European Commission: Banning of Russia Today and Sputnik

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On 27 February 2022, the President of the European Commission, Ursula von der Leyen, released a statement outlining further measures to respond to the Russian invasion of Ukraine. Among these measures, von der Leyen announced that the EU would ban the state-owned Russia Today and Sputnik, as well as their subsidiaries. High Representative/Vice-President Josep Borrell confirmed this in a separate statement, in which he affirmed that the EU was “taking a crucial step to turn off the tab for Russia's information manipulation in Europe by banning Russia Today and Sputnik from broadcasting in the Union" and that the EU would “continue working actively in Ukraine and our neighbourhood to fight their attempts to distort reality and seed confusion and uncertainty.”

On 1 March 2022, the Council of the European Union adopted a Decision pursuant to Article 29 TEU and a Regulation pursuant to Article 215 TFEU by which it is prohibited for “operators to broadcast or to enable, facilitate or otherwise contribute to broadcast, any content by the legal persons, entities or bodies listed in Annex XV [RT- Russia Today English, RT- Russia Today UK, RT - Russia Today Germany, RT - Russia Today France, RT- Russia Today Spanish, Sputnik], including through transmission or distribution by any means such as cable, satellite, IP-TV, internet service providers, internet video-sharing platforms or applications, whether new or pre-installed.” Any All broadcasting licences or authorisations, transmissions and distribution arrangements with RT and Sputnik are suspended. Furthermore, it is prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent such the prohibitions laid down in the Regulation, including by acting as a substitute for natural or legal persons, entities or bodies referred to in Article 2e(3) or Article 2f, 5, 5a, 5b, 5e, 5f or 5h, or by acting to for their benefit by using the exceptions provided for in Article 2e(4), 5(6), 5a(2), 5a(5), 5b(2), 5b(3), 5e(2) or 5f(2) of Regulation (EU) No 833/2014.

According to the Decision and the Regulation, the Russian Federation “has engaged in a systematic, international campaign of media manipulation and distortion of facts in order to enhance its strategy of destabilisation of its neighbouring countries and of the Union and its Member States.” [...] “Those propaganda actions have been channelled through a number of media outlets under the permanent direct or indirect control of the leadership of the Russian

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Federation. Such actions constitute a significant and direct threat to the Union's public order and security" and "are essential and instrumental in bringing forward and supporting the aggression against Ukraine, and for the destabilisation of its neighbouring countries." The abovementioned restrictive measures will be maintained "until the aggression against Ukraine is put to an end, and until the Russian Federation, and its associated media outlets, cease to conduct propaganda actions against the Union and its Member States." These measures "do not prevent those media outlets and their staff from carrying out other activities in the Union than broadcasting, such as research and interviews."

With regard to the competence of the European Union to take such restrictive measures, the Regulation explains that they "fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary."

Statement by President von der Leyen on further measures to respond to the Russian invasion of Ukraine, 27 February 2022

https://ec.europa.eu/commission/presscorner/detail/en/statement_22_1441

Further measures to respond to the Russian invasion of Ukraine: Press statement by High Representative/Vice-President Josep Borrell, 27 February 2022

https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_22_1463

Council Decision (CFSP) 2022/351 of 1 March 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2022.065.01.0005.01.ENG&toc=OJ%3AL%3A2022%3A065%3ATOC

Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2022.065.01.0001.01.ENG&toc=OJ%3AL%3A2022%3A065%3ATOC

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