

[RU] New legal instruments against foreign media

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On 30 June 2022, the State Duma of the Federal Assembly of the Russian Federation adopted the Federal Statute “On amendments to certain legal acts of the Russian Federation” that provides important changes in the media law, in particular in relation to foreign media in Russia.

An additional Article 3.4 was introduced to the Federal Statute No. 272-FZ of 28 December 2012 “On measures to influence persons involved in violations of fundamental human rights and freedoms, the rights and freedoms of citizens of the Russian Federation” (О мерах воздействия на лиц, причастных к нарушениям основополагающих прав и свобод человека, прав и свобод граждан Российской Федерации) (See IRIS-Extra, 2020, p.10). It stipulates that in the case of a ban or other restriction in a foreign country of the activity of a media outlet from the Russian Federation, the activity of foreign media “registered” in the territory of that foreign country and disseminating its product in Russia, including online, as well as through a licence or a contract with a Russian legal entity, may be banned (restricted) as well. This happens by a decision of the Prosecutor-General or his deputies – upon consent of the Ministry of Foreign Affairs – and takes effect immediately after the decision’s publication on the website of Russia's media watchdog, Roskomnadzor (see IRIS 2012-8/36). The statute does not specify either the criteria or reasons for picking a particular foreign media outlet for the sanction, or the number of foreign outlets to be sanctioned from a given country. Such a ban involves prohibition of the dissemination, production and storage of the materials of the banned media including through other media and/or online, a withdrawal of accreditation of its correspondents in Russia, registrations and (broadcast) licences previously issued, a freeze of its bank accounts and bank operations, as well as the closure of its bureau (-s) or other offices and entities. with its participation. The decision may be repealed through the same procedure, with the relevant notice published by Roskomnadzor.

In another important development, amendments to the Statute “On the Mass Media” now allow, for the first time since the statute’s adoption in 1991, to close down a media outlet without a court decision. This happens when the prosecution notices a violation of a broad spectrum of bans introduced in the new Article 56.2 of the Statute. Those prohibitions include, in particular, dissemination of any information “directed to discredit the use of the Armed Forces of the Russian

Federation with the aim of protection of the interests of the Russian Federation" or just "untruthful information" on such a use (even unintentional), as well as calls to introduce sanctions against the Russian Federation and expressions of sheer disrespect towards Russian public bodies.

First, the Prosecutor-General or his deputies demand – through Roskomnadzor – the suspension of the activity of the media outlet for up to three months, and then, upon a repeated violation – for up to six months, and finally – if it happens for the third time – a demand for the closure of the media outlet. During the suspension period, the publisher, the editors and journalists of the media outlet are not allowed to conduct any activity regulated by the Statute "On the Mass Media".

The scope of Article 15.3 of Federal Law "On Information, Information Technologies and Information Protection" that provides – in specific cases of dissemination of prohibited information – for non-judiciary compulsion mechanisms in the hands of the Prosecutor-General or his deputies to have the online content removed and for blocking access to websites containing such content in case of non-compliance (see IRIS Extra 2021, pp. 15-16) was further expanded to include, in particular the above-listed bans. An additional Article 15.3.2 was added to provide for a "permanent block of access" to the online resources in case of repeated violations, as well as in case the online resources are found – by Roskomnadzor – not dissimilar to the ones previously blocked.

The amendments entered into force on 14 July 2022.

О внесении изменений в отдельные законодательные акты Российской Федерации

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Federal Statute of 14 July 2022, N 277-FZ "On amendments to certain legal acts of the Russian Federation"

