

# Penalties for non-compliance with requirements on labelling online advertising

As we reported [earlier](#), in September 2022, requirements on the labelling of online advertising came into force. The new requirements include three key obligations:

- labelling advertising with the word "Advertisement" and stating information about the advertiser;
- placing a token (a unique identifier issued by an advertising data operator) on the advertising;
- transferring information about advertising contracts and reporting on online advertising to Roskomnadzor through the advertising data operator.

Since these new developments took effect, advertising market participants have had to review their internal processes and reorganise their relationships with counterparties, while advertising data operators have had to adjust their information systems to facilitate the uninterrupted transmission of data to Roskomnadzor.

Liability for non-compliance with the requirement to put the "Advertisement" label and include information about the advertiser was introduced immediately. The advertising distributor is responsible for non-compliance with these requirements, and legal entities can incur fines ranging from RUB 100,000 (EUR 994) to RUB 500,000 (EUR 4,967). Compliance with the requirements is monitored by the Russian Federal Antimonopoly Service, and a number of proceedings have already been initiated.

In regard to the token and reporting requirements, Roskomnadzor promised the market a transitional period until March 2023, after which the authority commenced work on a new draft law on fines.

As a result, Federal Law No. 274-FZ, introducing liability for non-compliance with requirements in the field of online advertising, was adopted on 24 June 2023. From 1 September 2023, a new set of offences included in the Code of Administrative Offences will take effect:

Offence	Details	Fines
1. Failure to fulfil the obligation to provide Roskomnadzor with information on advertising disseminated on the Internet.	<ul style="list-style-type: none"> <li>Failure to provide such information;</li> <li>Delayed provision of such information;</li> <li>Provision of incomplete, inaccurate and/or irrelevant information.</li> </ul>	from RUB 200,000 (EUR 1,987) to RUB 500,000 (EUR 4,967) for legal entities,  and from RUB 30,000 (EUR 298) to RUB 100,000 (EUR 994) for company officers.
2. Failure to fulfil the obligation to place a token.	<ul style="list-style-type: none"> <li>Dissemination of online advertisement without a token;</li> <li>Incorrect placement of a token in a disseminated advertisement.</li> </ul>	from RUB 200,000 (EUR 1,987) to RUB 500,000 (EUR 4,967) for legal entities,  and from RUB 100,000 (EUR 994) to RUB 200,000 (EUR 1,987) for company officers.
3. Failure to fulfil the responsibilities of an advertising data operator.	<ul style="list-style-type: none"> <li>Failure to transmit information to Roskomnadzor on disseminated advertising transferred to the advertising data operator by other stakeholders;</li> <li>Failure to comply with the procedure governing interaction with Roskomnadzor;</li> <li>Provision of incomplete, inaccurate and/or irrelevant information to Roskomnadzor;</li> <li>Failure to comply with the requirements applicable to the token, its content, and/or the procedure and time frames for its assignment, storage and submission to Roskomnadzor.</li> </ul>	from RUB 300,000 (EUR 2,980) to RUB 700,000 (EUR 6,954) for legal entities,  and from RUB 100,000 (EUR 994) to RUB 200,000 (EUR 1,987) for company officers.

The enforcement practice and criteria for imposing the new fines are expected to take shape soon.

Given that the new fines will soon come into effect, we recommend:

- auditing materials posted online, including via mobile applications, and assess which of them constitute advertising and are required to be labelled;
- amend advertising contracts and amend them with provisions on labelling and data transfer to Roskomnadzor, and allocate responsibility among the counterparties;
- adjust internal processes, assign employees who will be responsible for ensuring compliance with the new requirements, and, if necessary, prepare instructions for employees;
- choose an advertising data operator, register an account with them, and begin transmitting data to Roskomnadzor.

For further information, please email the authors or your usual contact at our firm.

## Authors



**Vladislav Eltovskiy**  
Head of Digital Law  
E [vladislav.eltovskiy@seamless.legal](mailto:vladislav.eltovskiy@seamless.legal)



**Alisa Mikheeva**  
Associate  
Intellectual Property  
E [alisa.mikheeva@seamless.legal](mailto:alisa.mikheeva@seamless.legal)

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11 August 2023

Digital is now: online advertising labelling (in Russian)

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