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COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
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2024/0109 (NLE)

Joint Proposal for a

COUNCIL REGULATION

amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

EXPLANATORY MEMORANDUM

2024/0109 (NLE)

Joint Proposal for a

COUNCIL REGULATION

amending Council Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2024/746 of 23 February 2024 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

(1) On 31 July 2014, the Council adopted Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.

(2) Regulation (EU) No 833/2014 gives effect to certain measures provided for in Council Decision 2014/512/CFSP.

(3) On XXX the Council adopted Decision (CFSP) 2024/XXX amending Decision 2014/512/CFSP.

(4) In its conclusions of 24 February 2022, the European Council condemned in the strongest possible terms the Russian Federation's unprovoked and unjustified military aggression against Ukraine. By its illegal military actions, Russia is grossly violating international law and the principles of the United Nations Charter, and undermining European and global security and stability. The European Council called for the urgent preparation and adoption of a further individual and economic sanctions package. The European Council called on Russia and Russia-backed armed formations to stop their disinformation campaign.

(5) In its conclusions of 10 May 2021, the Council underlined the need to further strengthen the Union's and Member States' resilience as well as their ability to counter hybrid threats, including disinformation, ensuring the coordinated and integrated use of existing and possible new tools for countering hybrid threats at Union and Member States' level, and possible responses in the field of hybrid threats including, inter alia, to foreign interference and influence operations, which may cover preventive measures as well as the imposition of costs on hostile state and non-state actors.

(6) In its conclusions of 21 and 22 March 2024, the European Council reaffirmed the Union's steadfast support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders and its inherent right of self-defence against the Russian aggression. It also called for further steps to weaken

Russia's ability to continue waging its war of aggression, including by strengthening the sanctions.

(7) The Russian Federation has engaged in a systematic, international campaign of media manipulation and distortion of facts in order to enhance its strategy of destabilisation of its neighbouring countries and of the Union and its Member States. In particular, the propaganda has repeatedly and consistently targeted European political parties, especially during election periods, as well as targeting civil society, asylum seekers, Russian ethnic minorities, gender minorities, and the functioning of democratic institutions in the Union and its Member States.

(8) In order to justify and support its aggression against Ukraine, the Russian Federation has engaged in continuous and concerted propaganda actions targeted at civil society in the Union and neighbouring countries, gravely distorting and manipulating facts.

(9) Those propaganda actions have been channelled through a number of media outlets under the permanent direct or indirect control of the leadership of the Russian Federation. Such actions constitute a significant and direct threat to the Union's public order and security.

(10) Those media outlets are essential and instrumental in bringing forward and supporting the aggression against Ukraine, and for the destabilisation of its neighbouring countries.

(11) In view of the gravity of the situation, and in response to Russia's actions destabilising the situation in Ukraine, it is necessary, consistent with the fundamental rights and freedoms recognised in the Charter of Fundamental Rights, in particular with the right to freedom of expression and information as recognised in Article 11 thereof, to urgently suspend the broadcasting activities of additional media outlets in the Union, or directed at the Union. These measures should be maintained until the aggression against Ukraine is put to an end, and until the Russian Federation, and its associated media outlets, cease to conduct propaganda actions against the Union and its Member States.

(12) Consistent with the fundamental rights and freedoms recognised in the Charter of Fundamental Rights, in particular with the right to freedom of expression and information, the freedom to conduct a business and the right to property as recognised in Articles 11, 16 and 17 thereof, these measures do not prevent those media outlets and their staff from carrying out other activities in the Union than broadcasting, such as research and interviews. In particular, these measures do not modify the obligation to respect the rights, freedoms and principles referred to in Article 6 of the Treaty on European Union, including in the Charter of Fundamental Rights, and in Member States' constitutions, within their respective fields of application.

(13) In order to ensure consistency with the process provided for in Decision 2014/512/CFSP for suspending broadcasting licences, the Council should exercise implementing powers to decide, following an examination of the respective cases, whether the restrictive measures are to become applicable on the date specified in Regulation (EU) No 833/2014 in respect of several entities listed in Annex XV to Regulation (EU) No 833/2014.

(14) The measures fall within the scope of the Treaty and, therefore, in particular with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.

(15) Regulation (EU) No 833/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XV is amended in accordance with the Annex to this Regulation; This point shall apply in respect of one or several of the entities referred to in the Annex to this Regulation as from [*insert appropriate date bearing in mind pre-notification*] and provided that the Council, having examined the respective cases, so decides by implementing act.;

Article 2

This Regulation shall enter into force on the […] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President