[DE] German media regulator bans RT DE television channel in Germany

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On 1 February 2022, the *Kommission für Zulassung und Aufsicht* (Commission on Licensing and Supervision – ZAK), a joint organ of the 14 German state media authorities, whose responsibilities include granting licences to national broadcasters in Germany and related supervisory measures, prohibited the production and distribution of the RT DE television channel in Germany because it did not have the necessary licence. In response, the Russian government took measures against the German international broadcaster Deutsche Welle, including the closure of its Moscow office, banned individuals involved in the ZAK's decision from entering the Russian Federation, and announced further substantial "countermeasures" or "retaliatory measures".

The ZAK found that the Berlin-based company RT DE Productions GmbH had been broadcasting the RT DE television channel under its own editorial responsibility since 16 December 2021. The German-language channel, which provided journalistic and editorial content focusing on news, documentaries and entertainment, was aimed at a German audience. On 17 December 2021, since the broadcaster did not hold a German licence, the *Medienanstalt Berlin-Brandenburg* (Berlin-Brandenburg state media authority), as the media regulator responsible, opened media law proceedings against RT DE (see Ukrow, IRIS 2022-2). As the channel is broadcast nationally, the ZAK is responsible for taking decisions in the matter. It decided that RT DE required a licence under Article 52 of the German *Medienstaatsvertrag* (state media treaty – MStV), and that such a licence had been neither requested nor granted. The ZAK therefore prohibited the further production and distribution of the TV channel via a live Internet stream, the mobile and smart TV app "RT News" and satellite. In response to RT DE's claim that it was broadcasting under a licence granted in Serbia, the ZAK noted that the channel's provider could not rely on any other legitimate authorisation granted under European law. The broadcaster had previously failed to obtain a licence in Luxembourg. The ZAK's decision was based solely on the fact that the channel did not hold a licence, which is a strict requirement for national broadcasters in Germany (Article 52(1) and 115(1)(18) MStV). It had nothing to do with programme content. RT DE has already announced that it intends to explore the possibility of appealing against the decision.

In response to this decision, the Russian government ordered the closure of the Moscow office of the German international broadcaster Deutsche Welle and

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revoked the press accreditations of its staff. It also announced that the transmission of Deutsche Welle via satellite, and other means of communication on Russian territory, would be terminated, effectively withdrawing its broadcasting licence. The Russian foreign ministry also announced that the relevant Russian authorities would take the necessary steps to designate Deutsche Welle a foreign media outlet performing the functions of a foreign agent. Under the Russian Foreign Agent Act, which is relevant here, individuals and organisations that receive funding from abroad are obliged to label their publications. Finally, a "list of representatives of state and social institutions of the Federal Republic of Germany who are involved in restricting and prohibiting the transmission of RT DE or pressurising the Russian broadcaster" would be drawn up, and the individuals listed would be banned from entering the Russian Federation. According to the foreign ministry, "details of further phases of countermeasures will be published in due course".

Pressemitteilung der ZAK

https://www.die-medienanstalten.de/service/pressemitteilungen/meldung/senden-ohne-rundfunklizenz-zak-untersagt-veranstaltung-und-verbreitung-des-fernsehprogramms-rt-de-in-deutschland

Commission on Licensing and Supervision press release

Pressemitteilung des Außenministeriums der Russischen Föderation

https://russische-botschaft.ru/de/2022/02/03/zum-inhalt-der-gegenmassnahmen-die-infolge-der-untersagung-der-rt-de-ausstrahlung-in-deutschland-in-bezug-auf-die-deutschen-medien-in-russland-ergriffen-werden-sollen/

Russian foreign ministry press release

Mitteilung der Deutschen Welle

https://www.dw.com/de/das-b%C3%BCro-der-deutschen-welle-in-moskau-ist-geschlossen/a-60658573

Deutsche Welle press release

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