

[UA] Supreme court on Russian broadcasts

IRIS 2021-4:1/2

*Andrei Richter
Comenius University (Bratislava)*

At a written hearing on 29 September 2020, the Cassation Administrative Court, a chamber of the Supreme Court of Ukraine, upheld the decision taken in 2019 by the Sixth Appeals Administrative Court, which in turn annulled the decision by the Kyiv District Administrative Court on the merits of the case related to the permissibility of Russian TV rebroadcasts via cable systems in Ukraine (see IRIS 2019-4/31). This administrative case started in 2014.

On the eve of this judgment, the Supreme Court of Ukraine had decided that the parties' written submissions were to be reviewed through a summary proceedings in the Cassation Administrative Court, rather than by their personal attendance at the hearing. It also passed the case from the Grand Chamber to the Cassation Administrative Court.

The current appeal was for procedural and material law reasons and was brought by the national media regulator, the National Council on Television and Radio Broadcasting (see IRIS 1998-4/14) and the Kyiv City Prosecutor's Office. The respondents, the Ukrainian cable TV distributors "Vertikal-TV" and "Thorsat", provided their objections to the appeal.

In its decision, the Cassation Administrative Court confirmed that the original plaintiff, the National Council on Television and Radio Broadcasting, is a public authority with powers strictly determined by the Constitution of Ukraine and relevant national statutory law. None of these legal provisions either prescribed, or allowed the plaintiff to present those particular claims in the court of law. The decision of the Sixth Appeals Administrative Court is therefore confirmed and the latest appeal not upheld. This decision is final and may not be further appealed.

Верховний Суд, Постанова, справа №826/3456/14, 29.09.2020

<https://reyestr.court.gov.ua/Review/91850891>

Supreme Court, Resolution, case No. 826/3456/14, 29 September 2020

Верховний Суд, Ухвала, справа №826/3456/14, 28.09.2020

<https://reyestr.court.gov.ua/Review/91818373>

Supreme Court, Decision, case No. 826/3456/14, 28.09.2020

