

## MEDIA

### RELATED PROVISION: ARTICLE 2f OF COUNCIL REGULATION 833/2014 FREQUENTLY ASKED QUESTIONS – AS OF 30 JANUARY 2023

#### 1. On what grounds has the EU imposed restrictions on Russia Today and Sputnik?

*Last update: 23 March 2022*

RT/Russia Today and Sputnik have been instrumental in preparing and supporting Russia's invasion of Ukraine, participating in Russia's systematic information manipulation and disinformation under the permanent direct or indirect control of the leadership of the Russian Federation. As key pillars to Russia's continuous and concerted propaganda actions used to disinform global audiences, they pose significant and direct threat to the Union's public order and security.

#### 2. Does the prohibition also cover the dissemination of content through other means such as a website? Does the content only include the TV stations of the targeted entities, or does it also cover their websites and/or other content that they might disseminate over the Internet?

*Last update: 23 March 2022*

Yes. The field of application of this provision goes beyond the mere broadcasting of TV stations. The term 'broadcast' in conjunction with 'any content' is to be understood, in light of the objective of the provision, as covering a broader range of content provision than the term 'television broadcasting' used in the [Audiovisual Media Services Directive](#)<sup>1</sup>. It should be understood as transmitting, disseminating or distributing any type of content in the broadest possible meaning (long videos, short video extracts, news items, radio etc.) to an audience regardless of the means of transmission, dissemination or distribution (including online).

The terms 'facilitate or otherwise contribute to' are meant to also cover the activities that serve or are instrumental for the transmission, dissemination or distribution of content provided by the targeted entities to other media outlets.

Furthermore, by virtue of the non-circumvention clause (laid down in Article 12) it is prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent prohibitions in this Regulation including by acting as a substitute for natural or legal persons, entities or bodies targeted by the Regulation.

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<sup>1</sup> Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, OJ L 95, 15.4.2010, p. 1–24.

**3. The targeted entities have Internet subdomains and also newly-created domains. Are EU operators obliged to avoid enabling, facilitating or otherwise contributing to access to all such subdomains and new domains?**

*Last update: 23 March 2022*

The entity that registers a domain has control over the subdomains; if the domain is blocked, its subdomains should be blocked as well. The prohibition laid down in the Regulation also applies to newly created Internet domains that are in substance run or controlled by the targeted entities or used to circumvent the prohibition at issue.

**4. Does the Regulation create obligations for parties other than operators of cable, satellite, IP-TV, Internet Service Providers, or online video-sharing platforms?**

*Last update: 23 March 2022*

The Regulation sets out a number of examples of activities ('such as'), so it also applies to, for instance, caching services, search engines, social media or hosting service providers whose services can be used to disseminate propaganda from the targeted entities.

**5. As part of their reporting, can journalists acting in good faith transmit content created by the targeted entities?**

*Last update: 23 March 2022*

Media have the freedom to report objectively on current events and to form their opinions thereon, and users have the right to receive objective information on current events. In particular, where a media outlet other than Russia Today and Sputnik reports about the current Regulation and its consequences, it may inter alia provide the content and in that regard it may refer to pieces of news by Russia Today and Sputnik, in order to illustrate the type of information given by the two Russian media outlets concerned with a view to informing their readers/viewers objectively and completely.

At the same time, freedom of speech can be restricted for legitimate public interests in a proportionate manner. Freedom of speech cannot be relied on by other media outlets to circumvent the Regulation. The non-circumvention equally applies to journalists. Therefore, if another media outlet or journalist purports to inform its readers/viewers, but in reality its conduct aims at broadcasting Russia Today or Sputnik content to the public or has that effect, it will be in breach of the prohibition laid down in the Regulation.

**6. The prohibition includes responsibilities for operators to ensure that the ban is enforced. "Operators" is not a defined term; how should this term be understood?**

*Last update: 23 March 2022*

The Regulation sets out a broad and comprehensive prohibition. The Regulation prohibits both

the broadcasting (lato sensu) and the fact that operators “enable, facilitate or otherwise contribute to broadcast”. Accordingly, the prohibition applies to any person or entity or body exercising a commercial or professional activity that broadcasts or enables, facilitates or otherwise contributes to broadcast the content at issue.

Furthermore, by virtue of the general and broadly couched non-circumvention clause in Article 12 of Regulation 833/2014, it is prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibition at issue, including by acting as a substitute for a natural or legal person, entity or body subject to the prohibition in Article 2f of the Regulation.

The operators cannot shield themselves from the obligations under the [Regulation 833/2014](#) by invoking other provisions of secondary EU law such as Article 15 [e-commerce Directive](#).

**7. Do the activities of an EU-based operator selling satellite capacities to a company in a third country, which may use this capacity to broadcast the content of the restricted channels in this third country, fall within the scope of the prohibition set out in Article 2f?**

*Last update: 30 June 2022*

The prohibition applies not only to the broadcasting activities themselves, but also to those activities enabling, facilitating or otherwise contributing to the broadcast of any content by the legal persons, entities or bodies listed in Annex XV. Given that the making available of such satellite capacities would enable broadcasting, this is prohibited.

Furthermore, in accordance with Article 13 of Regulation 833/2014, the Regulation applies to any legal person, entity or body which is incorporated or constituted under the law of a Member State. Therefore, the prohibition applies to an EU operator based within the territory of the Union, even for sales to a third country.

**8. Are there derogations to the prohibition for EU operators to sell listed channels in situations where this prohibition would affect sales of non-listed channels to the same client?**

*Last update: 30 January 2023*

EU-based operators frequently offer “bouquets” of channels for sales. In situations where bouquets include both listed and non-listed channels, Council Regulation 833/2014 does not contain any derogation to the prohibition of Article 2f. Thus, it is prohibited for EU operators to sell this kind of bouquets.

**9. Are there derogations to the prohibition for EU operators to sell listed channels in situations where this prohibition would affect sales to public entities?**

*Last update: 30 January 2023*

There is no derogation nor exemption to Article 2f of Council Regulation 833/2014 in case of sales to public entities.