

## THROTTLING OF TWITTER IN RUSSIA: WHAT DOES IT MEAN FOR THE FUTURE OF RUSSIA'S INTERNET POLICY?

*by Yury Shikhov, Senior Counsel*

On March 16 Russia's Internet watchdog Roskomnadzor (RKN) stated that it is ready to impose a full blocking on Twitter in Russia within one month should it fail to comply with online content takedown laws.

This follows RKN's [earlier decision](#) to start throttling the loading speed for Twitter from March 10<sup>th</sup> in order to punish the company for what it claims had been "malicious and consistent non-compliance" with Russian legislation.

The move, exercised by RKN under the guidance of the Presidential Administration, was substantiated by a significant number of content takedown requests from 2017 onwards (approx. 3000 - *most of them related to illegal content*), which RKN says Twitter has ignored.

The throttling of Twitter - *the first such penalty imposed on a global tech platform in Russia since the blocking of LinkedIn in 2016* - seems to have several goals:

- **Political goals** - (1) testing the platform's reaction to throttling / threat of blocking and its readiness for concessions to the regulator under pressure and (2) sending a signal to other platforms with more significant business in Russia that RKN is ready to take decisive measures if needed;
- **Technical goals** - testing the DPI equipment and procedure of website throttling / blocking set by the so-called Sovereign Internet Law - *this is the first case when the procedure prescribed by this law has been used*;
- Additionally, **RKN's own interest** is to prove its ability to successfully restrict access to a global platform without significant collateral damage after its failure blocking Telegram in 2018.

Politically, the throttling of Twitter is a logical step within a policy of escalating pressure on global tech companies, intensified in Russia over recent months. The move is beneficial for RKN for several reasons:

- Twitter's audience in Russia is limited and falling (usage halved in the last 18 months) as competition grows in the social media sector;
- The platform's economic impact is minimal - hence RKN and the Presidential Administration consider Twitter as a service which could be restricted without major adverse effects;



- By throttling Twitter, RKN is sending a signal to larger platforms that such measures could be applied to them in response to systematic non-compliance with Russian legislation - although RKN and its superiors seem unlikely to activate them in the medium term.

## Legal grounds and technical reasons behind the throttling

RKN's decision to test the DPI equipment and website blocking / throttling mechanism under the Sovereign Internet law has been signposted: throughout 2020, it supplied the largest ISPs and telco operators with DPI equipment and prepared a legislative basis for its deployment and use.

Twitter's throttling is exercised on the basis of two subordinate regulatory acts under the Sovereign Internet Law:

- [Government Decree setting the rules of the centralized management of telecom networks](#) approved in February 2020. The Decree specifically includes the rules for maintaining the Register of Threats to the stability, safety and integrity of the Russian internet;
- Under this Government Decree, the Ministry of Digital Development also approved [the Order setting the procedure for identifying threats](#) in late December 2020.

According to the RKN statement, Twitter was included in the Register of Threats, most likely being qualified as a "threat to security of the Russian segment of the Internet for providing access to information banned in Russia".

The Decree sets the following procedures for a service to be included in the Register of threats and throttling to be imposed:

- Identification of a "threat" and its inclusion in the Register. This can be done either directly by RKN, or with approval of other authorities - the Ministry of Digital Development and the Federal Security Service;
- Defining a mode of reaction to a "threat" once it is included in the Register: this stage requires mandatory approval of RKN's proposed steps by the Ministry of Digital Development and the Federal Security Service;
- One of the ways to react to a "threat" prescribed by the Decree could be to launch the so-called "centralized traffic management" and activate DPI equipment for traffic throttling.

Hence, although RKN holds most of the "keys" to activate throttling, procedurally the move requires the approval of other authorities and the coordination of the Presidential Administration. This confirms that RKN is mostly responsible for technical enforcement, while political decisions in the Twitter case and the general framework of enforcement are made at higher levels.

## What does Twitter's case mean for other platforms and Russia's Internet policy?

- The Twitter case will most probably remain the only case of throttling or blocking a major platform in Russia in the mid-term, except perhaps in the unlikely scenario of a significant domestic political crisis.



- The reason for such a conclusion is that Twitter's position in Russia is very different to that of other platforms - in terms of daily audience, economic penetration, the impact on markets integrated with social media such as online ads and e-commerce, as well as the platform's importance for public institutions, state corporations and mass media. *This all makes the "cost" of Twitter's throttling much lower than that of other more popular platforms.*
- The track record of Twitter's interaction with the Russian state authorities and the lack of Russia-focused public policy function maintaining a dialogue with the regulator was another factor which influenced the decision.
- Other platforms with a more significant presence in Russia and a higher political / economic cost of throttling will most probably face a more sophisticated approach: requirements to set up a local presence combined with the escalating system of penalties for non-compliance, including fines, advertising revenue restrictions and the threat of throttling.
- This approach, close to the recently adopted social media legislation in Turkey, leaves more space for RKN to negotiate with these platforms and does not force the regulator to immediately resort to tight measures with significant adverse effects.
- The outcome of the Twitter case will have a significant influence on subsequent decisions – an effective throttling / blocking without significant collateral damage could make RKN and higher-level officials bolder in applying similar measures to other platforms.
- The risk of throttling / blocking more popular platforms could increase closer to the State Duma elections in September, particularly should developments occur which can be seen as "election meddling" or a risk to political stability. However, a consistent, long-term restriction of access to the most popular social media platforms remains an unlikely scenario.

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