

[UA] Court decision on Russian broadcasts annulled

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At a hearing on 29 January 2019, the Sixth Appeals Administrative Court annulled the decision taken on 29 May 2018 by the Kyiv District Administrative Court on the merits of the case relating to the legality of Russian rebroadcasts via cable systems in Ukraine (see IRIS 2018-8/39). The case started in 2014 (see IRIS 2015-5/38 and IRIS 2017-1/33). The current appeal was brought by the Ukrainian cable TV distributor “Vertikal-TV”.

The case originated with the national media regulator’s claim for the illegal nature of the content of unspecified Russian TV programmes to be acknowledged and for further distribution of certain Russian TV channels in the cable systems in Ukraine to be banned.

The Appeals Court determined that the original plaintiff, the National Council on Television and Radio Broadcasting (see IRIS 1998-4/14), was a public authority with powers strictly determined by the Constitution of Ukraine and relevant national statutory law. None of these legal provisions neither prescribed nor allowed it to present those particular claims in court. Therefore, the case should not have been opened in the first place, according to the Appeals Court.

The decision stated that such disputes were beyond the jurisdiction of the administrative courts, or indeed any other courts in Ukraine.

The Appeals Court annulled all earlier court decisions and closed the case. It can be further appealed in the Supreme Court of Ukraine.

Decision of the Sixth Appeals Administrative Court, case No. 826/3456/14, 29 January 2019

