



FOREIGN MEDIA AS FOREIGN AGENTS IN RUSSIA



On 22 November 2017 the Federation Council approved a draft of the Federal Law amending the Federal Law 'On Information, Information Technologies and Information Protection' (the 'Information Law') and the Law of the Russian Federation 'On Mass Media' (the 'Media Law') in terms of the specifics of the regulation of activities of foreign media in Russia (the 'Draft Law').

Initially, the Draft Law introduced on 29 September 2017 provided for changes to the Information Law only aimed at simplifying the procedure for blocking information resources in Russia published and/or disseminated by a foreign or international non-governmental organisation the activities of which are deemed undesirable in the territory of the Russian Federation in accordance with the Federal Law No. 272-FZ dated 28 December 2012 'On Sanctions Against Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Russian Citizens'.

According to the changes in the Information Law provided by the approved Draft Law, the General Prosecutor of the Russian Federation or deputies thereof will have the right to apply directly to the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) with a request to take measures to restrict access to information resources that disseminate information containing calls for mass riots, extremist activities, participation in mass (public) events conducted in violation of the established procedure, information materials of foreign or an international non-governmental organisation the activities of which are deemed undesirable in the territory of Russia, as well as information allowing access to the said information or materials ('information disseminated in violation of the law'), if they are found in information and telecommunications networks, i.e. Internet, including on the basis of notices on the information disseminated in violation of the law received from federal authorities, state authorities of the constituent of the Russian Federation, local authorities, organisations or individuals.

The text of the Draft Law adopted in the third reading also provides for changes in the Media Law, according to which a legal entity registered outside Russia or a foreign structure without formation of a legal entity, engaged in dissemination of printed, audio, audio-visual and other communications and materials intended for an unlimited number of persons (hereinafter - the 'foreign media') can be recognised as foreign media performing the functions of a foreign agent, if they receive funds and(or) other property from foreign states, their state authorities, international and foreign organisations, foreign citizens, stateless persons or persons authorised by them and(or) from Russian legal entities that receive funds and(or) other property from the above sources.

Such foreign media can be subject to the provisions of the Federal Law No. 7-FZ dated 12 January 1996 'On Non-Profit Organisations' ('NPO Law'), which regulate the legal status of a non-profit organisation functioning as a foreign agent (except for certain special provisions) according to the procedure established by the Ministry of Justice of the Russian Federation (Ministry of Justice).

In case a foreign media is recognised as a foreign agent, it will have the rights and obligations provided by the NPO Law for non-profit organisations performing the functions of a foreign agent.

In particular, the respective foreign media will have to:

- indicate on materials published and(or) disseminated by it, including through the Internet, the information that these materials are published and(or) disseminated by a non-profit organisation performing the functions of a foreign agent;
- provide for the audit of its annual accounting (financial) statements;

- submit to the Ministry of Justice documents containing a report on its activities, personal composition of governing bodies, documents on the purpose of spending funds and use of other property, including those received from foreign sources, and on their actual spending and use, as well as the audit report;
- publish every six months on the Internet or provide to the media for publication a report on its activities containing the information submitted to the Ministry of Justice.

On 15 and 16 November 2017 the Ministry of Justice sent to 'Voice of America', 'Kavkaz.Realii' (Кавказ.Реалии), 'Kрым.Realii' (Крым.Реалии), 'Sibir.Realii' (Сибирь.Реалии), the regional project 'IdeLRealii', TV channel 'Nastoyascheye Vremya' (Настоящее Время), 'Radio Svobodnaya Europe/Radio Svoboda (RSE/RS)' (Радио Свободная Европа/Радио Свобода), Tatar-Bashkir service 'Radio Svobods' (Радио Свобода, Azatliq Radiosi), and project 'Factograph' (Фактограф) letters about possible recognition thereof as foreign agents.

Upon signing of the Draft Law by the President of the Russian Federation, the relevant changes will come into force from the date of their official publication.

Best Regards,

GRATA International Law Firm (Moscow)

This information is provided for your convenience and does not constitute legal advice. It is prepared for the general information of our clients and other interested persons and it may include links to websites other than the GRATA International website. This information should not be acted upon in any specific situation without appropriate legal advice.

What we do (in conjunction with a licensed provider in the area of information technology and personal data protection):

- advising on legal issues of information protection and regulation of media activities;
- drafting and submission of documents to the Ministry of Justice of Russia for registration of non-profit organisations and branches of foreign non-profit non-governmental organisations;
- development of organisational and administrative documentation on protection of commercial secret and personal data;
- representation of clients during Roskomnadzor inspections.

Contacts:

Yana Dianova

Director of the Corporate and Commercial Law Department, GRATA International (Moscow)

Tel.: +7 (495) 660 11 84

E-mail: Ydianova@gratanet.com