

Provisional text

JUDGMENT OF THE COURT (Fourth Chamber)

2 July 2026 (*)

(Reference for a preliminary ruling – Common foreign and security policy – Restrictive measures in view of the Russian Federation’s actions destabilising the situation in Ukraine – Regulation (EU) No 833/2014 – Article 2f(1) – Concept of ‘operator’ – Prohibition on broadcasting content by the legal persons, entities or bodies listed in Annex XV to Regulation No 833/2014 – Broadcasting of that content by natural persons on a website generating revenue solely in the form of voluntary contributions)

In Case C-67/25,

REQUEST for a preliminary ruling under Article 267 TFEU from the Landgericht Saarbrücken (Regional Court, Saarbrücken, Germany), made by decision of 20 December 2024, received at the Court on 31 January 2025, in the criminal proceedings against

R,

N,

K,

other party to the proceedings:

Staatsanwaltschaft Saarbrücken,

THE COURT (Fourth Chamber),

composed of I. Jarukaitis, President of the Chamber, M. Condinanzi, N. Jääskinen, R. Frendo (Rapporteur) and A. Kornezov, Judges,

Advocate General: R. Norkus,

Registrar: A. Calot Escobar,

having regard to the written procedure,

after considering the observations submitted on behalf of:

- the Staatsanwaltschaft Saarbrücken, by A. Hammer,
- R, by A.-M. Kalmes and J. Schmidt, Rechtsanwälte,
- K, by A.-M. Kalmes, Rechtsanwältin,
- the Estonian Government, by H. Hirsik and M. Kriisa, acting as Agents,
- the French Government, by E. Timmermans and B. Travard, acting as Agents,
- the Latvian Government, by J. Davidoviča and K. Pommere, acting as Agents,
- the European Commission, by M. Carpus-Carcea and M. Kellerbauer, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 12 February 2026,
gives the following

Judgment

- 1 This request for a preliminary ruling concerns the interpretation of Article 2f(1) of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ 2014 L 229, p. 1), as amended by Council Regulation (EU) 2022/350 of 1 March 2022 (OJ 2022 L 65, p. 1) ('Regulation No 833/2014').
- 2 The request has been made in criminal proceedings brought against three natural persons, R, N and K, in respect of acts liable to constitute an infringement of the prohibition provided for in Article 2f(1) of Regulation No 833/2014.

Legal context

European Union law

Regulation No 833/2014

- 3 Under Article 2f(1) of Regulation No 833/2014:

‘It shall be prohibited for operators to broadcast or to enable, facilitate or otherwise contribute to broadcast, any content by the legal persons, entities or bodies listed in Annex XV, including through transmission or distribution by any means such as cable, satellite, IP-TV, internet service providers, internet video-sharing platforms or applications, whether new or pre-installed.’

- 4 Annex XV to that regulation, entitled ‘List of legal persons, entities or bodies referred to in Article 2f’, includes, inter alia, the name ‘RT – Russia Today Germany’.

Regulation 2022/350

- 5 Recitals 4 to 10 of Regulation 2022/350 state:

- (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. ... 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 [of the European Union] underlined the need to further strengthen the [European] 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) 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 [European] 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 [European] Union and its Member States.
- (7) 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 [European] Union and neighbouring countries, gravely distorting and manipulating facts.

- (8) 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 [European] Union's public order and security.
- (9) Those media outlets are essential and instrumental in bringing forward and supporting the aggression against Ukraine, and for the destabilisation of its neighbouring countries.
- (10) In view of the gravity of the situation, and in response to [the Russian Federation]'s actions destabilising the situation in Ukraine, it is necessary, consistent with the fundamental rights and freedoms recognised in the Charter of Fundamental Rights [of the European Union], in particular with the right to freedom of expression and information as recognised in Article 11 thereof, to introduce further restrictive measures to urgently suspend the broadcasting activities of such media outlets in the [European] Union, or directed at the [European] 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 [European] Union and its Member States.'

Regulation (EU) 2024/1745

- 6 Council Regulation (EU) 2024/1745 of 24 June 2024 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L, 2024/1745) inserted into Regulation No 833/2014 Article 3r, which provides, in paragraph 4 thereof:

'In order to ensure compliance with the prohibitions [on providing reloading services in the territory of the European Union for the purposes of transshipment operations of liquified natural gas originating in Russia or exported from Russia, and on providing, directly or indirectly, technical assistance, brokering services, financing or financial assistance related to the prohibition on providing such reloading services], the competent authorities may establish rules and guidance at national level. Such rules and guidance shall include enhanced due diligence requirements in particular for the identification of reloading services provided for the purpose of [transshipment] operations, taking into account ... the country of registration of the economic operators involved.'

German law

- 7 Under Paragraph 18(1)(1)(b) of the Außenwirtschaftsgesetz (Law on Foreign Trade) of

6 June 2013 (BGBl. 2013 I, p. 1482), in the version applicable to the facts in the main proceedings ('the Law on Foreign Trade'), anyone who infringes a prohibition on broadcasting, transmitting, disseminating or providing services laid down in a directly applicable legal act of the European Communities or of the European Union, which is published in the *Official Journal of the European Communities* or the *Official Journal of the European Union* and serves to implement an economic sanction adopted by the Council in the field of the Common Foreign and Security Policy, is to be liable to a custodial sentence of three months to five years.

- 8 In accordance with Paragraph 18(7)(2) of the Law on Foreign Trade, a person acting in a professional capacity in the cases set out in subparagraph 1 of Paragraph 18 is liable to a term of imprisonment of at least one year.

The main proceedings and the question referred for a preliminary ruling

- 9 The Landgericht Saarbrücken (Regional Court, Saarbrücken, Germany), which is the referring court, was seised in the context of a criminal investigation against three natural persons, R, N and K, suspected of having participated in a criminal association in so far as they allegedly broadcast, on four occasions in 2023, via the blog 'Live-Ticker', accessible to the public on the website www.traugott-ickeroth.com ('the traugott-ickeroth website'), videos from the channel RT Germany. Since the broadcasts of that channel are subject to the prohibition on broadcasting provided for in Article 2f(1) of Regulation No 833/2014, the fact that those videos were made available to the public constitutes, in Germany, an offence subject to criminal penalties under the Law on Foreign Trade.
- 10 R, who publishes inter alia books under the pseudonym 'Traugott Ickeroth', which are sold via the online trading platform Amazon, allegedly acknowledged, during the investigation procedure, that he was responsible for the editorial design of the traugott-ickeroth website.
- 11 The content published on that website was freely accessible. However, users were encouraged, through an appeal for donations, to support the operation of that website financially. In the period between 1 April 2022 and 3 August 2023, R and N thus received, into their respective accounts, numerous payments made by users in relation to that appeal for donations, which totalled EUR 60 038.65.
- 12 The referring court seeks to ascertain whether natural persons such as R, N and K come within the concept of 'operator', within the meaning of Article 2f(1) of Regulation No 833/2014, with the result that the prohibition laid down therein can be relied on against them. In its view, the interpretation of that concept is not obvious enough to rule out any

reasonable doubt.

- 13 In that regard, that court refers to a working document drawn up by the European Commission's services, entitled '*Consolidated FAQs on the implementation of Council Regulation No 833/2014 and Council Regulation No 269/2014*' ('the Commission's FAQs'), according to which the concept of 'operator' refers to any person or entity or body exercising a commercial or professional activity that broadcasts or enables, facilitates or otherwise contributes to the broadcasting of unauthorised content.
- 14 That court observes, first, that access to the traugott-ickeroth website was, in principle, free of charge, in that it was not conditional upon users providing financial consideration for it. Secondly, the operation of that website was not financed by resources independent of the voluntary contributions of users, such as advertising revenue, which is nevertheless common in that field. Therefore, R's activity could be regarded as being purely private in nature.
- 15 However, that court observes that the collection of private donations, which constitute gifts under civil law, is capable of being classified as a 'professional activity', where it is carried out to such an extent that the beneficiaries receive significant sums enabling them to finance, at least in part, their means of subsistence. In the present case, the appeal for donations appears to be designed to generate financial resources for the continued operation of the traugott-ickeroth website and therefore to constitute a sustainable source of income, which is characteristic of a professional activity.
- 16 In those circumstances, the Landgericht Saarbrücken (Regional Court, Saarbrücken) decided to stay the proceedings and to refer the following question to the Court of Justice for a preliminary ruling:
- 'Must Article 2f(1) of [Regulation No 883/2014] be interpreted as meaning that operators, within the meaning of that provision, also include natural persons who, through a website operated by them, only generate income in the form of voluntary contributions from third parties (donations or gifts)?'

Procedure before the Court

- 17 The referring court requested that priority be given to the case, pursuant to Article 53(3) of the Rules of Procedure of the Court of Justice.
- 18 By decision of 3 March 2025, the President of the Court decided that it was not appropriate to grant that request.

Consideration of the question referred

Admissibility

- 19 Without formally arguing that the question submitted for a preliminary ruling is inadmissible, the Staatsanwaltschaft Saarbrücken (Public Prosecutor's Office, Saarbrücken, Germany) disputes its necessity.
- 20 In the first place, it submits that a preliminary ruling is not necessary, within the meaning of the second paragraph of Article 267 TFEU, in order to resolve that matter and that, additionally, the referring court is not required to make a reference to the Court for a preliminary ruling under the third paragraph of Article 267 TFEU.
- 21 In particular, first, that question does not alone constitute the central matter of the dispute in the main proceedings, which raises other questions of fact and law which may be assessed differently by the appeal court, with the result that it is not appropriate to make a request for a preliminary ruling as early as the first-instance proceedings. Secondly, contrary to the view taken by the referring court, a preliminary ruling is equally unnecessary to determine whether that court is competent, as a chamber specialising in economic offences, to hear cases concerning infringements of the Law on Foreign Trade, since that competence cannot give rise to any serious doubt.
- 22 In that respect, it must be recalled that, according to settled case-law, Article 267 TFEU gives national courts the widest discretion in referring matters to the Court if they consider that a case pending before them raises questions involving, *inter alia*, the interpretation of provisions of EU law which are necessary for the resolution of the case before them and they are free to exercise that discretion at whatever stage of the proceedings they consider appropriate (see judgments of 16 January 1974, *Rheinmühlen-Düsseldorf*, 166/73, EU:C:1974:3, paragraph 3, and of 12 May 2021, *Bundesrepublik Deutschland (Interpol red notice)*, C-505/19, EU:C:2021:376, paragraph 49 and the case-law cited).
- 23 Furthermore, it is solely for the national court before which a dispute has been brought, and which must assume responsibility for the subsequent judicial decision, to determine, in the light of the particular circumstances of the case, both the need for a preliminary ruling in order to enable it to deliver judgment and the relevance of the questions which it submits to the Court. Consequently, where the questions submitted concern the interpretation of EU law, the Court is, in principle, bound to give a ruling (see judgments of 29 November 1978, *Redmond*, 83/78, EU:C:1978:214, paragraph 25, and of 30 October 2025, *Mercedes-Benz Bank and Volkswagen Bank*, C-143/23, EU:C:2025:837, paragraph 48).

- 24 It follows that questions relating to EU law are presumed to be relevant. The Court may refuse to rule on a question referred for a preliminary ruling from a national court only where it is quite obvious that the interpretation of EU law sought bears no relation to the actual facts of the main action or its purpose, where the problem is hypothetical, or where the Court does not have before it the factual or legal material necessary to give a useful answer to the questions submitted to it (see judgments of 7 September 1999, *Beck and Bergdorf*, C-355/97, EU:C:1999:391, paragraph 22, and of 30 October 2025, *Mercedes-Benz Bank and Volkswagen Bank*, C-143/23, EU:C:2025:837, paragraph 49).
- 25 In the present case, it is apparent from the order for reference that the main proceedings concern criminal prosecutions brought against three natural persons for having broadcast, via a website accessible to the public, content from the channel RT Germany, which is listed in Annex XV to Regulation No 833/2014 and caught by the prohibition on broadcasting under Article 2f(1) of that regulation. In those circumstances, by its question, the referring court seeks to ascertain whether a natural person who operates such a website by broadcasting that content and derives from it solely income in the form of voluntary contributions from third parties comes within the concept of ‘operator’ within the meaning of that provision.
- 26 Thus, it does not seem quite obvious that the interpretation of Regulation No 833/2014 sought by that question bears no relation to the actual facts of the main action or its purpose or that the problem raised is hypothetical.
- 27 Consequently, the objections raised by the Staatsanwaltschaft Saarbrücken (Public Prosecutor’s Office, Saarbrücken) concerning the admissibility of the question referred for a preliminary ruling, as summarised in paragraphs 20 and 21 above, cannot be upheld.
- 28 In the second place, the Staatsanwaltschaft Saarbrücken (Public Prosecutor’s Office, Saarbrücken) argues that the decision to open the trial stage before the competent chamber of the referring court could still be open to an ‘immediate appeal’ (*sofortige Beschwerde*), which would constitute a ‘judicial remedy under national law’, within the meaning of the third paragraph of Article 267 TFEU, with the result that that court is not required, under that provision, to refer the matter to the Court.
- 29 In that regard, it is sufficient to note that the referring court’s not being required to make a reference to the Court of Justice for a preliminary ruling, on the ground that there is a judicial remedy against its decisions under national law, within the meaning of the third paragraph of Article 267 TFEU, has no impact on that court’s widest discretion to make a reference to the Court under the second paragraph of Article 267 TFEU, as recalled in

paragraph 22 above.

- 30 In the third and last place, according to the Staatsanwaltschaft Saarbrücken (Public Prosecutor's Office, Saarbrücken), it is not essential to make a reference to the Court for a preliminary ruling on the interpretation of the concept of 'operator', referred to in Article 2f(1) of Regulation No 833/2014, since the customary methods of interpretation of EU law are sufficient to define its scope and the meaning of that provision is self-evident.
- 31 It must be borne in mind, in that regard, that the power to make a reference to the Court for a preliminary ruling lies with the national court, irrespective of the views of the parties to the main proceedings as to whether such a reference is appropriate. A national court is in no way prevented from referring questions to the Court for a preliminary ruling, the answer to which, in the submission of one of the parties to the main proceedings, leaves no scope for reasonable doubt. Accordingly, even if that were the case, such a question does not thereby become inadmissible (see, to that effect, judgments of 1 December 2011, *Painer*, C-145/10, EU:C:2011:798, paragraphs 64 and 65, and of 24 February 2022, *Viva Telecom Bulgaria*, C-257/20, EU:C:2022:125, paragraph 42).
- 32 It follows from all the foregoing considerations that the question referred is admissible.

Substance

- 33 By its single question, the referring court asks, in essence, whether Article 2f(1) of Regulation No 833/2014 must be interpreted as meaning that a natural person who operates a website by broadcasting on it content originating from legal persons, entities or bodies listed in Annex XV to that regulation and derives from the operation of that website only income from voluntary contributions from third parties, in the form of donations or gifts, comes within the concept of 'operator' within the meaning of that provision.
- 34 In that regard, in accordance with settled case-law, for the purpose of interpreting a provision of EU law, it is necessary to consider not only its wording but also the context in which it occurs and the objectives pursued by the rules of which it is part (see judgments of 17 November 1983, *Merck*, 292/82, EU:C:1983:335, paragraph 12, and of 12 February 2026, *Stichting Koskea*, C-490/24, EU:C:2026:89, paragraph 23).
- 35 In the first place, as for its wording, Article 2f(1) of Regulation No 833/2014 provides that it is to be prohibited for operators to broadcast or to enable, facilitate or otherwise contribute to the broadcasting of, any content by the legal persons, entities or bodies listed in Annex XV to that regulation, including through transmission or distribution by any means such as cable, satellite, IP-TV, internet service providers, internet video-sharing platforms

or applications, whether new or pre-installed.

- 36 As regards, more specifically, the concept of ‘operator’ in that provision, it should be noted that it is not defined either by that provision or by any other provision of Regulation No 833/2014 and that it contains no reference to the law of the Member States for the purpose of determining its meaning and scope.
- 37 It is settled case-law that the determination of the meaning and scope of terms for which EU law provides no definition and in respect of which it makes no reference to the law of the Member States must be determined by reference to their usual meaning in everyday language, while account is also taken of the context in which they occur and the purposes of the rules of which they form part (see judgments of 27 January 1988, *Denmark v Commission*, 349/85, EU:C:1988:34, paragraph 9, and of 12 February 2026, *Stichting Koskea*, C-490/24, EU:C:2026:89, paragraph 24 and the case-law cited).
- 38 According to its usual meaning in everyday language, the term ‘operator’ designates, amongst other things, any natural or legal person operating equipment or a particular piece of equipment or responsible for carrying out certain technical operations. Applied to the field of communication and the broadcasting of media and digital content, that term refers to any natural or legal person directly or indirectly responsible for making available or transmitting that content to the public.
- 39 Furthermore, it should be noted that the term ‘operator’ is used in Article 2f(1) of Regulation No 833/2014 without being paired with the adjective ‘economic’ in the vast majority of the language versions of that provision, in particular in the Bulgarian-, Spanish-, German-, English-, French-, Croatian-, Italian-, Latvian-, Maltese-, Portuguese-, Romanian-, Slovak- and Finnish-language versions. It follows that that term covers natural or legal persons responsible for broadcasting the content referred to in that provision, irrespective of whether or not their activity is economic in nature.
- 40 In the same vein, that provision lays down a prohibition on broadcasting that content, inter alia, by means of ‘internet video-sharing platforms or applications, whether new or pre-installed’, which refers to broadcasting methods generally accessible free of charge in the context of activities which are not necessarily remunerated.
- 41 Therefore, from a literal point of view, the concept of ‘operator’, within the meaning of Article 2f(1) of Regulation No 833/2014, must be understood as including any natural or legal person responsible for broadcasting or making available the content referred to in that provision, including in the context of a non-remunerated activity or in the operation of a website financed by voluntary contributions from third parties.

- 42 That assessment is not called into question by the fact that, according to the Commission's FAQs, the prohibition laid down in Article 2f(1) applies 'to any person or entity or body exercising a commercial or professional activity that broadcasts or enables, facilitates or otherwise contributes to broadcast the content [referred to in that provision]'.
- 43 First, as the Advocate General observed, in essence, in point 46 of his Opinion, the Commission's FAQs are merely a working document drawn up by the Commission's services which are not legally binding and which are intended to provide nothing but guidance as to the implementation and interpretation of Regulation No 833/2014.
- 44 Secondly, the Commission's FAQs introduce a requirement which is not apparent from the wording of Article 2f(1) of Regulation No 833/2014, by making the concept of 'operator' subject to the exercise of a 'commercial or professional' activity, which tends unduly to restrict the scope *ratione personae* of that provision.
- 45 Accordingly, the Commission's FAQs cannot alter the scope of the restrictive measures laid down by Regulation No 833/2014 or be decisive for the purposes of interpreting Article 2f(1) of that regulation.
- 46 In the second place, the literal interpretation of the concept of 'operator', within the meaning of that provision, is supported by the legislative context of that provision.
- 47 Indeed, Article 2f(1) differs from other provisions of Regulation No 833/2014, which expressly refer to 'economic' operators. That is the case with Article 3r(4) of that regulation, introduced by Regulation 2024/1745, which, in the vast majority of its language versions, in particular in the Bulgarian-, Spanish-, English-, French-, Croatian-, Italian-, Latvian-, Lithuanian-, Maltese-, Portuguese-, Romanian-, Slovak- and Finnish-language versions, refers to the country of registration of the 'economic operators involved' in the context of the adoption of national due diligence rules relating to the application of the prohibition on transshipment of liquefied natural gas originating in Russia or exported from Russia.
- 48 It follows that, where the EU legislature intended to limit the scope of a restrictive measure solely to operators engaged in an activity of an economic nature, it did so explicitly. That is clearly not the case with Article 2f(1) of Regulation No 833/2014, in which the concept of 'operator' is understood by reference solely to the broadcasting of content referred to in that provision, irrespective of the status of the operator concerned and of whether or not his or her activity is economic in nature.
- 49 Consequently, in the context of Article 2f(1) of Regulation No 833/2014, the fact that a person carries out an activity which is economic in nature and, accordingly, may or may not

generate income, cannot constitute a relevant criterion for determining whether that person is covered by the prohibition laid down in that provision.

50 In the third and last place, the interpretation set out in paragraph 41 above is also supported by the objective pursued by Regulation No 833/2014 and, in particular, by Article 2f(1) thereof.

51 In that regard, it should be noted that that provision was introduced by Regulation 2022/350, adopted on 1 March 2022, with the objective of providing an immediate reaction, as stated in recitals 4 and 5 thereof, to the unprovoked and unjustified military aggression that the Russian Federation had launched against Ukraine one week before adoption. In order to implement the prohibition laid down by that provision, the Council relied on the declaration made by the European Council on 24 February 2022 calling on the Russian Federation to cease its disinformation campaign, and on its own conclusions of 10 May 2021, according to which it is necessary to strengthen the European Union's and Member States' resilience as well as their ability to counter hybrid threats, including disinformation, and to strengthen possible responses in the field of hybrid threats, including foreign interference and influence operations.

52 It is also apparent from a combined reading of recitals 6 to 10 of Regulation 2022/350 that the prohibition on broadcasting laid down in Article 2f(1) of Regulation No 833/2014 pursues a twofold objective. First, it seeks to protect public order and security in the European Union, which are threatened by the systematic, international campaign of media manipulation, distortion of facts and propaganda carried out by the Russian Federation, through a number of media outlets under the permanent direct or indirect control of its leadership, with the aim of destabilising its neighbouring countries, the European Union and the Member States, and justifying, supporting and advancing the military aggression against Ukraine. Secondly, that prohibition forms part of the objectives pursued by the response mechanism established by the European Union through the adoption of new restrictive measures, with a view to exerting additional pressure on the Russian Federation to bring an end to its military aggression against Ukraine and, more generally, to its actions and policies destabilising that third country.

53 An interpretation of Article 2f(1) of Regulation No 833/2014, such as that put forward by K and R in their written observations before the Court, according to which the prohibition laid down in that provision should apply only to natural or legal persons carrying on a commercial activity and pursuing a profit-making objective, would deprive that prohibition of its effectiveness and would run counter to the objectives referred to in the preceding paragraph of the present judgment. Indeed, such an interpretation would allow operators

who derive no income from the operation of their website freely to broadcast the content covered by that provision, thereby actively contributing to disinformation and destabilisation campaigns conducted by media outlets under the permanent direct or indirect control of the leadership of the Russian Federation and thereby threatening public order and security in the European Union.

- 54 It should also be noted, as observed, in essence, by the Advocate General in points 60 and 62 of his Opinion, that the financing of websites, as in the case at issue in the main proceedings, through voluntary contributions from third parties, hinders, in principle, the ability to trace the origin of the funding and, consequently, any influence being exerted on the content broadcast. Such a method of financing may thus be capable of facilitating, directly or indirectly, interference by foreign interests – including third-country interests – in the broadcasting of media content and is, therefore, capable of increasing the risk that such a website may be used to relay the propaganda campaign which the Russian Federation engages in and which Regulation No 833/2014 seeks to prohibit.
- 55 Furthermore, the interpretation put forward by R, according to which, for the purposes of interpreting the concept of ‘operator’, within the meaning of Article 2f(1) of Regulation No 833/2014, only broadcasting activities of a certain duration should be taken into account, to the exclusion of isolated publications of negligible scope, cannot be accepted.
- 56 It should be noted, in that regard, that neither that provision nor the regulation itself provides that the extent or duration of the broadcasting must be taken into account in order to assess whether a person comes within the concept of ‘operator’. Such an interpretation would, in any event, be liable to encourage conduct aimed at circumventing that provision by artificially fragmenting the broadcasting of the content covered by it.
- 57 From that point of view, only an interpretation of the concept of ‘operator’, within the meaning of Article 2f(1) of Regulation No 833/2014, which depends neither on the commercial nature of the broadcasting activity nor on its method of financing, and which is not dependent on the extent or duration of the broadcasting, is capable of leading to a solution consistent with the objective pursued by that provision, namely to prevent the broadcasting of the propaganda put in place by the Russian Federation and, consequently, to protect public order and security in the European Union.
- 58 In the light of the foregoing considerations, the answer to the question referred is that Article 2f(1) of Regulation No 833/2014 must be interpreted as meaning that a natural person who operates a website by broadcasting on it content originating from legal persons, entities or bodies listed in Annex XV to that regulation and derives from the

operation of that website only income from voluntary contributions from third parties, in the form of donations or gifts, comes within the concept of ‘operator’ within the meaning of that provision.

Costs

59 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Fourth Chamber) hereby rules:

Article 2f(1) of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine, as amended by Council Regulation (EU) 2022/350 of 1 March 2022,

must be interpreted as meaning that a natural person who operates a website by broadcasting on it content originating from legal persons, entities or bodies listed in Annex XV to Regulation No 833/2014, as amended, and derives from the operation of that website only income from voluntary contributions from third parties, in the form of donations or gifts, comes within the concept of ‘operator’ within the meaning of that provision.

[Signatures]

* Language of the case: German.