[NL] Dutch ISPs block RT and Sputnik websites

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Ronan Ó Fathaigh
Institute for Information Law (IViR)

On 8 March 2022, the largest Internet service providers (ISPs) in the Netherlands (VodafoneZiggo, T-Mobile and KPN) announced that the websites of the Russian state-owned media outlets Russia Today and Sputnik would be blocked in the Netherlands. This followed the adoption of a regulation by the Council of the European Union on 1 March 2022, which prohibited "operators to broadcast or to enable, facilitate or otherwise contribute to broadcast, any content by [Russia Today and 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." Further, on 4 March 2022, the Dutch Minister of Foreign Affairs published an implementing regulation for the EU Council Regulation in the *Staatscourant* (Dutch Government Gazette).

Crucially, on 8 March 2022, the *Autoriteit Consument & Markt* (Netherlands Authority for Consumers and Markets) published an important statement announcing that it had informed Dutch telecom operators that the EU Open Internet Regulation (see IRIS 2016-9/6) was "not an obstacle to the implementation of the European sanctions regarding the suspension of distribution of Russian media channels RT and Sputnik", and it meant that Dutch ISPs are "allowed to block the websites of RT and Sputnik as long as the thereto-related European sanctions are in place". The ACM then informed the ISPs that "at least the following websites fall under the scope of the sanctions", namely www.rt.com; de.rt.com; francais.rt.com; actualidad.rt.com; and sputniknews.com. Further, the ACM stated it would not take "any enforcement action as long as the European sanctions are in place". In addition, the *Openbaar Ministerie* (Public Prosecution Service) also issued a statement on its website, stating that violation of the implementing regulation was an offence, including the media prohibitions, and the Public Prosecution Service "can proceed to criminal law enforcement" for violations.

Following the statement from the ACM and Public Prosecution Service, the trade association for the Dutch broadband industry (NL Connect) issued its own statement, advising its members to block the RT and Sputnik websites. However, the association also stated that the EU Council Regulation was "extremely unclear", and was advising its members "under protest, because we are for a free and open Internet".

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https://nos.nl/collectie/13888/artikel/2420302-sites-rt-en-sputnik-geblokkeerd-door-grootste-internetproviders

Joost Schellevis and Nando Kasteleijn, RT and Sputnik websites blocked by largest internet providers, NOS Nieuws, 8 March 2022

Authority for Consumers and Markets, Open Internet Regulation is not an obstacle to blocking RT and Sputnik because of EU sanctions, 8 March 2022

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https://zoek.officielebekendmakingen.nl/stcrt-2022-6783.html

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Nederlands Openbaar Ministerie, Oorlog in Oekraïne, 8 maart 2022

https://www.om.nl/onderwerpen/oorlog-oekraine

Netherlands Public Prosecution Service, War in Ukraine, 8 March 2022

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