

EU General Court confirms certain sanctions in the context of Ukrainian crisis

In the context of EU restrictive measures adopted following the military operations launched by Russia in Ukraine on 24 February 2022, the Council of the European Union temporarily prohibited (i.e., until 31 July 2022 but extended since) media outlets under the direct or indirect control of the Russian State, including Russia Today France ("RT France"), from broadcasting any form of content within the EU. In a judgment dated 27 July 2022 ([Case-T-125/22](#)), the General Court of the European Union, seating in an exceptional Grand Chamber composition, rejected RT France's application for annulment of this decision.

Firstly, the General Court confirmed the competence of the Council to adopt the contested decision on the basis of Article 29 of the Treaty of the European Union regarding the common foreign and security policy ("CFPS"). Considering the broad scope of the goals and purposes of the CFPS, the General Court recalls that the Council benefits from a great deal of latitude in defining the objective of the restrictive measures adopted by the EU in this area. Consequently, the Council rightfully exercised its competence by temporarily prohibiting RT France from broadcasting any form of content, in order to prevent serious threats to peace at Europe's border and the violation of international law.

Secondly, the General Court had to decide whether there was an infringement of the rights of defence, especially the right to be heard, as the applicant was unable to present its observations and arguments before the decision was enforced. The General Court held that the extreme urgency and exceptional character of the context required the Council to answer immediately to the violation of international law. As the circumstances would have prevented the Council from giving RT France time to submit its observations without compromising the effectiveness of such measures, there was no infringement of the rights of defence.

Thirdly, the applicant claimed that the decision of the Council breached the freedom of expression and information. Considering that audiovisual media outlets could have a significant influence on the Union's public opinion in a modern society, the General Court stated that large-scale media support for Russia's aggression towards Ukraine could be subject to restrictive measures insofar as they met the objective of general interest and respected the principle of proportionality. The restriction was temporary and reversible, thus compliant with the freedom of expression.

Lastly, RT France alleged an infringement on the right to conduct a business and the

principle of non-discrimination on grounds of nationality, without success.

The decision is, however, subject to appeal before the Court of Justice of the European Union (Case C-620/22 P).

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