

By the Judgement of 17 January 2019 No. 4-II/2019 the Constitutional Court appraised constitutionality of Article 19.1, of the Law of the Russian Federation “On the Mass-media”.

The contested provision was a subject-matter of consideration to the extent to which it serves as a normative ground for determination of the issue on the right of the citizen of the Russian Federation who has citizenship of another state to act as a member of the business entity which is a broadcasting organisation, and to exercise the corporate rights, following from such participation, and the right to appeal to the court against decisions of the company’s management bodies.

The Constitutional Court has recognised the contested provision as not conforming to the Constitution of the Russian Federation, namely:

Article 19.1, Section 1 - to the extent to which the use of the notion of “media participant” is not specified by current legislation and makes it difficult to establish the actual addressees of the prohibition provided for thereby;

Article 19.1, Sections 2 and 4 - to the extent to which it is difficult to establish: - the actual subjects of corporate legal relations to which the legal regulation provided for (members of the business entity – a founder of the media, a broadcasting organisation, or the members of another party having a share in nominal capital of a business entity – a founder of a media, a broadcasting organisation), and - the legal opportunity of a citizen of the Russian Federation who has citizenship of another state and owns more than 20 % of shares of the nominal capital of a business entity, which is the founder of the media or of the broadcasting organisation (or another party who owns the shares in the nominal capital of the business entity – the founder of a media, a broadcasting organisation) to exercise the corporate rights in restricted with 20 % of such participation.

Article 19.1, Section 4 - to the extent to which it, limiting the persons, not meeting the requirements of this article, in exercising their corporate rights arising from their participation in the nominal capital of a business entity, excludes their opportunity to resort to judicial protection of their property rights and legal interests related to the activities of this entity.