Russia’s law ‘On news aggregators’: Control the news feed, control the news?

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Abstract
On 1 January 2017, a Russian federal law (№ 208-FZ) came into force that holds news aggregators liable for spreading fake news. Links to news items that originate from registered media outlets – a state-regulated category – are, however, exempt from liability. As a result, news aggregators, such as Yandex News, have revised their algorithms to avoid legal claims. This article argues that the law has created a mechanism of indirect media control enabling the Russian state to influence online news dissemination through existing media regulation structures. It conceptualises five ways in which this mechanism can affect media pluralism in Russia’s online news environment, given news aggregators’ function as algorithmic gatekeepers directing traffic to news websites. The article argues that the law ‘On news aggregators’ exemplifies the diversification of Russian regulation of online news from controlling content and targeting content producers towards governing the algorithmic infrastructures that shape news dissemination.

Keywords
algorithmic recommender systems, censorship, internet governance, media regulation, news aggregators, Russia

Introduction
On 26 March 2017 a series of unsanctioned mass protests took place across Russia. Thousands of citizens,1 from St. Petersburg to Vladivostok, took to the streets to show their discontent at government corruption. The protests occurred in response to an investigative report alleging self-enrichment by prime minister Dmitry Medvedev that was published on YouTube by opposition politician Aleksei Navalny’s Anti-Corruption Foundation on 2 March that year (Amos and Heintz, 2017). While this was the largest demonstration to take
place in Russia since the protest movement of 2011–2012, the events did not appear among the top news items on Russia’s most popular news aggregator\(^2\) Yandex News (Bryzgalova and Boletskaia, 2017). Yandex – Russia’s leading IT company and competitor of the conglomerate of services offered by Google – quickly stood accused of censorship. Navalny, among others, drew attention to the apparent malfunctioning of Yandex News by sharing a screen capture on his Twitter account of the top-5 news items shown at the top of Yandex’s search engine, commenting: ‘I’m simply ashamed of Yandex today. It’s prostitution just like on Pervyi kanal [leading Russian federal TV channel, MW]. And enough already with the lying about “it’s the algorithm”’.\(^3\)

In an official statement, Yandex denied all allegations and pointed out that, indeed, ‘there cannot be any manual intervention [in the ranking of news items], the operations of Yandex News are completely subject to algorithms as before’ (Yandex, 2017). The company indicated how some of the technical features of how the aggregator works may have impeded it from showing the protests among the top news items; for example, how the algorithm clusters individual news items – a demonstration in Vladivostok, an arrest in St. Petersburg – that are published over time across Russia’s many time zones into topics (in this case, anti-corruption protests). Yandex conceded that, while there had been no changes in the workings of the algorithm itself, its underlying corpus of sources had recently changed:

\[\text{In connection with the adoption of the law ‘On news aggregators’, since January 2017 Yandex News can only show materials published by media that are registered with Roskomnadzor [Federal Service for Supervision of Communications, Information Technology, and Mass Media, MW] on its home page, in topics and in thematic rubrics. As a result, the number of news sources has diminished compared to earlier years; this also affects the relative weight of topics. So if, yesterday, practically all city sources wrote about the glaze ice, but about the protests only those who decided to write about it. In that case the two different topics have unequal chances of appearing among the top (Yandex, 2017).}\]

Yandex’s statement suggests that the near absence of references to the anti-corruption rallies from their top recommendations was, at least in part, the result of efforts by the Russian government to control online news flows. The law ‘On news aggregators’ (№ 208-FZ, entered into force on 1 January 2017) that the company refers to in its statement added the category of news aggregators to the law on mass media. Among other requirements, the law holds them liable for the veracity of the news they offer. Failure to comply with the law’s stipulations may result in administrative penalties of up to 1 million rubles, and 3 million rubles for repeated violations.\(^4\) Links to news items published by registered media outlets are, however, exempt from liability. This has created a financial incentive for news aggregators to revise their algorithms to avoid legal claims, and there are clear indications they have acted accordingly. As we have seen, in the case of Yandex News, the newsfeed on its homepage now exclusively features such registered media outlets, which is a state-regulated category.\(^5\)

Whether and how news aggregators, as ‘algorithmic gatekeepers’ of news (Napoli, 2015; Wallace, 2018), should be regulated is a much debated issue. Through their selection of news items and prioritisation of particular news sources, news aggregators play a role in determining the degree of diversity and (political) orientation of the news their audiences consume (Napoli, 2014). News aggregators and the media outlets whose content they
process, rank and redistribute, also exist in a mutually dependent, yet unequal relationship, which can affect media business. Whereas the activities of the aggregator depend on its access to and ability to redistribute journalistic work, the importance of aggregators as news platforms in their own right places them in an advantaged position (Calzada and Gill, 2018). With a significant proportion of news websites’ traffic now taking the form of redirect traffic from news aggregators, optimizing a media outlet’s performance for those platforms’ algorithms has become necessary (Kovalev, 2020). When placed in the context of authoritarian states, the effect news aggregators have on online media pluralism, and the extent to which political elites are able to leverage these platforms’ affordances to effectuate (indirect) media control, are particularly acute questions.

Riding the waves of the global debate on how to counter the spread of disinformation, the Russian law was presented and justified as an anti-fake news measure. Yet, the history of its making can be traced back to 2008, as will be discussed below. Now in force, the law has created a mechanism that enables the Russian state to influence the dissemination of online news via news aggregators through existing media regulation structures. In this article, I examine this mechanism of indirect media control and conceptualise how it may influence online news in Russia. I argue that the law ‘On news aggregators’ exemplifies the diversification of Russian internet governance concerning news – from censoring content and targeting content producers towards governing the algorithmic infrastructures that shape news dissemination. I demonstrate how, by forcing news aggregators to adjust their corpus of sources, the measure can fundamentally affect the Russian-language online news landscape and reinforce governmental control over online news.

The article is structured as follows: first, I provide an overview of news consumption patterns in Russia and the role news aggregators herein. Then, I discuss the development of internet legislation in Russia that is aimed at or affects online news and examine the law ‘On news aggregators’ in further detail. Subsequently, I conceptualise five consecutive ways in which the law can affect news dissemination and media pluralism, progressing from immediate to long-term effects. Finally, I reflect on whether the law ‘On news aggregators’ may already be diminishing in relevance, some 4 years after its entrance into force, as the online news environment it sought to control transforms.

**News aggregators and news consumption in Russia**

Internet usage in Russia is widespread: internet penetration reached 75.4% of the population over 16 in 2018, with mobile internet use increasing to 61% (GfK, 2019). The group that accesses the internet through mobile devices only is growing fast and increased from 18% to 35% between 2017 and 2018 (among the age group 16–29 the figure is higher: 41%). Reflecting trends elsewhere (Newman et al., 2019), there are clear generational differences. While internet use remains less widespread among older generations (36% of the population over 55 uses the internet on a regular basis), the percentages are high among the younger generation (16–29), were it has reached 99%, as well as for the 30–54 age group at 88% (GfK, 2019).

Television remains a leading source of information on current affairs, albeit significantly decreasing in importance in recent years. In an opinion poll conducted by independent pollster Levada Center, 73% of respondents indicate television as their main
source of information, followed by online media outlets (39%), social media (39%), family, friends and neighbors (18%), newspapers (16%), radio (15%) and Telegram channels (4%) (Levada Center, 2020). The picture looks significantly different for the younger generation: of those aged 18–24, 65% relies on social media for their news, while this percentage is 57 for the age group 25–39 and only 16 for those over 55 years old.

Within this online news environment, news aggregators play an important role. A poll conducted in December 2016 indicates Yandex News and Mail.ru News are by far the most popular among news sources and were visited regularly by, respectively, 23% and 11% of respondents, outperforming individual news websites (Volkov and Goncharov, 2017). Among respondents located in Moscow the popularity significantly exceeded the national average: 44% and 25% of respondents indicate they are regular visitors of, respectively, Yandex News and Mail.ru News. Statistics published by website popularity monitor Yandex Radar indicate that Yandex’s news aggregator has an average daily audience of 9.5 million visitors and monthly audience of nearly 34 million Russians (October 2020; Yandex.Radar, 2020). This means that news aggregators in Russia are an important information gatekeeper: they direct and control the dissemination of and access to news stories and news sources for a significant segment of the Russian audience. The fact that the platforms that host the most popular news aggregators also offer search, e-mail and other services, reinforces their centrality in online behaviour and users’ exposure to recommended sources of news.

Social media play an increasingly important role in news consumption worldwide (Newman et al., 2019). Online platforms such as Facebook have become an important source of traffic for newspaper websites and online media outlets (De Corniere and Sarvary, 2017). While research into the role that social media play in news dissemination in Russia is limited, empirical studies suggest that social networking site VK is the most used news source among university students in Moscow (Rulyova and Westley, 2017: 992; Szostek, 2017: 292) and Perm (Rulyova and Westley, 2017: 992). Analyzing a randomised sample of VK users, Urman has found that only 14.7% of Russian users followed the page of one or more major Russian media sources and blogs active on the platform (Urman, 2019: 5167); a finding which, however, does not take into account more incidental forms of news consumption on social media, for example, through the sharing of new items. While, on the one hand, the increasing importance of social media in news consumption may mitigate the impact of (indirect) state interference in the operations of news aggregators, these platforms similarly employ algorithmic recommender systems and therefore their workings give rise to similar concerns regarding how they establish, for example, rankings and personalised recommendations. In addition, they are – in particular the Russia-based platforms – to a varying degree susceptible to governmental pressure that may also affect how and which news sources they allow to be active on their platforms and the extent to which they are recommended.

### Regulation of online news in Russia: From content control to algorithmic infrastructures

Acting as a counterweight to traditional mass media, where the degree of state control has been extensive since the mid-2000s, the internet for a long time provided access to alternative news sources – ranging from professional media outlets to citizen journalists
As the share of Russians with internet access increased, the Russian government grew weary of the Internet’s ‘potential for political disruption’ and became concerned about how it ‘enables citizens to circumvent government-controlled’ sources of information (Nocetti, 2015). Seeking to bring the unruly online sphere under its control, Russia has rapidly expanded the body of legislation regulating the internet since 2012 (see Lonkila et al., 2020). Many of these laws have direct or indirect effects on online news. In addition, various non-legal ways of shaping journalistic practices, ranging from (changes in) media ownership to intimidation of journalists, are equally apparent when it concerns online news.

News-related internet regulation and other media control strategies can be categorised according to where in the news cycle they seek to intervene; this can be done either pre-publication, aiming at content producers, or post-publication by targeting content dissemination infrastructures or seeking the revision or removal of particular pieces of news. The work of content producers is shaped by regulatory measures, as well as through the exertion of political and/or economic pressures. To operate on the territory of the Russian Federation, media outlets are, for example, required to register as mass media. In the case of online media, however, mass media registration is conducted on voluntary basis. Online media outlets that are registered as mass media are bound by the manifold obligations specified in the law of mass media and are required, for example, to disclose their sources of financing to the Federal Service for Supervision of Communications, Information Technology and Mass Media (from hereon, Roskomnadzor). In addition to the conditions placed upon media businesses by media regulation, economic pressures and (forced) changes in editorial policies following ownership changes have been central tools for influencing or controlling individual media outlets (Vendil Pallin, 2017; on the examples of Lenta.ru and Gazeta.ru, see Fredheim, 2017). The widespread occurrence of self-censorship among journalists (Bodrunova et al., 2020; Schimpfössl and Yablokov, 2017), as well as various ways through which self-censoring is reinforced (including intimidation and violence), is a further factor that places constraint on journalistic freedom.

The law on mass media places restrictions on how journalists can report on certain topics, and the list of prohibitions – also resulting from legislation not directly pertaining to media – has steadily expanded in recent years. For example, with regard to organisations that have been included in the register of extremist organisations by the Ministry of Justice, media are required to explicitly indicate that the organisation is forbidden in Russia. If a media outlet is found to be in violation, Roskomnadzor can require internet service providers to block access to their website. The so-called blacklist law (2012, subsequently expanded) prohibits the online dissemination of specified types of information, including materials promoting drug use or suicide, the promotion of ‘extremism’ or calls to participate in unsanctioned protests. It enables Roskomnadzor to order internet service providers to block access to a website; on some of these grounds, blocking can be ordered pre-emptively without prior warning to the website owner (on the ‘blacklisting’ mechanism, see Sivetc, 2020).

Complementing control strategies that work through media regulation and ownership structures (i.e. those targeting the daily operations of content producers) or the prohibition of publishing certain types of information (i.e. seeking to control or censor news content proper) a shift has occurred towards influencing online information dissemination,
including news, through the internet’s infrastructure. As is pointed out by Sivetc, Russian internet regulation now shows characteristics of what Balkin (2014) defines as ‘new-school speech regulation’: it employs measures that aim to control digital speech by regulating the infrastructure on which this speech depends and by cooperating with and co-opting infrastructure owners in this effort – from the physical through to the application layer of the internet (Sivetc, 2019). The tools applied in the context of such new-school regulation ‘allow governments to prevent undesired speech in a different way, through inbuilt “digital locks”, which routinely, silently and almost invisibly shape online content available for the public’ (Sivetc, 2019: 34). The law ‘On news aggregators’ is exemplary of this new logic in governing online information that relies on private companies to adapt their practices in the interests of the state and enables a non-intrusive form of influencing and censoring online news.

The law ‘On news aggregators’

Yandex’ news aggregator first attracted serious political attention in 2008 during the military conflict in South Ossetia, Georgia. Members of the presidential administration visited Yandex to gain insight into the workings of the news aggregator; the inclusion of Georgian media among Yandex’ news headlines, they argued, was undesirable (Daucé, 2017; Soldatov and Borogan, 2015). Yandex was able to largely resist governmental pressure at the time, yet the issue regained political urgency in 2014 in the context of the conflict in Ukraine and the annexation of Crimea. Once again, the inclusion of foreign – in this case, Ukrainian – media was deemed a cause for concern. In 2014, the first proposal was developed to require news aggregators to register as mass media and abide by the regulations applicable to them. A disagreeing opinion by the Procurator General, who opined that Yandex could not be considered an independent mass media, temporarily stalled the initiative (Daucé, 2017).

As is pointed out by Daucé, the concerns raised by the operations of Yandex News in Russia were inherently similar to those concerning news aggregators, such as Google News, in the West – from their economic impact on media businesses to how they may affect public opinion formation and, by extension, political processes (Daucé, 2017). Yet, in the case of Russia, the question of their regulation developed within the context of military conflict, which shaped both the policy-making process, where its necessity was interpreted in terms of national security and interference in domestic affairs by foreign states, and the perception of state invention in this domain on the part of critics:

In this context state regulation was perceived not as a means to protect the rights of citizens, but as an attack on the democratic potential of the robot [the algorithm-based news aggregator, MW] and on the freedom of information. Defenders of the robot insisted on the importance of its role in upholding the freedom of the press. In other words, in Russia the algorithm is perceived as the best instrument for protecting citizen rights in the face of authoritarian power (Daucé, 2017: 127).

When the draft law on news aggregators was eventually submitted by Duma members Aleksei Kazakov and Aleksandr Iushchenko in February 2016 it evoked strong criticism, including from the Ministry of Communication and Mass Media that claimed it had not
been consulted beforehand (Interfax, 2016). In its initial draft, the law proposed to place full legal responsibility on the owners of news aggregators for the information disseminated by them, including content produced by mass media. It also placed far-reaching limitations on foreign ownership. The authors motivated the law by pointing towards, first, the need to counteract the spread of falsified information on the internet and, second, the need to counteract the ability of foreign states, organisations and citizens to influence Russian public opinion given the significant audience size of news aggregators (State Duma, 2016a). Introducing the law at the parliament’s first reading, Kazakov emphasised how news aggregators could be used as tools of ‘information warfare’:

However, in today’s world [. . .] geopolitical [and] economic shifts occur to a great degree no longer through armed conflicts, but through informational and ideological manipulation; therefore, preserving the truthfulness and trustworthiness of the information that our citizens receive is one of the most important constituents, the cornerstone, of the state’s informational-ideological security (State Duma, 2016b).

However, according to Aleksei Volin, the deputy minister of communication and mass media, the idea to categorise news aggregators as mass media was akin to categorizing newspaper kiosks as such: ‘In the window of the kiosk we can see the frontpages of newspapers and journals and can read their news headlines – in what way is this not a news aggregator?’ (Interfax, 2016). The Ministry submitted a negative advice, indicating that holding news aggregators liable for the direct reproduction of information produced by mass media – who already carry legal responsibility for verifying that information – would be a redundant measure. Since they generally lack an editorial office, news aggregators function in a way that is sufficiently different from mass media for them not to be held to the same requirements and, in any case, they would not be capable of verifying all information distributed by them, the ministry concluded (Boletskaia, 2016). The ministry predicted a limitation of operations or closure of Russian search and news aggregation services if the law were to be adopted in its current draft, with a negative impact on the audience reach and income of online media. Yandex, in its response to the proposal, also pointed out how the responsibilities placed on news aggregators would actually be greater than those applicable to mass media, since mass media are not held liable for information, republished from other media sources (Yandex, 2016).

By the second parliamentary reading, the law had been adapted to address these points of concern: first, an exception was introduced for the direct quotation of materials published by registered mass media, whose editors already carry legal responsibility for ensuring their publications comply with Russian law. Second, the limitation of the share of foreign ownership of news aggregators to 20% was removed; the requirement that the owner of a news aggregator needs to be a legal person registered in Russia or Russian citizen remained unchanged. The law was accepted in its third reading on 10 June 2016 and entered into force on 1 January 2017.

Notwithstanding the revisions that were made following the first reading, the law has created a mechanism for ‘discretely’ filtering out unfriendly news sources: the owners of news aggregators are disincentivised to show news items originating from non-registered media, while the state is able to determine who can obtain a media registration, and
to revoke existing licenses. Seeking to govern something that they cannot control – namely, the algorithmic selection and ranking of news items by commercial news aggregators – Russian lawmakers created a work-around solution to still gain control over the output of the ‘black box’; if you control what sources go in, you are also able to prevent particular sources from being recommended to users.

An important aspect to the effectiveness of this work-around solution is that the indirect regulation mechanism works almost imperceptibly; unlike website blocking, where users are aware of the fact they are being denied access to a particular news site, the absence of sources and news items in the news feeds is much more difficult to discern. In this case, state control over the online distribution of information is effectuated by co-opting not, for example, internet service providers but the IT corporations in charge of the most popular online platforms for news consumption. The fact that, ultimately, decisions about which news sources to include are made by the platforms rather than the regulator, is politically convenient. Consider, for example, the following statement by Duma member Aleksei Kazakov, a co-author of the law:

If Yandex is willing to take on responsibility for news from The Village [a popular online media outlet, MW], nobody will prohibit them from doing so. But, generally, when it concerns unregistered media: What should a person do who can drive a car, but doesn’t have a driver’s license? Get a license (quoted in Ruzmanova, 2016).

While obtaining a media registration is voluntary for online media, as was discussed earlier, Kazakov suggests that those operating without a license are, in fact, in default.

In October 2018, a second attempt was made to introduce a 20% limit to foreign ownership of news aggregators and the proposal was passed by the Duma in its first reading on 18 December that year. This time around, the authors cited a similar limitation to foreign ownership that was adopted for mass media in 2016, and claimed the measure was necessary in order to ‘prevent threats to public order in Russia and, thereby, the creation of favorable conditions for the development of civil society’ (State Duma, 2018):

In today’s world, news plays an important role, especially in states that seek to develop democratic institutions. The development and strengthening of civil society in such states is impossible without the independence of persons who disseminate news information, including their independence from the politics of foreign states and persons under their control. The current ability of foreign states or persons controlled by them to manage processes of information distribution in Russia, to influence the development of democratic institutions, endangers public order in our country (State Duma, 2018).

Once again, the idea was criticised. Yandex, for example, argued that there simply is no need for the law, since foreign influence on news aggregators operating in Russia is already foreclosed by existing legal norms (Rustamova and Reiter, 2018). Most importantly, since the introduction of the law ‘On news aggregators’, Russian aggregators incorporate only materials published by media outlets that are registered in Russia and these, in turn, cannot be owned by foreign parties since 2016. The only effect, Yandex indicates, is ‘significant financial difficulties or the termination of operations’, as well as a decrease in the ability of Russian IT companies that own them to compete with foreign
competitors (Rustamova and Reiter, 2018). In the end, Yandex ‘changed its corporate governance structure to accommodate governmental pressure and avert the introduction of legislation limiting foreign ownership of major Internet companies (Yandex N.V. is registered in the Netherlands)’ (Gritsenko et al., 2021: 7).

The law on news aggregators as an indirect control mechanism

The centrality of leading news aggregators and, in particular, Yandex News in how Russians access news online means that the potential impact of changes in their operations, incentivised by the law, on news consumption is significant. In this section I conceptualise five consecutive ways in which the indirect control mechanism the law has created affects news dissemination and online media pluralism, progressing from immediate to more long-term effects.

First, the mechanism can create a numerical and qualitative decrease in source diversity on news aggregators. As was discussed above, the law holds news aggregators liable for spreading false information yet exempts them from liability when it concerns news items published by registered media outlets. It is difficult, if not impossible, for news aggregators to ‘fact-check’ all publications beforehand (cf. similar debates regarding content moderation and strategies for countering disinformation on social media platforms). Any efforts in this direction would impede the smooth operation and cost-efficiency of the aggregator. The measure, therefore, strongly incentivises news aggregators to remove non-registered news sources from their corpus entirely; or, if the company in question is principled in its adherence to source diversity, to lower the relative weight of such sources in determining which news items and sources are recommended. As a result, the diversity of news items and sources offered by news aggregators decreases both in a numerical and qualitative sense. Users, who rely on one or several news aggregators for staying up to date, are no longer exposed to non-registered media. Since exclusion from the media register, or the decision not to apply for media registration, concerns in particular foreign, state-critical, small and/or regional news platforms, this segment of news production largely disappears from the radar of such users and the information diversity among news aggregators’ recommendations decreases. The lack of empirical data on news aggregators’ recommendations before and (immediately) after the law came into force means it is difficult to verify whether and to what extent this effect has occurred (beyond the companies’ statements to this effect, cited earlier). Notwithstanding, the withdrawal of a media license by Roskomnadzor now effectively means the removal of the media outlet from major news aggregators, which significantly bolsters the agency’s control over the online news ecosystem.

Second, the control mechanism causes a reconfiguration of redirect traffic flows to media outlets. News aggregators function as a central node in online news distribution and, through directing readers to news items, are responsible for a significant share of news sites’ traffic. Around the time of the law’s entry into force, Yandex News alone was estimated to generate up to 30% of all traffic to Russian online media (Surganova, 2016). The decision to remove a news source from the aggregator or reduce its relative weight (making it less likely to be recommended) thus directly impacts the amount of redirect traffic. All other factors being equal, the media outlet in question reaches a smaller
audience. Disconnected from one of the central nodes of news dissemination, such media outlets become more isolated within the online news environment.

As is indicated by Calzada and Gil, news aggregators can affect the audience reach of media outlets in two ways: on the one hand, ‘aggregators create a “market-expansion effect” because they allow consumers to discover news outlets with low brand awareness that otherwise they would not know’, while on the other hand ‘the presence of aggregators may lead some consumers to quit browsing the front page of news outlets’ which then ‘generates a “substitution effect”’ (Calzada and Gil, 2018: 2). With reference to Google News, Athey et al. (2017) note ‘a large, positive effect’ of the news aggregator ‘on small outlets, as well as on the ability of consumers to access certain types of news, such as breaking news or news that is not well covered on their favorite outlets’ (Athey et al., 2017: 27). This means that a non-mainstream media outlet that is removed from or ranked lower by a news aggregator will be doubly negatively affected: first, it can no longer benefit from the aggregator’s potential to generate new readership. For brand names that have not yet widely established themselves, this effect is particularly significant. Second, the condition in which the news aggregator acts as a competitor for audience reach, that is, acting as a news platform itself in lieu of news websites, continues to exist. The decrease in source diversity on news aggregators may furthermore result in particular topics that are not typically covered by more mainstream media to be offered to readers less often.

Direct traffic, that is, visits to news websites without a search engine or news aggregator acting as an intermediary, can counterbalance these effects only insofar as the website is sufficiently well-known and appreciated, that is, it depends on brand familiarity and reputation. The increased availability and popularity of news apps, instead of websites, is another alternative yet suffers from similar limitations: a user first needs to know of the news app’s existence and feel motivated to then download and use it. Moreover, apps released by media outlets find themselves again in direct competition with news apps developed by major news aggregators. Here, the dominance of news aggregators may actually have a further hampering effect. As is indicated by Newman et al. (2017: 10), ‘news brands may be struggling to cut through on distributed platforms’ such as news aggregators, search engines and social media: ‘In an experiment tracking more than 2000 respondents in the UK, we found that while most could remember the path through which they found a news story (Facebook, Google, etc.), less than half could recall the name of the news brand itself when coming from search (37%) and social (47%)’ (Newman et al., 2017: 10).

Third, this redirection of traffic then results in increased economic pressure on non-registered media outlets. The loss of referral traffic, combined with the substitution effect of news aggregators and other intermediaries, negatively affects the audience share of news websites when they are removed from or ranked lower by news aggregators and this has direct financial consequences. Since advertisement income, among other factors, is connected to a website’s metrics, a loss of traffic means a loss of revenue. The importance is such that Russian journalists ‘churn out hundreds of articles with the sole aim of landing on Yandex and, thereby, multiplying traffic’ (Kovalev, 2020: 5). This indirect economic pressure may force platforms to halt operations, unless they succeed in developing effective strategies for reaching and maintaining their audience differently. Since the state determines the conditions for obtaining and maintaining a media license, the established connection between media licenses and being indexed by news aggregators
should be seen as a further tool for placing economic pressure on a media outlet; the consequences of having your media license revoked go further than was previously the case and can now become a serious impediment to their continued economic viability.

Fourth, while in the above I conceptualised the implications for existing media outlets, the effects described by Athey et al. (2017) and Calzada and Gil (2018) mean the mechanism also acts as a novel type of entry barrier to the online news market. Newly established media outlets that cannot or choose not to obtain a media license, loose out on the opportunity to benefit from news aggregators’ market expansion effect in order for them to build and expand their readership. A similar barrier, however, may not materialise in the case of new government-aligned media outlets that can easily obtain a media license and then, as an added bonus, benefit in full of the market expansion effect offered by the news aggregators. The rapid rise of, among others, news agency RIA FAN (Federal’noe Agentstvo Novostei) illustrates how quickly new state-aligned brands can establish themselves when optimizing for online intermediaries (Zvereva, 2020).

Finally, this can, combined and in the long-term, result in a (proportional) decrease in number of alternative online media outlets. As alternative online media become increasingly isolated and struggle to maintain their economic viability or cease their operations, this may over time create a proportional shift within the online news landscape in favor of registered outlets who are, in turn, more vulnerable to governmental pressure and stricter journalistic requirements. Moreover, the limitation of access to alternative opinions through news aggregators and the effective restriction of diversity within users’ media diets may reinforce the persuasiveness of government-aligned interpretations of current events and decrease demand for independent reporting (Enikolopov et al., 2011; Martin and Yurukoglu, 2017).

The introduction of the law ‘On news aggregators’ should be seen in parallel with the further sophistication of algorithmic optimisation techniques on the part of state-aligned organisations seeking to influence online information distribution, commonly referred to as ‘troll factories’. Investigations by Russian media outlet RBK have identified a conglomerate of, at least, 16 news portals – a ‘media factory’ – connected to the Internet Research Agency (IRA) implicated in attempts to interfere in the 2016 American presidential elections (Zakharov and Rusiaeva, 2017). Of these, the already mentioned news agency RIA FAN has been particularly successful in establishing a substantial audience base since its founding in 2014 (Zvereva, 2020). Since the ‘media factory’ comprises several registered media, it has the capacity to (attempt to) manipulate which news stories are prioritised by news aggregators, or to ‘drown out’ a trending story by pushing competing content. The potential for intermedia coordination of such actions with the aim of shaping aggregator headlines has been reinforced by the exclusion of non-registered media outlets. Empirical studies examining to what extent such strategies are, in fact, employed and how successful they are, are currently lacking.

Is the law ‘On news aggregators’ already diminishing in relevance?

The above conceptualisation of the ways in which connecting news aggregator recommendations to media licensing can impact news consumption and media pluralism gives
cause for serious concern about the current state and future development of media freedom in Russia, even if further empirical studies are needed to substantiate whether and to what extent these effects have (already) materialised. At the same time, the rapid changes in the Russian online media landscape and the platforms through which Russians consume news begs the question whether governmental efforts to control online news manage to keep up. Here, the example of the so-called Blogger’s Law of 2014 is instructive. The law, which required popular bloggers to register as media with Roskomnadzor, for example, disclosing their identities, was adopted in direct response to the role bloggers played in the 2011–2012 protest movement (Litvinenko and Toepfl, 2019). Yet, the law was repealed in 2017 and there is ‘no substantial evidence to indicate that the Bloggers’ Register was a successful initiative’ (Soldatov, 2019). Indeed, by 2017, the online environment the law sought to control had changed: it no longer revolved around bloggers but centred on social media and vloggers active on (foreign owned) YouTube. As the head of Roskomnadzor, Aleksandr Zharov, conceded: ‘The Internet is evolving rapidly; at the same time laws are not always as effective as they were at the time of their adoption, and law enforcement proves that laws require correction’ (quoted in Soldatov, 2019: 73).

It is well possible that we are currently observing a similar dynamic with regard to the law ‘On news aggregators’. Similar to the case of the Bloggers’ Law, the effects are difficult to causally prove and empirical evidence remains scarce. But the online news landscape, in which news aggregators used to be central, is shifting. First, social media are becoming a more important entrance point for news, including channels on Telegram (Levada Center, 2020). Media rankings published by Medialogia suggest that several non-registered media outlets are particularly popular here: in September 2020, 909,563 hyperlinks to news items published by Riga-based alternative media outlet Meduza.io were shared on social media – the highest number of all online news resources (Medialogii, 2020). In the top-10, we find other non-registered media (Khodorkovsky-owned MBKh Media and Open Media), but state-owned RT also performs well with 623,094 shared hyperlinks. The limited independence and susceptibility to governmental pressure of Russian social networks, such as VK, is a point of future concern when it comes to their ability to serve as alternative news intermediaries. In response to governmental pressure, the platforms could, for example, change their user agreements, platform affordances (recommendation algorithm) or requirements for media accounts and sharing in a way that negatively affects state-critical media. News on social media has also been shown to be vulnerable to governmental co-optation (Litvinenko and Nigmatullina, 2020).

Second, it appears that the classic news aggregator is giving way to personalised content platforms on which news is often mixed with other forms of content, most importantly Yandex Zen. Introduced in 2015, it now significantly outperforms Yandex News with 19 million users daily and a monthly audience of 55.7 million, of which 48% uses the mobile application (Yandex.Radar, 2020). Unlike Yandex News, Yandex Zen has not (yet) been added to the registry of news aggregators and therefore is not bound by the control mechanism outlined above. Further research is needed to explore whether the personalised recommendations provided by Yandex Zen can be considered more diverse than those offered by regulated news aggregators. How Yandex Zen blends news with
blog posts and entertainment may, perhaps, also serve the government’s interests, since Russian political elites seek to ‘reduce[e] the weight of leadership-critical publics (measured in terms of the aggregate size of audiences regularly involved)’ while simultaneously ‘increasing the weight of uncritical publics’ (Litvinenko and Toepfl, 2019: 232). Substituting critical reporting with human interest pieces is a well-tested approach for achieving this goal (Fredheim, 2017).

Conclusion

In this article I have analysed the Russian government’s effort to gain control over the algorithmic recommendation of news through news aggregators. Having examined the history of the law ‘On news aggregators’ and the mechanism of indirect media control it has created, I conceptualised five consecutive ways this mechanism can affect digital news production, distribution and consumption on the short to long-term. I have demonstrated how the law exemplifies the diversification of Russian internet governance concerning news from controlling content and targeting content producers towards governing the algorithmic infrastructures that shape news dissemination. While this strategy fits within a broader turn towards organizing internet governance by means of infrastructures and intermediaries, its impact on news is particularly significant because of the largely imperceptible method of censoring it enables and news media’s dependence on platform intermediaries.

The analysis of the case of the Russian law ‘On news aggregators’ also illustrates the limitations of current scholarly work on algorithmic recommenders, as well as of the broader discussion about the need for regulatory intervention. When assessing the significance of Russia’s regulation targeting news aggregators, and the operations of algorithmic recommender systems within Russia’s hybrid media system more generally, the available analytical vocabulary is only of limited help. For example, the question of how to ensure that ‘algorithmic gatekeepers’ act in accordance with the public interest (e.g. Napoli, 2015) has to be approached from a fundamentally different starting point when it concerns authoritarian states. Algorithmic transparency, media pluralism and other prevailing concepts acquire different meanings when placed within media systems that are characterised by limited press freedom and a more paternalistic stance on the part of the authorities. For example, algorithmic recommendation systems can be (incorrectly) perceived as more neutral than editors and companies who are deemed to be susceptible to political pressure (Daucé 2017; Makhortykh and Wijermars, 2019). In addition, in the (political) debates on news aggregators in Russia the central point of contention was different compared to elsewhere and highlighted concerns of national security rather than economic-legal concerns, such as copyright protection and media business viability.

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Notes

1. According to police estimates, some 7000 persons took part in the Moscow protest and 5000 in St. Petersburg. Several hundreds of protesters were arrested, including opposition leader Aleksei Navalny. All translations by the author, unless indicated otherwise.
2. News aggregators are websites that algorithmically collect and rank the latest news items from large numbers of news sources and present them in the form of a news feed (e.g. Google News).
3. https://twitter.com/navalny/status/846010330543263744 (accessed 6 May 2019).
4. For legal entities. The fines amount to 50.000–100.000 rubles for citizens and 200.000–400.000 rubles for government officials.
5. Elsewhere, Yandex has stressed that non-registered media outlets are not actually removed from the aggregator’s corpus of sources, but that such sources are not displayed in the top ranking on the front page and in topic sections (TASS, 2016). The actual difference is small: if non-registered media outlets are not included in the featured sections, their likelihood of being accessed by users is greatly diminished.
6. A news aggregator owned by media conglomerate Mail.ru Group that also owns the most popular social networking site VK, previously known as VKontakte.
7. Studies have shown that how news aggregators display news content may also affect news consumption. With regard to Germany, for example, research has found that ‘changes in the size of the excerpts or the images the aggregators release modify the traffic news outlets receive’ (Calzada and Gil, 2018: 32).
8. On the case of oppositional online media Grani.ru that was blocked in 2014 for promoting unsanctioned protests, see Sivetc (2019: 39–44).
9. On resistance tactics used against state interventions in the internet domain developed by, for example, users and internet service providers, see Ermoshina and Musiani (2017).

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