

[RU] Fines for Internet companies significantly increased

IRIS 2021-2:1/32

*Andrei Richter
Comenius University (Bratislava)*

A new Article 13.41 was added to the Code of the Russian Federation on Administrative Offences by the Federal Statute adopted by the State Duma on 23 December and signed by the President on 30 December 2020.

Under the new law, inaction by hosting providers and website owners (including foreign ones) with regard to the requirements to block access to information banned in Russia or to remove information recognised as illegal in Russia under the Federal Statute “On Information, Information Technologies and on the Protection of Information” (see Iris Extra 2015) shall lead to significant monetary fines. The illegal information in question includes “information with calls to extremist activities”; child pornography; drug use; “information disrespectful to state authorities” (see IRIS 2019-5:1/25); “unfaithful information” (see IRIS 2016-8:1/32); and “untruthful socially significant information” (see IRIS 2019-5:1/24); as well as a new set of content types introduced to the Federal Statute “On Information, Information Technologies and on the Protection of Information” on the same day.

Offenders shall now face high fines ranging from several hundred thousand to eight million Russian rubles (about EUR 75 000). The penalties for repeated violations by a legal entity shall amount to between 5% and 20% of the company's year-end revenue. It remains unclear as to whether the company's head office or its representative office (if any) in Russia shall be responsible for paying the fines proportionate to its revenue.

The only exception made to the norm shall be copyright violations, punished otherwise by law.

This amendment should be understood in the context of the recent demands by Roskomnadzor, the Russian Government's authority responsible for supervising the media, communications and information technology, that Google LLC remove information which is illegal in Russia from its search algorithms, advertisements and YouTube videos. According to Roskomnadzor, Google does not remove up to 30% of content recognised as illegal in Russia from its search engines.

О внесении изменений в Кодекс Российской Федерации об административных правонарушениях

<http://publication.pravo.gov.ru/Document/View/0001202012300050>

Federal Statute “On amendments to the Code of the Russian Federation on Administrative Offences”

Пресс-релиз Роскомнадзора

<http://rkn.gov.ru/news/rsoc/news73202.htm>

Press release by Roskomnadzor

