

MEDIA

RELATED PROVISION: ARTICLE 2f OF COUNCIL REGULATION 833/2014; ARTICLE 2 OF COUNCIL REGULATION 269/2014

FREQUENTLY ASKED QUESTIONS – AS OF 14 MAY 2024

1. On what grounds has the EU imposed restrictions on certain Russian media outlets?

Last update: 14 May 2024

Russian media outlets subject to a broadcasting ban according to Article 2f of Council Regulation 833/2014 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](#)¹. 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 anti-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.

¹ 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: 8 June 2023

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.

Indicative and non-exhaustive lists of domains and subdomains can be found in the websites of some national regulators:

- <https://www.rtk.lt/lt/atviri-duomenys/ribojimai-susije-su-tarptautiniu-sankciju-igyvendinimu>
- https://www.rtk.lt/uploads/documents/files/atviri-duomenys/neteisetos-veiklos-vykdytojai/IP_adresu_sarasas.txt
- <https://www.rtk.lt/lt/atviri-duomenys/neteisetos-veiklos-vykdytojai>
- https://www.rtr.at/Paragraf_64_3a_AMD-G
- <https://ttja.ee/ariklient>
- <https://www.teleindu.dk/brancheholdninger/blokeringer-pa-nettet/>

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

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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 (extracts of) content created by the targeted entities?

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The prohibition to broadcast or to facilitate the broadcast of content originating with the targeted entities must be understood in light of the objective of the measure, which is to fight propaganda. Media have the freedom to report and inform objectively on current events. In this regard, the Commission considers that extracts from targeted entities may be used by other operators in an objective way, to inform readers/viewers objectively and completely by illustrating the type of information given by the targeted outlets.

At the same time, the use of these extracts must not be used for circumvention of sanctions, which is also prohibited.

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?

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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 anti-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?

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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.

10. Certain Russian media outlets are listed in Annex I to Council Regulation 269/2014. What does the freezing of their “economic resources” entail?

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A number of media outlets are listed in Annex I to Council Regulation 269/2014. As a result, their funds and economic resources must be frozen and no funds or economic resources can be made available to them.

The concept of “economic resources” includes assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services.

In the context of the media sector, the Commission considers that the broadcasting of content can be considered an “economic resource”, as such content can be used for advertising products and services. Consequently, broadcasting the content of listed entities is prohibited.

The prohibition to make economic resources available includes the prohibition to provide internet services, satellite capacities, content hosting services or any other means that could be used to obtain funds by the listed entities.

11. I can see that content produced by persons or entities listed in Annex I to Council Regulation 269/2014 is being made available or broadcasted by online video sharing platforms and music streaming service providers. Is it a breach of the Regulation?

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No funds or economic resources can be made available to listed persons and entities.

In the Commission’s view, making available or broadcasting music, video or other content produced by listed persons, even if this is done for free, creates visibility for these persons and allows them to promote their production, gain money from advertisement or incite their audience to buy products such as recordings or concert tickets. Therefore, this can amount to making economic resources available to the listed persons.

If you believe you are witnessing sanctions violations or circumvention, these can be reported to [your national competent authority](#) or anonymously via the [EU whistle-blower tool](#).