



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF GOOGLE LLC AND OTHERS v. RUSSIA

(Application no. 37027/22)

JUDGMENT

Art 10 • Freedom of expression • Imposition of substantial fines on Google LLC for failure to comply with take-down requests concerning user-generated content hosted on YouTube • Severity of penalties, combined with threat of further sanctions, exerted considerable pressure to censor content • Impugned measures applied indiscriminately to a broad range of content, including political expression, criticism of the Government, reporting on Russia's invasion of Ukraine by independent news outlets and support for LGBTQ rights • Content concerned matter of significant public interest, particularly in the context of an armed conflict with profound implications for European and global security • Domestic courts' failure to assess the content's truthfulness, the risks it posed, its impact or reach and harm it had caused or was likely to cause • Impugned measure struck at the very heart of the Internet's function as a means for the free exchange of ideas and information • Disproportionate nature and scale of fines liable to have "chilling effect" • Interference not "necessary in a democratic society"

Art 10 • Freedom of expression • Imposition of penalties on Google LLC for failure to comply with domestic courts' order to restore television channel's YouTube account • Suspension made due to sanctions imposed on television channel's owner for providing material and public support for Russia's annexation of Crimea • Penalties imposed manifestly disproportionate and bore no relationship to any harm suffered • Domestic authorities' determination to continue the recovery of funds even after compliance with the obligation to restore access • Expansion of the requirements of original court order, based on expert evidence commissioned without adversarial input, incompatible with legal certainty • Enforcement proceedings conducted in bad faith

Art 6 § 1 (administrative, enforcement and civil) • Imposition of fines on applicant company for failure to remove content on YouTube based on revenue of multiple entities without providing adequate justification for the compatibility of that approach with domestic law • Failure to address applicant company's objection to aggregation approach • Enforcement proceedings against different applicant company instituted without addressing argument that as a separate legal entity it could not be held liable • Failure to provide adequate reasoning for asserting jurisdiction over dispute concerning suspension of Russian television channel's

YouTube account • Very essence of applicant companies' right to a reasoned judgment undermined

Prepared by the Registry. Does not bind the Court.

STRASBOURG

8 July 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Google LLC and Others v. Russia,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Darian Pavli, *Acting President*,

Peeter Roosma,

Oddný Mjöll Arnardóttir,

Úna Ní Raifeartaigh,

Mateja Đurović,

Canòlic Mingorance Cairat,

Vasilka Sancin, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the two applications against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by four Google companies (“the applicants” or “the applicant companies”) listed below on 20 July and 15 September 2022 and merged under application no. 37027/22;

the decision to give notice to the Russian Government (“the Government”) of the complaints under Articles 6 and 10 of the Convention and Article 1 of Protocol No. 1 concerning the administrative and civil proceedings, and to declare the remainder of the application inadmissible;

the decision by the Government of Ireland not to exercise their right to intervene in the case, which was available to them in respect of the applicant company incorporated under Irish law (Article 36 § 1 of the Convention);

the applicants’ observations;

the decision of the President of the Section to appoint one of the elected judges of the Court to sit as an *ad hoc* judge, applying by analogy Rule 29 § 2 of the Rules of the Court (see *Kutayev v. Russia*, no. 17912/15, §§ 5-8, 24 January 2023);

Having deliberated in private on 17 June 2025,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the applicant companies’ complaints that Russian authorities imposed excessive fines to enforce demands for the removal of political-opposition and war-reporting content from YouTube and for the hosting of content from a Russian television channel.

THE FACTS

I. THE APPLICANT COMPANIES

2. The applicant companies are:

(i) Google LLC, incorporated in the State of Delaware, United States of America;

(ii) OOO Google, incorporated in Russia (“Google Russia”);

(iii) Google International LLC, incorporated in the State of Delaware, United States of America (“Google International”);

(iv) Google Ireland Limited, incorporated in Ireland (“Google Ireland”).

3. According to the applicants, Google LLC provides access to the YouTube video-sharing platform, Google Russia offers marketing and advertising services to customers in Russia, and Google Ireland provides access to the Gmail email platform and other Google services to users in the European Region. Google LLC is a shareholder in Google International, which in turn is the sole shareholder of Google Russia and an indirect shareholder in Google Ireland.

4. The applicants were represented by William Thomas KC and Timothy Otty KC, barristers in the United Kingdom.

II. ADMINISTRATIVE PROCEEDINGS FOR FAILURE TO REMOVE YOUTUBE CONTENT

5. In December 2020 the Russian authorities, confronted with the non-compliance of multinational content-sharing platforms, such as Meta’s Facebook and Instagram, Twitter and Google’s YouTube, with their requests to remove political speech and criticism from their platforms, enacted the new Article 13.41 of the Code of Administrative Offences (“the CAO”, see paragraph 38 below). The new provision granted Russia’s telecommunications regulator (Roskomnadzor, “the RKN”) broad powers to seek large fines against platform owners who failed to comply with “notifications on restricting access to the information resource” (“take-down requests” or TDRs) concerning content considered unlawful under section 15.3 of the Information Act (see paragraph 43 below). On 10 January 2021 the new provision came into force.

6. During the first six months of 2021, the RKN issued a series of TDRs, directing Google LLC to block specific content and channels on YouTube. Google LLC complied with the requests it determined to be legitimate but refused to execute those that related to political speech. For the non-compliance, it was sanctioned with a series of lump-sum fines ranging from 3 to 8 million Russian roubles (RUB).

7. On 25 September 2021 the RKN issued a further eight TDRs to Google LLC concerning content on YouTube, including a video that criticised the Russian authorities’ approach to the COVID-19 pandemic and the proposals for amending the Constitution of Russia. This video contained statements in support of the opposition to the Russian authorities, including opposition politician Mr Navalnyy. Google LLC implemented a “geo-block” on five of the eight videos or channels, making them inaccessible to users

within Russia. Google LLC declined to block two videos and one channel, including the video described above, determining that they constituted legitimate political expression.

8. On 24 December 2021 the Justice of the Peace for the Court Circuit no. 422 in Moscow found Google LLC guilty of an administrative offence under Article 13.41 of the CAO and imposed a fine of RUB 7,221,916,235 (approximately 87 million euros, EUR). The judgment established the defendant's non-compliance with the TDRs, without analysing the implication of the removal for the exercise of freedom of expression. The fine was calculated as five per cent of the "combined revenue of Google LLC and its affiliates" in Russia for the year 2020. This total included the revenue of Google LLC (RUB 40million), Google Commerce Limited (RUB 49 billion), Google Ireland (RUB 95 billion) and Google Voice Inc. (RUB 400,000). The judgment did not explain why the revenue of entities other than Google LLC, which were not parties to the proceedings, was included in the calculation of the fine, nor did it clarify which entities were considered to be "affiliates".

9. Google LLC lodged an appeal on several grounds, including that the Justice of the Peace lacked jurisdiction; that the fine had been imposed without affording Google LLC an opportunity to oppose the TDRs; and that the fine had not been properly calculated as there was no basis in law for taking into account the turnover of alleged "affiliates" when calculating the fine and that it was also disproportionate, since its amount was more than one hundred times greater than Google LLC's revenue in Russia. On 28 February 2022 the Taganskiy District Court dismissed the appeal in a summary fashion.

10. In March and May 2022 the RKN issued further TDRs to Google LLC, directing the blocking of certain videos and channels on YouTube on the grounds that they contained "socially significant disinformation" or "calls for extremist activities" within the meaning of section 15.3 of the Information Act. The videos and channels included Mr Navalnyy's YouTube channel and reporting on Russia's invasion of Ukraine from independent news outlets. Google LLC declined to block that content.

11. On 21 April 2022 the same Justice of the Peace imposed lump-sum fines on Google LLC amounting to a total of RUB 11,000,000 (approximately EUR 125,000) for failing to block access to Mr Navalnyy's channel and the videos identified in the March 2022 TDRs.

12. On 18 July 2022 the same Justice of the Peace imposed a second turnover fine in the amount of RUB 21,077,392,312 (approximately EUR 360 million) for the failure to block war reporting videos identified in the May 2022 TDRs. The court based the calculation of the fine on the aggregate revenue for the year 2021 of Google LLC, Google Ireland Limited, Google Commerce Limited, Google Voice Inc. and Google Cloud EMEA Limited. In aggregating the revenue of these entities, the court referred to the

introductory provisions of YouTube’s Terms of Service, which identified Google LLC as the “provider of the Service” and defined the term “Affiliated Entities” to include companies within the Alphabet Inc. group. The court further relied on the wording of YouTube’s Privacy Policy and Google’s Terms of Service, which stipulated that the terms “we” or “Google” referred collectively to “Google LLC and its affiliated entities”. The court also determined that paragraph 5 of Article 13.41 of the COA, which provides for higher penalties in the case of repeated violations, was applicable due to the existence of previous similar infringements by Google LLC. It held that Google LLC had “continued its unlawful conduct” despite having received multiple notifications from the RKN, and concluded that the prior fine, calculated at one-twentieth of revenue, “did not have the desired effect”. The court therefore applied the enhanced sanction of one tenth of the aggregate revenue.

13. In its grounds of appeal, Google LLC reiterated the arguments it had previously submitted (see paragraph 9 above). In particular, it emphasised that the inclusion of revenue from entities that were neither parties to the proceedings nor charged with any offence lacked any basis in domestic law. It further submitted that the court’s reliance on YouTube’s Terms of Service and Privacy Policy to support the aggregated approach to the calculation of the fine disregarded relevant provisions of domestic civil law and the principle of separate legal personality. The court failed to explain how definitions set out in user agreements could prevail over the fundamental principle of corporate separateness. Nor did it identify any provision in domestic legislation that would permit the attribution of liability from one legal entity to other entities within the same corporate group.

14. On 9 September 2022 and 2 October 2023 the Taganskiy District Court dismissed Google LLC’s appeals against the above decisions, holding, among other matters, that Russian courts had jurisdiction because Google LLC did not have a representative office in Russia.

III. CIVIL PROCEEDINGS TO ENFORCE THE PROVISION OF YOUTUBE HOSTING

15. Tsargrad is a Russian media group owned by K.M., a Russian businessman sanctioned by the European Union, the United States and Canada for providing material support to Russian-backed separatists in Eastern Ukraine and publicly supporting Russia’s annexation of Crimea.

16. Tsargrad TV, a television channel, had held YouTube and Gmail accounts, operated under contracts with Google LLC and Google Ireland. The contract with Google LLC was governed by California law and conferred exclusive jurisdiction over any disputes to the courts in California. The contract with Google Ireland was governed by English law and conferred exclusive jurisdiction over any disputes to the English courts. Both contracts

stipulated that the relevant Google entity could suspend or terminate access to an account where necessary to comply with legal requirements.

17. On 28 July 2020, reacting to US sanctions, Google LLC suspended Tsargrad's YouTube and Gmail accounts. In response, Tsargrad filed a claim against Google LLC, Google Ireland and Google Russia, alleging that the suspension of its YouTube and Gmail accounts had been in breach of the Russian Civil Code.

18. In a judgment dated 20 April 2021, the Moscow City Commercial Court assumed jurisdiction over the claim on the basis of a new provision in Russian law that stipulated the exclusive jurisdiction of Russian courts over disputes involving sanctioned Russian entities (Article 248.1 of the Code of Commercial Procedure, see paragraph 47 below). The court held that the suspension of Tsargrad's accounts was unlawful for several reasons. Firstly, the US and EU sanctions targeting K.M. and his media companies contradicted Russian public order as they interfered with Russian State sovereignty and could not apply on Russian territory. Secondly, the defendant companies did not explain why the account was only blocked six years after K.M. had first been sanctioned, nor did they clarify which sanctions prohibited the provision of free services to Russian users in regions other than the (annexed) Crimea. Thirdly, the defendant companies did not comply with their own contractual terms, which required a sixty-day notice period before unilaterally terminating service. The Commercial Court concluded that, in the absence of grounds for unilateral termination, the termination was null and void. As a result, Google LLC, Google Ireland and Google Russia were jointly and severally liable to restore access to Tsargrad's accounts. Compliance with this obligation was to be enforced by an *astreinte* penalty of RUB 100,000 (approximately EUR 1,000) per day thereafter, to double every week until the order was complied with, with no upper limit.

19. The defendant companies appealed against the decision of the Moscow City Commercial Court. In a judgment dated 20 December 2021, the Ninth Commercial Court of Appeals capped the *astreinte* penalty at RUB 1 billion (approximately EUR 11 million) for a nine-month period ending on 20 September 2022, after which the penalty was to be uncapped. Regarding the exclusive jurisdiction of Russian courts, the court observed that since Tsargrad sought relief which contradicted the objectives of the US and EU sanctions – specifically to continue receiving revenue via a US-controlled company (Google LLC) and its EU subsidiary (Google Ireland) – the dispute was “unlikely to be examined fairly and objectively in American or British courts”. The court reached this conclusion despite evidence adduced by the defendant companies that K.M. had previously been able to litigate in the United States without his sanctioned status presenting any obstacle to accessing justice. The court further held that, in any event, the dispute did not involve the application or interpretation of American or English contract law. The sole issue of contention was whether the invoked

grounds for terminating the contract, notably foreign sanctions, complied with the public order of the Russian Federation.

20. The day after the Google companies were made aware of the decision of the Ninth Commercial Court of Appeals, access to Tsargrad’s accounts was restored, although features that would enable Tsargrad to generate revenue (“monetisation”) from the accounts were not. The Google companies also appealed further to the Federal Commercial Court for the Moscow District.

21. The appeal to the Federal Commercial Court for the Moscow District was dismissed on 24 March 2022. Leave to file a further cassation appeal before the Supreme Court was rejected in a summary fashion on 17 June 2022.

IV. ENFORCEMENT PROCEEDINGS

A. Seizure of Google Russia’s assets

22. On 22 March 2022 a court bailiff seized Google Russia’s corporate bank account by directing the bank to transfer all available funds, amounting to approximately RUB 4.6 billion, to the bailiff in order to secure enforcement of Tsargrad’s claims. The bailiff further ordered that any new funds or accounts receivable deposited into Google Russia’s bank accounts be immediately transferred to the bailiff’s account.

B. Appointment of an expert to determine compliance

23. On 23 March 2022 the bailiff appointed an expert to compare “the functionalities available to the user of the Google account tsargradtv@gmail.com with those available to the average Google account user”.

24. One day later the expert returned the findings, which repeated Tsargrad’s submissions and concluded as follows:

“From a technical point of view, restoring access to the Google Account means reinstating all services that were available before the blockage ... We note that the inaccessibility of managing the AdSense [advertising] service ... makes the service unusable and simultaneously prevents monetisation (revenue generation) from advertising on the YouTube channel ...”

On that basis, the expert determined that “substantial parts of the Tsargrad account’s functionality had not been restored”. The bailiff had given no notice to the Google companies of intention to appoint the expert. The expert’s report was not communicated to the Google companies, nor were they given an opportunity to submit comments.

25. On the following day, relying on the expert’s report, the bailiff transferred RUB 1 billion seized from Google Russia’s account to Tsargrad.

On 1 April 2022 Tsargrad publicly announced that it would use the funds it received to support Russia's invasion of Ukraine.

26. On 5 April 2022 the bailiff charged Google Russia with an administrative offence for failure to comply with the court order. Google Russia submitted objections to the charge that same day on the ground that the order had been complied with. On 22 April 2022 the bailiff found Google Russia liable as charged and imposed a RUB 30,000 administrative fine.

27. On 29 April 2022 the Moscow City Commercial Court dismissed Google Russia's complaint in respect of the seizure of its funds, without addressing the submission that the judgment had in fact been complied with. In respect of quantum, it held that it was for the bailiff to decide what should be taken, stating that "the amount to be arrested and recovered is not determined by the court". On 12 May 2022 the same court refused Google Russia's complaint in respect of the appointment of the expert, and, on 10 June 2022, a further complaint challenging the institution of administrative offence proceedings by the bailiff. Google Russia's submission that the order had in fact been complied with was not addressed in either judgment.

C. Challenge to the enforcement of Google LLC's fine from Google Russia's seized funds

28. On 23 May 2022 the bailiff issued a decision stating that the fine of RUB 7,221,916,235 imposed on Google LLC (see paragraph 8 above) had been paid in full.

29. On 27 June 2022 Google Russia challenged the bailiff's decision before the Moscow City Commercial Court, submitting that its assets, which had been seized in connection with a civil claim (see paragraph 22 above), had been unlawfully used to pay a fine imposed on a different company in separate administrative proceedings. The Commercial Court declined to consider the challenge on the grounds that the original writ of enforcement had been issued by a court of general jurisdiction.

30. On 15 July 2022 Google Russia resubmitted the challenge to the Zamoskvoretskiy District Court in Moscow. It also supplemented the claim with a complaint concerning the recovery of enforcement penalties and unidentified fines from the seized funds. On 25 July 2022 the District Court dismissed the challenge, upholding the enforcement against Google Russia of the fines and penalties imposed on Google LLC. The court held that recovery could be effected against the seized funds of Google Russia because Google Russia constituted a "*de facto* representative office" (*«фактическое представительство»*) of Google LLC. In reaching this conclusion, the court pointed out that Google Russia had "presented itself as, and had in fact acted as, a representative of Google LLC in its interactions with Russian users and regulators, including the RKN".

31. Google Russia filed an appeal, submitting that the legal characterisation of a “*de facto* representative office” was fundamentally inconsistent with the principle of Russian civil law that each legal entity possesses a separate corporate identity and maintains distinct assets which cannot be used to satisfy claims against other entities. It argued, firstly, that Google LLC did not have any representative offices or branches within the territory of Russia and, secondly, that under Russian law, a representative office lacked legal personality, whereas Google Russia was incorporated as a limited liability company.

32. On 11 October 2022 the Administrative Chamber of the Moscow City Court summarily dismissed the appeal, endorsing the findings of the District Court.

V. SUBSEQUENT DEVELOPMENTS

A. “Copycat” claims

33. The award in favour of Tsargrad paved the way for other plaintiffs, predominantly Russian State-owned and affiliated television channels, to file more than twenty repeat or “copycat” claims, alleging the unlawful termination of their Google accounts or blocking of YouTube channels. Apart from two claims which were dismissed for procedural technicalities, the Moscow City Commercial Court granted all the claims, and the Ninth Commercial Court of Appeals and higher courts upheld the judgments on appeal.

34. In each case, the courts issued an order to restore access to the Google accounts and YouTube channels, accompanied by an *astreinte* penalty of RUB 100,000 per day thereafter, to double every week, capped at RUB 1 billion for an initial nine-month period and uncapped thereafter.

35. According to the applicants’ calculations, as of September 2022 the accrued amount of the penalties exceeded 16 trillion US dollars.

B. Bankruptcy of Google Russia

36. On 16 June 2022 Google Russia filed for bankruptcy.

37. Between 24 and 26 October 2022 the tangible property owned by Google Russia was seized to satisfy one of the “copycat” *astreinte* penalties.

38. On 18 April 2023 the bailiff ordered the withdrawal and transfer of all funds from Google Russia’s accounts to the bailiff’s deposit account, allegedly to secure the preservation of Google Russia’s funds in relation to the “copycat” penalty claims.

39. On 28 August 2023 the Moscow City Commercial Court granted the Tsargrad creditor application in the amount of RUB 32 billion (approximately EUR 310 million).

40. On 18 October 2023 the Moscow City Commercial Court resolved to recognise Google Russia as bankrupt and to start liquidation proceedings.

41. As of the date of submission of the applicants' observations in November 2023, Google Russia's bankruptcy proceedings continued to progress. The bankruptcy court had granted approximately 830 creditor applications, with a further 160 applications remaining pending. Tsargrad and the Tax Authority were the two largest registered creditors of Google Russia, with claims of RUB 32.7 billion and RUB 19.5 billion, respectively.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LEGAL FRAMEWORK

A. Information Act (Federal Law No. 149-FZ of 27 July 2006)

42. Section 15.3 governs the procedure for restricting access to information disseminated in violation of the law.

43. Subsection 1 enumerates categories of unlawful content:

“(a) information containing calls for mass disorder, extremist activities, and taking part in mass (public) gatherings held in violation of the established order;

(b) false alerts about terrorist acts and other knowingly untrue socially important information disseminated under the guise of reliable reports (*недостоверная общественно значимая информация, распространяемая под видом достоверных сообщений*), which create a risk of harm to citizens' life and health or property, a risk of mass disorders, a risk of undermining public security or a risk of disruptions or halting of operations of critical infrastructure, transport, social infrastructure, financial institutions, energy plants, industry, or communication systems, or could entail other serious consequences;

(c) disinformation presented as trustworthy messages concerning the deployment of the Russian Armed Forces for the protection of the interests of the Russian Federation and its citizens, maintaining international peace and security ... or aimed at discrediting the deployment of the Russian Armed Forces for the protection of the interests of the Russian Federation and its citizens, maintaining international peace and security ... [Added by Law no. 277-FZ of 14 July 2022]”

44. Upon detecting unlawful content, the General Prosecutor's Office mandates the telecommunications regulator, the RKN, to restrict access to web pages displaying unlawful content. The RKN determines the hosting provider responsible for the web page displaying unlawful content and sends a take-down request (TDR) to the provider (subsections 2(2) and (3)).

45. New subsection 4.1, added on 8 June 2020, requires owners of information resources to remove unlawful content within twenty-four hours of receiving the TDR.

B. Code of Administrative Offences

46. Article 13.41 of the CAO, introduced on 10 January 2021, establishes fines for owners of websites for failing to take down the unlawful content. An initial failure to take down content or web page when required to do so incurs a fine ranging from RUB 800,000 to 4,000,000 (paragraph 2), while failing to remove content containing calls for extremist activities, pornographic images of minors, or drug-related information attracts a fine of between RUB 3,000,000 and 8,000,000 (paragraph 4). Repeat offences incur increased fines in the amounts calculated as a percentage – up to one fifth – of the legal entity's total annual revenue, subject to a minimum of RUB 4,000,000 (paragraphs 5 and 6).

C. Code of Commercial Procedure

47. On 8 June 2020 the Code of Commercial Procedure was supplemented by Articles 248.1 and 248.2, which established that Russian courts should exercise exclusive jurisdiction over any disputes involving Russian entities that have been sanctioned by foreign States if a contractually defined choice of venue cannot be enforced because the sanctioned entity cannot access that venue. In that case, sanctioned entities may bring a dispute before a Russian court at their location and also obtain an anti-suit injunction barring the claim from being heard in any tribunal outside Russia.

D. Civil Code

48. Article 308.3 of the Civil Code provides a mechanism for judicial enforcement of contractual obligations through the imposition of monetary penalties. The provision operates on two levels: first, it empowers creditors to seek specific performance of obligations through the courts; second, it authorises courts to impose monetary penalties in the event of non-compliance with judicial orders requiring such performance. The quantum of any penalty is to be determined by reference to three principles: first, the principle of justice (*справедливость*); second, the principle of proportionality (*соразмерность*); and third, the principle that profit must not be derived from unlawful or unfair conduct.

II. INTERNATIONAL MATERIAL

A. Recommendation CM/Rec(2018)2 of the Committee of Ministers of the Council of Europe to member States on the roles and responsibilities of internet intermediaries, adopted on 7 March 2018

49. The Recommendation reads in the relevant parts as follows:

“4. A wide, diverse and rapidly evolving range of players, commonly referred to as ‘internet intermediaries’, facilitate interactions on the internet between natural and legal persons by offering and performing a variety of functions and services. Some connect users to the internet, enable the processing of information and data, or host web-based services, including for user-generated content. Others aggregate information and enable searches; they give access to, host and index content and services designed and/or operated by third parties ...

1.3. Safeguards for freedom of expression

“1.3.1. Any request, demand or other action by public authorities addressed to internet intermediaries to restrict access (including blocking or removal of content), or any other measure that could lead to a restriction of the right to freedom of expression, shall be prescribed by law, pursue one of the legitimate aims foreseen in Article 10 of the Convention, be necessary in a democratic society and be proportionate to the aim pursued. State authorities should carefully evaluate the possible impact, including unintended, of any restrictions before and after applying them, while seeking to apply the least intrusive measure necessary to meet the policy objective.

...

1.3.5. State authorities should not directly or indirectly impose a general obligation on intermediaries to monitor content which they merely give access to, or which they transmit or store, be it by automated means or not. When addressing any request to internet intermediaries or promoting, alone or with other States or international organisations, co-regulatory approaches by internet intermediaries, State authorities should avoid any action that may lead to general content monitoring ...

1.3.6. State authorities should ensure that the sanctions they impose on intermediaries for non-compliance with regulatory frameworks are proportionate because disproportionate sanctions are likely to lead to the restriction of lawful content and to have a chilling effect on the right to freedom of expression.

1.3.7. States should ensure, in law and in practice, that intermediaries are not held liable for third-party content which they merely give access to or which they transmit or store. State authorities may hold intermediaries co-responsible with respect to content that they store if they do not act expeditiously to restrict access to content or services as soon as they become aware of their illegal nature, including through notice-based procedures. State authorities should ensure that notice-based procedures are not designed in a manner that incentivises the take-down of legal content, for example due to inappropriately short timeframes ...

1.3.9. Where intermediaries produce or manage content available on their platforms or where intermediaries play a curatorial or editorial role, including through the use of algorithms, State authorities should apply an approach that is graduated and differentiated, in line with Recommendation CM/Rec(2011)7 of the Committee of Ministers to member States on a new notion of media. States should determine appropriate levels of protection, as well as duties and responsibilities according to the role that intermediaries play in content production and dissemination processes, while paying due attention to their obligation to protect and promote pluralism and diversity in the online distribution of content.”

B. EU Digital Services Act

50. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) lays down harmonised rules on the responsibilities of providers of intermediary services, including hosting services, in respect of illegal content disseminated through their services. In accordance with Article 6 of that Regulation, providers of hosting services shall not be held liable for the information stored at the request of a recipient of the service, on condition that the provider does not have actual knowledge of illegal content and, upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to that content. The Regulation does not provide the legal basis for the issuing of orders to act against specific items of illegal content. However, in order to ensure that such orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, Article 9 of the Regulation harmonises certain minimum conditions that such orders should fulfil. Section 5 of Chapter III of the Regulation places additional obligations on providers of very large online platforms and of very large online search engines to manage systemic risks, including the dissemination of illegal content and negative effects for the exercise of fundamental rights, civic discourse, electoral processes and public security.

THE LAW

I. PRELIMINARY ISSUES

A. Consequences of the Government's failure to participate in the proceedings

51. The Court notes that the respondent Government, by failing to submit written observations when invited to do so, manifested an intention to abstain from participating in the examination of the case. However, the cessation of a Contracting Party's membership in the Council of Europe does not release it from its duty to cooperate with the Convention bodies. Consequently, the Government's failure to engage in the proceedings cannot constitute an obstacle to the examination of the case (see *Svetova and Others v. Russia*, no. 54714/17, §§ 29-31, 24 January 2023).

B. Examination of complaints by Google Russia

52. The applicant companies informed the Court that their observations had been submitted on behalf of all Google entities except OOO Google (“Google Russia”). They submitted that the liquidator appointed on 18 October 2023 was hostile to the company’s interests, and that, as a matter of Russian law, his appointment effectively extinguished their representatives’ authority to act on behalf of Google Russia.

53. The Court takes note of the applicants’ submission but finds no grounds for attributing legal consequences to it. First, the Court cannot discontinue proceedings in respect of OOO Google, as the representatives have not submitted a formal request to withdraw the complaint; such a request, in order to be valid, must be unequivocal (see *Association SOS Attentats and de Boery v. France* (dec.) [GC], no. 76642/01, § 30, ECHR 2006-XIV). Secondly, the liquidation of an applicant company and the expiry of its powers of attorney under domestic law do not impede its representatives from continuing to act before the Court. The Court emphasises in this respect that the alleged violations of Article 6 of the Convention brought about Google Russia’s bankruptcy and its ceasing to exist as a legal person. Striking the application out of the list under such circumstances would undermine the very essence of the right of individual applications by legal persons, as it would encourage governments to deprive such entities of the possibility to pursue an application lodged at a time when they enjoyed legal personality (see *Capital Bank AD v. Bulgaria*, no. 49429/99, §§ 76-80, ECHR 2005-XII (extracts), and *OAO Neftyanaya kompaniya YUKOS v. Russia* (dec.), no. 14902/04, §§ 439-44, 29 January 2009). Thirdly, the Court’s commitment to upholding human rights requires it to continue examining cases that raise issues of general interest beyond their specific circumstances. It has a particular responsibility to determine issues on public-policy grounds in the common interest, thereby raising the general standard of human rights protection.

C. Jurisdiction

54. The Court observes that the facts giving rise to the alleged interference with the Convention rights occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a party to the Convention. The Court therefore decides that it has jurisdiction to examine this application (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023, and *Pivkina and Others v. Russia* (dec.), nos. 2134/23 and 6 others, § 46, 6 June 2023).

II. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION IN CONNECTION WITH ADMINISTRATIVE PROCEEDINGS AGAINST GOOGLE LLC

55. Google LLC complained that the Russian authorities had imposed arbitrary and unprecedented fines to punish it for providing a platform for content critical of their policies, in breach of Article 10 of the Convention, which reads as follows:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, ... for the protection of the reputation or rights of others ...”

A. Admissibility

56. The Court finds that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. *Submissions by Google LLC*

57. Google LLC submitted that the imposition and enforcement of penalties against it in connection with the YouTube content it hosted constituted an interference with its right to freedom of expression.

58. As to whether the interference was “prescribed by law”, Google LLC maintained that section 15.3 of the Information Act lacked the requisite quality of law. The terms “untrue socially important information disseminated under the guise of reliable reports” and “calls ... to extremist activities” were excessively broad and conferred unfettered discretionary powers on the authorities. In addition, the proceedings suffered from serious procedural flaws: no administrative investigation had preceded the prosecution as mandated by domestic law; the courts had assumed jurisdiction over Google LLC, a US-based entity, without proper service or an opportunity for it to be heard; the turnover-based fines had been unlawful, and no consideration had been given to mitigating factors.

59. Google LLC further claimed that the interference pursued no legitimate aim. The domestic courts had not engaged in any substantive analysis of this question, while the Government had declined to participate in the proceedings before the Court. Given the nature of the content targeted by

the TDRs, such as expression of political opposition and reporting on the military invasion of Ukraine, and the unprecedented scale of the penalties imposed, the only reasonable inference was that the true aim had been to suppress criticism of the authorities and to deter the hosting of dissenting viewpoints.

60. Lastly, Google LLC contended that the interference was not “necessary in a democratic society”. The punitive fines had been imposed for refusing to remove content constituting typical political speech, which enjoys the highest level of protection under the Convention. The measures also disregarded YouTube’s role as a technological platform hosting content created by third parties rather than by Google LLC itself. The free exchange of ideas through such platforms was fundamentally at odds with a legal framework permitting authorities to impose severe penalties for failing to remove content of which they disapproved.

2. General principles

61. In order to be justified, an interference with the right to freedom of expression must be “prescribed by law”, pursue one or more of the legitimate aims mentioned in paragraph 2 of Article 10, and be “necessary in a democratic society” (see *Magyar Helsinki Bizottság v. Hungary* [GC], no. 18030/11, § 181, 8 November 2016). The general principles concerning the question whether an interference with freedom of expression is “necessary in a democratic society” are well established in the Court’s case-law, both generally and in the context of the Internet and social media (see *Delfi AS v. Estonia* [GC], no. 64569/09, §§ 131-36, ECHR 2015, and *Sanchez v. France* [GC], no. 45581/15, §§ 158-66, 15 May 2023).

62. Given its accessibility and capacity to store and communicate vast amounts of information, the Internet plays a key role in enhancing public access to news and facilitating the dissemination of information generally (see *Times Newspapers Ltd v. the United Kingdom (nos. 1 and 2)*, nos. 3002/03 and 23676/03, § 27, ECHR 2009).

63. Article 10 applies to “everyone”, including legal persons and profit-making companies engaged in commercial activities (see *Autronic AG v. Switzerland*, 22 May 1990, § 47, Series A no. 178). Information society service providers perform an important role in facilitating access to information and debate on a wide range of political, social and cultural topics. The Court has previously acknowledged that both Google Inc., the predecessor entity to Google LLC, and its end users enjoy the right to freedom of expression guaranteed by Article 10 (see *Tamiz v. the United Kingdom* (dec.), no. 3877/14, § 90, 19 September 2017).

64. Furthermore, the Court has acknowledged that YouTube, a video hosting service owned and operated by Google LLC, constitutes “a unique platform” for freedom of expression due to its characteristics, accessibility and potential impact in enabling users to receive and impart information and

ideas (see *Cengiz and Others v. Turkey*, nos. 48226/10 and 14027/11, § 52, ECHR 2015 (extracts)).

65. The Court finally reiterates that, in principle, any measure compelling a platform operator to restrict access to content under threat of penalty constitutes interference with freedom of expression (see *Özgür Radyo-Ses Radyo Televizyon Yayın Yapım Ve Tanıtım A.Ş. v. Turkey (no. 1)*, nos. 64178/00 and 4 others, § 73, 30 March 2006).

3. *Existence of interference*

66. In the present case, the Russian authorities imposed substantial fines on Google LLC, amounting to billions of Russian roubles, for failing to comply with TDRs concerning user-generated content hosted on YouTube. The Court considers that the imposition of such severe penalties, combined with the threat of further sanctions for non-compliance with TDRs, exerted considerable pressure on Google LLC to censor content on YouTube, thereby interfering with its role as a provider of a platform for the free exchange of ideas and information.

67. In these circumstances, the Court finds that there has been an interference with Google LLC's right to freedom of expression as guaranteed by Article 10 of the Convention.

4. *Justification for the interference*

(a) "Prescribed by law"

68. The Court observes at the outset that the contested measures had a basis in Article 13.41 of the CAO and section 15.3 of the Information Act, which allowed for the imposition of fines on owners of information resources who failed to comply with TDRs concerning, among other things, "untrue socially important information disseminated under the guise of reliable reports".

69. The Court notes that Google LLC impugned the quality of Russian law in this regard, contending that the provisions of section 15.3 of the Information Act lacked the requisite clarity and foreseeability. However, having regard to its findings below concerning the necessity of the interference in a democratic society, the Court does not consider it necessary to reach a definitive conclusion on this point (see *Novaya Gazeta and Others v. Russia*, nos. 11884/22 and 161 others, § 101, 11 February 2025).

(b) Legitimate aim

70. The Court notes that the Government did not submit any observations on the aims pursued by the impugned measures, having chosen not to participate in the proceedings before the Court. It appears however that the domestic courts considered the protection of national security, territorial

integrity and public safety as the ostensible aims of the legislation under which the applicant company was convicted.

71. The Court reiterates that while the protection of national security, territorial integrity and public safety may in principle constitute legitimate aims, these concepts must be applied with restraint and interpreted restrictively, and should only be brought into play where it has been shown to be necessary to suppress the release of information (see *Novaya Gazeta and Others*, cited above, § 103, and *Stoll v. Switzerland* [GC], no. 69698/01, § 54, ECHR 2007-V).

72. The Court observes that the impugned measures were applied indiscriminately to a broad range of content on YouTube, including political expression, criticism of the Russian Government, reporting on Russia's invasion of Ukraine by independent news outlets and content supporting LGBTQ rights. The Court finds it difficult to ascertain how such expressions of political opinion or independent reporting could constitute a genuine threat to national security, territorial integrity or public safety (compare *Novaya Gazeta and Others*, cited above, § 104). Furthermore, the Court notes that the domestic authorities made no effort to demonstrate how Google LLC's specific decision to host such content caused or threatened harm to these interests. The mere fact that the content diverged from the official narrative was deemed sufficient to justify the imposition of penalty.

73. In these circumstances, the Court is not satisfied that the interference genuinely pursued any legitimate aims. However, even assuming that it did, the Court will examine whether it was "necessary in a democratic society" to achieve those aims.

(c) "Necessary in a democratic society"

74. The Court reiterates that the adjective "necessary", within the meaning of Article 10 § 2, implies the existence of a "pressing social need". The Court has consistently emphasised that there is little scope under Article 10 § 2 for restrictions on political speech or on debate concerning matters of public interest (see *Sürek v. Turkey (no. 1)* [GC], no. 26682/95, § 61, ECHR 1999-IV). The limits of permissible criticism are wider with regard to the government than to a private citizen or even a politician. In a democratic system, the actions or omissions of the government must be subject to close scrutiny not only by the legislative and judicial authorities but also by the press and public opinion (see *Castells v. Spain*, 23 April 1992, § 46, Series A no. 236).

75. The Court observes that the content at issue included expressions of support for an imprisoned opposition figure, calls for peaceful demonstrations, and information regarding Russia's military actions in Ukraine from independent news outlets. Such material undoubtedly concerns matters of significant public interest, particularly in the context of an armed conflict with profound implications for European and global security. This

very characteristic, which enabled the domestic authorities to classify the content as “socially important information” for the purposes of section 15.3 of the Information Act, likewise brought it within the scope of protected expression under Article 10 of the Convention. Public debate on such matters is crucial in a democratic society, and any restriction on such debate calls for the Court’s closest scrutiny (see *Novaya Gazeta and Others*, cited above, § 112).

76. The Court further observes that none of the content which the authorities sought to suppress contained expressions of hate speech, incitement to violence, or discrimination against any group. The sole basis for requiring their removal appears to have been their capacity to inform public debate on matters which the authorities preferred to suppress. The Court reiterates that Article 10 protects not only information or ideas that are favourably received or regarded as inoffensive, but also those that offend, shock or disturb; such are the demands of pluralism, tolerance and broadmindedness without which there is no “democratic society” (see *Handyside v. the United Kingdom*, 7 December 1976, § 49, Series A no. 24).

77. Furthermore, in respect of the requirement under section 15.3 of the Information Act that the information be untrue and create specific risks, such as risk of mass disorder or to public security or infrastructure, the domestic courts failed to assess whether the content at issue in fact was untrue or posed such risks. They did not examine the actual impact or reach of the content or evaluate whether it had caused or was likely to cause any harm. Instead, the courts proceeded on the presumption that any divergence from official narratives inherently threatened national interests, without providing any concrete evidence of harm (see *Novaya Gazeta and Others*, cited above, § 119).

78. The Court further reiterates its established case-law that Article 10 protects both the content of ideas and information and the methods of their dissemination, as any restriction on those methods interferes with the right to receive and impart information (see *Autronic AG*, cited above, § 47). YouTube functions primarily as a technological platform for storing and sharing user-generated content and serves as “an important means of exercising the freedom to receive and impart information and ideas” (see *Cengiz and Others*, cited above, § 52). The platform’s significance lies in its role as a forum where users can share diverse viewpoints on matters of public interest, including those that may not find expression in traditional media.

79. The Court has previously emphasised the specific nature of the Internet as a modern means of imparting and receiving information, recognising that the “duties and responsibilities” imposed on an Internet portal, for the purposes of Article 10 of the Convention, may differ to some extent from those of a traditional publisher in relation to third-party content (see *Delfi AS*, cited above, § 113). At the same time, the Court notes that when internet intermediaries manage content available on their platforms or play a

curatorial or editorial role, including through the use of algorithms, their important function in facilitating and shaping public debate engenders duties of care and due diligence, which may also increase in proportion to the reach of the relevant expressive activity (see paragraphs 49 and 50 above).

80. In the present case, however, the Court considers that penalising Google LLC for hosting content critical of government policies or presenting alternative views on military actions, without demonstrating a pressing social need for its removal, strikes at the very heart of the Internet's function as a means for the free exchange of ideas and information.

81. As regards the proportionality of the sanctions, the Court notes the nature and scale of the penalties imposed. The fines, calculated as substantial lump sums or a percentage of the combined revenue of Google LLC and "affiliated" companies and amounting to billions of Russian roubles, by their nature and scale, were liable to have a "chilling effect" on its willingness to host content critical of the authorities. The approach adopted by the Russian authorities, which imposed heavy penalties on platforms for failing to comply with broadly framed TDRs, placed an excessive burden on intermediaries such as Google LLC, effectively compelling them to act as censors of political speech on behalf of the State authorities, an approach incompatible with the Court's approach to freedom of expression. This cannot be regarded as necessary in a democratic society, notwithstanding the margin of appreciation afforded to States in this domain.

82. Having regard to the above considerations, in particular the political nature of the content which the authorities sought to suppress, the domestic courts' perfunctory approach to assessing the necessity of the interference, their failure to examine the matter in the light of the requirements of the Convention, and the disproportionate nature of the sanctions imposed, the Court finds that the interference with the applicant company's right to freedom of expression was not "necessary in a democratic society" within the meaning of Article 10 § 2 of the Convention.

83. There has therefore been a violation of Article 10 of the Convention in respect of Google LLC in connection with the sanctions imposed for the failure to comply with the take-down requests.

III. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION IN CONNECTION WITH THE REQUIREMENT TO PROVIDE HOSTING TO TSARGRAD TV

84. Google LLC further complained of the disproportionate and unprecedented recurring penalties imposed for the alleged non-compliance with the order to restore Tsargrad's YouTube account. Having regard to Google LLC's submission that these measures formed part of an effort by the Russian authorities to pressure it to provide a platform for expression favourable to Russia's political narrative, the Court, being the master of the

characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 110-26, 20 March 2018), considered that this complaint should be examined as an alleged violation of Article 10 of the Convention, cited above.

A. Admissibility

85. The Court finds that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. Submissions by the applicants

86. Google LLC submitted that the imposition of coercive penalties by the Russian courts, intended to compel it to host content from Tsargrad TV, constituted an interference with its right to freedom of expression. Article 10 encompassed both the positive and negative aspects of freedom of expression, including the right to refrain from providing a platform to certain users or speech, even where such speech is otherwise lawful. Google LLC further relied on established case-law of the Convention organs, which recognises that obligations to publish particular content under threat of legal sanction amount to interference with freedom of expression.

87. As to whether the interference was “prescribed by law”, Google LLC contended that the proceedings suffered from various manifest procedural defects. In addition to improperly assuming jurisdiction, the Russian courts wrongly imposed joint and several liability on all the applicant companies; calculated penalties vastly exceeding any demonstrated loss and unprecedented in judicial practice; enforced penalties despite compliance with the underlying judgment; and conducted enforcement proceedings against Google Russia without basic procedural safeguards.

88. Google LLC further submitted that the interference pursued no legitimate aim. While ostensibly aimed at ensuring compliance with court orders, the court order had already been complied with and the measures were designed to penalise it for adhering to international sanctions, to target companies from Russia’s list of “unfriendly States” and to secure financial gain for entities supporting Russia’s actions in Ukraine.

89. Lastly, Google LLC contended that the interference was not “necessary in a democratic society”. The requirement to host content from sanctioned entities promoting Russian military aggression was neither necessary nor proportionate to any aim pursued. The scale of penalties and their accumulating nature, reaching RUB 57 billion after seven months and approximately RUB 27.3 quadrillion after nine months was disproportionately severe relative to Tsargrad’s pre-sanctions daily

advertising revenue of RUB 24,400. They also pointed to the proliferation of analogous proceedings resulting in recognised bankruptcy claims exceeding USD 16 trillion, which they argued rendered continued operations in Russia impossible while securing windfalls for the Russian State and State-affiliated and aligned media entities.

2. *Existence of interference*

90. The Court reiterates that the right to freedom of expression guaranteed by Article 10 of the Convention may also encompass a negative aspect – specifically, the right not to be compelled to express oneself (see *Gillberg v. Sweden* [GC], no. 41723/06, §§ 85-86, 3 April 2012, and *Semir Güzel v. Turkey*, no. 29483/09, §§ 27-29, 13 September 2016). The Court has consistently held that measures compelling someone to publish specific statements constitute an interference with the right to freedom of expression (see *Kaperzyński v. Poland*, no. 43206/07, § 58, 3 April 2012, and *Hachette Filipacchi Associés v. France*, no. 71111/01, § 27, 14 June 2007). It has also found that a holistic protection of freedom of expression should necessarily encompass both the right to express ideas and the right to remain silent: otherwise, the right to freedom of expression under Article 10 cannot be practical and effective (see *Kobaliya and Others v. Russia*, nos. 39446/16 and 106 others, § 84, 22 October 2024).

91. In the present case, the judicial decisions enjoined Google LLC to host Tsargrad’s content on the YouTube platform, thereby overriding its decision not to do so. The Court considers that this compulsion to host specific content, backed by financial penalties, directly impacted Google LLC’s right to determine what content it was prepared to host on its platform. This right falls within the scope of Article 10, which protects not only the content of information but also the means of its transmission (see *Autronic AG*, cited above, § 47). The fact that this right was exercised within a commercial context does not exclude it from the protection of Article 10, as the Convention also extends to commercial speech (see *Mouvement raëlien suisse v. Switzerland* [GC], no. 16354/06, § 61, ECHR 2012 (extracts)).

92. The Court therefore finds that the domestic courts’ orders compelling Google LLC to host specific content on its platform, constituted an interference with its right to freedom of expression under Article 10 of the Convention.

3. *Justification for the interference*

(a) “Prescribed by law”

93. As regards the requirement of being “prescribed by law”, the Court reiterates that this implies both a basis in domestic law and compliance with the qualitative requirements of accessibility and foreseeability (see *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC],

no. 931/13, § 142, 27 June 2017). The courts imposed the *astreinte* penalty on the basis of Article 308.3 of the Civil Code (see paragraph 48 above), which provides a mechanism for judicial enforcement of contractual obligations through financial sanctions for non-compliance. The provision empowers creditors to seek specific performance through the courts and authorises courts to impose penalties for non-compliance with judicial orders. While the quantum of any penalty is to be determined by reference to principles of justice, proportionality and *nemo commodum*, the Court takes note of Google LLC’s argument that the manner of application of Article 308.3 in the present case contravened these principles, notably as the quantum of the penalty far exceeded previous practice and any loss that might have been suffered.

94. In these circumstances, the Court has serious doubts as to whether the interference was “prescribed by law” within the meaning of Article 10 § 2. However, even assuming that this requirement was satisfied, the Court considers that the interference was not justified for the reasons set out below.

(b) Legitimate aim

95. As to the legitimate aim, the domestic courts appear to have considered that the measures pursued the aim of protecting the rights of others, specifically Tsargrad’s rights as a user of the platforms against what they deemed to be an unlawful suspension of its accounts due to foreign sanctions that allegedly contradicted Russian public order. The Court will accordingly proceed with its analysis on this basis.

(c) “Necessary in a democratic society”

96. Turning to necessity in a democratic society, the Court reiterates that an interference is only justified if it corresponds to a “pressing social need”, based on “relevant and sufficient” reasons and is proportionate to the aim pursued (see *Delfi AS*, cited above, § 131). Where domestic law does not impose a requirement of proportionality in the context of excessive sanctions, or where the quantum of damages awarded is manifestly disproportionate, there is a risk of creating a “chilling effect” on freedom of expression (see *Tolstoy Miloslavsky v. the United Kingdom*, 13 July 1995, § 49, Series A no. 316-B; *Steel and Morris v. the United Kingdom*, no. 68416/01, § 96, ECHR 2005-II; and *Rashkin v. Russia*, no. 69575/10, § 19, 7 July 2020, with further references).

97. As to the existence of a “pressing social need”, the Court notes that, although the domestic courts claimed to be protecting both Tsargrad’s contractual rights and the public’s right to access information, there have been certain objective inconsistencies in the authorities’ approach to the alleged protection of the right to freedom of expression. In this regard, the Court observes that Tsargrad’s YouTube account was suspended due to sanctions

imposed on its owner for providing financial support to Russian-backed separatists in Ukraine and for publicly endorsing Russia's annexation of Crimea (see paragraph 15 above). The Court notes that, while purporting to defend freedom to receive information in Tsargrad's case, the Russian authorities were simultaneously demanding that the applicant companies remove content critical of government policies, including political expression regarding Russia's invasion of Ukraine and reporting from independent news outlets (see paragraphs 7 and 10 above). These inconsistencies raise doubts as to whether the measures pursued any genuine "pressing social need" relating to the protection of the right to freedom of expression.

98. As to the proportionality of the penalties imposed, the Court firstly notes that their scale was both unprecedented and manifestly disproportionate. The initial penalty of RUB 100,000 per day was set to double weekly without any upper limit (see paragraph 18 above). Even after being partially capped, these penalties reached astronomical sums that bore no relationship to any harm suffered by Tsargrad. The Court notes the applicants' submission that Tsargrad's average daily advertising revenue prior to suspension was merely RUB 24,400 (less than EUR 300 in January 2022), yet the accumulated penalties would have provided it with sums equivalent to many years' worth of revenue within a matter of weeks. The Court notes with particular concern that this initial case served as a model for numerous "copycat" claims brought by State-owned media outlets, leading to recognised claims against the applicant companies that exceeded USD 16 trillion (see paragraph 34 above). The escalating nature of the penalties, combined with their extension through "copycat" claims, rendered it unfeasible for the Google group to maintain its subsidiary in Russia or to retain its attachable property within the Russian jurisdiction.

99. Furthermore, the domestic authorities also displayed a clear determination to continue the recovery of funds even after compliance with the obligation to restore access. Despite restoration of access to Tsargrad's accounts, the bailiff, relying on an expert report prepared within twenty-four hours without notice to, or input from, the party concerned, concluded that "substantial parts" of functionality remained unrestored due to the disabling of monetisation features (see paragraph 23 above). This interpretation effectively expanded the scope of the original court order, which had required only the restoration of access without any reference to monetisation features. This rapid and apparently one-sided process, conducted at a stage when the accrual of penalties might otherwise have stopped, raises concerns of bad faith. The Court considers that permitting an expansion of the requirements of a judicial decision, based on expert evidence commissioned without adversarial input, is incompatible with the requirement of legal certainty implicit in all provisions of the Convention.

100. The Court reiterates that any interference with freedom of expression must be proportionate to the legitimate aim pursued and the reasons provided

by national authorities must be “relevant and sufficient”. In this case, the grossly disproportionate penalties imposed as well as the bad faith in the enforcement proceedings demonstrate that the interference with Google LLC’s Article 10 rights was disproportionate to whatever legitimate aim that might have been allegedly pursued.

101. There has accordingly been a violation of Article 10 of the Convention in respect of the applicant companies.

IV. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

A. Alleged violation of Article 6 § 1 of the Convention on account of deficient reasoning

102. In relation to the administrative proceedings, Google LLC complained under Article 6 of the Convention that the Russian courts had failed to provide sufficient reasoning for the calculation of the fines. Google Russia and Google International, as its sole shareholder, invoked the same provision to claim that the domestic courts had not sufficiently justified the taking of enforcement measures against Google Russia based on the fines imposed on Google LLC. As regards the civil proceedings, all applicant companies complained that their right to a fair trial was violated because the Russian courts provided insufficient reasons for their decisions requiring them to provide YouTube and Gmail hosting and imposing penalties on them for failure to do so.

103. The Court notes that the above complaints are not manifestly ill-founded or inadmissible on any other grounds. Accordingly, they must be declared admissible.

104. The Court reiterates that according to its well-established case-law reflecting a principle linked to the proper administration of justice, judgments of courts and tribunals should adequately state the reasons on which they are based. While courts are not required to give a detailed answer to every argument raised, they must indicate with sufficient clarity the grounds on which they base their decision, both to enable the parties to make effective use of any existing right of appeal and to enable the Court to carry out its supervisory function. This obligation presupposes that parties to judicial proceedings can expect to receive a specific and explicit reply to the arguments which are decisive for the outcome of the proceedings. Moreover, in cases relating to interference with rights secured under the Convention, the Court seeks to establish whether the reasons provided for decisions given by the domestic courts are automatic or stereotypical (see *Moreira Ferreira v. Portugal (no. 2)* [GC], no. 19867/12, § 84, 11 July 2017, with further references).

105. As regards the administrative proceedings for failure to remove content from YouTube, the Russian courts imposed fines on Google LLC

based on the aggregated revenue of multiple entities, including Google Ireland and Google Commerce Limited, without providing adequate justification for the compatibility of this approach with the general principle of the administrative-offences law that sanction be imposed on the offender or demonstrating how it was otherwise grounded in domestic law. In doing so, they did not address Google LLC's objection to the aggregation approach (see paragraphs 9 and 13 above). Similarly, in the context of enforcement proceedings against Google Russia for the recovery of the administrative fines, the domestic courts' reasoning was grounded primarily on an allegation that Google Russia functioned as a "*de facto* representative office" of Google LLC, without any detailed analysis of the applicable legal provisions or the factual relationship between the two legal entities or their corporate structure. The courts did not address Google Russia's central argument that, as a separate legal entity, it could not be held liable for fines imposed on Google LLC (see paragraph 31 above).

106. Turning to the civil proceedings to enforce access to Tsargrad's accounts, the Court finds that the domestic courts failed to provide adequate reasoning for asserting jurisdiction over the dispute, despite the presence of express jurisdictional clauses in the relevant contracts. The courts' generic assertion that sanctions created obstacles to access to justice in the jurisdictions designated by contract was not substantiated by any concrete reasons or evidence. Moreover, the courts failed to address the applicant companies' objection that this presumption was contradicted by material in the case file indicating that Tsargrad's owner had previously engaged in litigation in the United States without his sanctioned status precluding access to justice (see paragraph 19 above). Furthermore, the courts did not heed a material factual element, namely, that access to Tsargrad's accounts had been restored following the appeal court's decision (see paragraph 20 above). These were decisive issues requiring specific and explicit judicial responses which were not provided, thereby undermining the very essence of the applicants' right to a reasoned judgment.

107. Having regard to the shortcomings in reasoning identified above, the Court concludes that there has been a violation of Article 6 § 1 of the Convention in respect of all the applicant companies.

B. Remaining complaints

108. Google Russia and Google International alleged a further violation of Article 6 of the Convention, contending that the enforcement procedure did not comply with the standards of fairness required under that provision. As regards the administrative proceedings, Google LLC submitted that the Justice of the Peace for the Court Circuit no. 422 in Moscow lacked jurisdiction over Google LLC and that it had provided insufficient reasoning in several respects. Google LLC, Google Russia and Google International

also relied on Article 1 of Protocol No. 1 to the Convention in relation to the imposition of administrative fines on Google LLC for failing to remove content from YouTube, and the subsequent enforcement measures taken against Google Russia. Additionally, all applicant companies complained of a breach of that provision in civil proceedings in connection with the imposition and enforcement of civil penalties, various fines and enforcement costs.

109. In light of its conclusions above, the Court considers that it has examined the main legal questions raised in the present application and that there is no need to give a separate ruling on the admissibility and merits of the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

110. The applicants did not submit a claim for just satisfaction. Accordingly, it is not necessary for the Court to make an award.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that the Court has jurisdiction to examine the case and the Government's failure to participate in the proceedings presents no obstacles for its examination;
2. *Declares* the application admissible;
3. *Holds* that there has been a violation of Article 10 of the Convention in respect of Google LLC in connection with the sanctions imposed for the failure to remove content from YouTube;
4. *Holds* that there has been a violation of Article 10 of the Convention in respect of Google LLC in connection with the requirement to host content from Tsargrad TV on YouTube;
5. *Holds* that there has been a violation of Article 6 § 1 of the Convention in respect of all applicant companies in connection with the deficient reasoning of the domestic courts;
6. *Holds* that there is no need to examine the remainder of the complaints.

GOOGLE LLC AND OTHERS v. RUSSIA JUDGMENT

Done in English, and notified in writing on 8 July 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Darian Pavli
Acting President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the separate opinion of Judge Pavli is annexed to this judgment.

CONCURRING OPINION OF JUDGE PAVLI

1. I have voted without hesitation to find violations of Article 10 of the Convention in this case, on both counts (see operative provisions 3 and 4), as well as a violation of Article 6 § 1 (operative provision 5). I write separately owing to certain reservations about the majority’s reasoning in relation to the second aspect of the Article 10 claims, namely the sanctions imposed on the applicant companies for the supposed failure to reinstate the account of Tsargrad. I would also like to take the opportunity to make additional observations regarding the first aspect, involving the sanctions imposed on the applicant companies for refusing to take down certain user-generated content on their YouTube platform.

RIGHTS AND RESPONSIBILITIES OF MAJOR ONLINE PLATFORM OPERATORS

2. This appears to be the first judgment adopted by the Court directly implicating the rights and responsibilities of a major online platform under Article 10 of the Convention. It is unfortunate in this regard that the respondent Government chose not to submit observations in defence of measures ostensibly undertaken under a national legal regime aimed at preventing mass disinformation (see paragraph 43 of the judgment). Be that as it may, the Court must proceed with adjudication of the applicant companies’ claims on the basis of the material before it.

3. In *Delfi AS v. Estonia* ([GC], no. 64569/09, ECHR 2015), the Grand Chamber of the Court for the first time addressed the liabilities of online intermediaries, specifically those of a commercial news portal in relation to user-generated content that it had hosted. In doing so, the Court suggested that the principles of liability identified in that case were not necessarily to be applied to “other fora on the Internet where third-party comments [could] be disseminated, for example ... a social media platform where the platform provider [did] not offer any content and where the content provider [might] be a private person running the website or blog as a hobby” (ibid., § 116). Barely a decade later, that description of major online platforms already feels antiquated.

4. More recently, in *Sanchez v. France* ([GC], no. 45581/15, 15 May 2023), the Grand Chamber considered the rights and responsibilities of a local politician who had been held criminally liable for unlawful comments posted on his Facebook “wall” by third parties. In finding no violation of Article 10 in that case, the Court noted, in passing, that while “professional entities which create[d] social networks and [made] them available to other users necessarily [had] certain obligations ... there should be a sharing of liability between all the actors involved, allowing if necessary for the degree of liability and the manner of its attribution to be graduated

according to the objective situation of each one” (ibid., § 185). The time has now come for the Court to begin to address more directly what those “certain obligations” might be.

5. The first question that arises in the present case, however, is not what obligations but what *rights* online hosting platforms may enjoy under Article 10 of the Convention when faced with State injunctions to take down content posted by their users. Today’s judgment finds that the fines imposed by the Russian courts “exerted considerable pressure on Google LLC to censor content ..., thereby interfering with its role as a provider of a platform for the free exchange of ideas and information” (see paragraph 66 of the judgment). This novel interpretation is made without further elaboration upon the nature of the interference or the role of the applicant companies as holders of Article 10 rights¹. If they are *not* to be treated as traditional publishers or distributors of content (see paragraph 79 of the judgment), what exactly are they? It will be for future case-law to provide such elaboration, taking due account of the evolving and increasingly important role played by large platforms in shaping national and cross-border discourse.

6. The next challenge for the Chamber was to assess where to place a major platform such as YouTube within the spectrum of rights and liabilities developed by our Article 10 case-law, which has so far dealt, rather generically, with different (and more modest) kinds of online “intermediaries”. The applicant companies relied merely on “YouTube’s role as a technological platform hosting content created by third parties rather than by Google LLC itself” (see paragraph 60 of the judgment).

7. In response, the Court has now adopted a more nuanced approach, noting in particular that “when internet intermediaries manage content available on their platforms or play a curatorial or editorial role, including through the use of algorithms, their important function in facilitating and shaping public debate engenders duties of care and due diligence, which may also increase in proportion to the reach of the relevant expressive activity” (see paragraph 79 of the judgment). This is in my view an important and welcome clarification.

¹ The Court noted in *Tamiz v. the United Kingdom* ((dec.), no. 3877/14, § 90, 19 September 2017, emphasis added; see also paragraph 63 of the judgment): “the important role that [service providers] such as Google Inc. perform[ed] in *facilitating* access to information and debate on a wide range of political, social and cultural topics” as well as “the right to freedom of expression guaranteed by Article 10 of the Convention and enjoyed by both Google Inc. and its end users”. However, considering that *Tamiz* was an Article 8 case that involved Google Inc. only indirectly and that centred primarily on the margin of appreciation afforded to the British courts, that single sentence did not provide a great deal of clarity as to how the Court views the role of such platforms under Article 10. Nor does its reference to a case involving a traditional broadcaster, *Özgür Radyo-Ses Radyo Televizyon Yayın Yapım Ve Tanıtım A.Ş. v. Turkey (no. 1)* (nos. 64178/00 and 4 others, 30 March 2006, cited in paragraph 65 of the judgment).

8. It is time to recognise that major online platforms can no longer be regarded as “mere” intermediaries, while playing a significant role in shaping the online information environment. They do so not only by acting as gatekeepers – by choosing what content to allow or to restrict on their services, in line with their publicly stated or less visible policies – but also through a range of human and increasingly algorithmic tools used for curating, moderating or monetising third-party content. There is growing recognition that respect for fundamental rights online, and in particular freedom of expression and information, requires responsible practices by providers of major intermediary services (see Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) OJ L 277, p. 1-102, recital 3 and Article 34 on “systemic risks”; see also paragraph 50 *in fine* of the draft). For that reason, it may be considered permissible, in principle, for States to impose on major providers certain due-diligence obligations that seek to promote a safe online environment, and to prevent turning their platforms into conduits for the large-scale dissemination of harmful content. In some contexts, such as elections, these safeguards may prove essential for the protection of democracy itself.

9. What remains inconsistent with Article 10 is for States, in this like any other context, to force private service providers to collaborate in policing and censoring speech that is clearly protected by the Convention. The present case falls manifestly into the category of censorship.

THE NEXT FRONTIER: RIGHT TO A FORUM AND PROCEDURAL SAFEGUARDS FOR USERS?

10. The second free-speech aspect of the present case poses the following twin questions: to what extent may Article 10 of the Convention, or indeed national law, grant users of major online platforms (such as Tsargrad) protections *vis-à-vis* platform measures that deny or restrict user access to various functionalities? And, inversely, how are those users’ interests to be balanced against the interests of the platform owners in deciding what content to host, whether they consider such content unlawful (within one or multiple jurisdictions) or merely undesirable? These issues are largely novel, and I believe in the long run will require the Court to revisit its “right of forum” doctrine as established in the 2003 case of *Appleby and Others v. the United Kingdom* (no. 44306/98, ECHR 2003-VI).

11. As already indicated, I am not able to fully share the Chamber’s reasoning regarding this aspect of the case, especially as it relates to the necessity analysis. The applicant companies argued, first, that the domestic courts had failed to appreciate that Article 10 of the Convention continued to be of relevance to their private-law dispute with Tsargrad; and second, that it

had not been necessary in a democratic society to order the restoration of Tsargrad’s account, and in particular its monetisation function, in view of the applicable international sanctions on that media company (see the applicant companies’ observations on admissibility and merits, paragraphs 43 and 100). The relevant part of the judgment does not engage with these key arguments, focusing the discussion instead on the proportionality of sanctions. This approach carries the risk of suggesting that had the sanctions been proportionate, the interference might have been justified.

12. The reasoning as to the legitimate aims pursued is also not fully coherent in my reading. Having chosen to “proceed ... on [the] basis” that the interference sought to protect the commercial rights of Tsargrad as a YouTube user (see paragraph 95 of the judgment), the majority go on to conclude that there were “certain objective inconsistencies in the authorities’ approach to the alleged protection” of freedom of expression on behalf of Tsargrad and the general public (see paragraph 97 of the judgment). But the apparent contradiction in the positions adopted by the national authorities, however cynical those positions might have been, is not enough to dismiss rather summarily – and without further consideration as to matters of jurisdiction, applicable law or other relevant aspects – the claims of a private entity under national civil law. (I raise this as a matter of principle, while having little doubt that, on the merits, sponsoring a separatist war in a neighbouring country would be a legitimate ground for private platforms to restrict user privileges.)

13. It is in my view the failure of the domestic courts to engage in any meaningful way with the Article 10 rights of the applicant companies, as operators of a major online platform, or of Tsargrad as a user for that matter, and their failure to provide relevant and sufficient reasons in that regard, that rendered the interference unnecessary in a democratic society. I also concur that the sanctions imposed were grossly disproportionate, but only as a secondary rationale.

14. Lastly, it is of some relevance that Russian law seems to include no specific requirements for major online providers to grant their users some degree of due process in applying and maintaining restrictions to their services. This stands in contrast, for example, to the relevant regulations under the European Union’s Digital Services Act, which require certain defined categories of large providers to comply with a range of general and individual protections. The latter include safeguards in relation to the removal of user content, suspension or termination of accounts, or even disabling of specific functionalities, such as monetisation. Furthermore, national courts within the Council of Europe area have also started to enforce similar protections for users, relying on a combination of EU law, data protection and

ordinary contract law², while recognising that this area of law remains under development.

15. Our own Article 10 case-law on user rights remains rather limited at this juncture. Judging from the above trends, however, it is most likely only a matter of time before the Court is called upon to resolve disputes between the conflicting Article 10 and/or commercial interests of private online platforms, on the one hand, and their users, on the other – including the key question whether a right to a forum ought to exist in this context. The question will undoubtedly be of great importance for the future of democratic discourse in our societies. Seen from this contemporary perspective, the *Appleby* principles will need to be revisited, as they are not fit, in my view, for the current online environment. A small-town shopping mall from 1998 is a long way from the YouTube of 2025. To begin with, unlike the brick-and-mortar shopping malls of yesteryear, many of today’s large online platforms are squarely in the information business. More importantly, the debate on the availability of alternative fora of expression will also be much more complex.

16. The Court will be called upon to assess whether major online platforms that are important for the free flow of information in our societies can be assimilated to the kind of public spaces to which everyone must have unhindered access. Whatever the answer to that question – and whatever rights Article 10 itself may (or may not) confer on users in that regard – it seems reasonable to assume that States will have a sufficiently strong interest in requiring large platforms to provide at least certain basic due-process safeguards aimed at protecting users – the powerful, the famous or just ordinary citizens – from arbitrary exclusion from the marketplace of ideas.

² See, for example, *Danny Mekic v. X (formerly Twitter)* (Amsterdam Regional Court, 5 July 2024), and *Meta v. Tom Vandendriessche* (Ghent Court of Appeal, 2022/AR/508, 3 June 2024).