 2017, and 3 November 2017. A programme broadcast on 16 March 2017 was considered to constitute incitement to war and hatred on the basis of nationality, as it called for physical violence against American and British people and threatened the invasion of Ukraine and France. Similarly, a programme broadcast on 31 May 2017 contained statements threatening the military occupation of foreign countries such as the Baltic States, Germany and France; it also contained statements remarking that Western people hate and despise Russians. The programme broadcast on 3 November 2017 included calls for war and violence against Ukraine. In its reply, the broadcaster RTR Planeta contended that the participants in the programmes had been exercising their freedom of expression.

According to the Commission, the Lithuanian authorities demonstrated that RTR Planeta had manifestly, seriously and gravely infringed Article 6 of the Audiovisual Media Services Directive (which stipulates that member states must ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality). In reaching this conclusion, attention was given to tension that the impugned statements on military conflicts involving Russia and destruction and/or occupation of Baltic States might provoke within Lithuania, as a former member state of the Soviet Union that has a sizeable Russian-speaking minority.

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The Commission furthermore found the duration of the suspension measure (12 months) to be proportionate. In doing so, the Commission stressed the margin of appreciation afforded to member states when imposing measures on broadcasters for infringements of Article 6 of the Audiovisual Media Services Directive. The proportionality of the measure was further justified in the light of the fact that RTR Planeta had not altered its behaviour but had rather persisted in committing violations, despite the previous suspension measures imposed on it in respect of the same political talk show.

European Commission, Lithuania's decision to suspend broadcast of the Russian language channel "RTR Planeta" complies with EU rules, 8 May 2018

https://ec.europa.eu/digital-single-market/en/news/lithuanias-decision-suspend-broadcast-russian-language-channel-rtr-planeta-complies-eu-rules

European Commission Decision of 4 May 2018 on the compatibility of the measures adopted by Lithuania pursuant to Article 3 (2) of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services

http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=52093

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