European Court of Justice rejects RT France's urgent application for lifting of EU sanctions

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In an order of 30 March 2022, the President of the General Court of the European Union rejected the application for interim measures submitted by RT France in case T-125/22 R (RT France/Council). On 1 March 2022, the Council of the European Union adopted a Decision pursuant to Article 29 of the Treaty on European Union and a Regulation pursuant to Article 215 of the Treaty on the Functioning of the European Union (TFEU) suspending the broadcasting activities of certain media, including RT France, in and towards the European Union (see IRIS 2022-3:1/6 and the Observatory's note on this subject). RT France filed an action for the annulment of the Council's acts with the General Court of the European Union, as well an application for interim measures to obtain a stay of execution of the latter. In his order, the President described the two conditions that must be met for the interim relief judge to stay the execution of the Council's acts and other interim measures: firstly, the grant of such measures must be prima facie justified in fact and in law, and secondly, they must be urgent in the sense that they must be necessary in order to avoid serious and irreparable harm to the party applying for interim protection. These conditions are cumulative, i.e. the application for interim measures must be rejected if either of them is not met. The interim relief judge shall also, where appropriate, weigh the competing interests. The President concluded that the condition of urgency was not met because the harm caused to the party applying for interim protection was purely economic and financial in nature. Only in exceptional circumstances could such harm be regarded as irreparable, since financial compensation was generally capable of restoring the position of the person suffering the damage to what it had been before that damage occurred. Furthermore, RT France had not provided any figures that would enable the President to evaluate the financial harm it had allegedly suffered. Regarding RT France's claim that the disputed acts had seriously harmed its reputation, the President stressed that the purpose of the interim procedure was not to repair harm already caused and that the annulment of the disputed acts at the end of the principal proceedings would provide sufficient reparation of the alleged moral damage. As for the argument that the serious and irreparable nature of the damage was proven by the fact that a news service had been prevented from carrying out all its activities for a long period of time, and that such acts were irreparable and especially serious in democratic societies, the President explained that it was up to RT France to show and establish the likelihood of such harm being caused. However, RT France had failed

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to explain the extent to which it would be concerned or affected by such harm. He considered that the weighing of interests favoured the Council because the interests that it was pursuing were designed to protect the member states from disinformation and destabilisation campaigns that threatened the public order and security of the Union. It was also in the public interest to bring an end to the aggression being shown towards Ukraine as quickly as possible. On the other hand, the interests asserted by RT France concerned the situation of its employees and its financial viability. The President added that, if RT France were to succeed in its attempt to have the disputed acts annulled in the main proceedings, it would be possible to evaluate the harm suffered as a result of the violation of its interests, which could then be the subject of subsequent redress or compensation.

The President of the General Court said that, in view of the exceptional circumstances of the case, the judge in the main proceedings had decided to rule under an expedited procedure in order that RT France should receive the response to its application as soon as possible.

Ordonnance du président du Tribunal de l'Union européenne du 30 mars 2022 dans l'affaire T-125/22 R, RT France contre Conseil de l'Union européenne

https://curia.europa.eu/juris/document/document.jsf?text=&docid=256901&pageIndex=0&doclang=FR&mode=lst&dir=&occ=first&part=1&cid=479223

Order of the President of the General Court of the European Union of 30 March 2022 in case T-125/22 R, RT France v Council of the European Union

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