[DE] mabb threatens to fine Russian broadcaster RT DE

IRIS 2022-4:1/26

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In its long-running dispute with Russian broadcaster RT DE (previously known as Russia Today) (see IRIS 2022-2/19), the *Medienanstalt Berlin-Brandenburg* (Berlin-Brandenburg media authority – mabb), as the state media authority responsible, decided, against the background of the Russian Federation's unjustified military aggression against Ukraine, to threaten RT DE Productions GmbH, provider of RT DE, with a fine of EUR 25 000 if it did not cease broadcasting the channel in Germany by 4 March 2022.

With the RT DE livestream still available on various websites on 5 March 2022, the mabb demanded that the fine be paid by 16 March 2022. At the same time, it threatened to impose a second fine of EUR 40 000 if RT DE did not cease broadcasting by 16 March 2022.

The mabb took these steps after RT DE Productions GmbH continued to broadcast its channel in Germany without a licence, despite being banned under the decision of the *Kommission für Zulassung und Aufsicht* (Commission on Licensing and Supervision – ZAK) of 2 February 2022 (see IRIS 2022-3).

Although RT DE Productions GmBH had repeatedly threatened to appeal against the ZAK's decision, which was based on its failure to obtain the licence required to broadcast in Germany, it had not done so. Therefore, the mabb decided to issue a warning and impose a fine for breaches of the *Medienstaatsvertrag* (state media treaty – MStV). According to Article 115(1)(18) of the MStV, organising a broadcasting service without a licence is an administrative offence that is punishable under Article 115(2) with a fine of up to EUR 500 000. The fine of EUR 25 000 therefore falls a long way short of the maximum fine. Nevertheless, according to confirmed media reports, RT DE Productions GmBH applied to the *Verwaltungsgericht Berlin* (Berlin Administrative Court) for emergency legal protection against the broadcasting ban on 3 March 2022.

Meanwhile, the EU itself has responded with a Union-wide approach which, unlike the mabb procedure, is designed to prohibit systematic disinformation campaigns waged by the broadcasters Sputnik and RT that are thought to pose a considerable threat to the Union's public order and security. Under the measures taken, pursuant to Council Regulation (EU) 2022/350 of 1 March 2022 that came into effect on 2 March 2022, it is prohibited in the EU for operators to broadcast or to enable, facilitate or otherwise contribute to broadcast any content produced by

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the providers RT — Russia Today English, UK, Germany, France and Spanish, and Sputnik, including through transmission or distribution by cable, satellite, IP-TV, Internet service providers, Internet video sharing platforms or applications, whether new or pre-installed. Any broadcasting licence or authorisation, transmission and distribution arrangement with these providers is also suspended.

Pressemitteilung der mabb

https://www.mabb.de/uber-die-mabb/aktuelles/neuigkeiten-details/aktueller-sachstand-rt-de.html

mabb press release

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mabb press release

Verordnung (EU) 2022/350 des Rates vom 1. März 2022 zur Änderung der Verordnung (EU) Nr. 833/2014 über restriktive Maßnahmen angesichts der Handlungen Russlands, die die Lage in der Ukraine destabilisieren

https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=uriserv%3AOJ.L_.2022.065.01.0001.01.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

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