

DRAFT

## **A law has been passed obliging bloggers who have an audience of more 10,000 users to report information about themselves to Roskomnadzor**

*FAO advertisers, bloggers and users of social networks*

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Pepeliaev Group advises that, on 30 July 2024, the State Duma (the lower chamber of Russia's Parliament) passed<sup>1</sup> in its third reading Law No. 647048-8 "On amending the Federal Law "On communications" and certain legislative instruments of the Russian Federation" (the "Law"). The Law provides for amendments to be made to particular federal laws, including Federal Law No. 149-FZ "On information, information technologies and the protection of information" and Federal Law No. 38-FZ "On advertising".

### **Requirements for bloggers**

1. The Law introduces amendments to article 10<sup>6</sup> of the Federal Law "On information" ("On the specific aspects of how information is distributed on social networks") which is proposed to be supplemented with the following provisions: **if the audience of a blogger's personal webpage is over 10,000 users of a social network, the blogger must submit to Roskomnadzor (the Russian Federal Service for Supervision of Communications, Information Technology and the Mass Media) information that allows for him or her to be identified.** The Russian Government will establish the composition of such information and how it should be submitted.

Currently, there are no clarifications as to what an "audience" will mean and how the volume of the audience will be determined (for example, by the number of subscribers or the number of views of the content on a personal webpage). It is also unclear whether the requirements of the Law extend to companies' corporate webpages on social networks.

We believe that, for the purposes of the Law, "social networks" may mean resources that have been included in Roskomnadzor's Register of social

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<sup>1</sup> <https://sozd.duma.gov.ru/bill/647048-8>

networks<sup>2</sup>. These include, among others, Telegram, VKontakte, YouTube, Rutube, or Dzen. However, there are no official clarifications on this matter either.

The Law's provisions concerning a blogger submitting his or her information to Roskomnadzor (para 3 of article 3(2)(b) of the Law) come into effect **on the date on which the Law is officially published**.

2. A blogger whose personal webpage has an audience exceeding 10,000 users must not allow for the subsequent distribution (**reposting**) on his/her webpage of information posted on **another blogger's** personal webpage which has not been included in the special register of bloggers that Roskomnadzor will maintain. This requirement (para 4 of article 3(2)(b) of the Law) comes into effect **on 1 January 2025**.

In particular, Roskomnadzor will maintain a list of personal webpages whose audience exceeds 10,000 users (the "**List**"). This means that the List will include personal webpages of bloggers who simultaneously:

- meet the above criteria (i.e. they have submitted information to Roskomnadzor regarding themselves, and they do not repost information from other bloggers' pages, which, in turn, have not been included in the List);
- do not disseminate information in violation of the requirements of Russian legislation or information that is prohibited from being disseminated in Russia.

The second requirement is extremely broad and requires a blogger to thoroughly evaluate all information that he/she disseminates on his/her webpage in terms of whether it complies with Russian legislation.

We believe that "**disseminating information in violation of the requirements of Russian legislation**" may, for instance, mean disseminating:

- information that contains calls for social unrest, extremist activity, and participation in mass (public) events held in violation of the established procedure,
- false reports regarding acts of terrorism or other inaccurate but publicly relevant information which is disseminated under the guise of trustworthy reports;
- passing on inaccurate information as trustworthy when it contains data regarding the use of Russia's Armed Forces for the purpose of protecting the interests of the Russian Federation and its nationals, maintaining

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<sup>2</sup> <https://530-fz.rkn.gov.ru>

global peace and security, or regarding Russian executive authorities fulfilling their powers outside Russia for the above purposes;

- information that contains a proposal to finance an opponent during a military conflict, military actions, a counter-terrorism operation or other measures involving the use of arms and military equipment in which Russia is a participant, and information regarding possible methods of such financing.

**Information that is prohibited from being disseminated** includes information that is targeted at war propaganda, prompting national, racial or religious hatred and hostility, and other information with criminal or administrative liability being stipulated for it being disseminated. This, for instance, may include information:

- regarding methods and techniques of ensuring access to information resources and/or information and telecommunication networks access to which is restricted in Russia;
- promoting non-traditional sexual relationships and/or preferences, paedophilia, or gender reassignment;
- containing a proposal regarding retail trade in medicines, including remote trade, by persons who do not have a relevant licence or a permit to do so;
- aimed at inducing minors to commit or otherwise involving them in committing unlawful acts which pose a threat to their own life and/or health or to the life and/or health of others.

Roskomnadzor will determine the procedure for compiling the List.

The Law's provisions that concern Roskomnadzor maintaining the List (para 5 of article 3(2)(b) of the Law) come into effect **on 1 November 2024**.

3. The Law also provides for an obligation of an **owner of a social network** to place information on a blogger's personal webpage whose audience is greater than 10,000 users regarding such page being included in the List (the composition of such information and the procedure for submitting same to be determined by the Russian Government). The obligation has been also established for the owner to **restrict access** to a blogger's personal webpage further to a relevant request by Roskomnadzor until the blogger complies with the requirements of the Law. We believe that "comply with the requirements of the Law" in the case at hand is understood to mean that a blogger should comply with the following requirements:

- to submit information regarding him/herself to Roskomnadzor;
- not to allow any reposts of information from other bloggers' webpages which, in turn, have not been included in the List;

- not to disseminate information in violation of the requirements of Russian legislation or information that is prohibited from being disseminated in Russia.

### **What will happen if a blogger does not comply with the requirements?**

1. If the audience of a blogger's personal page is over 10,000 users and information regarding such personal webpage has not been included in the List, the blogger, in line with what was proposed in the supplements to article 10<sup>6</sup> of the Federal Law "On information", **may not post information with proposals** for financing to be provided and **information regarding the possible methods of such financing**.

We believe that, in the case at hand, "**financing**" means transferring donations (voluntary payments) by subscribers (the audience) to a blogger; while "**information regarding the methods of financing**" means a blogger placing on his/her personal webpage bank details or hyperlinks to the platforms where funds are amassed, with the purpose of receiving donations (voluntary payments) from subscribers (the audience).

The Law's provisions prohibiting information from being posted with proposals for financing a blogger whose personal webpage has not been included in the List and information regarding possible methods of making such financing (para 6 of article 3(2)(b) of the Law) come into effect on **1 January 2025**.

Therefore, companies that do business with bloggers will have to take into account, for the purposes of their advertising activity, whether such blogger's personal webpage has been included in the List.

2. Moreover, **other users of a social network** must not allow the subsequent dissemination (reposting) on their webpages of information that has been posted on a blogger's personal webpage which has not been included in the List.

We believe that, in the case at hand, a user of a social network can be understood to include a **company's corporate webpage** on the social network. Therefore, companies must not allow any reposts to be posted on their corporate webpages of bloggers whose personal webpages have not been included in the List.

Currently, there are no clarifications as to what "subsequent dissemination" means: a repost which implies that another blogger's content is being republished or simply a link to a blogger's personal webpage, which has not been included in the List, as a source of information.

The above requirement (article 3(2)(c) of the Law) comes into effect **on 1 January 2025**.

3. Further, the Law introduces changes to article 5 of the Federal Law “**On advertising**” (“General requirements for advertising”). The above article has been supplemented with part 10<sup>6</sup> according to which no advertising can be distributed on bloggers’ personal webpages whose audience exceeds 10,000 users and which have not been included in the List. The amendment comes into effect on 1 January 2025.

The Law does not yet stipulate a special penalty for a blogger or a company that does business with such blogger when the latter violates the requirements of the Law.

If the ban is violated on advertising being placed on personal webpages whose audience is greater than 10,000 users and which have not been included in the List, **all those involved in the advertising chain** (i.e. the advertiser, the advertising agency and the blogger) can face administrative liability under article 14.3(1) of the Russian Code of Administrative Offences (“Violating legislation on advertising”). Such violation may entail an administrative fine being imposed on a legal entity in an amount **from RUB 100,000 to RUB 500,000**.

### **What to think about and what to do**

We recommend that companies should:

- 1) plan their advertising activity taking into account whether bloggers’ personal webpages have been included in the List, and if a blogger could be excluded from the List, or Roskomnadzor has restricted access to the blogger’s personal webpage;
- 2) if the audience of a company’s corporate webpage on a social network exceeds 10,000 users, the company should prepare to submit information to Roskomnadzor regarding itself (the list of information has not yet been determined) and analyse information that is posted on its corporate website in terms of whether it complies with the requirements of Russian legislation.

### **Help from your adviser**

The lawyers of Pepeliaev Group stand ready to provide comprehensive legal support to companies as they comply with legislation on the distribution of information (advertising included) in the Internet.

Pepeliaev Group provides the following range of services:

- 1)** advising customers and distributors of advertising on issues of distributing advertising via the Internet (including in terms of labelling advertising);
- 2)** advising on how to interact with customers/distributors of advertising;

- 3) advising on how legislation regarding information should be applied;
  - 4) advising on how to interact with bloggers;
  - 5) representing a client when dealing with state authorities; and
  - 6) other services.
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